

Reflections on the Crisis in Eastern Congo (*)

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Together these images capture some of the key dimensions of the Congo's agony: succinctly put, the crisis in eastern Congo is a crisis of identity – what communities belong within the boundaries of the Democratic Republic of the Congo (DRC)? – compounded by a huge institutional void and a humanitarian catastrophe of unparalleled proportions. Which in turn helps explain the failure of the Goma conference on Peace and Security (January 2008) to live up to its stated objectives, and the subsequent collapse of the much-touted Amani peace process – of which more in a moment.

A Humanitarian Crisis of Huge Proportions

It is a commentary on the public indifference surrounding the Congo crisis that in spite of its far greater death-toll it receives only a fraction of the media attention devoted to Darfur.¹ While there are ample grounds for public revulsion over the tragedy in Western Sudan, it does not come anywhere near the scale of the human losses suffered by the DRC. According to a survey conducted by the International Rescue Committee (IRC), between August 1998, when the second Congo war began, and January 2008, an estimated 5.4 million died of war-related causes, including hunger, disease and sheer physical exhaustion. Approximately half of the dead were children under the age of 5. This means an average of 45,000 deaths each month. Since then another million may have succumbed of the same lethal side-effects of civil strife. Significantly, less than one per cent of these losses are identified as battle field casualties, a telling commentary about the deadly consequences of factional violence among civilians.

In North Kivu alone 1.2 million internally displaced persons (IDPs) have been forced out of their homes by the war. Since the resumption of hostilities in early October, an additional 100,000 IDPs are said to have fled their traditional homelands in and around Masisi and Rutshuru. Many of them are beyond the reach of humanitarian NGOs, facing starvation. But if the delivery of emergency aid to IDPs deserves urgent attention, the longer term problems of rehabilitation, social reinsertion and ethnic reconciliation are no less daunting.

In both North and South Kivu rape has become the weapon of choice of militias. The figures I came across for South Kivu indicate a total of 44,000 women raped since 2004, including 27,000 in 2006; for North Kivu 28,000 cases were reported in 2006. One UN official described the extent and intensity of sexual abuses in that part of the Congo as “worse than anywhere else in the world.”² The region is said to account for 75 per cent of all the cases treated by Médecins Sans Frontières (MSM) worldwide.³

A 2007 Human Rights Watch (HRW) report shows in graphic detail that responsibility for such crimes is widely shared among the main protagonists.⁴ These are Kabila's rabble army, the *Forces Armées de la République Démocratique du Congo*

¹ For notable exceptions see Lydia Polgreen, “Fear of New War As Clashes Erupt on Congo's Edge”, and more recently Jeffrey Gettelman, “Rape Victims' World Help Jolt Congo Into Change”, *New York Times*, December 13, 2007, p. 1, 20, and October 18, 2008, p. 1, 7.

² John Holmes, UN under-secretary general for humanitarian affairs, quoted by Tanguy Berthemet, “Au Kivu, la barbarie à visage humain”, *Le Figaro*, November 11, 2007.

³ Ibid.

⁴ HRW, *Renewed Crisis in North Kivu*, October 2007, vol. 19, no. 17 (A), pp. 34-42.

(FARDC) ; the remnants of Rwanda's Hutu génocidaires and their Congolese recruits, the *Forces Démocratiques pour la Libération du Rwanda* (FDLR); Rwanda's proxy in North Kivu, t General Laurent Nkundabatware (better known as Nkunda) and his *Conseil National pour la Défense du Peuple* (CNDP), to which must be added a flurry of local militias, the Mai-Mai, consisting of ethnic warlords whose loyalties are frequently shifting from one side to the other. The most brutal rapes, according to doctors interviewed by International Crisis Group (ICG), appear to have been committed by FDLR, only surpassed in terms of numbers by FARDC soldiers, who are said to have perpetrated 40 per cent of all human rights violations during the second half of 2006, including summary executions, beatings and rape.⁵

All armies have to contend with rapist elements in their midst -- including the Allied armies in WWII, whose record of sexual abuse in Sicily and Italy in 1943 and 1944, leaves one gasping.⁶ What makes the case of eastern Congo unlike most others, with the possible exception of Liberia and Sierra Leone, is the frequency and sheer perversity of sexual violence. Victims of rape include girls in their early teens as well as infants, like that three-year old girl admitted to the Heal Africa hospital in Goma, her body horribly mutilated.⁷ Some have endured excruciating pain, their genital organs torn. "Many of these rapes", writes Jerrey Gettelman, "have been marked by a level of brutality that is shocking even by the twisted standards of a place riven by civil war and haunted by warlords and drug-crazed child soldiers."⁸ The rapist's aim is not just to inflict suffering, but to shame the victim, to insult her honor and dignity and thus disqualify her from the sphere of civilized society. Shame reaches out to the entire family and beyond. In such extraordinary circumstances, and for all the progress registered in bringing punishment to the rapists⁹, the prospects for lasting reconciliation appear extremely dim.

The Costs of the Institutional Deficit

The state in the DRC is a fictional construct. This is largely true as well of the pr

and colonels to that of general, causing one observer to remark that the FARDC is an army of colonels and generals. Examples abound of rebels-to-colonels (or generals) stories. General Gabriel Amisi (aka Tango Fort), once a key figure of the pro-Rwanda rebel movement *Rassemblement Démocratique Congolais* (RDC) -- and known to have taken an active part, along with Nkunda, in massive human rights violations in Kisangani in 2002¹⁰ -- is now the Chief of Staff of

rising tensions between pastoralists and agriculturalists, the imposition by warlords of new administrative structures”, all of which, he said, add up to a “regression” compared to the period preceding the elections.¹¹

Regression takes many forms, however. While fragmentation and intra-ethnic conflict are dominant features of the South Kivu scene, ethnic polarization is a central characteristic of the crisis in North Kivu.

Contested Identities

The common thread that runs through the history of the Kivu region brings into sharp focus the question of identity: are Rwandophones – i.e. speakers of Kinyarwanda -- legitimate members of the Congolese nation? And since Hutu and Tutsi both speak Kinyarwanda, how does ethnicity affect one’s claim to citizenship?

Language is evidently not the most reliable identity marker. Until the Rwanda genocide, it was central to the distinction between Banyarwanda and “native” Congolese; “Rwandophonie” again emerged as a major source of Hutu-Tutsi solidarity during the tenure of North Kivu governor Eugène Serufuli (2004-2006), himself a Hutu. In the Congo as elsewhere in the continent representations of “the other” have been subject to constant redefinitions and re-ordering, but nowhere with such astonishing fluidity as in the Kivu region, where language, body maps, regional ties, migration patterns are competing for recognition as criteria for “belonging”.

Not cultural givens but historical events are the key to the question as to why one cultural trait – be it language, ethnicity or body map -- happens to prevail over the other at any given time. This is not the place for a detailed excursion into the colonial and post-colonial past, except to note that history is itself a major source of contestation. Whether it is denied, reinterpreted or simply forgotten, historical evidence is an important reference point in defining the contours of conflict. Interestingly, while ethnic Tutsi are frequently ostracized by “native” Congolese, this is seldom true of those Hutu, *interahamwe* as well as civilians, who came in as refugees after the Rwanda genocide. As allies of Kabila pere during the second Congo war (1998-2003), their strong stand against Rwanda’s incursions exonerates them of the onus of foreignness.

As I was reminded by my chance encounter with this young man from Uvira, for many Congolese intra-Tutsi differences – as between the Tutsi-Banyamulenge of South Kivu and the Tutsi of North Kivu – are irrelevant; they are all “Rwandans”, no matter how divergent their historical trajectories. Even though they are sometimes lumped together as “ethnic Tutsi” they stand as distinctive aggregates.

Banyamulenge who, to this day, claim to have been consistently “instrumentalized” by the Kigali authorities to serve their own short-term strategic objectives.

Irrespective of their differences, both groups have been the target of systematic violence during the dying days of the Mobutu regime. As a consequence both have emerged as Rwanda’s most trustworthy allies in the years following the genocide, spearheading the anti-Mobutist rebellion in 1996, and again in 1998 when many Banyamulenge joined the RDC during the Rwanda-backed anti-Kabila crusade. This last episode, coupled with Kagame’s role in sponsoring the birth of the pro-Banyamulenge RDC, were key elements behind the rise of anti-Tutsi sentiment among self-styled *autochtones*. And with the attack -- and temporary take-over -- of Bukavu by Muteovp

number of Tutsi pastoralists who lived as refugees in Rwanda have returned to Masisi, along with their herds. His long term goal, however, is to carve out for himself a substantial sphere of influence in North Kivu, so as to bring back to their traditional homeland all of the 50,000 ethnic Tutsi currently living in Rwanda, the principal recruiting grounds for his combatants.

For all the bogus evidence used in the Congolese media to show proof of direct Rwandan intervention on Nkunda's side during the recent confrontation in Rumangabo, many questions persist about the exact nature and scale of Rwandan assistance to the CNDP. Once this is said, if push comes to shove, there can be no doubt that Kagame can be counted on to come to the rescue of his loyal ally.

This is where the conflict in eastern Congo carries ominous implications. A re-entry of Rwanda on Nkunda's side would have the direst consequences. Besides ratcheting up Hutu-Tutsi tensions throughout the Great Lakes, including Burundi, it could only imperil the still fragile coalition stitched together by Kabila in the wake of the elections. Even if the efforts of the international community are temporarily successful in preventing Kagame from joining the fray, this will not bring the conflict to an end. Given the appalling performance of the Congolese army, and in the light of the virtual collapse of the Amani initiative, the prospects for peace are anything but encouraging.

The Collapse of Amani

On September 25, Kabila's Minister of Interior succinctly described the essence of the Amani peace process: "on désengage, on sépare, on regroupe et on démobilise ou on réintègre!"¹⁴ Notwithstanding a few difficulties, he added, the results are globally positive. Even as he spoke, however, it had become painfully evident that Amani was on the ropes.

Amani – "peace" in Swahili – refers to the machinery put in place to implement the commitments made by the participants to the Goma conference (January 6-26, 2008), officially known as the Conference on Peace, Security and Development in the Provinces of North and South Kivu. Through this so-called *acte d'engagement*, they agreed to work towards (a) a cease-fire through the whole of North Kivu, (b) the disengagement of the combatants and the creation of demilitarized zones as a first step towards the disarmament and reintegration of the troops, (c) the return of the IDPs and refugees, (d) an amnesty law for acts of violence other than genocide, war crimes and crimes against humanity.

The conference began with 600 but as the word got around that each participant would receive a \$ 135.00 per diem attendance rose to 1,500, including delegates from some 30-odd "grassroots communities" and as many armed groups.¹⁵ The listing of such groups in the opening sentence of the *acte d'engagement* lends a touch of the surreal to the proceedings: "We, FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai Kirichiko, Pareco SK, Raia Mutomboki, Mai-Mai Nyikiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai, Mai-Mai

¹⁴ Radio Mandeleo, Bukavu, Sep. 25, 2008.

¹⁵ See *Amani Leo! Actes d'Engagement*, Publié par la cellule de communication de la Conférence, Goma, February 2008, p. 5.

Shabunda,... make the following commitments...”. One wonders what to make of the commitments of such ephemeral groupings, many of which appear to have materialized out of thin air in order to cash in the per diems. In any event, in view of its size it is easy to see why procedural matters consumed much of the agenda, and why in the end the really important issues were handled through a small group of movers and shakers, among whom Nkunda, Vital Kamerhe, President of the National Assembly, Malu-Malu, Head of the Electoral Commission, Alan Doss, Special Representative of the UN Secretary General, Tim Shortly, representing the US, and Roland Van Der Geer, on behalf of the European Union.

Responsibility for implementing these noble objectives was entrusted to an extraordinarily complicated scaffolding of committees and sub-committees, which together formed the mainstay of the Amani program. Thus, to assist the key decision-making body (*Commission Technique Mixte Paix et Sécurité*) two sub-committees were set up in each of the two provinces (*Sous-Commission Militaire Mixte*, and the *Sous-Commission Humanitaire et Sociale*) Each gave birth to two committees (*Comité Provincial Militaire*, and *Comité Provincial Humanitaire et Social*) which in turn spawned a number of smaller bodies, known as cells (*cellules*) : *Cellule de Désengagement et Cessation des Hostilités*, *Cellule de Désarmement, Démobilisation et Résinsertion (DDR)*, *Cellule Resoration de l’Autorité des l’Etat*, for the first of these committees, and *Cellule des Déplacés Internes*, *Cellule des Réfugiés*, *Cellule d’Appui Politique*, *Cellule Administrative et Juridique* for the second. Overseeing the work of this top-heavy bureaucracy was the *Comité de Pilotage*, consisting of representatives of all the relevant government ministries, assisted by the *Facilitation Internationale*, serving in an advisory capacity and made up of US and EU delegates. Hundreds of participants were involved, drawn in part from the provincial and central bureaucracies and the international community as well as from civil society organizations (*communautés de base*) and representatives of armed groups. Both received monthly salaries of approximately \$ 2,000 as well as free meals. The total cost of the enterprise, and who picked up the tab, are anybody’s guess.

Even in the best of circumstances it is hard to imagine that anything constructive could have emerged out of this extraordinarily ponderous machinery. Cynics would argue that such was not the prime objective of Amani; the aim, rather, was to make sure that the pursuit peace would hold tangible benefits for the participants so as to insure their continued participation. This was undoubtedly true of the *groupes armés*, whose involvement in the peace process was crucial to its success. Nonetheless, to view Amani as a mere trough¹⁶ does little to illuminate the wider landscape.

A major shortcoming of both the Goma conference and the Amani follow-up is that it left out of the proceedings a major political actor, the FDLR. There can be no doubt that the hard-core leaders are *génocidaires* or *ex-Forces Armées Rwandaises* (FAR), and that many continue to commit atrocities against civilians. Excluding them on moral grounds makes considerable sense; from a political perspective, however, bringing them on board is a more sensible approach (for the same reasons that critics of the Bush administration would open talks with Iran, however unpalatable this may seem on moral grounds). One wonders in

But where the MONUC's record leaves most to be desired is in its failure not just to suppress violence but the roots of violence. As has been argued convincingly by Séverine Autesserre, considerably more attention should be given to the many complex local issues that lie in the background of rural unrest. To quote, "distinctively local agendas motivate a large part of the ongoing violence in the Congo, yet diplomats, UN officials, and journalists have focused almost exclusively on the regional and national problems."¹⁷ What has evaded the grasp of MONUC officials is "the critical fact that today local conflicts are driving the broader conflicts, not the other way around",¹⁸ and because of this myopic view of the dynamics of conflict almost nothing has been done to effectively come to terms with the roots of inter-

But as much as the racist overtones of the government-controlled media, corruption contributed in no small way to the