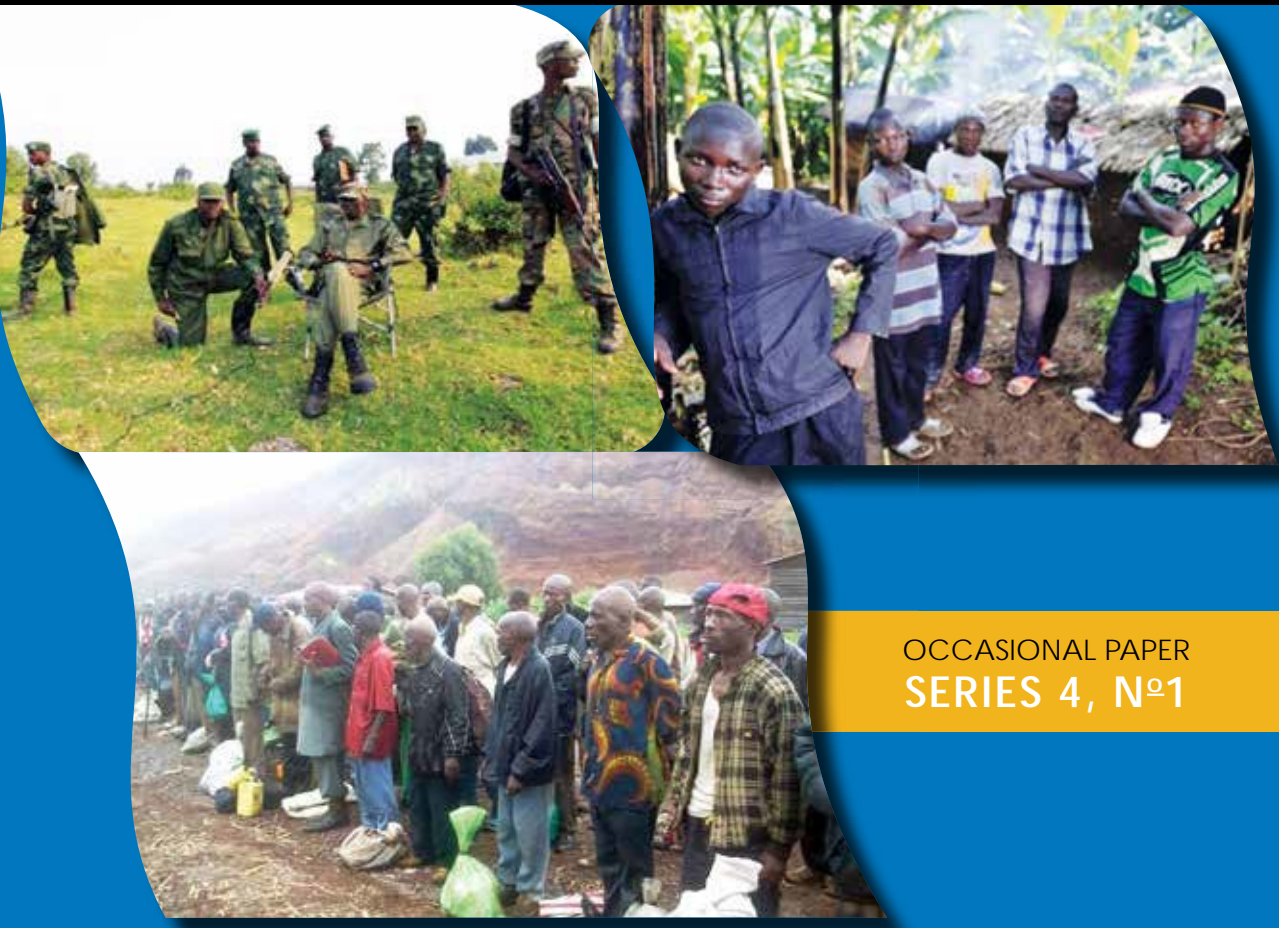**The International Peace Support Training Centre**
Nairobi, Kenya

Cross Border Insecurity in Eastern Africa:
The Case of Eastern Democratic Republic of Congo

JOSEPH KIOI MBUGUA

Enhancing Capacity for Regional Peace and Security through Peace Operations Training

Cross Border Insecurity in Eastern Africa:
The Case of Eastern Democratic Republic of Congo

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Foreword

The International Peace Support Training Center (IPSTC) has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa. The centre is a training and research institution focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture and has developed to be the regional center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention, management, and post conflict reconstruction.

The Peace and Security Research Department (PSRD) of the IPSTC presents Occasional Paper Series 4 of (2013) on various themes on peace and conflict situation in Eastern Africa. IPSTC produced seven Occasional Papers in 2013. Five of them focused on Somalia while the others dealt with drivers of conflict and integration of child soldiers in eastern DRC. This publication titled: Cross border Insecurity in Eastern Africa: The Case of Eastern Democratic Republic of Congo, provides an analysis of factors and actors that inform the protracted cross border conflict in eastern DRC.

These papers provide insight into pertinent peace and security issues in the region that are useful to policy makers. These publications also provide significant contribution to the security debate and praxis in the region. The research products from IPSTC have been developed by researchers from Kenya, Burundi and Uganda and will inform the design of training modules at IPSTC.

This Occasional Paper is an important contribution to the vision and mission of IPSTC. The research and publication of this Occasional Paper has been made possible by the support of the Government of Japan through UNDP and the European Union.

Brig. Robert Kabage
Director, IPSTC

International Peace Support Training Center (IPSTC)

The International Peace Support Training Centre (IPSTC) is an international center of excellence in peace support operations training and research focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture. IPSTC is the regional training center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/ AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations.

The Research Department of the IPSTC undertakes research for two main purposes: a) the design of training curricula to support peace operations, and b) to contribute to the debate towards the enhancement of regional peace and security.

The Peace and Security Research Department (PSRD) develops annual occasional papers and issue briefs covering diverse themes from the Great Lakes region and the Horn of Africa. The 2013 Occasional Papers cover diverse topics in regional peace and security including the eastern Democratic Republic of Congo (DRC) and Somalia. PSRD's Research Agenda is traditionally comprehensive and addresses issues related to a variety of regional issues. The research conducted covers a broad spectrum of peace and security concerns ranging from conflict prevention, management, and post conflict reconstruction. IPSTC has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa.

The Target audiences for our publications are the decision makers in key peace and security institutions in the Great Lakes region and the Horn of Africa. These include policy makers in national security sector such as internal security, defence, judiciary and parliament and regional institutions dealing with conflict prevention and management such as East African Community (EAC), Inter Governmental Authority on Development (IGAD), International Conference of the Great Lakes region (ICGLR), Regional Center for the Control of Small Arms and Light Weapons (RECSA), African Union, Embassies of key development partners with special interests in regional peace and security issues and the United Nations agencies in the Great Lakes region and the Horn of Africa.

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Acronyms

ACAC   Africa Canada Accountability Coalition

ACRI   African Crisis Response Initiative

ADF   Allied Democratic Forces

AFDL   Alliance des Forces Démocratique pour la Libération du Congo/Alliance of Democratic Forces for Liberation of Congo-Zaire

AMISOM   African Union Mission in Somalia

APR   African Public Radio/Radio Publique Africaine

APSA   Africa Peace and Security Architecture

AU   African Union

BINUB   Bureau Intégré des Nations Unies au Burundi/United Nations Integrated Office in Burundi

CNDD   Couseil National Pour la Défense du la Démocratique/National Council for the Defence of Democracy

CNDP   Congrès National Pour la Défense du Peuple/National Congress for the Defense of the People

CSO   Civil Society Organizations

DDR   Disarmament Demobilization and Resettlement

DRC   Democratic Republic of the Congo

FARDC   Forces Amées de la République Démocratique du Congo/Armed Forces of the Democratic Republic of Congo

FDD   Forces Pour la Défense de la Démocratie/Forces for the Defence of Democracy

FDLR   Forces Démocratiques de Libération du Rwanda (Democratic Forces for the Liberation of Rwanda)

FNL   Forces Nationales de Libérationels/National Forces of Liberation

FRODEBU	Front for Democracy in Burundi
FRONABU	Le Front National Pour La Révolution au Burundi
FIB	Force Implementation Brigade
ICGLR	International Conference on the Great Lakes Region
M-23	March 23, Movement
MLC	Movement de Liberation Congolais
MONUC	Mission de l'Organisation des Nations Unies en RD Congo/ UN Mission in the Democratic Republic of Congo
MONUSCO	Mission de l'Organisation des Nations Unies pour la Stabilization en RD Congo/UN Organization Stabilization Mission in the Democratic Republic of Congo
OAG	Organized Armed Groups
ONUC	Opération des Nations Unies au Congo/United Nations Organization in Congo
RCD	Rassemblement Congolais Pour la Democratie/Congolese Rally for Democracy
RPF	Rwanda Patriotic Front
SALW	Small Arms and Light Weapons
SNR	Services Nationales des Renseignements/National Intelligence Service
SSR	Security Sector Reforms
UN	United Nations
UNAMIR	United Nations Assistance Mission in Rwanda

Abstract

This study surveys the causes of cross border conflict in Eastern Democratic Republic of Congo (DRC) and the neighbouring countries. The paper argues that there are structural causes that underpin the conflict such as colonial legacy, weak governance, fragility, contested citizenship, greed for resources, land tenure and group territorial claims. Factors that act as drivers to the conflict such as spillover effects of conflicts in neighbouring countries, organized armed groups, and proliferation of Small Arms and Light Weapons (SALW) have also been identified.

The second part of the paper evaluates options and strategies for conflict prevention and management. Top among the proposed strategies are state and nation building in the DRC, developing a professional security sector in DRC, inclusive grass root based peace building and reconciliation process, land administrative reforms, determination of citizenship, exploring options for economic and security cooperation among the neighbouring countries, and aligning external actors strategies with regional and DRC peace and security priorities. Specific recommendations have also been provided in line with the above analysis.

1.0   Introduction

This paper is organized into four sections. Section 1 presents the introduction containing the purpose, scope, methodology and conceptual framework of the study. Section 2 provides an analysis of the drivers of conflict in the eastern part of DRC, while section 3 outlines approaches to address the insecurity situation. Section 4 provides the conclusion and recommendations.

The Belgian colonialists left little to support the emergence of a dynamic and democratic state after independence. Though there were migrants into Congo even before colonialism, the colonial regime planted some seeds of the current conflict through relocation of more than 300,000 Rwandans (Hutu and Tutsi) to eastern Congo between 1928 and 1956, specifically settling in Masisi, Rutshuru and Walikale. The immigrants were brought to work in farms and mines in North Kivu.[1] These settlers would in future pose severe competition for land to the perceived indigenous people of the region.

Congo gained independence in 1960 with Patrice Lumumba as the first Prime Minister and Joseph Kasavubu as the president. Lumumba's nationalistic policies angered powerful Western powers, the United States and former colonial power Belgium. Within six months of independence, Lumumba was overthrown and assassinated; thereby ushering in a gloomy era of military dictatorship of Mobutu Sese Seko that would last until 1997. Mobutu did little to overcome past challenges or establish a strong democratic state. Instead, his rule increased conflict vulnerability in the region through divide and rule, corruption, proliferation of armed groups, and rampant poverty.[2]

The end of Mobutu's rule came when various forces coalesced around Laurent Kabila's AFDL in eastern Congo in 1996. Supported by Rwanda

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1   Chris H. et al, Conflict in the Great Lakes Region, *How is it Linked with Land and Migration?* Natural Resource Perspectives, Number 96, 2005, London: ODI and ACTS, p.2

2   Autesserre S., *The Trouble with Congo, How Local Disputes Fuel Regional Conflict, Foreign Affairs,* Vol. 87, No.3, 2008, pp. 94-110

and Uganda, they managed to depose Mobutu in 1997.[3] This strengthened Rwandan and Ugandan influence in politics and control of resources in eastern DRC. Kabila's administration (1997-2001) barely begun to execute a new political and economic order before being haunted by parties that helped Kabila to win the war. In an attempt to consolidate power, Kabila removed Rwandan and Ugandan soldiers from DRC. Rwanda and Uganda began to support a new rebel group Rassemblement Congolais Pour la Democratie (RCD) and Movement de Liberation Congolais (MLC) to fight Kabila's administration.[4] This conflict drew other African countries such as Angola, Zimbabwe, Chad and Namibia in support of Kabila who was later assassinated in Kinshasa.[5]

A ceasefire was negotiated in 1999 but a number of foreign fighters remained in the eastern DRC exploiting and looting mineral resources of the Congo. Massive human rights abuses were reported during this period. Laurent Kabila was assassinated in 2001 by one of his bodyguards and his son, Joseph Kabila, succeeded him.[6] The elections that followed, especially that of 2011, were not perceived as free and fair by the opposition leaders and therefore Kabila has largely been seen as perpetuation of undemocratic military leadership in the DRC.[7] The evolution of Rwandan supported armed groups RCD, CNDP and M-23, mirrors the changing security and political dynamics in DRC, neighbouring countries and global political alliances.

This study has identified key factors that inform the conflict in eastern DRC. Among the recommendations offered are strengthening governance institutions in eastern DRC and adopting a collaborative resolution of the conflict among DRC, Rwanda, Burundi and Uganda among other regional actors as envisaged in the Peace, Security and Cooperation Framework Agreement of the Great Lakes region. [8]

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3   Ibid., p.2
4   Minority Rights Group International Report, Erasing the Board, United Kingdom, MRG and RAPY, 2004, p. 32
5   Ibid., P. 31
6   Huggins, C. *Land, Power and Identity: Roots of Violent Conflicts in Eastern DRC* (London: International Alert, 2010), p.16
7   Katrina Manson, DRC Opposition Reject Kabila's Re-election, December 9, 2011, Financial Times
8   This agreement also referred as 'Framework for Hope' spearheaded by UN Envoy to the Great Lakes Region, Mary Robinson, is the new initiative that has seen the M-23 ejected from eastern DRC

1.1   Scope and Limitations of the Study

This paper assesses the current conflict in eastern DRC (North and South Kivu) and the cross border regions of Uganda, Rwanda and Burundi. The study focuses on the current actors and dynamics while casting an eye on historical factors that inform the conflict. The study could not exhaust the myriad of factors that inform conflict dynamics in the Great Lakes region due to the time available and the extent of the areas covered. This obstacle was however addressed by using a wide representative sample and secondary data.

1.2   Statement and Significance of the Problem

The DRC State has not managed to exert control across its vast territory despite numerous local and international efforts to settle differences and create stability and sense of peace. Public institutions lack authority, capacity for governance or for protecting civilians. The National Military Forces, Armed le Republique du Congo (FARDC), numbering about 120,000, are poorly trained and remunerated. They are actually perceived as a threat to, and have been accused of committing atrocities on, civilians.[9]

The eastern DRC has epitomized the ills afflicting the entire nation. Organized armed groups control large swathes of the territory and illicit Small Arms and Light Weapons (SALW) abound. The presence of armed groups that champion foreign agenda is reinforced by the presence of multi-national companies that sometimes engage in illegal mining. These continue to pose significant challenges to peace and security in the region and the possible solutions are elusive.

The reasons for elusiveness are not that clear but the inability to settle issues in Congo is then compounded by its spillover effects in neighbouring countries which also have security challenges of their own. Burundi faces challenges of national integration and social cohesion. Rwanda has managed to burry the ghost of genocide but the challenges of national security, cohesion, democratization and protection of human rights still exist. Despite significant progress in peace and security in Uganda, there are

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9   Emily P. and Guillaume L., *Stabilizing the Congo,* Forced Migration Policy Briefing No.8, Refugees Studies Centre, 2011, p. 6

still challenges of armed groups operating near eastern DRC border. There has not been adequate research and conflict analysis to inform some of the international responses to the complex security situation.

1.3 Objectives of the Study

- To identify and analyse the key factors that fuel conflict in the Eastern part of the Democratic Republic of Congo (DRC) and the neighbouring countries.

- To analyse the nature of the conflict, role of various actors and their relationships in the conflict.

- To assess the capacity of the national governments and the international community to prevent, manage and resolve the conflict.

1.4 Research Methodology

The research was primarily dependent on qualitative approach. The perception of respondents on the conflict in eastern DRC was gauged through asking specific questions to the target group. By capturing multiple voices and perspectives about the conflict situation, one is able to deduce the salient features of the phenomenon under inquiry. This information is complemented by facts and figures from other documented sources.

1.4.1 Data Collection and Analysis

Primary data was accessed through interviews of senior government officials, local government leaders, international organizations, civil society organizations, youth and women groups in North and South Kivu, Rwanda, Burundi and Uganda. Secondary data was accessed through official government documents, books, journals, newspaper articles, periodicals and on-line publications.

The data was classified in a number of categories for ease of comparison and analysis. The frequency of specific views was also observed. The data from the field was compared to the information available in other publications. Valid inferences were made based on similarities and differences in the responses.

1.5   Theoretical Framework

This section surveys various theoretical bases for the conflict in Eastern DRC.

Hans Morgenthau in his book; Politics Among Nations: The Struggle for Power and Peace (1978), argues that power defines how nations relate to one another. He identifies six principles that make up the realist theory:

1) *Politics is governed by objective laws that have their roots in human nature.* This implies that statesmen can act rationally to promote the interests of their states following facts as opposed to opinion.

2) *Interest is defined in terms of power.* This means that foreign policy can be based on rational choices to minimize risks and maximize benefits.

3) *Interest is an objective category which is universally valid.* All political decisions must be based on interests.

4) *Universal moral principles cannot be applied to the action of states without taking into consideration time and space.* This means the state must be prudent – weighing the benefits and consequences of alternative political actions.

5) *The moral laws that govern the universe are distinct for any one nation.* This qualifies the universal application of morality to the action of states.

6) *The difference between realism and other schools of thought is real and profound.* Realism has had significant effects on actions of nations as well manifested during the Cold War. Too much adherence to realism however has a tendency of making statesmen result to black and white view of international politics that often increases discord than peace.

According to Kenneth Waltz, in his book, *Theory of International Politics,* 1979, there is a tendency for nations to react to perceived power imbalance in their relations with other countries through different strategies. Waltz maintains that, *'both friends* and *foes will react as countries always have to threatened or real predominance of one among them: they will act to right the balance.'* [10]

The DRC state has been weakened by poor political choices that do not advance the interests of the country. This has created a weak state whose monopoly of violence is challenged both by internal armed groups and

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10   William C. et al, *Testing Balance of Power Theory in World History,* European Journal of International Relations, SAGE Publications, 2007, Vol. 13 (2): p. 155-185

organized armed groups sponsored by neighbouring countries. Due to this weakness neigbouring countries have also invaded and interfered directly with politics of DRC. The DRC therefore cannot provide security and other services expected from the state. Adherence to rational choices that advance the interests of DRC could have enhanced a strong nation that can defend its interests. Economic, military and political interests from the global powers and neighbouring countries have also been proposed as possible main drivers of the conflict.[11]

John Burton in his book; *Deviance Terrorism and War:* The Process of Solving Unsolved Social and Political Problems, 1979), advocates for the Human Needs Theory, as a reliable basis for explaining the cause of conflict within and among nations.

At the core of the argument of human needs theory is that human beings may engage in violence as they strive to achieve their needs. This theory argues that conflicts emerge due to unmet needs. Violence is used in pursuit of these needs or to raise awareness about those needs. Therefore the responsibility of governments and international community is to increase the ability of human beings in conflict to meet their needs.[12] This theory also provides a basis for negotiation among parties in conflict where their interests, values and needs can be recognized and appreciated.

The human needs theory is quite applicable to the DRC case. The state has been severely constrained to provide services that the citizens require. The need for security, land, health, education, food, employment among communities within DRC and neighbouring countries has informed the dynamics of the conflict in the region. Huggins has associated the conflict with agrarian and pastoral competition over land and rights to ownership.[13]

Paul Collier and Anke Hoeffler are one of the most well known proponents of The *'Greed vs. Grievance'* theory of conflict. In their book; *'Greed and Grievance in Civil War', the authors maintain that, 'ethnic tensions and ancient political feuds are not starting civil wars around the world…economic forces such as entrenched poverty and the trade in natural resources are the true culprits. He therefore proposes that the correct solution to the conflict is to curb rebel financing, jump-start economic*

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11 Wake, C. *Bringing the Local Back Into the DRC Post Conflict Transition: What Role Should Local Solutions Play in Bringing Peace to the Congo, 2008,* www.rusi.org/mandelaessay, p.5

12 Danielsen G. Meeting Human Needs, *Preventing Violence: Applying Human Needs Theory to the Conflict in Sri Lanka,* Universidad del Salvador, 2005, P. 4

13 Huggins, *Land, Power and Identity,* p.21

growth in vulnerable regions, and provide a robust military presence in nations emerging from conflict.'[14] This theory explores existence of legitimate concerns among parties in conflict and also selfish control of resources. Greed refers to opportunistic and selfish appropriation of resources. This theory states that countries with abundant natural resources are more prone to violent conflict than those without and that organized armed groups may be motivated by this factor more than ethnic divisions, political differences or other factors identified as root causes of conflict.

Elbadawi, Ibrahim and Sambanis (2002) in their article, *'How Much War Will we See, Explaining the Prevalence of Civil War'*, observe that conflicts in Africa are caused by high levels of poverty, failed political institutions and dependence on natural resources. Armed groups emerge because of government's inability to address the concerns of the people through democratic processes and institutions.[15]

The presence of high value lootable minerals (resource abundance) has been associated with the emergence of organized armed groups aiming to take advantage of the specific economic opportunity.[16] The presence of gold, diamond, cobalt, casseterite and coltan has been cited as main drivers of the conflict in DRC.[17]

Resources however do not cause conflict in isolation; other factors such as need for security among communities, political empowerment and demand for equality in distribution of public resources play a significant role.[18]

This study ranks realism as the most applicable theory for explaining conflict occurrence in the region. The probability of the emergence of conflict is dependent on the interrelationship between the significance of each variable such as power, identity and needs in an internal or external context.

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14 Paul Collier and Anke Hoeffler, *'Greed and Grievance in Civil War',* Oxford Economic Papers, Oxford University Press, 2004, Vol. 56(4), pp. 563-596

15 Elbadawi, Ibrahim and Sambanis, *How Much War Will We See, Explaining the Prevalence of Civil War', Journal of Conflict Resolution,* 2002, 46(3):307-334

16 Paul Collier and Anke Hoeffler, *A. Greed and Grievance in Civil War*, Policy Research Working Paper, 2355. Washington, D.C, World Bank Development Research Group, 2000, p.16

17 BSR *Conflict Minerals and the Democratic Republic of Congo, Responsible Action in Supply Chain, Government Engagement and Capacity building,* Washington DC: BSR and Responsible Sourcing Network, 2010, p.5

18 Joao, G. P., *Contemporary Conflict Analysis in Perspective,* in Jeremy Lind and Kathryn Sterman, eds., *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Pretoria: Africa Center for Technology Studies and Institute for Security Studies, 2002, P. 13

2.0 Research Findings: Main Drivers of Insecurity in Eastern DRC

This section provides an analysis of the factors that fuel insecurity in the cross border region. There are long and short term causes of the conflict.

2.1 Structural Causes of the Conflict in the Eastern DRC

This section identifies long term and structural factors that sustain the conflict in eastern DRC. Identification of root causes of the conflict is important for formulation of strategies of conflict prevention, management and mitigation.

2.1.1 Colonial Legacy

The people of Congo have been denied a voice to determine the destiny of their country from the colonial time to the present. Congo experienced colonial brutality under Belgium from 1885 to 1960,[19] exploitation of its resources such as Ivory, timber and rubber. Slave labour in mines and large plantations was common. Colonialism created a new power system that brought to the fore the inequalities and injustice embedded in pre-colonial hierarchical social order.[20]

Congo was embroiled in cold war politics after independence. This led to the assassination of first Prime Minister, Patrice Lumumba in 1961,[21] and the rise of the military rule of Mobutu Sese Seko under US guidance. Mobutu ruled the country for 32 years, from 1965 to 1997 with an iron fist, exploiting the resources of the country without delivering tangible benefits to the people. His rule was brought to an end by the eastern rebellion led by Laurent Kabila in 1997. Since then the eastern DRC insecurity situation has not relented.[22]

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19 Georges Nzongola Ntalaja, *The Congo: From Leopold to Kabila* (NY: Palgrave Press, 2002), p.14
20 Mahmood Mamdani, *When Victims Becomes Killers* (Kampala: Fountain Publishers, 2005), p.80
21 Ibid., pp.106-109
22 Ibid.p.264

2.1.2 Weak National Governance Capacity

DRC is a vast and remote region that is difficult to control. Eastern DRC alone is several times larger than Rwanda and Burundi combined. The people of eastern DRC are marginalized, being thousands of kilometres from Kinshasa; they hardly access essential public services such as health and education. Infrastructure is poor and government security services are wanting.[23]

Congo has remained unstable since independence and many regions lack strong and adequate institutional capacity. The governance structures at the national and provincial level also create vulnerability. The security forces are weak and unable to protect the people or to drive out organized armed groups from the mountains. [24]

The conflict in eastern DRC is fuelled by power vacuum owing to inability of the government to stamp its authority. This situation is exploited by local armed groups and their foreign sponsors to exploit minerals and to exert control in the region. Driven by extreme threat to livelihoods; the people resort to desperate measures to secure their livelihoods and thus causing insecurity to their neighbours.

Access to justice is slow, expensive and out of reach for most people in the rural areas. Correctional services are still based on the punishment model as opposed to rehabilitation. Legitimate political representation through political parties and free and fair elections has not yet been achieved. The security sector is not people centred but regime centred. The police and the military do not enjoy full support from the citizens.

Burundi's security is intertwined with that of the region. According to Sibomana:

> *"Burundi is not yet in a post conflict situation since there are still a number of threats to its security. There is a connection between militias operating in DRC and Burundian rebels. There is sporadic rebel attack on military and police positions in Burundi. FNL of Agathon Rwasa is the biggest Burundian rebel movement operating in DRC."*

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23 Ibid

24 Severine, A., The Trouble with Congo: How Local Disputes Fuel Regional Conflict, 2008, Foreign Affairs, Vol. 87, No.3, pp.99- 110

There are other armed groups operating in DRC opposed to the government in Bujumbura such as Abatabazi and FRONABU. They often infiltrate Burundi territory to commit such crimes as robbery, killing and highway banditry.[25]

The weakness in the governance of DRC affects security in Burundi in terms of flow of small arms and light weapons and activities of organized armed groups. The DRC provides safe haven for Burundian fugitives and rebels.

> *"The Burundian military and police structures are not well defined and professional; promotion is not based on internationally recognized indicators. Majority of the security personnel are not well trained. Structures of accountability have not been put in place. There is a need to continue dialogue with Burundian security sector."*[26]

Lack of inclusiveness in the political process in Burundi could impair advances in peace and security. There is lack of coordination between Services National des Renseignements/National Intelligence Service (SNR), Police and Military in security management.[27]

Gacaca courts were established in Rwanda to screen some Internally Displaced Persons (IDPs) and returnees. Though some convictions were achieved and amnesty provided for some, the problems of justice administration remains.

> *"It is still not easy to tell that reconciliation and trauma healing has been achieved in the country. New peace and security challenges are constantly emerging in Rwanda and in the Great Lakes region."*[28]

Cross border insecurity is caused by lack of accountable, transparent governance within countries in the region. Corruption abounds, thereby hindering effective public services provision. Members of the public

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25 Tatien Sibomana, Association de Assureurs (ASSU), Burundi, Interview, May 8, 2013, Bujumbura

26 Nuoju O, SSR Officer, BINUB, Burundi, Interview, May 7, 2013, Bujumbura

27 SNR is perceived to be opaque and a human rights abuser; Obianobi Nuoju, SSR Officer, BINUB, Burundi, Interview, May 7, 2013, Bujumbura

28 Kwokwo E, Executive Secretary, Ligue des Droits de la Personne dans la region des Grands Lacs, Rwanda, Interview, May 14, 2013, Kigali

are frustrated and hence live in fear due to uncertainty. There are still perceptions of electoral malpractices during general elections. According to a Rwandan human rights activist;

> *"In some countries there is no freedom of expression; people cannot freely organize to express divergent political opinion. Most organized armed groups are formed on regional political grounds and are funded partially by looting of minerals in DRC."* [29]

2.1.3 Land, Citizenship and Territorial Control

Land alienation since colonial times has reduced land accessible for peasant agriculture.[30] Subsequent internecine wars in the region caused migrations and movement out of Congo and back. Though North and South Kivu are the most populated regions in DRC, they were usually less populated than Rwanda and Burundi. This creates incentives for the latter to move into this region. Migrants from Rwanda and Burundi have found solace in the Kivus since colonial times.[31]

In eastern DRC communities fight for control of land that is not properly protected through legislation and proper registration. People who are perceived to be newcomers in the region or foreigners are often perceived as landless. Communities have their own traditional means of land administration that is often overlooked by the government, armed groups or foreign investors. There are multiple land ownership systems in eastern DRC that are prone to conflicts. Statutory land registration is an expensive exercise often beyond the reach of many peasants. Various political definitions of citizenship in DRC have affected ownership of land and ethnic relations.[32]

In 1966 a new land law (Bakajika Law) was introduced giving the state powers to nationalize land. The land law of 1973 went further by rejecting customary ownership of land. It made the state the only provider of title deeds. This law accompanied by a policy of *Zairenisation* enabled acquisition

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29 Kwokwo E; Executive Secretary, Ligue des Droits de la Personne dans la region des Grands Lacs, Rwanda, Interview, May 14, 2013, Kigali

30 Chris Huggins, "Conflict in the Great Lakes Region, How is it Linked with Land and Migration?" *Natural Resource Perspectives,* Number 96, London: ODI and ACTS, 2005, p.2

31 Ibid, p.2

32 Ibid, p.103

of large farmlands in North Kivu by political elites close to the leadership in Kinshasa.[33]

At the national level there has been shifting definition of citizenship sometimes accommodating migrants or alienating them depending on their relationship to the ruling regime. During the Mobutu era, citizenship was defined according to political loyalty. In 1972 Mobutu imposed a law that the Banyarwanda (people of Rwandan descent) who came to Congo before 1960 would be granted citizenship only for this law to be changed in 1981 to push the period further back to 1885. This political move was a reflection of his changing relationship with the Banyarwanda.[34]

In 1991 the National Sovereign Conference that informed transition to multiparty system also barred Banyarwanda from attending the conference and also endorsed the 1981 citizenship law. In 2004 the transitional government reintroduced the 1960 date for determining citizenship and eligible persons were issued with identity cards. Owing to contention of Hutu and Tutsi citizenship in DRC, the issue has never been fully resolved.[35]

Citizenship is a major issue of concern that exacerbates conflict in the region. It stems from the right of migrants to access land. The indigenous people (Bafuliro, Lendu, Hunde, Nyanga, Nande, Bangala) feel that foreigners have no right to ancestral lands. Given the significance of land in the economy, cultural and political expression of this region, citizenship contention becomes a major driver of conflict. The Rwandan immigrants to DRC, perceived as foreigners by other communities, have to fight hard for their recognition. Large scale displacement has created conflicts in the areas where the IDPs settle Ethnicity informs conflict dynamics in the region with most communities divided along the line of pro or anti Banyarwanda and with the Rwandans themselves divided along Hutu and Tutsi affiliations. Though the Tutsi are some of the largest land owners and wealthiest elites in North Kivu; there is widespread distaste for the Rwandese in the DRC that make them feel vulnerable.[36]

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33 Ibid., p.12, Zairenisation was a policy put in place by the Government of Mobutu Sese Seko to put resources of DRC in the hands of bona fide citizens by nationalizing all foreign owned commercial, industrial and agricultural enterprises

34 Jason Stearn, J. *North Kivu; The Background to Conflict in North Kivu province of eastern Congo,* 2012, London, Rift Valley Institute, P.23

35 Ibid, P. 24

36 Huggins, "Conflict in the Great Lakes," p.32

2.1.4 Predatory War Economies

Insecurity in eastern DRC is also aggravated by illegal exploitation of abundant natural resources such as timber and lootable mineral resources.[37] A war economy based on illicit exploitation of mineral resources has developed between the region and neighbouring countries of Rwanda and Uganda. Armed militias some emerging from eastern DRC and others from across the border and the DRC armed forces (FARDC) compete for control and exploitation of these resources.[38] According to civil society in Goma;

> *"FDLR are engaged in mining to finance their activities. Adefu Nalu, a Ugandan armed group operating in Beni, have been engaging in acts of kidnapping where they demand for ransom from victim's relatives, sometimes running into millions of DRC Francs. More than 100 people have been kidnapped so far."* [39]

Multinational Companies have been exploiting the minerals of the DRC since colonial times. The most well-known ones are Barrick and Lundin Groups and Heritage Oil. Most of these companies establish relationship with rebel groups for protection of their assets.[40] Hasimwandi also observes that;

> *"The MNCs could have an interest in destabilising the region so that they can withhold mining dues and taxes from the DRC government. The peace enforcement brigade is not the solution to the conflict, the failure of MONUSCO should be analysed before a new mission is formed."* [41]

The vast and numerous lootable minerals such as gold, diamond, niobium, cadmium, casseterite and coltan finances rebellion and attract formation of armed groups for control of the lucrative trade. The role of resources to the conflict in DRC is essentially a product of domestic political fragility in the DRC state.

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37 It is estimated that the majority of most valuable resources of the 21st Century are located in 3 countries; China,, Russia and Congo (Mostly the Kivu region), Nzongola Ntalaja (2012), "The Crisis in the Great Lakes Region," Speech, Africa Renaissance Conference, 1998, Jonnesburg, South Africa

38 Coglan, B. and Pascal, *N. Mortality in the DRC: An Ongoing Crisis,* Fifth Mortality Report on the DRC, International Rescue Committee (IRC), 2008, P.32

39 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma

40 Opp.cit, Coglan, p.36

41 Opp.cit, Hasimwandi

Instability in the neighbouring countries of Rwanda, Burundi and Uganda produced armed groups operating in the DRC and exploiting the resources in the region for their sustenance. The prevalence of high value minerals that are easily mined such as gold, diamond and coltan increased the incentive for external predation. DRC received refugees from Rwanda and Burundi and also produced refugees that are living in both countries including Uganda. Attempt by people of Rwandan descent to control North and South Kivu has created resentment and conflict with communities that consider themselves indigenous to this region.[42] According to a member of civil society in Goma;

> *"Organized armed groups (OAG) also engage in illegal logging of hard wood for sale in Eastern Africa and abroad. These groups seek to control mining and mineral areas. The minerals do not help ordinary Congolese since they are haphazardly exploited. Multi-National Corporations (MNCs) exploit the Congolese minerals since the government does not regulate them as required."* [43]

2.2 Secondary Drivers of the Conflict

There are a number of variables that may aggravate the underlying conditions that drive the conflict. These secondary factors are the most visible drivers of an open conflict. Below is a description of some of the factors that affect the cross border conflict.

2.2.1 Organized Armed Groups and Proliferation of SALW

The Rwandan refugees who entered DRC after 1994 went in with their weapons intact which fuelled the proliferation of SALW. The security and human rights situation deteriorated. Since entry of FDLR in eastern DRC in 1994, the refugees were not trained to know their requirements as refugees or integrated into the society.

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42 Emily Paddon and Guillaume Lacaille, Stabilizing the Congo, Forced Migration Policy Briefing No. 8, Refugees Studies Centre, 2011, P. 7
43 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma

"The new migrants became a law unto themselves and no one was responsible for their activities. There has not been a proper programme for resettlement of refugees back to Rwanda. There is general insecurity in Kivu region brought about by the presence of organized armed groups such as FNL and FDLR. There are refugees arriving from Mt. Mitumba area driven out by the Mai Mai.[44]

The Mai Mai and other rebel groups occasionally execute raids in Uvira urban area, raping, killing, robbing people and financial institutions / businesses."[45]

There is proliferation of Small Arms and Light Weapons (SALW) coming from the DRC and neighbouring countries. The Kivus, where the government controls the least of its territory, are the most conflict prone region in the DRC. More than 40 armed groups have emerged in the Kivus in the recent past. In North Kivu alone there are about 27 armed groups.[46]

The armed groups have emerged to fill the loophole left by inability of the DRC government to control its territory or provide security to the local people. Ethnic based armed militias emerge to advance and protect community interests. These communal militias exacerbate insecurity by creating incentives among communities to establish their own armed groups.[47]

Community militias have mutated over time and become a security phenomenon of their own outside the community's control. Most of them are allied to particular parties or politicians who often use them to advance political interests. According to civili society in Goma;

"The recent fighting in Beni (May, 2013) between Mai Mai and FARDC is associated with perceptions among the Mai Mai that they were not integrated into FARDC according to earlier agreement but former members of CNDP (perceived to be of Rwandan origin) were integrated and given high ranks. This perception of discrimination is fuelling ill feelings against FARDC in the region. It is this FARDC group (Regiment) that of late has been fighting with the Mai Mai."[48]

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44 Ibid. (Hasimwandi O). Hasimwandi explained that the Mai Mai are community vigilante groups that emerged when perceived people of Rwandan origin (Banyamulenge) formed armed groups. Most of the Mai Mai belong to particular ethnic groups such as Hunde, Dande and Hutu

45 This happened in the evening after the researchers had left Uvira on May 10, 2013

46 Ibid

47 Some OAG bear names such as Nyarwanda, Nyatura and Konjonjo (Hutu armed groups)

48 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma

There also armed groups from neighbouring countries (Uganda and Rwanda) operating in DRC and they are also causing insecurity. Hasimwandi also maintains that;

> *"The DRC military is not weak as often portrayed but it is highly infiltrated by members of the Rwanda leaning armed groups such as M-23, through integration of CNDP into FARDC, who often leak intelligence information to M-23 thus rendering the fighting capability of FARDC ineffective."*[49]

There have also been conflicts between the Hutu and Tutsi migrants into the region. There have been alleged connections between local militias and foreign governments such as Rwanda and Uganda. This connection enables looting of the minerals and facilitate perpetuation of other political interests. The armed groups are formed and disbanded according to the political expediency of the day. Therefore, there have been mutations of armed groups such as RCD Goma to CNDP and then to M-23. The Kivus have been intertwined with the Rwandan political evolution and conflict. Parties to the Rwandan conflict in the 1990s are all said to have recruited supporters from Kivu.[50]

Ethnic groups in eastern DRC opposed to the regime in post 1994 Rwanda established armed groups for protection of their properties and advancement of their interests.[51] The large number of unemployed youth creates opportunities for recruitment into organized armed groups.

The emergence of Party Youth Wing militias in DRC is a sign of security concerns in the country. These organized armed militias are indicators of a structural political problem.

> *"There are fears that unemployed youth who have experience in fighting and can still access weapons could form the backbone of militia groups in Eastern Congo driven by livelihood needs."*[52]

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49 Ibid

50 Stearns, *The background to conflict in the North Kivu province of eastern Congo,* P. 10

51 See for example the Hunde party; Alliance of Patriots for a Free and Sovereign Congo (APCL) and Alliance of Resistant Congolese Patriots (PARECO) and the Mai Mai, ibid, p. 17 and P. 28

52 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma

The porous borders in the region encourages proliferation of illicit Small Arms and Light Weapons (SALW) which makes it possible for organized armed groups (OAG), to operate without government control.

2.2.2 Effects of Neighbouring Countries Conflicts

There have been accusations by the international community and DRC of Rwanda's involvement in eastern DRC conflicts.[53] Rwanda is heavily involved in the DRC conflict for its perceived security threats from FDLR. Rwandan forces often attack FDLR in eastern DRC to prevent attacks in Rwanda.

Ugandan forces teamed up with Rwandan forces to support Laurent Kabila bid to oust Mobutu from power in 1996/7. Ugandan military was accused by the international community of looting mineral resources in the DRC during that period. Uganda also hosts thousands of refugees from eastern DRC.

The security situation in eastern DRC is of major concern to Uganda because it has created space for operations of rebels in the region. In the words of the Uganda Peoples Defence Forces (UPDF) spokesman, Felix Kulayigye;

> *"Uganda has been concerned about the Ugandan Allied Democratic Front (ADF) rebels since 1996. ADF forces are said to have started regrouping recently and they are operating only 30 KMs away from the Ugandan border. They recently attacked FARDC soldiers and acquired weapons."* [54]

Peace agreements are stop gap measures in the pursuit of long term interests among neighbouring countries and international actors. Many agreements have been signed among parties in the Great Lakes conflict but there is hardly any improvement in security. This is mainly due to non declaration of the hidden interests that drive the conflict in the region.

The Lusaka agreement of 1999 on which MONUC was based did not succeed while Sun City (South Africa, 2002), Ituri 2006 and Goma 2008 agreements were flouted many times and did not deliver justice or protection to civilians. Impunity is a major problem in DRC since armed rebels and

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53 UN Group of Experts Report on Rwanda and Uganda's involvement in the DRC, New York: United Nations, June, 2012

54 Colonel Kulayigye F., Former Military Spokesman, Uganda Peoples Defence Forces (UPDF), Interview, May 17, 2013, Kampala

members of FARDC accused of human rights abuse do not face justice.[55] According to Kwokwo;

> *"The countries in the Great Lakes region mostly do not engage in genuine dialogue and cooperation to resolve the conflict. Most negotiations are done to please and hoodwink the international community."* [56]

Therefore, negotiations become war by other means. This situation creates suspicion and mistrust among parties in conflict especially pitting DRC against Rwanda and Uganda. According to Hasimwandi;

> *"The ICGLR negotiations are limited since they are beholden to the member countries and they have been focusing on one rebel group, however most rebel groups are either associated with the government of DRC or M-23."* [57]

Prevailing power dynamics inside DRC, neighbouring countries and positions of individual UN Security Council members towards the Great Lakes conflict are important considerations in overcoming past failures and breaking a path for sustainable peace.

2.3 Impact of the Conflict in Eastern DRC

There are severe socio-political and economic consequences of the protracted conflict in the DRC. By October 2011, there were about 1.65 million IDPs in the DRC, one third being in North Kivu.[58] Two out of five children die in infancy, 40% of children have no access to education, and there are thousands of children involved in armed conflict.[59] An estimated 5.4 million have died since 1998 and about 80% of the population live on less than 1$ per day.[60] The invasion of DRC by neighbouring countries,

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55 Laura D. and Priscilla H., *Difficult Peace, Limited Justice: Ten Years of Peace Making in the DRC,* New York: International Center for Transitional Justice, 2009

56 Kwokwo E; Executive Secretary, Ligue des Droits de la Personne dans la region des Grands Lacs, Rwanda, Interview, May 14, 2013, Kigali

57 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma

58 OCHA , Humanitarian Report, Office in Goma, 2011

59 The UNDP Human Development Index Report 2011 ranked DRC as the last out of 187 countries

60 International Rescue Committee, Fifth Mortality Report on the DRC, January 2008, www.theirc.org and United Nations Economic Commission for Africa, May 11, 2008, p.254

assisted by their collaborators in DRC, led to mass killing of civilians, rape and commitment of crimes against humanity, torture, recruitment of child soldiers and, war crimes committed by organized armed groups.[61] In 2010 about 1000 civilians were killed in the Kivus, 7000 women raped and about 900,000 people were displaced.[62]

There has also been increased flow of SALW to and from DRC and increased illegal mineral trade. Rich business people work closely with corrupt government officials, international gems traders, and companies.[63] Organized armed groups also rape, murder, loot and impose illegal taxation in their areas of operation. Echoeing the concerns of civil society in Goma, Hasimwandi reports that;

> *"There have been a lot of human rights abuses in areas where FARDC is in control such as Mashasha and Minova. FDLR militias steal from the local people and they have increased poverty and insecurity in the area, they live in forests such as TAINA and WALIKALE. Local people cannot engage in productive activities such as trade because they are disrupted by FDLR."[64]*

The majority of people in the eastern DRC suffer from poverty. There are thousands of refugees from eastern DRC in Rwanda. These refugees can be sources of recruitment by OAG. Refugees from DRC face killings, rape and poor maternal health. Fugitives who have committed crimes in Rwanda escape to DRC. The Congolese people have been disenfranchised since they cannot participate effectively in democratic elections amidst conflict. The internal conflict in DRC, including operations of rebel groups such as M-23 and FDLR bring a lot of insecurity to Uganda including the influx of refugees to the country. Communities in Uganda cannot operate their businesses safely. The conflict has also affected Uganda diplomatically since the country is accused of supporting M-23.[65]

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61 Eriksen, S. *Congo War and Prospects for State Formation: Rwanda and Uganda Compared',* 2005, 26 Third World Quarterly 1097-1113
62 Coglan, B. and Pascal, N. *Mortality in the DRC: An Ongoing Crisis,* 2008, p.18
63 Tatien Sibomana, Association de Assureurs (ASSU), Burundi, Interview, May 8, 2013, Bujumbura
64 Hasimwandi O, Coordinator CRONGO INK, North Kivu, Interview May 15, 2013, Goma
65 Colonel Kulaigye F. Former Spokesman, UPDF, Interview, May 17, 2013, Kampala

3.0 Options and Strategies of Conflict Management

Given the above analysis of the causes of the conflict in eastern DRC, managing the protracted DRC conflict requires strategic intervention, involvement and collaboration of key international actors such as the United Nations and African Union. Despite having the largest UN peace keeping force in the DRC; the UN mission, MONUSCO, has not performed to the expectations of the Congolese; that of enabling individuals to go about their daily activities without fear of attack or harassment by armed groups. A comprehensive strategy that addresses the root causes of the problem and brings together all the key stakeholders is necessary for long term solution to the conflict. The citizens should be guaranteed of basic security - protection of lives and property.

3.1 Strategies of Conflict Management

Addressing conflicts in a sustainable way requires design and implementation of well thought out strategies that are effective and have durable impact. There are measures that would be more appropriate to prevent the conflict in the long run and other measures that can pre-empt conflict in the short run. These measures should build onto each other and increase synergy in the conflict management spectrum.

Due to the complexity of the conflict, the strategy proposed encompasses a multi-prong approach that combines a preventive approach that will address long term causes of conflicts; a pre-emptive approach that addresses conflicts in the short run, and a reactive approach that aims at mitigating the impact of conflicts should the other approaches fail.

3.1.1 The Preventive Dimension

Prevention of conflict involves addressing the structural causes. This approach seeks to transform the structural pillars of conflict and erect building blocks of peace. Preventive dimension of conflict management in DRC is a state building related process that would help to build capacity

of governance institutions especially the security sector. The other element is addressing natural resources management through cooperative and transparent processes that include local communities. This process entails establishing rules and mechanisms that would address long term issues, and mechanisms to ensure reasonable nation-wide equity through wealth-sharing and inter-regional compensation mechanisms.

3.1.2 Comprehensive Intervention Strategy

The problems of insecurity in eastern part of DRC require to be addressed in a holistic manner since there are various strands of the conflict that feed into each other. Sustainable peace in the region will depend on good and effective governance, provision of physical and human security for the people, access to justice/efficient delivery of justice, and economic development.

The nature of administrative structures at the national level and their relation to decentralized or devolved government should be defined for effective governance of the vast DRC territory. This approach would ensure that the system adopted brings government services closer to the people while maintaining territorial integrity of DRC. Building capacity of national and regional governments in DRC, especially the security sector, makes people feel secure. Entrenching civilian leadership to oversee the security sector is necessary for accountability.

Institution of stable governance system that enjoys legitimacy across the country is necessary in DRC for effective leadership. As long as the will of the people is thwarted by local and external forces; the DRC will continue to be a source of insecurity in the region. The constitutional and legal regime must guarantee the rights of the citizens to security, land, property and citizenship. The Eastern region of DRC should have effective local devolved administration structures to provide public services and access to justice among the population. This would render arming of local youth unnecessary and release vital energy for development activities.

Burundi can build on the current political gains and the support of the international community to keep the wheel of peace in motion. Continuous security sector reforms are required in order to establish professional

security agencies that can protect the people and safeguard constitutional rights and obligations. Burundian internal political stabilization is expected to stem the tide of rebel activities inside the country and across the border in DRC.

Protection of human rights has to be well entrenched in the region. The necessary conditions for economic development have to be put in place to stem rampant poverty and unemployment.

Guarantee of citizenship and security for communities in eastern DRC who identify closely with Rwanda is necessary to prevent migration to overpopulated Rwanda. Resolution of the question of armed rebels from Rwanda (FDLR) based in eastern DRC is a pre-requisite for durable peace and security in Rwanda. Long term stability in Rwanda will also depend on affirming the human rights of the individual and guaranteeing security for the minority and majority alike. Rwanda's positive participation in the Great Lakes region peace process is significant in the resolution of the regional conflict.

Uganda is a crucial partner in managing conflict in eastern DRC. There is a need for a new approach to peace consolidation in the region through the East African Community, ICGLR and the African Union.

3.2 The pre-emptive Approach

There are a number of short term measures that can enhance peace consolidation in the region. Local peace building mechanisms/structures such as Bashingantahe in Burundi, BWAMI in DRC and Gacaca in Rwanda can be integrated with formal peace building structures and connected to the African Union High Level Panel of the Wise to spearhead negotiations and mediation in the region. Local solutions should precede international interventions since local actors understand the situation better and are stakeholders for peace and security in the region.

There has to be comprehensive disarmament programmes where the community participates and take responsibility for security. Intensive civic education is required to make citizens imbibe the approach.

Civil society in the region has great potential to demand accountability from governments so that they can respect democracy and human rights. Hasimwandi maintains that;

"Civil society in North Kivu is monitoring peace, security and Human Rights abuses in the Kivu region. It also monitors how the police and the military (FARDC) are offering protection to the people." [66]

Continuous pressure from the international community for governments in the region to implement political reforms is necessary in order to prevent cycles of violence. Free flow of information from the grass root to the top level is a pre-requisite for effective citizen participation in governance. Special programmes for women and the youth can also bring vital sections of society into the mainstream of the national peace building vision.

Legislation and systems for the protection of victims of violence in the region have not yet been well implemented. An improvement in the delivery of justice and correctional services and enhanced freedom of expression for individuals and the media is highly required in the region. According to Faith Mbabazi;

"The Rwandan media is participating in a number of projects meant to advance peace journalism in the country and there is collaboration with media in eastern DRC. These projects create forums to share stories and for trust building." [67]

There are also initiatives to advance media self-regulation.

There have also been tripartite meetings of Ministers of Foreign Affairs from Uganda, Rwanda and DRC to discuss cross border conflict in the region. Uganda as the current chair of ICGLR has been leading in facilitating dialogue among countries in the region. According to Col. Kulayigye;

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66 Ibid
67 Mbabazi, F. Director, Radio Rwanda, Interview, Kigali, May 13th, 2013

"Uganda has been supporting peace negotiation in the Great Lakes region. The nation has participated in peace process through African Union, East African Community and ICGLR. Uganda not only supported the Arusha peace negotiation for Burundi but also recently hosted negotiation between the government of DRC and M-23 on behalf of African Union." [68]

3.3 External Involvement

External actors have played a significant influence in the DRC politics and conflict in the eastern region. The United Nations has had a chequered history in the management of the DRC conflict. Having been caught up in the cold war rivalry in the early 1960s with the onset of the United Nations Organization in Congo (ONUC), the UN was unable to pull the DRC from the first post-colonial political quagmire that took the life of the first DRC Prime Minister Patrice Lumumba and the then UN Secretary General, Dag Hammarskjold.

From political intrigues during the cold war, Rwanda and Uganda participation in the overthrow of president Mobutu in 1997, and activities of numerous mining companies from Europe, North America and China; the Congolese territory has been a playing field of international elephants and the 'grass has suffered no less'. Equally the international community has cobbled up a number of interventions to stabilize DRC, most of which ended up in failure.

3.3.1 International Conference of the Great Lakes Region (ICGLR)

The International Conference of the Great Lakes (ICGLR) has been a platform of choice in spearheading cross border peace and security in the region. ICGLR has a Pact on Security, Stability and Development of the Great Lakes Region which promotes the collective vision of the leaders to transform the region from a zone of hostilities, conflict and underdevelopment into a zone of security, stability and partnership.

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68 Colonel Kulayigye, F., Former Military Spokesman, Uganda Peoples Defence Forces (UPDF), Interview, May 17, 2013, Kampala

ICGLR is making efforts to bring peace and various actors in the conflict in a round table to negotiate for peace. ICGLR is helping to control resource based conflict through certification of minerals to prevent illegal trade. It is also sensitizing the youth and communities on arms proliferation. ICGLR is monitoring the security situation in eastern DRC and the movements of the rebel groups under the Joint Verification Mechanism.

ICGLR has a regional legal framework and dedicated project to deal with IDPs, which has provided a viable framework to address issues of refugees between the respective countries and UNHCR to create conditions that will enable voluntary return of countless refugees in countries of origin.[69]

The ICGLR effectiveness is hindered by the divergent interests of the member states and further impaired by proposed participation of member states in opposite side of the conflict, with Rwanda and Uganda perceived to be supporting M-23 and Tanzania and Kenya supporting the UN peace enforcement mission.[70]

3.3.2 The African Union

The Organization of African Unity (OAU) as the predecessor to the African Union (AU) negotiated the Lusaka Peace Accords of 1999, which recommended withdrawal of foreign forces from the Congo and joint OAU/UN peace keeping mission in DRC. The African Union has been supporting peace processes in the Great Lakes region most of which have been initiated by African countries and regional organizations. The AU provided a framework for the DRC and Burundi peace processes.[71]

The African Union has continuously increased its performance in the management of conflict in the continent, though interventions from North Atlantic Treaty Organization (NATO) in the Libyan crisis, British stabilization of Sierra Leone and France intervention in the Ivory Coast has challenged its supremacy in command of peace support operations in Africa. The African Union peace and security stabilization in the Great Lakes

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69 Ambassador Mulamula, *DRC and Its Neighbours: Policy Options for the Great Lakes Region and the International Community,* Statement presented during the EGMONT Conference, Brussels, 2007

70 Members of Joint Verification Mission, Interview, May 14th, 2013, Goma

71 Davis, L. and Hayner, P., *Difficult Peace, Limited Justice: Ten Years of Peace Making in the DRC,* New York: International Center for Transitional Justice, 2009, p.

region is a herculean task given the divergent interests of the member states in the Great Lakes region, global powers interests and often compromised UN missions.

3.3.3 The United Nations

The United Nations (UN) has had an unpleasant track record in the management of conflict in the Great Lakes region. With its ineffective missions in DRC after independence, MONUC, MONUSCO and UNAMIR in Rwanda, the UN has not been the peace maker of the last resort in the region.[72] Due to past failures of the UN in the DRC, majority of the Congolese do not view the UN as a non-partisan global guarantor of peace and security.[73]

The United Nations sponsored the *'Peace, Security* and *Cooperation Framework'* accord (2013) to stabilize the DRC and the Great Lakes region. The peace effort was spearheaded by the current UN Special Envoy in the Great Lakes region, Mary Robinson. This agreement is quite comprehensive including 11 nations and 4 international organizations and setting oversight mechanism and benchmarks for implementation of the agreement.[74]

The UN is leading this latest attempt to bring peace in the eastern DRC in collaboration with ICGLR and the African Union. The framework also includes participation of civil society and women groups in stabilization of the region.

MONUSCO has a number of security programmes including DDR and it is also monitoring movements of armed groups. However MONUSCO is perceived to be ineffective and is a victim of global and regional powers interests. In the words of Amanda Magabo;

> *"The mission does not seem to have the interests of the countries at heart, but is manipulated to achieve the interests of the global powers. Recently there were disagreements on new leadership for the mission due to conflicting interests among the global powers."*[75]

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72 MONUC is accused of political insensitivity and technical failures

73 These sentiments were expressed by various interviewees during the author's field research in eastern DRC, May, 2013

74 Mary, Robinson, *A Framework of Hope*, Speech delivered to the United Nations on appointment as the Special Envoy to the Great Lakes region, 2013

75 Amanda Magabo, Head of Civilians, URDC, Interview, May 18, Jinja, Uganda

There are concerns that the Force International Brigade (FIB) is not enough to fight M-23 who outnumber them by far and have access to more resources across the border. According to Tatien Sibomana;

> *"The UN Force Implementation Brigade (FIB) in eastern DRC has to tread more carefully since some of the Troup Contributing Countries (TCC), have been involved in the regional conflict before. TCC should come from countries outside the region. If this mission is perceived to have vested interests, it will have negative implications for peace in the region." [76]*

The United Nations Mission in Burundi (BINUB) is a small mission with about 120 staff, half of whom are from Burundi. Going by the positive attitude of Burundians towards this mission, it has been very successful given its limited capacity. BINUB is helping the government and the opposition to work together and also assisting implementation of Security Sector Reforms. A number of efforts are also being carried out to conduct free and fair general elections (establishment of electoral code) and to prevent violence during the 2015 general elections.[77] Despite its success, BINUB has had some challenges. According to a member of Burundian civil society;

> *"BINUB has no direct influence on the government. The current government can choose to ignore their advice. BINUB is however necessary for informing the international community about the peace and security situation in Burundi." [78]*

UN contribution to capacity building of the security sector among the countries in the region is necessary for long term stabilization.

3.3.4 The United States of America (USA)

The United States has had a long historical relationship with the Great Lakes region and more specifically with Democratic Republic of Congo. The overarching U.S. Foreign Policy towards the DRC is, '*the emergence of a*

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76 Tatien Sibomana, Permanent Executive Secretary, Association de Assureurs (ASSU), Burundi, Interview, May 8th, 2013

77 UN Experts on Burundi, Report United Nations Secretary General's reports on Burundi outlines the achievements of the mission in promoting peace and security in Burundi

78 Sibomana T, Executive Director, Association of Burundi Assurers (ASSU), Interview May, 7, Bujumbura

stable and *democratic Congo at peace with its neighbours'*.[79] The US recognizes the immense wealth of the DRC which holds 80% of world's Coltan reserves, 60% of the world's cobalt and largest deposit of high grade copper. The minerals are vital to maintain US military dominance, economic prosperity and consumer satisfaction. The US has special interests in strategic minerals in the developing countries and collaborates with the private sector to secure these resources.[80]

The US has been providing military assistance to Uganda and Rwanda through its African Crisis Response Initiative (ACRI), for regional peace keeping.[81]

The United States' pressure played a role in Rwanda and Uganda withdrawal from DRC in 2002. The US sponsored a *Tripartite plus Commission* (involving DRC, Rwanda and Uganda) peace process in 2007 where DRC and Rwanda signed a protocol to neutralize FDLR.[82] However this initiative only witnessed many civilian casualties without inflicting defeat on FDLR. The agreement was biased against FDLR presenting it as the only problem in the conflict. However the US initiative succeeded to bring the government of Rwanda and DRC together.

The United States, as a major donor to the Great Lakes region, can influence peace and security stabilization by exerting pressure on countries that support organized armed groups to cease their activities.

3.3.5 France and Belgium

France has interests in the DRC as the second largest French speaking country in the world. 42% of DRC imports come from France. France acknowledges the considerable resources of the Congo. French companies are involved in mineral prospecting, including Uranium mining, in DRC.[83] Belgium being a former colonial master of the DRC and its French speaking background, share common interests with France in the DRC.

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79 US Foreign Assistance Strategic Plan to the DRC (2009-13), FY 2007-2012, in Spyro Demetrio and Salamah Magnuson*, Strengthening US Foreign Policy in the DRC,* White Paper, Eastern Congo Initiative, 2012, p.32

80 Dena Montague and Frida Berrigan, The Business of War in the Democratic Republic of Congo, Dollars and Sense Magazine, July/August, 2001

81 Ewald Jonas and Nilsson Anders et al., A Strategic Analysis for the Great Lakes Region, SIDA, 2004, p.36

82 Rigobert M. Bihuzo, *Unfinished Business, Framework for Peace in the Great Lakes Region, African* Center for Strategic Studies, 2012, No. 21

83 Thomas Hubert, *Congolese Uranium attracts French interests,* France 24, International News, 14/04/2009

France maintains close economic and security relationships with its former African colonies, popularly referred to as Francophone Africa. These foreign powers have historically supported key allies in the Great Lakes region. France was a major supporter of the Mobutu regime and occasionally helped him to fend off attacks from rebel groups such as the Shaba rebellion of 1977/8.[84]

France was a supporter of French speaking Rwanda under the leadership of former President Juvenal Habyarimana. The French support of Rwandan Armed Forces in 1994 created deep resentment from the victorious Rwanda Patriotic Front (RPF). The French accused RPF of downing the plane that killed Habyarimana alongside French citizens. This animosity has only thawed through diplomatic efforts of French President Nicholas Sarkozy.[85]

With the fall of French leaning regimes in the DRC and Rwanda and increased role of the US and Britain in the region; the French spear of influence has been diminishing with Rwanda moving away from French as the official language in favour of English. Burundi is walking a middle path putting French and English at par in official communication. These symbolic changes also mirror shifting geo-political alignments and interests. France provided peace keepers in Bunia in 2003, before the deployment of MONUC.[86] Belgium collaborates with France and the United States in advancing its interests in the DRC.

Any comprehensive peace process in the Great Lakes region must factor the French and Belgian interests and the policy of the United States towards the region and their interests in the DRC UN missions, in order to diplomatically manoeuvre through the labyrinth of conflict dynamics in the region. Previous cases in Africa show that global powers can undermine peace efforts if they don't serve their strategic interests in the region.[87]

84 Opp. Cit (refers to what?), Conflict Analysis, Ewald Jonas and Nilsson Anders et al. 2004, p.37
85 Rwanda's Kagame pays, 'Reconciliation visit to France', BBC, September 12th, 2011, www.bbc.co.uk/news/world-europe-14876643, accessed July 15th, 2013
86 Kees Homan, Chapter 12: Operation *Artemis in the Democratic Republic of Congo,* European Union, 2003, Vol. 1, Part 2
87 Chris, Landsberg*, Fractured Continentally, Undermined Abroad: African Agency in World Affairs,* University of Johannesburg, 2012, p.16

3.4 Opportunities for Sustainable Conflict Management in the Region

Given the above analysis, there are strands of peace and security enhancing factors that can be identified for sustainable peace in the region. Effective international engagement in finding a solution to the conflict in eastern DRC is vital but it has to be well informed by the interests and security concerns of the DRC and the neighbouring states.

The AU High Level Panel of Experts, especially the ones who have been involved in solving the DRC conflict can make a strong mediation team. This would boost the AU call for *'African solutions to African problems'*. Managing the political process is crucial since it determines the success of all other levels of conflict. Peace enforcement is the last resort not the first option in the continuum of conflict management in the region.

Legitimate cross border economic projects can enhance cross border relations and prevent illegal trade in resources. Legal safeguards for minorities are necessary to remove the issue of citizenship from politicization and to prevent the urge to create ethnic militias due to fear of persecution.

International sanctions against elites who perpetuate conflict for selfish gains can also be a short term measure of pushing parties forward towards peaceful resolution of the conflict.[88] The indictment of some rebel leaders by the International Criminal Court (ICC), such as Bosco Ntaganda and Jean Pierre Bemba, has also made rebel leaders operating in the area more conscious of international implications of their actions.[89]

Federalism/Devolution can be explored as an option for effective administration of DRC vast territory. It is important to understand the nature of decentralization that would be appropriate to the DRC case in order to safeguard national sovereignty while at the same time providing closer and effective administrations to the regions.

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88 Stearns, *The background to conflict in the North Kivu province of eastern Congo*, P. 43
89 Human Rights Watch, DR Congo: *Warlord Ntaganda at International Criminal Court:* A Victory for Justice, March, 25,Human Rights Watch Report, http/www.hrw.org/news/2013/03/25/dr-congo-warlord-ntagada-icc-victory-justice, accessed June 25th, 2013

4. Conclusion and Recommendations

Conclusion

This study has identified and analysed the key factors that fuel cross border conflict in the eastern part of the Democratic Republic of Congo (DRC) and the neighbouring countries. The study has also assessed the capacity of the national governments and the international community to prevent, manage and resolve conflicts in the region.

The most conspicuous factor that emerges is the inability of the national government of the DRC to protect its citizens and territory. A situation that creates power vacuum that is filled by organized armed groups and neighbouring countries' armed forces or their surrogates. Local communities become victims of this conflict and are divided along ethnic lines as they attempt to organize their own security provision mechanisms. Neighbouring countries and international mining companies' greed for Congolese valuable minerals is also a driving factor of the conflict. Organized armed groups and arms proliferation are the outcome of the above DRC conflict drivers.

The future conflict trajectory in the region will be informed by; how the Congolese state transforms politically and economically, patterns of international community engagement, domestic politics of neighbouring countries of Burundi, Rwanda and Uganda and the leadership of the African Union and the United Nations. As long as the UN continues to be perceived as acting at the behest of global powers with special interests in the region, UN peace support operations will continue to be irrelevant to the Congolese peace and security situation. The covert and overt interests of regional and global actors in the Congolese conflict must be brought to light for the UN and other actors to succeed in steering the region to durable peace and security.

The recent defeat (November, 2013) of M-23 by DRC army and the UN Force Implementation Brigade boosts the image of MONUSCO but this outcome should be treated as a window of opportunity not victory. It should herald disarmament of all the armed groups and domestic and cross border political settlement.

Recommendations

a) The government of DRC and the UN should enhance governance in DRC through capacity building and streamlining of the justice sector. Land administration laws both formal and traditional should be harmonized.

b) The DRC government and international community should build capacity of the security sector in eastern DRC; army, police, judiciary, correctional services and parliamentary oversight committees through training, equipping and reforming the sector.

c) The security concerns of Uganda in the eastern DRC should be addressed within the ICGLR framework and specific dialogue initiative with DRC government.

d) MONUSCO's strategies must be entrenched in the local peace building structures. They must win the hearts and minds of the people they have come to protect.

e) The UN should also build the capacity of local actors and provide resources to address the conflict as a first line of response before other external measures are implemented.

f) The DRC government must also establish community based security structures to enhance effectiveness of peace building and reconciliation.

g) The DRC government should enact and implement progressive land legislation and policies that recognize customary rights to land ownership. Historical injustices where land was irregularly appropriated from local people should also be addressed.

h) The issue of citizenship among Congolese of Rwandan origin should be decided as soon as possible by DRC authorities in collaboration with government of Rwanda.

i) Governments in the region should create a suitable environment for disarmament, demobilization and reintegration of rebels across the region.

j) The interests/grievances of the key rebels should be addressed by governments in the region in a holistic way in order to address conditions that favour emergence of rebellions.

k) Given the complexity of the conflict in eastern DRC, time and financial constraints and the changing dynamics there is a need for further research into the cross border conflict in the region.

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Cross Border Insecurity in Eastern Africa: *Case of the Eastern Democratic Republic of Congo*

This study has identified and analysed the key factors that fuel cross border conflict in the eastern part of the Democratic Republic of Congo (DRC) and the neighbouring countries.

The most conspicuous factor that emerges is the weakness in the national governance of the Democratic Republic of Congo. A situation that creates a power vacuum that is filled by organized armed groups and neighbouring countries armed forces or their surrogates. Local communities become victims of this conflict and are divided along ethnic lines as they attempt to organize their own security provision mechanisms. Neighbouring countries and international mining companies' greed for Congolese valuable minerals is also a driving factor of the conflict. Organized armed groups and arms proliferation are the outcome of the above DRC conflict drivers. The paper observes that given the inability of DRC to bring an end to the conflict, the African Union should be more active in supporting peace and security stabilization in the region.

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