INTERMITTENT CONFLICTS IN DEMOCRATIC REPUBLIC OF CONGO (DRC): THE CASE OF NORTH KIVU TURMOIL
1994-2004

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M.A. PROJECT

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2015
DECLARATION

THIS IS MY ORIGINAL WORK AND IT HAS NOT BEEN SUBMITTED IN ANY OTHER LEARNING INSTITUTION.

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SUPERVISOR’S APPROVAL

THIS WORK HAS BEEN SUBMITTED WITH MY APPROVAL AS UNIVERSITY SUPERVISOR

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DR. HERBERT MISIGO AMATSIMBI DATE
DEPARTMENT OF HISTORY AND ARCHAEOLOGY
DEDICATION

This work is dedicated to the victims of conflict worldwide and in particular the women of the Democratic Republic of Congo who continually lift their eyes to God, to break the bow and shatter the spear and burn the shields with fire. That, He would hear them and make the war cease to the ends of DRC, May He be exalted in DRC. Psalms 46.
ACKNOWLEDGEMENTS

This project has seen the light of day through the moral and technical support from colleagues, experts and family. Most central being the constant and academic advice from my supervisor Dr. Herbet Amatsimbi Misigo, his expertise, useful ideas, brotherly and constructive criticism resulted in the fruition of this project.

I am equally indebted to my programme Co-ordinator, Dr. G. Gona for not only sensitizing me on conflict related issues but creating a desire in me to visit the relevant sites of the war. Dr. M. Mwiandi, for not allowing me rest till the work was accomplished. Prof. Simiyu and Prof. G. Mariuki, your fatherly advice has gone along way. Dr. E. Wahome, the then, Chairman of the Department of History and Archaeology. To Dr. Musambayi Katumanga, for your time and criticism and developing and sharpening my academic vision, I found all this rewarding in the entire exercise.

My spiritual mentors, the family of Prof. Peter & Margaret Kôbonyo, Pastor Kingsley and Mrs. Florence Ejim, Mama Scola, Prof. H.D. Kiiru, Dr. W. Kiai, My boss, sister and friend, Ms. M. Lugonzo, Isabel, Eunice, Dr. Wairimo, and Njeri Muhoro, Mama Sirengo, when the journey proved hard you continually held my hand both spiritually and financially. Only God will reward you. Gladys Kitheka and Brian History Department, my people, thank you.

Special thanks to the Staff at United Nations Stabilization Mission in Congo (MONUSCO) in DRC, for permitting me to make use of your upto date information and
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I equally, thank my brothers and sisters, Tom, Mary, Jane, Arthur, Rita, Felix, Martin, Noel, Mike, Winnie, and Juliana, my nephews and nieces, you have beautified my life. Thanking you for sticking closer. Last but not least Noel, Evelyn and Angy, I can’t say enough.

Finally to Him who makes all things beautiful in His time, The Almighty God, Alpha and Omega. He began the journey with me as Alpha, walked with me as Emmanuel and has brought this work to the end as Omega. Daddy, I bless your Name forever.
ABSTRACT

The study set out to examine and analyze factors responsible for the intermittent, mutation and the impact of the conflict in the North Kivu, Democratic Republic of Congo. Despite the presence of the largest contingent of United Nations Peacekeepers, the conflict had persisted and civilians continued to experience atrocities and bore the brunt of the violence. The study draws extensively from theoretical frameworks on failed states theory and conflict systems theory advanced by William Zartman et al., and Makumi Mwagiru respectively. It seeks to respond to the question of continuity of the conflict in North Kivu and examine factors underlying emerging mutations and impacts of the same.

The study contends that the continuity of conflict is a function of absence of security engendering ideas critical for developing institutions. It’s the failure of the DRC government to engender ideas critical to the establishment of strong institutions vis-à-vis strongman. These encompass both internal and external dynamics. Response to the above entails state, regional and global policy constructs and actions.

To achieve the above, the research field was conducted in the Kivu region from 19th May 2014 to 1st June 2014 and April 2015 to May 2015, the study covered the period from 1994 to 2004. The conflict in the DRC has been raging for the last two decades and despite the signing of peace agreements the conflict has continued to mutate and the reconstitution of the state has proved futile. The research adopted in-depth interview, interview guide and observation, recording in data collection and analyzed qualitatively and descriptive in form. The data used in this project is drawn from a number of sources, the primary and secondary data complement each other.

The study findings revealed that the factors responsible for the intermittent conflicts are both internal and external. These include the inability of the Democratic Republic of Congo to reconstitute a nation state, the interference from the regional neighbours and the indifference of the international community and on the mutation, the findings clearly depict the failure of the Democratic Republic of Congo to monopolize the instruments of violence, which created a favourable environment for conflict to mutate both in form and violence. Second, the war has not only torn apart social fabric of the society, dilapidated infrastructure, but has resulted in political instability, displacements and untold suffering for the Congolese citizens. Generations after generations never get to enjoy the fruits of independence. The country has stagnated in a "transition mode" that never seems to end. Besides the foregoing, the conflict has had negative impact on the economy of the great lakes region. This has been enhanced by lack of trust among the countries embroiled in this conflict. The absence of trust remains a key challenge especially when implementing peace, security and cooperation frameworks.
TABLE OF CONTENTS

DECLARATION.................................................................................................................. ii
DEDICATION ....................................................................................................................... iii
ACKNOWLEDGEMENTS ...................................................................................................... iv
ABSTRACT ........................................................................................................................... vi
TABLE OF CONTENTS ........................................................................................................ vii
LIST OF ABBREVIATIONS ................................................................................................ X

CHAPTER ONE: BACKGROUND TO THE CONFLICT ..................................................... 1
1.0 Introduction .................................................................................................................. 1
1.2. Statement of the Problem .......................................................................................... 5
1.3. Objectives of the Study ............................................................................................. 6
1.4. Justification of the Study .......................................................................................... 7
1.5. Scope and Limitation ................................................................................................. 7
1.6. Literature Review ...................................................................................................... 8
1.6.1. Conflict Mutations and State Security ................................................................. 12
1.7. Theoretical Framework ............................................................................................. 19
1.8. Hypotheses ............................................................................................................... 23
1.9. Research Methodology ............................................................................................. 23

CHAPTER TWO: HISTORICAL BACKGROUND TO THE CONFLICTS IN DRC ........ 26
2.0. Introduction ............................................................................................................... 26
2.1 Colonialism, Independence and Assassinations 1960-1965 ...................................... 27
2.1.1. Kuku Mbwendu wa za Banga Mobutu the Leopard ........................................... 33
2.1.2 State Decay and Conflict ....................................................................................... 37
2.2. The Second Congo War ............................................................................................ 42
CHAPTER THREE: INTERMITTENT CONFLICTS IN NORTH KIVU 1994 – 2014

3.0. Introduction ..................................................................................................................47
3.1. Causes of Continued Conflict in DRC.........................................................................49
2.2. Causes of Conflict in North Kivu- .............................................................................50
3.2.1. Political ......................................................................................................................51
3.2.2. Failed DDRR and SSR Programs ...........................................................................56
3.2.3. External Dynamics ...................................................................................................57
3.2.4. Failed Peace Agreements .......................................................................................63
3.2.5. Impunity ...................................................................................................................66
3.3. Economic factors of Violence ....................................................................................70
3.4. Social Factors .............................................................................................................74
3.5. The Resultant Mutation...............................................................................................76

IMPACT OF INTERMITTENT CONFLICT IN NORTH KIVU ...........................................80
4.0. Introduction ..................................................................................................................80
4.1. The Political and Security Impacts of the Conflict.....................................................81
4.1.1 Political Impacts .........................................................................................................81
4.1.2. Security Impacts ......................................................................................................82
4.2. The Economic Costs of Conflicts in the Kivu.............................................................84
4.3. Social Costs of Conflicts In Kivu ................................................................................85
4.3.1. Health and Education Sectors ...............................................................................85
4.3.2. Gender Based Violence ..........................................................................................87

CHAPTER FIVE: CONCLUSION .........................................................................................107
5.0. Introduction ..................................................................................................................107
BIBLIOGRAPHY ................................................................................................................117
### LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFDL</td>
<td>Alliance des Forces Démocratiques Pour la Libération du Congo-Zaire</td>
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<td>ADP</td>
<td>Alliance Democratique des peuples</td>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>BAKWANGA</td>
<td>Mbuji Mayi</td>
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<td>CAR</td>
<td>Central Africa Republic</td>
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<td>CEPGL</td>
<td>Economic Committee of the Great Lakes Region</td>
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<td>DFRD</td>
<td>District Focus for Rural Development</td>
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<td>CONADER</td>
<td>Commission Nationale de Desarmement, Demobilisation et Re-insertion</td>
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<td>CONGO</td>
<td>Zaire</td>
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<tr>
<td>CRD</td>
<td>Conseil de la Resistance pour la Democratie</td>
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<tr>
<td>CIA</td>
<td>Central Intelligence Agency of the United States of America</td>
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<tr>
<td>CNDP</td>
<td>National Congress for the Defense of People</td>
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<tr>
<td>DDR</td>
<td>Disarmament, Demobilization, Reintegration</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>EX-FAR</td>
<td>Former Rwandan Armed Forces who took part in the 1994 Genocide</td>
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<tr>
<td>FAC</td>
<td>Forces ArméesCongolaise. The DRC Government Army between 1998 and 2003</td>
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<tr>
<td>FARDC</td>
<td>Forces Armées de la République Démocratique du Congo.</td>
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<td>FAZ</td>
<td>Forces Armées Zairoises. Zairian army before 1997</td>
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<tr>
<td>FDLR</td>
<td>The Forces Democratiqques de Libération du Rwanda</td>
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<td>FNI</td>
<td>Front Nationaliste Integrationiste</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>LEOPOLDVILLE</td>
<td>Kinshasa</td>
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<td>MLC</td>
<td>Mouvement de Libération du Congo</td>
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<tr>
<td>MRL-Z</td>
<td>Mouvement Revolutionnaire pour la liberation du Zaire</td>
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<td>MIBA</td>
<td>Miniere du Bakwanga</td>
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<tr>
<td>MONUSCO</td>
<td>United Nations Stabilization Mission in Congo</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>OAU/AU</td>
<td>Organization of African Unity/African Union</td>
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<tr>
<td>PRP</td>
<td>Party of the Popular Revolution</td>
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<tr>
<td>RCD</td>
<td>Rassemblement Congolais pour la Démocratie</td>
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<tr>
<td>RCD/ML</td>
<td>Rassemblement Congolais pour la Démocratie (Mouvement de Libération)</td>
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<tr>
<td>RPA</td>
<td>Rwandese Patriotic Army, the RPF Army</td>
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<tr>
<td>RPF</td>
<td>Rwandese Patriotic Front, the political arm of RPA</td>
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<tr>
<td>SSR</td>
<td>Security Sector Reform</td>
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<tr>
<td>STANLEYVILLE</td>
<td>Kisangani</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<tr>
<td>Acronym</td>
<td>Abbreviation</td>
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<tr>
<td>UNITA</td>
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<td>UNSC</td>
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<td>USA</td>
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DEFINITIONS

A cross system

The recurring causes of conflicts between two or more countries in a region.

Armed elements

It has been used in this study to refer to former Rwandan Army officers and Interahamwe militia who moved into Kivu provinces with weapons after the 1994 Rwandan genocide. Those who were disarmed at the border by the Congolese soldiers quickly rearmed in the camps alongside new recruits.

Banyamulenge

Ethnic Tutsi pastoralists who have lived on the highlands of South Kivu since the end of the nineteenth century.¹

Banyarwanda

Congolese Hutus and Tutsis of Rwandan origin.²

Banyarushuru

The Hutu that migrated to Rutshuru before 1959

Banyamasasi

The Hutu that migrated to Masisi before 1959

Division SpecialePresidentelle

Mobutu's private army, this elite military unit was recruited almost entirely from the president's equatorial region. In stark contrast with the FAZ, its fighters were better paid and properly equipped.

Genocidaires

Those who perpetrated genocide in Rwanda.

Interahamwe

An extremist Hutu militia group that committed the bulk of Rwanda's genocide.\(^3\)

Lingala

The lingua franca of Congo, it is also the adjective used in Africa to refer to the country's music.\(^4\)

M23

A section of the Congolese army that mutineed after the DRC government threatened to hand Over Bosco Ntaganda to the International Criminal Court.

MONUSCO


MONUC


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\(^4\) ibid
CHAPTER ONE
BACKGROUND TO THE CONFLICT

1.0 Introduction

The 21st century has been termed as the most brutal in the history of war having witnessed the most lethal conflicts involving the use of civilians in war. To date, the international arena has been grappling with this new form of war that has dominated its landscape since the end of the cold war. Unlike conventional wars, where armed conflict was interstate, the current conflict is mostly intra state fueled by ethnic, religious, failed political transitions whose aim is to create terror in an entire society, affecting social relations and totally destroying the social fabric of communities.

According to the global security organization, during the WW1 civilians amounted to 5% of the casualities. From WW2 the number of fatalities, those maimed, wounded or killed as non combants rose to 50% and in the 1990s to 90%. The above has been supported by the United Nations Development Programme, the UNICEF 1996 report and from data collected by Uppsala conflict data program which confirms that between 30% and 60% of fatalities in 2002 were civilians.

The 1996 Machel report clearly depicts the changing face of today’s war/conflict with civilians, women and children increasingly being targeted and war being more drawn

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5 *Human Security Report 2005*
more immediately and systematically and massively to the civilian population and states the following:

 Millions of children are caught up in conflicts in which they are not merely bystanders, but targets. Some are victims to a general onslaught against civilians, while others die as part of a calculated genocide. Still other children suffer the effects of sexual violence or the multiple deprivations of armed conflict that expose them to hunger or disease. Others have been seriously injured or permanently disabled and countless have been forced to witness or even to take part in horrifying acts of violence. Just as shocking, thousands of young people are cynically exploited as combatants.9

The coalition to stop use of child soldiers 2009 indicates that by at least 86 countries had incorporated the child soldiers into militias and other groups. Among the countries that have been notorious in the recruitment of child soldiers include Chad, Myanmar, Somalia, South Sudan, Yemen, Uganda youngest being 5 years and the Democratic Republic of Congo (DRC). Save the children report on its part documents that a total of 120,000 girls have been involved in war and some as young as 8. Sierra leone had 48,000 child soldiers 12,000 were girls. DRC 12,500 were girls, Sri lanka 43% of the 50,000 were girls.

According to Brookings Institution analyst Peter Singer, one common feature in todays conflict is the use of child soldiers.10 That children fight in nearly 75% of conflicts and comprise a large number of those undergoing demobilization.11

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While the reason for recruitment varied, most common roles and responsibilities identified as combatants, camp support roles, wives to comrades porters, suicide bombers, intelligence gatherers, distracters on frontline.

The Stockholm International Peace Research Institute, armed conflict has become more fluid and less easily defined the trend of conflict is towards further fragmentation of violence, this has been accompanied by diversification of armed groups and further erosion of the boundaries.\(^{12}\)

One reason attributed to the increase in civilian casualties and deaths in the current conflicts around the globe, is the availability, accessibility and compatibility of the small arms and light weapons and the engagement mostly by untrained and undisciplined militias who easily carry out guerilla warfare with these weapons.

Kaplan notes that, as a result of this the continent has been branded as a place of insecurity and human rights violations\(^{13}\). The above fact is supported by Jeffery Gettleman who describes the conflict in Africa as wars without an end that spread like a wild pandemic.\(^{14}\) From independence to date, the continent’s picture has been of horror and violence. Academic discourses testify of the same with many discussions centred mostly on the insecurity, wars, and human rights violations.

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Even though the number of inter-state wars declined most countries contained to play host to one or many armed groups and non-state actors. The presence of these groups is attributed to the availability of ungoverned spaces which have provided a sanctuary for armed groups. This is further supported by the World Bank’s 2011 world development report on conflict, security and development.\textsuperscript{15} The report states that, the cycle of repeated violence in fragile states is as a result of territories which have become breeding grounds for far reaching networks of violent radicals and organized crime.

1.1. The DRC Conflict

While war has ceased in most parts of the world, in the Democratic Republic of Congo the conflict has been raging on for the last two decades. The magnitude of this conflict is not only in relation to the number of death so far claimed but also to the complexity and mutation of the war itself. To date, the conflict has claimed over 5 million lives either directly or indirectly. The names ascribed to the conflict also bear witness of the toll of this war not only on the DRC but both regionally and globally. “Africa’s World war,” “Seven nation war,” “War within War.” The atrocities accompanying the conflict have also resulted in Goma city being referred to as the “the world’s rape city.” Rape in Goma has been used as systematically as weapon of war. The conflict accrued from the spillover effect of the Rwandan genocide of 1994.

The entrance of the “interhamwe” and ex-far in to the DRC and their continued incursions against the Rwandan regime forced the Rwandan Patriotic Army (RPA) to

pursue them into the DRC by creating a rebel alliance with the face of a Congolese, under
the command of Laurent Kabila to take over Kinshasa. One year down the line the marriage between these parties collapsed leading to a bitter divorce that resulted in the formation of another rebel group *Rassemblement Congolais Pour la Democratie* (RCD) by both Rwanda and Uganda and to date the mutation of both the rebel groups and the conflict has continued making the DRC conflict the worst in 21\textsuperscript{st} century. The intermittent conflicts in the Kivu region have continued to destabilize the DRC government and the region with far reaching political, and socio-economic consequences. The project therefore seeks to understand the dynamics of this great and complicated war.

1.2. Statement of the Problem
Between 1996 and 2013 the Democratic Republic of Congo (Zaire) experienced two major conflicts that pitied the state against alliances of non-state actors. The first conflict in 1996, converged a broad regional state alliance, *Alliance des Forces Democratique Pour la Liberation du Congo* (ADFL) against the Mobutu regime.\textsuperscript{16} In 1998 a new conflict ensued, this time pitying Angola, the Laurent Kabila led Government of DRC, Zimbabwe and Namibia against both Rwanda and Uganda rebels allies.\textsuperscript{17} Efforts at finding peace to end insecurity have proved elusive. After concerted attempts in Lusaka, Sun City agreements, *Mission de l’Organisation des Nations Unies en Republique democratique du Congo* (MONUC) was employed with a mandate to help reconstitute the state. Yet notwithstanding the presence of 17,000 peacekeepers from MONUC and thereafter *Mission de l’Organisation des Nations Unies pour la stabilization en

\textsuperscript{16} Mainly Rwanda, but also military and diplomatic support of Uganda, Angola, Ethiopia and Eritrea.
\textsuperscript{17} Core in these were: Rassemblement Congolaise pour la Democratie (Congolese Rally for Democracy RCD) before it split into RCD Goma aligned to Rwanda and RCD-Kisangani aligned to Uganda. Later other groups such as Mouvement pour la Liberation du Congo (Movement for the liberation of Congo MLC) of Jean Pierre Bemba emerged
Republique democratique du Congo (MONUSCO), the conflict persists. Equally constant has been the morphing of rebel groups. This foregoing is intriguing given the fact that one of the key features in the reason for existence of a state rests in the ability of a government to provide economic, social and political security to its citizens. The situation in Eastern Democratic Republic of Congo demonstrates the converse. Over the last 25 years, the region has been mutating in the types and forms of violence. It is estimated that over 5 million people or 7% of the population have lost their lives as a result of both these conflicts and other related phenomena. Internally displaced persons in the region of North and South Kivu, Orientale, Katanga and Equateur Provinces are estimated at 1,721,382. It is this huge lose, mutation and different forms of violence in the provinces and in particular the North Kivu that attracts the study. The project specifically seeks to respond to three questions: what is the genesis of the Conflict? What factors explain the re-occurrence and mutation of the conflicts in the eastern Congo? What has been the impact of the conflict? These study aims at answering these questions and others.

1.3. Objectives of the Study

Broadly stated, this study seeks to analyze and explain the dynamics of the contemporary conflicts in the Eastern DRC. The specific objectives of the study are:

a. To examine the genesis of conflict in DRC

b. To examine causes of the re-occurrence and mutation of the Conflict in North Kivu.

c. To assess/evaluate the impact of the conflict
1.4. Justification of the Study

For Zartman et al., state collapse entails a situation or a case where the core functions of state such as law and political power are in disarray as a result of diminishing authority and power. They attribute this to the inability of the leadership to respond to the task of nation state crisis of Institutional penetration in the society, resource distribution and allocation, identity crisis, conflict management and resolution, and participation. While they proffer suggestions such as the emergence of a strongman they do not anticipate the challenges of reconstituting the state with a combination of external forces and a disorganized military. Besides the aforementioned, the war has been costly in terms of loss of human life and destruction of property, the influx and involvement of many actors and players in the war including intervention of the United Nations creates a global concern. The study therefore explains mutation of violence despite the presence of United Nations peacekeeping force an external presence. It responds to the question, what are the factors underlying emerging mutations of the conflict?

1.5. Scope and Limitation

The research examined the factors contributing to the re-occurrence and mutation of conflict in the North Kivu of Eastern Democratic Republic of Congo from 1994 to 2004. The choice of 1994 happens to be the year when more than a million hutu refugees including the genocidaire poured into the DRC, after which they re-grouped and besides militarizing the camps they were involved in threatening the security of Rwanda with the help of the Mobutu regime. In response to these attacks, the Rwanda and Uganda regimes created a rebellion in the Alliance des Forces Democratiques Pour la Liberation du Congo. Captured also in the study is the periods between 2002 and 2013. The
selection of these two years are informed by several factors. The choice of the former is informed by the fact that it marked the period for a real attempt at reconstitution. The broad government of 4+1 had different armed groups and unarmed civil society. In addition it had the blessing of the United Nations and its, MONUC force. This anchors our interest as internal led state reconstitution process began. The year 2013 is informed by the intensification of the conflict and the mutation at international military level with the introduction of forces intervention brigade (F.I.B). Notably, while two objectives are thus examined and analyzed by this decade, issues prior to and post 2013 are captured in chapters two, three and four.

The limitations of the study stem from the brief research period and limited resources.

1.6. Literature Review

For Adedeji et al., conflicts in many states, DRC included are rooted in resource competition. His argument is that competition for resources typically lies at the heart of conflict and thus explains the competition among the elites in stable political environments. That resources play a role in conflict’s nature and mutations in the end turning a blessing to a curse. While people may clash over resources, which is actually what politics is about, core in the process is the absence of relevant state institutions, tasked with aspects of authoritative allocation of resources especially in cases of failed states. Our study appreciated this dynamic especially the role of state and leadership in containing conflicts. The study was interested in the link between State management, outbreaks and continuity of conflicts.

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Abdalla Bujra on his part attributes conflicts to bad seeds sown by the superpowers, rivalry and competition for strategic allies, and mineral resources and these actions were expressed in their support for or opposition to certain parties and overturning governments, support and sustenance of rebel movements.\(^{19}\) He points to the overthrow, and death of Patrice Lumumba and installation of Mobutu, as an action that has resulted in serious unforeseen consequences that still bedevil the DRC to date. This fact is supported by Bukwesegha while commenting on the ouster of Mobutu.\(^{20}\) He asserts that the ouster was not only pegged on his plundering of the resources of DRC but also due to his pauperizing the citizens while advancing the desires of external powers.

While the above observations are appreciated as contributing factors to some extend to the DRC political instability, they however, fail to state why this should be peculiar to only some states. How is it for instance that other states that have had conflicts, have moved on? Is it that the external actors have been defeated/managed/silenced if so what explains DRC’s inability?

Jason, Bucyalimwe et al., all agree to the fact that ethnicity in itself is not evil; indeed they attribute ethnic conflict to the manipulation of ethnicity by the political elite for selfish motives. According to Jason, the mobilization of population along ethnic lines by the local strongmen is an essential part of political strategy that seeks to protect and


increase their relevance and importance.\textsuperscript{21} Bucyalimwe writing on land conflicts in Masisi in Kivu recounts on how the Tutsi initially had been accorded voting rights by the outgoing colonial governments resulting in their garnering 80\% local council seats during the pre-independence elections but the their voting rights were revoked leaving them as political refugees unable to exercise democratic rights.\textsuperscript{22} While we appreciate the contribution of this citizenship nullification to local conflicts in the Kivu region, what we do not get from Stearns et al., position is why such conflicts mutate even in the context of international peacekeepers. It is interesting to understand the role this revoking of citizenship continues to play in the conflicts, specifically, we are interested in understanding how, this revocation has negatively contributed to the governance of this region.

Saidemann brings out the nexus between insecurity and ethnic politics. To him politicians play a critical role in security determination. Their favoring of one ethnic group at the expense of others deteriorates the security climate, but if they downplayed these identities by building ethnic constituencies and developing non-ethnic ideologies the other ethnic groups will feel secure.\textsuperscript{23} While this position that draws a link between insecurity and ethnicity is interesting, the question we grapple with is what is the real problem? Is it ethnicity or governance?

\textsuperscript{21} Stearns Jason: North Kivu, The background to conflict in North Kivu Province of Eastern Congo Usalama Project pg.1.
According to Gagnon conflict along ethnic cleavages is usually a handiwork of elites to mobilize support and fend off domestic political challenges especially when the status quo is being challenged.\textsuperscript{24} The above is better summarized by Stuart Karfmann who contends that "ethnic war is as a result of the presence of man's hostility within ethnic groups, ethnic outbidding by political elites within the groups and a security dilemma that increases collective fear of the future when these elements are present ethnic violence is inevitable."\textsuperscript{25}

Adedeji further notes the following: "universally, conflicts are the result of lack of security... a psychological fear of political uncertainty. Throughout the world, conflicts are the consequences of the fear of the future, lived through the past. It is a collective fear of the future based on a history of social uncertainty, due to the failure of the state to arbitrate justly between or provide credible guarantee of protection for groups, resulting in emerging anarchy and social fractures."\textsuperscript{26}

While we appreciate the foregoing ethnic thesis, we seek more explanation on the intra-ethnic violence in Eastern Congo that has seen the wars of Mai Mai violate women even within their own neighborhood. To what extent is this largely a result of state absence? Rene Lemarchand contends that though ethnicity can be said to be a root cause of conflict, it is not possible of its own accord but the interplay between ethnic realities and

their subjective reconstruction (manipulation) by political entrepreneurs which explains
the root of hutu-tutsi conflict and the same can be said of the DRC conflict between the
Hutu, Tutsi, Banyamulenge, Lendu and Hema tribes.27

The study further contended with the following questions, if ethnicity is the main cause
of conflict in DRC, how come other conflicts witnessed on the continent as a result of
ethnicity have been contained for instance in Angola, Liberia, Sierra Leone? What
makes DRC’s case unique and impossible to the point of normalizing ethnic conflict?
The research further sought to analyze the factors that explain the failure of the DRC
government to provide and guarantee security and fairness to all the ethnic groups.
Could the weakening or lack of central government presence be responsible for the
continued conflicts in the Eastern DRC? If so, what explains the absence of government
authority in these areas? Also to understand the government’s failure explains why each
group in the Eastern part of DRC seeks control by arming themselves and decreasing the
security of other groups which in-turn decreases the ability of state to provide security for
any group.

1.6.1. Conflict Mutations and State Security

The conflict in the DRC has been referred to as war within war. Jude Murison in writing
about the politics of refugees and internally displaced persons in the Congo war describes
the conflict as being both multi-layered and multi-dimensional in nature28. The multi-
layered war resulted from the involvement of various actors local, regional and

international. The latter because of the various players involved, rebel groups within and without DRC and splintered rebel group. That the foregoing has contributed immensely to the continuation and mutation of the violence. While we concur and appreciate this contribution, one glaring gap is failure of the writer to point out the factors that make DRC a conducive environment for the rebel groups to operate freely? The writer also fails to explain why the other borderlines of DRC are calm despite the existence of different ethnic groups.

The mutation of the conflict is also witnessed in the shift from the original objective of Rwanda’s and Uganda’s involvement or entrance into the DRC. In his article on the complex reasons for Rwanda’s engagement in the Congo, Timothy Longman mentions three critical reasons. In their first and second invasion Rwanda claimed that Mobutu and the interhamwe and newly formed Congolese forces still posed a security threat.29

The second reason was the need to unify the Tutsi community because there existed a rift between the genocide survivors and returnees. And third was economical motivation, a fact supported by head of the RCD-Bunia Wamba dia Wamba when he accused the two countries Rwanda and Uganda of looting the Congolese resources.30 Whereas, the above reasons could be true the writer only talks of economic reasons why Rwanda is still in DRC but does not give or explain the aloofness of the regional bodies like SADC, AU and the United Nations in dealing with the accusation. He also fails to explain how the

war was to unify the various Tutsi identities and how the same should prevent DRC from protecting its citizens or the UN for that matter. We are not told how the Tutsi expansion accounts for the violence.

Like its Rwandan counterpart, Uganda has been involved in the Congo conflict twice. The second Congo war which began in August 1998 is blamed on President Yoweri Museveni's high headedness. John Clark advances three reasons for Museveni's involvement in the second Congo war. First is security reasons, the Allied Democratic forces with the help of Sudanese army are accused of attacking Kabarole, Kasese, Bushenyi, Rukungiri and Kasoro districts in Uganda from their base in DRC.31

Uganda is also accused of creating, recruiting, funding, supporting and training the following rebel groups: Rassemblement Congolaise pour la Democratie (RCD-Bunia), Mouvement pour la liberation due Congo (MLC) headed by Jean Pierre Bemba.32 This resulted in the signing of a memorandum of understanding between the two countries (DRC and Uganda) on joint border operations, though it never took effect resulting in mutual suspicion and supporting of rebel groups from both ends confirming the saying the enemy of my enemy is my friend. Another reason is its alliance with Rwanda and finally the economic rewards of the occupation. This is supported by the accusations leveled against Uganda by Kabila's Minister of economy and oil, Pierre Victor Mpoyo, who stated that Ugandan officials were smuggling timber, gold, and diamonds from the

eastern part of Congo. The missing link is how this enhances the mutations of violence in DRC.

Whereas the above factors could be true, the writer does not mention why the African Union has not take any action on Uganda’s resource exploitation of the DRC or further still what disciplinary measures or action the United Nations Security Council has undertaken against Uganda or why the UN Security Council has been silent on the issues of exploitation and disrespectfulness of the DRC sovereignty. Who is impunity protecting at the expense of human rights in DRC? He also fails to explain the mutations of the rebel groups and why the DRC government has failed to defend its sovereignty and borderlines, the research therefore sets out to examine and analyze factors in order to proffer answers to the above questions and proffer solutions on the same.

The mutation of the conflict is also noted in the movement of the rebels. According to Idean Saleyah, rebel groups often operate across national boundaries which in turn increase tensions between states and as such weak states are incapable of evicting rebels and end up being dragged into the conflict. The rebel groups in the DRC conflict have perfected their art of metamorphosing through the disarmament, and reintegration programs to join the Congolese army and there after return to their rebel groups. The FARDC (Congolese army), composed of former government soldiers and militia groups (Forces Armies Zairoises, FAZ, MLC, RCD-N, RCD-ML and Mai Mai) is accused of committing much of the violence being witnessed in the current conflict.

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33 The East African (Nairobi weekly), 1-7 June 1998
According to Maria Erikson there are several factors that contribute to the soldiers behavior including poor terms and conditions of service and remuneration package and lack of training and having parallel lines of authority makes it impossible for the force to be effective. In 2006 the government soldiers had their salaries raised from US$10 to US$20.\textsuperscript{35} While poor pay may be a contributive factor, it will be interesting to explain the reason given the security support the DRC has and continue to receive from the United Nations and the European Union respectively. The salary argument is disputed by Lemarchard when he points to the corruption culture the DRC military. According to Lemarchand report of 2002, referring to the common expression civil \textit{azali bilanga ya militaire} “the civilian is the (corn) field of the military also confirms the culture among the forces of harassment towards the civilians from the days of forces publique and Mobutu Sese Seko.\textsuperscript{36}

The above report fails to indicate any disciplinary measures taken by the DRC government against its forces. It also fails to mention any efforts by the DRC government in implementing the police reforms as stated in the Lusaka Peace agreement, the research seeks to find and understand why Rwanda and Uganda have been able to implement police reforms but DRC’s case has been impossible. What are the factors that make it impossible for the government that has more than enough resources to pay its soldiers? Whereas the DDR programs have worked in Sierra Leone, Liberia and other


previously war-torn countries, why has it been impossible for the DDR programmes in DRC to succeed? Whereas the above factors result in dissatisfaction and frustration, is it morally right for the force to attack or release their anger against innocent civilians? If the above is true what are the factors or forces impending the implementation of the military/police reforms?

Mutation of the conflict is also apparent in the increase in the number of rebel groups operating from within and without of the DRC. In their report for Transitional Demobilization and Reintegration Program (TDRP), Guy Lamb et al. indicate that there are close to twelve different rebel groups operating in the Eastern part of the DRC. The following are local militia groups, Mai Mai Yakutumba, Mai Mai Sheka, Coalition des Patriots Resistants Congolais (PARECO), Popular Front for Justice in Congo (FPJC), Alliance des Patriotes pour un Congo Libre et Souverain (APCLS), Front for Patriotic Resistance in Ituri (FRPI), Popular Front for Justice in Congo (FPJC), Mouvement de Liberation Independence des Allies (MILIA) and foreign militia groups include Forces des democratique de Liberation du Rwanda (FDLR), Allied Democratic Forces – National Army for the Liberation of Uganda (ADF-NALU), Forces Nationales de Liberation (FNL), Lords Resistance Army (LRA).\textsuperscript{37} Whereas the number of militia groups indicates that there are reasons for these formations the writer does not explain and he also fails to explain why the DRC is a conducive environment for the militia groups and also why the groups keep mutating.

\textsuperscript{37}Rumours and Peace Whispers of War-Assessment of the Reintegration of Ex-Combatants into Civilian Life in North Kivu, South Kivu and Ituri DRC
Tatiana Carayannis also mentions quite a number of rebel groups involved in the continuing conflict Mai-mai interhamwe/ex-FAR î FDD forces against Rwandan RCD/Goma, RCD/ML and breakups in the Ugandan backed RCD/ML resulting in many Mai-Mai groups. He further enumerates on networks that have been formed by these groups in linkage with either Uganda or Rwanda and also among the militia groups themselves. While the exposition is quite relevant, the glaring gaps are the failure to address the factors that are responsible for the mutations and although he further explains the operations of the networks and cartels, he doesn’t mention any effort by the DRC government in dealing with the networks.

For instance, if Rwanda and Uganda can pursue rebels into Congo to secure their borders and citizens what forbids or compounds the failure the DRC government to execute the same? The research therefore is interested in finding out the factors that facilitate the mutations of these rebel groups, and also the underlying reasons as to why the United Nations never acted on the report concerning the illegal exploitation of Rwanda and Uganda in DRC.

The foregoing literature, emphasizes the centrality of ethnicity, minerals and external factor especially Rwanda-Uganda involvement in Eastern Congo. What it does not do is to explain the failed process of state consolidation, explain violence and indeed its mutations. This is what the project seeks to do. We have analyzed this factor with respect to DRC Congo. We will look at dynamics such as armed refugees including the

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case of FDLR, Mai Mai and their role in sustaining the conflict. Our study was further interested in examining the role and militarization of conflict and continued destabilization.

1.7. Theoretical Framework

Two perspectives failed state and conflict systems theories provide a better attempt at explaining the Congo crisis. The failed states theory which is advanced by Zartman, views the state as a service provider. According to Zartman, state collapses when basic functions of the very reasons for its existence are not performed. The collapse is marked by its loss of control over political and economic space. That the state has core functions towards its citizenry, as an authoritative political institution, it has sovereignty over a recognized boundary. As a sovereign authority it has identity and space of politics and as an institution it has the role of decision making and responsibility to the well being of its citizens especially as pertains to security.

This fact supported by Donald Potter that the state has the responsibility to deliver political goods to its population for instance, security, health, education, economic opportunities, good governance, infrastructure, and maintain law and order, but when laws are no longer adhered to, societal cohesion is weakened. When this happens, the state loses its power and its territory is no longer secure and government legitimacy wanes out as its basic provisions are left to groups. This automatically results in a failure in socio-economic system with discrepancies and destruction of balance of inputs and outputs.

The support of the central government from its population is lost and has no further control over its citizenry. When this happens the states are said to have failed. That failed states are tense deeply conflicted, dangerous and bitterly contested by warring factions. According to Rothberg the important function of state is to provide security for its population by creating a safe and secure environment. Provision and development of legitimate and effective security institutions that prevent cross border invasions, loss of territory, eliminate domestic threats. The failure of the government to protect its citizens has given rise for the gang leaders who use ethnicity as a cover in order to control particular resources.

Another end result of this scenario is encroachment of its territory by neighboring states by getting involved in the affairs of the collapsed state. A look at the DRC, the government has failed in the above, in fact the government forces (FARDC) are accused of also perpetrating and committing atrocities against its citizens. The fact that local and foreign militia groups are able to operate from within the boundaries without fear and impunity is a reflection of absence of state and relevant institutions like judiciary resulting into poor border controls and weak/non functional judiciary that has failed to bring to book those accused and guilty of committing atrocities against the citizens is a confirmation of an absence of effective political and administrative institutions.

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Using this theory, we can explain the reason why Rwanda, Uganda, Burundi, Chad, Angola, Zimbabwe and Central African Republic got involved in the affairs of the DRC. It also sheds light on the mushrooming of informal economic networks in the Eastern Congo region a fact that is supported by the UN report on resource exploitation of the Congo Mineral resources by its neighbors.\textsuperscript{41}

Whereas this theory does to some extent explain the failure of the DRC government to secure its borders and protection of its citizens, it fails to explain why for instance state consolidation is not a priority in DRC neither does it emphasize how external actor presence may in effect impede rather than advance the process. To this end, the failed state theory therefore will be complemented by Conflict Systems Approach.\textsuperscript{42}

This perspective advanced by Makumi Mwagiru asserts that in analyzing the African conflicts especially those with regional implications, it is important to understand and acknowledge that every conflict in a region is interconnected to others within the same region.\textsuperscript{43} Managing conflict in a particular region therefore demands understanding the interconnection of the regional conflicts and their pattern of existence. That in each conflict there is an epicenter that is the area around which the whole conflict system turns, in the case of the Great Lakes Region the kivu provinces have been among the epicenters of the Great Lakes Conflict system. Therefore the identification of the


\textsuperscript{43}ibid
epicenter is absolutely necessary since it has profound significance for responses to conflicts within a system.

This theoretical approach is advanced from the systems theory that posits that all science in the world is organized along systemic lines whose revelations can be achieved or attained through research\textsuperscript{44}. A system is therefore made up or composed of a set of patterned interactions. To effectively analyze, manage and proffer solutions to tackle regional conflicts there is need to identify and trace the cross-system cause of the conflict. The Great Lakes conflict system to which the DRC falls within is a clear example on how conflict systems work. Though the conflict appears internal the involvement of seven different nations and all having interests in the outcome illuminates their interconnecting relationships and concerns. Examples include the historical linkages which explain the case of the Banyamulenge in the Eastern DRC and their ethnic factor.

Despite the theory being able to explain or helping in addressing this conflict it fails to give a concrete explanation why the DRC conflict is unending even after Uganda and Rwanda pulled out their troops from the DRC making us complete it with the failed states theory. We note that the conflict and its mutation is a result of the crisis of state consolidation. This is manifested by absence of identity, participation, conflict management and resolution, institutional penetration, resource distribution and allocation. This in turn, mediates regional security interests which in turn animate internal dynamics in DRC. This is the perspective we assume in this study.

\textsuperscript{44} ibid
1.8. Hypotheses

The study will be guided by the following specific hypotheses

a. Power struggle is the main cause of conflict in DRC

b. The state collapse in DRC has resulted in mutation of the conflict in the North Kivu.

c. The intermittency of the conflict in North Kivu has exposed civilians to all forms of conflict related violence resulting in displacement and population decline.

1.9. Research Methodology

The methodology adopted in this study maximized on both primary and secondary data extraction, the reason for this cooperation, is the function and nature of the area of study. Not only is it a long duree conflict but one that keeps mutating. The decision to therefore use secondary data allowed the use of documentaries, and audio. Notwithstanding this, there are gaps that result out of the lapse in the period of publication.

To capture this, there is need for interactions with both victims and actors involved in mitigation. This explains the decision to supplement the secondary data with primary data extraction methods. Primary data was obtained through interviews carried out, visit to the site in DRC, while secondary data included scholarly journals, international Crisis Group reports, and published/unpublished literature, authenticated letters from the Secretary General (United Nations) Data from MONUSCO Office in DRC, data obtained from academic journals, conference materials form Great Lakes region, others from UNHCR, Libraries, United States Embassy, Newspaper articles, artistic materials, African Print materials illustrating the defeat of M23, music, photographs, eye witness
accounts, documentaries from IRIN, artifacts, International Crisis Group and researchers own observation.

An interview guide constructed with open ended questions was used in data collection. This mode of data collection was selected because of the sensitivity of the research and bearing in mind the need to appreciate emotional expressions in the process of narrations; this encouraged the respondent’s perception and liberty in language use and expression. This method enriched the study with data because of privacy accorded to the respondents and face to face communication and interaction with the interviewees. It also created an opportunity for clarification of questions and experience for the researcher on the effectiveness and cognitive aspects of the responses-interpretation of the expressions. This further allowed the respondents to provide detailed understanding on the key issues contributing and sustaining the conflict and defying the mitigating factors.

In-depth interviews were also used because of its importance when it comes to interpersonal contact. The dilemmas that surround the Kivu have made respondents to be suspicious and many fear reprisals especially rape victims and former combatants and therefore the necessity to accord them some privacy. The researcher also employed recorded interview data by use of both visual and audio recording apparatus after obtaining informed consent from the participants. This was necessary to enable the researcher remain attentive and focused during the interview because of the large number of interviewees and language.
The research completed this with focus group discussions with a select group of victims a set of operational questions derived from our broad study questions was used to develop a interview user guide. Out of this aggregate process we analyzed the data with the view to evolving generalities and actual figures of victims, and data was analyzed qualitatively. The sampling technique employed was purposive snowballing. Initial informants were identified and interviewed. They further proceeded to lead the researcher to other people with the relevant information. The informants comprised scholars in MONUSCO, Kivu residents, hutu refugees. The researcher’s entry point was Mama Bijou a hutu refugee from Burundi, she in turn connected me to other Kivu residents.
CHAPTER TWO
HISTORICAL BACKGROUND TO THE CONFLICTS IN DRC

2.0. Introduction

State building is a core task for leadership. Leonard Binder outlines these tasks to revolve around the reversal of multiple crisis.\(^45\) The crisis resulted from participation, resource distribution and allocation, identity, conflict management and resolution and institutional penetration in the society. Success in this points to presence of leadership. This can be present in a group or the president. It is supposed to consolidate the state’s population, territory, governance and in this process enhance its sovereignty. Failure generates more crisis for the state that creates instability. Katumanga and Omosa attribute this to leadership failure, on actor concentration on self-interest as opposed to establishing critical institutions.\(^46\) What they fail to point out is the fact that pursuit of self-interest opens it to external manipulation. It is this fact that puts the state on the rails of conflicts.

This section, recapitulates on the state crisis and conflict in the DRC with the foregoing perspective in mind. The study seeks to provide a context to the current state crisis and on-going conflict in the state. It seeks to demonstrate the failure of leadership in developing institutions of governance, resulting in the mismanagement of state resources and affairs. This chapter responds to the first objective, to examine the genesis of the conflict in DRC. To this end the chapter is organized around three parts. The first one


focuses on independence and the collapse of the Patrice Lumumba regime. The second part discusses the Mobutu era from 1966 to 1996 and third part examines Laurent Kabila.

2.1 Colonialism, Independence and Assassinations 1960-1965

Of great importance is the way history keeps repeating itself in the Democratic Republic of Congo. First and foremost, the leadership of the country has been under individuals who self-proclaimed themselves in place of democratically elected leadership. In 1885 at the Berlin Conference the world powers handed over the country to the King of Belgium, King Leopold II as a personal property. Leopold operated the state as a personalized hunting ground. It was characterized by killings, violence and extraction. It is this spirit of personal rule by Leopold that continues to haunt this Congo, whether it is Leopold’s or Mobutu’s Zaire or Kabila Father and Son’s DRC. The exceptional initial interlude of hope, occurred in the short but eventful reign of Patrice Lumumba from 30th June to 13th September 1960. It would take another three decades before the Kabila led rebellion would raise similar hopes.

Patrice Emery Lumumba, the first democratically elected Prime Minister of DRC was born on 2 July 1925 in Wembonya village katoko-Kembe District-Sankuru in the province of Central Kasai. Upon completion of his studies he worked briefly as a clerk at the post office in Kisangani. He also served as the editor of the post office newspaper L Echo, and published the following books, Le Croix du Congo, La Voix du Congolaise,

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and Congo My Country. Later he served as founder and president of Amicale de posters (Post office workers Friendly Society) as Secretary and then President of the Association of Congolese Government Employees.

Inspired by events elsewhere in Africa, towards the end of fifties and early sixties, Lumumba and others wrote to the governor general of the Belgium Congo demanding for the independence and the inclusion of the Congolese in the talks relating to the same. This development resulted in the formation of the Mouvement Nationale Conglaise (MNC). The new party’s main objective was the liberation of the country and focused on addressing the challenges that Congo faced.

The neutral position taken by Lumumba and MNC party appealed and gained favour from the population resulting into increased their political mileage. Fearing the political might exhibited by this party, the colonial administration sought to deter them by encouraging the formation of other political parties on the basis of ethnicity and region. Funding was also extended to these parties. Interfederale des Groupe Ethnique, which was later known as Parti de L’union congolaise and Parti National du Progres Congo are among those whose formation met the above criteria.

The press in Congo (later known as DRC) further exposed the composition of the then political parties expounding the distinction that existed among the leaders "big bellied," Sedate Joseph Kasavubu of the Abako. "The Smooth" Moise Tshombe Conakat Party of

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48 Pan African History Complete pdf. Patrice Emery Lumumba (1925-61) pg. 113
49 ibid
the Balunda. Man of Integrity Lumumba. His vision and belief in nationalism is captured in a documentary on his assassination where stated the following on the independence.

Through the Liberation of Congo from the Colonial regime and total emancipation of the country, we are certain we know where we are going and this independence does not mean driving out the Belgians or breaking them. On the contrary, its objective is to form a sovereign government which provides a place for everyone where both Congolese and Belgians would work together hand in hand to build the country of Congo.50

30th June 1960 the Independence Day for the Congo is a day that many analysts believe Lumumba signed his death warrant after he delivered a speech that countered the claims made by King Baudouin regarding the positive contributions the Belgium government had achieved in Congo for the Congo people. He clarified to the Belgians that the freedom being realized by the Congolese people was not a favor from the King of Belgium and his people but a right for the Congolese people for they fought for it and many lives were lost in the process. In his speech he reminded the colonial administration of the atrocities committed against the black people from the time of King Leopold II to date. Below are the excerpts of Lumumba’s speech:

For though this independence of the Congo is today being proclaimed in a spirit of accord with Belgium, a friendly country with which we are dealing as one equal with another, no Congolese worthy of the name can ever forget that we fought to win it (applause), a fight waged each and every day, a passionate and idealistic fight, a fight in which there was not one effort, not one privation, not one suffering, not one drop of blood that we ever spared ourselves. We are proud of this struggle amid tears, fire, and blood, down to our very heart of hearts, for it was a noble and just struggle, an indispensable struggle, if we were to put an end to the humiliating slavery that had been forced on us.51

50 The Assassination of Patrice Lumumba documentary
51 ibid
The reactions to the above speech varied depending on one’s political allegiance. For the Belgians, this was insulting to their his majesty the King and their country. According to Colonel Louise Maliere, Lumumba’s speech came as a shock as he systematically condemned the colonial administration by elaborating on the atrocities committed against the blacks.\(^\text{52}\) While rejoicing ceased in the camp of Lumumba’s enemies celebrations were evident in Emery’s camp, first was the standing ovation he received from those in attendance. In New York positive sentiments came from individuals like Malcolm X who termed it as the greatest speech and that Lumumba was the greatest black man in Africa.\(^\text{53}\) But while the continent and the world were busy celebrating the independence of Congo, the Americans and their allies were working out ways of getting rid of their main opponent.

This was advanced in forms of sponsored secessions and coups. In a bid to arrest the situation and counter secessions, Lumumba appointed Mobutu who then was working in his office as the Chief of Staff. In Katanga secession led by Moise Tshombe with the help of the Belgians, in Kasai Albert Kalonji was incharge, and Leopoldville under Kasavubu, only the East Stanleyville remained loyal to Lumumba. The country was now set for balkanization.

Before long, there was a coup d’état by Mobutu with the help of America, Britain and Belgium. The Criminal Investigation Agency (C.I.A) also got involved in the planning and elimination of Lumumba first politically and then physically. Michela Wrong

\(^{52}\) The assassination of Patrice Lumumba documentary

captures the events in the footsteps of Mr. Kurtz the testimony of the then C.I.A agent in DRC, Mr. Devlin:

The C.I.A. director himself had told me that Lumumba’s removal was an urgent and prime objective that they would send someone a top C.I.A scientist to Kinshasa with poison for Lumumba, which was to be slipped into the prime minister’s food, or his toothpaste. The poison was designed to produce one of the diseases endemic to central Africa so that Lumumba death would be termed as an unfortunate accident.54

Executing the above mission proved difficult and thus resulted to the need for an alternative which was assassination. Victor Nandanga who was the security chief for Mobutu and once trusted ally of Lumumba was charged with the responsibility of arresting Lumumba, and other colleagues, Joseph Okito and Maurice Mpolo.

The above flow of events contradicts the popular school of thought that has sufficed political discourses for ages blaming the current political instability in the DRC, on the fact that the independence was hurriedly rolled out. A critical look at the subsequent events after the declaration of independence, the interest it attracted from both within and without, the key players involved clearly demonstrates the converse. For instance, the frustrations meted out on the new administration, for instance five days after independence the Congolese forces mutinied, the United Nations complacency, assassination of Patrice Lumumba and other political figures that proved a threat to status quo, the plane crash of the then Representative of Secretary General of the United Nations just to mention a few.55

54 Wrong, M. (2000). “In the Footsteps of Mr. Kurtz, living on the brink of disaster in the Congo” fourth Estate London.p.77
Lumumba’s assassination was not because of the speech delivered on 30th June 1960 but like Jacques Blassine, the then Belgian Diplomat put it “Lumumba was dangerous to them because he was not open to their solutions, he was a challenge to their motives.” Second is what Colonel Maliere a Belgian Secret Service posits that Lumumba chose the wrong side, he chose the communists instead of the West and Larry Devlin the C.I.A. agent Lumumba was a danger both to the Congo and the world because he would have allowed the soviets to come in. Lumumba’s only Belgian Friend Jean Van Lierde comments that “Lumumba was a blackman who did not leak the feet of the colonizers and had a free mind therefore perceived as a threat. The above is better summed up by Lumumba’s daughter Juliana “he did correspond to the aspirations of the population and not to the mindset and objectives of the Americans, Britons, Belgians and Multinationals.”

His assassination not only robbed Congo of a chance for good leadership and development of Institutions, but also imposed on it a predatory rule that sought to facilitate extraction rather than state building. Writing on the same, Adam Hotchild states that Mobutu received cash incentives from C.I.A. agent and the West while the plans for eliminating Patrice Lumumba were underway.

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56 The Assassination of Patrice Lumumba documentary

In their article on leadership and governance (katumanga, Omosa) point out the weakness of the big man notion that, its deficiency concentrates leadership upon a single individual instead of establishing or creating structures and institutions that promote accountability and provision of checks and balances. This state of affairs is responsible for patrimonial politics which are spoils oriented, where the incumbent becomes law unto himself, birthing dictatorial regimes that allowed corruption to flourish and encouraged impunity. Nobody mirrors, the converse of the above and the reflection of King Leopold than Mobutu Sese Seko. Joseph Desire Mobutu was born in October 1930 in the town of Lisala, Congo. At age 8 he lost his father and was raised by his mother Marie Madeleine Yemo nationally referred to as Mama Yemo.\(^{58}\) His name Sese Seko Nkuku wa Za Banga (full conquering warrior who goes from triumph to triumph) was acquired from his uncle who was a diviner in Gbadolite.

Apart from being the MLC-L party point man in Belgium, he also worked as a Personal Assistant to Patrice Lumumba he also doubled as an Informer for the Belgian secret service.\(^{59}\) He is accused as a prime conspirator and collaborator together with the Americans and Belgians in Lumumba’s assassination.

His rulership was characterized with high levels of corruption, assassinations, massacre of innocent civilians, gross human rights violations. His shrewd way of dealing with

\(^{58}\)Wrong, M. (2000). *In the Footsteps of Mr. Kurtz. Living on the Brink of Disaster in the Congo“* fourth Estate London. P.69

\(^{59}\)Ibid., p.74
politics bore him the description of the 20th century plotter whose success was ascribed to his effective use and manipulation of instruments of power, security forces and money and support from external forces (Belgians who were the old colonial masters, USA the then regional successor and France).

Zaire equally descended into a civil war with the support of his Western allies especially the USA and Belgium. As Nzongola points out Mobutu used forces to oust democratically elected leaders on three separate occasions, 14th September 1960, 24th November 1965 and 1st December 1992. He also employed dirty politics, assassinations to consolidate his power. For instance, opponents such as Mulele, were lured back from exile before being tortured to death.

Mobutu’s rule can be divided into three phases. The first one being from 1965 -1975, during which period the popular support was high as the population viewed him as one who had stabilized the country following the crisis that gripped the nation after independence. The second, from 1975 1990 when the support was declining especially with the economic collapse while the third falls between 1990 and 1997 when the citizens were clamoring for multi-partism.

Underlying his support were two factors, his restoration of stability the cost notwithstanding. Secondly was the economic growth. This was rooted in the production of copper and market prices of the same commodity occasioned by the Vietnam War.

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61 Ibid
This raised the GDP for Zaire. In 1960 the Union Miniere du Haut Katanga (Belgian copper mining company) accounted for the 60 per cent of Zaire’s total exports and an annual revenue ranging between $700 million and $900 million. The industrial sector also boosted the economy with contribution of 32 per cent mineral deposits of zinc, gold, silver, manganese.62 Union Miniere Haut Katanga which was renamed Gecamines was the world’s 6th largest producer.

By 1975, the State had began experiencing economic crisis. Core here were several factors. These included the economic recession of 1975 that contributed to the decline in the copper prices worldwide. This resulted in the stagnation of the GDP with a decline of about 3.5%. Secondly, was corruption by Mobutu and his cronies who literally siphoned the state treasury. By 1977 the country’s total debt stood at $4 billion an equivalence of 43% of export earnings.63

Mobutu also turned to copper and cobalt whose sales through mortgaging were deposited in the presidential account. Besides paying Gecamines for any gaps, the government would also exploit the margins between the various market rates for the metals, selling at one rate, logging a different figure as actual rate for the sale before depositing in the presidential account. 1982 and 1988 witnessed another gross financial corruption when a sum of $100 million was siphoned from the Gecamines account and $400 million went missing from the Zaire’s mineral exports account both were transferred to the President.64

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62 Wrong, W. (2000). In the Footsteps of Mr. Kurtz Living on the Brink of Disaster in the Congo (Fourth Estate, London, p.110
63 Ibid
64 Ibid
Despite the government generating between $40 and $60 million per month from both mining and petroleum revenues, in 1996 the treasury had less than $150 million for the budget exercise.

Mobutu’s attitude towards the state resources was replicated at all levels of government where state officials had access to resources. For instance the head of Gecamines then boosted his monthly travel allowance from $15,000 to $30,000 with an additional of $1,000 for day trip allowance. Between 1991 to end of 1992 he had pocketed 25.5 million Belgian francs.65 The collapse of the Gecamines was imminent not only with the above abuse but further the company assumed the position of guarantor for all state debts. Hospital, hotel, and flight shuttle bills for the company’s executives and their relatives. The use of Gecamines as the cash cow had depleted the company as funds to maintain and renew the now dilapidated infrastructure were not forthcoming.

As corruption trickled down, workers in Katanga also engaged on a pillage spree. Lorries loaded with cobalt concentrate, vital equipment and spare parts headed to Zambia and South Africa. The same would be resold back to Gecamines.

Having bled the Gecamines dry, Mobutu moved to Societe Miniere de Bakwanga (MIBA), the diamond mining company. The shareholding was between the state and Belgium, with an ownership of 80% and 20% respectively. Mobutu received on a monthly basis a sum of between $1.5 and $2 million from the MIBA and foreign

65 Ibid
dignitaries would be allowed to scoop as much raw diamond as they desired\textsuperscript{66}. Before long the Katanga story repeated itself and Kasai could not fund its local projects nor sustain the dilapidated infrastructure, or schools and hospitals.

Daniel Simpson former US ambassador to Kinshasa would sum it thus, Gecamines was as clean as a whistle. Mobutu had not only killed the goose that laid the golden eggs, he had eaten the carcass and made fat from the feathers\textsuperscript{66}. Corruption was bleeding material resources of the state, and by inference making it impossible for the state to invest in developing its human resource component. Worse still, it was reinforcing the logic of transforming the state into a lootable resource. Mobutu summed up this phenomenon in his principle of vous etes chez vous debrouillez vous meaning use your ingenuity to hussle to survive whichever way. In addition the inter-communal tensions also took root as expressed by the Katangans for thirty years they bled us dry and in exchange, what did we get? We were colonized a second time, first by the Belgians, then by the Kinshasa regime\textsuperscript{67}.

\subsection*{2.1.2 State Decay and Conflict}

Amongst the worst hit social sectors, was the health sector. By mid 1990s, it was basically on its knees. For instance, the General Hospital in Kinshasa formerly known as Mama Yemo and one of the most preferred health facility in Central Africa, suffered reduced financing from the government that engineered the dwindling of medical

\textsuperscript{66} Ibid
\textsuperscript{67} Wrong, M. In The Footsteps of Mr. Kurtz, living on the Brink of Disaster in the Congo ” (Fourth Estate 2000)p.114
supplies.\textsuperscript{68} Doctors' condition of service worsened with low salaries that were rarely paid. Fears of predation on Bank accounts led to employees preference of payment in cash a process that transformed the state into one with least bank accounts in Africa. The implications were also galore. With reduced financing from the government, the medical supplies dwindled and doctors salaries kept reducing at times were never paid. The reduction in pay is attributed to the corruption that existed in the DRC, since most employees never put their money in the banks for fear of Mobutu requesting for the same, salaries were collected by the relevant Minister and send to various parts of the country, while in transit so much could happen as attested by pappy Alpha a Congolese refugee in Kenya:

When salaries were released to the relevant Minister, he would take his bit, and pass the remaining amount to the Permanent Secretary who would also take his share, and pass the remaining money to the Administrators and drivers, who also would take their own share and transport the money in mini buses by the time the money is being paid out to the workers half of their salary would be missing. Or at times since the money would be transported by road or air it would never reach the destination because the porters would at times share the money and claim they had been ambushed and therefore the employees would go without salary.\textsuperscript{69}

The worst hit were young mothers without money to settle bills, families opted to device coping mechanisms, such as running away from hospitals or others were forced to abandon dead relatives most of whom were buried en-mass.

In Mobutu's era, the security forces were structured in seven categories, the first division was special presidentelle. These were the preferred loyal to the president. The second were Garde Civile (Civil Guard) created to guard the borders but later transformed to

\textsuperscript{68} Well equipped with over 2,000 beds
\textsuperscript{69} Oral Interview 1\textsuperscript{st} June 2014 Nairobi
general purpose paramilitary to contain riots. Third was le service d’action estrenseignment militaries (military action and intelligence) which was engaged in suppressing and intimidating opposition groups. It was known for its involvement in the massacre of students at Lubumbashi University. Fourth was Le Brigade special de recherché et de surveillance (special research and surveillance brigade). It was equally notorious for gross human rights violations and brutal handling of political detainees. Changed focus from handling criminals and criminal investigations and engaged in dealing with political activists. Fifth was Le service national d’intelligence et de protection (national intelligence and protection service), sixth was l’agence nationale d’immigration (National immigration service) which controlled border movement. Seventh was les forces d’action specials (Special intention forces).

Despite the core functions as stipulated in their formation, most of the forces were moved to essentially operate in Kinshasa. The net effect was that National immigration service ceased protecting the DRC borders from external attacks and instead concentrated on regime security efforts, a factor that inclined it into an instrument of violence against the general population. The foregoing created an insecurity dilemma. The more the violence was inflicted on citizens, the more resistance increased and by inference more violence. It is not a surprise that they were found wanting in performing their core task of securing the state. For instance in 1977, 1,500 Katanga rebels rooted the Forces Armies De Zairois and the situation was arrested after the French government flew in Moroccan troops and similarly in 1993 when French foreign legionnaires and Belgian paratroopers intervened to stop the coup d’etat.
As Nzongola notes, one section in security that benefitted from state corruption was the military. He posits "senior military officers used state property for private ends, with military vehicles and drivers regularly running errands for them instead of doing their normal tasks. The state housing authorities could not collect rents effectively as many of the apartments were occupied by the mistresses or deuxiemes bureau of Mobutu’s generals and colonels, in addition to this they pocketed the salaries of their juniors and had ghost soldiers appearing on payroll. They further absconded their duties and would prefer to work in collaboration with the Lebanese merchants and help them in smuggling of minerals across the borders because the pay was lucrative.

The demon of greed in the forces did not spare the Zaire’s Air Force (FAZA) which was brought to a halt as a result of looting by the very personnel. To this Jean Francois Bayart notes

The pilots and other air crew members transformed the forces planes into an air transport company, undercutting the rates of the official national airways Air Zaire by more than a half. With the money they got they bought produce from the interior parts of the country and sold in the produce three times in Kinshasa upon their return and a goldmine had been struck. But because of excluding the ground crew they refused to maintain the planes leading to numerous accidents and deaths among military flight staff.

Since the joint venture had excluded another group of workers the fighter pilots, they decided to sell the spare parts of the planes and in the end the planes were grounded and another system of pillaging the government and a means of survival had to be discovered.

Jean Francois Bayart continues:

Every morning pilots and mechanics arrived at the base and towed two planes to the fuel pump of Air Zaire for a complete refueling. As soon as they had been filled up they were towed back to the hangars where their fuel tanks were emptied. The first clients of this little operation were the wives of the soldiers based at the CETA training camp, who bought the petrol at half price, then proceeded to resell it in Masina, Kimbaseke and especially Kisangani. It was not long before the sale of air-force fuel became semi-official, as no attempt was made to hide what was happening: everyday a flood of empty barrels, big oil drums and all kinds of receptacles passed through the main entry gate to Ndjili airbase under the watchful eye of guards who, had they been above corruption, would never have allowed so many customers to pass through, let alone help them carry their barrels to and from the hangar.  

This height in military corruption is further revealed by Michela Wrong, the shock General Ilunga encountered when he discovered in September 1995 that the fighter jets that would normally be serviced in France had gone missing the previous year. To his surprise, it was alleged that the above had been sold to pave way for the modernization of the presidential helicopter fleet that never saw the light of day. As the different parts of the forces seemed to descend into insanity, one section is accused of having arranged for American bombers to flatten their airbase and further sold ammunitions and armory to the AFDL insurgents.  

The state of the judicial system was no different from the rest of the government ministries. Immunity and impunity was granted to corrupt individuals by the mere fact that this sector was under the control of the executive and the cartels had captured and controlled the state apparatus (Tshilombo 2007) notes

72 ibid  
73 Wrong, M. ŦnThe Footsteps of Mr. Kurtz, living on the Brink of Disaster in the Congo” (Fourth Estate 2000) p256
The justice sector incarnates injustice, corruption, tribalism, skullduggery. The Zairian or the foreigner who is to be tried comes to the court shaking because he does not know what is going to happen to him.\textsuperscript{74}

With those who had economic power getting their way leaving those who did not with the option of running recourse to violence.

\subsection*{2.2. The Second Congo War}

The continual interference of states’ stability among the Great Lakes countries has been a major catalyst in the fueling of conflict in the region. For instance, Mobutu’s support for ex-far/interhamwe(Rwanda) and ADF posed a security threat to neighbouring nations and the region as a whole. To this end, the Rwandan and Ugandan governments resorted in creating the ADFL as machinery to topple Mobutu from Power. The then Vice-President Kagame affirms the foregoing when he states in an interview with the Washington Post “that Rwandan government had decided in 1996 that the threat from the refugee camps in Zaire had to be eliminated and to this end the Rwandan government sought out for Zairian opposition groups such as PRP to help fight Mobutu and provide a Zairian cover to the operations and that Rwandan troops and officers were involved in the rebellion”.\textsuperscript{75}

This fact is seconded in a statement by Simba Regis in an interview “We trained those rebels. Rwanda was simply better organized. The Congolese wore Rwandan uniforms and boots. They were under our command. We were their god fathers”.\textsuperscript{76}

\textsuperscript{74} Tshilombo, M. (2007). Reforme du pouvoir judiciare: etat des lieux et suggestions, Le Potentiel (online) no. 4020, 11 May Available http://www.lepotentiel.com
The above rebel group consisted of several opposition forces, Kabila’s Parti de la Revolution Populaire (Party of the Popular Revolution-PRP), the Conseil de la Resistance pour la Democratie (CRD), led by Andre Kisasse, Mouvement Revolutionnaire pour la liberation du Zaire (MRLZ), Alliance Democratique des Peuples (ADP). The leadership was placed under Kabila as its spokesman. Kabila who is said to have been a warlord in the Eastern part of DRC, was born in Likasi, Katanga, in 1939. He served in the Balubakat party as a deputy commander of the youth wing before being appointed as the pointman for the lumumbists in the eastern Congo. In 1997 he founded his own party Parti de la Revolution Populaire (Party of the Popular Revolution-PRP). Later became a smuggler of both gold timber and gold and it during one of the times while establishing business deals in both Uganda and Tanganyika that he met Museveni who was later to introduce him to Kagame as the right candidate for the ADFL.

Though Kabila had a chance to liberate the DRC his lack of political skills, inexperience, monopolization of power and usurping of political space are common factors cited for his downfall. Like his predecessor, he too engaged in roadside decrees devoid of any legal framework, political repression, abuse of human rights and corruption became synonymous with his leadership. His banning of political parties and distancing himself from the opposition parties unleashed fear in many Congolese who felt their descend into dark days of Mobutu were eminent. On corruption, a report by African Business noted that Kabila like Mobutu ceaselessly dipped his hands into the government resources.

78 Kennes, Essai Biographique sur Laurent Desire Kabila
In 1997 a sum of US$3.5 million was transferred from MIBA account to Comiex a company owned by Kabila. In 2000 the same company was ordered by Kabila to relinquish its Tshibwe Kimberlistic concessions to another Kabila company Sengamines and other concessions belonging to DRC were sold to Zimbabwe and Angola to buy their support for Kabila during the second invasion in 1998.\textsuperscript{79} This was further strengthened when Kabila incorporated back into government the exiles and people who were accused of corruption and other human rights violations that previously served in Mobutu government.\textsuperscript{80}

Besides corruption charges leveled against him, Kabila could not be trusted and was known to be an individual who never implemented agreements. His weakness to fulfilling promises resulted in the second invasion after he rescinded on his political agreement with his allies who created rebel group of \textit{Rassemblement Congolais pour la Démocratie} (RCD) to topple him. This resulted in Africa’s world war after the conflict attracted total of seven nations with Angola, Zimbabwe, and Chad coming to the rescue of Kabila.

After a protracted period of conflict, the two sides reached a stalemate, for the DRC government pushing Uganda and Rwanda out of DRC has proved impossible and for these neighbours their strategy to balkanize DRC had also failed. This led to the signing of the Lusaka peace agreement in July 1999. Among the resolutions of the peace agreement were: cessation of all acts of violence against the civilian population, cessation

\textsuperscript{79} François, M. (2000). \textit{Kabila Turns Diamonds to Dust} \textit{African Business}: 31-32

\textsuperscript{80} Rosenblum, \textit{Kabila\& Congo}, 196
of hostilities between the warring parties in DRC, take precautionary measures on securing their porous borders including the monitoring and control of armed group infiltration, parties to the conflict were also tasked with the duty of disarming militias and armed groups by locating, identifying and disarming the member groups, formation of a new army, a brassage comprising Congolese armed forces, armed groups (RCD and MLC) and conduct democratic and transparent elections and drafting of a new constitution.

Despite the signing of the Lusaka Ceasefire Kabila refused to abide by the resolutions. This turn of events forced his new allies to exert pressure on him as noted by the Economist: “Mr. Kabila has not just upset would be peacemakers. He is also snubbing the allies who rode to his rescue two years ago and whose troops still prop him up.”

Before he could achieve the above he was assassinated by one of his bodyguards. To date his assassination is still shrouded in mystery.

2.3. Conclusion

The chapter has recapitulated on the crisis of the state in Congo from the period of 1960 to 1998. It largely attributed this to its leadership, while also showing the opportunity of their divisions which allowed external actors to exploit the situation. The chapter concludes that, the inability of the leadership to respond to the task of nation state crisis of Institutional penetration in the society, resource distribution and allocation, identity crisis, conflict management and resolution, and participation has contributed immensely

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81 A snub from Kabila (The Economist, 29 April 2000. 41
to the failure of state reconstruction. With this in mind, we are able to put in context the
challenges of state reconstitution in DRC, which constitutes the core task of chapter 3.
CHAPTER THREE
INTERMITTENT CONFLICTS IN NORTH KIVU 1994 – 2004

3.0. Introduction

While State is an Institution with a monopoly over instruments of violence, the converse with its consequences such as inability to guarantee security is what Zartman et al., call state collapse. This is manifested by inability of the state to function as an entity that can provide basic services such as health, education and security. In the context of a failed state a successful reconstruction implies the ability of the state to provide security institutions and to recreate and shape a collective identity. The assumptions here are that, for this to happen according to Ngâthe, the need for a strongman is imperative\textsuperscript{82}. He must be able to create and reconstitute a military and internal security mechanism to guarantee security and provide services to the population as a way of creating legitimacy. Whether this process is internally or externally led it must seek to provide a sense of collective identity to the people. The Congolese state, mirrors the foregoing. Of interest however, is the phenomenon of mutation; that apparent shift in the nature and form of violence. This can only be attributed to the failure of processes seeking to put the state back to its rails. We have noted in chapter two, that, part of the problem is the extent of state collapse and lack of unity of purpose among the political elites who perceived that extraction is a fair game in the context of exclusion, implies that violence remains the core option of resolving conflicts. Here, conflict generating factors, now affect the

environment subsequently animating mutation. The research append its itself on the foregoing in this chapter.

The chapter specifically seeks to respond to the second question of our study: what factors explain the continuity and mutation of the conflict in North Kivu? It analyzes factors, underlying the conflict. The core argument here is that the continuity and mutation of the conflict in DRC is a function of the inability of the leadership to recreate, the notion of stateness through security generating ideas that can reform institutions for efficient provision of state and human security. The paper advances the contention that instead, the leadership has outsourced security to external actors, and predatory groups, leaving the population without effective sense of protection. We note the lack of political will to invest in the building of a strong military, a factor that explains the dependence on external forces in this case MONUSCO and Forces Intervention Brigade.83

The chapter is organized around four core parts that underlay the mutation. The first part looks at political factors. The second section focuses on the economic factors, the third section, analysis the social factors that influence the mutation of conflict in the Eastern DRC. The fourth examines the resultant situations of the conflict.

83 The Intervention Brigade consists, inter alia, of three infantry battalions, one artillery and one Special Force and Reconnaissance company with headquarters in Goma, under the direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups as set out in paragraph 12(b) of S/RES 2098 and the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in eastern DRC as well as to make space for stabilization activities.
3.1. Causes of Continued Conflict in DRC

Nzongola, attributes the persistence of conflict in the Eastern Congo to the decay of the Congolese State and its instruments of law.\(^{84}\) Kabila led ADFL faction had toppled Mobutu’s government due to the failure of the states security organs and collapsed institutions. State building would have implied security transforming and building not security reform. Failure here explains inability to establish control over its border and territory. Failure to provide security for its population, perform developmental functions and have a monopoly over the instruments of violence. A critical challenge for a state and which inturn affirms the presence of leadership, is the process of bringing together formerly collapsed elements of the state such as political and security institutions. This process as indicated elsewhere in this chapter is facilitated on security enhancing ideas or the leadership. Success in guaranteeing this hobbesian task enables and provides security for economic and social institutions to begin functioning. These further leads to the protection of the physical base made up of people, material base of the state area, its territory.

The foregoing does not seem to have taken place in respect to DRC. The state seemed to have been stark in a perpetual transition mode. Part of this failed process, has roots in the consequence of the collapsed alliance between Kabila and his regional allies Rwanda and Uganda in 1998.

The end result was Africa’s war which attracted a total of seven African nations. The conflict thus became both multi-dimensional and multi-layered and moved from national to regional and global levels. Taking into consideration the number of actors involved in this conflict, it is a clear indicator that factors facilitating the continuation of the conflict are of the same dimension. The complexity of the conflict is further occasioned by the forms in which it manifests, these can be summed in three levels as state-centric conflicts, rebel violence on society and state versus rebel groups conflicts.

Despite several peace initiatives and the employment of different conflict resolution mechanisms, DRC continues to experience mutations in violence. Core among these were first the Lusaka peace accord signed in Zambia in July 1999, 2nd was the Sun City agreements\textsuperscript{85}, that produced a 4+1 structure of leadership and the resultant disputed elections in July 2006\textsuperscript{86} merely compounded the paralysis. These elements are worth mentioning here.

3.2. Causes of Conflict in North Kivu-
This section puts in perspective issues that have contributed to the continuity of the conflict in North Kivu. The areas of concern are tackled under the following subheadings; political, Failed DDR and Security Sector Reform, external dynamics, failed peace agreements and impunity.

\textsuperscript{85}The Pretoria Accord was formally ratified by all parties on 2 April 2003 in Sun City, South Africa.  
\textsuperscript{86}The July 2006 presidential election in Congo, with a field of 32 candidates, ended in crisis. The election ended in a run-off between the leading candidates, incumbent Joseph Kabila and rebel leader Jean Pierre Bemba, who kept their forces on alert.
3.2.1. Political

The first is political, which collapsed the process of security sector reforms. The agreement had produced a process called "brassage" mixing which was meant to engender a united military. It was captured by political factions to fill the institution with all sorts of elements with no military training let alone leadership. Second, was the broad orientation of the groups forming the government. The factions did not see state building as an agenda rather, they saw their prime objective to be grabbing power or consolidating it. Notably more time was spend fighting each other and creating further tensions in the country. They also informed their logic of undermining the brassage by insisting on maintaining informal command structures, security forces, and most times continuing to recruit informally a process that created DDR challenges. Third, was the role of external actors including the UN. As long as they seemed to act as an alternative state, there was no incentive for Congolese leadership to work hard to establish a workable system. Instead most sought to use the UN as a means of entrenching themselves in power. The net effect was that Institution building especially security, law and order remained wanting.

It also compounded the size, a process that engendered indiscipline, poor Command and Control and a high huge wage bill. The failure of this process was rooted in the inability of this leadership to evolve not only a national security policy but the process of bringing them together formally collapsed. As William Zartman and Robert Rotberg note, the state is a service provider and when it fails in its provision of basic functions from

security, rule of law, provision of protection on its property and citizens property then it has no reason to claim existence.\textsuperscript{88} The situation in Goma, was worsened by a long due\textsuperscript{re} arrangement that had seen both state and MONUC and subsequently MONUSCO apparently seed this space to armed groups such as the Mai Mai, FDLR etc.

The general response among most of the residents of Goma was the confirmation of the state absence. To them, the government was in Kinshasa, they explained that there was no single police station in Goma where one could report any unlawful incident, neither was there any room for justice as there were no courts of law. That it was difficult for the police to arrest anyone for any crime because there were no cells to take them as they await court case and no courts. That the absence and negligence of state had led to the mushrooming of the militia groups who claimed to be protecting civilians yet they were out to pillage the economic resources. That the failure of their government to extend its authority in the east had given room for criminality, making the east a sanctuary for different rebel groups. The above was further emphasized by Mama Kasanga a tailor:

\begin{quote}
Here in Goma we don’t have a government and that is why we are not protected. The government is in Kinshasa. If we had a government then the Congolese would not have been killed or be dying like flies\textsuperscript{89}
\end{quote}

The failure of the DRC forces to protect its physical base, (comprising of individual, material resources and territory) and the concentration on the protection of the president and his cronies left a vacuum for the invasion and for the DRC to take on the role of the host or sanctuary for any tom, dick and harry and thus made it impossible for the state to

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\textsuperscript{88} Zatman, W. (1995). Collapsed States; The Disintegration and Restoration of Legitimate Authority (Lynn Publishers) \\
\textsuperscript{89} Oral Interview in Goma Market 20\textsuperscript{th} May 2014
\end{flushright}
have monopoly over violence. The personalization of the army by the ruling elite resulted in
the failure of the military to prepare for any external threats and simultaneous internal
civil disobedience. The military never prepared for these wars and neither were they
given opportunity to train skillfully to understand the DRC terrain in order to be able to
attack and contend armed groups that operate from these densely forested areas. Due to
poor infrastructure coupled with lack of lighting makes it difficult to pursue the rebels
who easily melt away in this terrain. All security agents were concentrated in the capital
Kinshasa around the President which gave rise to security distance decay and room for
the un-administered space to be occupied by the armed groups.

The absence of state organs and the prevailing distance decay at socio-economic and
political levels are responsible for the current insecurity in the east. Currently the United
Nations mission remains the only military force capable of protecting the civilians from
both the FARDC and armed groups. The relationship between the population and the
FARDC was so sore that the citizens had this to say:

At night from 8pm it is safer to encounter a rebel than a FARDC, because they are
Thieves, they will take everything that you have because they do not have a
salary.\textsuperscript{90}

Despite efforts by Development partners and the Government, consolidation of a strong-
well trained, equipped and disciplined army remained a dream. This resulted in their
inability to protect its borders from incursions. Although they have tried to absorb the
various rebel functions the insensibility of the DRC government towards the socio-
economic challenges facing its forces immensely contributed to the disloyalty, surrender

\textsuperscript{90} Oral Interview Goma Market 22\textsuperscript{nd} May 2014
and defeat of FARDC on several occasions. The capture of a Congolese military base in Rumangabo, North Kivu for instance resulted in many of the FARDC soldiers defecting to join back their former rebel groups. Gentile Kapumba narrates:

The conflict in Goma took a long time to end because the FARDC soldiers at times would go on strike for lack and delay in payment. One time instead of being in line of duty some of the them went to steal fromage from a supermarket, in the process they were accosted by Rwandese soldiers who mocked them by saying, desoledesole (sorry sorry) we know you are not paid salary and do not even have communication gadgets, we will not kill you but tell us where the rest of you are and we will give you these mobile phones.  

Mama Olangi widow of a FARDC soldier narrated:

This our government does not care about the soldiers, when my husband was alive, we used to move with our husbands to their duty posts and stayed in polythene houses, others lived in the open at the airport, or in unfinished houses without doors. If you go to kibumba you will see what am telling you madam, all this is because there is no descent accommodation for the police force let alone delayed salaries, as a result of big bosses in the military putting it into businesses to generate profit before they would give our husbands or even at times they embezzle the salary forever.

The failure by the DRC government to have a correct conceptualization of state security, their inability to re-train and re-organize and therefore produce a professional army had contributed to many desertions and formations of more armed groups and a continuation of the conflict.

In the east as stated earlier the state and its agents have always been viewed as oppressive and as such the population has learnt to survive on their own without the state. Most services deemed for the state are now being provided by the Non Governmental Organizations for instance health care and education.

91 Oral interview 23rd May 2014
92 Oral interview 26th May 2014
Critical to the process of state rebuilding is what the government does to re-balance, the relationship between its instruments of violence and the society. The challenge comes in at the level of what needs to be done with respect to a militarized society at one level and the size of a military force consequent to the process of brassage. This was compounded further by internal organizational structures in the case of DRC, the actual number of soldiers was unknown. It continued as more of illegally recruited armed groups were brought in without proper accounting. In the end the challenge remained what to do with them as the army was restructured and society needed securitization. To complicate the situation, this process has taken place in the context of a collapsed socio-economic and security environment.

The failure by the DRC government to develop a strategic vision on what its army and security agents should be, or absence of a military culture, made it impossible for them to undertake a Swot analysis. Their inability to identify their threats which comprised of political and social conflict being transformed into insurrections, failure of the Disarmament, demobilization and repatriation, resettlement and reintegration, lack of monopoly over instruments of violence and border war to resource pillaging made it impossible for any strategic plans to be rolled out and therefore resulted in an inefficient and ineffective force. With this state of affairs it made it possible for the conflict to continue as there was no force and strategies to contend against the armed groups.
The implications here were that the more these elements were demobilized and given cash handouts which were also inadequate, the more they went back to the bush only to return afresh to the process. Worse still, the more the society was militarized making it more violent to those who were weak. Hence part of the problem of violence in Eastern Congo.

3.2.2. Failed DDRR and SSR Programs

Success of DDRR and security sector reform was supposed to engender a lean, well trained and disciplined army. The process did not evolve as expected. The military remained saddled in corrupt leadership like General Hamisi Tango who was relieved from his command post for selling arms to rebels. Others controlled mines in collaboration with FDLR a situation that enhanced conflict. This situation was worsened by the inability of the government to implement its accord with CNDP which later engendered the emergence of M23. In essence, the failure provided justification for community self-defense and counter groups that spread in the region thus generating more violence. For instance, the Bukavu incident of February 2004, where forces of Colonel Jules Mutebusi, RCD are said to have clashed with those of his superior General Nyabyolwa. In June 2004 Mutebusi's forces in collaboration with those of CNDP took charge of the town for one week though the government forces recaptured it later. The inability of the DRC government to put in place economic programs that could cushion the ex-combatants also contributes to the desertions and re-joining into militia groups.

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93 An internal UN report identified the peacekeeping mission's lack of resolve to use force where necessary, leading to a serious lack of confidence in the UN mission in the DRC, which was subsequently targeted by Congolese during violent demonstrators across the country.
The failure in security sector reform due to the lack of proper information concerning the human resources, their command structures, issues to do with the weaponry allotment and the interference of the political class in the clean-up exercise makes the sanitization of the SSR in the DRC an uphill task.

The lack of political will and corruption in the mismanagement of the funds allocated for the DDR program becoming a contributing factor to the collapse of the program and continuation of the conflict. The Combatants who chose to leave the forces received $410 against US$10 for those who chose military career. This pushed most experienced and bright army personnel out of the forces. The lack of proper training for the Commission Nationale de Disarmament, Demobilization et Reinsertion (CONADER) staff resulted in inefficiency and mismanagement of the resources meant for the DDR program which pushed many combatants back to the line of conflict to fend for themselves.

3.2.3. External Dynamics

Congo’s strategic importance spells from its position both geographically and economically. The DRC which is the third largest country in Africa covers a territory of 2,345 406 sqkm and borders nine different states as mentioned before. It spans two time zones and it is the meeting point between the North, East, West and South of Africa. The rare and valuable mineral reserves found in this vast territory which is the catalyst to why it is strategically important to many. Congo boasts of minerals such as gold, diamond, tin, cobalt, ore, and uranium. In fact, due to this resource endowment, Congo has always been referred to as a geological scandal. The desire to have a share in Congo transverses
cuts across all the four corners of the globe. For instance, the discovery of uranium which was used to manufacture the first atomic bombs that were dropped in Hiroshima and Nagasaki awakened the desire for the United States to have interest in the affairs of this country and to keep at bay the Soviet Union.

The DRC has always been at the mercies of its predators that have been an encouragement to the continuation of war and the killings. From the time of King Leopold, the political arena of the DRC has always been determined by external forces.

The Kivu conflict though responsible for millions of deaths, displacements, rape and other atrocities, has been a minting place for others. During the Rwanda and Uganda invasion of 1998 the war attracted a total of seven African Nations. The allies though politically aligned many benefitted because of the war. For instance, Zimbabwe which by then was on the wrong side of the West could manage to extract diamonds which helped to sustain its economy. Angola was able to have UNITA bases destroyed and their borders secured. Burundi, Rwanda and Uganda, it was an opportunity to hit back against Mobutu for having supported the rebel groups waging incursions against their regimes and the same time establish their spheres which they have used to plunder the resources of this country. For America, was it a way of containing the Islamic terrorism by courting Rwanda and Uganda so as to fight their wars in Somalia and Sudan? All because America wants to secure its interests?

The United Nations report on illegal extraction of DRC resources by both Rwanda and Uganda and the 2005 ruling by the International Court of Justice in which Uganda was
fined 10 billion dollars for the illegal extraction of DRC resources is a confirmation to the fact that the involvement of Rwanda and Uganda in the Kivu territory was not for security purposes. The two had an ulterior motive. Can this explain the speed at which the RCD was created?

According to Nzongola Georges, the two neighbors had hoped to find in Laurent Kabila and AFDL a useful cover for their strategic interest in creating a buffer zone of economic and political security in eastern Congo, and the failure of Kabila to deliver their desired goal led to their finding another stooge to replace him. The two disguised the war as a civil one by always giving it a Congolese face at the front to blind international community.

According to David Van Ray Brouck, the exploitation was not limited to gold only but other mineral resources like, diamonds, tin, ore, coltan etc.

Uganda initially before the war exported $200,000 worth of diamonds but by 1999 the figure had multiplied fourteen times.

According to Tigo annual reports

From Congo, Rwanda also raked in tin, a much more workaday ore used around the world to manufacture food packaging. Between 1998 and 2004 that country produced some 2,200 metric tons (2,420 U.S. tons) of cassiterite (tin ore) itself, but exported 6,800 metric tons (nearly 7,480 U.S. tons), more than three times that amount. The difference came from the mines in Kivu.

Frere Maristes gives a more detailed account of the pillage of the resources:

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97 Tigo (2007): Annual Reports and Accounts
The area around the Great Lakes resembled a sort of African Schengen Area, a unified marked where goods could cross borders freely. Tropical hardwood, coffee, and tea disappeared eastward as well. Congo became a self-service country. 

According to D. Montague, coltan earned Rwanda $20 million per month and this covered Rwanda’s expenses as far as the war was concerned. In their report on the illegal exploitation of the DRC resources. The UN investigators are said to have documented the two export companies used by Rwanda to export the minerals. Rwanda Metals and Eagle Wings Resources and that a total of 100 tonnes of coltan was exported monthly.

Foreign interests and scramble for mineral resources in DRC has been an incentive to the continuation of conflict. The Human Rights report documents that in Ituri the gold mining company AngloGold Ashanti, which is a subsidiary of Anglo-American worked in collaboration with Front Nationalise Integrationiste (FNI) a rebel group in Mongbwalu. With this connection the company would access the gold reserves and in return facilitate the rebel group both financially and logistically. Metacolor technologies a Swiss company is reported to have purchased gold from Uganda, a case in point being the 2003 Ugandan export of gold worth $60 million dollars.

A testimony by one chief of Ituri as documented by the Human Rights watch also testifies to the involvement of the foreign companies in the scramble for minerals.

100 UNSC, Report of the Panel of Experts on the Illegal exploitation of Natural Resources, pp. 6-19
101 Human Rights Watch, Curse p.75
102 Ibid p.71
Chief Kahwe of Mandro: I have been contacted by the Canadian Oil people who came to see me, I told them they could start work in Ituri once I had taken Bunia from UPC (Congolese for Congolese rebel militia group).103

The most glaring feature among the states that constitute the great lakes region is the issue of porous borders and the lack of capacity of the very states to monitor and control the movements along these lines. Despite the formation of the Expanded joint Verification Mechanism (EJVM), it has been clear that EJVM does not have capacity to deal with the challenge of porous borders. Of importance is the absence of database on information related to cross border movement and border monitoring due to insufficient funding104. As a result this border points whose establishment should be to monitor the entrance and exit of questionable elements have instead remained a leeway for trafficking and smuggling of drugs and small arms and also provided a safe conduit for the armed groups that have been a threat to the security in the region.

Although the Eastern Congo is not new to conflict, the first time that Rwanda and Uganda got involved together in the affairs of this nation was in 1996 following the Rwandan genocide. The two countries in response to Mobutu’s support of the Ex-Far and Interhamwe, organized a rebellion AFDL with Laurent Kabila a Congolese as the leader and an army composed of Banyamulenge, Ugandans and Tutsis of Rwanda. With James Kabarehe, a Rwandese in charge of the troops, they marched from the East to West of the country and within seven months, Mobutu had been topped and Kabila declared himself the President.

103 Human Rights Watch, Ituri p.13
For instance according to the Human Rights Watch, Uganda is said to have been involved in the administrative affairs of the Kibali-Ituri. This is besides creating administrative structures including the appointment and approval of the first governor and dismissal of four of the six governors that governed before. Out of the four that were removed, three are said to have been ousted directly by the Ugandans and at one time a Ugandan Colonel Edison Muzoora even held the position of de facto governor for five months.105

The involvement of neighboring states in the DRC resulted in negative politics that became harmful and facilitated the conflict. This gave rise to countless mergers, takeovers and desertions, in fact the mushrooming of these groups and their operations equaled the networking in a business world. At MONUSCO attention was focused at this trend and the unparallel rate at which new groups kept springing up. Lanote demystifies the puzzle, by stating that all arrows somehow pointed to the support flowing in from Uganda. What he refers to as divide and conquer policy, it was then discovered that each general in the Ugandan military had his own militia group which they could collapse and resuscitate at will, and the same applied to Rwanda.106

When in control, these armed groups were known for shifting political alignments and alliances both within and without. For instance, whenever a group fell out of favor with Uganda, Rwanda stood at the periphery ready to step in as a big brother and vice-versa. Human rights report documents Kigali’s involvement in the political affairs of this region

105 https://www.hrw.org/reports/2003/ituri0703/DRC0703-03.htm
by providing arms, ammunition and even dispatching Rwandan soldiers and such the conflict continued and recognition of government authority continually became obsolete.

3.2.4. Failed Peace Agreements

The decision by Laurent Kabila to sever relations with the Tutsi generals, who had contributed immensely in the toppling of Mobutu, prompted retaliation from those who created former allies retaliate by creating a rebel group, Rassemblement Congolais pour la Démocratie (RCD) and Mouvement de Libération du Congo (MLC). In his article on the Congo’s rebels, Osita Afoaku confirms that Laurent Kabila was supposed to retain a good number of the Tutsi in key positions in the government especially in the military and was further supposed to annex a part of the Congo to Rwanda and have it controlled by Rwandese army and Congolese Tutsi or Banyamulenge trained in Rwanda.107

The fact that this did not materialize led to strained relations between Kabila and his allies and to date they control the east by force. The country descended in a civil war that attracted a total of seven African nations, as the conflict persisted the country was balkanized with Kabila and his allies in control of the western part of the country and the repulsed rebels in control of the East. Despite refusing any attempts to end the conflict, the belligerents finally agreed to South African Development Community led Lusaka Ceasefire Agreement and its subsequent signing on 10th July 1999 by all parties to the conflict, DRC, Angola, Zimbabwe, Burundi, Rwanda and Uganda.

Among the issues of concern raised was the need to track down all the armed groups in the region and neutralize them, deployment of a peacekeeping force and setting up of a joint verification committee between Rwanda and DRC. Out of the above only the peacekeeping was implemented though with a limited mandate. To date, the tracking down of the negative forces in the region has not taken off instead the region has continued to witness the mutation of the said conflict. And worse still, because of lack of trust among the different parties to the conflict, the joint verification system between DRC and Rwanda has not been effective for lack of funding and commitment among the Great Lakes countries.

According to Joseph Kabila, the failure of the Lusaka peace accord can be attributed to several factors, first, it was full of setbacks. While it emphasized on the internal aspects of the conflict, its exaltation of the security issues facing Rwanda and Uganda to some extend legitimized the presence of foreign armies. Secondly, it was the failure of the agreement to compel the aggressive armies to withdrawal from the DRC. According to Swart Solomon, there was no commitment from the signatories. And no peace could be expected as there were no monitoring mechanisms to enforce the same.

According to Yves, the peace agreement could not hold because the intention of Uganda and Rwanda in DRC was not because of Security threats and that is why after their expulsion by Kabila they were ready to respond with a rebel armed group. Their claim that Kabila was not doing enough to disarm the FDLR was an excuse to stay in Congo. What was Kabila to do? Why couldn't James Kabarebe, a Rwandese who was Kabila's adviser and Military strategist in conjunction with

Rwanda put an act together that could have dealt with FDLR. That Uganda too is using an excuse, their creation and support of MLC speaks for itself.\textsuperscript{111}

What can be deduced from the above comments is the prevailing levels of suspicion where any military action taken by one state is perceived by others as preparation for attacks resulting in a counter action from the neighbor.

The failure to implement the Lusaka Peace agreement led to the signing of the Sun City agreement, which like the previous one advocated for the withdrawal of Rwandan forces from the DRC and the disarming of the negative forces. While Rwanda withdrew, it retained its proxy forces and other negative forces roaming freely in the DRC.

The absence of supportive economic projects to cushion the ex-combatants, the economic benefits accruing from the involvement, sustenance and maintenance of the war, coupled with the profits garnered from the raw materials and availability of cheap military personnel like the child soldiers and ex-combatants, who could pay their own salaries by use of easily accessible light weapons cheaply on the market, cost nothing to the belligerents and that also contributed to the continuation of the war. Sustaining the conflict earned them a lucrative venture and an economic alternative. This is confirmed by a testimony from former child soldier in Goma, Gentille:

\begin{quote}
It is better to be in the war because with a gun you have power and can get whatever you want. But life back in the society is hard and money difficult to come by. I would rather go back to the war and die fighting at least it would be an honorable death than to die a useless and embarrassing death as a poor boy.\textsuperscript{112}
\end{quote}

\textsuperscript{111} Oral Interview 23\textsuperscript{rd} May 2014
\textsuperscript{112} Oral interview on 22\textsuperscript{nd} May 2014 in Goma town.
The above scenario is further supported by the testimony of mama Biju, a refugee in DRC from Burundi:

The reason why the Uganda and Rwanda collided was because of wanting to plunder the resources of Congo. The profits of the continuation of this war to the two were highly exalted above their friendship.\textsuperscript{113}

3.2.5. Impunity

The United States of America has been accused of being in support of the second invasion of DRC by its allies Rwanda and Uganda. According to Thomas Turner the US accepted the assurances from these allies that Kabila could be overthrown in a twinkling of an eye.\textsuperscript{114} This explains why despite evidence from the United Nations Security Council on the illegal exploitation of natural resources from DRC by Rwanda and Uganda, the United States through its representative Susan Rice has continually blocked any action being meted against these two regimes.

In the year 2006, the current US President, Barrack Obama while a senator signed into law Democratic Republic of Congo Relief, Security, and Democracy Promotion Act 2006. The act was meant to commit the US foreign policy on peace and stability in the DRC. Apart from the above the act carried with it consequences that would face any country found guilty of meddling in the DRC affairs.

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance act of 1961(22 U.S.C 2151 et seq), other than humanitarian, peacekeeping, and counterterrorism assistance for a foreign country

\textsuperscript{114} Thomas T. (1999). War in the Congo, Foreign Policy in Focus: Columbia International Affairs Online 4. No.5.
if the Secretary of State determines that the government of the foreign country is
taking actions to destabilize the Democratic Republic of Congo.

Six years down the Line Barrack Obama is the president, a UN report indicates the
involvement of the Rwandan government in the formation, equipping and training of the
M23 militia group that is accused of committing atrocities on innocent civilians in Goma
and yet the United States government has continued to provide impunity for these
governments.\textsuperscript{115} The UN group of Experts in 2012 report concluded that M23 was a
Rwandan creation, that the said group receives instructions from Kigali through the
Rwandan Minister for Defense, James Kabarebe. The foregoing was not withstanding
inability of the DRC\textsuperscript{a} military and MONUSCO to provide protection to civilians.
Neither does it, respond to the fundamental identify question that explain the presence of
M23.

Another area where impunity has been allowed to take root is in relation to sexual crimes
committed by FARDC, Police and other non-state actors against the civilians. A report
from the office of the High Commissioner for Human Rights (OHCHR) concluded that
one of the repercussions for the war was the unprecedented scale of rape.\textsuperscript{116} The report
further details the systematic nature of the vice, which is carried out during armed attacks
on villages, and in agricultural fields or even in homes where women are attacked while
attending to their daily chores.

\textsuperscript{115} The Atlantic July 13, 2012, Armin Rosen
\textsuperscript{116} Office of the High Commissioner for Human Rights (OHCHR), (2011). \textit{Report of the Panel and
Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High
Commissioner of Human Rights,} para 142.
While the DRC is a party to several legal instruments regionally and internationally, that specifically target the crimes of sexual offence, it has been ineffective in implementing and enforcing the same. According to the international and regional requirements, the DRC has the onus of investigating and prosecuting all cases related to sexual violence. Under its national laws, sexual violence is a criminal offence under Congolese Criminal Code. Internationally the country is a signatory to several international human rights instruments key among them being the International Covenant on Civil and Political Rights (ICCPR)\textsuperscript{117}. Besides the foregoing, pressure has been mounting on DRC from other United Nations treaty bodies to commit more effort in the elimination of the scourge of sexual violence. A case in point being the CEDAW committee which demanded the following from the government:

> Prioritize the fight against impunity for sexual violence in conflict-affected areas, promptly complete effective and independent investigations into violations of women's rights committed by the Congolese armed forces and armed groups and prosecute the perpetrators of such acts, including those who have command responsibility.\textsuperscript{118}

Despite existence of various legal framework and the ratification of the same by the Democratic Republic of Congo, prosecution of the culprits and dispensing of justice for the victims has been slow. This fact is attributed to the rampant impunity in both the state agencies and judiciary, this notwithstanding the foreign funding for projects related to gender based violence.

\textsuperscript{117} Article 2 of the ICCPR protects women's rights to be free from discrimination based on sex and Article 7 of the ICCPR prohibits torture and other cruel, inhuman or degrading treatment.

\textsuperscript{118} CEDAW/C/COD/CO/6-7, 23 July 2013, para. 10(b)
One of the key challenges in dealing with these crimes has been the lack of political goodwill, commitment and interference from within and without. This has resulted in lack of investigations of many cases, no trials, unmonitored sentences coupled with the challenge of offenders escaping from prisons. Due to impunity, high-ranking officers have always been relieved from proceedings and for those whose cases advance to trials, the outcome is always influenced by corrupt judicial officials and political figures.\footnote{\textit{Progress and Obstacles in the fight against impunity for sexual violence in the Democratic Republic of Congo United Nations Human Rights Report April 2014 p.13}} A good example is what occurred in Walikale incident, between 30\textsuperscript{th} July to August 2010 where various members of armed groups are reported to have raped a total of 387 persons.\footnote{\textit{Human Rights Watch, \textit{DR Congo: Arrest Candidate Wanted for Mass Rape\&} 2 November 2011, http://www.hrw.org/news/2011/11/02/dr-congo-arrest-candidate-wanted-mass-rape.}}

Sheka Ntabo Ntaberi leader of \textit{Mayi may i sheka} contested for the National Assembly in the Walikale electoral district in November 2011 despite an outstanding warrant for his arrest in January 2011.\footnote{\textit{ibid}}

That many perpetrators from the armed groups were beyond the reach of the arm of law even in cases where their identification was confirmed. This was because of fear of escalating and as such they persisted in committing the atrocities against the civilians.

The reconstitution of key institutions like the judiciary remains apparent. As aforementioned the main challenge in arresting, charging and sentencing the perpetrators of these heinous crimes especially by security agents who are charged with the responsibility of protecting the civilians is due to political interference and security impediments as regards to the safeguarding of witnesses. Due to this many victims and

\footnote{\textit{ibid}}
witnesses to these crimes normally opt out of the judicial processes for fear of retribution and stigmatization.

3.3. Economic factors of Violence

More than an ‘economy of plunder’ based on rebel predation, the conflict in eastern Congo appears to have led to the establishment of several informal governance structures, which are progressively setting the frame for local socio-economic interaction. Instead of leading to a breakdown or chaos, contemporary conflicts like the war in the DRC thus seem to bear the potential of creating new complexes of ‘profit, power and protection’.

According to Pappy, in North Kivu the Nande have always been involved in informal businesses and to protect themselves and keep at bay any interference from the state during the Mobutu era and to date, they struck a deal with the Rassemblement Congolais pour la Démocratie (Mouvement de Libération)RCD-ML so as to secure the interests of local elites. This in the end resulted in the occupation of the land by local militias who continue to wage war against any intruders and other communities.

The above is documented also by the human rights watch where the gold mining company of Anglo Gold Ashanti, which is a subsidiary of Anglo American, in order to access the gold resources in Mongbwalu sought protection and assistance from one of the rebel groups Front Nationaliste Integrationiste (FNI).

The desire and motive to control different mineral reserves by armed groups has resulted in competition among them and in the process they instigated violence against unarmed
civilian population. One incident is where Mr. Etienne Kiza Ingani, the Director of OKIMO the state corporation had been invited by a commander of a rebel group Congo for the Congolese (UPC) to discuss how mining could best be monitored under the watchful eye of UPC. This report by human rights watch, further records a witness’s account on how Pluto village and Mongbwalu town were captured:

As I was running I saw people being hit by bullets. Women and children were falling. Some people did not run and hid in their houses, I heard afterwards that these people were slaughtered. The assailants continued to kill people for five days in Pluto.\textsuperscript{122}

In Mongbwalu town:
A group of more than ten men with spears, guns and machetes killed two men in Cite Suni, in the centre of Mongbwalu. I saw them pull the two men from their house and kill them. They took Kasore, a Lendu man in his thirties, from his family and attacked him with knives and hammers. They killed him and his son (aged about fifteen) with knives. They cut his son’s throat and tore open his chest. They cut the tendons on his heels, smashed his head and took out his intestines. The father was slaughtered and burnt.\textsuperscript{123}

The advancement and sustenance of politics of the belly by the elites and the political class in the DRC too has encouraged corruption to become a household name and contributed in the continuation of the conflict. Since the times of Mobutu, those in authority have always strived to maintain the status quo of a predatory state as a common denominator. Those in power have strived to only accumulate wealth at the expense of the population. The military, police, the judiciary and the administration at large have all engaged in politics of exploitation. Whereas the police have been accused of striking deals with the armed groups, the military is guilty of the same, their involvement in the illicit pillage of the minerals is also evidenced.\textsuperscript{124}

\textsuperscript{122} Ibid
\textsuperscript{123} Human Rights Watch, Ituri p.24
\textsuperscript{124} United Nations, Group of Experts on the Democratic Republic of Congo
According to the documentary by Vice, most of the mines in the east are owned by politicians based in Kinshasa who have recruited militia groups to oversee the mines and excavate the minerals for their benefit and so such people would not wish for the war to end.

In order to cripple the institutions charged with the oversight mechanism in the armed forces, the corrupt regime has devised a system of continually underfunding these institutions and in the end their efforts amount to nothing. Another way the military corruption has excelled in frustrating the efforts against corruption has been reluctance to co-operate with institutions that seem to expose this vice in the forces. For instance, the case where soldiers in the military were to be jailed for having participated in mass rape, the mbandaka military tribunal, the accused are said to have managed to bribe their way out or in some cases escaped. How could they escape from prison unless it was well arranged with the prison security?

The failure to employ vetting procedures to all the former combatants at the point of integration in to the national army has been responsible for the increase in the human rights abuses committed by the FARDC. The absence of professionalism and the promotion to high ranking positions of former armed group leaders depending on the number of combatants accompanying them to surrender to FARDC has contributed into an increase in conflict whereby the combatants feel and believe that if they recruited more members and their militia group committed more atrocities the government would agree to cease fire on their terms and even promote them to higher positions. With this
mentality there was no way conflict would end for all who wanted easier ascension to
senior positions. The most cited incident is that of Bosco Ntaganda, who despite an ICC
warrant of arrest hanging over his head, the DRC government integrated him at a higher
rank as army de facto deputy operations commander.

Corruption in the political sphere has been responsible for the slow progress and
implementation of the security sector reform in the DRC. A United Nations security
report on the DRC attests to the fact that the reforms in this sector were stalled because of
political interests:

As soon as an SSR issue proved politically sensitive, a deadlock effectively
prevented. Any substantive progress, with the establishment of the Supreme
Defense Council, (three Laws defense and armed forces law, nationality law and
amnesty law) all stalled.

The central reason for instability and inability to pacify the entire Kivu territory is not
because of external exploitation, but poor and self-centered leadership that has in itself
become a predator and encourage the pillaging of the country's resources. Under such
circumstances was practically impossible for national interest to take pre-eminence in the
DRC.

The driving force for the Kivu crisis stems from the fact the 21st Century valuable
strategic resources. For instance the coltan used in the manufacture of electronics is only
found in three countries worldwide China, Russia and Congo (which has 60% of the total
world reserves) in the Kivu provinces. Apart from the minerals, the country is endowed
with large lakes and small rivers. For instance the Congo River has the capacity to light
up the whole continent of Africa in terms of electricity. With its strategic position and resources Congo is well capable of being Africa's power house, this threat I believe is what angers its rivals and competitors whose desire therefore is to see Congo sink in the miry clay the more.

3.4 Social Factors

Animating the conflict in Eastern DRC is the failure of the state to evolve a sense of stateness at the level of what Buzan calls the physical base of the state. These only come about if communities are provided with both socio-economic, political and physical security. This process is supposed to produce a collectivized sense and identity. The converse produces increased tensions and polarities along politicized ethnic lines. The latter has been the case of Eastern Congo.

3.4.1. Crisis of Citizenship, Ethnicity and illegal Networks

The contention among the Tutsis and Hutus in the Kivu stems back to 1918 when the colonial frontiers were consolidated and Bwisa was made part of the Congo. This created in effect what would become known as the fist category of Rwanda-phones. 1933-1936, the second category was made up of the Belgian initiated immigration workers from Rwanda and North Kivu. Most of these Rwandese were settled in Masisi and Rutshuru. The third category moved in as refugees and subsequent to the 1950 social revolution. It was not long before these Rwanda-phones soon became a politicized issue to be manipulated by the Mobutu-Habyarimana Regimes. While Mobutu initially

recognized their citizenship, he would eventually have it revoked. Habyarimana on the other hand would not contenance to the return of the 1956 refugees arguing that Rwanda in an analogue of a tea cup that was full to accommodate anymore.

Mobutu's regime in collaboration with the French military provided a safe corridor for the interhamwe and provided military support in the refugee camps where the Tutsis were murdered inside the camp in the Kivu region. This necessitated the return of more than one million Tutsi back to Rwanda, that notwithstanding, the ex far and interhamwe continually attacked Rwanda from the refugee camps forcing the RPA to retaliate and pursue them in DRC. Mobutu's support of interhamwe encouraged their threats to both Rwanda and those now politically identified as Tutsi/Banyamulenge this encouraged the militarization of Banyamulenge who soon joined hands with other dissatisfied Congolese to form ADFL under Kabila.

Notably, the failure to secure communities now evolved self defense and militarization of the society. The collapse of the Kabila alliance, after his seizing power and enhanced further, militarization as more groups, emerged to resist what was conceived as foreign invasion from Rwanda and Uganda. Failed state reconstitution merely consolidated the multiplication of these groups. Most of these groups tended to align themselves to either of the Rwandaphone groups consolidated. First was FDLR (Interhamwe and Ex-far) whose main objective was to execute their genocide mission. Their violence, sometimes in alliance with armed factions of Mai mai and at times with the connivance of the Congolese military continued to fight the Congolese tutsi and the Rwandans. This in turn
explains efforts by the tutsi Congolese to seek self defence through efforts of Laurent Nkunda’s CNDP, and later on the M23. The process of outsourcing violence to armed elements would eventually crowd out the state as groups now sought to control space and indeed apply violence on unarmed citizens without state and MONUSCO security, destruction reigned.

The failure of the political class to address the issue of citizenship, inter community tensions and access to the most valuable asset land, has also contributed to the continuation of the conflict in this region. According to Mahmood Mamdani, the problem stems from the distinction and application of the ethnic citizenship and the civic citizenship.\textsuperscript{126} Whereas in the ethnic citizenship one had access to the social and economic privileges, the civic citizenship only guaranteed rights in the political and civil domain and therefore no right to use land as a source of livelihood. Unable to access land the Banyamulenge resorted to acquiring it through market. All avenues shut and blocking their involvement in the state affair, the banyamulenge devised another method of being grafted in the state system through the security organs.

3.5. The Resultant Mutation

The Kivu conflict whose initial concern was the issue of security has over time changed its course and exposed the sinister motives of both the actors and the players. The mutation of the conflict is reflected in the different names accorded to the conflict from

Africa's First World War, seven nation wars, to the referring of Goma city as the rape city and form of war metamorphosing and converting the women's bodies as battle fields.

At the onset of the second invasion by Rwanda and Uganda and their rebel allies, several reasons were fronted to be the motive for the attack. In DRC, the proxy groups were demanding for political space since Kabila senior's rule had been transformed into an autocratic and even accused Laurent Kabila for usurping power and misuse of the same, no freedom of speech, banning of opposition and civil societies, assassinations and corruption. That this was not the change they had hoped for and therefore the need to march to Kinshasa and topple him. At the regional level, the neighbours claimed that the border incursions from the militia groups in DRC had not ceased and neither was Kabila perturbed on the same and therefore the need for them to pursue the rebels in DRC.

While all the above arguments are substantial, the most astonishing fact is how and when the conflict shifted its focus on the above reasons and existed for economic reasons. According to Ray Brouck, the Kivu conflict became messy when the political motive gave room for pecuniary reasons.\textsuperscript{127} Initially most of the local rebel groups contending against the government had Kinshasa as their eye on the prize. But upon discovering that the east was the gold mine, they abandoned the vision for political liberation and ensconced themselves into a state of rebellion.

The pursuit of democratic goals was sacrificed for self sustenance business ventures expanding the list of beneficiaries not only regionally but globally but this venture attracted from all levels of the Congolese societal pyramid. A report from the Pole institute records how this business attracted all a sundry, farmers abandoned their fields, teachers whose salary had ceased flowing abandoned the classrooms, while children quit schools and all roads led to the coltan mines. For instance the mad rush for the coltan easy returns, saw the increase in many splinter armed groups who hind militarized the economy and commercialized violence.\textsuperscript{128} The Numbi mine in North Kivu for example while being manned by an armed elements and yet it belonged to a prominent politician who lived in Kinshasa. Commercialization of the violence saw the mushrooming and mutation of many armed groups with goons on hire for violence.

For instance, the Mai Mai whose creation is the DRC government and have continually received support from the government. Since the government had no army in the east because of absence of state authority, they used the local militia to secure the east. This encouraged the mushrooming of more militia groups and their desire to accumulate and have access to the resources coupled with the accruing economic benefits, which resulted into breakup of different factions of Mai Mai Cheka, Mai Mai Yakutumba, Mai Mai Shetani etc. The fact that one group would operate without the government taming them gave courage to others. The Kabila regime sub contracted the security to local militia groups \textsuperscript{129} interhamwe and mai mai.

\textsuperscript{128} Pole Institute, 2002: \textit{The Coltan Phenomenon}. Goma

The economical value derived from the mutations of the militia groups in the east is also attested when the former CNDP soldiers mutineed while in FARDC after being posted to the West of DRC. The group refused and demanded to continue operating from the east and mutineed forming the M23. In an interview with the Aljazeera, Laurent Nkunda, confirms that he had an agreement with the Joseph Kabila that together with his forces, he retains control of Kivu in exchange for maintaining peace. Why would the DRC be continuing to have militia groups protect its territory when it has its own army?

3.6. Conclusion

The chapter sought to address the second objective on the factors responsible for the continuity and mutation of the conflict in the North Kivu. The study revealed that both internal and external dynamics contributed to the above. The factors ranged from political to socio-economic challenges. That for the state to be reconstituted and gain control over the instruments of violence there is need to address the glaring institutional and leadership gaps. With this chapter in mind, we can put into context the broad impact of the conflict on Eastern Congo.

\[130\] Documentary Laurent Nkunda’s interview with Aljazeera.
CHAPTER FOUR

IMPACT OF INTERMITTENT CONFLICT IN NORTH KIVU

4.0. Introduction

Stateness implies, ability of state to confer identity to its citizens, and guarantee security, this perspective points to a process. It calls for an organized, determined leadership. Such leadership must evolve both programs and Institutions for facilitating this process. The converse failed process of state building or state reconstitution can be said to include the persistence in ability to respond to demands of state building such as not only developing programs but also appointing right people to implement them. In addition to failure, setting up institutions that can help add value to human and material resources combines with inability to provide security to sustain state crisis. This is what this chapter calls failed re-constitution process. These effects which mirror collapse include failure to provide services to the population including education, health, security and defeat in having monopoly over violence.

This chapter puts into context, these effects with respect to DRC. It responds to the task of our third question, what are the impacts of the conflict? It analyzes the effects of the conflict on the key institutions and lives of the civilians in North Kivu. The main contention in this chapter is that the failure of the DRC government to take control and charge of their physical base has resulted in their citizens bearing the brunt of the war and pillage of the country’s vital resources.
The chapter is organized around three core sections. The first part examines the political and security impacts of the violence. The second part looks at the economic impact while the third section examines the socio impacts of the conflict.

4.1. The Political and Security Impacts of the Conflict

The lasting impact of state collapse in DRC is the phenomena of weak political and administrative structures. Despite external support, and a constitution that has seen at least two presidential elections, political institutions are yet to stabilize. While the political elite remain divided the state electoral body has failed to preside over free and fair elections.

4.1.1 Political Impacts

The Joseph Kabila regime has continued to manipulate political institutions in abid to extent his hold on power. For instance, he was expected to initiate the re-structurization of provinces; many years ago. Instead, he waited until 2015 a few months to provincial assembly elections, in effect creating a stalemate. He has also failed to restructure and fund administrative structures especially in the in East where government presence remains a challenge. Notably, despite constitutional framework that calls for decentralization, limited progress has been achieved. Underlying this, is the apparent lack of consensus among political elite in parliament. Implementation of laws on decentralization remains slow with the regime seen as the main culprit, it on its part blame the conflict in the Eastern Congo. This entails the manipulation of political factions by Rwanda and Uganda. The two have been mentioned adversely in the United Nations security report for the illegal exploitation of DRC resources and as sponsors of
the various armed groups that have taken advantage of the power and security vacuums in
the east.

4.1.2. Security Impacts

Local security structures in Eastern Congo remain constrained by lack of funds and
infrastructure. Police personnel remain demoralized poorly paid and restrained
logistically. The implications are that together with the military, they remain among the
core purveyor\textsuperscript{4} of violence. More critical however, is the militarization of local politics.
DRC\textsuperscript{5} Eastern provinces retain a large concentration of armed groups despite the defeat
of M23. There are various factions of Mai mai groups, FDLR from Rwanda, LRA and
ADF from Uganda and the Force Nationale de Liberation ((FNL) of Burundi. These
armed groups still control mines, and continue to perpetuate violence on civilians in this
region. This is despite the presence of UN troops under MONUSCO and its forces
intervention brigade from SADC. In essence, the broad impact of this conflict is the
weak apparent shared responsibility of security provisioning in Eastern Congo, involving
the state, global actors and non-state actors. It is therefore not a surprise that security
remains a challenge at the local levels.

The levels of abuse on both genders was high with forced taxation and extortion also
being rampant in areas under the control of the state authority. While in the areas
manned by armed groups, killings, abductions rape were a common feature. The desire
to control the masses resulted in more violence as different groups engaged each other in
the battle for supremacy.
The failure by the government to provide security to its citizens created room for the population to arm themselves and defend their territories against further atrocities, which in the end has resulted in the mushrooming of many more armed groups. According to Oxfam report the following was documented on security lapse and consequences in Masisi.

In Northern Masisi, the small market town of Kashuga was attacked twelve times between April and July 2012 by the Congolese Army (FARDC), as well as by Alliance des Patriotes Pour un Congo Libre et Souverain (APCLS) fighting over illegal tax revenues imposed on local residents selling or buying goods at the weekly market. Farmers had to pay 1,000 congolese francs approximately $1 to 2-3kg of bens to Mayi MayiNyatura for anyone intending to attend to their farms. Market dealers on the other hand supplied wood and straw to militia at the market and each house contributed 500 congolese francs ($0.5)\textsuperscript{131}

The above has been occasioned by failed security sector reforms. This is due to integration of local militia groups in to national army on condition of retaining the structures and positions and continued operation in the previous duty posts. As such FARDC has remained subject to different commands and control structures.

The war has also resulted in the manipulation and interference in local politics by DRC’s neighbours. Worth noting is the Kibali-Ituri region where the Ugandan Majors are accused of interference in the running of the local authorities by appointing their own candidate. What is so unbelievable is the audacity, a foreign army would have in another state to even involve themselves in such acts.

\textsuperscript{131} www.oxfam.org
4.2. The Economic Costs of Conflicts in the Kivu

Although the Kivu region is endowed with rich agricultural soils and favorable climate for farming, most of these activities have ceased because of the war. It has been difficult for women to venture out into their farms or even go to the streams to fetch water or collect firewood as before.

The economic activity in the region is Agriculture, and the main producers of the food are women. Besides the negative consequences on the economic strength of the region, the other impending danger is that of food shortage as production decreases due to the above and also landmines planted in the soil by warring factions.

The conflict has distracted the relevant parties from establishing a joint monitoring committee that would enable them pull their limited resources and secure the borders, instead any military action to secure one’s border side is always viewed with suspicion and encouraged attacks and counterattacks. In the end the armed groups continue posing a threat to all the three countries that constitute zone one of the great lakes region.

The war has also opened space for illegal exploitation of DRC resources by both internal and external predators. Whereas the resources of the DRC have been used in building other economies, like Rwanda, Uganda and the West, the DRC had continually stuck in the miry clay. The conflict has further strained the cordial relationships that existed between the communities in the Kivu and now it is survival for the fittest.
The war has also been a hindrance to the implementation of the peace accords both the Lusaka Peace agreement and the Sun City Accord. The economic benefits accruing from and the formation of the illegal networks that currently exist in the east have been a catalyst to the continuation of the conflict. The conflict while it attracted seven African nations for war, it has proved a mountain in bringing the relevant parties in to a coalition and establishing Economic treaties for instance the Economic Committee of the Great Lakes Region (CEPGL).

4.3. Social Costs of Conflicts in Kivu

The health and education sectors remain the worst hit sectors in North Kivu. Before the advent of the war in 1996, the health sector for instance was already in tatters, the war finally brought it to a halt. With many personnel having deserted the health centers and civilians fearing for their lives, coupled with the challenges facing a failed state, that no longer provides the needed medical supplies, accessing the much needed medical attention for the population has been a nightmare. This has resulted in death that could otherwise have been prevented. For instance diarrhea, dysentery, malaria and measles, tuberculosis though treatable have contributed immensely to the deaths of many on monthly basis.

4.3.1. Health and Education Sectors

According to the International Rescue Committee report 2001, the UN agencies have reported that 70% of Congolese are far from accessing medical care for lack of finances
and also the absence of the very facilities.\textsuperscript{132} Most affected being children under the age of five who die from diarrhea, neonatal mortality, measles, acute respiratory infections. The DRC’s own Ministry of Health affirms the same noting that malnutrition is at the root, every year, of close to 54 percent of children’s deaths registered in our respective hospitals\textsuperscript{133}.

Pregnant women constitute another core category. According to a report from International Rescue Committee 2000 deaths are recorded per every 100,000 births.\textsuperscript{133} Underlying this, is the fact that, most facilities are no longer in existence having been destroyed during the war. Interestingly, a few that exist are not only inaccessible, given lack of infrastructure, but also due to violence.

Like the health sector, the education section in the DRC has been crippled further by the war. According to a World Bank report on education, the DRC features among the top five countries worldwide with the highest number of children out of school.\textsuperscript{134} This report is further boosted by UNICEF report on education that estimates 3 to 3.5 million children of ages 6-11 in the years between 2000-2001 did not have access to basic education.\textsuperscript{135}

\textsuperscript{132}ibid
\textsuperscript{133}Mortality in the Democratic Republic of Congo: Results from a Nationwide survey, conducted September-November 2002, reported in April 2003.
\textsuperscript{134}World Bank (2002). WB Announces First Group of Countries for ‘Education for All’ Fast Track, June 2002
Many of these youths end up working in mines where they are incited to violence including rape. Most eventually drift into banditry or armed groups in Eastern Congo. This has necessitated many churches and NGOs to take it upon themselves to establish and run schools. For instance in Goma, the Don Bosco Centre has been a refugee centre for many street children and many who have been rendered orphans either at birth or in teenage after the death of parents due to war related causes.

The conflict has rendered many families structurally challenged, with no parental figurehead children headed households have become the norm. Before the war, families fended and took care of each other but war put strains which have made it difficult for orphans to be catered for as families are far stretched in resources to even provide for immediate members. This is in-turn had contributed to underage being recruited in the mines and sea work and running other activities that are a protection risk. Socio-cultural ties and bonds that have also been broken giving rise to vulnerability of unaccompanied minors being targeted for recruitment as child soldiers.

4.3.2. Gender Based Violence

Another effect of war on the population in the East of Congo is displacement of civilians. At least over 760,000 have been uprooted from their homes. For instance according to the Oxfam report by August 2012 the number of IDPs was at 2.2 million up from 1.7 million in 2011. These IDPs continue to suffer violence both in the hands of the state machinery, authority and rebel groups. Indeed an apparent competition has evolved under which these populations suffer from extortion, rape and murder.

\[136 \text{www.oxfam.org}\]
Of much concern is how rape has been used as a weapon of war, where women have borne the brunt with their bodies being converted into battle fields. While we agree that rape has always haunted the lives of women even in peace times from domestic violence by a violent husband or partner, by a stranger on the street, a neighbor, or even incest from family members, the relationship between rape during peacetime and war is what Catherine Mackinnon notes, is what anti-Semitism is to the Holocaust. One is the inevitable result of the other, but the scale of horror is vastly different. As Ruth Seifert observes, Rape is also a crime of extreme violence, it is an expression of dominance, power, and contempt, a rejection of the woman’s right to self-determination, a denial of her being. Rape is not passion or lust gone wrong, it is first and foremost an act of aggression with a sexual manifestation. In the Weapons of War, Confessions of rape documentary, the Rebels affirm to the fact that they used rape as a war strategy to draw the government’s attention to their demands.

There further exists documentation of rapes that have occurred during war time period with most cases being recorded from 1991 with perpetrators including paramilitary groups, peacekeepers, invading soldiers, armed rebel groups, local policemen and even civilians.

137 Catherine A. Mackinnon, Rape, Genocide, and Women’s Human Rights, in MASS RAPE. Similarly, International Military Tribunal at Nuremberg recognized that the Holocaust was the inevitable outcome of NAZI doctrines of racial superiority. United States v. Goring 22 Trial of the Major War Criminals before the International Military Tribunal 411, 491
139 Femke, Ilse Van Velzen Weapons of War, Confessions of Rape documentary
One, is where the incident takes place before the violence breaks-out in a region. Here individuals break into a house belonging to the targeted ethnic group, steal their property and rape the women. Secondly, takes place during an invasion and capture of towns and villages, at the assemblage of the population women are gang raped in unfurnished houses, public places.\textsuperscript{140} The third pattern is where a town or village is cleared men are executed, soldiers and even civilians pick women rape them after which they can either kill them or return them. This involves severe beatings, torture and murders.\textsuperscript{141} Fourth pattern is where women held in custody by soldiers are raped continuously. Despite the different settings or patterns of rape, there are common features in all, most rapes are gang rapes, or at least involve the participation of other men even if they do not assault the individual, occurs in the presence of family members, other victims and local civilians, victims are sexually abused with guns, broken bottles or truncheons, family members being forced to assault each other, with women’s breasts being cut off and pregnant women having their stomach slit to remove the unborn foetus.\textsuperscript{142} The magnitude and brutality of sexual violence and in particular rape in the DRC encompasses all the above patterns with the violence ranging from mutilation, sexual slavery and gang-rape. With no specific age targeted for rape, the vice has been carried out on extremely young children, even babies of three months old, and elderly women.\textsuperscript{143} The physical injuries and mental scars inflicted by such ferocious sexual violence are extremely serious.

\textsuperscript{140} See Alexandra Stiglmayer, \textit{Rapes in Bosnia-Herzegovina, in MASS RAPE}
\textsuperscript{141} ibid: Catherine A. Mackinnon, \textit{Turning Rape into Pornography: Postmodern Genocide, in MASS RAPE.}
\textsuperscript{142} ibid
resulting in traumatic gynecological fistula.\textsuperscript{144}

Autesserie Severine further identifies the different forms of rape that occur in DRC. Punitive rape (used to punish to elicit silence and control), status rape (occurring as a result of acknowledged differences in rank), ceremonial rape (undertaken as part of socially sanctioned rituals); exchange rape (when genitals contact is used as a bargaining tool); theft rape (involuntary abduction of individuals as slaves, prostitutes, concubines, or spoils of war), and survival rape.\textsuperscript{145}

The International Humanitarian Law, Common Article 3 of the Geneva Conventions rape is a violation of this law. Rape is defined as \(\text{(a)}\) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; \(\text{ (...) (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;} \text{ (...)})\). Furthermore, Additional Protocol II to the Geneva Conventions prohibits: "violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishments; taking of hostages; acts of terrorism; outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; slavery and the slave trade in all its forms; pillage; [and] threats to commit any of the foregoing acts" (Article 4). Despite the ratification of the above by many countries women, and civilians in general still continue to suffer as all groups in conflicts fail to adhere to their commitment to halt attacks against civilians.

\textsuperscript{144} Report on Sexual Violence in Armed Conflict-Global Overview and Implications for the Security Sector. Geneva Centre for the Democratic Control of Armed Forces. \\
States parties to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) have specific obligations under Article 11 to protect women in armed conflicts against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction. Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the International aim is to provide protection for women and children against the impunity of sexual violence in the specific context of the Great Lakes Region. Under the Protocol, member states undertake, among other national and regional commitments, to prosecute and punish the perpetrators of crimes of sexual violence; to simplify the procedures for lodging complaints of sexual violence by women, children, and other interested parties; to establish legal and medical procedures for assisting the victims and survivors of sexual violence; and to assume responsibility for ensuring that the victims and survivors of sexual violence are compensated.

One of the countries where women and civilians have borne the terrible brunt of war has been the Democratic Republic of Congo, despite ratifying the Rome Statute of the International Criminal Court (ICC) establishes that rape, sexual violence and sexual slavery are acts that constitute war crimes, and could also constitute genocide where such acts are committed with the intention of destroying in whole or in part a particular national, racial, or religious group.
The failure to enact the same into national legislation, and the over glaring impunity has made it impossible for victims to receive justice from both the national and international community.

The conflict in DRC has exposed gross human rights violations. The United Nations Report on mapping of the criminal offenses committed in violation of human rights and international law has documented a total of 617 cases and terrible incidents that took place between 1993 and 2003. The report details the horrors of people chopped up, shot and burned up, maimed among other systematic murders on large scale.\footnote{www.ohchr.org}

Despite the glaring evidence of these atrocities, the victims of the conflict have not received justice despite the perpetrators being well known to the government and the international community. For instance in Walikale it is confirmed by the CNDP rebels that one of the statements used by Laurent Nkunda as carrot and stick to new recruits in the militia group was that being a member of the armed group guaranteed men free women especially now that dowry was hard to come by, one did not need to marry but have a sexual slave in form of captured women.

In her book, war crimes and atrocities, Anderson \textit{et al} narrate how in 2001 in the Eastern DRC after the conflict vehicles staked with several heads that were spiked on sticks drove through the city. She further documents how RCD-Goma soldiers carried out indiscriminate killings of civilians and committed rape. Besides that they are reported to have executed off Congolese officers between 14th and 15th May 2001 at Tshopobridge.
The soldiers were ordered to lie down with their hands bound behind their backs and were either shot or hacked to death with machetes or had their throats slit. Many of their bodies were decapitated before being put into weighted down plastic sacks and thrown over the side of the bridge into the river.\footnote{Anderson, J., Williams, A. and Head, V. (2007): War Crimes and Atrocities Futura.}

Another documented event by the same author is the death of two UN observers who were brutally murdered in Ituri. The two were found dead 65km outside the village where they were on a fact finding mission. They were murdered and disemboweled.

Besides rape women have been genitally mutilated, with sticks being rammed in their reproductive organs. Others have been killed, buried alive or disemboweled to kill the unborn foetus. Cannibalism has become the norm, as reported by former child soldiers that they were fed on human hearts, liver and lungs so as to gain courage and that vital human organs were used to make magic charm.

A victim of the same Zainabu narrated the following to UN investigators:

I was forced to watch rebels kill and eat two of my children. I also saw in one corner flesh from bodies and another two bodies being gilled on a barbecue.

This is also affirmed by a documentary from Afridocs, where the ex-maimai rebels confirm that they chopped off women’s breasts and clitoris for witches who prepared powerful charms for them that repelled gun shots, wounds and made them invisible to their enemies.

The war has also created an avenue for foreign armies to find sanctuary in the DRC. It has further attracted the attention of global actors forcing the UNSC to set up a
committee charged with the responsibility of confirming the illegal exploitation of resources from DRC and the UN Mapping report that details all the human rights atrocities committed against the victims.

Most populations in Masisi, Walikale and Mongbwalu have been forcefully moved from their environments and displaced as a result of the violence. At the refugee camp in Mungunga, James Chikuru, from Masisi could not articulate why they always had to be displaced anytime there was war in the North Kivu. He seemed oblivious of the reasons behind all this mayhem. To him whenever the gunshots intensify in their region they have to run for safety and after it subsides they return back to their base. That this was the third time he had been displaced to Mungunga camp.

The city of Goma has been named the city of rape where rape has frequently been used as a weapon of war. Margot Wallstrom has also referred to eastern Congo as the “most dangerous place on earth to be a woman.”\(^{148}\) This vice has been used as weapon not only to destroy the victims physically but the entire socio-economic structure of communities as well.\(^{149}\) The foregoing is well captured by one woman at heal Africa hospital who noted the following:

I had gone to my farm land to cultivate when a group of five men abducted me and raped me in turns. While in the act they kept saying, “we will keep doing this to you until you accept that kivu belongs to Rwanda” afterwards they stabbed me in the eye and my private parts.\(^{150}\)

\(^{148}\) ibid
\(^{149}\) Rape: Weapon of war. Ohchr.org
\(^{150}\) Oral interview, Heal Africa Hospital Goma  29th May 2014
According to the Human Rights Watch, (HRW), and the war within war report, in relation to Sexual violence Against Women and children in Eastern Congo, all the parties to the conflict are guilty of committing this crime. The FARDC, RCD-Goma, Mai-Mai and other armed groups from without. At the heal Africa hospital women are recuperating from extra ordinary pain brutally inflicted on them as a result of rape, some had firearms inserted into their vaginas, while others were shot in their private parts, still some have their reproductive organs mutilated by their attackers either by knives or razor blades. The repercussions of the above acts have varied from death, broken limbs, burned flesh, recto-vaginal and vesico-vaginal fistulas, STIs, urinary incontinence, pregnancy in young girls with immature cervix resulted in obstructed birth which either lead to fistula or deaths.  

Medical records obtained from the same hospital indicated that the facility had received a total of 4,715 women who reported cases of sexual abuse, 4,009 were medically treated, 702 had fistula complications, 63.4% were treated for trauma, and 36.6% for obstetric.

In a research carried out by the Journal of the American Medical Association in 2010, 39.7% of women in the east of DRC are reported to have been violated sexually during their lifetime. In their report on Independent assessment of women, war and peace, Elisabeth Rehn and Ellen Johnson detailed the magnitude of violence suffered by women before, during and after the conflict and noted the fact that, structurally there were glaring

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151 Countries/Amnesty International USA. Amnestyusa.org
gaps on issues related to civilian protection especially in relation to gender based
violence and if proper mechanisms are not put in place women will continue to have their
bodies as a battle group.\textsuperscript{154}

The American journal of medical Association 2010 attests the same. That 23.6% of men
in the east of DRC had been victims of sexual violence.\textsuperscript{155} That at least 4 to 10% of all
rape victims were male, from the foregoing, there was need to have gender clinics that
would address the gender issues of all sexes that have experienced sexual abuse.

Besides, the mature that have experienced the rape atrocity, the question one grapples
with also is the fate and psychological trauma as noted in below excerpt by Ray Brouck,

\begin{quote}
It was in 2000. We were at our own home. My husband imported goods from
Dubai. The soldiers came in. They were Tutsis. They spoke Rwandan. They ransacked
everything and wanted to kill my husband. å have already given you everythingå he told them, åso why do you want to kill me?å But they said: åWe kill big traders
with the knife, not with a gunå. They had machetes. They started hacking at his
arm. åWe have to chop hard,å they said, åthe Nande are strongå. Then they
butchered him, like in a slaughterhouse. They took out his intestines and his
heart. I had to pick up all the pieces. They held gun to my head. I wept. All the
pieces of my husbandås body. I had to gather them together. They cut me with a
knife, thatå how I got this scar. I have another one on my thigh. I had to lie
down on his body parts, to sleep on them. I did that, there was blood everywhere.
I wept and they started raping me.\textsuperscript{156}
\end{quote}

\textsuperscript{154} Elisabeth, R & Ellen J.S. (2002). Women, War, Peace: The Independent Expertså Assessment on the
Impact of Armed Conflict on Women and Womenå Role in Peace-building (UNIFEM).
of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the
Eastern Democratic Republic of the Congoå. The Journal of the American Medical Association 304(5): 553-561
\textsuperscript{156} The above victim MasikaKatsua now lives at La Synergie des Femmes, the only shelter for Congolese women
Besides the traumas, children born out of rape also experienced societal stigmas and low self-esteem and posed a challenge for relatives for instance in below caption continuation of the above narration:

My two daughters were raped and conceived. A boy and girl were born, but my daughters refused to have them. I took those children under my wing. When I came back, it turned out that my in-laws had sold everything, the house, the land, everything. They said it was my fault that my husband was dead. I had no sons and therefore no right to stay. The family turned me away. When my grandchildren ask me now about that scar, I cannot tell them. It was their fathers who did it.\textsuperscript{157}

A report from the Harvard Humanitarian Initiative (2010) classified the different forms of violence experienced by children.\textsuperscript{158} First there were those children who also were victims of rape, secondly, then there was the group that has experienced the rape by witnessing incest being committed to one of the family members, thirdly there were the group that is born out of rape, in DRC it is illegal to procure an abortion and therefore the victims of rape are forced to endure pregnancy to term but who knows the number of those dragged into infanticide? And then there was the group whose parents either died as a result of war related catastrophes or those abandoned after parents separate due to rape stigmatization.

Besides the physical harm, sexual violence has also resulted in emotional trauma, social ostracism and stigmatization coupled with the risk or dangers of unwanted pregnancy and infections of both STI & HIV Aids. The increase in HIV/Aids infections has been generated by the lawlessness and impunity of sexual offenders under the guise of war. Transmission has been either forcefully as stated above or circumstantial where

\textsuperscript{158} A Report by the Harvard Humanitarian Initiative with Support from Oxfam America April 2010.
humanitarian catastrophe such as displacements, loss of income generating activities has forced women and girls to survival sex. This is documented in the HRW report where conflict has contributed in creation of an environment in which abusive sexual relationships have become the norm where men both civilian and combatants regard sex as a service that can be acquired easily by use of force.159

The violence meted against the civilians in DRC by armed groups and even FARDC soldiers is unthinkable in a country that claims to be a state. This failure by the government of DRC to have a monopoly over the instruments of violence has resorted to much suffering of its citizens and ethnic cleansing being executed to its population.

4.3.3. Child Soldiers

According to the Coalition to stop the use of child soldiers, tens of thousands of children had been forced and conscripted into war as child soldiers. A United Nations report on Children and Armed Conflict names parties to the DRC conflict that have been reported as notorious in recruiting children for war. MCL, RCD-G160, RCD-N, RCD-K/ML161, Ex-FAR/interhamwe, Mai Mai162, Lendu Militias.163

According to a report from the MONUSCO other non state actors which have also been documented for recruiting child soldiers include Rayia Mutomboki (98), Front de

160 In conjunction with Rwandan Defence forces (formerly RPA) press-ganged and recruited children for conscription
161 The armed wing of RCD-K/ML is the Congolese People’s Army (APC) recruited children by abductions.
162 According to the Report from the UN Panel of Experts (S/2002/1146), estimated that children comprise 50% of its forces
Resistance Patriotique d’Ituri (FRPI) (68), ex-Patriotes resistent Congolaise (PARECO) (30), Lords Resistance Army (LRA) (33). The rest were recruited by Mayi Mayi groups including Kata Katanga, Alliance de Patriotes pour un Congo Libre et Souverain (APCLS), Patriotes Resistant Congolais (PRC).  

Further to the report a total of 92% of all recruitment took place in DRC, mostly in North Kivu (56%), South Kivu (25%), Oriental Province (5%) and Katanga (6%). Between January 2012 and 31st August 2013, a total of 185 boys and five girls of ages between 11 and 17 were recruited into child soldiers by Nyatura armed group.  

It is estimated that at their time of ousting Mobutu, the ADFL under the leadership of Laurent Kabila had recruited over 10,000 children. After assuming power some of the kadogo continued in his service as bodyguards and are believed to have assassinated Laurent Kabila.  

Despite the existence of international legislation on children’s rights, including the African Charter on Children’s rights and even the United Nations Resolutions on Children and armed conflict, for instance, United Nations Security Council Resolution 1355 (2001) which condemned the use of child soldiers and demands an end to all forms of recruitment, training and use of children in armed forces (para 18), to date most of the

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165 Isolated incidents of child recruitment were also reported in Maniema, Kananga, Equateur and both Kasai provinces; they are related to the re-deployment of FARDC integrated brigades (including ex-CNDP) to those areas.  
166 Nyatura consists mainly of Hutu deserters from the FARDC who established a presence in Walikale, Masisi and Kalehe territories (border of North and South Kivu)
militia groups still abduct children and use them as porters, sexual partners and child soldiers

The modes of recruiting have ranged from kidnapping, conscription and forceful induction into child soldiers. Minors are abducted upon attacks on villages on looting sprees, or from schools or in market squares and others through family members as per the following narration of victims to IRIN

Muamba spent his first few years as his uncle’s bodyguard before being enlisted into PARECO, which emerged in 2007 from a variety of diverse North Kivu communities, including Hunde, Hutu, Nande, Nyanga, and Tembo."I don’t know how many people I killed. The youngest was a girl about six. She was shooting at me"With a barely discernable pencil moustache indicating the onset of adulthood, he knows exactly how many battles he has fought and replies without hesitation: “It was 45, but I don’t know how many people I killed.”

Muamba was wounded twice during his decade as a child soldier.

The first battle I fought in was against the FDLR [an anti-Rwandan armed group that had an informal alliance with PARECO]. I fought against ADF-Nalu [Allied Democratic Forces - an Islamist armed group opposed to the neighbouring Ugandan government] in Beni, and M23.

The following form of recruitment was disclosed to MONUSCO by an ex-child soldier for Nyatura under the Command of Colonel Oussama

My commander ordered the group to go into the school and choose the older boys who were fit. Teachers tried to stop us but we chased them away from the classrooms.

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167 IRIN Report
168 Ibid. 23 March movement an alleged Rwandan proxy armed group.
169 MONUSCO Report on Child Soldiers
Refugee and IDP camps have been reported as common sites for kidnapping and abduction of children. This is made possible with the absence of state authority and large numbers of unaccompanied minors.

Michael Wessells clearly spells out why children are easy recruits. They are recruited because of the convenience, low cost, and impunity. That replacing troops would be expensive and difficult while in a conflict environment there is a ready market of children who together with women comprise a high number of the displaced. Another factor is because children are easily manipulated and accept most dangerous assignments and to control them you only need to employ terror and brutality.

Through violence or threat of violence, young children can be trained to obey commands that many adults would contest or find ways around. Entering an armed group and a new world suffused with danger and recognizing their ignorance of the group rules and lack of survival skills, young children use obedience as a survival strategy. That because of their size, they are unlikely to be suspected as enemies, and therefore could be used as spies besides that they can be exploited sexually and can handle diverse unspecified roles.\(^{170}\)

To further counter the initial fear of violence, coupled with commanders strange beliefs in supernatural world of unseen spirits and the need to protect themselves from bullets, the Mai Mai would engage the services of spiritualists who charmed the children through some diabolic rituals and practices. In the cantonment camp in Goma, some ex-child soldiers displayed strange scars and marks on their bodies which were as a result of undergoing the rituals. The below narration from Kibumba in Goma compliments the same.

Four weeks after I was kidnapped we were to fight against the FARDC. I was scared to the core. Our commanders asked us to drink human blood and eat human heart and

then we would be courageous. We were also allowed and forced to take weed and drugs like amphetamines which mixed with alcohol had the tendency of interfering with the normal function of our brains by impairing judgment and therefore we could participate in acts that were abnormal but appeared normal to us.\footnote{171}{Oral Interview Goma 15 May 2015}

Life in these armed groups is usually a challenge for children who are denied of their childhood and forced into a system that negatively impacts their growth. Child soldiers especially girls have also had to endure sexual exploitation and violence as narrated below:

One day, rebels attacked the village where I lived. I hid and watched as they killed my relatives and raped my mother and sisters. I thought if I joined their army, I would be safe. In the army I was trained to use a gun and I performed guard duty. I was often beaten and raped by the other soldiers. One day, a commander wanted me to become his wife, so I tried to escape. They caught me, whipped me, and raped me every night for many days. When I was just 14, I had a baby. I don’t even know who his father is. I ran away again but I have nowhere to go and no food for the baby. I am afraid to go home.\footnote{172}{U.S. Department of State (2004). Country Reports on Human Rights Practices 2003: Congo, Democratic Republic of the, Washington, D.C. Section 6d.}

Besides the foregoing, another challenge faced by girl soldiers is lack of birth control pills and ante and post natal treatments have resulted in crude termination of pregnancies resulting in birth complications and even death. The ex-child soldiers in Goma indicated that physical injuries on their bodies were not necessarily as a result of enemy attack but the rigorous and inhuman trainings received in armed groups as documented by the human rights report 2001

We were all ten, twelve, thirteen years old and older. Then we were sent to Camp and trained there. Many of us were killed in the training lots died of sicknesses. The food was poorly prepared and many got dysentery.\footnote{173}{Human Rights Watch Report 2001 ï Child Casualties of War}

The International Criminal Court defines involving of children below the age of 15 as child soldiers as a war crime.\footnote{174}{In this regard, the International Criminal Court in 2012}
convicted the *Union des Patriotes Congolaise* (UPC) militia leader Thomas Lubanga for conscripting child soldiers in northeastern DRC’s Ituri region between 2002 and 2003. While this was expected to send a strong warning to those that continue this vice, the status quo remains.

### 4.3.4. Violations by Peacekeepers

While the norm has been that peacekeepers are there to prevent further atrocities and aggression towards the helpless civilians, reports from the peacekeeping missions denote otherwise. For instance in May 2004, the United Nations Missions in Congo (MONUC) reported allegations of sexual exploitation and other abuse committed against women, children, minors by both the civilians and peacekeeping military personnel in Bunia.\(^\text{175}\)

According to a report from the Heritage Lectures, the United Nations personnel in DRC are accused of close to 150 major acts of human rights violations.\(^\text{176}\) Among the acts against human rights violations are rape, forced prostitution of women and young girls within and without the refugee camps.

Documentation from women’s international league for peace and freedom reported the following:

> In the past decade, increasing numbers of accounts have surfaced of violations committed by peace keepers against civilians in particular women and girls, during UN peacekeeping operations. To date, violations by peacekeepers have been documented in Angola, Bosnia and Herzegovinia, Cambodia, Democratic Republic of Congo. Currently UN is carrying out investigations of sexual abuse by peacekeepers in DRC.\(^\text{177}\)

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\(^{176}\) Heritage Lectures March 22, 2005 edition

\(^{177}\) Peace women’s International League for Peace and Freedom, *About Peacekeeping Watch*
A total of 68 allegations are documented to have been committed by the peacekeepers. For instance rape of minors by Nepalese MONUC soldiers in Ndiomo camp, senior Tunisia MONUC soldier accused also of demanding sexual favours from minors, same accusations have been leveled against Pakistani, Moroccan and Uruguayan peacekeepers.

The indecent behavior and failure of the peacekeepers to uphold and observe the United Nations code of conduct revealed that the soldiers not only performed the crimes on civilians outside the mission but also within. For instance in Goma, South African Colonel is accused and found guilty during the United Nations instituted investigation to have sexually molested his interpreter below age 18.\textsuperscript{178} Besides the foregoing, another south African soldier was accused to have raped a 12 year old.\textsuperscript{179} To date there exists a hostile relationship between the host community and MONUSCO because of such incidents.

Despite the overwhelming evidence no charges have been opened against the peacekeepers accused of the above crimes. Although the office of the internal oversight services confirms the widespread issues of integrity with many being compromised with bribery of witnesses and intimidation, no disciplinary action has been taken against the culprits.


\textsuperscript{179} ibid
The failure to bring the sexual offenders to book leaves a lot to be desired about the United Nations peacekeeping operations. Its inability to publicize and prosecute the persons responsible for the above atrocities and also their failure to prevent further crimes from being committed to the vulnerable despite previous incidences and reports of human rights violations against the civilians in conflict situations is shameful, disgusting and betrayal of the honesty and hopes the victims had placed in the UN system.

4.3.5. Post Traumatic Stress Disorders and Depression

Another effect of the conflict has been an increase in cases of Post traumatic stress disorders by victims, perpetrators and even the peacekeepers. This Psychological trauma is attributed to human rights abuses by rebels, military that resulted in deliberate human-induced pains. The effect has created a distortion in victims perspectives on worldview, with frequent questions like how could this happen to me? Why did this happen to me? Where did I go wrong? And for the perpetrators their conscience is clouded with questions like why did I do this? Why can’t I find peace?. Besides their minds being full of thoughts of regret, they also have nightmares to content with in their dreams and re-sounding voices, screams from their victims begging for mercy as testified by Alain Kashary, an ex-maimai rebel:

I cannot explain what came over me. The rapes and killings we committed as rebels were under a strange evil power. I regret participating in it. I don’t have peace, at night I am unable to sleep because of the nightmares and screams from my rape and murder victims.180

Another affected group has been the peacekeepers, who after witnessing atrocities and scenes of fathe incidents. According to MONUSCO, they have received several cases of

180 Afridocs Documentary weapons of war, confessions of rape ED television 10th August 2015
soldiers who upon their return to countries of origin have sought psychological help because of the traumas. A case in point, is of one Ghanian general who wherever it was time for meals, he would shout at everyone “lets hide they have come, take your guns”. 

The same was also experienced by wives to military personnel (Fardc). One incident is of a wife to Captain Basima (10th Regional National Army of Congo) whose story is captured in the Weapons of War, Confessions of Rape documentary.

“My husband always departed home a happy man to report to work, but in the evening would be too sensitive and beat me for no apparent reason”.  

4.4. Conclusion

The continuation of the conflict and the occupation of the physical and material base by armed groups continues to pose a danger to civilians. This state of affairs is worrisome especially in the wake of terrorism groups like Al shabab or Al Qaeda forces gained access to the DRC uranium mines the net effect would be disastrous not only to DRC and the region but the entire world. And, so it is in the interest of the superpower and its global partners to use all means possible to bring the war in the DRC to an end by helping the DRC to establish a strong democratically elected central government of legitimate leadership accountable to the citizens, end impunity by arresting the perpetrators of the conflict and indictment of all responsible for crimes against humanity. Finally, impose sanctions on top level leadership in both Rwanda and Uganda as named in the United Nations Mapping report. UN should to continually revisit the MONUSCO mandate from just peace keepers to peace makers.

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181 ibid
CHAPTER FIVE

CONCLUSION

5.0. Introduction

This chapter provides a conclusion to the study. It sets out to respond to three objectives. The first one focuses on the study objectives and seeks to demonstrate the extent to which the preset goals have been realized. The second objective undertakes the same in regard to the study hypotheses.

One glaring fact is how history has been repeating itself in the Democratic Republic of Congo. Of concern, has been the absence of a leadership with ability to respond to the task of nation state crisis, conflict management, resource distribution and institutional penetration. Instead the country has fallen prey to leaders whose mind has been centred on consolidating power for continued predation of state resources.

This weakness of state management morphosed into a threat for the country’s resources which the external forces optimized and gained control of the political and economic affairs while the population in DRC wallowed in abject poverty and defeat. The failure of the of leadership to recreate the notion of stateness through security engendering ideas that can transform institutions for efficient provision of state and human security has also contributed to the continuity and mutation of the conflict in DRC resulting in three levels of conflict, state-centric, rebel violence on society and state versus rebel groups.
The study revealed that the causes of the conflict were both internal and external. They comprised of political and socio-economic factors. Politically the agreement between the warring factions had produced a process called brassage in the hope of engendering a united military. Unfortunately the process was hijacked by the belligerents who continued to illegally recruit members from various armed groups without following the due processes of DDR, together with the challenge of different informal command structures, indiscipline, poor command and control contributed to frequent confrontations among the forces and desertions.

Though the formation of the broad government of 4+1 comprising of armed and civil society groups was an attempt at state reconstitution, the same failed to deliver political goods to the citizens as the groups main objective was centred on grabbing power and consolidating it. Findings from the research indicate that the political elite spend most of the time fighting and consequently created more tensions in the country.

Another political challenge was the role of external actors, these include the United Nations and other Non-governmental organizations. Their continued support of the government of DRC in provisioning of services like security, education and health seemed to act as an alternate state and therefore encouraging the DRC government to abandon its responsibility to its population. Further, the failure of the DRC government to reconstitute the nation state and absence of state authority in the East coupled with the outsourcing of security is to blame. This has resulted in failed DDRR and SSR
initiatives. The generals in the FARDC are accused of re-selling the weapons collected through the DDRRR program to armed groups and thus facilitating more conflict. Corruption among the top police and military had also curtailed the implementation of the security sector reforms.

Absence of a monitoring mechanism resulted in the previously signed peace agreements and accords not being implemented. For instance, the Lusaka peace agreement and the Sun city Accord. The research findings reveal that none of the parties adhered to the stipulated requirements in the peace deal. While the neighbouring states pulled out their military forces from DRC, they still retained their proxies, supported and created more rebel groups that continually instigated violence against the civilians.

The conflict has further been driven by the inability and lack of capacity by the states that constitute zone A of the Great Lakes region to monitor their porous borders which continue to be the entry and exit points for smuggling in arms and extraction of the DRC resources. The mutual suspicion that exists among the states has frustrated any efforts to enforce a joint monitoring mechanism committee.

The strategic importance of the DRC in terms of both resources and position has also attracted the interest of all. This is clearly exhibited in the reasons for involvement of many nations in the DRC conflict. While the initial involvement for many nations was based on security concerns, the United Nations report on illegal extraction of DRC resources by both Rwanda and Uganda and the 2005 International Court of Justice ruling
where Uganda was penalized a 10 billion dollar fine indicates the converse. That their involvement in the DRC resource wars resulted in the creation of many militia groups with the support from the two countries, as such the conflict in DRC contributed to the creation of several informal business networks and government structures which determined the political and socio-economic relations. Armed groups demanded to proffer security services on hire to any company that would desire to engage in any mining business in North Kivu in exchange for money and ammunitions.

The study noted that mutation of the violence was also dictated by both internal and external factors. To both the internal and external actors, Laurent Kabila was the target. Internally the desire to oust Laurent Kabila after violating the constitutional rights of the Congolese and regionally the desire to secure the border points of both Rwanda and Uganda from attacks from rebels within the DRC was the motivating factor.

The assassination of Laurent Kabila was instrumental in shifting the focus of the warring groups from democratic and security pursuits on to the lucrative business of resource pillage. While the economic plunder gained root, the displacement of the population became inevitable and the war again metamorphosed by converting the women’s bodies to battle grounds. The impact of mutation affected all across board, where civilians abandoned their usual income generating activities and pursued lucrative deals in the mines. This included the civil servants, military, police and children.
The crisis of citizenship and ethnicity has continued to plunge the North Kivu in turmoil. Of importance is the revoking of citizenship earlier on awarded to the Banyamulenge and the manipulation of politics by both Mobutu and Habyarimana by instituting measures that were punitive and security threatening to the Tutsi’s leaving in the Kivu region. The ex-far and interhamwe besides militarizing the refugee camps in DRC, they further committed atrocities and murder against the banyamulenge with support from the government of DRC. This necessitated the arming of the banyamulenge by the Rwandan government including the formation of the CNDP to provision defense for the Tutsi’s. To this end conflict continuation was inevitable with far reaching effects.

The impact of the conflict ranges from the destruction of institutions, infrastructure and livelihood. This is enhanced by the failure of the state to create identity among the citizens and provide security, create and strengthen existing administrative structures and institutions. Failure to which results in lack of provision of key services like education, health and defeat in having monopoly over violence.

Politically, Joseph Kabila has been able to continue manipulating the key institutions so as to extend his stay in power and also been reluctant to register state presence in the East of DRC and has continued to place the blame on the conflict. To this end, the neighbouring nations have joined the ride by manipulating the political groups in the DRC to their own advantage. The study further confirmed that the North Kivu continues to retain a large concentration of armed groups and thus militarization of the local politics. That the armed groups have also turned on taxation and extortion of local population.
Besides the aforementioned, the conflict has affected the agricultural activities in this region. First the once favourable soils now have landmines implanted in them. The main producers of food who are the women can no longer visit their farms or carry out their normal chores for fear of being attacked by the rebels.

The war has created a loophole for the extortion and exploitation of the DRC resources by both the internal and external predators. The conflict has further deteriorated and distracted the countries that comprise the Great Lakes region from engaging in joint activities for the betterment of their population, for instance the establishing a joint monitoring and economic committee that would otherwise have enabled them to secure their borders and pull resources together. Instead one action from either side is viewed with suspicion.

The study further exposed the effect of the conflict on all the sectors of the DRC economy and more specifically the health and education sectors. This has increased the rate of child mortality and deaths that could otherwise have been prevented. Most of the health facilities are unreachable due to poor infrastructure and services were curtailed because of the dilapidated state as a result of long duree conflict. This sad state of affairs is supported by reports from World Health Organisation and other United Nations agencies.
While one of the millennium goals is education for all, the case in DRC points otherwise. The UNICEF report confirmed that this country is among the top five nations worldwide with the highest percentage out of school and involved in child labour.

Further the conflict has resulted in gender based violence with rape being employed as a weapon of war. The North Kivu region has been named as the most dangerous place for a woman to live and even called "city of rape". Worse still is the fact that the incidents are committed by the government forces, armed groups and even the United Nations Peace Keepers. This is so because of the kind of atrocities committed against women, men, and children. Women’s sexual organs and breasts have been chopped off and used to prepare protective charms for armed groups.

Despite the existence of legislation on rape, for instance the international humanitarian law where rape is defined as violence to life and person, in particular murder of all kinds and protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa in Africa (2003) to protect women in armed conflicts against all forms of violence, rape and other forms of sexual exploitation. And protocol on the prevention and suppression of sexual violence against women and children, the perpetration has been on the increase and no one has been prosecuted or punished for violation of this law.

The availability of unaccompanied children and the need to recruit more forces has necessitated the creation of child soldiers. As the conflict ranges on most care givers are
caught up in the fight and lose their lives leaving behind children who need to fend for themselves. These are taken advantage of by the armed elements who recruit them as send them to fight. Among the chores the children are engaged in include, guarding, potters, sexual slaves, fighters, and spys.

The conflict has not only destabilized the society but has also damaged the social fabric of the affected societies. The displacement of population has increased the levels of poverty and encouraged more mutations since people’s source of livelihoods have been destroyed.

The study confirmed that hypotheses of this study were guided by the following two assumptions that while power struggle is the main cause of conflict in DRC, state collapse had led to the mutation and that the intermittency of the conflict in North Kivu which exposed civilians to all forms of conflict related violence resulting in displacement, population decline.

The inability of the DRC government and its leadership to nature the nation of stateness by putting in place security engendering ideas has greatly contributed to the mutation of conflict. This is further advanced by the states failure to have a monopoly over the instruments of violence and absence of the same state in the North Kivu resulting in armed elements have taking control of the unmanned spaces (physical and material bases). The increase in the conflict was a function of the failure of the DRC government
to engender ideas critical to the establishment of strong institutions vis-à-vis the notion of strongman

This situation is compounded by the stagnation of the political class in a state of transition and lack of will to build a strong military, instead has continued to outsource security from local militia and external forces (MONUSCO and Forces Intervention Brigade).

The above scenario brings us to our second hypothesis that the intermittency of the conflict in North Kivu has contributed to civilians being exposed to all forms of conflict related violence. This has resulted in the displacement creating Internally Displaced Persons and Refugees. Also deaths of multitudes from both direct and indirect conflict related causes. The state has failed to prove the reason for its existence.

From the foregoing, the challenge facing the DRC in general and the North Kivu in particular, has both internal and external support bases. Internally the clash between those for a new beginning, the nationalists and those against any change to the existing status quo explains why corruption is an obstacle to the implementation of SSR and DDRR programs and the persistent conflict as some politicians are known to also own their militia groups that mine the minerals on their behalf. For instance the MLC leader Bemba receives support from former mobutuists who have also found their way back into the system.
Regionally, the conflict is an exposure of the weaknesses of regional bodies. Both SADC and African Union are bodies with misplaced priorities or should we say the toothless backing dog. The question we grapple with again is how come the AU was ready and even called an emergency meeting because of the Kenyan ICC case and even threatened to pull out of ICC, and has not cared to rise with the same stamina while dealing with the DRC issue despite the conflict having claimed a death of 5 million civilians, massive human rights violations.

The United Nations Security Council once again has repeated its failure by watching millions die without executing any sanctions against the two main perpetrators Uganda and Rwanda but instead countries like the US and Britain who have veto power in UN have continued to support them. In his last trip to Ghana and South Africa, President Barrack Obama indicated that the American government was keen on the African states creating strong institutions and not strong men, yet to date they continue to support the two strong men in the Great Lakes region and allow them to operate with impunity.

For the war to come to an end, there is need for impunity to be confronted and have all the culprits brought to book. This will enable many countries to adhere to international laws and respect the sovereignty of other nations. America’s conspiracy is clearly revealed by the fact that while they intervened in Kuwait to stop the Iraq invasion, concerning DRC they have been no tangible action despite the available evidence.
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### APPENDIX I

### INTERVIEW SCHEDULE

<table>
<thead>
<tr>
<th>TOPIC</th>
<th>CONTENT</th>
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| **Opening**               |  · Establish Rapport and inform respondent reason for interview  
                         |  · Purpose of the information that to be collected from the respondent  
                         |  · Motivation for gathering the information and what the information will be used for  
                         |  · Time Line-How long the interview will take and availability of respondent for that duration                                                                                           |
| **Introduction and demographics** |  · How long have you been living here?  
                         |  · Are you originally from this area?  
                         |  · Which is your nationality?  
                         |  · How old are you?  
                         |  · What do you do for a leaving?  
                         |  · Do you have a family?  
                         |  · Do they live here with you?  |
| **Source of Information** |  · Have you experienced any conflict while living here?  
                         |  · What kind of conflict have you experienced?  
                         |  · What can you say about this Conflict?  
                         |  · Can you describe the most important causes of this conflict and factors influencing its continuation?  
                         |  · The conflict has been mutating in form and violence, what are the factors influencing this?  
                         |  · Why is it easier to form a rebel group in DRC?  
                         |  · Why has it been difficult to arrest the conflict?  
                         |  · Rwanda and Uganda are neighbouring you, they too had conflict but to-date they seem abit stable, could you tell us why it has become difficult for DRC to stabilize? Who is to blame?  
                         |  · Why do residents here say the government is in Kinshasa?  
                         |  · Uganda and Rwanda and other neighbouring states have continually been attacked by rebels whose sanctuary has been DRC? Why is DRC encouraging the habitation of these groups? Or why has it been difficult to remove them?  
                         |  · What/how has ethnicity contributed to the conflict? especially in this Kivu region?  
<pre><code>                     |  · Are you aware of the peace agreements that  |
</code></pre>
<table>
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<tr>
<th>TOPIC</th>
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| DRC has signed to end the conflict situation? | • Why has the conflict continued despite the mechanisms in the agreement?  
• What explains the failure of the DDR?  
• What has been the impact of the conflict? Politically, economically and socially?  
• In what ways has the conflict affected you?  
• MONUSCO has been existence for over a decade, how would you rate their performance?  
• MONUSCO peacekeepers have severally been implicated in human rights violation issues, what factors contribute to this? What measures have been put in place to respond on the same?  
• The Civilians have continued to die despite the presence of MONUSCO, what explains this lapse?  
• The Forces Intervention Brigade? Why did it take long to establish it?  
• The Great Lakes region/SADC/AU/UN have been accused of aloofness? What is your take on this? |
| Time of the conflict         | • The DRC has witnessed several conflicts since independence, Can you tell me when and which conflict has had impact on you? |
| Advice/Lessons learned       | • If you were to give your suggestion or opinion on how to end the conflict, what would it be? |