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## DISARMAMENT IN THE CONGO: INVESTING IN CONFLICT PREVENTION

### I. INTRODUCTION

There are many challenges facing the Lusaka cease-fire signatories and the wider international community in implementing the Congolese peace agreement, but perhaps none so complex as the effort to disarm the non-Congolese armed groups destabilising the region from Congolese bases. Besides wreaking havoc themselves, these armed groups provide a rationale for neighbouring governments to conduct the counterinsurgency operations and continue the occupation of Congolese territory that have terrible humanitarian and human rights impacts. These armed groups – the largest of which are the forces associated with the former Rwandan Army (ex-FAR) and Interahamwe militias that carried out the 1994 Rwandan genocide -- are not the root cause of all of the Congo's problems, but their continued presence in the Congo is the primary cause of the war and much of the worst violence, whether of their own doing or of the neighbouring governments seeking to counter them.

Since the genocide in Rwanda in 1994, the response of the international community to the problem of the armed groups has been disastrously negligent. It has tolerated the rearmament of the ex FAR and Interahamwe in DRC refugee camps and the consequent military interventions of the Rwandan, Ugandan and Burundian governments. In 1996 and 1998, the crisis has followed the same itinerary: from Rwanda to eastern Congo to Kinshasa. Twice, it has led to massive violence and a tragic humanitarian situation. Twice, it has triggered the formation of regional coalitions, with this present conflict creating new reasons for hostility and rivalry between states, further destabilising all central African countries.

Lasting peace in Central Africa is largely dependent on a successful strategy of Disarmament, Demobilisation, Reintegration or Resettlement (DDRR) of these armed groups. The ultimate success of this strategy, furthermore, is intimately linked to the development of political institutions and the formation of a national army and police in the Congo that will inhibit the re-emergence of armed groups, both foreign and domestic. Hence, the success of the Inter-Congolese Dialogue, particularly in integrating and rationalising the armed forces, will be critical. It is also linked to prospects of political change and dialogue in the neighbouring countries exporting their civil wars to the Congo.

A UN Security Council delegation has just returned from a tour in the countries involved in the DRC war. Based on their assessment, the Secretary General is preparing a report making recommendations on whether the UN observer mission in DRC (MONUC) should move from phase II (disengagement of forces) to phase III (withdrawal and disarmament). The mission reiterated the message from Security Council Resolution 1341 of 22 February 2001, that it will not undertake a Chapter VII peace enforcement operation to disarm these armed groups, hoping instead for bilateral deals between the Congolese and the Rwandan government. The Security Council is unlikely to expand the mandate of MONUC, which allows for 5,500 personnel. Nevertheless, within the existing mandate, there is scope to adjust priorities to enable MONUC to contribute effectively to the DDR effort. First, a civil-military planning section to co-ordinate DDR activities would help provide structure and focus for the effort. Second, authority to assist voluntary DDR initiatives where needed would give MONUC the flexibility it needs to encourage the Lusaka Cease-Fire signatories to move forward. This is particularly pertinent to the likely request for MONUC support for security in any assembly areas for demobilised combatants.

Despite welcome signs of renewed international interest in the DRC peace process, any signal from the Security Council that it is not prepared to play an important supportive role in the DDR process while simultaneously demanding that the parties withdraw would be naïve and risky. Containment of the regional dimension of the war through insistence on disengagement of foreign troops is not enough to stabilise the DRC. If no progress is made on this issue, the war will likely resume either through an explosion in the Kivus or reversal of the momentum on disengagement. The Lusaka agreement was a cease-fire agreement, not a peace agreement. All of the necessary elements are present in the cease-fire agreement, but much work remains to be done to flesh out the specific requirements for longer-term regional security, political development, and economic co-operation.

## **II. SCOPE OF THE PROBLEM**

Estimates vary and no authoritative, impartial numbers exist, but it is broadly understood that as many as 15,000 Rwandan Hutu armed forces remain in the Congo. These are divided roughly equally between those that are integrated in or fighting alongside the Congolese Armed Forces (FAC), and those operating as militia in the Kivus in eastern Congo (in Masisi, Shabunda, Kahuzi-biega, and Virunga areas). What is unknown is the percentage of these forces that organised or participated in Rwanda's 1994 genocide, and those that have been recruited since. According to official Rwandan sources, up to 80 percent could be repatriated without fear of punishment for participation in the genocide. Either way, the doctrine remains focused on the overthrow of the government in Kigali, and some elements preach continuation of the genocide. There are increasing attempts by subgroups among the Hutu armed groups and the Hutu Diaspora leadership, though, to legitimise itself by focusing on creating a unified inclusive organisation with clear political objectives that obviously would distance itself from a genocidal ideology.

The Burundian Forces for the Defence of Democracy (FDD) forms the second largest of the armed groups, estimated at roughly 10,000 militia. They are also integrated in the FAC and are moving between the DRC, Burundi and Tanzania. They have shown consistent resistance in joining the Burundi peace process. Both the Rwandan and the Burundians Hutus fight alongside each other and with various Congolese resistance groups, collectively known as Mai Mai, composed of many different groups and a few thousands fighters. The Mai Mai are not labelled "negative forces" by the Lusaka agreement, but they have been trading arms with the Hutu groups and fighting the same enemy. Their disarmament is envisioned by the Lusaka agreement at a later stage, after a new national army is created. Other groups are much smaller, and they include the Ugandan Allied Democratic Forces (ADF) and the Union for the Total Independence of Angola (UNITA).

Despite the multitude of groups and warlords and despite different national agendas, the ex-FAR/Interahamwe, the FDD and the Mai Mai groups are operating increasingly as an integrated army, largely as a result of Congolese and Zimbabwean support and training. They have shown greater sophistication and greater co-ordination in the last few months, and the ethnic Hutu-Tutsi agenda seems increasingly to influence the ideology of the Mai Mai, who see themselves as resisting Tutsi occupation in the DRC.

### **III. NEW OPPORTUNITY FOR PROGRESS**

Since the death of Laurent Kabila, there has been halting progress made by the signatories and United Nations in implementing the Lusaka Agreement. The cease-fire has been respected so far, and disengagement of troops has started. The Security Council mission was particularly successful in ensuring continuing progress on disengagement of forces. Presidents Joseph Kabila and Paul Kagame have met on the DDRR issue, and contacts have continued between the two governments. The Rwandan government has focused and prioritised its demands around a cessation of state support to the armed groups, the arrest of the ringleaders of the genocide, and international support for greatly expanded voluntary demobilisation and reintegration efforts. The DRC government in return has recognised the security needs of Rwanda. Kinshasa offered to transfer a substantial number of ex-FAR/Interahamwe to the Kamina army base, and identify them under the monitoring of a neutral guard force. Based on this identification process, the combatants could be repatriated to Rwanda, resettled, or – if indicted for war crimes -- transferred to the International Criminal Tribunal in Arusha. At the Joint Military Commission meeting in May, the Congolese government acknowledged the presence of 5000 Rwandan Hutus and 3000 FDD on the territory of the DRC, without however recognising their integration into the Congolese army.

Resolution 1341 of 22 February 2001 was also a political response to this new window of opportunity. It urged "parties to the conflict in close liaison with MONUC, to prepare by May 15, 2001 for immediate implementation of prioritised plans for the disarmament, demobilisation, reintegration, repatriation and resettlement of all armed groups... and demands that all parties cease all forms of assistance and co-

operation with these groups and use their influence to urge such groups to cease their activities."

Prior and parallel to these bilateral contacts, intensive DDRR consultations among the signatories, buttressed by American and British joint diplomacy, have produced a draft plan for DDRR that shifts the focus away from earlier signatory demands for a Chapter VII UN force to track and forcibly disarm the armed groups. The new plan combines a demand for an end to state support for the armed groups with a credible voluntary DDRR initiative.

The development of a more realistic plan was due in the first instance to an increasingly important Joint Military Commission (JMC), a body created by the Lusaka Agreement to handle implementation issues and chaired ably by Kenyan General Njuki Mwanjiki. The UN Secretary General Special Representative Kamel Morjane has also been a key to forward movement on this issue. The JMC plan – endorsed by the Political Committee of signatory ministers – calls for the following:

- a timeframe and monitoring mechanism for the cessation of all support to the armed groups;
- a voluntary DDRR initiative;
- monitoring teams to safeguard against human rights abuses throughout the process;
- provision of UN forces as security for the assembly points; and
- UN co-ordination of the overall effort.

#### **IV. MAJOR CHALLENGES TO DDRR**

##### **A. State Support for the Armed Groups**

In the absence of an effective Congolese army, the late President Laurent Kabila and his allies undertook a strategy of arming, resupplying, training, and organising the ex-FAR/Interahamwe, FDD, and ADF forces. These armed groups became the front line infantry for the alliance, pawns in their effort both to defend positions held as well as to take the unconventional aspect of the war eastward, directly to the borders of the invading countries.

Given that these armed groups are key fighting forces on behalf of the Congolese government, it will be very difficult for Kinshasa to completely cut these forces off and let them go via a DDRR strategy. There will be great pressure to sustain some support and maintain some links to these groups as an insurance policy if the war were to resume. The Congolese army is so weak that Joseph Kabila remains dependent on these armed groups and his regional allies to hold the front-line and guarantee a minimum stability in Kinshasa. If Zimbabwe reduces its defence lines as part of the disengagement agreement or because of its own internal political situation, Kabila's government will become more -- not less -- dependent on the armed groups. Furthermore, continued support to these armed groups provides Kinshasa with a trump card should it want to intensify the war in the Kivus or directly

in its eastern neighbours, while gaining a bargaining chip in negotiations about power-sharing in Kinshasa.

**B. Lack of Capacity to Implement Agreements**

Further complicating the picture is the lack of capacity of the Congolese government to deliver on any commitments it will make to help collect and/or disarm the armed groups and arrest their leaders. Even if it were able to concentrate these forces in certain locations, this would itself constitute a security threat to the Congolese army. For now, a sign of good faith would be to continue providing information on the whereabouts and the structure of these groups, and to engage seriously with the Rwandan government in bilateral talks on this issue.

**C. Absence of a Broader Peace Framework**

Negotiation on DDRR should therefore be part of a wider agenda concerning military, political and economic issues among the belligerents. The first item on the agenda of these negotiations should be a pact of non-aggression between the two coalitions. The second would be to find regional guarantees that the Kinshasa government's future stability won't be jeopardised by these same groups resisting disarmament.

**D. Violence in the East: Towards a Resumption of War?**

Forward movement on implementing the Lusaka agreement and DDRR process appears to have caused a movement of Hutu insurgents towards the East. Precipitous movements by large groups of ex-FAR/Interahamwe or FDD to escape DDRR will have grave repercussions for regional stability. FDD forces are already infiltrating Burundi and Tanzania, perhaps in preparation for a major attack in Burundi. If they are joined in their offensive by large numbers of ex-FAR/Interahamwe, this could tilt the military balance against the Bujumbura government, provoking Rwandan government intervention and further widening that war. Further, large numbers of the former forces of ex-FAR/Interahamwe are infiltrating the Kivus to join their compatriots, which is again likely to provoke a major Rwandan reaction. Violence has already escalated in the Kivus and at the Rwandan border. RPA redeployment of troops from Pweto (a few thousand men) has led to new operations against the Hutu armed groups and the Mai Mai in Masisi, Shabunda, and Bunyakiri areas and on the Uvira-Fizi axis. There is now a serious possibility of major bloodshed in the Kivus. It can be expected that military pressure exerted on the armed groups will cut off their supply line and push them to loot the local population. Also, it is likely that the increasing presence of RPA troops will exacerbate Congolese hostility and resistance to occupation.

RCD-Goma has denounced the Congolese government's continuous support for the Hutu insurgent movements in the DRC and warned that the cease-fire would not hold for much longer if violence continued. If the Congolese double-cross Rwanda (or even don't make a minimal effort) on DDRR, the war will likely re-ignite.

## **E. The Armed Groups Hope for Military Victory**

Finally, the armed groups themselves have reasons not to partake in DDRR efforts. The combination of their forces provides these groups with increased hopes of overthrowing the Rwandan and Burundian regimes. To deal with the armed groups, it is imperative to analyse their agendas and to deal with them each through bottom up and top down approaches.

The FDD remains outside the Arusha process. The FDD have shown reluctance to participate in the Burundi peace process, and will do so as long as they have a hope to win militarily, fuelled by other countries' government support. The ADF is not negotiating with the Ugandan government, and few have taken advantage of an amnesty there. Ex-FAR/Interahamwe forces are vilified (correctly in some cases) as genocidaires, fear prosecution or summary execution, are tightly controlled by leaders who did help organise the genocide, and have received a lifetime of indoctrination against the RPF as the group that wants to destroy the Hutu. The Mai Mai are a mix of organised resistance groups and less organised warlords who grew out of poverty and chaos. To achieve a successful DDRR process of the Hutu armed groups, the Mai Mai need to be convinced to separate from them. It is impossible to ask them to do so without a major reconciliation and rehabilitation effort at the local level in the Kivus.

## **CONCLUSION**

The window of opportunity for peace created by the elder Kabila's death is closing. The DDRR plan emerging from the Lusaka signatories represents a significant compromise and a basis for action. It requires robust support from the international community. Since the 1994 genocide, the international community has done nothing to address the myriad problems posed by its perpetrators, the ex-FAR/Interahamwe. The international community must finally assume a share of the burden on this critical issue and in furthering regional agreement on security issues. If not, what looms is the continuation of occupation and violence, a series of battles for influence and spoils, and, most ominously, the reignition of regional war.

## **RECOMMENDATIONS**

### **To the Congolese Government:**

1. Provide all information on the whereabouts of these armed groups and contribute actively to the disarmament and demobilisation effort.
2. Clearly identify the Congolese government's security needs in the short and long term.
3. Immediately cease all support to those forces and allow monitoring to that effect.

4. Contribute in the regional and international effort to apprehend those indicted by the International Criminal Tribunal for Rwanda and others accused of crimes against humanity.

#### **To the Rwandan, Ugandan and Burundian Governments:**

5. Create the necessary conditions domestically conducive to the return of ex-combatants, including the provision of amnesties where appropriate, strict adherence to the rule of law, and total transparency in the handling of these ex-combatants, by allowing full international monitoring of the reintegration process, including the justice component as served through *gacaca*<sup>1</sup> in Rwanda.
6. Engage in domestic reconciliation efforts and give concrete signs of political accommodation of some of the armed groups' demands.
7. Provide MONUC and the JMC with all the necessary information on the armed groups in the Kivus.
8. Comply fully with all of the elements of Lusaka, particularly for their disengagement and withdrawal.

#### **To the Zimbabwean and Angolan Governments**

9. Commit to the provisions of any agreement on DDRR, including the cessation of all support to the armed groups, the provision of information on their locations, and participation in efforts to disarm and demobilise them.

#### **To the UN Security Council and Donor Governments**

10. Reinforce the effort to cease all support to the armed groups by:
  - creating and resourcing a monitoring mechanism,
  - encouraging the Rwandan leadership to come up with a specific benchmark of progress in the DDRR effort that would suffice to meet its concerns so that it can withdraw completely from the DRC,
  - offering training and equipment to regional customs and immigration officials,
  - arresting any of the indicted leadership of the armed groups that cross international borders,
  - providing intelligence on the whereabouts of the armed groups, and
  - treating the ex-FAR/Interahamwe in the same manner as UNITA by implementing existing Security Council resolutions aimed at isolating the ex-FAR/Interahamwe. UN Security Council Resolutions 918 (1994), 997 (1995), 1011 (1995), and 1341 (2001), as well as the recommendations of the report of the UN Commission of Inquiry on Rwanda (1997) provide a legal basis for the resumption of an arms embargo against the ex-FAR/Interahamwe and the countries supporting them.

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<sup>1</sup> A traditional system of administering justice that will be revived as of July 2001

*On the role of MONUC*

11. Provide an appropriate DDDR mandate for MONUC during Phase Three of the Mission, and create a DDDR co-ordinating mechanism within MONUC to oversee the process.
12. Provide a mandate for MONUC – if asked -- to provide security in the assembly areas during demobilisation, with the understanding that ex-combatants will only be processed in these sites and quickly repatriated or resettled elsewhere.

*On funding the DDDR process*

13. Supplement the contributions of signatories in generating the necessary resources for demobilisation, including enhanced logistics, communication, infrastructure, and re-supply.
14. Undertake a major effort at mobilising resources quickly – through an early donors meeting -- for designing and implementing credible reintegration and resettlement programs that will act as an incentive to draw members of armed groups out of the Congo. Consider the establishment of an International Trust Fund for the DDDR process in Rwanda, Burundi, Uganda, and Angola.
15. Help publicise the DDDR programs in the region, with a particular effort to circulate information in the Kivus and refugee camps.

*On monitoring the DDDR process*

16. Provide human rights monitors to guard against abuses in reintegration.

*On supporting resettlement*

17. Identify third countries to act as resettlement areas for armed group members not wishing to be repatriated, and provide resources for resettlement.

*On Burundi*

18. Put pressure on the governments of DRC and Tanzania to convince FDD leaders to enter into immediate talks with the Buyoya government.
19. Ensure harmonisation the Lusaka and Arusha processes.

*On the Kivus*

20. Recognise the existence of Mai Mai leaders, and encourage the RCD to reach a cease-fire with the Mai Mai, through traditional leaders, civil society and the church, and to engage in a broader political dialogue with these actors.
21. Support a major reconciliation and rehabilitation effort in the Kivus.