

MASTERS OF MANAGEMENT IN THE FIELD OF SECURITY (MM-S)

**THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO
(DRC) AND THE PERSISTENCE OF THE CRISIS IN THE KIVUS**

A Research Report Submitted to the Faculty of Commerce Law and Management at the University Of Witwatersrand Johannesburg, SOUTH AFRICA; in partial fulfillment of the requirements for the Degree of Masters of Management in the Field of Security (MM-S 10).

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Abstract

This study sets out to examine the causes for the continued conflicts in the Kivu particularly after the establishment of a transitional government in the DRC in 2004 and the elections in 2006. Three factors appear to account for the continued conflicts. First is the ethnic divide between the local population and the Kinyarwanda speakers that have settled in the region overtime. This conflict is mostly centered on the land issues which were not addressed in the final agreements for the establishment of the transitional government in Kinshasa, at Sun City in 2002. It should not be surprising that this sparked new fighting in 2006 after the elections. Second is the continued existence of a central power vacuum. This is mainly because the national army is neither strong nor disciplined enough to establish its hegemony in the area. Its task was made more difficult by the continued Rwandan interests in the area, which went beyond security concerns. Thus the Nkunda rebellion was only successful because of Rwandan support. Third is the continuation of the war economy centered on the exploitation of natural resources that are abundant in the area. This has helped to fund the war in the Kivus, and as long as there are profits to be made from natural resources exploitation, conflicts and violence in the area will continue.

The conclusion from this study is that peace in the Kivus needs the establishment of a central administration with both military power to secure the area, in particular the mining areas and judicial authority to prosecute the warlords and armed groups that continue to benefit from the continuation of conflicts and violence in the area.

DECLARATION

I, Simon Marco Mumwi, Student Number 415810, declare that this research report is my own original work, and that all sources that I have consulted have been duly acknowledged. I further declare that this work has not previously been submitted by me for a degree at the University of Witwatersrand or any other Institution

Signature: ----- Date.....

DEDICATION

This thesis is dedicated to my parents, Baba Mzee Marco and Mama Eva, who have always been my source of inspiration in whatever undertaking I wanted to do. The thesis is also dedicated to my wife Edna who has been my great source of motivation.

AKNOWLEDGEMENTS

I am sincerely grateful to my supervisor, Professor Gavin Cawthra, whose encouragement, guidance and support from the beginning to the end, has enabled me to develop the research topic and final report as presented here.

Furthermore I offer my kind regards and best wishes to all those who supported me in any respect during the completion of this project.

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ACRONYMS

ADFL	Alliance of Democratic Forces for Liberation of Congo – Zaire.
CNDP	Conseil National pour la Défense du Peuple/National Council for the Defence Of the People
DDR	Disarmament, Demobilization, Reintegration.
DDRRR	Disarmament, Demobilization, Repatriation Re-integration and Resettlement
DRC	Democratic Republic of Congo.
EX FAR/ Interahamwe	Ex-Forces Armées Rwandaises/ Former Rwandan Armed Forces.
FARDC	Forces Armées de la Republique du Congo/ Armed Forces of the Democratic Republic of Congo.
FDLR	Forces Démocratiques de Liberation du Rwanda/ Democratic Forces for Liberation of Rwanda.
GLR	Great Lakes Region.
ISS	Institute of Security Studies (Pretoria).
LRA	Lord’s Resistance Army.
MONUC	United Nations Observer Mission in Congo.
PARECO	Patriotes Résistants Congolais/Congolese Patriot Resistants
RCD	Congolese Rally for Democracy.
SADC	Southern Africa Development Community.
SANDF	South African National Defence Force.

SPLA Sudanese Peoples Liberation Army.
SPLM Sudanese Peoples Liberation Movement.
TPDF Tanzania Peoples Defence Forces.
TRC Truth and Reconciliation Commission.
USA United States of America.
UN United Nations.

CHAPTER ONE: INTRODUCTION

1.1 Background to the conflict in the Kivu

The ongoing conflicts in the Kivus in the Democratic Republic of the Congo can be traced back to Rwanda's 1994 genocide following the death of the presidents of Rwanda and Burundi whose plane had been shot down over Kigali. The two presidents were returning from signing the Arusha Accords aimed at bringing an end to the civil war in Rwanda that had been going on since 1990. Immediately after the death of the Rwandan president there was a wholesale massacre of Tutsi by Hutu extremists throughout the country. It is estimated that close to a million people were killed in a space of a few weeks. The massacres only came to an end when Kigali, the Rwandan capital fell into the hands of the Tutsi led forces. The fall of Kigali resulted in the massive flight of mainly Hutu civilians together with the defeated Hutu army and militias¹ into the Eastern DRC. More than a million refugees from Rwanda were encamped in the North and South Kivu, very close to the border with Rwanda.

The arrival of Hutu refugees exacerbated the ethnic tension between the indigenous populations and the Rwandan speaking groups. Some Rwandan speakers had to be incorporated in the Belgian Congo during colonial territorial demarcation between Belgium and German in 1910. Other Rwanda speakers had moved into the Kivus as laborers in the mines and coffee plantations. In 1948, in response to overpopulation and draught and famine in Rwanda, a carefully planned migration scheme," Mission de' Immigration de'Banyarwanda" (MIB) was inaugurated with the aim of recruiting volunteers from Rwanda, to help develop North Kivu. Under this scheme, nearly 150,000Rwandans predominantly Hutu, migrated into North Kivu. The third wave of Rwandans was after the fall of Tutsi-led monarchy in 1959. Many of its members fled into the region. It is estimated that by 1990, at least 700,000 people of Rwandan origin lived in North Kivu. This represented a quarter of the region's population. This situation had already sparked clashes between the Hunde and Hutu in Masisi area, resulting in the death of more than 6,000people and displacement of at least 250,000 people in the North Kivu. These

¹ Rwandans had first been brought to the region as laborers during the colonial period. Another wave of Rwandans moved into the area in the late 50s and early 60s following the ethnic violence as Rwanda gained its independence. These earlier groups referred to themselves as the Banyamulenge.

clashes brought to the fore, once more the issue of nationality of the Kinyarwanda speakers in Eastern Zaire.

It is within this volatile situation that one million refugees flowed into North Kivu in July 1994, following the genocide in Rwanda and the takeover of the government in Kigali by the Tutsi-dominated Rwandan Patriotic Front (RPF) forces. This new group included the ex-FAR soldiers and members of the interahamwe militias that had been defeated by the Rwandan Patriotic Front forces. This sparked clashes between the local population and the new group.

To be noted however, is that the encampment of the refugees close to the Rwandan border threatened the security of the new Tutsi dominated government in Kigali. It thus called on the Mobutu regime to control the refugee camps and to get rid of the Ex FAR/Interahamwe elements that had caused the genocide in Rwanda and that were mobilizing support for cross border raids into Rwanda. When this did not happen, Rwanda decided to solve the refugee problems and the cross border raids on its own. With the help of Uganda, Burundi and Angola it invaded the Kivus and herded the refugees back into Rwanda and it is alleged that they massacred those who resisted.

The Rwandan invasion sparked up a process for the overthrow of the Mobutu regime. The four governments engineered the formation of the Alliance of Democratic Forces for the Liberation of the Congo [ADFL]² in Lema in early 1996. The alliance brought together four desperate groups ; the Democratic People's Alliance (ADP), consisting mainly of Rwandan speaking Zairians, who were fighting for their right to citizenship and led by Deogratius Bugera; the Revolutionary Movement for the Liberation of Zaire (MRLZ) led by Anselm Masasu Ngumba; the National Resistance Council for Democracy (RCD) led by Andre Kisase Ngandu; who became the first leader and military Commander of the ADFL forces; and the People's Revolutionary Party (PRP) of Laurent Kabila. By May 1997 the Rwandan army and their ADFL frontage had transcended the entire Zaire by taking over all the important towns and cities in the country and were ready to take over Kinshasa . At this juncture the South African government under President Nelson Mandela attempted to organize a smooth transition from Mobutu to Kabila as head of the ADFL. The victorious and arrogant Rwandan forces and Kabila refused and triumphantly marched into Kinshasa. On 16th May 1997 Kabila declared himself president

² This brought together anti Mobutu groups and opportunists who were ready to take advantage of the support being offered by the Rwandan Alliance. el group.

with broad executive, legislative, and judicial powers pending the adoption of the new constitution. The newly formed Laurent Kabila government was heavily supported and dependent on its Rwandan and Ugandan backers to the extent that the new national army commander was a Rwandese James Kabarebe, former head of the Republican Guard in Kigali, in 1995. Rwandan commanders were installed in the villas of the fleeing Mobutuists and drove around Kinshasa as conquerors. To the citizens of Zaire [now renamed the Democratic Republic of the Congo] this was unacceptable. This sparked an anti-Tutsi, anti-Rwanda sentiments and the Kabila government was increasingly being seen as just a puppet government of Rwanda and Uganda and therefore illegitimate. Its army was regarded as an invading army. Thus the situation in Kinshasa and the rest of the country was turning hostile to the new Kabila regime.

The Kabila regime responded to this tense situation by dismissing James Kabarebe as Army Chief of Staff on 27th July 1998, and the announcement that all foreign troops would have to leave Congo. This was immediately followed by the departure from Kinshasa to Goma, of Kabila's three Tutsi associates, Bizima Karaha Minister of Foreign Affairs, Deogratius Bugera, Minister of Presidential Affairs and former Secretary General of ADFL; and Moise Nyarugabo, Kabila's Presidential secretary. The Rwandan soldiers in Kinshasa were quickly airlifted to Goma. On 2nd August 1998 a new rebellion was launched in Goma and Bukavu with a sole aim of removing Kabila from power. A new movement was quickly created, the Congolese Rally for Democracy (RCD) on 16th August 1998. This new movement brought together the Zairian Tutsi and old Mobutuists in the persons of Alex Tambwe and Emil Ilunga.

After capturing Goma, Bukavu and Uvira, the new rebels attempted to capture Kinshasa by airlifting troops to Kitona. This move was quickly countered by the Angolans who had now joined Kabila. This defeat forced Rwanda to capture Kisangani, the second largest city on the move southwards to Shabunda in South Kivu and Kindu on the river Congo. The expectation by the Rwanda alliance of a repeat of 1997 was defeated by the entry of the SADC alliance led by Zimbabwe, Angola and Namibia and completely changed the course of the war. Sudan, Chad and Libya also came out in support of Kabila. When it became clear that there was no possibility of a military victory for either alliance, negotiations were started and resulted in the Lusaka Agreement in July/August 1999. This however remained on paper until the assassination of Laurent Kabila by his bodyguard on 16th January 2001 and the takeover by his son Joseph Kabila.

Between 1999 and 2002 the DRC was divided into what might be termed as ‘commercial zones’. Rwanda and its protégé RCD Goma became in charge of the sector that runs from Rutshushu on the border with Uganda, to Pepa on the border with Zambia. Uganda controlled the sector running from Butembo to Isiro, on the border with Sudan and from Busunga to Gbadolite , on the border with Chad. It shared this area with RCD-ML with its headquarters at Bunia, and in charge of the Province Orientale. The Movement for the Liberation of the Congo(MLC) lead by Jean Pierre Bemba was incharge of the Equator Province. The rest of the country was under Kabila and his allies. The death of Laurent Kabila opened the way for new negotiations between the DRC and Rwanda and the DRC and Uganda. The outcome of these negotiations were the Pretoria Accord of July 2002 between the DRC and Rwanda that eventually saw the withdrawal of Rwandan forces from the DRC; and the Luanda Agreement of September 2002 between the DRC and Uganda that resulted in the withdrawal of the Ugandan troops. It also resulted into the revitalization of the Inter-Congolese Dialogue that was part of the Lusaka Agreement. This resulted into the Sun City Agreement, which in turn resulted in the power sharing arrangements in Kinshasa between the government, the armed groups and the unarmed opposition groups; to the elections. It was hoped that the power sharing arrangements that came in force in 2004 and the elections in 2006 would finally put an end to the conflicts in the DRC [Peace Building in Post-Cold War Africa Vol.3]. This was not to be for the Kivus as a new rebel group the National Council for the Defense of the People [CNDP] emerged in 2006 to challenge the authority of Kinshasa over the region. The stated aim of the CNDP led by General Laurent Nkunda was to protect civilians of Tutsi origin from imminent genocide by the Congolese army and the FDLR³ [ICG Report no. 133.2007]

³ The claim to protect the Tutsi from the Congolese Army and the FDLR led many to conclude that the movement was a front for the Rwandan government whose objective remained the ouster of the FDLR from the Congo. There is a lot of credence in this claim because the Nkunda rebellion ended with the arrest of Nkunda by Rwanda and the refusal to hand him over to Kinshasa. This was also after Kinshasa had agreed to allow the Rwandan troops to hunt for the FDLR in the DRC.

1.2 Research Background

This research undertaking on the conflict in DRC is aimed at fulfilling the academic requirements for the Masters of Management in the Field of Security, offered at Witwatersrand University in South Africa, during the year 2010. The scope and framework of the research is aimed at applying the knowledge base acquired by the researcher, during the course; on causes of conflict; paradigm shift on security and development in recent years and security sector reform and management.

The significance and relevance of the research on DRC conflict cannot be overemphasized. This conflict is one of those areas of study which have provided a wider context of African security study environment, which is very critical if one is to understand the causes of conflict in Africa and come up with possible solutions for betterment and development of African continent.

The ongoing conflict and unrest in the eastern DRC is perhaps the deadliest in Africa in terms of human suffering during the years from 1996 to 2009. Despite comprehensive peace agreements and the establishment of a democratically elected government in DRC, rebel groups and elements of Congolese national army have continued to wreak havoc in the eastern DRC. As a result of this situation the prospects for a lasting peace remain doubtful. The situation of insecurity in the eastern DRC is not only affecting the internal population of that country. It is affecting the whole Great Lakes Region (GLR) and a big part of SADC region. This is in terms of refugees' influx in the neighboring countries to DRC, and proliferation of small arms within the region.

It is against this background that the researcher has decided to undertake a research study with a specific focus on the eastern DRC areas of Kivu provinces, with the aim of understanding the nature and cause of persistent conflict in that areas. This study will be undertaken from several angles including an analysis of historical events to the conflict, review of related literature and conducting interviews through research questionnaire to some people who are knowledgeable with the subject matter.

Initial literature review and theoretical framework on the DRC conflict indicate that there are multiple causes of conflict in that country, emanating from social-economic competition for control and exploitation of natural resources among the local community, regional and international actors. On the other hand, the conflict has been painted as a result of ethnicity and dysfunctional nature of the Zaire state during Mobutu's reign. A closer analysis also indicates that the problems of ethnicity, tribal identity and inability of state to govern, are the outcomes of ethnic manipulation, poor governance and lack of accountability on the part of African leaders. So the primary aim of this research undertaking is to interrogate these theories and assumptions and thereafter contribute the knowledge gap on the existing problem.

1.3 Kivus: Always a Sparking Point

Over the last six years (2004-2010) the eastern DRC provinces of Kivu, have been engulfed in a cyclic wave of conflict stemming from competition over mineral resources, primarily coltan, and timber. North and South Kivu provinces are located on the eastern part of DRC, bordering Rwanda and Uganda. The strategic and trading towns in these provinces are Bukavu and Goma. This region was for a longtime neglected by the Mobutu Sese Seko regime, as a result it was permitted to build a political and economic system which was semi-autonomous during the 1980s and 1990s (Streiffer, 1994). Prior to his overthrow in 1997, Mobutu organized his regime around a whole sale plunder of nation's resources for his own private gain. Moreover, the persistent causes of conflict in the Kivu provinces stems from a high level of complexity in terms of actors to the conflict ranging from local or national actors, regional actors and international actors, each group with its own motives and objectives in the said conflict. As a result these complexities, the region has been the center of tension throughout the Congolese conflict, as all the igniting incidences were rooted in the Kivu's. The following few incidences illustrate this fact:-

1.3.1 In 1993, ethnic polarization was on the rise in the eastern DRC. This was caused by Mobutu's policy of divide and rule tactics that sought to marginalize and deny citizenship to Banyarwanda ethnic groups.

1.3.2 The spark- off effect of the 1994 Rwanda genocide, which saw thousands of Hutu refugees from Rwanda crossing into eastern DRC and settling in refugees camps in Bukavu area.

1.3.3 The two “national wars of Liberation” of 1996 and 1998, the first one against Mobutu and the second against Laurent Kabila, all started from Kivu provinces.

1.3.4 The region has witnessed formation of new political parties, which were meant to promulgate the liberation crusade which was been undertaken at the material time.

1.3.5 In 1996, the region witnessed the formation of ADFL at Lemeru, a political movement which was aimed at the overthrow of Mobutu. The second liberation war witnessed the formation of RCD (G) and RCD (ML).

1.3.6 In 2007, the region witnessed the Laurent Nkunda faction establishing a political organization, CNDP with the aim of protecting civilians of Tutsi origin, from eminent genocide by the Congolese army and the FDLR.

1.4. Study Objective

The main objective of this study is to analyze the underlying factors for the persistency of conflict in the Kivus [Eastern DRC]. Thus the broad aim of this study is to find out explanation for the continued fighting in the Kivus. Existing explanation for conflicts and civil wars in Africa are tested on Kivus. These standard explanations include; the existence of a weak and dysfunctional state or the power vacuum; external intervention; ethnicity; resource abundance and war economy. Interviews with experts on the Great Lakes Region and participants in the negotiations or peace missions in DRC are undertaken to broaden the understanding of the Kivu dynamics and how the various explanations interact with each other. It is important however to understand from the start, the strategic importance of the Kivus.

1.5 The Strategic Importance of the Kivus

The importance of the Kivu region lies in part from its geographic location and in part from its rich resource endowments. The Kivu region generally refers to the three provinces of North and South Kivu and Maniema. These form the eastern border of the DRC with Uganda in the North, Rwanda in the middle and Burundi in the South. This close proximity to the neighboring

countries has meant that what happens in these countries has a direct influence on the region. The area has overtime received migrants and refugees from the neighboring countries as noted above. It has also acted as home to those who are fighting the regimes in the three countries. The remoteness from Kinshasa has resulted into a central neglect of the area by the Mobutu regime, in particular. The absence of communication infrastructure has further deteriorated the situation. The presence of rebel groups from the neighboring countries has acted in part as the justification for the Rwandan, Ugandan and Burundian invasion of the area in 1996. This has remained the justification for these countries to keep their troops in the area until the 2002 Agreements.

What should also be noted here is the fact that there has developed over the years in the Kivus a quasi-autonomous political and economic system with greater links to the neighboring countries of Uganda, Rwanda, Burundi and Tanzania rather than the Kinshasa government [Streiffer 1994]. This was facilitated by what Ntalaja [2004] has referred to as Mobutu's system D of governance (literally translated as living mysteriously or living in the air). This system allowed the development of illegal and informal businesses involving all kinds of services and goods across the borders of neighboring countries as long as he got the share of the profits. The reality of the matter is that this border region could not be controlled through the state institutions. Civil servants in the Eastern DRC were often underpaid; police officers and soldiers were left to fend for themselves. This resulted in rampant corruption and the highest degree of unaccountability among the civil servants.

This situation encouraged local tycoons to build their own networks of clients along ethnic lines and to create fiefdoms. These often resulted in periodic ethnic tensions which were at times steered by Mobutu in his divide and rule strategy [Meredith 2006, 526]. It is this informal social-economic system that finally allowed the emergence of trade networks linking local markets to Eastern and Southern Africa and beyond. The first major trade route linked the North Eastern parts of the Congo to Uganda via Beni and Butembo. The second route linked Bukavu to Kampala [Uganda] and Kigali [Rwanda] via Goma and Rutshuru. The third route linked Uvira and Kalemie to Bujumbura [Burundi] and onwards to Lake Tanganyika and then to Zambia [via Mbale] and to Tanzania [via Kigoma]. The importance of these trade routes lies in the existence of natural and easily exploitable resources that include timber, gold, diamonds and coltan. These resources have attracted both local and international groups into the area and resulted

in competition for the control of both the natural resources and trade networks. This has in part transformed the Kivu region in the Eastern DRC into a powder keg where rival groups openly compete for the abundant resources [Kabemba 2006]. The easy availability of what Juma [2006.151] has referred to as democratic weaponry of grenades, AK 47s and land mines has helped to turn the region into a permanent warzone. This was accompanied by high levels of civilian abuse and population displacement [Demetriou et al. 2010.20].

In North and South Kivu there have been reports of sporadic violence and crisis incidents, involving rebel armed groups fighting against government troops between 2004 and 2010. This fighting has continued despite the existence of peace agreements signed by senior leaders of armed groups and the presence of a multinational peace keeping force, The United Nations Observer Mission in Congo [MONUC], which has been deployed in the country since 2003. The study seeks to find out the key drivers to the conflict and to recommend possible measures to stop the violence. In so doing this study will have to place the current conflict within its historical context; place it also within the various theoretical explanations of the conflict in Eastern DRC and also within the context of the motives by key actors[players] in the conflict. This basically means trying to understand the background and circumstances which led to the outbreak of the conflict during the period under review; linking the causes of the conflicts to efforts to resolving them. This means looking at the effectiveness of the various efforts to resolve the conflict and; learning lessons for future use in similar situations.

1.6 Problem Statement

The conflict in the DRC is one of the most complex in Africa in recent times. Concerted efforts from the local community, regional groupings, and international community have not managed to solve the conflict completely, though there have been positive developments. The situation in North and South Kivu indicates that peace has been elusive in those areas. There have been reports of sporadic violence and crisis incidences, involving rebel armed groups fighting against government troops between 2004 and 2009. These conflicts have continued despite the existence of peace agreements signed by the senior leader s of armed groups and the presence of Multinational Peacekeeping Force, the United Nations Observer Mission in Congo (MONUC); which has been deployed in the country since 2003. The cause of the persistence of

conflict in the Kivu's needs further research and investigation in order to determine the key drivers to the conflict and recommend possible measures to stop the violence.

1.6.1 Main Research Question

What has been the underlying factor(s) of the persistence of conflicts in the Kivu provinces in eastern DRC from 2004 to 2010?

1.6.2 Subsidiary Questions

- 1.6.2.1 What is the historical context of the causes of conflict in the DRC area of Kivu?
- 1.6.2.2. What is the theoretical context of causes of conflict in the eastern DRC area of Kivu?
- 1.6.2.3. Who were the key Actors (players) in the conflict in the eastern conflict in eastern DRC area of Kivu, and what has been their motive for war?

1.6.3 Significance of the Study

The context and significance of this study is:-

- 1.6.3.1 To be able to understand the background and circumstances which led the outbreak of conflict during the period under review?
- 1.6.3.2. To learn the cause(s) of conflict and link them to efforts to resolve them.
- 1.6.3.3. To learn from lessons of history and use them on future conflict resolution efforts.

1.6.4 Research Methodology

The type of research methodology which will be used in this study on the conflict in eastern DRC is Qualitative Research. According to Leedy, (2010) qualitative research studies typically serve one or more of the following purposes:

1.6.4.1 Description

They can reveal the nature of certain situations, processes, relationships, systems or people.

1.6.4.2 Interpretation

They enable a researcher to:

1.6.4.2.1 Gain new insights about a particular phenomenon

1.6.4.2.2 Develop new concepts or theoretical perspectives about the phenomenon

1.6.4.2.3 Discover the problems that exist within the phenomenon.

1.6.4.3 Verification

They allow researcher to test the validity of certain assumptions, claims, theories or generalization within real-world contexts.

1.6.4.4 Evaluation

They provide a means through which a researcher can judge the effectiveness of a particular policies, practices or innovations.

1.6.5 Reasons for Adopting the Qualitative Method

The reason for adopting qualitative research methodology is basically pegged on the fact that this study is not aimed at specifically identifying the cause-and-effect relationship with regard to the intractable conflict in the Kivus. Furthermore, the study is aimed at identifying factors which have contributed to the continuation of the conflict in that area, regardless of the peace efforts which were undertaken at regional, continental and global level.

This study is mainly based on the analysis of the existing studies on intrastate conflict in the Eastern DRC area of South and North Kivu Provinces. There are already in existence, numerous books, articles and documents that not only explain the situation in the DRC in general and Kivu in particular, but provide an analysis of the continued crisis in the Eastern DRC. The Kivu scenario goes beyond a civil war. It represents an interstate conflict, in which external players have a big stake in the final outcome of the conflict. An attempt is made to identify these external links and how they continue to affect the situation in Kivu. The existing materials have been supplemented with interviews with those people who have special knowledge of, or have participated in the various peace support missions, researches or negotiations. These interviews have been used to interrogate specific issues as were presented to respondents during interviews.

Furthermore, the interviews provided clarification on certain specific points arising from the existing literature and enhanced further understanding of the complex situation in the Kivus.

1.6.5 .1 Research Design and Methods

The research design which will be employed in conducting this study on the conflict in eastern DRC is the Case Study type. According to Leedy (2010) a Case Study research design focuses on the study of an individual, program or event in depth for a specific period of time. A case study may be especially suitable for learning more about a little known or poorly understood situation. The case of intractable conflict in the area of Kivu in the DRC is perhaps the best area which needs more study to contribute towards the knowledge gap that may exist, for eventual conflict resolution. Methods for data collection and data analysis for this study will include the following:

1.6.5.1.1 Data Collection.

Data collection will be effected from interviews, documents and books on DRC conflicts, within the period under review. The documentary data will include historical data to the conflict, chronological events, efforts by the regional players and international community to solve the conflict and outcomes.

1.6.5.1.2 Data analysis

Data analysis will be handled as follows:

1. The historical context of the conflict in the eastern DRC
2. Key contextual issues which have been part and parcel to the intractable conflict

1.6.6 Structure of the Study

In dealing with the various explanations for the continued fighting in the Kivus, the above elements must be kept in mind. The rest of this study is divided into four chapters. Chapter two looks at the various literatures on the conflict in the DRC and the explanation for the

prolongation of the conflict .In Chapter three attentions is paid to the continuation of the conflict in the Kivus by using in part, the results of interviews. Chapter four focuses on the Actors (both internal and external) and their motives for prolonging the conflict in the Kivus. Chapter five is the conclusion that goes back to the explanations of the conflict in the Kivus and makes some recommendations and suggestions on the way forward.

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CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

The conflict in the DRC according to Prunier [2009] is probably one of the most documented conflicts in contemporary times. The reason for this popularity in terms of research and documentation is probably the massive loss of life and suffering of the local population not only in the DRC but also in the Great Lakes Region. Despite this broad coverage, the real causes of the conflict in the DRC according to Padon [2009] remain under reported, under researched and when remembered, largely misunderstood. The observation and treatment of the literature below, focuses on the causes of the conflict in the DRC. The explanations for the conflict in the DRC falls into three main categories, namely ; the weak and dysfunctional state; external intervention and; the abundance of natural resources and the emergence of a war economy. These contexts are examined below.

2.2 The Weak and Dysfunctional State

The DRC is one of the biggest states in sub- Saharan Africa. But like the other big states on the continent, the country has performed poorly despite the existence of so many natural resources. The explanation for the poor performance according to Claphan et. al. [2006] was the dysfunctional state. Dysfunctionality was defined as the lack of provision of welfare and opportunity to the population. This point is further elaborated upon by Young [2006] who noted that the underlying factor to the current instability and persistent violence in the eastern DRC is the state crisis and failure in the 1980s and 1990s. This was the situation not only in the DRC but also in many other African countries. This is the period, according to Mills [2010] in which Africa and the world witnessed virtual collapse of state authority for extended periods in the 1990s in Liberia, Sierra Leone and the complete disappearance of the Somali state in 1991. The DRC [known then as Zaire] was one of the failed states on the continent.

The failure of the Zairian state according to Young and Turner [1985] was reflected in three main contexts. First was within the context of competency seen as the inability of the state to transform its revenue into provisions of valued services and basic security. The Zairian state had lost physical control over its territory and lacked an effective territorial administration.

Secondly, it is within the context of credibility. There was an acceptance of the state illegitimacy and belief in its inability to perform its basic functions. This was reflected through the inability of the state to provide the rule of law, which was essential for the protection of the Congolese people's fundamental rights and for the fight against impunity. Thirdly it was within the context of probity. This was exhibited in the lack of basic integrity in the government and utilization of its resources. In fact the Congo was often depicted as a 'geological scandal' from the fact that it is a potentially rich country that had the means to fund its own development. The state, however, had been criminalized and privatized. In fact by the early 1990s the Mobutu regime had lost most of its internal revenue sources and access to foreign aid. This led to the conclave of the Congolese bishops to declare in 1993 the moral death of the Congo state, which was virtually privatized, preying on its population deliberately ineffective and unable to educate its youth, administer justice, discipline its army, maintain its currency or pay its agents [Mwambu 2008]. This was equally the position of Rotberg [2003]. He points out that state failure in the case of Zaire was characterized by six major factors. These included the collapse of internal security; the collapse of external security; the inability of the state to provide minimum human services; corruption on a grand scale; lack of legitimacy in the eyes of other states and; lack of democratic practices and respect of human rights to its population.

State failure had an immense impact on the security of the country. While the country's armed forces remained undisciplined, often unpaid and resorting to destructive rampages, the border regions became lawless zones and allowed the infiltration and operation of armed groups and belligerents from neighboring countries of Uganda, Rwanda, Sudan and Burundi to operate freely [Docking 2001]. The outcome of all this was the emergence of warlords, criminal groups and international adventurers all claiming to exercise sovereign functions of collecting customs, imposing taxes and extorting resources. This was the recipe for the violent and anarchic conditions that have prevailed in the eastern DRC. The absence of the state authority had created a vacuum that was then filled by many other actors. Current attempts by the state to re-impose its authority by military means have been met with local resistance from the existing armed groups, which make the state to appear as one of the armed actors.

The major consequence of state failure in the DRC has been the opening the way for external intervention. This has become another cause of conflict and its continuation. The concept is examined below.

2.3 External Intervention

The conflict in the DRC is a result of the spill-over effects of conflicts elsewhere in the region. The influx of refugees from Rwanda after the 1994 genocide and the presence of Rwandan armed insurgents, most of them accused as genocide perpetrators and conducting occasional raids into Rwanda prompted the initial invasion of the DRC by Rwanda and its allies Uganda, Burundi and Angola in 1996. The invasion met very little resistance. The refugee camps were dismantled and the refugees herded back into Rwanda. This initial success prompted the invaders to go all out to ouster Mobutu and replace him with a more amenable leader. By May 1997 the Rwandan led alliance had reached Kinshasa and Mobutu was replaced by Laurent Kabila. However, as noted above, the presence of large numbers of Rwandan and Ugandan soldiers was seen by the people as foreign occupation of the country. This resulted in the withdrawal of support for the new Kabila regime. Kabila responded by requesting his foreign allies to leave. They left Kinshasa for the eastern DRC areas of Kivu, and formed a new rebel group, the Congolese Rally for Democracy (RCD), with the sole purpose of overthrowing Kabila. This sparked a new civil war and the entry of new foreign actors onto the scene.

From 1998 to 2002 the DRC became a battle ground for different national armies. On the one hand was the original Rwandan alliance [minus Angola] and on the other hand the pro-Kabila alliance that included Angola, Zimbabwe, Namibia, Chad and Sudan⁴ The outcome of this encounter was the division of the DRC into three military zones. The first zone, that included the capital Kinshasa, was controlled by Kabila and his allies. The second zone was controlled by Rwanda and the third zone by Uganda as noted above. Uganda and Rwanda had disagreed with each other to the extent that there were open clashes between their armies in eastern DRC. This resulted equally in the split into two of the original rebel group, the RCD, each being supported by different armies. This situation prevailed until the signing of the Pretoria Accord and the Luanda Agreement in 2002.

Given the above, it is wrong to simply look at the DRC conflict as an intra-state conflict [Smith 2004.2]. The conflict should be seen within its broader context that should include the end of the

⁴ It is basically because of the many national armies involved in the DRC that commentators have referred to the conflict as Africa's First World War.

cold war. As Nalbandor [2009] notes, the end of the cold war was accompanied by a simultaneous dissolution of a relatively stable and clearly situated world structure. This resulted in an era of democratization within the international system but also in the encouragement of the proliferation of severe ethnic clashes both within and between state territories. He notes further that these clashes have severe consequences, not just for the individual nations involved but also for the whole geographic region, due to the extremes of instability and violence involved in such conflicts. As a result, uninvolved third party states are often compelled to intervene [unilaterally or multilaterally] due to specific interests or concerns, not directly associated with the intra state conflict itself.

The conflict in the DRC should also be seen within the broader context of international interventionism with its various dimensions which can be exploited in the name of global values [good governance, gender equality, democracy and human rights]. These can also be exploited by various actors [individuals, multi-national companies and even countries] to articulate their interests or the interests of the dominant forces so as to pursue their own specific political or economic interests. Interventionism can also be enforced by a nation state[s] to introduce internal changes or to stop any possible changes from taking place in a given society, or in another state, in the name of the so called sovereignty. Interventionism on the surface appears to pay homage to democracy, human rights and other liberal theories, but on the inside remains comfortable with 'global networks' that feed systems of resource exploitation, and political mismanagement in poor countries [Juma 2006.100].

In this broader context conflicts in the DRC could be linked to the US regional interests. Since the end of the cold war the US had been contemplating on what should be done about the post Mobutu Zaire [Madsen 2001]. Two scenarios had been devised for Zaire. These included the division into two or three states, or the retention of Zaire as a single entity but permanently under the control of the west given its size, the richness of the soil and its geopolitical and geostrategic importance [Clapham et al.2006]. Undeniably, the question of wealth control and access to vital resources like those in the DRC has been major determinant of foreign policy formulations in many western nations. In the United States, for example, resource issues have always assumed a central role in strategic and military planning. During the cold war, a lot of efforts were spent in developing military strategies capable of defeating the Soviet Union. Today; resource issues may have been obscured, but their prominence has not completely diminished.

After it was clear that the Soviet Union was no longer a threat, United States policy towards resource monopolization has become bolder and sometimes even blatant. The so called ‘national security’ is seen to depend on successful engagement in the global economy. Klare [2000] has detailed how US foreign policy has and will continue to be dictated by resource issues. He further asserts that as the American economy grows and US industries come to rely more on imported supplies of critical materials, the protection of global resource flows is becoming an increasingly prominent feature of American security policy. This is evident not only in the geographic dimensions of strategy, the growing emphasis on military operations in the Persian Gulf, the Caspian and other energy producing areas but also in its operational aspects [Juma 2006.152]. The exploitation of natural resources by different actors in the DRC has led to the evolution of a war economy that has then continued to fuel the conflicts.

2.4 Ethnicity

It has already been noted in Chapter one how the ethnic dynamics in the Kivus had already led to ethnic clashes between the indigenous populations and the Kinyarwanda speakers, and how the arrival of refugees in 1994, exacerbated the situation. It is important to note that ethnicity especially in the Kivus has been politicized by local/provincial/national governments and armed groups alike to further their own political legitimacy. Armed groups have also successfully used ethnicity to garner local community support and to recruit and retain fighters. The key identity-based conflict revolved around manipulation along the broader Great Lakes Rwandaphone ethnic configuration, and the debate on autochthony (in other words, the conflict between “originaires” and “non-originaires”, locals and strangers). These conflicts have their roots in the Second Congolese War (1998–2003), in which the role of Rwanda and Uganda turned the local, historically contained conflict over land and resources into a regionalised, ethnic war. Furthermore, the politicization of ethnicity cannot be divorced from the issues of land tenure and political power, and military and political leaders have manipulated ethnicity and land issues as a means of securing their power base and control over economic resources (agricultural land, forestry, and mining). In the Kivus, as in much of the rest of the eastern DRC, land tenure remains the strongest factor in determining economic survival and has contributed to the persistence of ethnic-based militias and outbreaks of violence.

The Kinyarwanda speakers (referred to as Banyarwanda in North Kivu and Banyamulenge in South Kivu) are of Tutsi origin. This group was at the center of the second Congolese war in 1998-2002, and were eventually 'victimized' to serve the political interests of local and regional actors. Throughout the conflict, their identity (in other words, their Tutsi origin) was manipulated along dangerous Hutu versus Tutsi, and Bantu versus Nilotic ethnic lines under the overarching concept of Rwandophoncity, despite centuries of peaceful coexistence and intermarriage among the numerous ethnic groups in the Kivus. The issues of citizenship and autochthony were other root causes of the conflict in the Kivus, and are currently still fuelling ethnic hatred among the Kinyarwanda Tutsi militia collectives and the MayiMayi. The local versus stranger duality of autochthony versus allochthony finds expression in the DRC through rumors, political tracts and speeches, and draws its energy from imprecise overlaps with other powerful and pre-existing polarities in identity (Jackson 2006). The MayiMayi have reconstructed their identity on the basis of their strong claim to be 'authentic' Congolese, or 'autochthones', and are generally anti-Kinyarwanda, anti-Tutsi and anti-Rwanda. Numerous MayiMayi groups are sympathetic to the FDLR, and have collaborated with them on many occasions, especially in targeting local Tutsi communities and mobilizing resources.

Many commentators consider the manipulation of ethnicity, particularly in the Kivus, as one of the major causes of the Second Congolese War. According to Mamdani, the conflict sprung from ethnic tensions when the Banyamulenge revolted against the government's efforts to deny them recognition as Zairean/Congolese citizens in early 1990's, which led to a fully-fledged civil war between the Banyamulenge and Hutu refugees, with the government supporting the latter (Mamdani 2002:501-502). The presence of armed Rwandan Hutus in eastern Congo exacerbated tension between Hutus and Tutsis, who had for many years been co-existing in North Kivu, as well as between 'local' Zairians and Zairian Tutsis (Banyamulenge) in South Kivu. Ethnic tension in the Kivus has become worse since the 2004 Bukavu crisis, as the ethnic configuration remained implanted in the consciousness of local populations, authorities and militias in both Kivus. Historically, local populations have internalized the ethnic discourse at grassroots level, and there has been significant distrust between the Kinyarwandan Tutsis and the rest of the population in the Kivus (which included the Hutu, Nande, Hunde and Nyanga ethnic groups). As such, Kinyarwandan Tutsis are caught between two mutually reinforcing and conflicting ideologies. On the one hand militias in the Kivus are attempting to bind various

communities along Hutu and Tutsi lines; on the other hand the president and leadership in the western parts of the DRC are inciting popular sentiment against the Rwandan threat and accuse all Kinyarwandans of being foreigners and puppets (ICG 2005:8–12). Some have claimed that RCD-Goma (Rassemblement Congolais pour la Democratie, /Rally for Congolese Democracy) orchestrated the Bukavu crisis with support from Rwanda and continue to support the various Kinyarwandan Tutsis, armed and collectively active in the Kivus. RCD-Goma denies this emphatically. Nonetheless, at both the national and the regional level, the Bukavu crisis heightened disdain towards the Kinyarwandan Tutsi population.

2.5 Natural Resource Abundance and the War Economy

The economic context of the conflict in the Eastern DRC is better explained by Paul Collier [2001]. He asserts that a high natural resource dependence of a community is correlated with a higher risk of conflict. He further notes that economic motivations and opportunities [loot seeking] are more highly correlated with the onset of conflict than ethnic, social economic or political grievances [justice seeking]. This leads to another hypothesis, that resource wealth makes rebellion feasible by providing the opportunity and even the motivation for rebellion.

The other context which is closely related to “greed and grievance thesis” on war economy is the resource competition argument in intra-state conflict. It is argued that resource competition in a conflict situation leads to the development of “intractable” conflicts. This is defined as an illegal economic activity that has persisted over time and refused to yield to attempts to arrive at an agreement that respects the concept of human rights and private property [Burbidge 2004]

The competition for valuable minerals, for example, can affect the geographic focus, duration and intensity of violent conflicts. First even if controlling mineral resources was not the original cause of conflict, it can become a focus of fighting. The presence of minerals in remote regions can also reinforce secessionist tendencies. Conflicts over resources within those remote regions stay under the radar of international attention, allowing the conflict to fester. Secondly, mineral wealth can finance continued fighting, strengthen incentives to defect from peace processes and undermine discipline in the military forces; thus lengthening the conflict. Struggle over ownership and access to the minerals can also contribute to the complexity and duration of the conflict. Lastly mineral wealth can finance arms purchase, raising the level of military and

civilian casualties. It can also become a further point of antagonism, fuelling the conflict. On the other hand, the presence of resources can diminish conflict intensity if, for example, local commanders cooperate to permit mining for personal gain or the management of the minerals provides channels for cooperation and confidence building [Ballentine and Sherman 2003; Ross 2002].

The Global Witness Report [2009] highlights the fact that the continuation of the conflict in the eastern DRC is basically because of its resources. Continued fighting provided unrestricted access to minerals and other natural resources. All the armed forces in the Kivu's, including the Congolese National Army [FARDC] are said to be involved in mineral extraction. In this respect these armed forces which are supposedly battlefield enemies, often act in collaboration, carving up territory and mining areas through mutual agreement and sometimes sharing the spoils. This is said to be the case for the Democratic Forces for the Liberation of Rwanda [FDLR] and the Congolese National Army (FARDC). Those who are not involved in direct mining have found other ways of cashing in on the mineral trade through extortion and the imposition of taxes which they collect in cash or in kind along the roads, at check points and at border crossing

2.6 Conclusion

It can be concluded that the explanations discussed above are not mutually exclusive but reinforce each other. The weak and dysfunctional state under Mobutu allowed not only for the emergence of a parallel economy into the Kivus that tied them with the neighboring countries rather than Kinshasa. The existence of a parallel economy was to become the corner stone of the war economy. It also made the border very porous and unsecured. This made it easy for the Rwandan Alliance to invade the country. But while the invaders had well understood security concerns their continued engagement, however, appeared to have been driven by resource exploitation for the benefit of their own countries or leaders. The same could be said for the Kabila Alliance. They entered into the DRC to protect the sovereignty and integrity of the DRC but their continued stay soon turned into resource extraction. Besides the ethnic conflict in Rwanda and Burundi, spillover into the DRC had intensified the conflict between locals and the Kinyarwanda speakers.

CHAPTER THREE: DATA COLLECTION AND ANALYSIS ON THE INTRACTABLE CONFLICT IN THE KIVUS

3.1 Introduction

As it was stated above, the Kivu province remained the epicenter of DRC conflict during the period from 2004 to 2010; notwithstanding peace agreements and elections held in 2006. The fighting between the national army (FARDC) and insurgents under Major General Laurent Nkunda erupted in December 2006, causing over 370,000 people to be internally displaced. (ICG Report; 2007).

The conflict in the Kivu is said to be a result of the failure to implement the Congo peace process to its finality, especially on the issues of army integration, economic governance and transitional justice. A review of major Ceasefire and Peace Agreement with respect to the conflict in DRC in general and with reference to Kivu province in particular, indicates that most of those agreements and accords were not fully comprehensive and therefore not viable, in terms of fully binding the signatories upon their failure to abide by their obligations. These ceasefire and peace agreements had varying degrees of success, depending on the security and social economic situation prevailing on the ground. In most cases it were the political issues which has led to “rebel groups” avoiding negotiating a settlement with the government because they could not credibly commit themselves to competitors from replacing them (Dobson S. 2009: page 9). Two key factors indicate the degree to which justice and accountability were set aside in favor of immediate peace. Firstly, the prominent role given to reported human rights abusers (some of the leaders of warring parties) in the transitional government and secondly, the weakness of accountability measures which were not provided clearly in the agreements.

3.2 Data Collection and Collation

The exercise of data collection and analysis for the Case study on the conflict in Kivus did involve organization of information collected from interviews, review of relevant books listed at the reference of this report as well as various publications on the eastern DRC.

Data analysis was a process of categorization and search for patterns in the information collected, with the aim of answering the research question set out in the research design and methodology. Furthermore; the analysis process required the revisiting of the research proposal and relevant research questions.

This report as it will be seen, has managed to show the general pattern on the causes of persistent conflict, namely the state dysfunctional and power vacuum, the ethnic manipulation of the local population in the Kivus, and the resource abundance associated with easy exploitation by the armed groups in that area. It should be noted however, that no one specific pattern or cause of the continuing conflict can be said to be more influential than the other, rather the three main variables were reinforcing each other, depending on the circumstances on the ground.

The outcome of the data analysis also indicated a close relationship between the theoretical perspectives of the causes of conflict in the eastern DRC, with the actual situation which was happening in that area. However one exceptional variable which did not come out clear during the interviews was the timeline (periodic) pattern against the actual evolution of the conflict in eastern DRC. This factor may need to be further research in order to find out whether there is any correlation. A brief review of timeline as related to the evolution of conflict in eastern DRC indicates that when you revisit the historical context of the conflict in the eastern DRC, you cannot miss the timeline of the conflict evolution which can be traced in four main historic periods. Firstly is the pre- colonial period, when there were traditional empires in the eastern DRC, and the whole area of Great Lakes Region. There was ethnic divide among the society which was mainly based on access to land and livestock keeping. Secondly was the timeline during colonial period. It was during this period that eastern DRC witnessed divide and rule policies, which gave certain tribes preferences over the others with regard to access to education, (for example the Tutsi) while others were regarded as labor recruitment reserves (the Hutus).

The third timeline was during the post- colonial period, which can also be regarded as cold war era. Ethnic manipulation of Tutsi versus Hutu was exercised by political authorities to maintain their power. Politics of propagating newly independent African states were based along cold war detente, regardless of the levels of corruption and lack of accountability (for example the Mobutu regime and the support he enjoyed from Western countries, regardless of his political

and economic mismanagement of the country. The fourth timeline is the post- cold war which started after the fall of communism. It was during this era that the region (GLR) witnessed a rise of new dimension of security paradigm, demanding democratic values, anchored on human rights and human development, good governance and accountability issues. For example the genocide of 1994 in Rwanda was a very frustrating incidence not only to the Rwandan population but also to the regional and international community. The incidence as it was seen above ignited certain initiatives by the regional states which were aimed at taking the perpetrators of genocide to account for their actions, regardless of their present place of domicile. As stated above, the general trends indicate that conflict evolution in DRC in general and Kivu area in particular was influenced by respective timeline periodic patterns and the politics in operation at each time period.

3.3 Sequence of Events and Analysis

The establishment of a transitional government in 2004 following a series of accords and agreements in 2002, between the DRC and Rwanda, DRC and Uganda, the DRC government and the various armed and unarmed groups were expected to bring to an end the conflicts that had engulfed the DRC since 1996. But while peace returned to the rest of the country following the carrying out of successful elections in 2006, a new conflict surfaced in the Kivus, starting in December 2006. General Laurent Nkunda started a new rebel group with the tacit support of Rwanda, the National Congress for the Defence of the People (CNDP), with the stated objective of defending the Zairian Tutsi from the potential genocide by the FDLR forces, still encamped in eastern DRC. Intensive fighting ensued between the FARDC and CNDP which resulted in massive displacement of population. All attempts at mediation between the two groups by Olusegun Obasanjo, the former President of Nigeria; and Benjamin Mkapa, the former President of Tanzania, and the UN and AU Special representatives to the Great Lakes Region, came to a naught.

In an attempt to defuse the situation , the DRC and Rwanda governments signed the Nairobi Agreement in November 2007, in which the DRC committed itself to launch military operations to dismantle the ex-FAR/Interahamwe as genocidal military operations , and Rwanda committed itself to take all necessary measures to prevent the entry into and exit from its territory, members

from any of the armed groups , renegade militia leaders, Nkunda's group in particular, and prevent any form of support-military, material or human, being provided to any armed group in the DRC (09November 2007, Nairobi Agreement). The agreement however did not lead to any changes on the ground, as the fighting continued.

On August 2008, the Congolese National Army (FARDC) launched a new offensive against Nkunda. However, the FARDC forces were defeated, and the CNDP forces threatened to take over Goma. This was seen as a military and political humiliation to the Congolese President. The military solution for the Nkunda rebellion had failed and President Kabila had to turn to President Kagame for help. It was now clear to the international community that Rwanda was behind the Nkunda rebellion and pressure was mounting on Kagame to stop his support. It was this situation that led to a secret agreement between Kinshasa and Kigali. The major element of the agreement was to allow the Rwandan forces to mount an operation against the FDLR in the DRC, and for the Congolese Army to take positions in the areas left by the FDLR. The main successive anti-FDLR operations which were undertaken were, Umoja Wetu (Our Unity) KIMIA(Keep Quiet) and Amani Leo (Peace Today). The first operation began on 20th January 2009 and lasted for 35 days and only affected the Southern part of North Kivu .Operation KIMIA began in March 2009, and was carried out by FARDC units supported by MONUC, and Amani Leo began in January 2009, and involved the deployment of 60,000 FARDC troops and ten peacekeeping battalions from MONUC into North and South Kivu. (ICG; 2010,).

The outcome of these operations according to the Security Council Report (UNSC Report15/2010/252), were the disarmament, demobilization, reintegration and resettlement or repatriation of FDLR and Tutsi forces in the Kivu's. In 2009, 1564 FDLR combatants, including 42 children and 2187 dependants were involved in this program. By April 2010 another 345 FDLR combatants were demobilized and 814 people were repatriated to Rwanda. This included 404 combatants and 410 dependants. To be noted, however, is the fact that some of the FDLR combatants were Congolese citizens. About 433 ex FAR combatants were demobilized in 2009 and out of them 153 demobilized in 2010 were actually Congolese citizens. This indicates two important aspects. First is the capacity of the FDLR to mobilize locally. Secondly, it raises the doubt that the FDLR main objective is still the overthrow of the government in Rwanda. Local recruitment points to other motives, in particular the continuous exploitation of natural resources in the area.

Another important element to note is the short lived nature of the joint operations. During these operations the FDLR forces avoided direct confrontations with the Rwandan forces and disappeared in the Kivu forests only to come back after the operations and retaliate against the civilians they believed to have collaborated with the government and Rwandan soldiers. To be effective these operations must be sustainable for longer periods and government soldiers must remain in the liberated villages to ensure that the FDLR do not return.

One thing to emphasize here is that it was only after the secret agreement that allowed Rwandan forces to pursue the FDLR, that the Rwandan government decided to arrest Nkunda, in January 2009. The arrest however took place just after the release of a UN Report documenting Rwanda's close ties with the warlord and concluding that he was being used to advance Rwanda's economic interests in the Congo's eastern hinterlands. The report stated that Rwanda authorities had been "complicit in the recruitment of soldiers , including children, have facilitated the supply of military equipment and have sent officers and units from the Rwandan Defence Forces ", while giving Nkunda access to Rwandan bank accounts , and allowing him to launch attacks on the Congolese army from Rwandan soil.

The arrest of Nkunda did change the situation in the Kivus, but his activities had a massive impact on the population. The human cost in the Kivus was very high. In September 2010 the Office for the Coordination of Humanitarian Affairs (OCHA) counted 590,000 displaced persons in North Kivu and 676,000 in South Kivu.(ICG; 2010, 8). This is apart from those who died from the fighting.

The main question as noted above was how to explain the reasons for continuation of the conflict in the Kivus. This is the question that was posed to experts on the area. For Boshoff⁵ the main cause for the continued conflict in the eastern DRC should be attributed to the inadequacy of the peace agreements entered into by the DRC and its neighbors. All peace initiatives and subsequent peace agreements focused at the international and national dimensions of the conflict and leaving local critical issues untouched. These issues relate mainly to land, control over mineral resources, ethnic and citizenship issues. These were the issues that were at the heart of the conflict in the Kivus in 1993, long before the coming of the refugees from Rwanda, and Rwanda's invasion of the DRC.

⁵ See Appendix B

Another weakness of the peace agreements was the failure to address the issues of justice and impunity, which were critical for post-conflict reconciliation in the DRC. These were not given due weight during the formulation of the peace agreements. Since no punishment or restraint on what could or could not be done, all the armed groups including the FARDC have continued to terrorize the population. Furthermore, it was the lack of clarity on the issues of demobilization, disarmament, and repatriation (DDR) of the armed groups and integration through “brassage” of those willing to be integrated in the FARDC, under Security Sector Reform (SSR) Programme. There was no clarity on who would for example; forcefully disarm the ex-FAR/Interahamwe/FDLR. There was no clarity on what to do, if some groups refused to be integrated in the army, like General Nkunda. The Kinshasa government pursued a military strategy to pacify the Kivus. The strategy failed because the Congolese army was ill-trained, ill-equipped and could not match the rebels

What the above points out to is the fact that the 2002 peace agreements and the 2006 elections did not bring peace to the Kivus as expected. The key question that this study seeks to answer relates to what were the key drivers to the continued conflicts in the region. It is hoped that this will allow the researcher to come out with recommendations on how to permanently resolve the conflicts in the region. More concretely this study seeks to identify the key actors [players] in the conflict and their motives in prolonging the conflict.

In answering the above question on actors and motives, this study relied on the one hand on existing studies and on the other hand on direct interviews with individuals who had a direct knowledge of the Kivus and DRC conflicts either as participants in various efforts to resolve the conflicts or indirectly as analysts of what has been taking place in the area⁶ This study is expected to help us understand more generally the drivers of many African conflicts. The existing studies already point to the complexity of the interstate conflicts and the multiple causes and sustainers of the conflicts on the continent. This as noted above include weak states, external intervention and natural resources. And once the conflicts have started they tend to create their own momentum in what has been described as the war economy.

⁶ Interviews had been scheduled with SANDF Officers and military attaches at Embassies from the Great Lakes countries and main countries involved in resolving the conflicts in the DRC. Unfortunately this set of interviewees at the last moment refused to be interviewed. This in part has limited the extension of this study and the conclusions that can be made from it.

Professor Miti on the other hand attributed the renewed conflict in the Kivus to the unresolved ethnic issues in Rwanda itself. The first war in the DRC was in part an extension of the war in Rwanda which had seen the perpetuation of the genocide by the defeated Hutu government and its replacement by the Tutsi dominated government. The Rwandan government pursued the genocidaires into the DRC and has continued to interfere in the DRC affairs despite the Pretoria Agreement of 2002. It was, however, unable to resolve the FDLR issue while it controlled the Kivus because it was unwilling to enter into any dialogue with them. It is its pursuit of military victory over the Hutu armed groups that is at the center of the continuation of the conflict in the Kivus. To this should be added the economic interests it has cultivated in its six years of control over the area (1996-2002). It is the combination of the two that has continued to fuel the conflict. He hastened to add, however, that this does not deny the existence of ethnic conflicts locally. These conflicts would have been settled if they were not being exploited by external interests.

The other explanation of the continued conflict in the Kivus was provided by a senior SADC officer. He contended that current conflicts in the Kivus are the final outcome of a failed state. Kabila the father and the son after him inherited a shadow state from Mobutu. This was a government that could not even secure its own borders nor even provide internal security. It was in the 70s and 80s propped up by the USA that regarded Mobutu's regime as a strategic partner against communism. Corruption was life and practiced at a grand scale at every level and provinces far away from Kinshasa were more or less autonomous. The change of regime in 1996 and the continuous fighting did not allow for the re-emergence of strong state capable of effectively governing the large DRC state. This left the population in the Easter DRC at the mercy of warlords who mobilized the local population along ethnic lines against the central authority in Kinshasa. In short what has been happening in the Kivus is telling of the failure to re-create the DRC state with enough power and authority over its entire territory.

The explanation for the Kivus situation provided by a Tanzania senior defence official (Brigadier General) was the lack of commitment in solving political and economic challenges at both the local and regional level. The conflict in the DRC attracted a chain of external players. These can be divided into two. The international players that included the United States, France and Belgium who regarded the DRC as of strategic importance to them and hence interested in the final outcome of the conflict and; the regional players mostly neighbouring states of Rwanda, Uganda, Burundi Sudan, Chad and Angola who were driven into the conflict by their national

security concerns or by bilateral and multilateral agreements as in the case of Zimbabwe and Namibia. It is the conflicting interests of these external actors that continue to fuel the war in the DRC in general and the Kivus in particular. It is clear for example that the USA supported Rwanda in its earlier invasion of the DRC in 1996 and has continued to do so. France's concerns have been with the maintenance of its influence in the region which was tied with the maintenance of a united DRC. The competing interests of the external actors have not only helped to prolong the war but also hinder the emergence of a more realistic solution to the conflict.

The other military interviewees (Col GS Milanzi and Col. GM Sangiza) attribute the continuation of the conflict to the war economy which has evolved. This has produced a set of alliances within the armed groups which were mainly aimed at the extraction of natural resources in the Kivus. The best example of this was the coexistence of the FARDC's 14th Brigade, the armed units of Mayi Mayi (PARECO) and FDLR around the Numbi mining town in which cassiterite, coltan, manganese and tourmaline are mined. The FARDC was stationed in the town centre while the Mayi Mayi units were at Lusirandaka Village (10kms north of Mumbi Township) and the FDLR were at Nyawarogo village (20kms south of Numbi). One should also note the fact that the CNDP itself was formed to protect not only the Tutsi properties in the Kivus but to allow continued trade between the Kivus and Rwanda. Economic interests of rebel groups are at the heart of the continuation of the conflict in the Kivus.

During an open ended type of interview with Brig Gen VS Mabeyo, (Note: Brig Gen VS Mabeyo was a Defence Advisor for Tanzania in Kigali Rwanda from 1995 to 2001. It was during this period that the conflict in the DRC was at its peak. As such he has many authoritative insights as he was participating in some of the peace negotiations during the period, as an independent observer or as part of Tanzanian Delegation) the general reiterated that the global and inclusive agreement on the transition in the DRC signed in Pretoria on December 2002, was not comprehensive enough as it did not guarantee the political will, commitment and consensus among the main national protagonists. As a result of this anomaly, the peace building efforts did not have a detailed agenda to address the causes of conflict and hence the failure of peace building process.

Commenting on the underlying motives behind Rwandan intervention in the DRC conflict, General Mabeyo alluded that the motive behind Rwanda's intervention in the DRC conflict were strategic and long term in nature. They were partly aimed at dealing with the "genocidaire" forces in Congo who were granted sanctuary by Mobutu regime; and also were intended to dissipate the anti-Tutsi ethnic dimension in regional relations, particularly those who were propagating that Rwanda and Uganda were scheming to establish a larger Bahima Empire within the Great Lakes Region. Security concerns for the Rwandan government seemed to have been a priority, after the 1994 genocide, and throughout the period of the DRC conflict. Almost two decades after the genocide of 1994, Rwanda still faces a formidable threat from militia and ex-government forces grouped into a political/militant association in the name of Democratic Forces for the Liberation of Rwanda (FDLR), based in eastern DRC, and whose stated aim has been to overthrow the government of Kigali. Furthermore the very members of the FDLR, who are still operational in North and South Kivu in eastern DRC, have continued to wage war against minority ethnic communities and entrench insecurity in the whole part and eastern DRC.

Referring again to the warring factions in the DRC conflict, particularly to those who signed the Pretoria Peace Agreement, it can be rightly deduced that the thinking and reason behind this intractable conflict is that some of the armed groups felt excluded or marginalized in the peace building process. As a result they resorted to violence as a means to protect their interests. Pretoria Peace agreement and the subsequent Goma Accords signed by the National Congress for the Defence of the Peoples (CNDP) and other armed groups did not succeed in bringing the Tutsi minority into the political mainstream, nor satisfy the other armed groups. They continued to seek redress through violence, and in many cases, distracting the government's attention and resources from peace building and reconstruction programs and instead creating various pretexts for delays in security sector reform (SSR) programs. The Tutsi adherents under the leadership of General Laurent Nkunda's CNDP did not really accept integration into the Congolese army (FARDC) as an important part of comprehensive disarmament, demobilization and reintegration (DDR) and security sector reform (SSR) programs. The integration program effectively fell apart in 2007 after an ill-fated attempt to create amalgamated brigades in the process called "mixage" which culminated in troops loyal to Nkunda walking out of integrated units, with their arms. Subsequently General Laurent Nkunda launched a full scale rebellion, which only came to a n end with the DRC-Rwanda rapprochement in late 2008.

With respect to the Nairobi agreement, and Goma accord, General Mabeyo reiterated that the DRC government alone seemed to have failed to act decisively against the FDLR. Moreover, as it was stated earlier; at a certain point in time, the DRC government forces (FARDC) were working in collaboration with FDLR against renegade Tutsi leader General Laurent Nkunda's National Congress for the Defence of the People (CNDP). This situation has exacerbated regional fears and suspicion of a protracted regional security dilemma; emanating from the fact that the continuation of the conflict in the eastern DRC has an impact not only to the local areas but also to the neighbouring regional states; particularly with respect to small arms proliferation.

On the opinion as to why the DDR and SSR Programs failed in eastern DRC and the way forward, General Mabeyo alluded the failure and dismal performance of the DDR and SSR programs in eastern DRC to the incomprehensiveness of the Nairobi and Goma agreements. Part of the provisions in Nairobi agreement and Goma accords, included the disarmament, demobilization, reintegration (DDR) and repatriation (with reference to Rwandan refugees including FDLR). The package has also a call for security sector reform (SSR). However the DDR and SSR programs in the DRC never went through as anticipated. The process of DDR and subsequent SSR in DRC has been marred with difficulties. With regard to the DDR, the former Congolese combatants as well as regular soldiers were given a choice of demobilization and reintegration into civilian life or military integration. Many opted for military integration because it offered some economic prospects and the power that comes with "owning" a gun. As a result many former militiamen were integrated into the Congolese national army (FARDC) without any vetting for human rights violations or even to test basic military competence. This was later, the price for peace. The consequences of the decision to allow wholesale recruitment of ex-militias into the Congolese army (FARDC) are very visible today. They explain in part, the misconduct and ill-discipline of the troops, the poor performance of combat units and the low state of FARDC morale. On the aspect of security sector reform (SSR) there has not been major progress. The only significant assistance has been that of the army reform which has been coming from a variety of partners, namely Angola, Belgium, China, France, South Africa, United Kingdom, and United States of America. Most of the sub-programs concentrated on the training of selected battalions as part of rapid reaction force and also on improving the military infrastructure such as rehabilitation of barracks.

The contention and observations expressed by Brig Gen Mabeyo are echoed through a reference document on DRC titled “Congo: A Comprehensive strategy to disarm the FDLR” (Africa Report. No152, 2009) The report acknowledges the three key issues and goes further to suggest some key recommendations to regional and international stakeholders in search for a sustainable peace in the eastern DRC. The three key observations from the report can be enumerated as follows:

New Strategy to deal with FDLR

That the presence of FDLR in the eastern DRC has continued to create instability both to the local community in the Kivus as well as posing a potential threat to the Rwandan government. Furthermore the report asserts that there is a need to develop a comprehensive strategy, involving national, regional, and international actors with clear division of labour and better coordination in order to put an end to the enormous civilian suffering, and restore authority in the Congo’s eastern provinces. This is yet another clear indication that that the root cause of the intractable conflict in the eastern DRC has been the unattended problem of armed groups operating in the eastern DRC prominent among them the FDLR. That all along the government of DRC has been addressing the security challenge in the eastern DRC on a wrong footing, namely collaborating with the FDLR in fighting with CNDP, which proved to be unsustainable strategy.

Cessation of Rwanda support to CNDP

According to the African Report (No.151, 2009) the second key element to the new strategy for peace and stability in the Kivus was the cessation of Rwandan clandestine support to the Tutsi-dominated CNDP under General Laurent Nkunda.

Shifting of Alliances in Eastern DRC

The two factors mentioned above were totally contradictory in nature. While the Congolese national army was initially collaborating with FDLR, the Rwandan army (RPF) was clandestinely supporting CNDP. As such, if there was a need to engage FDLR in an effective way and at the same time deal with CNDP, the sponsoring parties were expected to make a major shift in their alliances in order to make the new strategy a reality. Indeed this situation did happen because of the following circumstances:

While the Congolese army in collaboration with the FDLR suffered heavy defeats in some of their encounters against CNDP, General Nkunda's perceived personal ambition and strategy to establish a semi-autonomous buffer state of the "Republic of Kivu" in eastern DRC, he was actually alienating his Rwandan backers who had to yield to international pressure not to sponsor a warlord who was all-bent to cause havoc and unnecessary suffering to innocent civilians in that area.(Olusegun Obasanjo and Benjamin Mkapa's mission in Kivu, 2009).This situation enabled the two leaders of Rwanda and DRC to strike a deal in which General Laurent Nkunda was removed (arrested) by Rwanda while DRC government agreed to conduct a joint military operation against the FDLR on the Congolese territory, as well as allocation of political and security positions to the CNDP representatives , as a confidence building mechanism. The operation was code-named Umoja Wetu (Our Union)

3.4 Conclusion

The above treatment of the continued conflicts in the Kivus and the various explanations from the interviewees point to one crucial element that is important to really understand what is taking place in the Kivus. One has to be able to identify the actors and their motives. It is this that is addressed under Chapter four.

CHAPTER FOUR: ACTORS AND THEIR MOTIVES IN THE KIVU CONFLICT

4.1 Introduction

What differentiates the conflict in the DRC in general and the Kivu's in particular from many other conflicts in Africa is the multiplicity of actors and motives. This has complicated both attempts to analyze and understand the actual causes of the conflict in an attempt to provide a lasting solution. It is this that has turned the conflict into both an interstate and intra state conflict. The actors can be divided into, on the one hand internal and external actors and, on the other hand into state and non-state actors. There has been overtime a continuous interaction between the two broad categories. What have also been changing overtime have been the motives for participation into the conflicts. It is important to detail the actors and motives for by doing so one is able to gain some understanding of the drivers of continued conflicts in the Kivus.

4.2 The External State Actors

To a very large extent the external actors in the DRC have mostly been state actors. States acted both individually and in alliances and in a series of multilateral forums. At the start of the conflict in 1996 the principal external actors were what we have referred to above as the Rwandan Alliance constituted by Rwanda, Uganda, Burundi and initially Angola. The unifying thread for this alliance was Mobutu's support of opposition groups from these countries: the Ex Far/Interahamwe from Rwanda; the Lord's Resistance Army from Uganda; UNITA from Angola and CNDD from Burundi. The motive here was to force Mobutu to cut support for these rebel groups. An added motive for Rwanda was to have the Rwandan refugees return. The Mobutu government, which was already facing a mounting call for democratization internally, was incapable of controlling the rebels and refugees' activities. Its appeal for external support from its traditional backers, the US, France and Belgium⁷, fell on deaf ears. Mobutu's ill-disciplined and ill equipped army collapsed as the invading forces marched towards Kinshasa. Other African

⁷ Part of the reasons for the three countries not supporting Mobutu was because of what had taken place in Rwanda in 1994. France found itself supporting the Habyarimana Hutu government that carried out the genocide in Rwanda, Belgium had to withdraw its forces at the beginning of the genocide in Rwanda. The US was accused of staying on the sidelines as Kigali burned. The three governments were not ready to engage into a war in support of Mobutu whose power was already on the wane.

countries, in particular South Africa, tried to mediate between the Mobutu government and the Rwandan Alliance supported Kabila but their efforts were too late to prevent the total collapse of the Mobutu regime (Interviews with Boshoff and Miti).

The mistake that Kabila and the Rwandan Alliance made was to ignore the ‘unarmed opposition’ that had been active in Kinshasa since the early 1990s and that had been trying to establish a democratic dispensation in the country. These could not be accommodated in the military set up that had taken over Kinshasa. This caused a lot of ill will towards the new regime. At the same time the Rwandan Alliance invasion had disrupted the regional balance of power and became an issue for SADC to which Zaire had become a member before the invasion. There were thus a lot of internal and external pressures on Kabila to ask the Rwandan and Ugandan armies to leave not only Kinshasa but the DRC entirely. The decision by Kabila to ask his former backers to leave led to the resumption of war. The Rwandan and Ugandan armies just flew out of Kinshasa to the Eastern DRC and started a new march back to Kinshasa with a new group of local supporters under the umbrella of the Congolese Rally for Democracy. To survive Kabila turned to new external backers. Thus what we have referred to above as the Kabila Alliance was born. Angola switched sides from the Rwandan Alliance and was joined by Zimbabwe and Namibia and came to the defence of Kabila. Further support for Kabila came from Chad and Sudan. While the new alliance was able to prevent the collapse of the Kabila regime it was not strong enough to dislodge the Rwandan Alliance from the Eastern DRC (Interviews with Boshoff and Mitti; ICG).

Given the military stalemate efforts were made by various external groups to bring together the warring parties to negotiate the end to the conflict. At the top of these groups were the Southern African Development Community [SADC] and the Organization of African Union [OAU]. These were strongly supported by the United Nations and the European Union. They were also supported by the US, France and Belgium. Each of these appointed special representatives for the region, broadly referred to as the Great Lakes⁸. The task of these representatives was not only to help in the peace process but also to ensure that the general interests of these countries were preserved in whatever peace agreement came out. This made arriving at an agreement very

⁸ The term Great Lakes refers broadly to the countries around Lakes Victoria and Tanganyika. The grouping has included Burundi, DRC, Kenya, Rwanda, Tanzania, and Uganda. Underlying this term was an understanding that the on-going conflict in the DRC was part of a broader conflict that had engulfed Rwanda and Burundi. One must therefore take a regional approach in its resolution. It was equally clear that what happened in the three conflicts ridden countries has broader implications for the neighbors who get inundated with refugees but also whose economies are tied to the neighbors.

difficult and equally made the implementation of any agreement torturous. An agreement was finally reached in 1999. The Lusaka Agreement was signed in August 1999 (ICG, 1999).

There were three main elements to the Agreement. The first focused on the external state forces. These were to withdraw from the DRC. The dynamics and mechanism of how this was to take place were left unclear. These , however continuously demanded security guarantees that included the tracking, disarming , cantoning and documenting all armed groups operating from the DRC. The second focus was the organization of an inter-Congolese dialogue to work out the establishment of a new regime and a new constitution. At the end of the negotiations there was to be re-establishment of state administration throughout the country and the formation of a restructured and integrated army. The task of initiating the dialogue was given to the facilitator to be appointed by the AU. The last focused on peacekeeping by the United Nations. This, however, depended on both the withdrawal of the foreign forces and the establishment of a ceasefire among the internal armed groups and the government. The Lusaka ceasefire Agreement could not be implemented in part because the motives for the Rwanda Alliance and the new armed groups they supported had completely changed from being political to commercial. This could clearly be seen, as noted above, from the open clashes between Uganda and Rwanda in Kisangani which were aimed at control of mining areas. Equally the fighting between the various armed groups concentrated around the mining areas (Interview with Boshoff and Miti)

The changed nature of the motives of the continuation of the war in the DRC was captured by the UN Special Panel of Experts to Investigate the Illegal Exploitation of Natural Resources in the DRC. Its various reports have been damning on the activities of Uganda and Rwanda and the groups they support. The reports note the fact that the Rwandan government had established in the Eastern DRC ‘strong economic mechanism’ to siphon Congolese resources into the Rwandan Economy. This, for example, allowed Rwanda to remove tax free between 60 and 70 percent of all the coltan being produced in the Eastern DRC into Rwanda (UN Panel Report 2002). Uganda had in the same period established proxy companies in the Eastern DRC. This resulted in Uganda exporting three times the amount of gold than it produced (Dunn 2005.256). The UN reports provide a large list of international companies that mined, transported and marketed the illegally exploited resources globally.

There was very little movement in ending the conflict in the DRC since the signing the Lusaka Agreement in 1999 until the publication of the UN Report on the Illegal Exploitation of Natural Resources in the DRC. The report helped to put pressure on Rwanda and Uganda to withdraw from the DRC. It is this that helped to push the two countries into negotiation with the young Kabila government⁹. The outcome was the Pretoria Accord of July 2002 between the DRC and Rwanda that finally led to the withdrawal of Rwandan troops from the DRC and; The Luanda Agreement between Uganda and the DRC and the withdrawal of Ugandan troops. It is these agreements that allowed progress in the Inter Congolese Dialogue that had been going nowhere since 1999. Uganda and Rwanda were the main backers of the armed groups in the Eastern DRC. They in part prevented their groups from concluding the Inter Congolese Dialogue. Their withdrawal from the DRC opened the way for real negotiations for these groups and the Kabila government. The final result of these negotiations was the Sun City Agreement of December 2002 that officially ended the conflict in the DRC¹⁰.

The Sun City Agreement provided for a transitional power sharing arrangement, the creation of a new national army and carrying out of the elections. The power sharing arrangements were concluded in 2004 and the elections in 2006. Unfortunately, as noted above, this was followed by the spurt of new violence in the Kivus. Part of the explanation for this, according to Dobson [2009.10] is the failure of the Sun City Agreement to address some crucial issues. Among these issues were: the failure to account for or establish the facts on economic plunder of DRC resources upon which all parties had become too dependent. This omission allowed various rebel groups to continue with their economic plunder in the interim. This also allowed them to obtain resources for continued armed operations; Failure to address policies of army integration and of rebel movements lending attempts at disarmament unviable during the later years. Army integration became a major issue in the DRC given the multiplicity of armed groups.

The issue of army integration is closely linked to another issue which was not addressed in the agreement and that is the reform of the Congolese National Army [FARDC]. The RCD units were not fully integrated into the Congolese army and as such were caught in suspicious cold

⁹ As noted above, Laurent Kabila was murdered by one of his body guards. He was succeeded by his son Joseph Kabila. This removed one of the main barriers to the implementation of the Lusaka Agreement. This also opened up new avenues for negotiations.

¹⁰ It is important to note here the role played by South Africa in facilitating the Inter-Congolese dialogue. This involved meeting a large part of the costs for the dialogue and facilitating the actual negotiations.

war scenarios resulting in the creation of the National Council for the Defense of the People [CNDP] which became the center for a new rebellion in the Kivus starting in December 2006. Equally the Mayi Mayi militia was not fully integrated in the army and this resulted in the formation of the Congolese Patriotic Resistants [PARECO] in opposition to the CNDP.

Turning back to external state actors one needs to point out a number of issues. First is the entry of the UN peacekeepers. Their work has not been that easy. In many instances they have not been able to protect civilians from the roaming armed groups. The continuous displacement and killings of civilians with the MONUC in place has raised questions over the mandate and effectiveness of the peacekeepers. The countries providing the peacekeepers have become interested parties in the DRC. Another category of interested parties in the DRC is constituted by a string of aid donor countries. The focus of these state actors is to bring to an end the conflict in the DRC. Second, is the fact that the neighbors, in particular Rwanda, remained fully embedded in the conflict in the Kivus. This has a lot to deal with the ethnic balances in the region and how these are distributed across the borders. One important thing to note here is the flow of the Kinyarwanda/Kirundi speaking populations into the Eastern DRC. This, of course, goes back to the colonial period when these were brought in to work in the plantations. The initial wave was reinforced in the early 1960s by the Tutsi|Hutu conflicts that unfolded in Rwanda and Burundi beginning with the Hutu uprising in 1959.(Miti,2002) The last wave came in following the genocide in Rwanda in 1994 and the conflicts in Burundi during the same period. What is being emphasized here is the fact that the ethnic conflicts in Rwanda had spill- over effects in the DRC and the Rwandan government got completely entangled in the conflicts in the DRC. The issue of the FDLR and the treatment of Tutsi inside the DRC remained the major concerns of Rwanda. This resulted in a quasi-permanent engagement in the Kivu's which included the support of the CNDP¹¹. This continued until the Rwandan forces were allowed back into the DRC to hunt and disarm the FDLR [Boshoff,Interview].

Thirdly, is the continued trade linkage of the Kivus, to its neighbors in particular Uganda and Rwanda. The Kivus as it was noted above, look to the east rather than the far distant Kinshasa to

¹¹ A UN report in 2008 documented Rwanda's close ties to Nkunda that included the recruitment of soldiers, the supply of military equipment, the supply of officers and units from the Rwandan Defense Forces, giving access to bank accounts and allowing him to launch attacks from Rwanda. The conclusion by the report was that Nkunda was being used to advance Rwanda's economic interests in Congo's Eastern hinterlands [UN Report Security Council Resolution No.1843(2008] adopted on 20th November 2008.

import and export goods. These trade links were strengthened by the war economy that had developed since 1996 when the two countries invaded the DRC. The war economy continued after the signing of the various agreements in 2002. The war economy had acquired a life of its own and the two countries could not completely detach themselves from it although now it was being driven by non-state actors that included a set of armed groups and criminal elements. This will continue to be the case until a central administration emerges in the Kivus.

4.3 The Internal Actors

At the Inter Congolese dialogue the internal actors were divided into three categories. These were the government in Kinshasa, the unarmed opposition and the armed opposition. The term unarmed opposition goes back to the pre 1996 invasion of the country by the Rwandan Alliance. It broadly refers to the various groups that had emerged against Mobutu during the attempts to democratize the government. These groups had constituted the people's assembly that had since 1993 been expected to work out a new constitution for the DRC [then Zaire]. The arrival of the armed AFDL put an end to the democratization process but failed to incorporate these groups and turned them into an opposition. Despite the various transformations within these groups they remained an important element for any government that wanted to control Kinshasa. They were a very strong force in the Inter Congolese Negotiations and played a very crucial role in the transitional arrangements that came in force in 2004 and in the subsequent elections in 2006. Their role in the subsequent rebellions in the Kivus was completely limited.

The armed groups were from the start confined to the Eastern DRC. Most of these were splinter groups from the RCD formed in 1998 to challenge Kabila's hold on Kinshasa. Most of these were accommodated in the transitional arrangements in 2004 and participated in the 2006 elections. The transitional arrangements and the new government, however, did not address the original grievances of the Kinyarwanda speakers, alternatively referred to as Banyamulenge in South Kivu, and that is the issue of citizenship and land rights. The Kinyarwanda speakers who had earlier migrated from Rwanda for various reasons had become prosperous and acquired large grazing lands for their cattle. Their expansion encroached on local farming communities and this triggered land disputes. It was within the context of these disputes that the issue of citizenship was raised. This was basically to deny the Kinyarwanda speakers the right to the land they

already possessed. It was within this volatile situation that the Rwandan refugees arrived in the Kivus.

The influx of the refugees tilted the ethnic balance in the region in two ways. The new arrivals dramatically increased the numbers of Kinyarwanda speakers which increased the pressure on the land. This heightened the conflict between the indigenous groups and the Kinyarwanda speakers. As the conflicts unfolded the two groups became armed to protect their land interests: The Mayi Mayi protecting the indigenous groups and the various factions of the RCD protecting broadly the Kinyarwanda speakers. The issue of land and citizenship has remained central to the conflict in the Kivus and was mainly behind the CNDD rebellion from 2006. With the continuous internal displacement because of the fighting the issue of land gained central stage for as some groups were displaced others moved in. This is, for example, the case for the displaced Tutsi who were being prevented from returning to their former areas. It is extremely important that the land claims and disputes are expeditiously managed for peace to return to the region.

Secondly, the arrival of Rwandan refugees brought the rivalry between Hutu and Tutsi which had sparked the civil war in Rwanda into the Eastern DRC. The civil war theatre moved from Rwanda into the Kivus. The Tutsi in Goma/North Kivu allied with the Banyamulenge in South Kivu against the in-coming refugees. The same supported the Rwandan invasion and the push of the refugees back into Rwanda. However, some large groups of the armed refugees were not driven back into Rwanda and were able to regroup under the FDLR. This group has continued to be the excuse for Rwanda's presence in the Kivus and its support of armed groups against the central government in Kinshasa. Its open support of the CNDP noted above is a case in point. Thus in part the continuous conflict in the Kivus is the Tutsi/Hutu conflict that had shifted into the Kivus. Given the Rwandan support of the Tutsi in the Kivu's, it should not be surprising that their emerged some form of alliance between the indigenous groups, the government and the FDLR against the Rwandan forces and the Rwandan supported armed groups.

4.4 Conclusion

It can be concluded that the causes of intractable conflicts in the Kivus are thus closely linked to Rwanda's security interests in ensuring that the FDLR that was operating in the Kivus are neutralized and no longer pose any security threat to Rwanda as a state, and that those who took part in the Rwandan genocide in 1994 are taken to account for their actions. Rwanda went to the

extent of escalating the conflict in the Kivus to force the Kinshasa government to cooperate in the fighting and disarming of the FDLR. It was only when the Kinshasa government agreed to allow the Rwandan forces back to hunt for the FDLR groups that Rwanda was prepared to bring some form of peace into the Kivus. Rwanda mounted three so called joint military operations into the Kivus in search of the FDLR as noted above. The success of these operations were, however, limited because as the Rwandan forces moved in the FDLR forces moved in the forests only to come back when the forces left. This only goes to highlight the fact that the conflict in the Kivus is not completely over until the FDLR issue is resolved. The fact that the FDLR has access to mineral resources to meet its operational demands which have shifted from undermining the Rwandese government to enriching themselves (individually) means that the conflict is likely to continue. The only way this is likely to end is the formation of a devolved local government in the areas that is centrally supported and efficiently run and that is capable to managing the local economy. But the fact that the Kivus have been under different warlords for more than a decade makes this a very difficult undertaking.

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The conflict in the DRC went through two major phases. The first phase was from 1996 to 1997 when the invading Rwandan alliance moved from the Kivus to Kinshasa and replaced Mobutu with Laurent Kabila. The second phase was from 1998 to 2002 in which the Rwandan alliance was pitted against the Kabila alliance. This period produced a stalemate and a division of the country into mainly three parts, one under the control of the central government in Kinshasa, the second under Rwanda and the third under Uganda. Various agreements in 2002 and 2003 brought the second phase to an end and the formation of a national transitional government in 2004. Unfortunately for the Kivu's there has been a third phase from 2004 to 2010. The peak of this conflict in the Kivus was in 2007 and 2008 when the Nkunda rebellion brought havoc to the region and put to shambles all the efforts being made to stabilize the region. The arrest of Nkunda at the beginning of 2009 reduced the tempo of the conflict. It did, however, continue with Rwandan forces hunting down the FDLR forces in the Kivus. But while this has helped to cool down the situation it has not resolved the conflict. This is because it has not been able to resolve the root causes of the conflict.

5.2 Conclusion

The root causes of the ongoing fighting in the Eastern DRC are a combination of Congolese (DRC) country problems as well as regional problems. The two main causes of the conflict that have emerged from this study are: the absence of a central authority in Kivu province on one hand, and, the ethnic divide on the other. To these two factors, there should be added one intermediate factor and that is the existence of natural resources in the area which have provided various groups with resources to pursue the conflict and enough reasons to perpetuate the conflict. Below we look at each of these.

5.2.1 The Power Vacuum

It has been clear from this study that the Kivus for many years under the Mobutu regime were completely unconnected to the central authority in Kinshasa. This gave free reign to the local power brokers to act as they pleased. This absence of central authority had the two effects in the region. One is that the region became commercially integrated to the Eastern neighbors. The commercial networks that developed over the years became the cornerstone of the war economy that came with the conflicts. Two it left the borders porous thus allowing not only refugees but armed groups and the neighbors armies to enter the area at will. It is this that helped turn the area into the hot spot of regional conflicts.

The absence of central authority has allowed warlords to parcel the Kivu's into exclusive economic zones which they violently protected from others and from which they extracted natural resources at will. A decade of warlords controlling the area has not made it easy to re-establish any central administration. However, the only way that this could be effectively done is to lid the area of all the armed groups and have it centrally policed. This was not possible when the neighbors supported rebel groups and when the DRC army made alliances with local armed groups to fight the externally supported rebels. It is equally impossible with an ill disciplined and badly organized army that is engaging in resource extraction in alliance with armed groups (Interviews with Miti).

5.2.2. The Ethnic Divide

The two sets of ethnic divisions in the Kivus have already been discussed. The first set was between the Kinyarwanda speakers who had settled in the Kivus either during the colonial period or following the Hutu rebellion in 1959 and the conflicts that ensued in the early sixties and the indigenous populations. The conflict between these two was over land. As the Kinyarwanda speakers prospered the needed more land for their cattle. This encroached on the farmlands of the indigenous groups. The issue of citizenship was then raised as a tool in the struggle for land. The second set of the ethnic divide is a spillover of the ethnic conflict in Rwanda itself. This is a conflict between the Hutu and Tutsi. The largest group of the Kinyarwanda speakers was Tutsi. The genocide in Rwanda saw a flow of armed and an armed Hutu into the area. This started a new conflict in the Kivu's that was between the Tutsi and Hutu or between the old and the new

migrants. One has to really understand these two sets of the conflict and how it has played itself in the Kivus.

The Lusaka Agreement and the Pretoria accords acknowledge only the second set in which the Hutu that had moved in after the genocide are perceived generally as a threat to a predominantly Tutsi regime in Rwanda. It has sought by all means to ensure that this group, now organized under the FDLR is disarmed and repatriated to Rwanda. The FDLR on the other hand had formed multiple alliances during the two earlier conflicts. It had sided with the indigenous groups against the local Tutsi. It had sided with the central government armed forces against the Rwandan continuous hold of the Kivu's. This has enabled some of the FDLR forces to be integrated in the new central government army and those who did not to be protected by the indigenous groups that still needed them to fight their war against the local Tutsi.

It is unfortunate that the first set of the ethnic conflict has not been addressed in any of the agreements that led to the establishment of the transitional government in Kinshasa. The Rwandan government's open support for its kin through the Nkunda rebellion did not help the situation. It has in fact worsened the ethnic tensions making reconciliation more difficult.

The non-compliance of the disarmament, demobilization, repatriation and resettlement of the armed groups (DDRRR) as well as absent of full implementation of the integration programs for the Congolese army has rendered any efforts towards meaningful peace settlement for the conflict fruitless. This situation has prevented the envisaged reform of the security forces, through security sector reform programme (SSR). The biggest challenge for the DRC government and indeed for the neighboring countries of Rwanda and Burundi, is how to undertake the disarmament, demobilization, repatriation and resettlement of the FDLR armed groups roaming in Eastern DRC. This situation might require a scenario setting, such that there is a need for establishment of enabling environment in Rwanda to effect such a program.

5.2.4. Resource Abundance

It is clear that the availability of natural resources makes an area prone to conflict. But in many cases the existence of natural resources is not the actual cause of the conflict. The natural resources only help to prolong the conflict. The initial invasion of the Kivus by the Rwandan

Alliance had nothing to do with natural resources. However, the invading armies turned into resource extraction armies in the period 1999 and 2002 as the war reached a stalemate. Both Uganda and Rwanda benefitted immensely from resource extraction in this period as noted by the UN reports quoted above. One consequence of this was the militarization of resource extraction in the region which has persisted to date. In most of this period and later the military engagements were concentrated on taking control of specific mining areas. Every armed group tried as much as possible to participate in the lucrative trade either by direct involvement in the actual mining or taxing the mineral outputs. This in some instances led to some form of cooperation between the rebel groups and the government armies. In most recent times this was the case for the Mayi Mayi, the FDLR and the FARDC on the one hand and the Rwandan government and the CNDP on the other. It is this participation in the extraction of natural resources that allowed the armed groups to continue fighting. It also became an impediment to the demobilization process in the area.

What is important to note here is the fact that the existence of natural resources helped to promote a war economy which had a dynamic of its own. As long as there were profits to be made the fighting continued. It was, for example, the UN exposure of Rwanda and Uganda involvement in the illegal exploitation of natural resources in the DRC that led to their withdrawal from the country. The exposure made it difficult for them to continue profiting from the extraction of resources in the area even with the many shadow networks they had created. It was equally the UN report exposing the international companies engaged in the exploitation of natural resources in the DRC that led to their withdrawal. The profits to be made became minimal.

5.3 Recommendations

Taking a point of reference from the above challenges, I make the following recommendations with respect to each challenge:

5.3.1 Establish a central authority in the Kivus:

The only way to bring peace to the Kivu is to establish the central government's army authority. Together with the army one needs to re-establish the judicial system with the powers to break the culture of impunity and to effectively prosecute the warlords and criminal gangs that are terrorizing the region. This is not an easy undertaking but unless it is done the region will know

no peace. The World community and Regional organizations, should come to the aid of Kinshasa in its endeavors to regain full control of the Kivus.

From the political side, the government of the DRC should promote democratic process which will enable good governance mechanisms covering the whole country; most especially when integrating the Eastern Provinces into the mainstream politics of development. Having been neglected for a long time, the Kivu region should be able to “feel” that it is part of the Congo. This will help to re-establish control over the large ungoverned lands over which the armed groups have much control. The DRC government must ensure that its security forces have total control over these large areas

5.3.2 Address the ethnic, civic and land issues:

In order to bring to an end the ethnic conflict one has to openly address the ethnicity and land issues which lies at the heart of this conflict. The government should establish a civil society forum where ethnic divisions, civic and national identities can be addressed in hopes of reconciling the warring tribes. The aim of such forums should be to established national unity and reconciliation

The DDRRR and SSR programs need to be revisited in order to see their full implementation. There is a need to have a political will and commitment from all stake holders within the DRC (government and the general public), to address internal dynamics which are seen to hinder the implementation of the programs such as impunity on war crimes, protection of civilians and control over access and exploitation of natural resources.

At the regional level, there is a need to pursue for a political will and commitment of regional actors in addressing those issues which are regionally cross-cutting and which impact the attainment of peace and stability in the Eastern DRC

5.3.3 Establish an Effective Management of the Economy in Eastern DRC:

Given the above situation one can safely say that unless the central government is capable of securing the mining areas and ensuring that those that are doing the mining have legal licenses, actually pay taxes to the state and do not engage in illegal trade, the war economy will continue to flourish and with it the conflicts and violence. What this basically means is that peace will

only come to the Kivus with the establishment of a central administration that is both capable and efficient in its supervision of the economic activities in the region.

APPENDIX 'A' MAP OF DRC SHOWING THE KIVU PROVINCES



Map No. 4007 Rev. 6 UNITED NATIONS
April 2000

Department of Public Information
Cartographic Section

APPENDIX B: LIST OF INTERVIEWEES

	NAME	ORGANIZATION	POSITION
1	Brig Gen (Anonymous)	SANDF	Director Level (Has been in DRC on Peace Support Missions)
2	Mr. Henri Boshoff (Late,RIP)	Institute of Security Studies (Pretoria)	Researcher on conflict in the DRC and Great Lakes Region
3	Prof Kataro Miti	University of Pretoria	Lecturer on Political Science, Regional Security and International Affairs
4	Col GS Millanzi	Regional Peace Training Centre (RPTC), Harare, Zimbabwe.	Commandant, RPTC, Harare, Zimbabwe.
5	Brig Gen VS Mabeyo	TPDF Headquarters, Dar es Salaam, Tanzania.	Currently Director, Former Defence Advisor in Kigali, Rwanda.
6	Col GM Sangiza	SADC Secretariat, SADC Headquarters, Gaborone, Botswana	Staff Officer, SADC Organ on Politics, Defence and Security
7	Mr James Machakaire	SADC Secretariat, SADC Headquarters, Gaborone, Botswana	Staff Officer, Peace Building Mechanism

APPENDIX “C” INTERVIEW QUESTIONS :

- 1 How can the colonial history explain the current conflict in the Great lakes region in general, and in the Kivu province in particular?
- 2 How is the conflict in the DRC, related to the broader conflict in the Great Lakes Region?
- 3 How can the continuation and persistence of conflict in the eastern DRC after the Pretoria Peace agreement in 2002 be explained?
- 4 How can one relate Rwanda’s interests to the continuation of the war in the Eastern DRC?
- 5 To what extent has the illicit exploitation of natural resources exacerbated the conflict in Eastern DRC?
- 6 To what extent can the current problems in the eastern DRC be explained by the poor or non-implementation of the Security Sector Reform (SSR) and Disarmament, Demobilization Repatriation and Resettlement (DDRR) as demanded by the Pretoria Peace Agreement?
- 7 Why has MONUC/ or MONUSCO seem to have failed to prevent the re-ignition of the conflict in Eastern DRC?
- 8 It is now more than six years since the first general elections in DRC in 2006, following the inter-Congolese dialogue. Why has it been difficult for the DRC State to establish an effective local authority in Eastern DRC?
- 9 What can the international community do to solve the crisis in the Eastern DRC?

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