

**THE INTER-CONGOLESE DIALOGUE**

**POLITICAL NEGOTIATION OR GAME OF BLUFF?**

16 November 2001



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## THE INTER-CONGOLESE DIALOGUE

### POLITICAL NEGOTIATION OR GAME OF BLUFF?

#### SUMMARY AND RECOMMANDATIONS

More than two years after the signing of the Lusaka Ceasefire Agreement, the Inter-Congolese Dialogue officially opened in Addis Ababa on 15 October 2001, under the facilitation of Sir Ketumile Masire, the former President of Botswana. But the government of Joseph Kabila stonewalled, insisting that the absence of many delegates necessitated postponement. The meeting, scheduled to last 45 days, quickly deadlocked and was postponed to an unspecified date in South Africa.

In the context of ongoing war, the failure was foreseeable. Should nothing change, the dice will remain loaded against the Dialogue. It was originally perceived as a way for the anti-government coalition to achieve its objectives. The rebels imposed the concept on then-President Laurent-Désiré Kabila to force him to accept power-sharing, but now neither side is strong enough to gain the upper hand either militarily or politically.

In the Lusaka Agreement framework, the Dialogue is supposed to prepare for a new political dispensation that liberates the Congolese from external occupation and interference. But neither Rwanda, Uganda, Zimbabwe nor Angola want to see in Kinshasa a regime not under their control. President Kabila and his backers refuse to consider power-sharing through the Dialogue with anti-

government rebels without guarantees of Rwanda and Uganda's full withdrawal. At the same time the rebels and their sponsors, including Rwanda and Uganda, refuse to consider withdrawal until a transition government is established through the Dialogue and their security is guaranteed. As a result of this deadlock, low-intensity conflict remains the most attractive option to most of the external actors, and war grinds on in the Kivus thanks to continued support from Kinshasa and Harare to the Rwandan and Burundian Hutu militias.

The states that have intervened in the Congo all have unsatisfied political and security "shopping lists" and want to retain access to the country's resources. This access enables the governments of Zimbabwe, Angola, Uganda, and Rwanda to reinforce themselves internally at a time of domestic succession or political transition.

Since the death of the elder Kabila, the Dialogue has lost much of its attraction for the international community, which strongly supports the son and wishes to push him to resume the democratisation process Mobutu abandoned, negotiating directly with Uganda and Rwanda, rather than with the rebels. But the Kinshasa government is too weak to meet international expectations without an external mediator or guarantor.

In order for the peace negotiations to succeed, the international community should more actively support direct dialogue between the governments of the DRC and Rwanda, as demanded by UN Security Council Resolution 1376 of 9 November 2001. The resolution calls for the establishment of a joint co-ordination mechanism on disarmament, demobilisation, repatriation, resettlement and reintegration (DDRRR). Without this the Inter-Congolese Dialogue will remain a game of bluff rather than a transparent political negotiation.

The Inter-Congolese Dialogue must set as its primary objectives ending the war and rebuilding national Congolese institutions. The international community should also urge the Dialogue to come to grips with ethnic discrimination against the rwandophone communities of the Kivus, a poison sowed by Mobutu that is a major cause of ongoing fighting. Resolution of the conflict must include reconciliation, acceptance of the minorities' Congolese citizenship, and institutional and political guarantees for their security.

More than anything, reconstruction of national institutions, reconciliation and the emergence of an autonomous and responsible Congolese leadership would create the conditions for restoration of full Congolese sovereignty and territorial integrity. But a careful review of objectives and what is needed to achieve them is required before another meeting is held to pick up the pieces from the failure at Addis Ababa.

## **RECOMMENDATIONS**

### **To the United Nations Security Council and Donor Countries**

1. Encourage the Secretary General of the United Nations to engage directly with presidents Kabila and Kagame in the direct dialogue on DDRRR called for in UN Resolution 1376 of 9 November 2001, as well as on the other aspects of the Lusaka Agreement peace process: disengagement, and inter-Congolese Dialogue.
2. Demand the immediate nomination of a support team of Congolese experts for Ketumile Masire, to start prompt mediation between the five components of the Inter-Congolese Dialogue and coordinate with the Secretary General's mediation efforts.
3. Ask Masire to prepare before the next Dialogue meeting a clear presentation of objectives and methodology, a precise financial record on management of funds, and a redefinition of the terms of reference and indicators that will enable verification of progress after every meeting.
4. Request the foreign belligerents to make a formal public commitment to support the resolutions adopted by consensus in the Inter-Congolese Dialogue.
5. Insist that the Congo and Zimbabwe governments end the policy of transferring the war to the East (the Kivus) and cease support to the negative forces that are destabilising their countries of origin and wreaking havoc on the Congolese.
6. Provide the UN Mission (MONUC) with the technical, human and financial means to monitor re-supply of the negative forces on a permanent basis.

### **To the Facilitator's Office**

7. Undertake urgent shuttle diplomacy between the key Dialogue actors to solve the pending matters of additional participants, final agenda and final rules and regulations.
8. Set a date for the South Africa meeting only when sufficient progress has been achieved on key issues with the major parties through the shuttle diplomacy mechanism.
9. Name a liaison officer who will be the link with each of the Congolese parties and with the donors, in order to maintain clear and precise communication, and appoint an

official spokesman for the facilitation mission.

10. Propose that the Dialogue's Peace and National Reconciliation Commission travel throughout the country to collect the grievances of the people.
11. Propose creation of two regional sub-commissions for the Ituri and Kivu problems respectively within the Dialogue's Peace and Reconciliation Commission, with mandates to identify interlocutors and to prepare two regional conferences on reconciliation, with the objective inter alia of disassociating the Mai Mai and other armed Congolese groups from the Rwandan negative forces.
12. Organise regular and accurate dissemination of information on the Dialogue throughout the country

#### **To the Congolese parties to the conflict**

13. To the government in particular, immediately cease all support to the Hutu armed groups in accordance with the commitments made by signing the Lusaka Agreement.
14. Include on the Dialogue's final agenda organisation during the transition of a regional conference on peace, security and sustainable development in the Great Lakes region, in preparation for the signing of a pact of non-aggression between the Congo, Rwanda, Uganda and Burundi and of an agreement on free trade and free movement of people.

**Brussels, Nairobi, Kinshasa, 16 November 2001**



## THE INTER-CONGOLESE DIALOGUE:

### POLITICAL NEGOTIATION OR GAME OF BLUFF?

#### I. INTRODUCTION

In July and August 1999, the main actors in the second Congolese war signed a cease-fire agreement in Lusaka, Zambia. Rwanda and Uganda, united behind the rebels of the *Rassemblement Congolais pour la Démocratie* (RCD) and the *Mouvement de Libération du Congo* (MLC), put an end to the military offensive they had been waging for over a year against the government of Laurent-Désiré Kabila, which was backed by three allies of the Southern African Development Community (SADC) - Zimbabwe, Angola and Namibia.<sup>1[1]</sup>

Three pillars underpin the Lusaka Agreement: 1. An agreement on the cessation of hostilities and on the terms and procedures for the withdrawal of foreign troops; 2. An agreement on the neutralisation of armed groups operating in the DRC - former soldiers of the Rwandan army (*ex-FAR*) and *Interahamwe* 'genocidaire' militia, Burundian rebels belonging to the *Conseil*

*National pour la défense de la démocratie-Forces de défense de la démocratie* (CNDD-FDD), Ugandan rebels, principally the *Allied Democratic Forces* (ADF) and the *West Nile Bank Front* (WNBF), and Angolan rebels from the *Union para l'indépendencia total de Angola* (UNITA); 3. An agreement on the rapid establishment of a national Inter-Congolese Dialogue aimed at forging a new political dispensation in the Congo. This would incorporate not only the Congolese belligerents, but also the unarmed political opposition to Laurent-Désiré Kabila's government and the "*life blood of the nation*" represented by members of the civil society.

The national Inter-Congolese Dialogue was scheduled to last 45 days after the signing of the Lusaka Agreement. Its objectives included the implementation of a transition government leading to democratic elections, the creation of a national army and the re-establishment of an administrative infrastructure over the whole of the Republic. The Agreement also laid down the principle of equal status for all the parties, and the appointment of a neutral facilitator to oversee the discussions.<sup>2[2]</sup> Ketumile Masire, the former President of Botswana was assigned the post in December 1999 by the Organisation of African Unity (OAU), after consultation with the parties to the conflict.

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<sup>1[1]</sup> For more details on the conflict and the Lusaka Agreement, see ICG Africa Report n°18, *The Agreement on a Cease-fire in the Democratic Republic of Congo: An Analysis of the Agreement and Prospects for Peace*, 20 August 1999, and ICG Africa Report n°26, *Scramble for the Congo: Anatomy of an Ugly War*, 20 December 2000.

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<sup>2[2]</sup> Agreement for a Cease-fire in the DRC, Art. 3.11.a.

After a two-year stalemate, the succession of Laurent-Désiré Kabila's son Joseph in Kinshasa resurrected hopes for the application of the Lusaka Agreement and brought new perspectives for the Inter-Congolese Dialogue. Ketumile Masire succeeded in brokering "pre-dialogue" talks in Gaborone from 20-24 August 2001, where decisions were reached over the place, date and agenda of the Dialogue proper, as well as the rules and regulations underpinning the negotiations. Addis-Ababa in Ethiopia was selected as the place, and the date for the opening of the Dialogue was set for 15 October 2001. However, the talks, which lasted from 15-21 October, were a total failure. Disagreement was rife, and the only matter parties were able to agree on was the postponement of talks to an unspecified date in South Africa. The governmental delegation, bitterly criticising the method of facilitation, stormed out of the Ethiopian capital before the postponement was officially announced.

While the preparatory talks in Gaborone had indeed been successful, the delegates were clearly more preoccupied with putting on a show of goodwill towards the Dialogue for the benefit of the Congolese population and the international community. All the Congolese parties - the Kinshasa government, rebel factions, political opposition and civil society groups - pursued their own strategies for consolidating their gains and winning or, at least, sharing political power. Yet today the Kinshasa government shows no sign of giving any ground, and the rebels are just as determined to stand firm. A feeling of utter mistrust between the belligerents is blocking a political solution.

For its part, the Kinshasa government wants to resolve security problems first, by beginning the withdrawal of foreign troops before entering into any kind of dialogue, which would put it in a position of strength in the months ahead. The armed and unarmed opposition, however, are calling for power-sharing with the government now, while its power is at its weakest. Rwanda and Uganda have stated that they will only deal with the issue of troop withdrawal with a responsible government participating in dialogue and cooperating in security matters. The failure of the

Addis-Ababa talks and the announcement of the postponement of the Dialogue to an unspecified date in South Africa were therefore no great surprise.

While the dreams and ambitions of a great many delegates and Congolese citizens were shattered by the collapse of the talks, it seems clear that their expectations were unrealistic from the start. In 1999, the real aim of the Dialogue was to weaken Laurent-Désiré Kabila and boost the political legitimacy of rebel movements acting as key negotiators of the Kinshasa government to find a solution to the conflict. Now that this legitimacy has been secured, the Dialogue has slipped to second place in the peace negotiations. Moreover, the DRC's political future is now largely dependent on the goodwill of the foreign powers involved in the armed conflict. But none of them have offered any firm political backing for the Dialogue, which at the end of the day has had no impact on the course of the war and especially the withdrawal of their troops.

Rwanda and Angola, in particular, will not pull out of the DRC in the absence of ALIR and UNITA disarmament. Moreover, these neighbouring countries are intent on maintaining political influence over the evolution of the Congo, as well as their economic access to its natural resources. Like Zimbabwe, they have given no indication of their willingness to abandon direct or indirect exploitation of these resources - quite the contrary.

In such a context, the Inter-Congolese Dialogue can only hope to provide a limited response to the current crisis. The only possibility of transforming the Lusaka Agreement into a real peace deal would be to re-examine the causes of the war and to set clear, realistic objectives for the Dialogue. While the war is certainly a result of neighbouring conflicts spilling over into the Congo, it is also linked to the disintegration of the State and the total breakdown of the political, economic and social environment in the regions. A fact which has led to systematic discrimination against the kinyarwanda-speaking communities, especially in Kivu.

Both wars began in Kivu, and only in Kivu will peace be brokered, by providing lasting political solutions to problems that have poisoned the region since its independence. This means, among other things, recognising the inalienable right of Rwandan communities in the Congo to Congolese nationality; making the security of minorities a key priority; setting up a highly decentralised political system and sharing national resources equally among the capital and its provinces.

Consequently, it is crucial to prevent the Dialogue from becoming a shopping basket into which every single political demand is thrown. A clear distinction must be made between the different levels of dialogue needed. The first objective of the negotiations is to stop the war and end the occupation. This requires reaching a rapid consensus on the issue of managing the central government in order to guarantee stability, and the only way to achieve this is through dialogue between the belligerents. The second goal is to rebuild national institutions and set up a programme of government that will create a lasting social contract for all people of the Congo. This process will involve the establishment of a constituent assembly that includes representatives from all Congolese communities.

The success of the Dialogue is in no way a guarantee of peace, but its permanent failure would without a doubt completely block the implementation of the Lusaka Agreement. At best, maintaining the military status quo would endorse the partition of national territory; at worst, it would be a pretext for the widespread return to hostilities.

In the light of the failed Addis Ababa meeting, this report aims to assess the various stages of the peace process, the difficulties encountered along the way and the possible openings for its re-launch, and in so doing contribute to a dialogue that will allow for the emergence of a true "new political and institutional dispensation" in the Democratic Republic of Congo.

## **II. THE DUBIOUS SUCCESS OF GABORONE**

### **A. MASIRE RETURNS TO THE SCENE**

The sudden change in the situation sparked by the assassination of Laurent-Désiré Kabila put the Dialogue back on the agenda. During the era of Kabila the elder, the Inter-Congolese Dialogue had only ever been a distant dream. From January 2000, Kabila had been running a campaign to denigrate the former Botswana President, exploiting every opportunity to avoid a dialogue that he considered too threatening to his power.<sup>3[3]</sup> Under Kabila the son, who was keen to show his willingness to end the war, the Dialogue again seemed possible.

#### **1. Joseph Kabila's Delicate Re-Launch Of The Dialogue Option**

The first meeting between Joseph Kabila and Ketumile Masire in Syrte (Libya) barely a month after his succession, allowed the facilitator to return to Kinshasha in mid-March 2001 and finally open a facilitation office in the capital. Masire also put an end to the much-criticised absence of French speakers in the debates by appointing a French-speaker to head the Kinshasa office, the Mauritanian ex-Minister of Foreign Affairs Prof. Mohamed Hacen Ould Lebatt. As soon as he returned to Kinshasa, Masire made a second goodwill gesture by announcing that he would be calling a meeting of the "pre-dialogue" committee aimed at drafting an agenda, drawing up a list of participants, and establishing rules and regulations, all on a consensual basis.<sup>4[4]</sup>

However, in his eagerness to share the international community's general euphoria over the arrival of the new president, Masire overstepped the mark by declaring that he "identified with the views" of Joseph Kabila. Moreover, he contravened the rules laid down by the Lusaka Agreement by unilaterally announcing

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<sup>3[3]</sup> Cf. for more details, ICG, *Scramble for the Congo*, op.cit.

<sup>4[4]</sup> "Belgium ready to host part of the ICD", *Le Soir*, 8 March 2001.



that Kabila would be participating in the dialogue in his capacity as "President of the Republic" and not as a simple leader of the government contingent. Understandably, his declarations fuelled an outcry among the MLC, RCD-Goma and the unarmed opposition forces.<sup>5[5]</sup> A meeting between Masire and the other parties to the dialogue was necessary in order to defuse the situation and on 10 April 2001, Ketumile Masire met with representatives in Kinshasa of over 200 political parties of the DRC, and afterwards travelled to East Congo for more consultations.<sup>6[6]</sup>

In protest against such blind support for the new head of State by the international community, to the perceived detriment of the peace process, Jean-Pierre Bemba of the MLC, Adolphe Onosumba of RCD-Goma, Etienne Tshisekedi of the UDPS and Joseph Olenghankoy of FONUS joined forces to create a symbolic alliance between the armed and unarmed opposition entitled "Union of Congolese forces for the full respect of the Lusaka Agreement and for the holding of the Inter-Congolese Dialogue" (UFAD).<sup>7[7]</sup>

In the end, Masire was obliged to hold a meeting, inviting the Congolese belligerents to Lusaka on 4 May, 2001 to reaffirm the equal status of all signatories to the Agreement. The government and rebel factions also signed a "Declaration of the Fundamental Principles of Inter-Congolese Political Negotiations"<sup>8[8]</sup>, which restated the terms of the dialogue. The declaration reaffirmed, in particular, the principle of putting the unarmed opposition and "people's army" on the same footing as the belligerents, with the freedom to choose their own representative for the Dialogue; the principle of consensus-based decision-making by the five parties and the binding nature of all resolutions adopted by consensus during the negotiations.

## 2. Destination Gaborone

In early June 2001, members of the facilitator's office in Kinshasa embarked on a nation-wide tour to supervise the selection of delegates from political parties and civil society who would be attending the preparatory committee meeting scheduled for July 16. The selection was based on an election process that embraced a broad cross-section of society, including religious denominations, traditional chiefs, women's associations, youth groups and trades unions as well as human rights and developmental non-governmental organisations.<sup>9[9]</sup>

After visiting nineteen towns on its national tour, the facilitator's team had successfully completed its mission, with four delegates elected for each province. The team showed a generous degree of flexibility in certain situations, such as in Bukavu where, since none of the four civil society delegates were of Munyamulenge origin, they took the initiative to accept the nomination of a fifth member who came from said community. By the end of the election process, only two problems linked to civil society representation in the Dialogue remained. Firstly, the point blank refusal by Cardinal Etsou, Archbishop of Kinshasa, to participate in the electoral process, despite pledges made by several priests, with the Cardinal demanding representation as a matter of right; and secondly, the dramatic under-representation of women in the delegation.<sup>10[10]</sup>

But the real obstacles came from quarrels over the selection process in the unarmed opposition groups. The existence of several hundred Congolese political parties and the general confusion over their legal status made selection of the unarmed opposition particularly difficult. The parties had to be "opposition" parties, but opposed to whom? The government or the rebellion? Right from the start, this question made it impossible to leave decision-making to hundreds of parties who

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<sup>5[5]</sup> APA, 19 and 20 March 2001.

<sup>6[6]</sup> APA, 11 April 2001.

<sup>7[7]</sup> "Union des forces congolaises pour le respect intégral des accords de Lusaka et pour la tenue du dialogue intercongolais"- Radio France Internationale, 3 May 2001.

<sup>8[8]</sup> "Declaration des principes fondamentaux des négociations politiques inter-congolaises", Lusaka, 4 May 2001.

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<sup>9[9]</sup> Press Release from the Office of the Facilitator, 5 June 2001.

<sup>10[10]</sup> Office of the Facilitator, Press Release 25 July 2001; interview with Prof. Hacen Lebatt, RFI/BBC monitoring, 20 August 2001.

were clearly susceptible to manipulation by the warring elements.

The issue of representation from the opposition outside the country was also raised. After a series of stalemates and long hours of negotiation that resulted in the postponement of the 20 August "pre-dialogue" meeting, a consensus was finally reached. Those selected to attend the Cotonou talks included seven parties that had already been chosen - UDPS/Tshisekedi, FONUS/Olenghankoy, MPR/Nzuzi wa Bombo, PDSC/Bo Boliko, MNC/Lumumba and PALU/Gizenga, Pioneers of Independence; seven others from the Kinshasa presidential movement opposed to the rebellion - ROM led by Patrice Aimé Sesanga, ROC led by Z'ahidi Ngoma, UNAFEC led by Honorius Kisamba-Ngoy, FSD led by Eugène Diomi Ndongala, CODEP led by Raymond Tshibanda, MSDD led by Christophe Lutundula and DCF led by Venant Tshipasa; and a government opposition platform from the Kivus - FRUONAR led by Rwakabuba Shinga.<sup>11[11]</sup>

A consensus was also reached to totally exclude the Diaspora from the Dialogue, with the discreet aim of avoiding the presence of pro-Mobutu supporters and incorporating groups that had no real physical base in the country.<sup>12[12]</sup>

In total, 71 participants travelled to Gaborone: three armed contingents each with thirteen delegates, thirteen civil society delegates, fifteen for the unarmed political opposition and four representatives of the two dissident factions of the RCD – two from RCD-Kisangani and two from RCD-ML. Moreover, given the selection process used for civil society, the facilitator's office estimated that each contingent at the Dialogue had close to sixty delegates, making a minimum total of 300 participants.<sup>13[13]</sup>

## **B. AN UNEXPECTED SUCCESS**

The first day of the meeting, which was opened by Presidents Festus Mogae of Botswana and Frederic Chiluba of Zambia, in the presence of Joseph Kabila and all the delegations, was surprisingly "jovial and good-natured". Participants greeted each other with warm embraces and glowing accolades.<sup>14[14]</sup>

But the conference soon took on a nationalistic flavour when, on the second day during the general political declarations, the unarmed political opposition failed to agree on one spokesperson, resulting in speeches from all fourteen of its members.

Moreover, the meeting, which was designed to tackle technical issues only (a draft agenda for the dialogue, rules and regulations, place, date, budget, revised quotas for delegates to boost representation from women and religious denominations) quickly descended into politicking when new issues were inserted into the conference agenda. Delegates called for the immediate release of political prisoners and prisoners of conscience, the immediate and unconditional withdrawal of foreign troops and for members of the unarmed political opposition and civil society to sign a declaration of support for the Lusaka Agreement.

The signing of a declaration on 21 August 2001 calling for the immediate and unconditional withdrawal of foreign troops that was initiated by the MLC and backed by all delegations, with the exception of RCD-Goma and the UDPS, almost stalled the proceedings completely.<sup>15[15]</sup> Similarly, a government proposal for the signing of a "Republican pact" reaffirming national unity, integrity and sovereignty, the inviolability of borders and the free circulation of people and goods, was immediately approved by all delegates, except RCD-Goma, which agreed in principle, but not on form. In the end, the call for the unarmed

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<sup>11[11]</sup> Cf. list of acronyms in Appendix 1.

<sup>12[12]</sup> ICG interview with Congolese political observers, 10-11 September 2001.

<sup>13[13]</sup> "DR Congo: Facilitator's office comments on problems facing the dialogue", RTNC-Kinshasa/BBC monitoring, 14 July 2001.

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<sup>14[14]</sup> "Bahati Lukwebo, Nzuzi wa Bombo, Olenghankoy and Olivier Kamitatu relatively optimistic", *Le Phare*, 21 August 2001.

<sup>15[15]</sup> Cf. Civil Society, *Bulletin du Pre-dialogue*, n°1-4, 21-25 August 2001.

political opposition and civil society to sign a declaration of support for the Lusaka Agreement, as proposed by RCD-Goma, was accepted by some of the political opposition but categorically rejected by delegates representing civil society. Finally, after five days of consultation, the delegations reached an agreement on the date and place of the Dialogue - 15 October 2001 in Addis-Ababa<sup>16[16]</sup> - on a draft agenda<sup>17[17]</sup>, rules and

regulations and the inclusion in the final communiqué of a statement of commitment summarising the different aspects of the "Republican pact" proposed by the government and reaffirming "the need for urgent withdrawal of foreign troops from the DRC", which brought the display of mid-week polemics to a close.

The conference also officially designated five working committees: the Legal and Political committee, chaired by Mr. Mustapha Niasse, the former Senegalese Prime Minister; Defence and Security committee, chaired by Gen. Abubakar, ex-Head of State of Nigeria; Economics and Finance committee, chaired by Mr. Ahmedou Ould-Abdallah, previously the UN Secretary-General's special envoy for Burundi; the Society and Culture committee, chaired by Mrs. Hélène Sirleaf-Johnson, a top-ranking UN civil servant from Liberia, and the committee for Peace and National Reconciliation, chaired by the former Minister of Foreign Affairs in Benin, Mr. Albert Tévoedjré.<sup>18[18]</sup> The start of the Inter-Congolese Dialogue was finally scheduled.

However, by the end of the Gaborone meeting, although agreement had been reached on the time and place of the Inter-Congolese Dialogue, not all the issues had been resolved. In particular, no definitive decision was reached on the composition and number of delegations. The fifteen political parties that had been chosen, after long negotiations, to attend the Gaborone meeting decided that they adequately represented the

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<sup>16[16]</sup>The facilitator suggested the following objective criteria for choosing the place of the meeting: the security of participants, the active support of the host government, the availability of logistics and a preference for Africa. The government and the MLC, wishing to spur the demilitarisation of Kisangani as proposed by UN Security Council resolutions 1301 and 1341, opted for Kisangani. The RCD, refusing the demilitarisation of Kisangani, rejected the choice, pointing to the need to hold talks rapidly - in the three weeks to come - which would not have been feasible in Kisangani given the huge reconstruction required in the town that had been the battleground of three successive confrontations between Rwandan and Ugandan troops. The government declared that it favoured Kinshasa but would accept Kisangani. Faced with stalemate over the choice of Kinshasa or Kisangani, the delegations looked to foreign cities, and ended up agreeing on Addis Ababa, the headquarters of the OAU, after the government was opposed to a South African town arguing that it was too close politically to Rwanda and Uganda. Cf. "DRC: Results of the Gaborone meeting", *Observatoire de l'Afrique centrale*, 25 August 2001, [www.obsac.com/OBSV4N34-IAGINTOGaborone.html](http://www.obsac.com/OBSV4N34-IAGINTOGaborone.html); "DRCongo: rebels say they want Dialogue immediately", RTNC-Goma/BBC Monitoring, 21 August 2001; "DRC: Kisangani still divides RCD-Goma and the FLC", *Observatoire de l'Afrique centrale*, 23 August 2001, [www.obsac.com/OBSV4N34-KisanganiFLCRCD.html](http://www.obsac.com/OBSV4N34-KisanganiFLCRCD.html).

<sup>17[17]</sup> The draft agenda contained fifteen points, the most important being: 5) Ending the war: assessment (causes and consequences); disarmament of armed groups; assessment of the withdrawal of foreign troops; evaluation of the implementation of commitments made by parties to the Lusaka Agreement; cost of the two wars 1996-1998; peace and security inside the DRC and the sub-region, international peace conference for the Great Lakes region; peace agreement involving the belligerent countries; creation of an international criminal court for the Congo; 6) The new political order in the DRC: institutions to be created to ensure good governance; re-establishment of State administrative authority over the entire territory; the Constitution during the transition; principles governing nationality; a draft Constitution to govern the Republic after the elections; 7) Creation of a new Congolese army composed of FAC, RCD and MLC troops; identification of nationals before creation of new army; creation of security services and police force; creation of civilian protection service; demobilisation and re-integration of child soldiers

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and vulnerable persons; mechanisms for the integration of the Mai Mai into the army and the police; 8) Reconstruction: examination and validation of economic and financial conventions signed during the war; examination and validation of administrative, legislative and regulatory acts passed during the war; 9) Urgent basic social and economic programme; litigation regarding reconstruction of environment destroyed by the war; 10) national reconciliation: truth and reconciliation; inter-ethnic cohabitation; protection of minorities; enactment of principles of nationality; 11) Guarantees for acceptable closure: involvement of international observers; independent electoral commission". Cf. Office of the Facilitator for the Inter-Congolese Dialogue, "Draft Agenda", op.cit. 24 August 2001.

<sup>18[18]</sup> Cf. Office of the Facilitator for the Inter-Congolese Dialogue, "Draft Rules and Regulations", op.cit., 24 August 2001.

unarmed political opposition and refused to countenance the participation of other groups. They announced that each party would simply put forward four delegates for the Dialogue.

This unexpected kidnapping of the unarmed political opposition's representation caused an outcry among representatives of parties that had stayed behind in Kinshasa, and members of the Diaspora. As for civil society representation, no decision was made as to whether or not to increase the number of delegates to include prelates, which sparked fresh indignation from Cardinal Etsou<sup>19[19]</sup>. The traditional chiefs in the "National Alliance of Traditional Authorities" also demanded their own quota.<sup>20[20]</sup>

Nor was the question of Mai Mai or RCD-ML representation ever resolved, with the decisions postponed to the follow-up committee meeting scheduled for September 2001 in Nairobi. However, as none of the delegates in Nairobi had the authority to decide on such sensitive political issues, they remained up in the air at the opening of the Dialogue in Addis Ababa.

### **III. THE FAILURE OF ADDIS ABABA OR HIDDEN AGENDAS IN PREPARATION FOR THE DIALOGUE**

The Gaborone meeting marked the official reunion of the Congolese nation, and allowed all of the participants to reaffirm their wish to see the emergence of a sovereign, united, democratic Congo across the whole of the country. But despite these pious dreams, the war continued. Appetites for power remain unsatisfied and the material and security interests of the Congolese and foreign actors in the conflict continue to fan the flames of the war. More or less hidden agendas, for example the desire to maintain the war option, threaten the successful outcome of Inter-Congolese Dialogue. The failure of the Addis Ababa meeting is a direct consequence of this.

#### **A. ADDIS-ABABA: CHRONICLE OF A POSTPONEMENT FORETOLD**

The idea to postpone the meeting was first proposed by the facilitation team after the meeting of the follow-up committee held in late September in Nairobi. After announcing on 28 September 2001 that the funds available for the dialogue amounted to a mere 250,000 USD out of the estimated budget of 5 million USD, despite 3 million USD in firm commitments, the facilitation team procrastinated over whether or not to keep to the scheduled opening date and even raised questions over the objectives of the Addis Ababa meeting. This behaviour sowed confusion in the minds of participants and paved the way for a number of procedural manipulations.

Indeed, after announcing that the Addis Ababa meeting would be a purely technical gathering, Ketumile Masire changed his mind. Following his return from a second Congolese tour in early October, he declared that the meeting could not possibly hope to include all the delegates. However, he maintained that the opening ceremony would still take place in Addis Ababa on

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<sup>19[19]</sup> "Days away from the start of the Addis Ababa talks, Cardinal Etsou swells the ranks of the dissatisfied" *Le Phare*, 25 September 2001; ICG Interviews with representatives of the Congolese political opposition abroad, Brussels, 4-9 September 2001.

<sup>20[20]</sup> "The Traditional Congolese chiefs feel they can't be ignored." *Le Potentiel*, 19 September 2001.

September 15.<sup>21[21]</sup> The meeting would initially be attended by a limited number of delegates, about the same as in Gaborone, and the remaining delegations would be summoned later to work on the committees.

The proposal outraged members of the civil society and the unarmed political opposition, who believed that splitting up delegations would be prejudicial to them. The two unarmed contingents demanded that the dialogue be held in the full presence of all the delegates on 15 October, as previously agreed, and proposed that talks be held in South Africa if the budget was not sufficient to hold them in Addis Ababa. Indeed, South Africa had earlier renewed its offer to host the talks at the beginning of October, even promising to cover a part of the costs, but neither the date nor the place had been agreed by that date.<sup>22[22]</sup>

Then the government intervened in the debate and sowed more confusion by declaring that the Addis Ababa meeting was really only a technical gathering to decide the opening date of the real Dialogue, and to resolve the problem of the Mai Mai and RCD-ML participation.<sup>23[23]</sup> By adopting this position, the government gave a clear signal that it backed postponement.<sup>24[24]</sup> Naturally, RCD-Goma pounced on the heaven-sent chance to score a point against the government by declaring that it opposed any postponement of the Inter-Congolese Dialogue.<sup>25[25]</sup>

In the end, the facilitator decided to invite 80 delegates to the first week of talks in Addis Ababa,

and the remaining 330 participants a week later, budget permitting. The first week was set aside for finalising decisions on the number of participant groups, and notably to rule on the issue of Mai Mai and RCD-ML representation, as well as to conclude a definitive agenda for the Dialogue, agree on rules and regulations and on the organisation of the committee work.<sup>26[26]</sup>

Yet the Addis Ababa meeting was hit by a bad omen from the very first day. Joseph Kabila, who declined to attend the opening ceremony, had told the nation on the eve of the talks that he planned to hold elections in the DRC as soon as possible, thus challenging in advance the outcome of a dialogue that he implied was in danger of being manipulated by "non-inclusive" political forces.<sup>27[27]</sup>

Recalling Kabila's words on the evening of the opening ceremony, the head of the government delegation, Léonard She Okitundu, stated the government's position clearly. He declared that the four representation issues, i.e., the Mai Mai, religious denominations, political parties and the RCD-ML, must be resolved as a top priority before delegates could begin the real dialogue and tackle the agenda and the rules and regulations.<sup>28[28]</sup> Mwenze Kongolo, the Minister responsible for internal security, even commented during a session the next day that the government was actually only there to settle technical questions, and that he would leave if this did not happen.

After a day of private consultations led by the facilitators, delegates reached an apparent compromise: official recognition that the Dialogue would be going ahead, and the postponement of committee work to a month later in Durban, South Africa.<sup>29[29]</sup> The government, however, refused to continue negotiating and promptly left the

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<sup>21[21]</sup> "Ket Masire offers a new format for Dialogue", *Le Phare*, 4 October 2001.

<sup>22[22]</sup> "South Africa ready to host the Inter-Congolese Dialogue", *Le Potentiel*, 3 October 2001; "The Political opposition questions the accuracy of results", *Le Phare*, 8 October 2001 and "Memo from the civil society sent to His Excellency, President Ketumile Masire, Facilitator of the Inter-Congolese Dialogue". Idem. 7 October 2001.

<sup>23[23]</sup> Press conference at the Ministry of Foreign Affairs, Kinshasa, 7 October 2001.

<sup>24[24]</sup> "According to the Kinshasa government, Addis Ababa must decide on the final date of the Dialogue proper", *Le Phare*, 8 October 2001.

<sup>25[25]</sup> "Main rebel movement opposed postponement of Inter-Congolese Dialogue", AFP, 8 October 2001.

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<sup>26[26]</sup> Office of the Facilitator for the Inter-Congolese Dialogue. Press release, 9 October 2001; IRIN, "DRC: the Preliminaries to the Inter-Congolese Dialogue Start Monday", 10 October 2001.

<sup>27[27]</sup> "Address by the Head of State to the Nation regarding National Dialogue", op. cit. 14 October 2001.

<sup>28[28]</sup> "By Risking Accusations of Sabotage: Kinshasa's Errors Multiply." *Le Phare*, 17 October 2001.

<sup>29[29]</sup> "Inter-Congolese Dialogue: in Durban perhaps but not for another month", AFP, 18 October 2001

Ethiopian capital, leaving the facilitators with no choice but to postpone the dialogue to a future date in South Africa.

After the exit of the governmental delegation, the rebel factions and nine parties of the unarmed opposition continued to talk for a further two days to try and reach agreements over the remaining questions and find a solution to Kinshasa's demands. Their resulting proposals echoed earlier positions: to increase the quotas for each contingent from 62 to 68 delegates, and the RCD-ML's share from nine to sixteen, so that six extra places could be given to the religious denominations in the civil society contingent, six others to the external opposition in the unarmed opposition contingent, two places to the internal opposition, three to the Mai Mai and three more to the Diaspora in each armed opposition group (the government, RCD-Goma and MLC), totalling nine delegates each. The traditional chiefs would be included in the RCD Goma, MLC and government contingents.<sup>30[30]</sup>

However, the proposals are unlikely to find favour with the other political parties and civil society, especially the government, which had used every excuse in Addis Ababa to delay the start of the Dialogue. Moreover, increasing the number of participants to 356 is not necessarily a good idea, and would obviously inflate the cost of future meetings.

Postponing the Dialogue was the logical conclusion after a month of confusion and procrastination, for which the facilitators were not entirely blameless. The facilitators doubted their ability to manage the politics and logistics of a meeting for which they had clearly not been prepared, but were incapable of postponing themselves. The confidence that the facilitation team had justifiably earned in Gaborone was

shattered by the Addis Ababa fiasco. The team must draw its own conclusions and radically reassess its management of the Inter-Congolese Dialogue.

The ongoing sterile debate with the international community over the issue of funding must first be resolved. The facilitation team could not pretend to have enough money to manage the Dialogue when its office in Gaborone alone had been spending 150,000 USD per month for the last twenty months with not much to show for it, whilst paying its five commissioners 20,000 USD per week!<sup>31[31]</sup> Nor could it continue to blame the international community indefinitely for the failure of the talks<sup>32[32]</sup>, especially if the money was available but the facilitation team was incapable of producing a financial report of expenses incurred or even simple receipts.<sup>33[33]</sup> It is only normal that the facilitation team be required to comply with the accounting rules laid down by the donors.

Second, the actual format of the Dialogue must be reviewed in order to produce optimum results. The facilitation team had the opportunity to take a fresh look at its objectives and working methods and to display a united front in South Africa. The committees do not necessarily need to be repealed, nor do they have to meet at the same time, and it is crucial that each committee meeting be politically, technically and logistically well-prepared. In fact, some of the contingents clearly threatened to call for Ketumile Masire's resignation in the event of a fresh imbroglio.<sup>34[34]</sup>

## **B. UNLIKELY POWER-SHARING IN KINSHASA**

The failure of Addis Ababa is also a stark illustration of the extent to which the framework of

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<sup>30[30]</sup> "Resolutions on the representation of certain categories of the population in the Inter-Congolese political negotiations", MLC, RCD-Goma, RCD-ML, UDPS, **MPR-Fait-Privé [is 'private party' possible here? Otherwise, I think it may be better to leave in the original]** ODEP, FSD, MSDD, FRUONAR, Addis Ababa, 23 October 2001.

<sup>31[31]</sup> ICG interview with representatives of the Dialogue donors, Addis Ababa, 17 October 2001.

<sup>32[32]</sup> Office of the Facilitator for the Inter-Congolese Dialogue, official statement from Ambassador Bo Heinebeck, 19 October 2001.

<sup>33[33]</sup> ICG interview with donor representatives, Addis Ababa, 17 October 2001.

<sup>34[34]</sup> ICG interview with MLC representatives, Addis Ababa, 19 October 2001.

the Inter-Congolese Dialogue depends upon the goodwill of the foreign belligerents. By exploiting the confusion caused by the facilitator over the objectives of the meeting, the government blocked the debates from the very start and left Addis Ababa once it had achieved what they had really come for: postponing the meeting to an unspecified date. In doing this, the governmental delegation was loyally serving the interests of its main foreign backers, Zimbabwe and Angola, who had no intention of accepting power-sharing in Kinshasa and undermining their dominant influence over the DRC government.

### **1. President Too Concerned With Consolidating His Own Power**

The Inter-Congolese Dialogue came too early for Joseph Kabila. Since his succession to power, his entire strategy for acquiring legitimacy, supported by the international community, has been to portray the image of a credible and responsible figurehead, the opposite of his father, poised to assume the unchallenged role of transitional president when the right moment comes. To achieve this, he had to make key changes to the terms of the Inter-Congolese Dialogue, particularly to article 5, which stipulates that the Head of State must stand on equal footing with the rebel forces. By appointing a government of technocrats in the spring, getting rid of his father's most bothersome companions and reassuring the international community and the region of his commitment to peace, he hopes to firmly install his regime and stay in power during the transition.

This strategy is backed by certain international actors such as France, Belgium and the United States, who have decided to bet on Joseph Kabila for several reasons. Firstly, after the death of Kabila the elder, it was essential to avoid a power vacuum and to reclaim some form of influence over the Congolese State in order to prevent the far more dangerous supporters of Laurent-Désiré Kabila (Libya, Iran, Sudan, North Korea, China, etc.) from occupying centre stage.

His rapid nomination as Head of State also made Joseph Kabila structurally reliant upon sources of external legitimacy. The plan was to create "a State out of the impossible" to avoid destabilising

Kinshasa, and also to back an interlocutor capable of stopping the war and strong enough to persuade the rebels to abandon their quest to take power and agree to be co-opted into the peace process instead.

The same international actors are prepared to oppose any calls made by the Inter-Congolese Dialogue to oust the head of State, and to keep him on as President during the transition period. International support to help resolve the Congolese conflict has thus undergone a sea-change in recent months; shifting from the general backing of the Lusaka process to support limited to the security aspects of Lusaka, and to one man, Joseph Kabila, rather than for the dialogue mechanism on the whole. This strategy is fuelled by an apparent desire to hand back a central role to Congo in regional geopolitics and to cast the occupying countries in a more peripheral role.

Today, Joseph Kabila's government also wishes to capitalise on the continued political and military support from its allies for another six months until the Presidential elections in Zimbabwe and Angola. Neither country will allow the Congo and its precious resources to fall into the hands of its enemies while the wars of succession of Robert Mugabe and Eduardo Dos Santos are still in full swing.

If the MDC opposition wins the elections, the government will almost certainly decide to repatriate Zimbabwean troops stationed in the Congo. Today Zimbabwe justifies its continued military presence with the need to avoid a political vacuum and general chaos in Kinshasa. In fact, maintaining a low-intensity war is a way of keeping the status quo and avoiding the need to share resources, and Zimbabwe is currently suffering from an unprecedented economic crisis. It is also the best way for Mugabe to keep his army occupied elsewhere, if he intends to resort to violence and fraud in order to win the Presidential elections next spring, as suggested by his previous election campaigns.

For the Angolans, it is also out of the question to leave the Congo before the issue of who will secede Eduardo Dos Santos in March 2002 is settled. If it slackens its control over Kinshasa,

there may be a risk that UNITA networks regroup into a solid base. Angola would prefer to see the military hold on Kinshasa intensify for a period, as well as the purging of Kabila's pro-Zambian entourage who have been implicated in the laundering of UNITA diamonds.<sup>35[35]</sup> The Inter-Congolese Dialogue is only a viable option for Angola if it results in such purges and prevents the return of Mobutists to the government, who are known to have links with UNITA.

The disputes between Angolans and Zimbabweans is considerably weakening President Kabila's powers and leaving him very little room for manoeuvre. His two allies have placed their men close to the President, both in the security services and in the economy, and this has so far contributed to maintaining the status quo. This dispute began with the assassination of Laurent Kabila. Within a few hours of his death, the Angolans had taken control of Kinshasa while the Zimbabweans had hailed Joseph Kabila as the continuity candidate, furnished him with personal Zimbabwean bodyguards, and placed insiders like the Minister Mwenze Kongolo in the security services.

Hindered by the power struggles all around him, Joseph Kabila is trying to win popularity by establishing a direct relationship with the people, independently of any lobby, clan or the rest of the Congolese political class. He has the support of the international community and his political wildcard is still the holding of early elections, a card that he is likely to wield if ever the game of political bluff turns against him. The Kinshasa government has let it be known that it is not willing to share power and would prefer to prepare the country for elections at the end of a year's transition.<sup>36[36]</sup>

In this respect, Joseph Kabila also represents a certain continuity, as opposed to the options under his father. He has therefore tried to distance himself from any possible challenge to his power

during the transition and before the elections, claiming that: "It is up to the people to decide, not two or four personalities (...) We are an indisputable government and as such we will ensure that dialogue is a matter for all the people. [But] at the rate things are going, the politicians want to appropriate the dialogue and leave the people out of it. That is the contradiction in priorities between the government and other parties."<sup>37[37]</sup>

This demagogical and populist attitude was reinforced during a radio interview in which the Congolese Head of State announced that he was not sure he would be attending the Addis Ababa meeting,<sup>38[38]</sup> placing himself above the fray from the start, unlike the Lusaka Agreement that makes him an equal partner in the negotiations. Moreover, having left Gaborone and continued his tour of Southern Africa in Windhoek, Joseph Kabila declared that "the decision whether or not to depose the President must be the choice of the Congolese people and not that of a rebel movement", thus discarding the very idea of power-sharing during the period of transition.<sup>39[39]</sup>

His declarations were echoed by pro-Kabila representatives of the Committees of Popular Power (CPP) and Network of Congolese Women (REFECO) who stated that they did not believe power sharing had ever been on the agenda of the Inter-Congolese Dialogue.<sup>40[40]</sup>

It must be stressed that, despite such demagogic discourse, the elections will only be possible if the country is reunified, and only then if the conditions for the withdrawal of troops are met. However, other tactics to strengthen his power, which were unsuccessful in Addis Ababa, have also been deployed.

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<sup>35[35]</sup> ICG interviews with Western diplomats, Kigali, 15 September 2001, Kinshasa 12 October 2001 and "The RCD implicated in the laundering of blood diamonds from Angola", *Economica*,

<sup>36[36]</sup> "Bongo advises Joseph Kabila to share power", *Le Potentiel*, 20 September 2001.

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<sup>37[37]</sup> "Kabila, JP Bemba and Adolphe Onosumba in Gaborone", *Le Palmarès*, 21 August 2001.

<sup>38[38]</sup> "Joseph Kabila: "I do not need to be at Addis Ababa", interview with the BBC reprinted in *Le Potentiel*, 15 September 2001.

<sup>39[39]</sup> "DRC: Kabila refuses to share with the rebels", Reuters, 23 August 2001

<sup>40[40]</sup> "Inter-Congolese Dialogue: commotion in the political headquarters", *Le Potentiel*, 21 September 2001.



## C. UNSUCCESSFUL ATTEMPTS AT ALLIANCE

### 1. Enticing the Unarmed Contingents

As soon as it returned from Gaborone, the government tried to put on a show of loyalty to the "Republican pact" that it had itself promoted. This included the release of over 200 political prisoners in late August, 2001<sup>41[41]</sup> and the relative liberalisation of political activities and associations. Joseph Kabila intended to show civil society that it was not so badly off under him. However, when delegates returned from Gaborone, they were greeted by angry members at party headquarters who had learnt that the delegation had gone to the negotiations at the government's expense and that some of its delegates were still enjoying the government's generosity after their return.<sup>42[42]</sup>

In addition, some of the government delegation's additional "experts" in Gaborone were actually representatives of civil society in Kinshasa, some of whom were known to be close to Kabila's power circle. Pastor Mulunda Ngoy, president of the "Group of biblical reflections on peace and development and associated NGOs" (CERBIPAD and associated NGOs) is one such example. An ardent opponent of the "Cotonu group",<sup>43[43]</sup> Ngoy is a pro-government leader of the civil society and at the same time an emissary and private advisor to the young President.

Indeed, many politicians and civil society leaders are hoping that the dialogue will enable them to find a place in the transitional government. Such deals have already cost some civil society leaders dearly and dented the delegation's credibility in general. During the follow-up committee meeting, Dr. Matusila, President of the "national campaign for a lasting peace in the DRC", and Mr. Bahati Lukwebo, both representatives of civil society in Gaborone, were threatened with temporarily losing

their post, which caused great confusion among delegates on the eve of their departure for Addis Ababa.<sup>44[44]</sup>

At the same time, the government strongly advocated making changes to the selection process for the unarmed political opposition, in order to bolster the proportion of pro-government parties.<sup>45[45]</sup> Prof. Z'Ahidi Ngoma, an RCD defector, is President of the "Moderate Opposition Rally" within the presidential sphere, and organised "the General Assembly of the Opposition" in Kinshasa, aimed at challenging the process of selecting delegates to the Dialogue from the unarmed political opposition and at introducing a "platform" representation of over 500 political parties. The strategy was also aimed at including pro-Kabila sympathisers under the cover of the label "unarmed opposition".<sup>46[46]</sup>

This reinforcement tactic was not an isolated case. The RCD-Goma also attempted to make overtures towards the unarmed opposition, mainly through its regular contact with Etienne Tshisekedi, the historic leader of the UDPS, who, like Adolphe Onosumba<sup>47[47]</sup>, was also born in Kasai. Conversely, certain members of the unarmed opposition courted the rebel movement. A delegation of political leaders from the Diaspora, for example, travelled to Goma in late June to plead its case to be allowed representation at the Dialogue.<sup>48[48]</sup> They brought with them a letter to the facilitator in support of their action, which called for the number of delegates of the 15 parties present in Gaborone to be halved in order to

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<sup>41[41]</sup> "DR Congo announces release of rights groups leaders and others", RTNC/BBC Monitoring, 14 September 2001.

<sup>42[42]</sup> Cf. "Government money divides civil society", *Le Potentiel*, 30 August 2001.

<sup>43[43]</sup> Cf. "Civil society calls for a qualitative and representative choice of delegates in Inter-Congolese Dialogue".

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<sup>44[44]</sup> Cf. "Civil society: heads begin to roll", *Le Phare*, 26 September 2001; "Civil society lapses into total confusion", *L'Avenir*, 10 October 2001; "Civil society: failure of the conciliation meeting", *Le Phare*, 10 October 2001; "delegates chosen for Addis Ababa divided between their contingents and the government", *Le Phare*, 9 October 2001.

<sup>45[45]</sup> "The government risks carrying the can for the failure of dialogue", *Le Potentiel*, 10 October 2001.

<sup>46[46]</sup> "Political manoeuvres: Addis Ababa, the "the bread and butter opposition disillusioned", *Le Phare*, 5 October 2001.

<sup>47[47]</sup> ICG interviews with representatives of RCD-Goma, Kigali-Bukavu, 15-25 September 2001.

<sup>48[48]</sup> "Delegates arrive in Goma for rebel-organised opposition conference", RTNC-Goma/BBC monitoring, 26 June 2001.

include an equal representation for parties friendly to the Diaspora.<sup>49[49]</sup>

In a similar fashion, contacts began to flourish between Goma and members of the civil society. It was in Goma's interest to isolate the more virulent representatives of the Kivu civil society contingent by forging links with representatives of other provinces in Congo. The sheer size of the delegations was extremely favourable to this type of negotiation, and made it difficult for the various delegations of the civil society and the unarmed opposition to agree on firm positions of negotiation.

In Addis Ababa, unlike in Gaborone, the stances adopted by the civil society and the unarmed opposition in pursuit of negotiations worked against the government, which found itself isolated. This was further justification for the government's dramatic exit in protest against the lack of representation of these delegations.

## 2. Winning Kivu's Legitimacy

The Mai Mai currently represent the strongest capital for political legitimisation in Kivu. They symbolise resistance in the face of foreign occupation and the fallen honour of a great people, humiliated by the appetite for domination of its tiniest neighbours. Joseph Kabila desperately needs recognition of his political leadership by the Mai Mai movement and the Kivu communities hostile to RCD-Goma. Such support would strengthen his position against the rebel movement and make him an indisputable national leader. To achieve this, he is operating a dual strategy: winning the Mai Mai representation and manipulating the nationality issue.

### *The battle for Mai Mai representation*

Winning the Mai Mai representation involves the government providing unconditional support for the idea of creating a sixth contingent of the Inter-Congolese Dialogue. The government argues that

the Mai Mai deserve full representation in the dialogue, without which there will never be peace in Kivu.<sup>50[50]</sup> The objective is also to slip in a second pro-Kabila component in the dialogue, but above all, to win the people of Kivu over to his side.

It must be stressed that the relations between the government in Kinshasa and the people of Kivu are particularly strained, and that Kinshasa cannot guarantee its control over the Mai Mai. Joseph Kabila's father had attempted to integrate them into the army by appointing Sylvestre Leucha as head of the army for this very reason. The assassination by his father of Anselme Masasu, the Kivu-born co-founder of the AFDL, in November 2000, together with the death of thousands of Kadogos from Kivu in the rehabilitation camps, the ensuing harassment of leaders from Kivu civil society in Kinshasa and Kivu's near absence from the ranks of government all put Joseph Kabila in a very delicate position vis-à-vis the Kivu people, and threaten his influence over the pro-Kabila Kadogo recruited by the AFDL. Moreover, the Kivu lobby in Kinshasa constantly reminds him of the humiliation and massacres suffered by the Kivu people in 1996 at the hands of AFDL troops, and puts pressure on the government to adopt a hard-line position over the withdrawal of Rwandan troops.

President Kabila therefore handed over to the Kivu elites the "government preparatory commission for the Inter-Congolese Dialogue", headed by Professor Balanda Mikwin Leliel, and tried to gather together a conclave of traditional chiefs (Bami) to support his authority. In return for their political backing, he is offering *carte blanche* over the issue of Congolese Tutsi nationality in order for them to settle their scores with the RCD-Goma and its Banyamulenge leaders.<sup>51[51]</sup>

Joseph Kabila is even using de Gallic analogies - comparing the Mai Mai with the French Resistance under German occupation - and is calling for

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<sup>49[49]</sup> "Quotas for the dialogue: the RCD/Goma slice", *Le Phare*, 21 September 2001.

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<sup>50[50]</sup> ICG interview with a representative of the Congolese government, Nairobi, 27 September 2001.

<sup>51[51]</sup> ICG interview with a Congolese political expert, Brussels, 6 September 2001.

sustained support for their struggle to win political legitimacy. On 15 September, 2001, he declared to the BBC: "All I can say to our compatriots, especially those in the east and north-east of the country who are being occupied by Rwandans, Burundians and Ugandans, is to continue their resistance."<sup>52[52]</sup>

To counter Kabila's tactic, RCD-Goma decided to demonstrate its legitimacy in the territories under its control by organising an inter-Kivu dialogue, from 22-25 September, 2001 in Panzi, in the suburbs of Bukavu, which was attended by over 260 participants. The RCD paraded its civil society representatives, its traditional chiefs and even its Mai Mau, wheeling in the support of the Shi Mudundu 40 Group and decreeing at the close of the conference a unanimous agreement by the populations of Kivu on the creation of a high council for reconciliation in Kivu.<sup>53[53]</sup>

The council would be charged with forging cooperation between the two communities in both provinces to foster "a spirit of tolerance, mutual acceptance and peaceful cohabitation".<sup>54[54]</sup> It would also ask the UN to set up a reconstruction fund for Maniema, South Kivu and North Kivu. On the eve of the Addis Ababa meeting, the RCD also announced that it had organised a reconciliation meeting with the Mai Mai militia in Bujumbura, with the aim of including them in their delegation.<sup>55[55]</sup> The idea behind the inter-Kituvian dialogue was also to mobilise the populations of Kivu in order to make the RCD into a representative and legitimate contingent of the Inter-Congolese Dialogue<sup>56[56]</sup> and to take up issues of importance to the Kivutians which correspond to the RCD's own objectives, such as immediate federalism.<sup>57[57]</sup>

However, the question of Mai Mai representation is not so easily resolved. Today in Kivu, there are twelve Mai Mai resistance movements split into four more or less well-defined groups: 1) The Mai Mai of the "Greater" North Kivu, of Nande origin, settled in Lubero, Butembo and Béni, whom Mbusa Nyamwisi wants to represent. 2) The Mai Mai of Masisi and Walikale in North Kivu of Hunde, Nyanga, Tembo and Kano origin, among whose oldest leaders is the fetishist Kilimali;<sup>58[58]</sup> 3) the Mai Mai of Bunyakiri, Mwenga and Shabunda, of Tembo, Shi, Rega and Sira origin, whose best known leader is "General" Padiri; 4) the Mai Mai of Fizi-Bakara, of Bembe origin, led notably by "General" Dunia, and associated with the ALIR and FDD Burundi fighters who distinguished themselves in September 2001 by storming and occupying the town of Fizi, until they were chased out by the RCD-Goma.

However, several resistance leaders remain in hiding for security reasons and have given absolutely no sign of their willingness to take part in the Dialogue. In addition, dozens of opportunists have also become self-proclaimed spokespeople for the Padiri or other resistance groups, trying to use the Dialogue as a springboard to launch their political careers.

Finally, the decision-making process regarding the Mai Mai military strategy is also vague. Civil society, shopkeepers, churches, traditional chiefs and their entourage all have some influence. In such a context, it is essential to clearly and accurately identify the leadership and the objectives of the different Mai Mai groups, before being able to discuss their representation in the Dialogue, without any political manipulation whatsoever.

### *The race for inter-Kivutian dialogue*

RCD-Goma's initiative to organise an inter-Kivutian dialogue was, of course, violently

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<sup>52[52]</sup> "Joseph Kabila: I do not need to be in Addis Ababa", *Le Potentiel*, 15 September 2001.

<sup>53[53]</sup> "Rebels want to create a reconciliation council in the East", AFP, 26 September 2001.

<sup>54[54]</sup> "Inter-Kituvian dialogue: final communiqué" 25 September 2001.

<sup>55[55]</sup> "Preparations for a forthcoming Mai Mai/RCD meeting", 6 October 2001.

<sup>56[56]</sup> ICG interview with RCD representative, Bukavu, 24 September 2001.

<sup>57[57]</sup> ICG interview with a representative of the Rwandan government, 15 September 2001.

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<sup>58[58]</sup> "Mai Mai, poorly known actors of the Congolese conflict", AFP, 13 October 2001 and ICG interview with Congolese expert, Nairobi, 21 September 2001.

condemned by the government, who denounced the annexing of national territory by aggressive forces, and mobilised its own Kituvians to oppose RCD-Goma's positions point by point. Vital Kamerhe, deputy commissioner-general of MONUC, himself a native of Kivu, was charged with responding to the inter-Kivutian dialogue organised by RCD-Goma. On 22 September in Kinshasa he convened a "general assembly of the people of Greater Kivu" comprising the Mwami Mushi Kabare and the former parliamentarian Mushi Birumana, reinforced by Chief Nyimi of Eastern Kasai representing the National Association of Traditional Authorities in Congo (ANTC).

Cursing the "black mass" that was happening at the same time in the suburbs of Bukavu, the pro-government representatives of the "people of Greater Kivu" reaffirmed that national dialogue remained the only forum capable of dealing with the problems of Kivu. They called for the redeployment of MONUC troops to the borders of territories occupied by aggressor countries, the changing of its mandate to one of peace making, and finally, the creation of an international court for the DRC to punish war crimes and crimes against humanity as well as the pillaging of natural resources and other riches of the country carried out by the "forces of aggression".<sup>59[59]</sup> Moreover, echoing the demands made by "General" Padiri, the leader of the Mai Mai group in Walikale, Kinshasa supported the request to create a fully-fledged Mai Mai component in the Inter-Congolese Dialogue.

### *Manipulating the nationality issue*

Finally, the battle to win over Kituvian legitimacy was also played out over the issue of the nationality of Congolese Tutsis. The governmental commission in charge of preparing the Dialogue has started a detailed analysis of colonial archives in order to establish an exact count of different Congolese communities at the time of Independence, as well as the precise nature of the displacement of people who, starting from the

beginning of the twentieth century, were organised into Rwanda and the Congo. By so doing, the commission hopes to offer conclusive evidence of the exogenous nature of Rwandan-speaking populations in the Congo, and thus, exclude them de facto from the Congolese nation and, by extension, from power-sharing.<sup>60[60]</sup> Certain Kivutian politicians are even distributing petitions across Kinshasa calling for the imposition of "uncontested nationality" as a precondition to holding any<sup>61[61]</sup> political post during transition.

The summoning of the Bami to Kinshasa and the resurrection of Mai Mai rebellion were all part of the same logic: to win unanimous support from the "native" populations of Kivu against the Rwandan-speaking "immigrants", kidnap their political legitimacy, conclude that power-sharing with foreigners was impossible, and tell them to go home like the other "aggressors". This tactic bears more than a passing resemblance to the strategy adopted by the Ivorian government during the recent Presidential elections, with the resulting disastrous consequences. Yet, in Addis Ababa, in the absence of any specific Mai Mai representation, the government could not take any particular credit in order to obtain enough support on the issue of the refusal to share power. It risked being isolated once again, and postponement of the Dialogue became even more necessary.

### **3. Belligerents Coming Together**

With regard to the signatories to the Lusaka Agreement, the government decided a while back to separate bilateral negotiations with Rwanda, Uganda and Burundi from negotiations with Congolese actors. It feels that since the rebel movements were born in Rwanda and Uganda it would be more sensible to negotiate with their backers rather than with the RCD or MLC directly.

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<sup>59[59]</sup> "The inter-Kivutian dialogue cursed!", *Le Phare*, 24 September 2001.

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<sup>60[60]</sup> ICG Interview with Congolese political expert, Brussels, 6 September 2001.

<sup>61[61]</sup> "Ketumile Masire's New Look Dialogue: the political parties fight back", *Le Phare*, 5 October 2001.

### *A Government-MLC Alliance?*

The Gaborone meeting produced signs of rapprochement between the MLC and the government, with Jean-Pierre Bemba even sharing the same position as the government over the immediate withdrawal of foreign troops. Later, Bemba welcomed the government's proposal to take responsibility for paying the salaries of civil servants throughout the Congo. Gbadolite subsequently declared that it was available to harmonise the lists of civil servants in Congolese territory in cooperation with the government.<sup>62[62]</sup>

France and Belgium had long backed this initiative, in that it would contribute to the stabilisation and security of Congo's northern border, which lies next to Congo-Brazzaville and the Central African Republic. The emergence of some kind of cooperation strengthened these countries' perception that power-sharing between Jean-Pierre Bemba and Joseph Kabila, together with a successful disarmament operation, could provide a solution to the conflict. Omar Bongo, patron of the French-speaking oil-producing States in the region, shared this position to such an extent that he publicly denied the government's intentions to reject power-sharing in favour of a short year-long transition followed by elections.<sup>63[63]</sup>

However, Luanda was deeply suspicious of the rapprochement between the government and the man it had always suspected of maintaining strong links with Mobutists and UNITA rebels. Moreover, the rekindling of relations between the Congolese government and Uganda in March 2001 did not necessarily work in the MLC's favour. During his bilateral negotiations with Uganda, Joseph Kabila asked his counterpart to neutralise Jean-Pierre Bemba in favour of Mbusa Nyamwisi, a regional negotiator whom he saw as more malleable, less ambitious, easier to handle and having greater

authority over the troubled region of Beni-Butembo.<sup>64[64]</sup>

In mid-September, Kampala thus decided to temporarily change tactics by downplaying the role of Jean-Paul Bemba and backing its other key ally Mbusa Nyamwisi. Nyamwisi used this support to take control of the Isiro and Aru territories from the MLC, with Kampala encouraging him to push to become the sixth contingent of the Inter-Congolese Dialogue.<sup>65[65]</sup> The day after the Addis Ababa talks began, Mbusa also expressed his support for the government's position, and decided to boycott the meeting in protest against the lack of Mai Mai delegates.<sup>66[66]</sup> This was after having just met Joseph Kabila in South Africa and doing a stop-over in Luanda.

Power-sharing between Joseph Kabila and Jean-Pierre Bemba is not at all in the interests of Angola and Uganda today. Uganda would much prefer to see an actor who is more dependent on its support and less personally ambitious.

### *Appearance of negotiations between the government and RCD Goma*

In spite of the continued hostilities in Kivu, regular meetings have taken place between RCD-Goma and the government, together with their respective allies. For example, secret negotiations were held in Washington and later in South Africa in July-August, 2001. This was followed by talks between Joseph Kabila's special envoy, Pasteur Mulunda, and RCD-Goma's chief of security, Bizima Karaha, in early September. A few days later, Adolphe Onosumba made an official visit to Harare<sup>67[67]</sup> and Paul Kagame and Joseph Kabila met in Malawi, which held the presidency of SADC at the time. But none of these encounters produced tangible results that raised hopes for an

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<sup>62[62]</sup> "Kinshasa and Goma argue over pay for civil servants", *Le Potentiel*, 14 September 2001.

<sup>63[63]</sup> "Bongo advises Joseph Kabila to share power", *Le Potentiel*, 20 September 2001.

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<sup>64[64]</sup> ICG interview with government representative, Kinshasa, 15 October 2001.

<sup>65[65]</sup> "Mbusa Nyamwisi drives JP Bemba from Aru and occupies Isiro" *Le Palmarès*, 6 October 2001.

<sup>66[66]</sup> "DRC: an RCD faction boycotts the dialogue", IRIN, 16 October 2001.

<sup>67[67]</sup> "Congo rebels meet with Zimbabwean leader", AP, 23 September 2001.

alliance or even reconciliation in the framework of the Inter-Congolese Dialogue. The total absence of progress on the question of disarmament and the simultaneous intensification of the war in South Kivu rendered any concrete achievements impossible.<sup>68[68]</sup>

Along with Rwanda, Joseph Kabila's main concern was to forge an agreement over the issue of the disarmament of armed Hutu groups. In return for the withdrawal of his own military backing, he asked Rwanda to disarm the RCD-Goma troops, for guarantees of the safe return of Hutu militia who had been fighting for him since 1998 and for the withdrawal of RPA troops. Without the retreat of Rwandan soldiers, Kinshasa sees the Inter-Congolese Dialogue as nothing more than a "huge joke"<sup>69[69]</sup> or a "booby-trapped peace".

Indeed, the government's objective over the next six months is to make progress on the issue of disarmament so that it can be cleared of all suspicion by the international community with respect to its support for Rwandan and Burundian Hutu groups. The government has thus promised to open up the FAC and its frontlines to inspection by MONUC.<sup>70[70]</sup> If MONUC gives its seal of approval to the DRC government before the Dialogue, Joseph Kabila will come off looking like the veritable saviour of the nation.<sup>71[71]</sup>

In order to reduce the legitimacy of RCD claims concerning the Banyamulenge question, Kinshasa is also looking to make contact with known community leaders such as Muller Ruhimbika, who are opposed to the policy of collaboration between the RPA and RCD-Goma. This cause was also adopted by RCD-ML who took the government's position and added the case of the

Banyamulenge to the problem of representation in the Dialogue.<sup>72[72]</sup>

However, for the moment, contacts between Joseph Kabila and Paul Kagame have been akin to a dialogue of the deaf. Kigali is dubious of the government's promises since, from January 2001 it has shown no real intention of carrying out its part of the contract, and has been caught in a stranglehold between its Angolan and Ugandan backers. The operation designed to present disarmed Hutus in Kamina has done nothing for the government's credibility either. Instead, it simply allowed Mwenze Kongolo to pull from out of his sleeve the *Forces de Liberation de Rwanda* (FDLR), a Rwandan armed opposition group that officially has no link to, or responsibility in, the 1994 genocide but whose political discourse is very close to that of Hutu power.<sup>73[73]</sup>

Kigali also believes that it would be able to manage the disarmament issue more peacefully with a more trustworthy partner such as a transitional government where RCD-Goma was in control of the Ministries of internal security and defence.<sup>74[74]</sup> In the meantime, Rwanda would have plenty of time to continue its war in the Kivus, to try and inflict a military defeat on the ALIR and to take full advantage of the unlimited exploitation of natural resources through the barrels of its guns. Obviously, this scenario would only be possible if RCD-Goma were to have any real influence in the future Kinshasa government, which is not at all certain.

#### *Difficult rebuilding of the RCD-Goma-MLC rebel alliance*

Finally, on 11 October in Goma, representatives of different rebel factions met for pre-Addis Ababa consultation talks. The two movements managed to strike an agreement that they explained in their final statement with the announcement of the

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<sup>68[68]</sup> "Kabila and Kagame agree on measures to put an end to the conflict", AFP 26 September 2001. ICG interview with representative of RCD-Goma, Nairobi, 27 September 2001.

<sup>69[69]</sup> ICG interview with a member of the government delegation, Addis Ababa, 19 October 2001.

<sup>70[70]</sup> ICG interview, government representative, Nairobi, 27 September 2001.

<sup>71[71]</sup> ICG interview with government member, Kinshasa, 22 October 2001.

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<sup>72[72]</sup> ICG interview with RCD-ML representative, Kampala, 20 October 2001.

<sup>73[73]</sup> FDLR presentation brochures, "Who are the FDLR? Memorandum on the Rwandan crisis", September 2001.

<sup>74[74]</sup> ICG telephone interview with a member of the Rwandan government, 19 October 2001.

creation of a "political, military, diplomatic and media-related common front with the goal of ensuring the success of the Inter-Congolese political negotiations".<sup>75[75]</sup> The main political result of the meeting was also the clarification of the issue of power-sharing, with rebel factions specifying that they "understand a new [Congolese] political order to be the adoption of a new Constitution, the setting up of democratic institutions and the appointment of new leaders who meet the criteria of good governance, credibility, morality and nationalism; and consequently, all the posts including the President of the Republic, are deemed to be vacant."<sup>76[76]</sup>

A parallel should be drawn here between the joint declaration published by RCD-Goma and the MLC confirming that for both movements all State posts would be vacant for the transition, and the arrival in Gbadolite on the same day of three government ministers to discuss how the payment of civil servants is organised in Ecuador.<sup>77[77]</sup> This sacred union continued in Addis Ababa, where the MLC and RCD-Goma joined together to denounce the government's attitude.<sup>78[78]</sup> It was again visible after the Addis Ababa meeting with the announcement in late October of the creation of a joint force in charge of neutralising negative forces in the Kivus and designed to become the core of a future National Congolese Army.

However, several factors indicate that the rebuilding of a rebel alliance is an illusion. First of all, the "cold war" between Uganda and Rwanda is hardly favourable to the rekindling of relations between the two rebel groups. Secondly, the arrival of several former Mobutist defectors from the RCD such as Alexis Thambwe, Lunda Bululu and José Edundu in Jean-Pierre Bemba's entourage and their anti-Tutsi position during the Gaborone meeting, where they questioned the nationality of the Banyamulenge delegates from RCD-Goma,

suggests that they would not support the RCD on the issue of nationality.

The MLC also criticised the inter-Kituvian dialogue organised in Bukavu by RCD-Goma, arguing that the Kivu question should be settled in the course of national dialogue.<sup>79[79]</sup> It is true that the MLC has for the moment been weakened by the drop in Uganda's support and needs to appear as a positive force supporting the Inter-Congolese Dialogue and the peace process, alongside other rebel factions, unlike in the past. But over the central question of power-sharing, the two rebel factions remain clear rivals.

#### **D. MAINTAINING THE WAR OPTION**

The two opposing coalitions in the DRC (government and rebel) have never entirely ruled out the option of continuing the war. The Lusaka Agreements may have resulted in a momentary pause, but above all, they also enabled the Kinshasa government and its Angolan and Zimbabwean backers to change military strategies.

At the beginning of the second half of 1999, the governmental coalition changed its military strategy for essentially two reasons. 1) Since the war began in August 1998, it had not been able to contain the RPA and UPDF offensive, nor had it been able to regain any lost territory, except on the western front (Bas-Congo), where it had managed to completely neutralise the enemy (the RPA troops and the ex-FAZ from the Kitona base). 2) It was paying off to destabilise the Burundian and Rwandan armies by infiltrating them behind their front lines. More specifically, the government coalition needed to gain access to Lake Tanganyika in order to arm and deploy elements of the FDD, the ex-FAR, the *Interahamwe* and the Mai Mai in the two Kivu provinces.

When this plan was devised, Joseph Kabila was heading the FAC. The defeats in Pepa and Pweto on the road to Lake Tanganyika, coupled with the

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<sup>75[75]</sup> Olivier Kamitatu (MLC), Azarius Ruberwa (RCD-Goma), Kaloso Sumaili (RCD-ML), "Joint Statement", Goma, 11 October 2001.

<sup>76[76]</sup> Ibid, point 3.

<sup>77[77]</sup> IRIN, "DR Congo: Bemba supports Kinshasa's offer to pay civil servants", 11 October, 2001.

<sup>78[78]</sup> "Inter-Congolese Dialogue: rebels denounce Kinshasa's sudden show of strength", AFP, 20 October, 2001.

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<sup>79[79]</sup> ICG interview with MLC representative, Kigali, 15 September, 2001.

death of Laurent-Désiré Kabila put a stop to the military adventures of the Congolese government.<sup>80[80]</sup> After three months of waiting and assessing the possibilities for a compromise with Rwanda on the issue of disarmament, Joseph Kabila decided to implement a new military tactic consisting of sending a large portion of the FDD and ALIR troops back towards the East, with the aim of infiltrating their respective countries.<sup>81[81]</sup>

The ALIR then split into two branches: ALIR I, comprising units that had been in South Kivu and Masisi since 1998, and which was reinforced by the new recruits just arriving from Rwanda, and ALIR II, which was essentially made up of Rwandan troops who, until then, had been part of the FAC and who were equipped and trained by the Zimbabwean army.

ALIR I's attempt to infiltrate and destabilise Northwest Rwanda in June 2001 was a military disaster. The Rwandan Patriotic Army officially expelled more than 1,500 infiltrators and captured more than 2,000, thereby reducing the threat of this branch of the ALIR to nothing. In South Kivu, the FDD, ALIR II and the Mai Mai, as well as elements of the FAC attempted to occupy the city of Fizi in September and successfully held it for a month (from 7 September to 8 October 2001), before being ousted by RCD-Goma troops.<sup>82[82]</sup>

These operations were actually only the remnants of a widespread military reinforcement on the part of the various belligerents. Since March 2001, all of the factions have been training, rearming and preparing, despite the appearance of

disengagement and the deployment of MONUC observers.<sup>83[83]</sup>

From the point of view of the belligerents pursuing the war, they have two excuses to deny all responsibility for the failure of the Dialogue: the absence of a political compromise among the different Congolese actors, with the main actors (the government and the rebel factions) being manipulated by their respective foreign allies; and the impossibility of implementing the probable results. The country is divided into three zones of foreign influence and thus in the current circumstances, power-sharing, the restoration of government authority throughout the entire country, and the formation of a national army are all unachievable.

After the failure of the Addis Ababa meeting, the government ended up looking like the villain. However, rumours of impending war are rampant on all sides. Recent contacts between Joseph Kabila and Mbusa Nyamwisi could provide the FAC with a point of penetration in North-Kivu. If this were to happen, it is likely that the RPA would intervene immediately in the Beni-Butembo zone, provoking an immediate reaction from the Ugandan army, which is already positioned en masse in the Kanyabayonga zone.<sup>84[84]</sup>

The mounting tensions between Uganda and Rwanda, which have only grown worse since September 2001, could therefore give rise to renewed hostilities. This would give the UPDF an opportunity for revenge, following the humiliation it suffered during the Kisangani I, II and III battles. The time has not yet come for dialogue between Uganda and Rwanda, and the Kinshasa government does not hesitate to add fuel to the flames between the two feuding brothers, while standing back, ready to keep score.

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<sup>80[80]</sup> Cf. ICG, *Scramble for the Congo*, op. cit.; and ICG "From Kabila to Kabila", op. cit.

<sup>81[81]</sup> Cf. ICG Africa Report No. 29, Burundi: Breaking the Deadlock: The Urgent Need for a New Negotiating Framework, May 14, 2001.

<sup>82[82]</sup> *Observatoire de l'Afrique centrale*, "Overview: fighting in Kindu and Fizi", Vol. 4, No. 40, October 1-7, 2001; "Fresh Fighting in DR Congo," BBC, 28 September 2001; *Observatoire de l'Afrique centrale*, "RCD: Fizi Falls Back into the Hands of the RCD-Goma and Co.", Vol. 4, No. 40, 1-7 October 2001, www.obsac.com

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<sup>83[83]</sup> Multiple ICG interviews with Western diplomats and regional military experts in Kinshasa, Kigali, Bujumbura, Kampala, Brussels and Paris, April to September 2001.

<sup>84[84]</sup> AFP, 20 October 2001.



## E. LITTLE CHANCE FOR A COMPROMISE ON THE MAIN ISSUES

Finally, in the optimistic scenario of the upcoming dialogue meeting in South Africa, four main themes will dominate the discussions: power-sharing during the transition period, nationality, the formation of an army from elements of the FAC, the RCD-Goma and the MLC, and whether or not federalism should be implemented during the transition period.

Concerning power-sharing, each of the three main actors, i.e. the government, the RCD-Goma and the MLC, will seek to obtain the maximum amount of posts in the transition institutions and the transition parliament. These institutions, however, cannot be set up until a satisfactory solution has been found for the external dimensions of the Congolese crisis. At the same time, the conditions stipulated for the withdrawal of foreign troops are far from being met, and worse yet, the war has resumed in South-Kivu.

There is, therefore, little chance for a compromise on this specific point, as seen by the failure of the trilateral meeting in Abuja, Nigeria. Planned as a follow up to the 45 minutes of discussion among the three main Congolese belligerents in Gaborone, this meeting was initially scheduled for September 2001 and was finally set for 2 October in Abuja, Nigeria, under the patronage of President Obasanjo. In the end, neither Jean-Pierre Bemba nor Adolphe Onosumba went to Abuja. Their backers felt, rightly so, that the conditions were not yet ripe for such negotiations.

The draft agenda drawn up in Gaborone comes back to the issue of nationality four times, in particular, with respect to the reorganisation of the armed forces for which Congolese soldiers must provide proof of nationality. The target populations (Banyamulenge and Banyarwanda) rightly believe that this issue is not open to discussion: they hold Congolese citizenship just like any other citizen of the country. This is undoubtedly the position that the RCD-Goma will defend. The Kinshasa government, some of the political parties and the

civil society from eastern Congo, will surely make every attempt to prove otherwise.

The third topic that will give rise to heated debate among the delegates is that of the formation of a new national army from FAC, RCD-Goma and MLC troops. On the one hand, this project will not be successful until all foreign troops have withdrawn. On the other hand, the government vision of this project opens the way for the settling of scores. The government is tackling this issue based on a model of reorganising the existing units and dismantling the rebel forces.<sup>85[85]</sup> Clearly, this negotiating position is not credible; the enemies of the Congolese army doubt its ability to ensure regional security.

Finally, even the issue of institutional systems is likely to be problematic. The majority of the Congolese, with the exception of the Lumumbist nationalists, are in favour of a federal political system. However, the RCD-Goma is demanding that federalism be implemented immediately after the transition starts, whereas other parties do not see this coming into play until the end of the transition period, once national sovereignty has been re-established.<sup>86[86]</sup> Thus, on 14 August 2001, the rebel movement decided to implement an absurd version of federalism in advance. This negotiating position was actually a *fait accompli* tactic designed to make it more difficult for others to challenge their gains. A 70-member Assembly was even officially established in North-Kivu on 17 September<sup>87[87]</sup> and the creation of an Assembly in South-Kivu was announced on 12 October on the eve of the Dialogue.<sup>88[88]</sup>

The issue of federalism is also directly related to the issue of controlling natural and fiscal resources. The RCD-Goma feels that it should be able to maintain control of the resources produced in the

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<sup>85[85]</sup> ICG interview with Col. Etumba, Nairobi, 26 September 2001.

<sup>86[86]</sup> ICG interview with a representative of the RCD-Goma, Nairobi, 26 September 2001.

<sup>87[87]</sup> "70 persons appointed as members and deputy members of the provincial Assembly of North-Kivu", *Le Potentiel*, 21 September 2001.

<sup>88[88]</sup> "DRC: Provincial Assembly set up in South Kivu", IRIN, 12 October 2001.

territories it commands. Similarly, in North-Kivu, the question of who controls tax revenues from the Kasindi border post was at the heart of the quarrel between Jean-Pierre Bemba and Mbusa Nyamwisi in May 2001, and will undoubtedly be another thorn in the side of negotiators during the discussions concerning the restoration of the government's administrative authority throughout the country.

As a general rule, foreign allies have a direct interest in economic partnerships with their neighbouring Congolese provinces or with provinces where they have deployed troops. Access to resources and to markets in the eastern province of North-Kivu has now become the primary motivation for the Ugandan involvement in the Congo, just like the preferential contracts the Congolese government has granted to Zimbabwe in Katanga, in the Kasai and in Bandundu. Once the security issue has been resolved, Rwanda undoubtedly intends to base its long-term development on the natural economic partnership with the Kivus. In fact, this issue of access to Congo's resources is central to the issue of power-sharing and should be negotiated in consultation with external partners.

#### **IV. THE NATIONAL DIALOGUE DEVELOPED IN LUSAKA – A SOLUTION TO THE CONGOLESE CRISIS?**

##### **A. WHAT IS THE OBJECTIVE?**

Since the death of Laurent Désiré Kabila, the Inter-Congolese Dialogue, as it was developed in Lusaka, has lost one of its *raison d'être*. Forced to go out into the field to stop the offensive in the summer of 1999, the anti-Kabila alliance figured that the Dialogue would be the ideal forum for gathering a majority of people who were against the president of the DRC, by bringing together the unarmed opposition and the civil society. Thus, this would establish a link between the democratic process started in the so-called “transition” period (1990-1996) and the rebuilding of a post-war national political order.

Furthermore, the Dialogue reinforced the political legitimacy of the rebel movements as being the preferred partners of the Kinshasa government. After having refused to do so for months, Kabila finally agreed to open discussions on the political future of the country. Consequently, he recognised the rebellion as being a legitimate national political actor, which moreover, he had to treat equally.

Now that Laurent Kabila is deceased, and the rebels have gained status as negotiating partners, the Dialogue has taken a back seat to the peace negotiations. It is no longer clear if the Dialogue should serve as a means of deciding on the leadership for the transition, power-sharing arrangements or the new institutions. Facilitators of the Dialogue have not helped shed light on this question, and the international community has discreetly maintained the ambiguity.

##### **B. WHAT ARE THE CHANCES OF SUCCESS?**

The Lusaka Agreements legalised the presence of foreign military forces in the DRC by labelling them as “belligerents.” However, neither the allies, nor the enemies have provided strong political support for holding the Dialogue, and for good reason. If the Dialogue were allowed to run its course and produce a result that the Congolese recognise, this would mean that the objectives of the war, both military and political, have been met. And yet, this is not what the belligerents think. Worse still, through bilateral alliances that change with the winds and that lack a common vision other than their own well understood interests, they envision joining forces to fight against the desire of the Congolese to affirm the principle of total withdrawal of foreign troops.

The problem with withdrawal is linked in part to short and long-term security issues. In addition to the presence of armed groups on DRC soil, it must be remembered that the war of 1998-2001 was a war of rectification, as compared to the war of 1996. The first war was triggered by the exportation of conflicts in neighbouring Rwanda and Burundi to former Zaire. At the time, it was a matter of the RPF regime surviving vis-à-vis the immense threat of the refugee camps that had been infiltrated by ex-FAR soldiers and *Interahamwe* ready to attack Rwanda.

However, beyond Rwanda’s security concerns at the time, the AFDL project quickly became a “regional project” according to Julius Nyerere, a “plan for the liberation and transformation of Congolese society.” It also turned into a regional economic integration project supported for the most part by regimes that were themselves born out of liberation movements: Rwanda, Angola, Uganda, Eritrea, Zimbabwe and Tanzania.

The Kabila era disappointed Kabila’s backers in three respects: security, ideology and economics. It also divided them. When the conflict erupted between Kabila and Rwanda, national interests gained the upper hand and each of the former AFDL partners positioned itself in terms of the gains it hoped to achieve by becoming involved in the war. Thus Zimbabwe and Angola saw in

Rwanda's failure to manage the victory of 1997 a chance to play a dominant role in Kinshasa. Looking back of course, they certainly would have preferred to end the war by making arrangements amongst themselves and by installing a puppet regime in Kinshasa while continuing to exclude the Congolese from these arrangements. However, they are incapable of doing so today.

The Congo has, in fact, become a life insurance policy for each of the governments involved in the second war. They believe that the revenues and the influence exerted in the Congo have become a guarantee for keeping the Dos Santos, Mugabe, Museveni and Kagame camps in power.<sup>89[89]</sup> Suddenly, the Congo has become a huge washing machine for the problems these regimes have with their opposition, and the Lusaka Agreements have become a "shopping list" of security concerns. Who in Kinshasa is capable of both playing the role of an anti-UNITA, anti-ALIR, anti-ADF and anti-FDD cleanser, and at the same time, ensuring that these leaders stay in power, and guaranteeing their profits and all the contracts signed in times of war? It is not an easy equation for the Congolese Head of State to solve.

Moreover, since none of these countries is capable of dealing with opposition through means other than war or repression, the notion of power-sharing is foreign to them and the prospect of a national unity government in the DRC does not appeal. Each one is seeking to project its own model on the Congo – either the model of a liberation movement that comes to power with a new means of governance for the anti-Kabila alliance, or that of power derived from a previous liberation war, which draws its legitimacy from elections and suppresses or fights its opposition, as in Zimbabwe or Angola.

A strictly Congolese model that, for example, derives its roots and legitimacy from the gains of the sovereign national conference, and that the Congolese recognise as being the foundation of a

democratic process, has not even been contemplated. What all the countries involved want more than anything is to shape the Congo into a power in their own image, or even to make it into a satellite country, but certainly not to give the Congolese the power to choose their own political future.

### **C. WHAT IS THE LINK WITH THE TRUE CAUSES OF THE CRISIS?**

It would, nevertheless, be far too easy to say that the Congolese have absolutely no responsibility and thus deny them the opportunity for introspection. The victimising rhetoric of foreign aggression, and even the debate on national sovereignty need to be qualified by taking a second look at the history of the DRC since it gained independence on 30 June 1960. From the time when Patrice Lumumba was deposed and later assassinated, all Congolese leaders have either acceded to power or been kept in power thanks to the support of foreign countries.<sup>90[90]</sup>

Mobutu freely destabilised neighbours like Angola by backing UNITA, but always relied on mercenaries or foreign armies to ensure the stability of his regime. Kabila came to power thanks to a coalition of foreign armies, appointed a foreigner to be Chief of Staff of the army, and then waged war on his supporters with the assistance of foreign armies and mercenary groups from the Rwandan and Burundian opposition. Foreign armies also protect the regime of the new President.

The true original sin of the Dialogue lies in the fact that it attempts to mitigate the symptoms of the crisis by creating new institutions, without looking at the internal foundations: the breakdown of the State and the total destruction of the political, economic and social environment of the Congolese regions, which in the Kivus fostered the emergence of systematic discrimination against the

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<sup>89[89]</sup> ICG Interviews with Western diplomats, members of the Congolese government and governments from the region in Kinshasa, Harare, Kigali, September-October 2001.

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<sup>90[90]</sup> Cf. Appendix 2: Major Stages in the Independence of the Congo.

Rwandophone communities.<sup>91[91]</sup> The political configuration of the Kivus has become extremely complex, to such an extent that it is difficult to identify the points of entry of the violence.

Likewise, Ituri is experiencing a similar process of deterioration of authority and social fragmentation. This process took a dramatic turn for the worse with the conflicts between Hema and Lendu, which were fuelled by the interests of local businessmen and UDPF officers and the arrival of mercenary militias who rent themselves out to businessmen, a situation not unlike that in Somalia. It is worth noting that to date, the murder of six ICRC employees has gone unpunished.

The Dialogue does not address these concerns. Power-sharing in Kinshasa among the various parties involved in this Dialogue cannot resolve the inter-community problems. The divided and unanimous desire to resolve the issue of disarming the negative forces can only emerge out of a process of reconciliation, starting with a [dialogue](#) between the Kivu communities.<sup>92[92]</sup> Without the cooperation of the Mai Mai forces in disarming these negative elements, it is questionable whether this process will be operational. Moreover, border provinces that are reconciled and on friendly terms with Rwanda are the best guarantee for the long-term security of Rwanda.

A new political leadership that can bring about true economic and social reconstruction of the country in cooperation with the international community, can only emerge from a process that allows the reconciled Congolese people, especially in the eastern part of the country, to choose its own representatives, without any interference from the foreign forces currently present in the DRC.

## V. CONCLUSION

There will not be any miracles in South Africa. There are still too many stumbling blocks hindering the peace process, including the central issue of the disarmament of the armed factions. However, maintaining the status quo is also unacceptable because this would inevitably lead to greater fragmentation of the government and the militarisation and criminalisation of the Congolese regions.

*The obligation to provide credible evidence of the desire for reconciliation*

The Inter-Congolese Dialogue should be the founding act of the process of reconciliation and direct political negotiation between the belligerents and the non-belligerents, both in terms of power-sharing, and in terms of the political agenda that needs to be implemented in order to prompt the progressive withdrawal of foreign forces and the neutralisation of armed groups. In order for the DRC to regain its sovereignty, the political forces must re-establish a political order that is sufficiently appealing to them and satisfactory to the foreign parties to the conflict.

Concretely speaking, this means that none of the parties should be the victim of discrimination by another party, nor should they work in isolation of the others. It also means that certain principles must be reaffirmed as being non-negotiable, such as Congolese nationality of the Rwandan-speaking communities that have been living in the country since 1960 (communities of Congolese origin such as the Banyamulenge in South-Kivu and the Banyarwanda in Rutshuru, which was populated even before the 1885 Berlin conference; and populations from Rwanda transplanted in the Congo by the Belgian immigration mission in 1920 and 1924, who worked for Zaire), and the creation of a national army without ethnic units. Application and implementation must be the subject of rigorous, flexible and realistic negotiations, coupled with specific and credible deadlines.

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<sup>91[91]</sup> Cf. Appendix 3: The Origins of Ethnic Discrimination in the Kivus (an overview).

<sup>92[92]</sup> Cf. *Observatoire de l'Afrique centrale*, "Inter-Congolese Dialogue: a Difficult Process with an Uncertain Outcome", Vol. 4, No. 11, [www.obsac.com](http://www.obsac.com)

*The need to initiate a process of well-defined deadlines*

This also means that the end of the hostilities must take effect throughout the entire country and that all the belligerents must participate in, and support the disarmament of the “negative forces,” in accordance with the commitments made under the Lusaka Agreements. Given the state of the relations among the warring parties and the renewed fighting in South-Kivu, it is clear that sufficient time must be set aside for the negotiations in order to reach the necessary compromises and to make progress on the two processes that if blocked, will cripple the success of the Inter-Congolese Dialogue, i.e.: the disarmament and withdrawal of foreign troops. The Dialogue cannot stretch out over several years, but it is important to emphasise that no one expects the Congolese to solve all the political problems in their country and the region in 45 days.

The objectives of this Dialogue are twofold: technical and political. On the technical side, the transition constitution, post-transition constitutional principles, details of the electoral process, the administrative reconstruction of the government, and army reform must be examined taking into account the prevailing situation in the country. The risk of creating divisions necessarily prohibits the immediate implementation of federalism during the transition. However, this institutional principle supported by the vast majority of the Congolese can without a doubt be adopted as a fundamental principle of a post-transition democratic renewal.

The work of the various committees can be ratified during a final plenary session, leading to the establishment of a transition government, and the definition of a specific deadline for national elections held throughout the country under United Nations supervision. The transition plan should be reduced to a minimum: jumpstarting the economy and re-establishing basic social services by means of a controlled injection of foreign aid; drafting a new constitution in accordance with the principles set forth during the Dialogue; ratifying this constitution through a referendum, followed by local, parliamentary and national elections.

Finally, the debate on representation quotas must be settled rapidly and definitively. The arguments over Mai Mai representation revealed that it was being manipulated on all sides and could not be dealt with in an unbiased way in terms of creating a new contingent or inclusion in existing contingents. None of the current contingents of the Dialogue can represent the Mai Mai in a credible fashion, and the creation of an additional contingent is also risky. It would only give rise to jealousy and exacerbate the conflict locally, since those who were excluded from the delegations would use violence to demand that they be allowed to participate. Opportunists could spontaneously appear and claim to be the spokespersons of the Mai Mai, while the true village chiefs remain in hiding in the Kivu forests.

The Mai Mai issue and the more general issue of reconciliation in the Kivus must be addressed within the framework of a “Special Kivu” sub-committee under the reconciliation committees. The objective of this sub-committee would be to identify the true Mai Mai negotiating partners and to organise a meeting of a regional conference on the Kivu, the results of which could be endorsed during the final plenary meeting of the Dialogue, in the presence of all the delegates (see above). A “Special Ituri” sub-committee is also desirable.

The issue of RCD-ML representation is relatively simple. Despite the fact that it enjoyed political recognition during the meeting of the Joint Military Commission in Kigali on 15 September and during the Nairobi follow-up committee meeting two weeks later, the RCD-ML is still a faction of the RCD and cannot claim to have full representation like the other contingents. It is up to the parties to grant this movement enough representation so that it will participate in the work of the committees (ten or fifteen delegates, for example), but in decision-making terms, it would be up to the RCD-Goma and the RCD-ML to reach a consensus on a common position.<sup>93[93]</sup>

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<sup>93[93]</sup> Since Mbusa Nyamwisi boycotted the Addis Ababa meeting, the resolutions adopted by the other contingents concerning the issue of his representation after the departure of the government seem to be difficult to accept.

*On the national level: Neither CNS, nor Arusha, the need for effective political mediation*

On the political side, negotiations on power-sharing should be undertaken immediately, as well as discrete mediation to this effect by the team of facilitators. Each contingent should obtain an agreement on its allotment of posts in the new transition institutions and will then distribute the allotted positions among its own members.

It is crucial to organise some form of shuttle diplomacy between the meetings, so as to avoid deadlock. In order to arbitrate some of the discussions and be able to propose alternatives, if necessary, by using all his moral authority, the facilitator must have thorough political knowledge of the dossiers. This type of attitude and expertise will be imperative for the success of the Inter-Congolese Dialogue.

The Dialogue must avoid at all costs the pitfalls of the Sovereign National Conference (CNS) or the Burundi peace negotiations in Arusha. It should not give way to endless debates, driven by the political manipulations of the various contingents (CNS). It also cannot be a slave to the rule of consensus, which results in repetitive meetings that are far removed from the Congolese reality, and where the contingents will challenge the commitments made by the committees every time they return to their respective bastions (Arusha).

At the same time, offices for the facilitator teams should be opened in the major cities of the country in order to inform the population of how the negotiations are evolving, and to avoid the propagation of counter-productive rumours. This communications policy should be backed by the production of radio and television programmes that could be rebroadcast on national and regional stations.

*On the local level: the crucial need to organise a regional conference on reconciliation in the Kivus*

In addition, some of the committees, such as the reconciliation committees and the society and culture committees should be mobile. They need to be available to listen to the Congolese people and to hear their grievances firsthand. Hearings should be organised in some of the major cities of the country, and especially in the Kivus, Ituri and in the eastern provinces - areas that have been particularly traumatised by the war. This "truth and reconciliation" process will help purge the abscess of mutual resentment and humiliation suffered during the conflicts, by facilitating the rebuilding of a social contract in the Congo and fostering the will to live together.

In the current context, a reconciliation process specific to the Kivus needs to be simultaneously implemented in the framework of the Dialogue, in order to help disarm the armed factions and to prepare a meeting of a regional conference on reconciliation. The following process, if it is well managed and negotiated and led by a "Special Kivu" sub-committee under the reconciliation committees, would help pave the way for a preliminary solution. The agenda should be as follows:

1. Identify local leaders (true representatives of the people) devoted to peace and reconciliation in the two Kivu provinces: Mai Mai, traditional leaders, businesspersons, civil society, religious leaders, etc.
2. Rapidly organise an ethnic reconciliation dialogue between the Bashi, the Nande, the Bembe, the Fulero, the Balega and the Bavira on one side, and the Banyamulenge and the Banyarwanda on the other side. This reconciliation process would have a double impact. First, it would allow for the re-establishment of peaceful co-existence among these ethnic communities by setting up permanent mechanisms for conflict prevention and resolution. Second, it would directly contribute to severing the alliances with negative forces in the field. From that point, it would be possible to disarm, or at least neutralise, these forces and to disarm foreign troops. A "Special Ituri" sub-committee should also be set up based on the

same format, with the goal of facilitating reconciliation between the Hema and Lendu communities.

*On the regional level: preparing an international conference on peace, security and development in the Great Lakes*

The Inter-Congolese Dialogue should not only result in the establishment of a political agreement based on a formula and a transition calendar concluding with elections that allow for the implementation of a new democratic political order. The Dialogue should also prepare the way for an international conference on the Great Lakes region, during which a regional non-aggression pact would be signed, as well as an agreement on the circulation of goods and people, and an agreement on the status of contracts signed during the war. In this respect, the work of the committees on security, rebuilding the army, and humanitarian/development issues is just as important as advancing the process of disarmament and withdrawal.

A credible and flexible process for rebuilding the national army that establishes stages which are manageable and politically acceptable to all is vital to building trust between the Congolese belligerents, and between the future army and the Congo's neighbours. Likewise, the humanitarian and development committees cannot simply draw up a list of needs and the funding required to begin economic and social reconstruction of the country. It must also offer plausible prospects for regional development.

It is therefore essential that these committees, just like the committees on army reform and security, prepare an agenda for the transition government and establish the guidelines for an international conference on peace, security and development in the Great Lakes. This could be organised at the end of the transition period between a national union government in the Congo and the neighbouring countries in order to clarify the foundations of Congolese renaissance, since the Congo would be free from the threat and the ambitions of its neighbours but able to contribute to their security and lasting development.

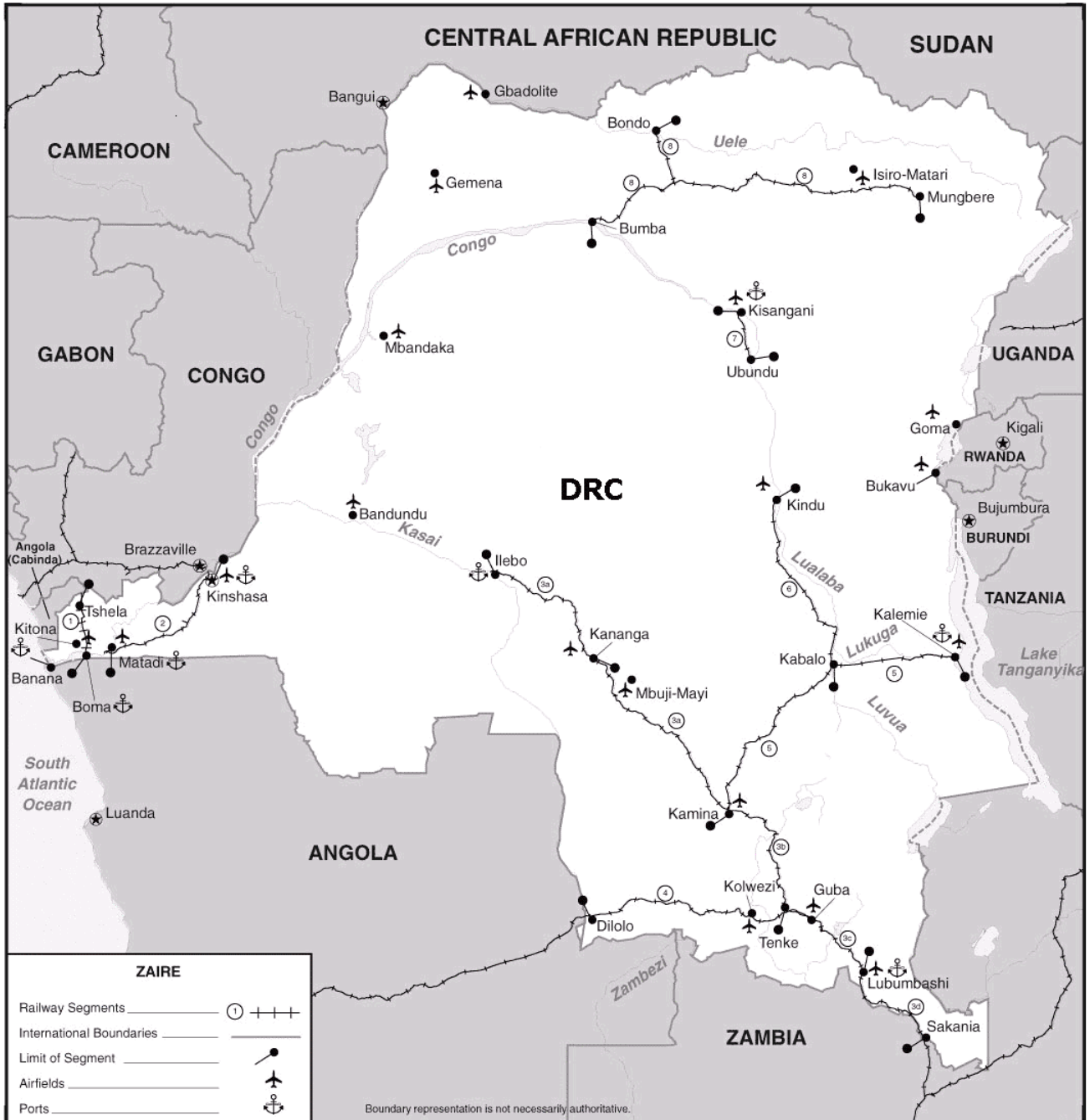
All of these elements would certainly make for a heavy agenda for the Inter-Congolese Dialogue. However, this is undoubtedly what it will take to resolve such a complex crisis. Resolving the crisis will require time, patience, professionalism and unfailing political support from the international community. The foreign belligerents must clearly understand that the savage occupation and exploitation of Congo's resources will no longer be tolerated, at the risk of jeopardising the bilateral aid and the political and diplomatic support they each receive. In order to convey this message, it is high time that the United Nations Secretary-General become personally involved in coordinating the various aspects of the Lusaka Agreements, and more specifically, in the negotiations on disarmament. Merely facilitating dialogue will not put an end to the conflict.

**Brussels/Nairobi/Kinshasa, 16 November 2001**



## APPENDIX A

### MAP OF THE DEMOCRATIC REPUBLIC OF CONGO



Source: Reliefweb

## APPENDIX B

### ACRONYM LIST

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**AFDL:** Alliance of Democratic Forces for the Liberation of the Congo. A rebel movement that Rwanda and Uganda launched against Mobutu Sese Seko in October 1996 under the leadership of Laurent-Désiré Kabila.

**ALiR:** Rwandan Liberation Army

**CODEP:** Collective of Pluralist Democratic Opposition. Pro-government Congolese political platform led by Raymond Tshibanda.

**CPP:** People's Power Committees. Political mobilisation structures of Korean inspiration created by Laurent-Désiré Kabila.

**DCF:** Federalist Christian Democracy. Congolese political party of Venant Tshipasa.

**FAC:** Congolese Armed Forces.

**FAR:** Rwandan Armed Forces (former army of Juvénal Habyarimana).

**FAZ:** Zairian Armed Forces (former army of Mobutu Sese Seko).

**FLC:** Congo Liberation Front. Political movement that was supposed to bring together the various rebel factions under the patronage of Uganda (MLC, RCD-ML, RCD-National).

**FONUS:** Innovative Forces for Union and Solidarity. Congolese political movement headed by Joseph Olenghahkoy (RCD-Kisangani).

**FSD:** Front for the Survival of Democracy. Pro-government Congolese political movement led by Eugène Diomi Ndongala.

**HCR-PT:** High Commission of the Transition Republic-Parliament. Legislative body put into place by Mobutu after the Sovereign National Conference of 1992-1994.

**MSDD:** Solidarity Movement for Democracy and Development. Congolese political party led by Christophe Lutundula.

**MCL:** Congo Liberation Movement. Rebel movement launched in August 1998 under the patronage of Uganda and led by Jean-Pierre Bemba.

**MNC-Lumumba:** Congolese-Lumumba National Movement. Lumumbist party headed by François Lumumba.

**MPR-fait privé:** Peoples Movement for the Revolution-*Fait privé*. \*\*\*see earlier note Legacy of the pro-Mobutu party led by Catherine Nzuzi wa Bombo.

**PALU:** United Lumumbist Party. Congolese political party led by Antoine Gizenga.

**PDSC:** Christian Social Democrat Party. Congolese political party led by André Boboliko.

**RCD:** Congolese Alliance for Democracy. Rebel movement launched in August 1998 under the patronage of Rwanda to overthrow Laurent-Désiré Kabila.

**RCD-Goma:** Congolese Alliance for Democracy-Goma. Faction of the rebel RCD movement based in Goma and led by Adolphe Onusumba, under Rwandan patronage.

**RCD-Kisangani:** Congolese Alliance for Democracy-Kisangani. Faction of the rebel RCD movement formerly based in Kisangani and led by Prof. Wamba dia Wamba. Currently on the verge of disappearing.

**RCD-ML:** Congolese Alliance for Democracy-ML. Faction of the rebel RCD movement headed by Mbusa Nyamwisi and based in Isiro under Ugandan patronage.

**ROC:** Congolese Opposition Rally. Pro-government political platform led by Z'ahidi Ngoma.

**ROM:** Moderate Opposition Rally. Congolese pro-government political platform led by Patrice Aimé Sesanga.

**RPA:** Rwanda Patriotic Army.

**RPF:** Rwandan Patriotic Front

**UDPS:** Union for Democracy and Social Progress. Congolese political party led by Etienne Tshisekedi.

**UNAFEC:** Congolese Union of Nationalists/Federalists. Pro-government political platform led by Honorius Kisamba-Ngoy.

**UNITA:** Union for the Total Independence of Angola. Rebel movement led by Jonas Savimbi.

**UPDF:** Uganda People's Defence Force. (Yoweri Kaguta Museveni's Ugandan army)

**FRUONAR:** United Front of the Non-Armed Opposition. Platform of the government opposition based in Kivu and led by Rwakabuba Shinga.

## APPENDIX C

### MAJOR STAGES IN THE INDEPENDENCE OF CONGO

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In short, the stormy history of the Congo can be summarised in four main stages. The first stage was from 30 June, 1960 to 24 November, 1965 and was characterised by major political instability due to external interference. Two weeks after it officially granted independence to the Congo, Belgium supported the Katanga secession. In the ensuing ideological war in the region between the USA and the USSR, the new Prime Minister, Patrice Lumumba, was accused of being a communist and murdered in 1961 on the decision of Belgium and the U.S.

Starting in 1962, an autonomous movement took hold of the country and was known as the “provincette” period. The UN peacekeeping mission designed to restore order had no impact on the political situation of the country. In 1964, Lumumba supporters started a “Mulelist” rebellion in response to his assassination. In a short amount of time this movement took hold of a large portion of the country, especially the eastern province, the Bandundu and the Kivus (South, North and Maniema).

The second period began when Mobutu came to power with the help of Western nations in 1965, and came to a close at the end of the 70s. Despite its ferocious dictatorial nature and widespread corruption, the Mobutu regime managed to stamp out the secessionist ambitions of Katanga, to neutralise the Mulelist rebellion and to rebuild a strong central government. In other words, there was a certain level of political and social cohesion that allowed the essential institutions of a country to function. However, the issue of sovereignty still lingered, albeit in different terms than during the first period.

The third period began in the early 80s and went on until May 1997. The main characteristics of this period include the progressive weakening of the central government, followed by the complete collapse of the State. This long period was marked

by a massive economic crisis brought on by a slump in the price of raw materials, especially copper, which accounted for approximately 60% of government revenues. As a result, the Mobutist regime suffered greatly, since its influence was based on the redistribution of this mineral “manna” to its supporters.

In addition, the end of the Cold War also brought to a close the international political and strategic influence of the Congo and Maréchal Mobutu in the fight against communist expansion in Africa. Mobutu had supported pro-Western rebel movements against all his Marxist neighbours in the region. From 1975 to 1997, he wholeheartedly backed UNITA, an Angolan rebel movement. Similarly, he constantly intervened in the internal affairs of Burundi, Uganda and Rwanda.

Faced with popular demonstrations and pressure, he was forced to open up the country to a multi-party system in April 1990. He also had to accept a sovereign national conference one year later, which, although it did not make good on all its promises, destroyed the remnants of the MPR regime.

The fourth period began with the first war launched by the Banyamulenge in September 1996, which was later picked up and led by a regional coalition comprising Rwanda, Uganda, Angola and Burundi. In May 1997, the Mobutu regime fell and Laurent-Désiré Kabila, leader of the AFDL, was put into power in Kinshasa by this coalition and, by virtue of this fact, inherited a non-State. He appointed James Kabarebe as army chief of staff.

The Congolese people had high hopes that the new regime would rebuild the country that lay in ruins after thirty years of Mobutism. However, the political incompetence of the Kabila system was quite evident: complete refusal to involve other

persons in managing government affairs, the personalisation and concentration of power and the lack of consistent diplomatic efforts. And very quickly, barely a year after being in power, the

differences of opinion between the new man in Kinshasa and his Rwandan and Ugandan backers came to light. There was an immediate and abrupt divorce, which led to the current crisis.

## APPENDIX D

### THE ORIGINS OF ETHNIC DISCRIMINATION IN THE KIVUS (AN OVERVIEW)

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The consequences of the breakdown of the State were especially serious in the Kivus. The Mulélist rebellion in South Kivu had already pitted the government-allied Banyamulenge against their fellow citizens (and neighbours), the Babembe, Bafulero, Bavira and the Barega. After the conflict, former rebels from the latter four ethnic groups became government officials on both the local and the national level and sought to take revenge on the Banyamulenge by contesting their nationality. Following this autonomous movement in 1962, a war called Kanyarwanda in North Kivu pitted the Banyarwanda from Masisi and Goma against the Nande, the Nyanga and the Hunde.

Towards the end of his reign, as Mobutu struggled to hold onto power, he did not hesitate to revive these old rivalries in order to divide the political opposition along ethnic lines. In the two Kivu provinces, which were exposed to the contagious nature of the ethnic conflicts in neighbouring countries, a populist political class emerged that made the minority Banyamulenge and the Banyarwanda the scapegoats for all the problems in the Congo. The outbreak of the RPF war in Rwanda in 1990, coupled with the enlistment of a large number of young Congolese Tutsis from North Kivu, and to a lesser extent, the Banyamulenge from South Kivu, gave the political activist more than one excuse to orchestrate a hate campaign against these two ethnic groups.

The Habyarimana government's political interference in North Kivu began after the 1993 massacre in Masiri. On the one hand, Kigali fuelled the divisions between Congolese Banyarwanda Hutus and Tutsis and on the other hand, the Congolese political and administrative authorities led an effective campaign of discrimination against the Tutsis. With the massive arrival of Burundian and Rwandan refugees in the Kivus in 1994, surrounded by *Interahamwe* militias, ex-FAR and the FDD, and politically supported by the Mobutu regime, neighbouring

Congo became a serious security threat for Burundi, Rwanda and Uganda.

At the same time, the Kinshasa government, which was extremely weak and was manipulated by extremist politicians from the eastern part of the country, adopted laws that left only two choices for the minorities: exile or extermination. The HCR-PT resolution based on the conclusions of the famous report written by Vangu, currently Joseph Kabila's diplomatic advisor, also ordered the Banyamulenge either to leave the Congo by 31 December 1995 at the latest, or to suffer the consequences. Rwanda and Burundi, whose security was being threatened by the *genocidaire* militias controlling the refugee camps, took advantage of the political opportunity provided by the Banyamulenge resistance in order to justify their military intervention in the DRC and to drive out and destroy the *Interahamwe*, the ex-FAR and the FDD who had set up camp along the Burundian-Rwandan-Congolese border.

The first war (1996-1997) was triggered in September 1996 in South Kivu and ended in May 1997 when Mobutu was overthrown and replaced by Laurent-Désiré Kabila. Militarily and politically, the two objectives of the war had been attained: protecting the Banyamulenge from expulsion (or extermination) and the dismantling (but not the neutralisation) of the camps where the negative forces were residing.

In an attempt to free himself from his Ugandan and Rwandan backers and to build an easy political base, Laurent-Désiré Kabila first decided to replace the FAC chief of staff, James Kabarebe, a Rwandan, with a Congolese – his brother-in-law, Célestin Kifwa. This change of attitude confirmed by the expulsion of the Rwandan troops from Kinshasa in July 1998 led to the severing of ties between Kabila and his former supporters, and the outbreak of the second war on 2 August 1998. However, this second military adventure in the Congo, which was perceived as a preventive and punitive action, got bogged down when the

Angolan and Zimbabwean troops became involved.

The two problems that had seemingly been resolved during the first war resurfaced. The Banyamulenge and the other Congolese Tutsis became the Kabila regime's targets of choice and the scapegoats throughout the whole country. A hate campaign was launched by Kabila and some of his Ministers such as Abdoulaye Yerodia, who is currently wanted by the Belgian police for crimes against humanity.

At the beginning of the war, summary massacres and executions of members of these two groups were organised in the larger cities of the country (Kinshasa, Lubumbashi, Mbuji-Mayi, Kisangani, Kalemie, etc.) under government supervision. This was followed by the assassination of FAC officers in Bukavu and massacres of the Makobola and the Kasika by the RPA and the RCD. Kabila rearmed, organised and integrated the *Interahamwe*, the ex-FAR and the FDD into the Congolese army (FAC). In so doing, his goal was twofold: to recapture the East and to overthrow (or at least weaken) the governments in Bujumbura and Kigali.

## APPENDIX E

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an international private organisation whose aim is to improve the international response to political and humanitarian crises. The ICG approach is based on a unique combination of field analysis and advocacy efforts at the highest international level.

Teams of analysts are sent to different at-risk countries, where they are responsible for gathering and matching different sources of information, assessing the situation and writing thorough, analytical reports that contain a series of practical recommendations for international decision-makers.

The members of the International Crisis Group's Board of Directors, who all have a background in politics, diplomacy or business, are committed to promoting relations between the ICG and their governments. The general public can also find information about ICG projects on the Web site: [www.crisisweb.org](http://www.crisisweb.org). The ICG Board of Directors is headed by Martti Ahtisaari, former president of Finland. Gareth Evans, Minister of Foreign Affairs in Australia for eight years, has been the President and Chief Executive since January 2000.

The ICG is currently working in crisis regions on four continents: Algeria, the Democratic Republic of Congo, Burundi, Rwanda, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tadjikistan and Uzbekistan in Asia; Bosnia-Herzegovina, Albania, Macedonia, Kosovo, Montenegro and Serbia in Europe; and Colombia in Latin America. The ICG has its headquarters in Brussels and liaison offices in Washington DC, New York and Paris.

The organisation receives funding from foundations and private donors. The following governments also contribute funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, Norway, the Netherlands, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Private donors include: the Ansary Foundation, Carnegie Corporation of New York, the Ploughshares Fund, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Sasakawa Peace Foundation and the Open Society Institute.

November 2001



## APPENDIX F

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(available on the ICG Web site at: [www.crisisweb.org](http://www.crisisweb.org))

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