

## LAURENT NKUNDA AND THE NATIONAL CONGRESS FOR THE DEFENCE OF THE PEOPLE (CNDP)

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### Résumé

En 2007, dans la province du Nord-Kivu, des affrontements entre la milice de Laurent Nkunda, des rebelles hutu d'origine rwandaise et l'armée nationale ont causé le déplacement de plusieurs centaines de milliers de civils. Un accord a été négocié et signé en janvier 2008 à Goma, sous la pression des États-Unis et de l'Union Européenne. Cet article livre une analyse de l'insurrection de Nkunda et formule certaines suggestions par rapport aux mesures à prendre afin d'assurer une pacification à plus long terme. D'abord, il faudrait mettre terme à l'appui (aussi bien congolais que rwandais) qu'a continué de recevoir Nkunda. Il sera également nécessaire d'établir les responsabilités pour les crimes commis dans le passé et de les sanctionner. Enfin, un lien trop étroit entre pouvoir politique et gains économiques et financiers continuera à menacer toute stabilité à moyen et long terme.

### 1. INTRODUCTION

In 2007, the province of North Kivu saw some of the worst violence since the height of the war in 1999-2000. According to the United Nations, clashes between Laurent Nkunda's militia, Rwandan Hutu rebels and the national army displaced almost half a million people in North Kivu between December 2006 and the end of 2007. Moreover, the violence seriously undermined the legitimacy and popularity of President Joseph Kabila's recently-elected government. A peace deal was signed between the warring factions in Goma in January 2008, but violence has continued intermittently.

Nkunda has become the most infamous of Congo's warlords, inspiring venom and critique in Kinshasa's dailies and on the burgeoning Congolese blogosphere. There have been large bouts of violence in this southern part of North Kivu since the 1960s, linked to the large Hutu and Tutsi populations that immigrated to the territories of Masisi, Rutshuru and Walikale between the 1930s and 1960s. Conflict arose out due to disputes over land ownership and political representation, driven by competing political elites and often manipulated by the government in Kinshasa. This study will not dwell on this history, which has been described in detail in these pages previously. Instead, I will focus on Laurent Nkunda and the birth of his rebellion, the *Congrès national pour la défense du peuple* (CNDP). Although North Kivu's history forms an important backdrop, the CNDP's emergence is more immediately linked to political changes in North Kivu brought about after 2003 by the political transition and the subsequent elections. After a decade of dominating the economic and political scene in Goma and the surrounding territories, the Rwandan-backed *Rassemblement congolais pour la*

*démocratie* (RCD) lost power to a coalition of parties led by the Nande community and close to Kabila.

These changes created fertile ground for Nkunda. Hundreds of Banyarwanda – as Hutu and Tutsi communities are collectively called in North Kivu – who had risen to prominence in business and politics during the rebellion watched as their gains were eroded. Their longtime ally Rwanda saw officials and parties come to power in Goma who had historically been hostile to them and linked to their enemy, the *Forces démocratiques de libération du Rwanda* (FDLR). For the local Tutsi community, the changes rekindled fears of persecution and discrimination.

At the same time, Nkunda took advantage of the state's characteristic weakness. With a handful of soldiers at the outset, he scattered the ill-disciplined Congolese army and taxed local businessmen. Given the lack of reliable and neutral security services and courts, he was able to appeal to the Tutsi community's fear of persecution from extremists within the state. All these factors coalesced to propel Nkunda from a marginal dissident in 2003, when he defected from the army, to the single largest military threat to the Congolese state in 2007.

## **2. NKUNDA: AN HISTORICAL SYNOPSIS**

### **2.1. The collapse of the RCD and Nkunda's emergence**

Nkunda's time in the limelight came with the beginning of the transition in July 2003. Before that, he had risen from an intelligence officer in the Rwandan army, where he began his military career in 1993, to become the RCD's North Kivu commander.

In September 2003, Nkunda and two other Tutsi commanders – Colonels Eric Ruohimbere and Elie Gishondo – refused to join the national army, citing security concerns as well as the poor terms the RCD had obtained in the peace deal. Recent interviews with defectors within the RCD as well as the Rwandan government indicate that Kigali played a key role in Nkunda's desertion. "They needed a 'Plan B' in case the transition didn't work in their favour," one such deserter said<sup>1</sup>. A former member of the Rwandan Patriotic Front (RPF) saw Nkunda in Kigali in the summer of 2003 and indicates that high-ranking members of the Rwandan army and government told Nkunda not to accept the regional command positions offered to him and Ruohimbere by the peace deal<sup>2</sup>.

Personal fears helped nudge Nkunda and Ruohimbere in the right direction. The United Nations and Human Rights Watch had accused the former for his

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<sup>1</sup> Interview with Nkunda commander in Kinshasa, October 2006.

<sup>2</sup> Interview with RPF defector in Kampala, December 2006.

involvement in the massacre of 160 civilians in Kisangani in May 2002, while Ruohimbere was afraid of being arrested for executing fifty pro-Kinshasa officers in Bukavu at the beginning of the 1998 RCD rebellion. Nkunda quickly became the leader of the dissidents and worked to rally other marginalized groups around him. For a long time, he benefited overtly from the support of much of the RCD elite in their Goma headquarters, in particular Governor Serufuli.

In December 2003, Nkunda founded *Synergie pour la paix et l'harmonie* in Bukavu together with other RCD members. Besides the three army commanders, all of whom are Tutsis, the group included Hutu and Tutsi RCD leaders from Goma, as well as a small group of officers and politicians from South Kivu who had been convicted *in absentia* for killing President Laurent Kabila in 2001, including Governor Xavier Chiribanya<sup>3</sup>. Here, as well, there was Rwandan involvement, although in a somewhat different fashion than with the RCD. An Nkunda deserter explained how, dismayed by their past experiences with Congolese management, Rwandan officials gave Nkunda and his fellow leaders handbooks on organizational management and told them not to come calling if they ran into trouble. "They wanted us to figure it out ourselves this time," he said<sup>4</sup>.

It was the presence of the alleged Kabila assassins that provoked the first clashes. Under the peace deal, Kabila's faction assumed military control of South Kivu, leading to a power struggle with the RCD elite there. In May 2004, after several clashes, these tensions erupted into a full-blown battle for Bukavu<sup>5</sup>. In a pattern that would be repeated in subsequent clashes, the violence sparked anti-Tutsi sentiment in the population, as the leader of the dissidents there, Colonel Jules Mutebutsi, was Tutsi, as were many other of its commanders<sup>6</sup>. The national army rounded up fifteen Tutsis, including several women and children, and killed them<sup>7</sup>. Around 3,000 Tutsi civilians in town were forced to flee. This violence in turn prompted Nkunda to lead a force of around thousand soldiers from Goma to take Bukavu, claiming that genocide was taking place. Serufuli provided many troops and financial support, while Rwanda also allegedly supplied weapons<sup>8</sup>. His forces in turn raped, killed and looted, often accusing the victims of attacking their kin.

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<sup>3</sup> The group also included General Bora Uzima, Colonel Georges Mirindi, Colonel John Bahati, Major Amuli Chap Chap and Major Josph Kasongo. The Kabila assassination trial was marred by procedural flaws and was heavily criticised by human rights groups.

<sup>4</sup> Interview with CNDP deserter in Kinshasa, October 2007.

<sup>5</sup> See International Crisis Group Africa Report N°91, *The Congo's Transition is Failing: Crisis in the Kivus*, 30 March 2005.

<sup>6</sup> Mutebutsi is a Tutsi from South Kivu, known to be loyal to the RCD and who led their repression of the Tutsi uprising on the high plateau in 2002.

<sup>7</sup> "DR Congo: War Crimes in Bukavu", Human Rights Watch Briefing Paper, June 2004.

<sup>8</sup> International Crisis Group Africa Report No. 91, *The Congo's Transition is Failing: Crisis in the Kivus*, 30 March 2005. Interviews with Nkunda defectors in Kinshasa, October 2007.

International pressure on both Rwanda and the RCD forced Nkunda to retreat to North Kivu, while Mutebutsi fled to Rwanda after clashing with MONUC south of Bukavu. The dissidents were further radicalized in August 2004 by an attack against Banyamulenge who had fled to Gatumba refugee camp in Burundi. Hutu rebels from Burundi's National Liberation Front (FNL) claimed responsibility for the attack, which killed 160 civilians, many of them burned to death in their sleep<sup>9</sup>.

At the time of the Bukavu mutiny, most of the RCD leadership was behind Nkunda, including Azarias Ruberwa and Eugene Serufuli<sup>10</sup>. The violence, however, caused the already fragile party to fragment. Some hard-line Banyarwanda members, already uneasy at the prospect of coming elections, withdrew from the transition – including such stalwarts such as Bizima Karaha, Emmanuel Kamanzi and Guillaume Gasana – claiming that Kabila was destabilizing the East and attacking the Tutsi population. It also further drove a wedge between the party's Banyarwanda leaders and those from other communities. Many RCD leaders, swayed by the approaching elections and entreaties from Kabila's people, refused to leave Kinshasa, saying that they were not beholden to Rwanda or Tutsi interests.

Kinshasa sent several thousand troops to attack Nkunda in North Kivu, sparking heavy fighting around Walikale and Kanyabayonga in November 2004, but the offensive crumbled due to poor discipline and the embezzlement of operational funds, problems that have become the hallmark of most government military operations. In a last-ditch effort to consolidate control over the province, Governor Serufuli created the concept of “rwandophone” community, organizing marches and public rallies to protest the threat Kinshasa posed towards both Hutu and Tutsi. In order to play up his importance, Serufuli also began distributing weapons to Hutu civilians in October 2004.

A year and half into the transition, the RCD had splintered into several political factions, and local strongmen had overridden their control on local administration and soldiers in the East. Nkunda had made his first major appearance on the national scene, only to quickly recede into the background as leaders in Kinshasa and Kigali tried to salvage stability in the Kivus.

## **2.2. Rwanda's shift and the demise of “rwandophonie”**

The transition had begun an irreversible process that would topple the RCD from power in Goma. During the run-up to elections, the Tutsi-Hutu coalition fell

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<sup>9</sup> A subsequent United Nations investigation concluded that there was not sufficient evidence to establish who had killed the victims, but many Tutsi, including Nkunda, claim the Congolese government had planned and helped execute the massacre with the FNL.

<sup>10</sup> Interview with Nkunda in Masisi, July 2006.

apart as Kinshasa co-opted Hutu leaders and the elections campaign brought past antagonisms to light. Kabila began courting Serufuli, promising to allow him to keep the governorship, and it became clear that much of the Hutu population did not want to be associated with a project they saw as linked to Rwanda<sup>11</sup>. In addition, Kabila began to talk to Kigali about how to pacify the East during elections in return for representation of the Tutsi community. While the president did not follow through on any of these promises, these negotiations did allow him to stabilize the province – where 1,8 million people would vote for him – for elections.

Nkunda, for his part, slipped from public view for the coming year. He felt betrayed by the RCD leadership, as they had been forced to denounce his insurgency<sup>12</sup>. He retreated to the highlands of Masisi, where he continued recruiting and tried to cobble together a coalition of rebel groups. In early 2005, he intensified contacts with Ituri militias, holding several meetings in Rwanda and, together with Ugandan government officials, played a role in the creation of the Congolese Revolutionary Movement (MRC), a coalition of Ituri armed groups, in July 2005<sup>13</sup>. He strengthened his military structure and established control over the 81st and 83rd ex-RCD brigades, which were made up mostly of Hutu and Tutsi, deployed around the area of his control<sup>14</sup>. He was bolstered by the arrival of General Bosco Taganda, previously a top commander of Ituri's Union of Congolese Patriot's (UPC) militia, as his chief of staff in mid-2005. He also recruited hundreds of Congolese Tutsi, including many children, from refugee camps in Rwanda, as well as demobilized ex-RCD soldiers from the nearby Mushaki camp<sup>15</sup>. Dozens of child soldiers who had left the army to return to their villages in Rutshuru and Masisi were also gang-pressed into joining the rebels<sup>16</sup>.

Failing to deal with Nkunda militarily, Kinshasa issued an arrest warrant for Nkunda in September 2005<sup>17</sup>. The UN sanction committee followed suit, imposing travel bans and financial sanctions on both Nkunda and Mutebutsi in November 2005. These actions, however, had little impact, as they were not

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<sup>11</sup> Interview with Serufuli advisor, Goma, February 2007.

<sup>12</sup> "Évitons une autre guerre au Congo", interview with Azarias Ruberwa, RCD president, *La Libre Belgique*, 25 August 2004.

<sup>13</sup> Interview with Laurent Nkunda, Masisi, July 2006.

<sup>14</sup> Most footsoldiers in these brigades had been recruited into Serufuli's Local Defence Force during his tenure as governor, while many officers were Tutsi who had been trained in the Rwandan army before the war.

<sup>15</sup> Report of Group of Experts on Arms Embargo in the Democratic Republic of Congo, 25 January 2005, pp. 44/45.

<sup>16</sup> "Democratic Republic of Congo: Alarming resurgence in recruitment of children in North-Kivu", Amnesty International Press Release, 31 March 2006.

<sup>17</sup> This warrant is often referred to as an international warrant, because it was issued by the Congolese government and submitted to Interpol.

backed up with military force and the targets had few assets that could be frozen. Kinshasa was also thwarted by dissent within their own ranks: ex-RCD commander in Goma, General Gabriel Amisi, kept both insurgent brigades on the army payroll until well into 2006. Much of this money – amounting to at least \$50,000 a month – was siphoned off by Nkunda to buy new equipment and strengthen his movement.

Under the terms of the transitional government, security services and state agencies were supposed to be integrated. As the government sent police inspectors, judges, and integrated army units to the Kivus, local authorities reacted violently. In January 2006, Colonel She Kasikila, the newly deployed ex-Mai-Mai commander of the 5<sup>th</sup> integrated brigade, found himself at the nexus of these tensions. He was deployed to Rutshuru, the first non-RCD commander to control the territory since 1998, and began dismantling the RCD's remaining financial and military networks. He was also guilty of several attacks on Banyarwanda: In January 2006, Kasikila handed three Hutu and Tutsi bandits that he had captured over to a local mob, who burned them alive, and there were several other incidents of poor treatment of Banyarwanda officers<sup>18</sup>. However, he also vexed Nkunda by chasing his soldiers out of the Lueshe niobium mine that they had been guarding for important Tutsi businessmen in Goma and by collecting weapons from the civilian population<sup>19</sup>. Nkunda accused Kasikila of persecuting Banyarwanda – and exaggerated claim at best – and launched an attack on Rutshuru, chasing out Kasikila and taking control of several surrounding villages. The fighting was once again accompanied by massive human rights abuses, and MONUC believes Nkunda's troops may have used systematic rape as a weapon of war, raping between 40 and 90 women<sup>20</sup>.

The unearthing of numerous mass graves around Rutshuru just before the attack enhanced antagonism towards Nkunda. According to the local population, the graves contained hundreds of bodies of Hutus killed by the Rwandan army in 1996. The memories had been suppressed during the RCD and Serufuli's reign until Kasikila's brigade arrived. The logic of elections soon took hold, weakening Nkunda's support amongst the Hutu leaders. Eager to win votes, Serufuli began to switch sides and, under Kinshasa's prompting, coaxed most of Nkunda's top Hutu commanders to desert his troops, including the 81st and 83rd brigade commanders,

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<sup>18</sup> Interviews with local administrative officials, Rutshuru, March 2006.

<sup>19</sup> Report of Group of Experts on Arms Embargo in the Democratic Republic of Congo, 27 January 2006, p. 26. The mine was being operated by Modeste Makabuza, an influential Tutsi businessman with close ties to Serufuli.

<sup>20</sup> Report of the Secretary General on children and armed conflict in the Democratic Republic of Congo, 28 June 2007, p. 10.

Colonels Smith Gihanga and David Rugayi<sup>21</sup>. They defected with hundreds of Hutu troops to enter army integration camps in early 2006. By the time election results had come out, Nkunda had lost some of his backers, but had galvanized others, including many who had been sidelined by elections, behind him. His movement became increasingly one of Tutsi discontent with the state of play.

In the meantime, Kinshasa sent emissaries to Kigali to ask their help in securing the East. The Rwandan government agreed to allow Kabila to campaign in the East and to deploy his presidential guard to Goma, provided he would give the RCD some positions in his government<sup>22</sup>.

### 2.3. Elections and the birth of the CNDP

Nkunda chose the elections period to unveil his own political movement, the National Congress for the Defence of the People (CNDP), in July 2006. Divorced from many of his former backers, Nkunda sought to reinvent himself as an ideologue and, as the title of his movement indicates, the protector of minorities. He began holding public rallies in towns throughout eastern Masisi and western Rutshuru, calling for national unity and ethnic reconciliation, although he did not support any specific political parties. Interviews with Nkunda deserters indicate that, with typical skill, he received funding from RCD leaders, Jean-Pierre Bemba's *Mouvement de Libération du Congo* (MLC) as well as emissaries from Kabila. Nonetheless, he did not disturb the first round of elections, preferring to take advantage of the dozens of foreign journalists who had come to the region for the polls to boost his notoriety.

Despite the tensions, turn-out was high throughout the province, and Kabila won over eighty per cent of the Masisi and Rutshuru vote in the first round and ninety in the second round, even in areas populated by Hutus and Tutsis, indicating that Nkunda's biting critiques of the incumbent had not taken hold. This was particularly surprising for the Banyarwanda of Masisi, who were mostly descendents of Rwandan who had immigrated between 1930-50 and who had in the past suffered heavily from Kinshasa's anti-Rwandan invective. The elections results were unambiguous: the years of Rwandan-backed government had failed abjectly to inspire any popular support, even amongst the local Tutsi population. A whopping 98 per cent of Masisi's population voted for Kabila.

The elections led to a radical political reconfiguration in the province. In alignment with the demographics of the province, President Kabila's *Alliance pour la majorité présidentielle* – a rowdy coalition of several dozen parties – controls 25

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<sup>21</sup> The original 81<sup>st</sup> brigade commander, Colonel Willy Bonane, became the commander of the 4<sup>th</sup> integrated brigade and was sent to Ituri in 2005.

<sup>22</sup> Interviews with Rwandan government officials, Kigali, February 2007; interviews with RCD officials, Kinshasa, December 2006.

of the 42 provincial parliament seats and, after much internal squabbling, elected Julien Paluku, a Nande from Rutshuru, as governor.<sup>23</sup> Legislature and executive are a more or less accurate representation of local communities: Nande won 25 seats in the provincial assembly, Hutu 15 and Hunde and Nyanga split the rest. Although Tutsi are not represented in the assembly, political parties made an effort to promote reconciliation by electing a Tutsi senator and another as a minister in the provincial government<sup>24</sup>.

#### 2.4. Mixage

Elections came with fireworks in North Kivu, as clashes intensified between Nkunda, the Congolese army and a variety of militia. Although Nkunda apparently did make an effort not to prevent elections themselves, the polls were bracketed by violence as the militia leader set up a parallel administration, putting himself in direct conflict with authorities in Goma. He leaned heavily on local administrators, set up parallel police and intelligence services, and collected his own taxes. His soldiers were guilty of numerous attacks against the local population, looting trucks and abusing villagers. In early August 2006, tensions around Sake, on the front line between Nkunda and the national army, erupted into clashes, leaving three dead and forcing thousands to flee.

MONUC deployed troops to Sake to calm the situation, and Nkunda's troops withdrew. However, failing to neutralize Nkunda militarily or through negotiations the situation continued to fester. On 25 November 2006, police at a checkpoint in Sake got into an argument with a Tutsi businessman, allegedly Nkunda's relative, and shot him dead<sup>25</sup>. Predictably, Nkunda immediately reacted by launching an attack on Sake, seizing town despite MONUC presence as the national army crumbled due to logistics breakdown and desertions. He then advanced on Goma despite warnings from MONUC. For the first time, UN peacekeepers reacted forcefully against Nkunda with attack helicopters and infantry, killing between 200 and 400 insurgents<sup>26</sup>. At the same time, fighting broke out north. Over 100,000 people were displaced altogether.

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<sup>23</sup> There is a rift between Mbusa Nyamwisi, the Foreign Minister and president of the RCD-Liberation Movement and two parties traditionally closer to Kabila: the People's Party for Reconstruction and Democracy (PPRD) and the Social Movement for Renewal (MSR). Mbusa is from North Kivu and has been able to maintain control over many parliamentarians. Mbusa's choice for governor won through a 25 to 17 vote.

<sup>24</sup> The provincial government has ten ministers, including one from each of the nine territories and towns – four Nande, two Hutu, two Hunde and two Nyanga – as well as one Tutsi.

<sup>25</sup> The businessman, Mayogi Musafiri, was the son of the former head of North Kivu's civil society, Alexandre Mayogi.

<sup>26</sup> Interview with MONUC officials, Kinshasa, October 2007.

In face of their defeat, and for the first time since the insurgency began, the presidency decided to negotiate with Nkunda. After a series of preliminary meetings in Masisi between Nkunda and army officers, Kabila reached out to his Rwandan counterpart, asking him to use his leverage on Nkunda, who had begun his military career in the Rwandan army in 1993. According to some reports, the South Africa government was also involved in brokering these talks, although it has denied this<sup>27</sup>. Rwandan Chief of Staff General James Kabarebe hosted a meeting in Kigali between Nkunda and Congolese Air Force Commander General John Numbi, both of whom had served under him during the initial invasion of the Congo, then Zaire, in 1996. There was no written agreement, and both sides have contradictory accounts of what they had committed to. According to the government, the agreement had been strictly military, dealing with the progressive integration of Nkunda's troops into the national army, a process called "mixage". Six brigades were to be created out of Nkunda's 81<sup>st</sup> and 83<sup>rd</sup> brigade together with three non-integrated government brigades.

Although the principle of *mixage* has since been harshly criticized by local and international actors, there were few other options on the table for Kabila. After at least four failed offensives against Nkunda since 2004, the national army had shown its limitations. After reaching similar deals with Ituri warlords, Kinshasa hoped they would be able to dilute Nkunda's command and control and calm the precarious situation.

However, *mixage* was poorly organized and executed. There was no formal agreement, timetable or follow-up. The few neutral mediators – MONUC and South Africa – that could have monitored an agreement were kept in the dark. Instead of weakening him, *mixage* ended up bolstering Nkunda. Five mixed brigades were created with integrated brigade commands, but the four battalions they each controlled – two from Nkunda, two from the national army – were not mixed, even though they had agreed on "progressively integrated the troops down to the lowest level."<sup>28</sup> Nkunda's commanders continued to respond to their own chain of command, meeting regularly in Nkunda's headquarters and launching operations independently of 8<sup>th</sup> military region's commander in Goma<sup>29</sup>. Most importantly, they were put back on the army payroll. With 3,500 declared soldiers at the beginning of *mixage*, Nkunda benefited from over \$70,000 each month in salaries, much of which was paid directly to him<sup>30</sup>. On several occasions, the 8<sup>th</sup> military region commander provided military supplies, including uniforms and

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<sup>27</sup> Interview with foreign diplomat, Nairobi, August 2007.

<sup>28</sup> Interview with General Siatilo Ngizo, Goma, February 2007.

<sup>29</sup> Interview with mixed brigade commanders, North Kivu, June 2007.

<sup>30</sup> Regular soldiers receive \$22 a month in addition to around \$7 dollars in food. The food money was usually paid directly to the brigade commanders, while the salaries went through Nkunda's headquarters.

ammunition that were stockpiled in Nkunda's headquarters instead of being used during operations<sup>31</sup>. In addition, they were allowed to deploy their troops in strategic places along the border with Rwanda and Uganda, positions that were crucial in helping new recruits infiltrate from Rwanda. By mid-2007, Nkunda emerged stronger and with more resources than at the beginning of the *mixage* process.

Worse than *mixage*, however, was the decision to launch attacks against the FDLR. This seems to have been a unilateral initiative by Nkunda, who was intent on maintaining his reputation as the protector of the Tutsi community and wanted to remain in good standing with Kigali; other army commanders say they had never received orders to engage the FDLR<sup>32</sup>. Nkunda's CNDP battalions immediately began attacking FDLR positions throughout northern Rutshuru and Masisi territories. The FDLR has cohabitated with the population in these areas for years, and the attacking units, often led by Tutsi officers, employed brutal counterinsurgency tactics. According to United Nations and Human Rights Watch investigations, at least thirty civilians were killed and many others raped or injured, usually following accusations of complicity with the FDLR. The violence caused 180,000 villagers to flee between January and June 2007, reducing many villages to ghost towns. This is the largest displacement in the Congo since fighting in Ituri in 2003. The operations engendered violent reprisals by the FDLR, as well, who in turn accused the population of working with the CNDP.

Nkunda's operations, and therefore the displacement as well, took place along three axes: the Rutshuru-Nyamilima road, between Mweso and Nyanzale and in the Ngungu-Katoyi area. The first two axes pitted Nkunda's units and, to a lesser degree, other battalions of the mixed brigades against the FDLR. The third area of operations saw mixed as well as unmixed CNDP units fighting against a combination of FDLR and a coalition of tribal militia that had sprung up in response to the CNDP. This militia, called the *Coalition des résistants patriots congolais* (PARECO), was made up of several local tribal militia, with a Hutu faction led by Major Mugabo bringing the largest force to the table. Mugabo's group quickly began cooperating with the FDLR against Nkunda. The fighting became brutal and vindictive, in part because many of Mugabo's troops were Hutu deserters from Nkunda's force. Nkunda burned down several villages around Ngungu and Katoyi, forcing tens of thousands to flee.

The humanitarian catastrophe prompted a political crisis, as politicians accused Kabila of striking a deal with Nkunda, who by this point had become the single largest security concern for most Congolese. Newspapers and Internet sites

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<sup>31</sup> Interview, army commander, Goma, July 2007.

<sup>32</sup> According to Nkunda, they had agreed in Kigali to launch attacks against the FDLR, although army commanders said this new deployment was not an offensive against the FDLR, but just in order to secure and control the territory.

churned out frequent articles about the dissident, adding to the hysteria by alluding to fanciful plots to bring the eastern Congo under Rwandan hegemony. The national and North Kivu provincial assemblies wrote separate letters to the presidency, denouncing the *mixage* process and calling for the insurgents to go into regular army integration and be deployed in truly mixed units throughout the country<sup>33</sup>. When Defence Minister Chikez Diemu visited Goma and briefed the provincial assembly, parliamentarians dubbed him the “minister of insecurity” accusing him of failing in his duties.

The *mixage* crisis brought the government’s weaknesses into relief. The first months of the year saw government troops massacre opposition demonstrators in Bas-Congo, clash with former vice-president Jean-Pierre Bemba in Kinshasa and clamp down on dissent. For months after its inauguration in February 2007, its leadership was barely visible and was unable to institute the badly-needed reforms it had promised. Nkunda became the symbol for its impotence, a fact he was acutely aware of. As a provincial parliamentarian put it, “Before the elections, Nkunda’s insurgency fed into Kabila’s election campaign – after all, he was seen as the bringer of peace to the East. As soon as he was elected, however, Kabila became responsible for security in the East. Every attack Nkunda launched chipped away at his popularity.”<sup>34</sup>

The humanitarian calamity and the popular outcry brought the *mixage* experiment to an end. In March 2007, General Numbi left Goma, where he had been in charge of implementing the Kigali agreement. In Kinshasa, advisors around Kabila began to push for a military solution to Nkunda. In May, Kabila replaced General Ngizozo with loyalist General Vainqueur Mayala as the regional commander in Goma. The government also pursued its strategy of siphoning off Hutu soldiers from Nkunda’s force, isolating the hard core of Tutsi combatants. They deployed two former Nkunda officers, Colonels Rugayi and Smith, now the commanders of two integrated brigades, to areas adjacent to Nkunda’s troops in order to encourage Hutus to desert. Governor Serufu flitted back and forth between Goma and Kinshasa, courting both Nkunda and Kabila, frustrated at having lost the governorship but still trying to angle a high-ranking position. During the first six months of *mixage*, a further 500 Nkunda soldiers deserted. As many of his troops left, Nkunda resorted to recruiting in Rwanda. He had been recruiting in Rwandan refugee camps, where 45,000 Congolese Tutsi have been living for over a decade, since at least 2004. Beginning in mid-2006, he began recruiting Rwandan civilians, as well, luring them across the border with the promise of lucrative jobs. Hundreds of Rwandan civilians and demobilized soldiers infiltrated through the volcanoes in

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<sup>33</sup> “Rapport Nord-Kivu sur l’insécurité, assemblée provinciale du Nord Kivu, commission sécuritaire”, May 2007.

<sup>34</sup> Interview, Goma, July 2007.

northwestern Rwanda to join his troops. However, by July 2007, the poor living conditions and low pay caused over a hundred to return home through MONUC.

Starting in May 2007, Kinshasa began sending reinforcements east. Their strategy was to put pressure on Nkunda and then to call for his troops to disband *mixage* and go to army integration camps, hoping they would desert *en masse*. In addition, contact was made again with individual FDLR units in North and South Kivu in view of roping them into a future offensive against Nkunda. The army allegedly met an FDLR delegation in Goma on 30 August and on several occasions afterwards<sup>35</sup>. At the same time, unconfirmed reports of Rwandan infiltrations multiplied as Nkunda's troops reinforced their positions along the border in Runyoni and Bunagana. A high-ranking Ugandan army officer reported that the 408<sup>th</sup> Rwandan brigade under Brigadier Mulokole had entered the Congo to be based at Kinugi, 30 kilometres from the border<sup>36</sup>. Thousands of civilians fled the fighting and MONUC troops observed heavy military casualties during patrols to the conflict zone<sup>37</sup>.

After months of delay, the government offensive materialized in the first two weeks of December 2007. A total of around 20,000 government troops – with thousands of militiamen and FDLR in tow – launched operations against Nkunda, pushing him back. Victory was, however, short-lived. A counteroffensive took government troops by surprise in Mushaki and the hills around Sake, killing dozens and possibly hundreds, including several high-ranking officers. MONUC troops, who had refused to be enlisted in the initial offensive, observed hundreds of troops fleeing towards Goma and southwards along the shores of Lake Kivu, denouncing “treason” and “dismal military leadership.”<sup>38</sup> It is not clear which of these two allegations were at the root of their defeat, although the commander of the land forces, General Gabriel Amisi, was called to Kinshasa for interrogation and a brief detention.

### **3. UNDERSTANDING NKUNDA'S CNDP**

#### **3.1. Political and military structures**

The CNDP has relatively well-organized political and military branches, the former led by Déogratias Nzabirinda and the latter by General Bosco

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<sup>35</sup> Telephone interview, August 2007.

<sup>36</sup> NYAKAIRU, F., “On the brink of fresh Congo war”, *The Daily Monitor*, 2 September 2007. Other reports from the Congolese army confirm the presence of Rwandan units.

<sup>37</sup> “RDC : Plus d'une centaine de morts dans une semaine au Nord-Kivu, selon l'armée”, Agence France Presse, 2 September 2007.

<sup>38</sup> Telephone interview with MONUC officials, Kinshasa, December 2007.

Taganda<sup>39</sup>. The political wing includes an executive committee and a congress. At the local level, it has cells that are in charge of holding rallies, spreading the movement's ideology and reporting on political and security developments. It has a network of intelligence agents who have infiltrated NGOs and even MONUC, whose reports and plans sometimes end up in Nkunda's hands<sup>40</sup>. The most influential members of Nkunda's entourage are mostly Tutsi from Masisi and Rutshuru, many of whom were trained, like Nkunda, in the Rwandan Patriotic Front in the early 1990s.

A majority of Nkunda's troops stem from the former 81<sup>st</sup> and 83<sup>rd</sup> RCD brigades, although when Bosco joined him from Ituri, he brought a small number of troops with him, as well as some heavy weapons from the UPC. Other troops were recruited since 2003 in Masisi and Rutshuru, including children, many of whom by force. Nkunda's officers often intimidate children who try to leave their army – on one occasion Colonel Makenga himself violently pulled six children out of an NGO car and threatened the child protection officers. Captain Gaston, another CNDP officer, shot and killed a local child protection worker in July 2006 in Ngungu for trying to demobilize children<sup>41</sup>.

Nkunda has also relied heavily of refugee camps in Rwanda for recruitment. CNDP has strong ties with refugee associations, in particular a group called *Association des jeunes réfugiés congolais*, and has been recruiting there since 2004. After the departure of many Hutu commanders in 2006, Nkunda began recruiting Rwandan civilians, as well. According to some of these combatants who later deserted, Nkunda uses both Congolese and Rwandans to carry out the recruitment. They target young, unemployed Rwandans with promises of between \$100 and \$300 monthly salaries, sometimes saying they will join Nkunda, but often misleading them that they will be doing manual labor. Between January and July 2007, over 100 of these combatants had deserted Nkunda's troops, complaining of desperate living conditions and poor pay<sup>42</sup>. There are probably hundreds of Rwandans left in Nkunda's troops.

When *mixage* first began, Nkunda put forward a figure of 3,500 troops that would take part, although national army sources indicate he may have had as few as 2,300. Through intensive recruitment, Nkunda may have been able to strengthen

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<sup>39</sup> Nzabirinda is a former deputy administrator of Masisi and was a commander of the Mongol Hutu militia in the late 1990s. Bosco Taganda is a Tutsi from Masisi and the former chief of staff of the Ituri armed group Union of Congolese Patriots (UPC), during which time he was guilty of numerous serious human rights abuses.

<sup>40</sup> Interview with humanitarian official, Nairobi, July 2007.

<sup>41</sup> "Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo", 28 June 2007, p. 5.

<sup>42</sup> Interviews with Nkunda deserters, Goma, July 2007.

his numbers despite the hundreds of deserters. At the end of 2007, Nkunda probably had a total of 3000-5000 troops.

While in general Nkunda has good command and control over his troops, tensions have emerged within his ranks. The split between Hutu and Tutsi continues to fester under the influence of Hutu politicians and commanders loyal to Kinshasa. There are also reportedly tensions between Nkunda and General Bosco, who is not as well educated as Nkunda and is more of a military man, well known in Ituri for his many abuses. He is allegedly a much more radical commander who is reluctant to negotiate with Kinshasa, while Nkunda is more of a politician and an ideologue. To complicate matters, Nkunda is a member of the Jomba clan, while Bosco is a Gogwe, the same clan as most of the rank-and-file soldiers. These tensions have reportedly complicated negotiations, as Nkunda needs to satisfy his main supporters as well as his personal ambitions<sup>43</sup>.

As explained above, Rwanda has been close to the CNDP since its creation. According to United Nations reports and interviews with CNDP deserters, Rwanda has looked the other way, allowing Nkunda to recruit in refugee camps in Rwanda. There have also been numerous reports by MONUC staff and FARDC that Rwanda has supplied CNDP with weapons, although Kigali has always firmly denied these allegations. However true these reports may be, it would be wrong to surmise, as many in the Congolese media and political sphere do, that Nkunda is merely a Rwandan puppet. He has assembled behind his an alliance of the discontent and disaffected, including many members of his own community as well as opposition politicians and businessmen. Not least, he wants to promote his own interests, as well as those of his fellow commanders.

### **3.2. Finances**

Most of Nkunda's finances stem from the Tutsi community, local taxes and Congolese opposition politicians. While it is impossible – and very contentious – to pinpoint the exact origins of CNDP revenues, I will list some possible means of income.

The largest source appears to be the Tutsi community. CNDP deserters who were involved in running the organization said that at one point they were able to raise up to \$40,000 a month from the Congolese Tutsi community, especially those in exile in Rwanda and Burundi. He has also allegedly received support from Jean-Pierre Bemba and Katebe Katoto, a rich Katangan businessman and former financier of the RCD-Goma<sup>44</sup>. The CNDP has also set up a so-called “pool” system of finances, in which every Tutsi family is asked to contribute a small portion of

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<sup>43</sup> Interview with Congolese army officers and MONUC officials, Goma, July 2007

<sup>44</sup> Interview with UN official, April 2008.

their earnings, similar to the *umuryango* network set up by the RPF to finance its rebellion in 1990-1994.

It is possible that Nkunda is able to tax or extort money from the lucrative mineral trade in North Kivu. In 2007, 10,700 tones of cassiterite was officially exported from Goma to Rwanda, amounting to between \$50 and \$75 million<sup>45</sup>. Nkunda's links to mining are, however, tenuous, as he does not control any major mines, but does have links to some of the traders. The biggest trading houses are Mining Processing Company (MPC), a South African company in which Tribert Rujugiro, who is close to the Rwandan government, has considerable shares; Sodexmines, run by Lebanese-born El Ali Bassem, is allegedly close to government members in Kinshasa; and Amur, which is owned by businessmen from South Kivu, including Bora Uzima, a former Nkunda ally. Together, these companies make up over 70 per cent of the official cassiterite exports from the province<sup>46</sup>. According to the United Nations, 70 per cent of cassiterite is smuggled out of Goma and does not show up in official statistics. Since Kinshasa deployed presidential guards at the Goma border, some smuggling has shifted to the Bunagana border crossing, which Nkunda has often controlled<sup>47</sup>.

The fuel oligopoly in Goma used to be worth hundreds of thousands of dollars in taxes a month for Serufuli during the war<sup>48</sup>. According to local businessmen, in 2007 gas stations close to Nkunda control the small but lucrative market in the territories of Masisi and Rutshuru<sup>49</sup>. The killing of numerous mountain gorillas over the last year has also brought to light the importance of charcoal in the local economy. Conservationists estimate the charcoal trade around Goma to be worth \$30 million a year, much of it controlled by the various militias – CNDP, FDLR and Mai-Mai – that operate within the Virunga national park<sup>50</sup>.

Banyarwandan business connections are also apparent in rural areas, where former RCD stalwarts own thousands of hectares of cattle ranches and plantations. Agriculture used to be the economic motor of the province, and large landholdings make up over half the land in Masisi and much of Rutshuru. The immigrant community in North Kivu depended on the local Hunde chiefs for land, as, according to tradition, they controlled all access to land. However, soon after

<sup>45</sup> *Regards Croisés N° 19*, Pole Institute, Goma, July 2007, pp. 24-26; "Report of the Secretary-General pursuant to paragraph 8 of resolution 1698 (2006) concerning the Democratic Republic of the Congo", p. 8; electronic communication with UN official, April 2008.

<sup>46</sup> *Regards Croisés N° 19, op. cit.*, p. 25.

<sup>47</sup> Telephone interview with businessman in Goma, August 2007.

<sup>48</sup> According to some businessmen in Goma, Serufuli used to impose a security tax on fuel imports of \$250 per cubic metre, which amounted to over \$600,000 a month in taxes. Interview, Goma, July 2007.

<sup>49</sup> Telephone interview with businessman in Goma, August 2007.

<sup>50</sup> Interview with United Nations official, Nairobi, August 2007; "Congo Gorilla Killings Fuelled by Illegal Charcoal Trade", *National Geographic News*, 16 August 2007.

independence, the state began commercializing land, a process formalized by a land law in 1973 that in theory stripped traditional chiefs of their control over land. Affluent businessmen, in North Kivu often Tutsi, were able to buy concessions and register it with the state. In the same year, Mobutu also expropriated most foreign owned companies and gave them to Congolese to run. This had an enormous impact on Masisi territory, where foreign-owned plantations constituted over half of the land. Tutsi immigrants, then close allies of Mobutu, obtained 90 per cent of this land. In many cases, these businessmen annexed neighboring land to the detriment of peasant farmers.

The war led to another bout of land reallocation, as RCD leaders expropriated some titles to give to supporters. A large farm, for example, that Mobutu had given to his Rwandan counterpart Juvénal Habyarimana was split up between Serufuli and several other RCD leaders. As many of the land titles granted by Mobutu in the 70s expired during the war, some of these were handed to supporters.<sup>51</sup> In the high plateau of Kalehe, to the south of Masisi, Rwandan and Congolese businessmen have bought large swathes of land, upsetting the local Hutu population.

Since the RCD days, these landowners have begun to repatriate their cattle from Rwanda, possibly encouraged by the Rwandan government's stricter grazing rules. Curiously, this influx has increased significantly since the beginning of *mixage*, despite the possibility of imminent violence, a phenomenon known facetiously as "*vaches sans frontières*." Although estimates vary, there are probably 50,000 head of cattle in Masisi and Rutshuru, worth millions of dollars and belonging mostly to Banyarwanda businessmen<sup>52</sup>. Nkunda often deploys his troops to protect these herds and owns many heads of cattle himself. The cattle arrives with cowherds, who are reportedly recruited by Nkunda and some of whom participated in *mixage*, only to return to the herds after they were registered. This influx has raised the stakes for the landowners, who are now financially invested in Nkunda's enterprise, but who also have an interest in preventing conflict from breaking out. The cattle have also provoked strong resentment from agriculturalists, both Hutu and Hunde, whose land they often invade and ruin.

These changes happen to the backdrop of longstanding competition between the Nande community from the "Grand Nord" – the Beni and Lubero territories of the province – and the Banyarwanda. Nande traders created extensive business networks in the 1980s and 90s, reaching as far as Dubai and Shanghai. They came to dominate trade in most commodities through a strong work ethic and reliance on connections within the community. When the RCD split in two in 1998,

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<sup>51</sup> This was reportedly the case for a farm belonging to the Ngezayo family in Masisi, which was appropriated by Serufuli.

<sup>52</sup> IRIN Great Lakes Update, 16 November 1999; *Update on the Transition: The case of the Kivu provinces*, Institute for Security Studies, 7 May 2004, p. 2.

the rival Ugandan-backed RCD-Liberation Movement, led by Mbusa Nyamwisi, took control of the Grand Nord and, together with local Nande businessmen, began to compete with the RCD for the East African trade networks, with the RCD-ML importing goods and fuel through Uganda and the RCD through Rwanda. The two RCD factions fought repeatedly during the war over this trade route, and many Banyarwanda believe that the Nande will use their political dominance in Goma to dismantle their control of the local economy<sup>53</sup>.

Much of the evidence Nkunda's financial backing is circumstantial and requires further research. Businessmen in Rwanda and the Congo could have various reasons for supporting the CNDP. Their contributions could come through extortion, as entrepreneurs allegedly pay protection money to Nkunda, who has security agents in Goma and under the *mixage* agreement deployed several hundred troops there. They could also be hoping to prevent their war spoils from being expropriated; provincial parliamentarians have already indicated they will review the land titles and mining concessions handed out under the rebellion<sup>54</sup>. Of course such action would be impossible if the government does not control the concerned land and concessions. A third possibility is that elites are using Nkunda as a bargaining tool to secure their assets and that they will eventually come to an agreement with the government. However, as suggested, it would be misleading to maintain that it is merely business interests that are driving the conflict. Many of the businessmen interviewed for this article seemed to be genuinely ideologically invested in Nkunda's enterprise.

### 3.3. Ideology

Nkunda has succeeded in organizing a movement that is relatively popular within the Tutsi community in North Kivu. The CNDP has developed from an armed insurgency into a political-military movement with sophisticated media strategies and a political program. Although it presents itself in its substantial literature as a movement with national ambitions – situating itself within the struggle for democracy that began in the early 1990s – and denouncing tribal politics, its leading commanders and main supporters are Tutsi. The CNDP's core demands are linked to this community: to dismantle the FDLR and allow the 45,000 Congolese Tutsi in refugee camps in Rwanda to return to their homes in North Kivu.

CNDP's discourse has become increasingly ethnic over time. While around the time of its creation it claimed to defend all minorities, in conversations with Nkunda and his supporters, they justify now the insurgency by referring to past

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<sup>53</sup> Interviews with businessmen, Goma, July 2007.

<sup>54</sup> Interview with provincial parliamentarian, Goma, July 2007.

abuses against the Tutsi community<sup>55</sup>. In June 2007, CNDP wrote a memorandum to MONUC, warning of an impending genocide against the Tutsi. One of their websites features videos and pictures of massacres and abuses committed against the Tutsi, including images of Tutsi being killed and burned in Kinshasa in August 1998, of survivors of the Bukavu siege in May 2004 and of the 160 Banyamulenge killed in Gatumba in August 2004.

Nkunda has touched on an important nerve in Congolese politics. Violence against the Tutsi community was a key factor in the run-up to the war. Between 1993 and 1996, hundreds of Congolese Tutsi were killed and tens of thousands fled to Rwanda, where many youths joined the Rwandan army and became the vanguard of Laurent Kabila's invasion. The citizenship of Congolese Tutsi was called into question by parliament – even those who had been born in the country and had lived there for generations – and a census was called to identify the “real” Congolese. After Kabila's expulsion of his Rwandan backers in 1998, political and civil society leaders banked on anti-Tutsi sentiment to shore up their own popularity. Although this kind of hate speech was particularly widespread under Laurent Kabila, it has sporadically reappeared in recent years. After Nkunda's attack on Bukavu in 2004, civil society leaders organised a demonstration to prevent the return of Banyamulenge who had fled the fighting, while their colleagues in Uvira threw stones at a group of refugees that was trying to cross the border from Burundi. This history of prejudice had blinded some Tutsi to Nkunda's brutality: In interviews with supporters of Nkunda in Rwanda and Congo, many rejected allegations of massacres as “anti-Tutsi” propaganda.

Election frenzy also triggered candidates to resort to inflammatory speech, although on the whole candidates showed restraint. Nonetheless, to the backdrop of the region's turbulent past, statements made by politicians caused alarm in the Tutsi community. Vice-President Yerodia Ndombasi gave a speech in Goma, saying that he would chase all Banyarwanda from town, while Mai-Mai senator Mahano Ge Mahano accused the Tutsi of preparing another war in South Kivu. Other candidates who were elected promised to change the law on citizenship to exclude Tutsi and called themselves “the cure for Tutsi”<sup>56</sup>.

The FDLR's presence is a constant reminder of past violence. Tutsi in rural areas do not venture far out away from the Nkunda's troops for fear of attacks. There have not been many incidents of FDLR violence against their community in past years, given their protection by the RCD and now Nkunda, Hutu rebels occupy some of their former land and are perceived as a constant threat.

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<sup>55</sup> Interviews with Nkunda and his representatives, June 2006 to July 2007.

<sup>56</sup> Interviews with local Tutsi representatives and journalists, Uvira and Bukavu, July 2006. T. K. Kabengele called himself the cure for Banyamulenge, Tutsi from South Kivu, while Choma Choma said he would change the citizenship law. In North Kivu, provincial candidate Valérien Kenda Kenda said they wanted all Banyarwanda to leave the country.

The refugee camps have been incubators for Nkunda's ideology. Between 30,000-40,000 Congolese Tutsi live in refugee camps in Rwanda, with perhaps another 10,000 in Burundi<sup>57</sup>. Depending on which demographic figures are used, this could be between 15 and 25 per cent of the entire Tutsi population of North Kivu that is living in these camps, without counting many others who live outside the camps in Rwanda and Burundi<sup>58</sup>. Many of these refugees have been there for a decade or more and live in unenviable conditions, a fact that Nkunda exaggerates to play up their plight: "The graveyards in these camps are larger than the residential areas. Their living conditions are ghastly."<sup>59</sup> Unable to work or to herd cattle, this refugee population has been radicalized. The refugee committees in the camps play an important role in controlling the flow of information and recruiting soldiers in these camps. Nkunda visited these camps on several occasions in 2003 and 2004, and CNDP officials continue to do so on a regular basis<sup>60</sup>.

In this fraught historical context, minor incidents can have a disproportionate impact. In February 2006, when soldiers attacked and severely beat fellow Tutsi soldiers in an army integration camp in Bas-Congo, Tutsi commanders throughout the eastern Congo reacted strongly, remembering the massacre of several hundred Tutsi soldiers in army camps that took place during the 1998 war. Even though there is no sign of an impending genocide in North Kivu, every anti-Tutsi slur or assault is a reminder of past violence. According to MONUC human rights reports, fewer than a dozen Tutsi civilians were killed in North Kivu in 2006 and 2007. However, as President Kagame said after the death of fifteen Tutsi in Bukavu in 2004, "When a Tutsi is killed in Bukavu, it is not one death, but a million and one."<sup>61</sup> For other communities, who continue to count those killed by Nkunda's men, this argument seems spurious.

The last major outbreak of anti-Tutsi sentiment occurred hundreds of miles from the Kivus, in the small town of Moba on the shore of Lake Tanganyika. A local radio station and leaflets spread a rumor that United Nations High Commission for Refugees (UNHCR) was going to repatriate thousands of "Banyavyura", Tutsi from the high plateau in Katanga who had fled Moba during

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<sup>57</sup> Telephone interviews with UNHCR official, Kigali, July 2006; electronic communication with Norwegian Refugee Council official in Bujumbura, August 2007. The total figure for Congolese in these camps in 2005 was 41,403 for Rwanda and 20,359 for Burundi. Not all refugees were Tutsi.

<sup>58</sup> Academics have made diverging estimates for the Banyarwanda population living in the Kivus. A 1970 government census suggested there were 335,000 Rwandan immigrants living in the Congo, and Jean-Pierre Pabanel put the number for North Kivu at 464,000 in 1990, perhaps 20 to 30 per cent of who were Tutsi. If we take higher mortality into account over the following decade, due to the various spates of violence, that population may have grown to 800,000 to a million by 2007.

<sup>59</sup> Interview with Nkunda, Masisi, February 2007.

<sup>60</sup> Interviews with humanitarian organisations, Goma and Kigali; Group of Experts Report on Arms Embargo, 25 January 2005, p. 44.

<sup>61</sup> Interview with foreign diplomat, Kigali, January 2005.

the war, to the area. Around a thousand people took to the streets to protest the return, storming the MONUC office and injuring several peacekeepers.

Nkunda's insurgency has become a dangerous self-fulfilling prophecy. Every military offensive, with its abuses of civilians, fans the flames of anti-Tutsi sentiment. After Nkunda's attack on Bukavu and Goma in May 2004 and November 2006 respectively, most Tutsi in each town fled due to popular anger. In response to the cumulative deaths of fewer than twenty Tutsi over the past two years, Nkunda has launched offensives that have displaced hundreds of thousands and killed over a hundred. His strategy is to conduct small attacks, usually in response to relatively minor abuses against the Tutsi community, in order to provoke a large reaction by the government, which usually ends up in fiasco, serving to enhance his threat and undermine the government's reputation. While Nkunda has managed to defend the Tutsi community in North Kivu, he has also become a potential danger to the community.

#### **3.4. Methods of cooption and coercion**

The movement employs a mixture of intimidation and persuasion. Since before the movement's creation, Nkunda has been bent on mobilizing a strong ideological base for his insurrection. In late 2005, he began hosting seminars in Masisi and Rutshuru territory for hundreds of recruits, many of them unemployed but educated youths from Goma who were given small amounts of money to attend. These classes included lessons on history and ethics, as well as military training. Immediately after the CNDP's creation in July 2006, Nkunda began touring the territories of Masisi and Rutshuru, holding rallies with the local population in which he preached reconciliation, but also strongly criticized the government in Kinshasa.

Nkunda has developed a sophisticated media strategy to construct an almost mythical image of himself and his movement, with two websites, copious literature on his movement, and numerous interviews with foreign and local journalists. He set up CNDP offices in much of the territory he controls and in early 2007 started his own radio station, Radio Umoja, broadcasting from Kitchanga. The radio broadcasts the CNDP anthem every morning, before delving into news and debates of local and world politics in Kinyarwanda, Swahili and French. Nkunda has also invested money in rebuilding local schools and health centres, paying salaries for teachers and buying a generator for a health centre<sup>62</sup>. MONUC has recorded video footage of school children in Masisi singing songs in praise of Nkunda and his commanders. When news of a massacre perpetrated by

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<sup>62</sup> Interviews with local administrative and health officials, Masisi, February 2007.

his officers broke, several NGOs that have links to him published a report placing blame on the FDLR.

However, this ideological crusade is sharply contradicted by his tactics of intimidation and repression. He has set up a parallel administrative structure in areas under his control. Before the Goma peace deal, half of the territories of Masisi and Rutshuru, or close to one million people, report and send taxes to Nkunda. When the administrator of Rutshuru sent tax collectors to Bwito district, which was controlled almost wholly by Nkunda, they were beaten up and sent back.<sup>63</sup> He also controlled much of the police force and intelligence service in Masisi, and has set up tolls on main roads, where he collects up to \$200 per passing truck. While some of this money went to roadwork, much was stashed at Nkunda's headquarters.<sup>64</sup>

Nkunda boasted of having created one of the only places in the Congo where there complete safety for the local population. Although this is true for his heartland in eastern Masisi, on the fringes of his territory where the mixed brigades are deployed, his units have engaged in a brutal counterinsurgency campaign, displacing tens of thousands and killing dozens. During operations his commanders make little effort to distinguish the local civilian population, which in many places is largely Hutu, from the FDLR. "They are all complicit with the FDLR, they are married to them and do business with them", according to one CNDP commander in Rutshuru territory.<sup>65</sup>

The abuses follow a familiar pattern: According to data collected by MONUC investigations and Human Rights Watch through interviews with victims, Nkunda's units are attacked by the FDLR and in response, often unable to track down the culprits, turn against the local population. This was the case in the village of Buramba in March 2007, when the notorious commander of Bravo brigade Colonel Sultani Makenga was ambushed by the FDLR. The population of the village fled, but Makenga's soldiers rounded up a group of fifteen civilians, accused them of being complicit with the FDLR and executed them. In a similar incident in May, CNDP soldiers from the same unit rounded up five Hutu civilians in Rudede, accused them of working with their enemy and executed them.<sup>66</sup>

The operations against the FDLR have prompted this Hutu militia to conduct its own assassinations and abuses, targeting civilians they perceive to be complicit with Nkunda. Between January and May 2007, over thirty people were

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<sup>63</sup> Interview with local administrative official, Rutshuru, July 2007.

<sup>64</sup> Interview with MONUC official, Goma, July 2007.

<sup>65</sup> Interview, Rutshuru, July 2007.

<sup>66</sup> MONUC Monthly Human Rights Assessment May 2007, available at <http://www.monuc.org/news.aspx?newsID=14800>. Investigations into this incident are ongoing and some reports indicate the perpetrators could have been FDLR.

reportedly killed by Nkunda's forces, while more than a dozen were killed or raped by the FDLR in North Kivu.<sup>67</sup>

Aware that population displacement could tarnish their reputation, CNDP officers have tried to force the population to return. In Kikuku, CNDP officials pressured camp dwellers to return home in May 2007 and burned down their huts, while in Nyanzale they infiltrated IDP committees and threatened the local administrator. In several camps, CNDP officials prevented humanitarian organizations from distributing food and material.

#### 4. CONCLUSION: GOMA AND BEYOND

As a result of their military defeat, the Congolese government decided to engage Nkunda and other militia in the Kivus diplomatically. In January 2008, a conference was held in Goma that brought together – with the incentive of hefty *per diems* for all invitees – over a thousand representatives from all walks of Kivutian life as well as from Kinshasa and all militia groups. The conference drafted a series of recommendations for the government, but also produced, under pressure from the United States government and the European Union, a comprehensive peace plan for the various armed groups.

Whatever becomes of this peace plan, the above analysis of Nkunda's insurgency offers some clues as to what is needed to pacify the province.

First, Nkunda was only able to attain his current stature through support from disgruntled Congolese politicians, mostly cast from the (cracked) RCD mold, as well as from the Rwandan government. Any effort to deal with the insurgency must also address these sources of support, either through co-option or deterrence. Kinshasa has not yet invested the diplomacy, money and soldiers necessary to deal with these dissidents, begging the question whether Kabila's fractious government is too disorganized or simply unwilling to step to the plate.

Secondly, the peace process must deal with the past. The province has been in almost non-stop ebullition since 1993, and thousands of civilians have been killed on all sides. Despite the successes of the peace process at unifying the country and including the various factions in a national government, almost nothing has been done to address local violence in the Kivus. Economic conflicts over land, mining concessions and trade networks were given short shift. Most egregiously, nothing has been done to address the injustices of fifteen years of politically and ethnically motivated violence in the region. The CNDP ideology indicates that their supporters and soldiers – as well as those of other communities – act within the confines of this violent past, undermining any nascent trust

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<sup>67</sup> MONUC monthly human rights reports, January 2007 – June 2007; electronic communication with Human Rights Watch officials.

between the sides. Without sincere efforts to promote accountability for past atrocities and reconciliation, the peace efforts will remain hostage to this zero-sum logic.

Lastly, as long as political clout is wedded so firmly to economic power – particularly given the state’s weakness – government will be the focus of violent power-struggles. Although the new provincial government has not yet called into question the many mining concessions, land titles and procurement contracts obtained by RCD-era businessmen, this is in the offing and is one of the driving factors behind the current conflict. In North Kivu as throughout the Congo, the combination of a weak and venal state is perhaps the biggest danger to the country’s stability.

Nairobi, April 2008