

**RWANDAN HUTU REBELS IN THE CONGO:  
A NEW APPROACH TO  
DISARMAMENT AND REINTEGRATION**

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## **RWANDAN HUTU REBELS IN THE CONGO:**

### **A NEW APPROACH TO DISARMAMENT AND REINTEGRATION**

#### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

While a transition government is scheduled to be installed in the Democratic Republic of Congo (DRC) in June 2003, the program of the United Nations Mission in Congo (MONUC) for voluntary disarmament and demobilisation, repatriation, rehabilitation and reintegration (DDRRR, henceforth DR)<sup>1</sup> of foreign armed groups has remained a failure. Authorised by Security Council mandate on 18 November 2001 to deploy in eastern Congo, MONUC has repatriated only a few hundred Rwandan ex-rebels and has opened only one demobilisation centre at Lubero in North Kivu. The participation of South African observers in the Third Party Verification Mechanism (TPVM) established by an accord between Rwanda and Congo in July 2002, has not changed anything. MONUC has still not deployed a serious force in eastern Congo or constructed a credible DR program.

Many factors have contributed to this failure. First, the political and security environment is quite unfavourable for the deployment of UN forces (which themselves have been disorganised and in need of a new mandate and structures) in territory controlled by the *Rassemblement Congolais pour la Démocratie* (RCD) and other proxies for Rwanda and Uganda. The profusion of armed groups and warlords sympathetic to the Hutu rebels (FDLR) and the open hostility of the RCD rebellion make it extremely difficult to disarm hostile forces that are at least 15,000 strong and have been hardened by more than eight years of fighting across 150,000 square

kilometres. But most of all, Rwanda and DRC's decision to keep their military options open, and the tension between Rwanda and Uganda that has led to the intensification of the conflict in the Northeastern province of Ituri have diminished any prospect for disarmament and demobilisation of the Rwandan rebels. The Kinshasa government has resumed its support of them, after having stopped between November 2002 and February 2003. The Mai Mai's continued alliance with the Hutu armed groups has also maintained their military capacity.

Secondly, the DR concept is fundamentally flawed. To date, MONUC's mandate and the Pretoria Accord of July 2002 have treated disarmament strictly as a security and Congolese issue. In other words, the internal Rwandan political dimension, has not received serious attention. Neither MONUC nor the TPVM has made any genuine political contacts with the FDLR, the group that is supposed to disarm. And not a single international actor has publicly made the link between the DR process of the FDLR in the Congo and the need for greater political openness and reconciliation in Rwanda.

The only alternative to voluntary disarmament is disarmament by force. This has been tried and has not succeeded. There is no military solution to the problem of the FDLR. The Rwandan Defence Forces (RDF, formerly Rwandan Patriotic Army) have not succeeded in destroying them in six years of military presence in North and South Kivu. The majority of the FDLR rejects the process of voluntary disarmament. The attack on the military camp at Kamina, where FDLR were cantoned, by Congo's armed forces (FAC) and the forced repatriation of eight civilian members of the movement by TPVM on 1 November 2002 prompted them to threaten

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<sup>1</sup> The concepts of disarmament and reintegration subsume all ideas contained in the technical term DDRRR. In the interest of simplicity and to avoid unnecessary jargon, we will henceforth use DR for DDRRR in this report and urge others to do likewise.

reprisals against South Africa and MONUC. What is needed now are stronger diplomatic efforts that address the security, political and economic concerns of the *non-génocidaires* FDLR rank and file, including with the government of Rwanda and between Rwanda and the DRC.

Far from disappearing, the problem of the Rwandan opposition has become more complicated. The FDLR has linked up with the *Concertation permanente de l'opposition démocratique rwandaise* (CPODR), which groups together almost all Rwanda's exiled opposition parties, including Tutsi genocide survivors, and is calling for suspension of Rwanda's transition timetable and denouncing the authoritarianism of the RPF. At the same time, its military command is reorganising troops and preparing destabilisation operations in case its political strategy fails. For its part, the Rwandan government flatly refuses to recognise, let alone negotiate with, an opposition it sees as *génocidaire* and terrorist and refuses to accept any international intervention in what it sees as an internal matter. It is pursuing its transition agenda by seeking to eliminate virtually all internal political opposition before July 2003 elections and by redeploying troops into the Congo under the umbrella of the RCD. This political strategy permits the exiled opposition to find more support inside the country and has only heightened tensions.

There is at present a great temptation for MONUC to rely on the inclusion of Rwanda's ally, the RCD, in the DRC transitional government to implement the DR process and to shift its focus to supporting Kinshasa's political transition. However, this is a faulty calculation. Despite prospects for an inclusive government, Rwanda's allies continue to fight, and Kabila's government continues to provide supplies to the FDLR. This is the reality that MONUC has to tackle squarely before it can ever hope that a unified government will lead to a genuine DR. In parallel with strengthened diplomacy, MONUC must assume a true peacekeeping presence in the east and in the northeast, where the fighting is taking place. As we see now in Ituri, MONUC's impotence has become a dramatic liability to the Congo peace process. MONUC needs to urgently deploy a rapid reaction force to restore order and prevent further massacres of the civilians it is already mandated to protect. It also needs credible military force to deter the FDLR from destabilising Rwanda and to back-up its diplomatic efforts for voluntary disarmament. If the war does not stop in the east, the new Congolese

government will quickly lose all its credibility, and the entire MONUC mission will become a nullity.

It is vital that the Security Council seize the opportunity of the new transition government in the DRC to give a new dynamism to DR operations that have suffered from a lack of commitment of the parties and a lack of political leadership. MONUC should, therefore, complete its deployment in the east and fulfil its obligations towards DR operations. It must enable the transition government to restore its authority across the country, while isolating and maintaining watch over the FDLR, making direct contact with it, and finally establishing a credible disarmament and reintegration program. Simultaneously the South African government and the Special Representative of the UN Secretary-General (SRSG) should work together to transform the July 2002 Pretoria agreement into a durable and comprehensive peace agreement between the RDC and Rwanda. They should also be given a Security Council mandate to lead consultations with the Rwandan Hutu rebels on disarmament, as well as with the Rwandan government. The international community as a whole must convince the Rwandan government that the solution to ending the spiral of violence is a political opening, the precondition for which is a genuine national debate.

## RECOMMENDATIONS:

### To the Secretary General and Security Council of the United Nations:

1. Give a reinforced peacekeeping mandate to MONUC with authorisation to use force in self-defence and in the defence of civilians, to ensure border security between Rwanda and the Kivus and monitor infiltration by the FDLR into Rwanda. Ensure that MONUC's stated objectives in the current phase of operations (deployment in occupied zones, DR, support for local reconciliation) remain a priority in the transitional period.
2. Give a specific mandate to the SRSG, in coordination with the South African government, to consult on the modalities of disarmament and repatriation with the FDLR and the government of Rwanda and to transform the July 2002 Pretoria accord into a durable and comprehensive peace accord between the next DRC government and Rwanda.

3. Establish a Commission of Inquiry into the events at Kamina on 31 October and 1 November 2002.

**To MONUC:**

4. Speed up deployment in the east of the DRC and fulfill its Phase III commitments as part of overall support to the transition.
5. Denounce both continued support by the Kabila government to FDLR and continued unofficial Rwandan presence in the DRC.
6. Promote negotiations between the RCD and the Mai Mai on establishment of neutral zones and corridors to be used as assembly points to which candidates for voluntary disarmament can go without being attacked.
7. Demand that member states of the United Nations, in particular Austria, the country from which the transmissions originate, give technical support for the jamming of radio frequencies used by the FDLR.

**To the Financial Supporters of the DRC and Rwanda:**

8. Demand that the governments of the DRC and Rwanda respect the letter and spirit of the Pretoria accord of July 2002 and condition bilateral and multilateral aid to such a demand.
9. Put pressure on the government of Rwanda to liberalise its internal politics before the end of the transition.

**To the Government of South Africa:**

10. Assist the transformation of the Pretoria accord into a durable and comprehensive peace agreement between the future transitional government of the DRC and Rwanda.
11. Persuade the government of Rwanda to liberalise domestic political life and make gestures of openness towards the opposition parties in exile, on condition that they order their troops to disarm, contribute actively to the arrest of those accused of genocide by the International Criminal Tribunal for Rwanda (ICTR), vigorously denounce all revisionist ideology in respect of the genocide and clarify their program and commitment to reconciliation.

**To the Current and Future Transitional Governments of the DRC:**

12. Respect the Pretoria accord to the letter by:
  - (a) ending immediately all support to the FDLR; and
  - (b) ensuring that all information they possess about the FDLR, its numbers, organisation, location and equipment, reaches MONUC and TPVM.
13. Establish a negotiation mechanism with the Mai Mai to ensure the pacification of the Kivus.
14. Engage in parallel consultations with the government of Rwanda to reach a durable and comprehensive peace agreement.

**To the Rwandan Government:**

15. Liberalise political activity across the country and organise a national debate on the rules of integration of all political groups during preparations for the coming elections.
16. Authorise the return and participation of exiled political parties before the next elections, on condition that they order their armed branch, the FDLR, to put down its arms, accept the DR program of MONUC, recognise publicly and without ambiguity the genocide against the Tutsis, and engage sincerely in the process of reconciliation.
17. Begin direct discussions with the internal and external opposition with a view to negotiating a new constitution for the post-transition period.
18. Create an ombudsman office, independent of government, to regulate political party activities and supervise a depoliticised reconciliation process.

**To the Opposition in Exile:**

19. End the armed struggle, support cantonment, demobilisation and repatriation of troops in line with MONUC's program of DR, and suspend all activities that envisage a military solution to the internal political problems of Rwanda.
20. Cooperate with the ICTR in providing all information in its possession about Rwandans accused of genocide.

21. Stop demonising the RPF in public communications and as an act of good faith begin a frank debate on the true responsibility for the genocide and Rwanda's tragedy.

**Nairobi/Brussels, 23 May 2003**

## RWANDAN HUTU REBELS IN THE CONGO:

### A NEW APPROACH TO DISARMAMENT AND REINTEGRATION

#### I. INTRODUCTION

The disarmament concept for the Rwandan Hutu rebel groups was born on 10 July 1999 at the signing of the Lusaka Ceasefire Agreement between the Democratic Republic of Congo (DRC), Angola, Namibia, Rwanda, Uganda and Zimbabwe, together with the Movement for Congolese Liberation (MLC) and the Congolese Alliance for Democracy (RCD). The agreement endorsed an immediate ceasefire on the conventional front in the DRC. This would then lead to the withdrawal of foreign troops, the dismantling of armed groups<sup>2</sup>, and the holding of an Inter-Congolese Dialogue (ICD) that would pave the way for a political dispensation in the Congo.

In November 1999, Security Council Resolution 1279 authorised the deployment of a United Nations mission for the Congo (MONUC). This was organised into three operational phases<sup>3</sup>: the deployment of military observers inside the country (Phase I); monitoring of the withdrawal of foreign troops from the front line (Phase II); verifying the withdrawal of all foreign troops from Congolese territory and the DR of armed groups as defined by Chapter 9 of the Lusaka ceasefire agreement (Phase III). It was not until 9 November 2001 that Security Council Resolution 1376 authorised MONUC to move to phase III, subject to security guarantees from all parties.

Several months later, the Inter-Congolese Dialogue session in Sun City revealed a blockage in the peace

process.<sup>4</sup> Foreign troops were still occupying the DRC, the DR programme had come to nothing and the power-sharing agreement brokered between President Kabila and Jean Pierre Bemba of the MLC without the RCD, did not look like a viable solution.<sup>5</sup> As a result, the United Nations and South Africa, who hosted the talks, decided to take the situation in hand. A new strategy was formulated that prioritised the resolution of security problems, notably, to end the occupation of the DRC by Rwandan troops and stop Kinshasa from backing the Hutu groups. This would smooth the way for peaceful discussions over power sharing and allow for a transition government to be set up.

Thus, between RPAil and July 2002, South Africa became involved in bilateral negotiations between Rwanda and the Congo that led to the Pretoria Peace Agreement of 30 July 2002. This ambitious accord laid down a strict 90-day timetable for the withdrawal of Rwandan forces and the disarmament and dismantling of the ex-Rwandan Armed Forces and *Interahamwe*.<sup>6</sup> It set up a new monitoring body called the *Third Party Verification Mechanism* (TPVM) based in Kinshasa. The TPVM is made up of representatives from MONUC and the South African government, and is aimed at monitoring these two processes. The presence of South African observers satisfied Rwanda's request that a friendly, neutral country should be involved as the guarantor of the disarmament process.

<sup>2</sup> Such as the ex-FAR and *Interahamwe*, and other rebel groups from Burundi, Uganda and Angola.

<sup>3</sup> Security Council resolution 1291 of 24 February 2000.

<sup>4</sup> ICG Africa Report N°44, *Storm Clouds Over Sun City: The Urgent Need To Recast the Congolese Peace Process*, 14 May 2002.

<sup>5</sup> Ibid

<sup>6</sup> The Pretoria Accord focuses on the DR of the ex-FAR and *Interahamwe*. The Luanda Accord between Uganda and the Congolese government is not covered in this report.

Nine months later, some of the obligations had been honoured, but the core problems still remained. Rwanda had withdrawn 23,400 men from the Congo, a fact verified by the TPVM on the basis of a withdrawal plan and troop numbers provided by Kigali. But the Congolese government continues to accuse the Rwanda Defence Forces (RDF) of leaving over 20,000 soldiers on the ground. While it is difficult to assess the exact numbers, it has been established that several thousand Rwandan soldiers have been integrated into RCD-Goma and the militia headed by Governor Eugène Serufuli from north Kivu. Others returned to the Congo on the back of repatriation programmes for Congolese refugees in Rwanda.<sup>7</sup> The Rwandan government also redeployed new contingents in north and south Kivu in March 2003 to support the operations, using RCD-Goma as a cover.<sup>8</sup> However, it is no longer possible to say that the Kivus are under Rwanda's direct military occupation.

For its part, the Congolese government has taken three measures to thwart the Rwandan rebels, or the Democratic Forces for the Liberation of Rwanda (FDLR).<sup>9</sup> It banned all FDLR activities on Congolese territory, arrested its former executive secretary Tharcisse Renzaho, and arrested and expelled FDLR members. Yet, although it is clear that Kinshasa has withdrawn its backing for the Rwandan rebels and ended its official alliance with them, the FDLR were neither dismantled nor disarmed. In fact, they even managed to regroup and infiltrate new elements into the Kivus. In addition, Rwanda constantly accuses the DRC government of violating the Lusaka and Pretoria agreements and of continuing to support its enemies.

Furthermore, although the Security Council authorised a new concept of operations for MONUC last December, mandating two operational military "task forces" to be stationed in eastern Congo and increasing the mission's personnel to 8700<sup>10</sup>, MONUC has achieved poor results to date. A new reception centre was opened in Lubero and MONUC has run public information campaigns, but only a small number of Rwandan Hutus (402

combatants, 333 dependents and 11 leaders) have been demobilised and repatriated.<sup>11</sup>

The two task forces expected in the east, in Kindu and Kisangani, have not yet been deployed. Clearly, the problem of disarming the FDLR has not been solved.

The time is now ripe for an honest appraisal of the failure of different DR mechanisms. Three separate factors confirm that the moment has come: a) the period set down in the Pretoria agreement signed in July 2002 by Rwanda and the Democratic Republic of Congo (DRC) for the total withdrawal of Rwandan troops and the disarmament of armed Rwandan Hutu groups – ninety days, renewed once in November 2002 and extended in February 2003 – has expired; b) the Inter-Congolese Dialogue concluded with a general and inclusive agreement on 2 RPAil 2003 to set up a transitional government and to restore the authority of the government throughout the DRC over the coming months; c) a constitutional referendum and presidential and legislative elections are due to be held in Rwanda before the end of 2003.

Three conclusions can be drawn from the current situation. The first is that security conditions in eastern Congo make the MONUC deployment difficult. The fact that the option of a war between Rwanda and DRC remains, and the possibility of a war between Rwanda and Uganda continues to encourage diverse alliances with local groups, including with the FDLR. Currently, MONUC does not have the military capacity to identify the FDLR units and make contact with them. It is counting on the new transitional government in DRC to help pacify local conflicts and allow the deployment of MONUC in this zone with the support of all the Kivutiens. For the time being, despite progress that is being made in the political process, fighting continues in the east, partly led by the allies of Rwanda.

The second conclusion is that the programme is conceptually flawed. True to the Lusaka agreement, both MONUC's DR programme and the Pretoria agreement are based on the premise that disarmament should be seen strictly from a security, and not a political, viewpoint. The FDLR to be

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<sup>7</sup> ICG, Africa Report N°56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003.

<sup>8</sup> ICG interviews with Congolese observers, members of MONUC, representatives of international NGOs and members of the Rwandan Defence Force.

<sup>9</sup> The Rwandan rebels took this name in 2000 after the Nasho Congress in Kenya. It claims to be a military-political group.

<sup>10</sup> SR/RES/1445, 4 December 2002.

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<sup>11</sup> Thirteenth Report by the Secretary General on the Mission for the Organisation of the United Nations, S/2003/211.

disarmed are not recognised as political actors and their claims are deemed illegitimate given the implication of a number of their leaders in the 1994 genocide and their persistent revisionist ideology. Furthermore, the issue is dealt with from a Congolese, not a Rwandan perspective. Of the three main actors in the process – the FDLR, the Congolese government and the Rwandan government who has to reintegrate them – only the Congolese government has been approached by international organisations in charge of the DR. The Pretoria agreement specifically requests the DRC government to end its support for the FDLR in exchange for the withdrawal of Rwandan troops.

The FDLR have not been consulted seriously by MONUC or other international actors. It is therefore difficult to imagine that any DR programme would be an adequate response to the needs of FDLR members. Nor has the Rwandan government been seriously questioned over its policy of reintegration and reconciliation. It has always claimed that the DR of armed groups is an external problem that lies beyond its borders, and flatly refused to allow any interference in its internal affairs.

On the other hand, the FDLR's claims are becoming increasingly political, making an appropriate response more complicated. The DR operation coincides with the forthcoming constitutional referendum next May and general elections in Rwanda in November 2003. The FDLR's military command and political leadership are demanding an inter-Rwandan dialogue before these key events<sup>12</sup>. Boosted by their political alliance with virtually all exiled Tutsi and Hutu opposition groups, who are regrouped under the umbrella organisation Permanent Consultation of the Rwandan Democratic Opposition (CPODR), the FDLR is currently taking a political approach by attempting to persuade the RPF to allow all exiled groups a say in the end of transition process.<sup>13</sup> The CPODR is also warning the international community of the effects their exclusion from the process may have: "it would not be surprising if the situation degenerates into an inevitable explosion, given that the RPF's hard-line

approach may, ipso facto, legitimise any rebellion against the tyranny and oppression".<sup>14</sup> As well as spearheading its political strategy, the FDLR wants to keep enough striking force to shoehorn the Kigali government into negotiations.

The Rwandan government has other ideas. It categorically refuses to negotiate with an exiled opposition that it considers either small fry or linked to genocidaires, and sees no need for political discussions since it has driven the rebels out beyond its borders and controls the entire country. Kigali believes that it has done quite enough by organising a popular referendum on the new constitution<sup>15</sup>, in which it hammers home the slogans of its programme: national unification and reconciliation. President Kagame has declared that he will not accept the defeat of the DR of the genocidal forces, and will hold the international community responsible if it allows the situation to degenerate.<sup>16</sup> In his speech delivered on 7 RPAil 2003, the date commemorating the genocide, the Rwandan president threatened in no uncertain terms to send his troops back to the Congo to put down the Hutu rebellion if Rwanda's security is endangered.

This report will assess the progress and difficulties encountered in the process of disarming the Rwandan Hutu rebels, and reflect on MONUC's ability to lead this operation in the current circumstances. It will also compare the process to the internal political situation in Rwanda, in the hope of finding strategies for a peaceful resolution of the conflict in Central Africa.

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<sup>12</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>13</sup> Cf., CPODR, "Position of the Permanent Consultation of Democratic Rwandan Opposition on the end of Transition", and "The CPODR urges the Kigali government to postpone the constitutional and electoral process underway", *ibid*, December 2002.

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<sup>14</sup> CPODR, "Position of the Permanent Consultation", *op. cit.*, p 4.

<sup>15</sup> ICG Africa Report N°53, Rwanda at the End of Transition: A Necessary Political Liberalisation, 13 November 2002.

<sup>16</sup> Declaration by the Rwandan presidency, 14 September 2002.

## II. WHO TO DISARM: THE FDLR REBELLION, ITS ORGANISATION AND STRATEGY

The DR of the Rwandan Hutu rebels is based on the premise that after eight years of resistance in extremely difficult conditions, war-weary combatants will agree to disarm unilaterally. The problem is that this armed contingent has never taken part in political negotiations and has never expressed a desire to disarm. When the question was finally put to the FDLR leadership<sup>17</sup>, it flatly dismissed any notion of disarmament without prior negotiations with the Kigali government.

### A. DEFINITION AND ORIGINS OF THE FDLR

The first problem is identifying the groups to be disarmed. According to the Pretoria agreement, which cites the Lusaka accord, these are the ex-FAR and *Interahamwe*, the names given in 1994 to those held responsible for the genocide.<sup>18</sup> But the accord does not mention the FDLR.

#### 1. Lack of Information and the Problem of Sources

The Rwandan Hutu rebels, currently assembled under the FDLR label, are drawn from a number of categories: ex-FAR and *Interahamwe* who took part in the genocide; ex-FAR who did not participate in the 1994 genocide against the Tutsis; and new, post-genocide recruits who constitute the majority of the troops.<sup>19</sup> Most of the new recruitment was carried out in the Rwandan refugee camps in eastern Congo and in Tanzania between 1994 and 1996 and continues today.

Owing to its unsavoury reputation – some of its members were directly involved in the genocide and all its combatants apparently subscribe to genocidal ideology – very little is known about the history, development and make-up of the rebellion since 1994.

All the information available to MONUC on the FDLR comes from Rwandan governmental sources and a few contacts that military observers have begun to make with some isolated units or deserters<sup>20</sup>. Kigali gets its information first and foremost from rebels captured during military operations. It is also delivered by military intelligence agents planted in the National Congolese Army (ANC, the armed wing of RDC Goma) as well as from its own troops who have gathered information from soldiers who have been able to make contact with the rebels.<sup>21</sup> The Rwandan government also intercepts enemy satellite communication, a facility made available to them by their Western allies. Obviously, it is difficult to ascertain the reliability of information put out by the Rwandan information service, partly because they may be seeking to misinform, but also they may themselves be the victims of disinformation generated by the FDLR. Not forgetting the usual pitfalls that accompany this kind of exercise such as the use of code, or vague, incomplete and uncorroborated information.

The Congolese government has information on the rebels but only communicates this to MONUC in patchy fashion. It often limits itself to providing the location of inactive combatants<sup>22</sup>, omitting to give MONUC precise details about their weapons, their number in the zone and the exact identity of the military leadership. The people living in the Kivus alongside the FDLR could be a potential source of information, but problems accessing these areas dramatically reduce MONUC's chances of collecting and, above all, authenticating any such intelligence. Finally, the TPVM (Third Party Verification Mechanism) usually obtains the same information as MONUC or information that the Rwandan government is willing to share.

Both MONUC and the Third Party are obviously having to work in extremely vague conditions, which encourage all kinds of assertions, even the

<sup>17</sup> ICG Report *End of Transition in Rwanda*, *ibid*.

<sup>18</sup> "Peace Agreement between the Governments of Rwanda and DRC", Pretoria, 30 July 2002.

<sup>19</sup> ICG Africa Report N°38, *Disarmament in the Congo: Jump-starting DDR to Prevent Further War*, 14 December 2001.

<sup>20</sup> Cf Internal briefings by MONUC to the TPVM, ICG interviews, November-May 2003, Kinshasa, Pretoria, New York.

<sup>21</sup> ICG interview with Rwandan security services, Kigali, November 2002.

<sup>22</sup> Government High Commission charged with monitoring the peace process in the Great Lakes region, "Information on the numbers and localities of Hutu ex-combatants and their families in DRC on government-controlled territory", August 2002.

most contradictory ones.<sup>23</sup> The bewildering military situation in the Kivus explains the difficulties that military observers based there have in obtaining reliable information on the FDLR. This state of confusion also fuels the debate over the exact number of FDLR combatants, which MONUC<sup>24</sup> puts at 12,000 while the Rwandan government argues is between 10,000 and 60,000, depending on the circumstances.<sup>25</sup> Kigali has been known to bump up the numbers to justify its presence in the Congo. ICG's assessment, based on cross-checked information from Kigali, MONUC and the FDLR itself, is somewhere between 15,000 and 20,000 men.<sup>26</sup>

## 2. Clarifying the Identity of the Rwandan Hutu Rebellion

The history of the rebellion partly explains this confusion. In the wake of the destruction of the Hutu refugee camps in eastern Congo at the end of 1996, the survivors scattered in several directions. Some 20,000 ex-FAR and militias infiltrated north western Rwanda calling themselves the Rwandan Liberation Army (*Armée de libération du Rwanda*, ALiR) and led an uprising, which was crushed in mid-1998 by the Rwandan Patriotic Army (RPA). At the same time, another section of the ex-FAR and militia returned peacefully to Rwanda, while others crossed the Congo and found refuge in Congo-Brazzaville, Angola, Central African Republic, Zambia, Zimbabwe, Malawi and Namibia.<sup>27</sup> Another group also left for Tanzania and Kenya.

In August 1998, when war broke out between Kabila and his former Rwandan and Ugandan allies, another group of ex-FAR soldiers and refugee politicians in Nairobi managed to make contact with

Kabila via a member of the Congolese protestant clergy based in Nairobi.<sup>28</sup>

On 10 August 1998, a delegation of ex-FAR combatants left for Lubumbashi to meet President Laurent Désiré Kabila. However, Kabila was in the middle of negotiating his pact with Zimbabwe and sent the delegation to wait for him in Kinshasa. The talks lasted almost a month in Kinshasa and on 10 September 1998 the parties reached a gentleman's agreement. Three men trusted by Kabila brokered the alliance between the Congolese government and the ex-FAR: Victor Mpyoyo, Didier Kazadi Nyembwe and Mwenze Kongolo. The first stated objective of the ex-FAR was to avoid a new hunt for Hutu refugees still on Congolese territory and to set up an agreement for their protection. The Kabila regime, under pressure from the Garretton Commission which was investigating the massacres of Hutu refugees during the 1996-7 war, had more or less tolerated the presence of the remaining refugees. Any regime change in Kinshasa that would place them in danger once again was also to be avoided.

Aside from this official objective, the alliance was obviously a godsend for the exiled ex-FAR, which was eager to re-launch the fight against the RPF from inside Congo after the uprising in north western Rwanda was quelled. The deal struck between the two parties was mainly a military one: Congo pledged to provide logistical support to Rwandan Hutu rebels who joined in Kabila's offensive against Rwandan troops, and who could then push through into Rwanda and overthrow the FPR regime.

After the Kinshasa talks, this group has mobilised around 10,000 ex-FAR combatants and other refugees from neighbouring countries of the Congo. Most of the troops come from Congo Brazzaville, where the refugees were taking advantage of an alliance with President Sassou Nguesso to restructure militarily and find new recruits. The High Commissioner for Refugees at the time even confirmed that Rwandan refugees were returning to Congo Kinshasa to support Kabila against the Rwandan attacks. The same elements were also taking an active part in operations led by President Sassou against the Ninja rebels from la Cuvette.

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<sup>23</sup> For example, on 31 July 2002, the MONUC spokesperson announced that 100,000 Rwandan rebels were willing to surrender their weapons in north Kivu, despite the fact that MONUC estimated the total number of rebels to be no more than 3,000 in that zone. See Agence France-Presse, Kinshasa, 31 July 2002.

<sup>24</sup> UN Security Council, "First assessment of the armed groups operating in DR Congo, 5 RPAil 2001.

<sup>25</sup> Regular ICG interviews with Rwandan officials on the number of rebels since 2001.

<sup>26</sup> Cf. *Infra*.

<sup>27</sup> See the various reports by Africa Rights, Human Rights Watch, and the ICG on this issue.

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<sup>28</sup> ICG interview with members of the FDLR leadership, December 2002.

The Rwandan reinforcements led by the ex-FAR redeployed in Congo from November-December 1998. They were made up of the following units<sup>29</sup>: one brigade<sup>30</sup> in Kamina, one in Lubumbashi, one in Mbuji Mayi and two battalions in the Equatorial province (Mbandaka, Ikela). As a result, the Rwandan rebels, backed up by Zimbabwean and Angolan artillery and aircraft, managed to hold onto the Mbandaka and Mbuji Mayi fronts between November 1998 and August 1999.

At the same time, following their persistent failure to infiltrate north-western Rwanda between 1997 and 1998, the ALiR troops entrenched themselves in north Kivu with 10-15,000 men. The head of ALiR's military operations, Paul Rwarakabije, set up its headquarters in the Masisi and reorganised its movement. The Rwandan Hutus based in Kinshasa rapidly sent an emissary to the Masisi to renew contacts and broker Kabila's support for ALiR. Towards the end of 1998, ALiR started to receive weapons and ammunition dropped in northern Kivu from aircraft belonging to the Congolese government.<sup>31</sup>

From 1998 to 2000, refusing to join forces with ALiR because of its genocidal reputation, the Kinshasa group set up a Resistance Coordination Committee (CCR). At first, both structures operated separately whilst sharing the same ally, the Kinshasa government. The CCR was a strictly military organisation, grouping together ex-FAR, militia and young recruits whose prime objective was to halt the Rwandan military offensive and recruit new members. It was not until later that contacts were made with exiled politicians and men such as Christophe Hakizabera, Dr Ignace Murwanashyaka, Alexis Nshimyimana, and Dr Jean Marie Vianney Higiro<sup>32</sup>, all reputed to be non-genocidaires.

As time went on, the CCR evolved into a politico-military operation called FDLR, although it remained strictly clandestine until its congress in Nasho in May 2000. In parallel, the rapprochement with ALiR, which had become a strategic necessity, prompted the FDLR to ask Paul Rwarakabije to reform his organisation and formally condemn the genocide. Finally, a delegation was sent to the

Masisi to negotiate, and on 30 September 2000 it obtained an agreement for ALiR to be dissolved into the FDLR. Paul Rwarakabije was appointed commander in chief of the entire force, but ALiR had to accept the political leadership of the FDLR.<sup>33</sup>

## B. CURRENT MILITARY POSITIONS

The FDLR, whose leadership estimates its troop size to be around 15,000<sup>34</sup>, is implanted across a zone of some 150,000 km<sup>2</sup>. The rebellion appears to be well structured and organised, but given that it operates over an immense terrain, MONUC's doubts over the true military effectiveness and operational capacities of the rebels are understandable.<sup>35</sup>

### 1. Military Profile

Before ALiR merged with the FDLR in September 2000, the military configuration was as follows:

- ALiR was split into two divisions, each containing three brigades of about 2000 men (a total of 12,000 men). The first division was stationed in north Kivu and the second around the Kahuzi Biega forest (in the Shabunda, Mwenga, Kalehe districts) and in south Kivu.
- The FDLR troops consisted of one division of three brigades, plus one more incomplete brigade. After fighting for Kinshasa, troop numbers were down to little more than 7000-8000 men, according to the FDLR. But this figure does not take into account the probable recruitment and training of three supplementary brigades, as reported and denounced by the Rwandan government.<sup>36</sup>

At the end of 2000, the troops merged and adopted a shared headquarters. For logistical reasons, an operations centre for troops present in southern Kivu remained in Kamina. In May-June 2001, the first division of ex-ALiR troops took part in

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<sup>29</sup> Ibid.

<sup>30</sup> Each brigade contained between 2,000 and 3,000 men.

<sup>31</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>32</sup> ICG report *End of Transition in Rwanda*, op. cit.

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<sup>33</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>34</sup> Ibid.

<sup>35</sup> ICG interview with the MONUC DR unit, Kinshasa, October 2002.

<sup>36</sup> Information given by the Rwandan government to TPVM, October 2002.

operation *Lord's Oracle*<sup>37</sup> which involved sending around 5000 FDLR combatants to Rwanda. The operation ended in total defeat for the FDLR and the loss of around 2100 men.<sup>38</sup> This disaster was partly due to a leadership battle in the ex-ALiR rank and file. Commander Pierre-Claver Habimana, alias Bemera, had hoped to become Commander-in-Chief in the merger with the FDLR.<sup>39</sup> During the operation, he attempted to take direct control of the men on the frontline, but was captured by the RPA.<sup>40</sup> The failure of the operation and the RPA's repeated incursions in north Kivu have significantly weakened ALiR. Today, according to the FDLR leadership, only 7000-8000 ex-ALiR troops remain in north and south Kivu.<sup>41</sup>

The three brigades in the FDLR first division on Congolese government territory have been present in south Kivu, around the region of Fizi/ Baraka/ Kalémie, since mid-2001.<sup>42</sup> Three factors explain their infiltration in south Kivu: 1. President Joseph Kabila's abandonment of the conventional military option after the assassination of his father and his accession to power in January 2001; 2) intensified guerrilla warfare in eastern Congo as a replacement strategy; 3) the planning of Operation *Lord's Oracle*, with its simultaneous infiltration of troops into north and south Kivu.

In addition, by shifting part of the FDLR to the Kivu provinces, this allowed other troops from the

ex-ALiR second division to cover the entire zone of operations north-west of Bukavu, around the Kahuzi Biega park.<sup>43</sup> The Congolese government could also count on the three brigades to secure the landing strip in Kilembwe and provide supplies to the Mai Mai in this southern part of Kivu.<sup>44</sup>

## 2. Current Military Situation

Today, the FDLR claims that its armed wing is led by Commander-in-Chief Paul Rwarakabije. This ex-FAR member is not a genocidaire<sup>45</sup>, but his responsibility for war crimes committed between 1997 and 1998 during the northwest insurrection, remains to be established. It appears that almost all FDLR combatants have now left the Congolese governmental zone.<sup>46</sup> There are two divisions in the armed wing of the FDLR. The first is stationed in north Kivu and is made up of four brigades. This contains between 7000 and 8000 combatants. According to the FDLR it is poorly equipped<sup>47</sup> and is no longer receiving equipment and supplies from Kinshasa.

The second ex-ALiR division which covered south Kivu up to Fizi-Baraka has apparently moved up since mid-2001 to Shabunda, Mwenga, Bukavu, Kalehe, and Walikale. It comprises around 3500 men, a figure that has been confirmed by a Congolese NGO that made a study of such groups<sup>48</sup> and identified 3827 combatants and 13,042 refugees (men, women and children) in the zone. However, the report was written before Rwandan troops withdrew from south Kivu. Since then, the ICG has been informed that this division has split into two, one group having left for the north, the other for the south. The FDLR also claim that they no longer

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<sup>37</sup> When the FDLR's attempt to infiltrate north-west Rwanda was not backed by the population, it was rapidly suppressed by the RPA.

<sup>38</sup> 500 remain infiltrated in Rwanda, 2000 have returned to North Kivu, 400 have deserted and formed uncontrollable gangs in North Kivu.

<sup>39</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>40</sup> The FDLR assert that ALiR II never existed. It accuses the Rwandan government of manipulation, arguing that the government could never accept Bemera's declaration that he was a FDLR commander, in order to legitimise the movement. This is not a crucial issue since even if the troops involved in the operation were FDLR they also belonged to the ex-ALiR. Moreover, at the time of the infiltration the FDLR denied all involvement (see HRW report). In conclusion, when the operation began the merger between the two armed groups was still too recent and no-one was willing to face up to the consequences of its failure. ICG interview, G2 FDLR leadership, December 2002.

<sup>41</sup> ICG interview, members of the FDLR leadership, December 2002.

<sup>42</sup> ICG interview with Rwandan military intelligence, Kigali June 2002.

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<sup>43</sup> ICG interview with FDLR members, July-August 2002.

<sup>44</sup> Testimony from an ALiR prisoner, BBC Monitoring, 29 June 2002.

<sup>45</sup> General Paul Rwarakabije is a former FAR Lt. Col, who according to the Human Rights Watch report Vol. 13, N°8 (A) of December 2001 "Observing the Rules of War?" served "in one of the units least implicated in the genocide killings and is not accused of reprehensible acts", p 7.

<sup>46</sup> The Congolese government has given no information about the officers at the Kamina command centre, even though they were both at Kamina and Lubumbashi.

<sup>47</sup> One rifle for two combatants, ICG interview with members of the FDLR leadership, December 2002.

<sup>48</sup> Synergie V.I.E., "Detailed report on the results of field studies on voluntary repatriation of Hutu refugees (civilians and militia)", September - October 2002.

have any troops around the Kahuzi Biega forest<sup>49</sup>, but this information has not yet been verified.

The second division is stationed in South Kivu and consists of three brigades (the ex-Horizon, Sun and Star brigades). These also boast some 8000 troops, including a battalion that is thought to be allied to the commander of the Banyamulenge soldier uprising, Patrick Masunzu. Again, according to the FDLR, this division is better equipped than the first division since each soldier has his own gun, but Kinshasa provides virtually no supplies. In November 2002 around 1100 ex-combatants from Kamina, (Kamba and Kamina-Base brigades) joined the ranks of the 2<sup>nd</sup> division.<sup>50</sup>

The Kamina military base in Katanga is thought to have been used as a meeting point and training ground for other FDLR fighters to defend Lubumbashi and Likasi, between 1999 and 2002. Apparently, these have recently been infiltrated (July-November 2002) in south Kivu. The Rwandan government claims it has evidence of the existence of the Apollo, Albatross and Stella<sup>51</sup> brigades, which were all trained in Kamina. The FDLR leadership denies this information, claiming that the 2<sup>nd</sup> division contains no more than 8000 men.<sup>52</sup> But if it turns out that the three brigades do exist, the FDLR would have an extra 5000-7000 combatants in Kivu. In total, the FDLR has a minimum of 15,000 men at its disposal, but the real figure could well be nearer to 22,000.

**Table 1: Summary of the Estimated Number of FDLR Troops in January 2003**

First Division North Kivu (Ex-ALiR)	Four brigades of 2000 men each.	Two brigades from the ex-ALiR first division  Two from the ex-ALiR second division.	No. of Troops: 8000 men
Second Division South Kivu	Three to six brigades	One brigade from the ex-ALiR second division.  Two to five brigades infiltrated from the Congolese governmental zone between 2001 and 2002	Troop numbers between 7000 and 14,000
Total FDLR Troops	Between seven and ten brigades.		Between 15,000 and 22,000 men

It is also important to distinguish FDLR troops in the Kivus from the deserters of the movement. The FDLR organisation was set up by FAR officers with Kinshasa's help. The two divisions both have military schools and military police units in north and south Kivu. Their operational capability is superior to that of the Mai Mai, the FAC troops, and certainly RCD Goma, which avoids any contact with them. After four years on the ground in the Kivus, the RPA has not been able to destroy them by force. At the other end of the spectrum, the deserters have formed into small groups of looters said to be about 1000 men in all, and probably more favourable to the DR.

## C. STRATEGIC EVOLUTION OF THE MOVEMENT

### 1. Loss of the Congolese Ally – Temporary or Definitive?

Since the signing of the Pretoria agreement, the Rwandan Hutu rebellion has officially lost its main patron, the Congolese government, but its high

<sup>49</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>50</sup> Ibid.

<sup>51</sup> See document on the deployment of the FDLR in DRC, Rwandan Military Intelligence Service, internal documents consulted by ICG.

<sup>52</sup> ICG interview with members of the FDLR leadership, December 2002.

command is still refusing to demobilise its troops until the Kigali regime agrees to negotiate.<sup>53</sup>

The FDLR spurned the Pretoria agreement, seeing it as a “delaying tactic aimed at undermining their legitimate demands”.<sup>54</sup> For them, it signified the end of their alliance with Kinshasa. Indeed, the direct implementation of the accord would marginalise the FDLR’s allies in the Congolese government – men such as former minister for national security Mwenze Kongolo. Two months after the agreement was signed, a key decision was made and announced by Vital Kamerhe, general commissioner for the peace process, who had been put in charge of managing the highly sensitive matter. On 24 September 2002, the Congolese government banned all FDLR activities and officially expelled its leaders.<sup>55</sup>

However, this decision did not satisfy the obligations of Pretoria. To fully respect the agreement, the Congolese government was supposed to arrest all genocidaires, disarm combatants present on government-controlled territory, and dismantle their military command. However, the government has absolutely no means of tracking down the targets. During the month of October, the Congolese government capitalised on the FDLR’s fear of losing its precious patron, managing to lure Colonel Renzaho<sup>56</sup>, the ex-prefect of Kigali and wanted by the ICTR, to Likasi (Katanga) in Kinshasa, where he was arrested.

FDLR president Ignace Murwanashyaka rushed to Kinshasa to try and avert a definitive rupture of the alliance with Kinshasa.<sup>57</sup> But the Congolese government stuck to its agenda, determined at all costs to prove its commitment to Pretoria. MONUC and the TPVM, convinced that FDLR propaganda was the main obstacle preventing the return of the ex-combatants from Kamina, urged the Congolese government to take immediate action.<sup>58</sup> Kinshasa decided to break the FDLR’s stranglehold over the Kamina ex-soldiers and try and repatriate them before the first deadline for assessing the progress of the Pretoria agreement on 1 November 2002. The FAC attacked the camp and attempted to forcibly

repatriate the ex-combatants, but the operation failed. Colonel Ndanda, the commander of FDLR Kamina, was killed and 1300 of his men took up their arms and fled towards the province of Kivu.

Some of the ex-Rwandan leaders accused of genocide and wanted by the ICTR are former members of the FDLR. The FDLR claims that Colonel Tharcisse Renzaho was relieved of his duties in RPAil 2002, but that he allegedly refused to leave Congo, saying he was willing to face international justice. Two Rwandans accused by the ICTR, for whose capture the US government is offering a reward, were also members of the movement: Augustin Ngirabatware, the former political commissioner of the FDLR and Protais Mpiranya, ex-commander of the Horizon brigade.<sup>59</sup> Another Rwandan can be added to the list: Aloys Ntiwiragabo, defence commissioner in the FDLR, who has yet to be indicted by the ICTR. The FDLR leadership is adamant that these men are no longer members of the movement and that they have fled to Central Africa.<sup>60</sup> It flatly refuses to hand them over to the Rwanda tribunal arguing that the court is impartial and in its view, incapable of “finding the innocent innocent” since it is merely a puppet of the RPF.

Since February 2003, arms supplies from Kinshasa to the FDLR have resumed after a three-month halt. Recent intelligence suggests that Kinshasa is distributing the weapons to Mai Mai groups, but only in FDLR-controlled territory, and especially to airports under FDLR command.

## 2. Accepted Revisionism

The FDLR’s official political platform advocates the inclusion of all ethnic groups, inter-ethnic reconciliation and power-sharing in Rwanda.<sup>61</sup> It cites the rapprochement it has achieved between Tutsi-dominated parties, most of which are survivors of the 1994 genocide, and with whom it has formed the Igihango alliance, as evidence of

<sup>53</sup> FDLR, press release NR.19, 30 July 2002.

<sup>54</sup> Ibid.

<sup>55</sup> Agence France-Presse, Kinshasa, 25 September 2002.

<sup>56</sup> FDLR Executive Secretary, wanted by the ICTR.

<sup>57</sup> ICG interview, Kinshasa, October 2002.

<sup>58</sup> ICG interview, Kinshasa, MONUC staff, October 2002.

<sup>59</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>60</sup> The FDLR claim that Augustin Bizimungu was never a member of their movement; he was integrated in to the Savimbi leadership after fleeing from Kinshasa when L. D. Kabila took power.

<sup>61</sup> FDLR, Nasho, 24 December 2002, “Additional information to Report N°53 by the International Crisis Group (ICG) of 11 November 2002”.

this. And yet their interpretation of the genocide and the Rwandan crisis in general continues to pose a fundamental problem.<sup>62</sup>

The FDLR believes that the RPF was wholly responsible for the Rwandan crisis. By launching its armed attack on Rwanda in October 1990, the RPF allegedly awakened the demons of ethnicity, radicalised the Hutu majority and triggered the events that followed. It believes that the concept of "Hutu Power" never existed. This was simply a coalition of political parties formed in response to the assassination of the Burundian president Melchior Ndadaye in October 1993, which they attribute to "International Tutsi Power". The assassination of President Habyarimana that came six months later, which the FDLR say was orchestrated by the RPF, thrust the country into an unprecedented state of anarchy, unleashing all the extremist elements in the country. The FAR and the government did not have the means to tackle the genocide and at the same time fend off the RPF's attack.

In any case, they argue that since the FAR were busy at the front fighting the RPF they could not have been massacring innocent civilians at the same time.<sup>63</sup> In the FDLR's analysis, it was the RPF's rejection of the truce proposed by the interim government that prevented the FAR from stopping the massacres. The RPF deliberately prepared to re-launch its offensive, and eliminated anyone who may have questioned its taking power by force. Thus the FDLR dismissed the notion that the genocide had been planned, arguing that it was the catastrophic reaction of a population that was disorientated by the assassination of its president and panicked by the infiltrations and RPF offensive.

All this clearly shows that the FDLR is a revisionist, even negationist movement. Obviously, for its political credibility it does not wish to officially deny a genocide that has received international recognition. But raising doubts over its planning serves to undermine the very substance of the concept. For the defining characteristic of genocide,

as opposed to war crimes or crimes against humanity, is precisely the existence of a concept, a plan and execution using the power of the State. Denying this characteristic amounts to denying the crime itself.

The FDLR's revisionist discourse is not an encouraging sign of its ability to make a peaceful contribution to a sincere process of reconciliation, and to respect the rules of normalised political life. It still has to offer proof of its commitment by handing over all the genocidaires to the Arusha tribunal and promising to disarm for good if it wants to be included in an authentic dialogue with all the different groups. A genuine national debate should result in the explicit recognition of the genocide, but also of the crimes committed by the RPF between 1994 and 1998. It must also throw out all generalised and simplistic arguments that blame the entire Hutu community or the RPF alone for the genocide. Establishing the whole truth behind the crimes committed in Rwanda and Congo between 1994 and 1998 is a crucial condition for a successful DR and true reconciliation.

### 3. Strategic Options

Although the Rwandan army's withdrawal of its troops from the DRC is a welcome and necessary boost for the Congolese peace process, it has left the Kivu provinces wide open for various armed groups to occupy. The retreat has allowed these groups to reorganise and move more freely throughout the Kivus. During the years of FRD occupation, the FDLR battalions had very little communication with them, and their military equipment remained modest. The presence of the FRD forced them to stay in the forest or in uninhabited areas. Thus, in the short term, the FDLR is attempting to rearm, to find fresh recruits and to redeploy in the Kivus. Large scale troop movements have been observed in North Katanga towards south Kivu and between Kigoma (Tanzania) and Fizi.<sup>64</sup> As mentioned earlier, they were joined by the majority of ex-combatants from Kamina, who, despite the death of their commander, also began to move down towards the province of south Kivu.<sup>65</sup>

Since the FRD troops left, there have been hardly any FDLR attacks or movements near the Rwandan

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<sup>62</sup> For information on the FDLR's position regarding the Rwandan crisis, see their internet site [www.fdlr.org](http://www.fdlr.org). FDLR, Nasho, 24 December 2002, "Additional Information to Report N°53 by the International Crisis Group (ICG) of 11 November 2002".

<sup>63</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>64</sup> ICG interview, November 2002.

<sup>65</sup> ICG interview, Pretoria, November 2002.

border, despite the fact that Rwandan Hutu groups are the biggest force to be reckoned with in the zone. From a military perspective, the FDLR appear to have decided to keep a low profile for the time being, so as to avoid giving the FRD an excuse to return to Congo. It may also be to prevent MONUC, TPVM or the FRD from identifying them and making a detailed inventory of their troop numbers. That said, they are still backing the Mai Mai, with whom they claim to be allies, against RCD-Goma.<sup>66</sup> From a political standpoint, this wait-and-see strategy will allow their partners from the Igihango alliance and the CPODR to try and negotiate their inclusion in the end of transition process and presidential elections.<sup>67</sup>

Several scenarios may be envisaged:

1. The FDLR could stay in Kivu and profit from the anarchy there, while awaiting either a chance to negotiate or for domestic conditions in Rwanda to be ripe for an uprising. It is currently carrying out mobilisation operations inside Rwanda.

Renewed infiltration will probably not happen before the Rwandan general elections, and will only be carried out if the FDLR's demand for political negotiations officially and publicly fails. Although the doomed operation "Lord's Oracle" between May and June 2001 was a total failure, the FDLR could well decide to concentrate its forces and lead a massive and simultaneous infiltration into north and south Rwanda<sup>68</sup>, passing through Burundi and the Kibira forest towards Nyungwe forest, given that RPA troops are heavily deployed along the Rwandan-Congolese border. One such infiltration attempt was made by elements of the FDLR second division in November 2002. But a joint operation by the Burundi Armed Forces (FAB) and FDR crushed the attempt and the FDLR returned to Kivu at the end of November.<sup>69</sup>

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<sup>66</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>67</sup> See *infra*.

<sup>68</sup> The Rwandan government is trying to garner support from the international community over this risk. ICG interview, December 2002.

<sup>69</sup> ICG interview, Bujumbura, December 2002. Three Rwandan rebels were allegedly taken prisoner in Burundi in the Butaganzwa commune, Radio RPA 91.5, 29 November 2002. See also Agence France-Presse press release on the infiltrations in early November, Bujumbura, 3 November 2002.

2. Despite the signing of the cease-fire agreement between the Burundi government and the FDD on 3 December 2002, an alliance between Rwandan and Burundi rebels should not be ruled out.<sup>70</sup> Since early November there have been reports of infiltrations in the Rusizi plain (DRC) towards the Kibira forest in Burundi. If such an alliance is beginning to emerge, at a time when the Burundi peace process remains fragile and most of the cease-fire agreement is still to be negotiated, this would mean the destabilisation of Rwanda and the collapse of the Burundi peace process.
3. The FDLR is also waiting to see whether the Congolese process throws up any opportunities for new alliances. Ugandan support is a possibility, if Rwandan-Ugandan relations continue to deteriorate in Ituri. The Ugandan authorities have already made contact with the unarmed opposition in exile, especially those living in Brussels. Moreover, the FDLR leadership openly admits having tried to make overtures to the Tanzanian and Ugandan governments. Above all, it is confident that it will retain Kinshasa's backing in the event of the return of widespread hostilities. The latest developments on the ground, the capture of new towns by the RCD, the continued supply of weapons to the Mai Mai, and indirectly to the FDLR, by Kinshasa all strongly suggest that the war is not over, despite progress made on the political front. Moreover, recent FDLR movements indicate that it is carrying out a general repositioning of its troops. For example, the units stationed around Kahuzi Biega have been moving towards Beni Butembo since early January, and of greater concern is the brigade of 1000-2000 FDLR combatants spotted in early RPAil near Kahuzi Biega. These are thought to be armed troops with no dependents, who have received orders to join the first division units present in the Beni Lubero zone. They claim to have come from Kamina, Kasai and Lubumbashi (some from Brazzaville) and are said to pay for their food with dollars and diamonds. This suggests a stronger likelihood that the FDLR is taking advantage of tensions in Ituri and the growing conflict between Rwanda and Uganda to forge new alliances with the aim of consolidating

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<sup>70</sup> Between November and December 2002, meetings were held with the representatives of the FDLR, FNL and FDD, ICG interview, Brussels, December 2002.

and re-equipping its first division. For the Kinshasa and Kampala governments, the FDLR remains a precious ally as a buttress for the security belt in northern Kivu. The Ugandan retreat from Ituri, coupled with threats by the Rwandan government to intervene and the RCD's latest military operations in north Kivu, have resulted in the military reinforcement of territories controlled by RCD ML. These areas are a buffer zone between Ituri and north Kivu. Controlling them prevents Rwandan infiltration into Ituri or, conversely, Ugandan infiltration into north Kivu.

Such behaviour proves at least one thing. Although the FDLR refuses to disarm voluntarily, it is nevertheless showing a willingness for contact and political rehabilitation that did not exist until now. The loss of its Congolese ally and the change of direction in the peace process in DRC has made the FDLR more vulnerable and placed it in the position of supplicant. The progress made on the Burundi cease-fire, even though the situation has not been stabilised, could have ambiguous consequences. A real cease-fire in Burundi could scupper its military alliance with the FDD Burundi rebels. But it could also serve as the basis for negotiations that could pave the way to the reform of the army, the involvement of the FDD in the transition and their possible transformation into a political party and participation in the elections.

Today, any political negotiation with the FDLR would be illegitimate because the movement has not demonstrated its disassociation from genocidal ideology. It is, however, necessary for the actors of disarmament, MONUC in particular, to stop treating the FDLR as a non-participant in a process that concerns the FDLR first and foremost. It must make direct contact with the movement to find out its needs, intentions and opinions on the process in hand. It is clear that MONUC's DR programme will only succeed if the United Nations makes official contact with the group to be disarmed. But to do this, the Security Council must, with the utmost urgency, invest MONUC with both the political and military authority necessary to successfully complete this delicate and dangerous process.

### III. OUTSIDE FORCES AND FLAWS WITH THE DR PROGRAM

Various disarmament action plans have been developed since the signing of the Lusaka accord in July 1999, but none have been implemented.

#### A. EVOLUTION OF THE DR PLAN

Since the signing of the Lusaka cease-fire agreement, it has been widely accepted that the peace process should include the dismantling of the non-Congolese armed groups<sup>71</sup> and that this responsibility would fall to the United Nations, whose mission, called MONUC, was established on November 30, 1999. On February 22, 2001, one month after Joseph Kabila came to power, the Security Council "Urge[d] all the parties to the conflict, in close liaison with MONUC, to prepare by 15 May 2001 for immediate implementation prioritized plans for the disarmament, demobilization, reintegration, repatriation or resettlement of all armed groups referred to in Annex A, Chapter 9.1, of the Lusaka Ceasefire Agreement, and demand[ed] that all parties cease all forms of assistance and cooperation with these groups and use their influence to urge such groups to cease their activities."<sup>72</sup> However, the plan was not actually implemented until January 2002.

#### 1. Phase III, January 2002 – July 2002

During phases I and II of its deployment, MONUC was supposed to monitor the cease-fire and the withdrawal of foreign troops. Security Council Resolution 1376 of November 9, 2001 authorized MONUC to move into Phase III. This phase had two objectives: monitor the withdrawal of foreign troops and execute the DR plan. With respect to the DR plan, the following actions were to be taken<sup>73</sup>: operationalize the DR unit within MONUC, set up a logistics and operational base in Kindu, gather as much information as possible about the armed groups, deploy military observers and DR personnel

<sup>71</sup> Such as the ex-FAR, the *Interahamwe* and the Burundian and Ugandan rebels.

<sup>72</sup> Resolution 1341, adopted by the Security Council at its 4282th session on February 22, 2001.

<sup>73</sup> See "Ninth report of the Secretary-General on the United Nations Organization Mission in the DRC," 16 October 2001.

to combat zones, set up temporary reception centres where combatants could surrender their weapons to be destroyed by MONUC in situ, coordinate the DR with the humanitarian organizations in order to provide care for the wives and children of combatants.

Not much headway was made in the first half of 2002, however. This lack of progress can be attributed first and foremost to the difficulty in accessing the combat zone. At the beginning of May 2002 for instance, a MONUC team had planned to travel to the Masisi in Walikale, Shabunda, but was unable to leave Goma and Bukavu for security reasons.<sup>74</sup> MONUC officers were only able to travel under the escort of the RCD-Goma, the authority in charge of that zone, which made any contact with the FDLR impossible. Based on its experience, MONUC set forth certain conditions for a successful deployment in the east. To date, these conditions have not been met.<sup>75</sup> The main condition is improved security in the Kivus. MONUC is counting on the implementation of a transition government following the Inter-Congolese Dialogue and the inclusion of the RCD-Goma in the institutions and army, along with reinforcement of MONUC's military capability in order for this condition to be met.

The second obstacle is linked to the voluntary aspect of disarmament and repatriation. A list of former Hutu combatants in Kamina has been drawn up and their weapons have been destroyed.<sup>76</sup> And yet, repatriating them has proven impossible as they refuse to accept the DR plan until their political demands have been taken into account.

Six months after transitioning into Phase III in July 2002, MONUC, which depends on the progress made in the peace process, still had not been able to demobilize a single FDLR combatant. It became clear that the success of the DR plan was contingent on first having a bilateral agreement between Rwanda and the DRC concerning Rwanda's withdrawal and Kinshasa discontinuing its support for the FDLR.

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid, in each report of the Secretary-General, the obstacles are reiterated.

<sup>76</sup> See "Eleventh report of the Secretary-General on the United Nations Organization Mission in the DRC," 5 June 2002.

## 2. The Pretoria Agreement, July 2002

The Pretoria agreement negotiated by South Africa was seen as an agreement on mutual security between the Congolese and Rwandan governments, with security in the Congo resulting from the withdrawal of Rwandan troops and in Rwanda, through the simultaneous disarmament of the ex-FAR and the *Interahamwe*.<sup>77</sup>

The government of the DRC is only responsible for tracking down the groups of armed Hutus within the territory under its control. In the east, the South Africans proposed providing 1,500 men for one of the military task forces envisioned for this purpose under the new MONUC concept of operations. The agreement also calls for setting up a monitoring commission, the *Third Party Verification Mechanism*, TPVM, which is responsible for monitoring implementation of the agreement and is made up of representatives of the United Nations and South Africa. This verification mechanism guarantees the Rwandan government that the Congolese government will in fact immediately discontinue its support for the FDLR. The South African presence is in response to Rwanda's request for an ally country to serve as guarantor of the disarmament process.

The Pretoria agreement is, in part, a restatement of Phase III, but sets forth a strict, 90-day implementation timetable in order to disarm and repatriate the ex-FAR and the *Interahamwe*, and to set up a sufficient military contingent to complete the operation. The agreement does not entirely solve the security problem in the Kivus, and does

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<sup>77</sup> Art. 5. The Government of Rwanda reaffirms that it is ready to withdraw from the territory of the Republic of Congo as soon as effective measures that address its security concerns, in particular, the dismantling of the ex-FAR and *Interahamwe* forces, have been agreed to. The withdrawal should start simultaneously with the implementation of these two measures, both of which will be verified by MONUC, JMC and the third party.

Art. 7. The Government of the DRC has agreed to collaborate with MONUC, the JMC and any other force constituted by the third party to assemble and disarm ex-FAR and *Interahamwe* in the whole of the territory of the DRC<sup>77</sup>.

Art. 8. The Government of the DRC will continue the process of hunting down and disarming *Interahamwe* and ex-FAR in the territory under its control. The Government of the DRC will work with MONUC and the JMC to dismantle the ex-FAR and *Interahamwe* forces in the DRC. Pretoria Agreement, July 2002.

not take into account the demands of the Rwandan Hutu rebels, but it should eliminate the political barriers between Rwanda and the Congo and allow MONUC to successfully complete Phase III.

### 3. “Joint Operation Plan” July 2002 – February 2003

Following the Pretoria agreement, the DR unit of MONUC prepared a joint operation plan (JOP) along with other UN agencies. The JOP defines the actions to be taken and the role to be played by the relevant UN agencies. Once again, MONUC reiterated the preliminary steps required before the JOP could be applied<sup>78</sup>: disclosure by the parties of information in their possession, cessation of hostilities, securing the combat zone, and willingness on the part of the groups to be disarmed.

The programme of implementation for the Pretoria peace agreement calls for<sup>79</sup>: establishment of the TPVM<sup>80</sup>, finalization of the MONUC phase III deployment, the establishment of assembly points for ex-FAR and *Interahamwe*, continued disarmament and dismantling of these armed groups and various monitoring and verification tasks.

MONUC is planning a deployment to the east by setting up temporary assembly camps in strategic and safe places.<sup>81</sup> The South African military task force will be headquartered in Kindu so as to set up a field of operation in the Kalemie-Kindu-Beni triangle. Reception centres, which will be protected by the task force, are planned for Beni-Lubero, Fizi, Shabunda, Kongolo, Lumbumbashi, Uvira, Bukavu, Walikale, Kindu and Masisi. The mission of the military task force is to protect MONUC personnel and to patrol the zone in order to establish contact with the groups and make it possible to implement the terms for assembling and demobilizing these groups. At first, helicopters taking off from Kisangani and Kindu will be used for travel and

forces will only be deployed in safe zones where preliminary contacts have already been established.<sup>82</sup>

MONUC hopes that demobilizing those who volunteer will have a bandwagon effect on the more reticent.<sup>83</sup> The objective<sup>84</sup> is to steer the combatants who wish to be demobilized to the centres. Working with other UN agencies and NGOs will enable MONUC to meet their basic humanitarian needs, especially in the case of women and children. The combatants will be disarmed, registered and subjected to military tests in order to distinguish them from their dependants. Weapons will be destroyed and the combatants will receive a certificate of demobilization. They will then be offered voluntary and rapid repatriation to Rwanda, where the Rwandan government will take care of them (see below). If combatants refuse to be repatriated to their country of origin, MONUC, in collaboration with the UNHCR, will propose resettlement in a third country that has previously agreed to take in combatants. Criminals accused of genocide will be sent to the ICTR or to Rwanda where, based on their degree of responsibility, they will be tried before the popular justice *gacaca* courts. Demobilization operations will not be operational until spring 2003.<sup>85</sup> In the meantime, MONUC has fully operationalized the Beni-Lubero centre and is attempting to locate combatants still present in the governmental zone.

One of the obstacles MONUC has encountered in recent months is the inconclusive outcome of the negotiations with the various Mai Mai leaders who control the zones where combatants are located or through which they have to travel. In December 2002, thanks to help from the Life and Peace Institute, an NGO based in Bukavu, MONUC and representatives of the TPVM were finally able to meet the Mai Mai leader Padiri and to negotiate the repatriation of a small number of Rwandan Hutu combatants who were among his ranks. Thus, 28 combatants were repatriated on January 7, 2003, ten more on January 24, and a few dozen more were

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<sup>78</sup> MONUC – UN Agencies, “Joint DDR Operational Plan,” August 2002.

<sup>79</sup> Ibid.

<sup>80</sup> The TPVM secretariat includes: the Deputy Special Representative of the Secretary-General for the DRC, the Deputy Force Commander of MONUC, and for South Africa, the Security Advisor to the President, the Foreign Affairs Adviser to the President, the Chief Director for Central Africa of the Department of Foreign Affairs and the Special Representative of the Department of Defense.

<sup>81</sup> ICG Interview, Kinshasa, October 2002.

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<sup>82</sup> See also: United Nations Security Council, “Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo,” 10 September 2002, S/2002/1005.

<sup>83</sup> ICG interview, Kinshasa, October 2002.

<sup>84</sup> MONUC – UN Agencies, “Joint DDR Operational Plan,” August 2002.

<sup>85</sup> ICG interview, New York, DPKO, December 2002.

supposed to be repatriated along with civilians at the beginning of February.<sup>86</sup>

## B. UNCONVINCING RESULTS

### 1. The Limits of Voluntary Disarmament

The MONUC mandate for disarmament is strictly voluntary. The categorical refusal by the FDLR command to disarm is clearly limiting MONUC activities to the more marginal groups of combatants. A few have informed MONUC of their desire to be demobilized. A group of 2,000 Rwandans (civilians and militia) have expressed a willingness to be demobilized in the territory of Mwenga (South Kivu).<sup>87</sup> Lieutenant Colonel Elie and Commander Saddam who head up approximately 250 deserters allegedly have agreed to be demobilized and repatriated by MONUC. They are also located in Mwenga<sup>88</sup>; in addition, 250 people in Saramabila<sup>89</sup> are also supposedly willing to be demobilized. However, since MONUC does not have the ability to provide security for an exploratory mission, it has not yet made direct contact with these groups.

Most of the groups that have been approached are unarmed refugees, dependants or small groups of combatants who have severed ties with the FDLR command. One Congolese NGO did some initial field work<sup>90</sup>, which provides information through interviews with Rwandan refugees. It was extremely difficult for this NGO to approach the true FDLR battalions. For example, the only FDLR commander interviewed, who commands 500 men, refused flat out to be demobilized, whereas fringe groups of 80 combatants were contemplating demobilization.

Under obligation to produce results with the Pretoria agreement, South Africa quickly found itself in a predicament. Neither MONUC nor the TPVM had a mandate to conduct forced repatriations, which makes any progress with respect to the DR almost impossible, and threatens to challenge even the Pretoria agreement. However, on November 1, 2002, when the first assessment of the agreement

was due to take place, the TPVM did forcibly repatriate eight FDLR who were in prison in Kinshasa.<sup>91</sup> Billy Masethla, the South African head of the TPVM said, "I realize these returns were not voluntary, but there was no other solution. It is clear that the Hutu political leaders, among whom are known genocidaires, were exerting strong influence over the younger combatants, preventing them from freely deciding to return to Rwanda."<sup>92</sup>

This act was condemned as a serious violation of the Convention on Refugees<sup>93</sup>, including by MONUC, which dissociated itself<sup>94</sup> from the matter, considering the precedent to be dangerous and contrary to its mandate. Furthermore, the repatriated persons were FDLR political leaders and not ex-FAR or *Interahamwe* combatants, who are the only groups mentioned in the Pretoria agreement.

No matter what choice was made, the end result of the operation was to thwart the DR process that was underway at the time in Kamina.<sup>95</sup> The negotiations being conducted with the combatants were cut short and they took up arms again and went to the Kivus. The South Africans said they were willing to go and track them down wherever they were. However, beyond simply making the announcement, the military task force can only act in conjunction with MONUC, which does not have the resources or the desire to support this type of action. It is unrealistic to think that the MONUC military task forces can take on the 15,000 combatants who have in-depth knowledge of the battle field, who want to fight and who are constantly on the move.

Some of the messages that MONUC has received from groups that want to be disarmed seem to indicate that in the end, the fatigue of combatants, who are weary of more than eight years of fighting, will fritter away their resistance. The combatants in the first division of the FDLR may be in this situation, but this is probably not the case with those in the second division based in South-Kivu, as this division arrived more recently and is more

<sup>86</sup> ICG statement, IVP, February 7, 2003.

<sup>87</sup> Life and Peace Institute, Situation Update, Bukavu, 7 August 2002, pg. 3

<sup>88</sup> Ibid.

<sup>89</sup> ICG interview, Kinshasa, October 2002.

<sup>90</sup> Synergie V.I.E., "Detailed Report of the Investigations", *op. cit.*

<sup>91</sup> Agence France-Presse, Kinshasa, 1 November 2002.

<sup>92</sup> *Le Soir*, Brussels, 13 December 2002, "La poigne des Sud-Africains s'exerce désormais à Kinshasa", Colette Braeckman.

<sup>93</sup> Ibid. "La MONUC nie toute implication dans le rapatriement forcé des FDLR."

<sup>94</sup> Ibid.

<sup>95</sup> When the combatants in Kamina heard about the repatriation, they allegedly decided to use force, according to the Congolese government. See below.

operational. All observers recognize the weakness of the first division, but the Rwandan troops who were containing the rebel movements retreated from North-Kivu at the beginning of October and MONUC will not reach the zone until the end of spring 2003.<sup>96</sup> The FDLR will have had more than six months to reorganize and restructure this force and even to receive weapons and ammunition via the Beni airport, which is controlled by the RCD-ML. The second division has only been operating in the South Kivu zone for about a year and a half, give or take a few months. It is better equipped and structured. It operates jointly with the Mai Mai and has formed an alliance with them. Of course, this division lacks the support of Kinshasa, but it does not have to contend with any enemies and is thus preserving its operational capability.

MONUC also feels that most of the groups do not obey a common command.<sup>97</sup> Although all these hypotheses may prove to be true, they are based on information that is too sketchy and that is contradicted by other facts that are just as pertinent.<sup>98</sup> None of the information will be reliable until a systematic census of the FDLR has been conducted and contact has been made with the commanders.<sup>99</sup>

## 2. The Kamina Failure

The deciding factors of the voluntary disarmament will be the degree of ideological mobilization of the combatants, how much authority the command has, and troop morale. Unfortunately, the events in Kamina do not bode well for an easy voluntary disarmament. Since September 2001, 1,794 former Hutu combatants have been confined in Kamina by the Congolese government, pressured by MONUC to demonstrate its willingness to cooperate in disarming this group. This choice seems to have been imposed upon the FDLR, which agreed to confinement in Kamina by presenting it as an opening to Kigali and the beginning of negotiations on holding the Inter-Rwandan dialogue.<sup>100</sup> The FDLR had no intention whatsoever of allowing their combatants to be disarmed and repatriated without

prior political negotiations. It now appears clear that the military hierarchy and the troops were unanimous on this objective and that the attempt to separate them from their political or military leadership failed.

At the signing of the Pretoria agreement, MONUC had not managed to repatriate even one of these ex-combatants. Starting in August 2002, MONUC mounted a more aggressive campaign to encourage repatriation. An exploratory mission was organized with the goal of sending a group of ex-combatants to Rwanda on a reconnaissance mission. Seventy-nine volunteers/persons designated by the FDLR arrived in Kigali on September 30, 2002.<sup>101</sup> The group attended official ceremonies and each of the former combatants was allowed to visit his family. Three of the ex-combatants decided to stay in Rwanda, while the others stated that they were pleased with the reception they had been given and returned to their base in Kamina on Wednesday, October 9, 2002. Upon their return, their discourse changed radically and became aggressive vis-à-vis the Rwandan government. Nevertheless, the repatriation process had been launched. On October 13, 2002, 98 combatants and 38 members of their families were repatriated.<sup>102</sup> But the process quickly lost momentum and only 75 Rwandans volunteered for repatriation.

Faced with this stalemate, MONUC, South Africa through its presence in the TPVM, and the Congolese government decided to push the process along. Hence, the ten FDLR members imprisoned in Kinshasa were forcibly repatriated to Kigali on October 30, 2002. On the night of October 31 to November 1, 2002, a clash broke out between the FDLR and the FAC at the Kamina camp, resulting in the deaths of Colonel Ndanda (commander of the demobilized FDLR brigade), six FACs and an undetermined number of Rwandans. The ex-combatants who survived this attack fled toward South Kivu after having raided the arsenal and finally joined up with other FDLR units in the Kivus in December.<sup>103</sup>

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<sup>96</sup> ICG interview, Pretoria, November 2002.

<sup>97</sup> UN Security Council, "First assessment of the armed groups operating in DR Congo," 5 RPAil 2002.

<sup>98</sup> Cf. part II.

<sup>99</sup> See Agence France-Presse, Kinshasa, 10 December 2002, MONUC observers attacked in North Kivu.

<sup>100</sup> FDLR press release, NR. 19, *op. cit.*

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<sup>101</sup> Agence France-Presse, Bukavu, 30 September 2002.

<sup>102</sup> Agence France-Presse, Kinshasa, 13 October 2002.

<sup>103</sup> ICG interview with members of the FDLR leadership, December 2002.

According to the FDLR command, just over a thousand combatants managed to flee.<sup>104</sup> Approximately 400 ex-combatants have gone missing. There are two opposing versions of what really happened in Kamina. The Congolese government<sup>105</sup> says it had to deal with a mutiny of ex-combatants reacting to the forced repatriation of the ten FDLR. The ex-combatants claim they were surrounded and told to turn themselves in to the FAC for forced repatriation. When they refused, the FAC allegedly used force, killing more than 400 disarmed Rwandans<sup>106</sup>. Each party blames the other and the United Nations has a responsibility to launch an investigation into these events and to shed light on the involvement of MONUC, the South Africans in the TPVM and the government in what appears to be a huge blunder. The case of the ex-combatants who survived and were hospitalized should also be examined, as the FDLR is saying that they were executed in their bed.<sup>107</sup>

The disarmament of the ex-combatants in Kamina was almost a total failure. In all, MONUC repatriated 359 former combatants and 283 family members.<sup>108</sup> The rest took up arms again and the FDLR became more radical. The FDLR leadership declared that henceforth, they considered the South African task force to be the enemy and would not hesitate to use force if the task force attempted to disarm them against their will.<sup>109</sup> This radicalization is extremely problematic because it jeopardizes the contacts between the FDLR and MONUC. In particular, the fact that the South African military task force is supposed to protect the assembly points causes the FDLR to be deeply distrustful of the DR. Similarly, "Radio du Soleil", the private radio station of the FDLR which broadcasts over shortwave three times a day from Austria, has largely contributed to maintaining the ideological and political cohesion among the combatants by systematically and repeatedly providing disinformation about the fate reserved for said combatants if they think about returning to

Rwanda.<sup>110</sup> This radio station must either be banned or its frequency jammed.

### 3. The Difficulties of the Terrain

#### (a) *Uncertain Collaboration with the Mai-Mai*

The security situation in the Kivus has not improved since the Rwandan withdrawal.<sup>111</sup> The RCD-Goma rebels have lost several villages<sup>112</sup> to the Mai Mai offensives. The Kivus are in the hands of various war lords, making the situation extremely confusing. This situation has slowed down the MONUC deployment considerably.

Indeed, in order for MONUC to be able to operate in this zone, it must have the agreement of the Mai Mai groups or the RCD-Goma. MONUC must also work with the Mai Mai<sup>113</sup> to disarm the Rwandan combatants because they are the only ones who can show MONUC where the Rwandan positions are and establish preliminary contact with them. Moreover, the Mai Mai leaders are taking advantage of this situation and are trying to make money off their collaboration with MONUC. However, the military situation has been tense since RCD-Goma lost and retook Uvira in October 2002 and the conclusion of the Inter-Congolese Dialogue does not signal the end of the war. The Mai Mai continue to receive military aid from Kinshasa and most likely have continued to collaborate with Hutu groups. In some cases, the alliance was very strong and they are still not in a position to reject an ally who could still be useful to them, especially in their quarrels with the other Rwandans from the Kivus.

The FDLR originate from a conventional army and are militarily superior to the Mai Mai. Therefore, it seems highly unlikely that the Mai Mai would confront them directly by handing them over. During MONUC's exploratory visit to Shabunda<sup>114</sup> General Padiri stated that there were very few Hutu combatants in the territory he controlled and that it

<sup>104</sup> FDLR. "FDLR Inquiry into the Atrocities at Kamina, 1 November 2002."

<sup>105</sup> Agence France-Presse, Kinshasa, 11 November 2002.

<sup>106</sup> FDLR, "FDLR Inquiry" *op. cit.*

<sup>107</sup> *Ibid.*

<sup>108</sup> Agence France-Presse, Kinshasa, 17 November 2002.

<sup>109</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>110</sup> Cf. "Hutu fighters in Congo. The war of airwaves." *The Economist*, 27 March 2003. A former member of the FDLR claims that Joseph Kabila allegedly provided \$30,000 USD to this radio station so that it could resume broadcasting in August 2002.

<sup>111</sup> The Kivus: the Forgotten Crucible of the Congo conflict, ICG Africa report No. 56, 24 January 2003.

<sup>112</sup> See the newswires related to the Mai Mai taking villages, Agence France-Presse, September, October 2002.

<sup>113</sup> ICG interview with MONUC, October 2002, Kinshasa.

<sup>114</sup> ICG interview, October 2002.

was MONUC's job to contact them. And yet, General Padiri worked closely with the FDLR and an FDLR brigade commander was even a member of his general staff.<sup>115</sup> Approximately 1,500 Hutu combatants<sup>116</sup> were operating in the territory of Shabunda in October 2002. General Padiri cannot get rid of his former allies so easily. A few conditions must be met in order to have Mai Mai involvement in the DR of the FDLR. First and foremost, the Mai Mai groups must agree to work with RCD-Goma following negotiations on the pacification of the Kivus. In the short term, MONUC may have a hard time counting on true cooperation from the Mai Mai unless an effective and negotiated pacification mechanism is put into place on a local level. Likewise, as long as the RCD, with FRD support, continues to pursue armed groups in the access zones of the disarmament centre, the operations have little chance of succeeding. MONUC must get the RCD to establish neutral zones and corridors leading to the disarmament centres where the candidates for voluntary disarmament can travel without risk.

#### **(b) Rethinking the Terms of the Operation**

The choice of Kindu in Maniema province as the base for the task force in charge of the DR is justified for two reasons.<sup>117</sup> The first is economic – rebuilding the Kisangani-Kindu road and rail link (called the K2 Link) in order to reopen Maniema province to the outside world. The second reason is political. The RCD-Goma has always shown its hostility towards MONUC and Rwanda does not look favourably on a concentration of UN peacekeepers in the Kivus.<sup>118</sup> The best sites would have been Goma or Bukavu due to the presence of airports and the proximity to the groups to be disarmed. However, both RCD-Goma and Rwanda wanted to avoid having too many eyewitnesses watching their movements in the region too closely.

For one year now, MONUC has been deploying forces to Kindu. The South African task force should be in place by June 2003. However, Kindu is approximately 200 km away from the zone where

the Rwandan Hutus are operating. Moreover, the city is surrounded by Mai Mai.<sup>119</sup> MONUC will have difficulty leaving the city by road and will have to systematically use helicopters, which threatens to increase its costs and limit its actions. By staying with the positions it chose, MONUC is therefore giving the FDLR every opportunity to operate without danger and without pressure from the international community. A MONUC presence in Bukavu would have had a more dissuasive effect on the FDLR. However, the choice of Kindu was not questioned because it enables MONUC and the task force to take the least amount of risk.<sup>120</sup>

An assembly camp was also set up in Beni because a group of 49 *Interahamwe*<sup>121</sup> was present there. Out of this group, very few were repatriated (2 or 3); the others categorically refused. Mbusa Nyamwisi, the leader of RCD-ML, told MONUC that FDLR units were operating in his territory, but that they refused to be demobilized and that the RCD-ML did not have the means to disarm them by force. For their part, the FDLR said that the Rwandans in Beni were deserters over whom they no longer had control and that their forces stationed to the south of Lubero had no intention of demobilizing them.<sup>122</sup>

Finally, MONUC and the other UN agencies have not yet been collaborating effectively. It is essential that the DR teams be accompanied by representatives of the UN humanitarian agencies and the NGOs operating in the Congo. And yet, these other agencies were not present during the DR team's mission in Shabunda<sup>123</sup>, which made the initial contact with the population more delicate. Supplying humanitarian aid to the needy Congolese population will enable MONUC to gain a strong foothold and to establish contacts with local populations, and will make it easier to obtain information about the FDLR units.

Of course, humanitarian aid is a double-edged sword. The possibility cannot be ruled out that the rebels will use MONUC in order to evacuate

<sup>115</sup> ICG interview, October 2002.

<sup>116</sup> Synergie V.I.E., "Detailed Report on the Results of Investigations," *op. cit.*

<sup>117</sup> ICG interview, Kinshasa, October 2002.

<sup>118</sup> For example, the refusal to use the airports for MONUC, and Ngongi being declared *persona non grata* by the RCD-Goma.

<sup>119</sup> See Agence France-Presse newswires from September-October 2002 on the situation prevailing in the zone at the time of the Rwandan withdrawal.

<sup>120</sup> ICG interview, Pretoria, November 2002.

<sup>121</sup> Agence France-Presse, Beni, 25 July 2002.

<sup>122</sup> <sup>122</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>123</sup> ICG interview, Kinshasa, October 2002.

dependants in the government zone and in the Kivus in an attempt to occupy MONUC and get rid of its most cumbersome elements (women, children and the sick).

Another dimension of the work of UN agencies should be resettlement in countries other than Rwanda, which is now considered to be a large scale project. Since October 2002, about twenty Rwandans have been held in the DRC while awaiting resettlement in a host country.<sup>124</sup> If a large number of combatants choose this option, MONUC must be in a position to respond.

Finally, sorting out the non-genocidaires from the genocidaires will prove to be a difficult task. The lists of genocidaires from the ICTR are incomplete and many indictments have not yet been drafted for lack of a case file. Conversely, lists from the Rwandan government contain names that should not be included. Such lists cannot be used without first being verified.

#### 4. Limits of the MONUC Mandate

The Security Council first authorized MONUC as an observer mission for the Lusaka cease-fire and has continually renewed its mandate in the hopes that an international presence will have a ripple effect on the peace process, and that the mission will one day become a support mission for the post Inter-Congolese Dialogue transition government and for the organization of elections.<sup>125</sup>

With regard to the DR, the Security Council has always been clear that the United Nations never had any intention of waging Rwanda's war and that disarmament by force was inconceivable. Given the security and political situation in the field, MONUC is fully aware that it does not have the military means or the political mandate to conduct a voluntary DR, which can only be the product of regional peace.<sup>126</sup> Clearly, the perfect and logical balance between the "realistic scenarios" and the mandate of the United Nations operation as called for in the Brahimi report, does not exist.<sup>127</sup>

Consequently, the DR is nothing more than a slogan for the time being. Beyond the issue of resources, MONUC also faces two major political dilemmas. The first is the lack of international will to deal with the Hutu rebels, who are labelled as pariahs. After the genocide, the international community unambiguously acknowledged the security concern in Rwanda and backed the first war in the Congo and the tracking down of Hutu refugees in the country. Some thought that the Rwandan army would resolve the problem militarily, but this strategy has proven to be a failure since 1996. Others, including MONUC, began to hope unofficially that the 15,000 or 20,000 Rwandan Hutus would assimilate in with the one million Congolese Hutus who live in eastern Congo. Rwanda is willing to consider this option as long as the structure of the Hutu rebellion is dismantled.

Now, MONUC and the members of the Security Council are counting on the future transition government in the DRC to take charge of local reconciliation in the east and to make the country feel safe. They are hoping that the presence of RCD-Goma in the institutions will reassure Rwanda and force Kigali to discontinue its support for the FDLR. When the Inter-Congolese Dialogue was concluded, the United Nations decided to review their priorities in this spirit and sent a field assessment mission in May 2003. The mission concluded the following: as a top priority, security needs to be ensured both in Kinshasa and for the politicians who would be coming back to the transition government after having been part of the rebellion, and efforts need to be focused on the DR program for the Congolese combatants. Some have argued in internal debates that the failure to disarm and repatriate the Rwandan Hutu combatants should be cause to abandon the project. They feel that the failure is due to the fact that Rwanda does not want to see the return of hardened Hutus and will do everything possible to prevent them from returning, and due to the fact that the FDLR is resisting

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other resources necessary for a new mission, it must tell the Security Council what the Security Council needs to know, rather than what the Council wants to hear, and it must estimate the number of personnel and the amount of other resources that are needed based on realistic scenarios that take into account the obstacles that are likely to be encountered in executing the mission. As for the Security Council mandates, they must express a clarity that is indispensable for the cohesiveness of peacekeeping operations when they are deployed in potentially dangerous situations."

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<sup>124</sup> ICG interview, UNDPKO, 2001-2002.

<sup>125</sup> ICG interview, UNDPKO, 2001-2002.

<sup>126</sup> ICG interview, Kinshasa, October 2002, New York, November 2002.

<sup>127</sup> The Brahimi report states, "When the Secretariat formulates recommendations concerning the personnel and

voluntary disarmament. Under these circumstances, MONUC can do nothing.

This reasoning, however, is incomplete. True, the transition government must allow for cooperation in the field, but the reality is that despite the prospect of a coalition government in Kinshasa, the fighting persists in the Kivus and in Ituri, initiated by the allies of Rwanda for the most part. Not only is this prospect unsettling for Rwanda, it also seems to pose particular problems for this country.

The second flaw in this reasoning is that the government of Congo will need some time before it is able to re-establish control and authority over the country and MONUC will have a critical role to play in this intermediary period.

The third flaw is mainly a problem with the conceptualisation of the DR program. The Lusaka agreement, which labels this group as “negative forces,” only examined the problem from a strictly security, and not a political, angle. The issue is also dealt with from a strictly Congolese point of view, whereas the FDLR presence in the Congo stems from the exportation of the Rwandan conflict. In fact, the Kigali government maintains that the problem is an external one and should be treated as such as long as it has control over Rwanda. However, the problem is also an internal problem in Rwanda. Those in charge of the DR program will need to obtain a mandate from the Security Council to engage in political negotiations with Rwanda and the FDLR leadership concerning the terms of the voluntary disarmament and repatriation.

## **5. Stopping the Massacres in Ituri**

The dramatic situation currently unfolding in Ituri – more than 50,000 dead since 1999 and 500,000 displaced persons – is the product of MONUC’s inability to execute any type of security mandate. The massacres between the Hema and Lendu communities were largely fuelled and encouraged by the Ugandan officers involved in exploiting Congo’s resources since 1999. However, MONUC, which is crippled by a poorly adapted concept of operation, rampant administrative paralysis, the lack of adequate military resources to carry out a true peace keeping mission and an utter lack of political leadership, has been just as incapable of protecting the civilians in Ituri as it has been incapable of successfully carrying out the voluntary disarmament programme in a hostile environment.

Not only is MONUC crippled by the limits that the American government is imposing on any attempt to strengthen its capacity (3,000 additional men were authorised in December 2002, but they were to be sent in two stages and only upon prior justification submitted by the Secretary-General), but its leadership, faced with its superiors in New York, refuses to take any security risk whatsoever that could involve the use of force to keep peace.

In the end, if nothing is done to strengthen the DR program or to establish order in Ituri, the Secretary-General will undoubtedly have to call upon a “coalition of the willing” independent of MONUC, but acting under a UN mandate in order to secure the Rwandan-Congolese border and lend support to the DR operations.

#### IV. PROBLEMS AND CONDITIONS OF THE 3 Rs

In order for the combatants to agree to be disarmed, they must be sure that those who are disarming them are neutral and that their safety will be guaranteed after their return to civilian life. In order for them to agree to be repatriated, the domestic political situation, which is the reason for the exile, must be completely modified. These two conditions have not yet been met in Rwanda.

##### A. HOW THE 3 RS ARE OPERATING IN RWANDA

In 1997, Rwanda established the Rwandan Commission for Demobilisation and Reintegration. This commission was to be funded by the World Bank Multi-country Demobilization Reintegration Program<sup>128</sup> (MDRP).<sup>129</sup> Rwanda meets the eligibility criteria for this program in that it is a country affected by a conflict; it is participating in a regional peace process as a signatory to the Lusaka and Pretoria agreements; it has had a demobilisation program in place since 1997 and to date, the national demobilisation commission has demobilised some 25,000 combatants.<sup>130</sup> In order to complete its program, the Rwandan government has announced that it is currently implementing a social improvements plan.<sup>131</sup> The commission has also set up a technical secretariat in charge of implementing the program, which will allow for solid cooperation among the various institutions. Out of this secretariat was born the Technical Coordination Committee (TCC), which brings together the government and its international partners.

The Ministry of local authorities (MINALOC) and UNICEF are working together to demobilise specialised groups such as women and children soldiers. The Rwandan decentralisation program is also associated with reintegration, in particular through local development and the fight against

poverty. Efforts will also be made to hook up demobilised combatants with local development programs. The demobilisation effort will be assisted by the Commission for the Repatriation of Rwandan Refugees, which is in charge of returning civilian refugees from their host countries.

The World Bank is projecting a total cost of USD \$53.3 million in order to complete the DR program, five percent of which will be paid by the Rwandan government.<sup>132</sup> The government is promising to have a mechanism in place to ensure financial transparency of the allocated funds.

In 2001, the RPA captured 1,800 soldiers who were then assembled and disarmed at the Mudende camp. The operation proceeded smoothly, and according to the Rwandan government, the ex-combatants were reintegrated into their home communities without any problems after spending some time in “solidarity camps”.<sup>133</sup> The child soldiers underwent a reintegration program at the Kikagati camp in cooperation with UNICEF.<sup>134</sup> Only those recognized as genocidaires by the Rwandan government were imprisoned. The operation seems to have been a positive experience for the ex-combatants, who were surprised by the warm welcome they received. This positive experience was reported in the media in order to entice the combatants in Congo to return. However, it is important to note that a neutral authority was not able to verify the accuracy of these reports. An international verification committee should be established in order to verify that the ex-combatants are properly reintegrated into civilian life and not into the FRD as was the case with the 1,800 captives from the Nkumba and Mudende camps in December 2001.<sup>135</sup>

Currently, the ex-combatants who are repatriated by MONUC are first assembled at the Mutobo camp (in Ruhengeri).<sup>136</sup> They are then sent to “solidarity” camps for a minimum of 45 days. There, they are provided with housing, food and medical care and they undergo a retraining program that will facilitate

<sup>128</sup> This programme is a World Bank funding plan for the countries of central Africa that covers the disarmament and reintegration of former combatants.

<sup>129</sup> MDRP – Rwanda Country Report – from 27 September to 2 October 2002.

<sup>130</sup> Agence France-Presse, Kigali, 25 November 2002.

<sup>131</sup> MDRP – Rwanda Country Report – from 27 September to 2 October 2002.

<sup>132</sup> Ibid.

<sup>133</sup> UNDP, “Defining UNDP’s Role in Disarmament, Demobilization and Durable Solutions (D3),” 6 August – 13 September 2001, pg. 23.

<sup>134</sup> In the Gitagata camp, Kigali rural.

<sup>135</sup> ICG interview with a Rwandan military official, RPAil 2002.

<sup>136</sup> MONUC, 21 November 2002, “MONUC verifies the living conditions of the Rwandan ex-combatants in Kamina in the centre of Mutobo.”

their reintegration. Upon leaving, ex-combatants are given USD \$80 and the basic necessities. They are then eligible to apply for a USD \$200 grant to start a business.

## **B. POLITICAL TREATMENT AT HOME AND REINTEGRATION**

The Rwandan government's demobilisation and reintegration programme is operational, but it does not really deal with the true political issues related to the return of the combatants. Indeed, this process is unfolding in a politically tense context. On the one hand, reintegration of these combatants corresponds to the release of part of the genocidaires who have been in prison in Rwanda since 1994, and their upcoming appearance before the *gacaca* tribunals. On the other hand, reintegration corresponds to the demobilisation of the FRD, which is supposed to be reduced to 25,000 men. The reintegration of more than 100,000 Hutu ex-combatants in a difficult political and economic climate will pose a threat to the stability of Rwanda. This type of exercise is particularly perilous at a time when Rwanda is entering the final phase of its transition period and elections are planned for the end of 2003.<sup>137</sup>

Plans are being made for the elections, yet political competition will not be allowed, nor will there be any forum for dialogue or any real proposal for a more open system. The only choice being offered to the armed groups in exile, and more generally to the population, is to agree to the terms of reconciliation imposed from above by the regime.

The government says that it is ready to take back and reintegrate the ex-combatants without discrimination, by integrating them into the current process of unification and national reconciliation<sup>138</sup>. The combatants have the assurance of an amnesty that will of course exclude anyone who had any responsibility for the genocide. The vast majority of the rebel troops will be able to take advantage of this amnesty given that the bulk of the troops are new recruits.<sup>139</sup> The theory behind the 3R program is that the combatants' political demands will become secondary once they are reintegrated into Rwanda. All that matters for the Rwandan government is that the ex-combatants be able to participate in civic and

political life like any other Rwandan citizen after having undergone a rehabilitation and awareness training. In this perspective, the only issue is the rehabilitation of the combatants, not true reconciliation. The Rwandan government believes, in fact, that the political demands of the ex-combatants stem from a false vision of Rwanda portrayed by their leaders that does not correspond to reality. Thus the government intends to dictate the political terms of the reintegration process alone, which is unacceptable to the FDLR.

## **C. THE POLITICAL STAKES OF THE RWANDAN TRANSITION<sup>140</sup>**

Kigali's vision is far from that of the FDLR, which is demanding that an inter-Rwandan dialogue be held before any demobilisation begins. This demand is backed by the Igihango alliance, which brings together two other Tutsi opposition parties, the Alliance for National Renewal (ARENA), and since December 2002, the Union of Rwandans for the Republic and Democracy (URD). Through this alliance, Igihango was able to get the FDLR leadership to recognize its political leadership. The Permanent Consultation of Rwandan Democratic Opposition (CPODR) was formed on October 12, 2002 between Igihango and the Union of Rwandan Democratic Forces (UFDR), thereby bringing together almost all the Rwandan opposition parties in exile. This dialogue advances in part the same demands as the FDLR, namely the holding of an inter-Rwandan dialogue.<sup>141</sup>

The end of the transition and the upcoming general elections are mobilising the entire opposition, which is refusing to be categorically excluded from the process as long as the RPF is being both judge and jury. In its latest statement, the Consultation issued an ultimatum to President Kagame and the international community by proposing a "provisional timetable for the end of the transition without any

<sup>137</sup> ICG report, *End of the Transition in Rwanda*, *op. cit.*

<sup>138</sup> Agence France-Presse, Kigali 25 November 2002.

<sup>139</sup> *Ibid.*

<sup>140</sup> Cf., Clingendael, "Building a Conflict Prevention Capacity: Evaluation and Outcomes of the Rwanda Pilot Case," December 2002, internal document, and USAID, *Rwanda Democracy and Governance Assessment*, November 2002, internal document.

<sup>141</sup> Cf, CPODR, "Position by the Permanent Consultation of Democratic Rwandan Opposition on the End of Transition, 5 December 2002," and "The CPODR urges the Kinshasa government to postpone the electoral and constitutional process underway"

clashes”.<sup>142</sup> The Consultation of the parties wants to make its entrance in Rwanda and impose its presence on the process. But the RPF has just launched a campaign against the MDR with the goal of banning the MDR because of its ethnic and divisive ideology.<sup>143</sup> During its 2003 session, the Parliament issued a document that supposedly provided evidence of these accusations and asked the government to dissolve the MDR. The Parliament also requested that 49 MDR politicians accused of divisionism be prosecuted. Even Prime Minister Bernard Makuza is accused of supporting the activities of these politicians. This has serious consequences. The first consequence is that the transition government, which claimed to be inclusive, is now losing all credibility. The second consequence is that a strong message is being sent to the opposition parties, and in particular the Hutu parties, that they have no place in the political scene. The MDR is the historic party of the 1959 social revolution and always has a lot of supporters. Banning the party, even though former prime minister and former MDR strong man Faustin Twagiramungu has announced his candidacy for the presidential elections and his return to Rwanda, may push the party supporters into the arms of the FDLR. The fact that Brigadier General Emmanuel Habyarimana, ex-FAR and former minister of defence in the transition government, fled into exile in Kampala is also worrisome. First, it signals a rupture in the alliance between moderate Hutus from the 1991 democratic consensus and the RPF. But above all, it indicates that using the army as a tool to integrate Hutus may no longer be possible. For many Hutus in the army, the presence of General Habyarimana was a guarantee of a pact between the Hutu and Tutsi elites. The loss of this symbol can only be advantageous for the opposition.

The FDLR, who have been suffering from a negative image as being the genocidal party ever since they came out of hiding, is hoping to acquire new legitimacy through the alliance with the other Tutsi parties. By giving the Igihango alliance a tool for military pressure, the FDLR is now positioning itself as the strongest opposition party.<sup>144</sup> Therefore,

it is out of the question for the FDLR to demobilise their troops just when they are becoming a force to be reckoned with by the RPF in the elections.

The FDLR political strategy is to maintain their ability to apply military pressure on any political negotiation process that may take place. The objective is to create a Burundian-type situation whereby the infiltrations and guerrilla fighting in Rwanda will, in the medium or long term, force political negotiations and reform of the security forces. They are convinced that military force is necessary in order to get the RPF to succumb and that time is on their side<sup>145</sup>. However, the FDLR does not intend to launch a military operation against Rwanda for the time being, and is keeping its distance from Rwanda's borders so as to avoid providing justification for the Rwandan government's security discourse. Officially, the high command is planning to stay in the Kivus until July 2003 at a minimum.<sup>146</sup>

The FDLR has warned the opposition parties that if the political process fails, the war will resume in Rwanda.<sup>147</sup> In the next six months, the FDLR will reorganize their troops and look for other sources of external support (Uganda, Tanzania). They are coupling this operation with infiltrations in Rwanda<sup>148</sup> and the establishment of an Internet network that links soldiers, politicians, elements of the population and those who are disappointed with the regime. Operation “Lord's Oracle” showed them that they had lost the support of the people and they are attempting to regain this lost popularity by focusing on the unpopularity of the RPF's political exclusion.

The RPF seems to be more comfortable in a military confrontation than in a political confrontation. First, the FDR seems to have every chance of winning militarily, once again reinforcing their legitimacy through war. Also, this type of situation fuels the polarisation between those who ended the genocide and those who committed it and will prevent the emergence of centrist forces and a new generation of politicians who are independent from the RPF

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<sup>142</sup> CPODR, “The CPODR urges the Kigali government...”, *op. cit.*, pg. 3.

<sup>143</sup> The idea was born out of the results of the summit on reconciliation led by RPF Member of Parliament Denis Polisi.

<sup>144</sup> It is the only opposition party that has a military arm, which moreover, comprises 15,000 men.

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<sup>145</sup> ICG interview with members of the FDLR leadership, December 2002.

<sup>146</sup> *Ibid.*

<sup>147</sup> ICG interview, Brussels, December 2002.

<sup>148</sup> The FDLR leadership announces the presence of 1,000 combatants who have infiltrated Rwanda. ICG interview with members of the FDLR leadership, December 2002.

party line. In any case, President Kagame has already announced that the international community would be responsible if the DR program failed<sup>149</sup>, thereby attempting to prevent having his own policies challenged. A true consultation on the DR must be initiated so as to avoid a new and deadly insurrection in Rwanda.

## V. CONCLUSION

Despite the attention that the UN Security Council needs to focus on the Middle East right now, it is essential that the Council take the opportunity afforded by the implementation of the transition government in the DRC and the change in power in Burundi in order to encourage a new dynamic in the DR operations, which have basically suffered from an unfavourable context and a lack of political leadership. It would be dangerous if the current revision of the MONUC mandate pushed this programme to the backburner and if MONUC objectives are changed without having met the objectives of phase III.

Of course, MONUC must support the political transition in the DRC and allow the Congolese government to operate effectively in Kinshasa. However, the fighting is not in Kinshasa. It is taking place in the east especially, where hundreds of thousands of Congolese have lost their lives. Peacekeeping cannot take on its true meaning unless it is done in areas where peacekeepers must intervene between combatants, and MONUC will not take on its full added value unless it solidly contributes to resolving the local conflicts and helping the central government re-establish its authority over the country. But the war is not yet over.

If the members of the Security Council are indeed determined to resolve the Congolese crisis, the time for half-hearted measures must come to an end. Restoring the authority of the Congolese government in the country is a priority. Resolving the Rwandan crisis is another priority. Rwanda cannot be eternally pressured to keep its army inside its borders when a significant force is contemplating waging a new campaign of destabilisation inside the country. Sooner or later, the Rwandan government may well disregard the Security Council orders and resume its military campaign in the Congo in order to inflict defeat upon the FDLR and more generally, to intimidate the opposition.

Still today many Western governments, out of a sense of guilt, prefer to bury their heads in the sand and see the FDLR disappear like magic into the Congolese forest. This option was already attempted during the first war in Congo from 1996-1997 and did not work. The time will indeed come when the issue will have to be faced – an issue that, far from

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<sup>149</sup> Statement from the office of the President of Rwanda, 14 September 2002.

disappearing, is only becoming more complicated with time. Either the international community must give MONUC the mandate, troops and political support necessary to prevent the FDLR from unravelling the progress made in the regional peace processes, as well as the mandate to conduct negotiated disarmament, or the international community will have to accept de facto the Rwandan army's direct or indirect occupation of the Kivus (through the DRC) with all the political, economic and humanitarian consequences this would entail. The latter option would mean acceptance of a quasi-permanent partition of the Congo, failure of the peace process that came out of the Lusaka agreement, acceptance of a violent regime of economic exploitation of the Kivus by Rwanda and a resumption of the war in the short or medium term. Joseph Kabila will never be able to accept such a scenario and sooner or later will succeed in rebuilding his army and the national alliance, which will enable him to wage a military campaign against Rwanda and its Congolese allies of the day in the short or medium term.

The Security Council must give MONUC a truly strengthened peace keeping mandate so that henceforth, MONUC would be responsible for the application of the peace agreement in Congo. This should make it possible to support the transition government in restoring its sovereignty throughout the country, to isolate the groups of armed Hutus and establish contact with them, to monitor supplies sent by Kinshasa, the presence of Rwandan soldiers and infiltrations along the Rwandan-Congolese border, and to propose a credible repatriation and reintegration program for the Rwandan Hutus and later on, for the Congolese soldiers and rebels. Without such a process, there will not be national elections in the DRC.

Similarly, the South African government and the UN Special Representative to the Secretary-General

should work together to transform the Pretoria peace agreement into a comprehensive and lasting peace agreement between the DRC and Rwanda, and to spearhead political negotiations on the terms of disarmament and repatriation with the Rwandan government and the groups to be disarmed. There is no military solution to the disarmament of the FDLR. This disarmament will be negotiated or it will not happen at all and this negotiation must include obtaining a compromise on the conditions placed on the exercise of political freedom in Rwanda. As long as the FDLR have objective reasons to continue to fight and as long as the RPF maintains its political, ideological and police surveillance over all the political and civic institutions in Rwanda, the growing discontent of the people will fuel the war. The armed wing of the Rwandan political opposition cannot be isolated unless proof is provided that it is possible to oppose and criticise the Rwandan government without being thrown into prison or accused of divisionism.

The international community on the whole must also convince the Rwandan government that the solution needed to stop the situation from spiralling out of control is political consensus that is first subjected to an inclusive discussion. If Rwanda does in fact wish to put an end to its war, the only alternative to a political negotiation on power sharing with an armed, revisionist opposition is a good faith political consensus that eliminates any justification for armed conflict. Any other choice would clearly signal that the war is an end in itself, allowing those inside the country to maintain almost exclusive control over the instruments of power. And on the outside, it would mean that the exploitation of Congo's riches has finally completely corrupted the security objectives of the first war.

**Nairobi/Brussels, 23 May 2003**

## APPENDIX A

### GLOSSARY

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ALiR:	Rwandan Liberation Army. Name for the Rwandan Hutu rebellion from 1997 – 2000, includes <i>ex-FAR</i> and <i>Interahamwe</i> .
ANC:	Congolese National Army. The armed wing of RCD Goma.
ARENA:	Alliance for National Renewal. Exiled Rwandan opposition party.
TCC:	Technical Coordination Committee. Charged with reintegrating ex-combatants into Rwanda.
CCR:	Coordination Committee for the Resistance. A military structure of the Rwandan Hutu rebellion which took the name FDLR in May 2000.
CPODR:	Permanent Consultation of the Rwandan Democratic Opposition. A movement regrouping six of the seven key Rwandan opposition parties in exile.
DR:	Disarmament, Demobilisation, Repatriation, Reinstallation, Reinsertion.
DIC:	Inter-Congolese Dialogue.
Ex-FAR and <i>Interahamwe</i> :	ex-Rwandan Armed Forces and militia from the MRND party. Considered the main perpetrators of the 1994 Rwandan genocide.
FAB:	Burundian Armed Forces. Burundi government army.
FAC:	Congolese Armed Forces. Congolese government army.
FDD:	Forces for the Defence of Democracy. Main movement of the Burundian Hutu rebel army.
FDLR:	Democratic Forces for the Liberation of Rwanda. Generic term for the politico-military movement of the Rwandan Hutu rebels. Since 2000 the movement heads some 15-22,000 men in DRC.
FNL:	National Liberation Forces. Rebel Burundi Hutu movement.
RDF:	Rwandan Defence Forces. Ex-Rwandan Patriotic Army.
Gacaca:	Traditional courts of justice in Rwanda. Charged with trying the majority of prisoners accused of genocide in Rwanda.
ICTR:	International Criminal Tribunal for Rwanda.
Igihango:	Alliance between ARENA, Nation, FDLR and URD. Main Rwandan political movement in exile.
Mai Mai:	Popular Militia for Congolese Defence. Operates in eastern DRC.
MDR:	Republican Democratic Movement. Historical Rwandan party, heir to the Hutu social revolution of 1959, member of the governmental coalition in Rwanda, today threatened to be banned.

MDRP:	Multi-country Demobilization Reintegration Program. World Bank project to support a programme of regional demobilisation.
Milobs:	Military observers of the MONUC deployed throughout the DRC.
MINALOC:	Ministry of Local Authorities, Rwandan government.
MLC:	Mouvement for Congolese Liberation. Headed by Jean Pierre Bemba, who controls the equatorial province in DRC. Main Congolese rebel movement.
MONUC:	Mission for the United Nations Organisation in Congo.
Nation:	Monarchist movement. Exiled opposition party.
RCD-GOMA:	Congolese Alliance for Democracy. Based in Goma. Backed by Rwanda.
RCD-ML:	Congolese Alliance for Democracy-Liberation Movement. Allied to Congolese government, based in Beni.
RDC:	Congolese Democratic Republic, ex-Zaire.
RPF:	Rwandan Patriotic Front. Party in power in Rwanda since 1994
TPVM:	Third Party Verification Mechanism. Charged with verifying the implementation of the Pretoria Accord of 30 July 2002.
UFDR:	Union of Democratic Rwandan Forces. Exiled opposition party, member of CPODR.
URD:	Union of Rwandans for the Republic and Democracy. Opposition party in exile. Member of the Igihango alliance.

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