CONGO CRISIS:

MILITARY INTERVENTION IN ITURI

13 June 2003

ICG Africa Report N°64
Nairobi/New York/Brussels, 13 June 2003

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The district of Ituri, in Oriental Province of the Democratic Republic of Congo, has been the theatre of spiralling violence bordering on genocide that urgently needs to be stopped. A French-led Interim Emergency Multinational Force (IEMF) is being deployed to restore peace and order in the administrative centre – Bunia – and facilitate humanitarian relief. However, this intervention, authorised by UN Security Council Resolution 1484 of 30 May 2003, is on the face of it totally insufficient.

Only a more forceful and geographically more extensive UN intervention maintained for much longer than IEMF is envisaged can lead to sustainable peace. It must have the physical capability and political backing to use its Chapter VII mandate robustly against some degree of potential armed opposition and be geared towards restoration of Congolese state sovereignty. The UN intervention must also be supported by sustained international pressure on the conflict's regional actors and their proxies to support pacification and finalise negotiations toward establishment of a legitimate transitional Congo government. Anything less is likely to leave the Congo divided, insecure, and a source of further instability throughout Central Africa.

Indeed, Ituri pacification should provide a formula for the wider, directly linked task of pacifying the entire eastern Congo, notably the Kivus, where the conflict's toll has been even higher and which have been at the heart of the region's wars in the past decade. A local consultative process, sidelining criminal warlords and supported by a multinational force with the backing described above could also be used to disarm and demobilise the Hutu armed groups and pacify the Kivus. But the international community must first prove that it can succeed in Ituri, where the conflict is the outcome of intertwined confrontations:

- The Hema and Lendu communities are both the central actors and victims of ethnic strife over communal access to land, mineral resources and local power.
- Hema and Lendu politicians and businessmen turned warlords have, since 1999, found willing Ugandan supporters to carry on their destructive activities. Initially limited to one territory – Djugu – and a land dispute, the conflict has spread and is fuelled by a continuous flow of small arms, increasing dramatically deaths – estimated at 50,000 – and displaced civilians – approximately half a million – since 1999.
- Uganda, Rwanda and Kinshasa are waging a proxy war in Ituri.

The settlement of the Ituri conflict is intended to take place within the framework of the Luanda Agreement of 6 September 2002 between the Ugandan and DRC governments, in which Kinshasa traded withdrawal of Ugandan troops against establishment of a joint security mechanism at the common border and the holding of an Ituri Pacification Commission (IPC) to which Uganda would be party. Uganda sought to perpetuate its political influence in Ituri while exploiting the natural resources of a district that contains the world's largest gold reserves. The agreement also sealed a new alliance between

Angola, the DRC and Uganda. Through the IPC, Kinshasa hoped to consolidate its presence in North-Eastern Congo and, with Uganda, block Rwanda's influence in Orientale Province.

Should the IPC, supported by the UN Mission in the Congo (MONUC) succeed, Rwanda knows international pressure would mount for the Kivus, where it has long been active, to be next. While Rwanda and its ally, the RCD-Goma, risked losing ground in the Congo peace process, another armed group, its local proxy, the UPC, which gained control of Bunia in August 2002, stood to lose all influence in Ituri if the IPC took place. Its leader, Thomas Lubanga, opposed its holding until he was removed from Bunia by Uganda, which recaptured the town and flushed out all Rwandan presence from the district on 6 March 2003. By mid-April, the IPC was finally organised under MONUC patronage. A civilian Ituri Interim Administration (IIA) was elected by 32 participating delegations. MONUC promised to fill the security vacuum left by Uganda's withdrawal and support IIA implementation of an agreement for all militias to canton and disarm their troops and form a joint police force.

The UN, however, dramatically failed. The town was thrown into chaos by two weeks of fighting between Lendu and Hema, and ethnic cleansing occurred next to the UN compound. The UPC retook Bunia on 12 May and is intimidating and threatening the IIA, the only legitimate authority elected to run Ituri until the government of transition can take over.

Ituri's pacification remains highly uncertain. The IEMF is conceived only as a stopgap, to hold the line until additional MONUC troops are deployed in September. Yet, if it does not urgently demilitarise Bunia, it is likely to be caught in a crossfire of accusations from all militias that almost certainly will lead to conflict. If MONUC cannot deploy outside the town and lacks a robust mandate to support the cantonment and disarmament of the militias and protect civilians in rural areas, Ituri pacification will be stillborn, and acts of genocide could be committed within a few kilometres of Bunia while peacekeepers watch helplessly.

RECOMMENDATIONS:

With Regard to North-Eastern Congo (Ituri)

To the French Command of the IEMF:

1. State clearly its intention to negotiate the full demilitarisation of Bunia with the armed groups, in support of the Ituri Interim Administration (IIA) elected by the Ituri Pacification Commission on 14 April 2003.
2. Refrain from meeting and engaging with any militias individually or in the absence of both MONUC and the IIA.
3. Immediately shut down Radio Candip, which has been used by the UPC to spread hate propaganda in Bunia.
4. Inform the militias that any hostility expressed towards international humanitarian agencies, MONUC personnel, IIA personnel or any civilians residing within the perimeter subject to demilitarisation will be met by the appropriate use of force.

To MONUC:

5. Plan immediately and deliver as quickly as feasible the necessary support for the cantonment of the armed groups 15 km outside Bunia and away from any major access road to Bunia, support, together with the IEMF and the IIA, the negotiations for their operational disarmament, demobilisation, reintegration, repatriation and rehabilitation (DR), and supply no food to them without DR.
6. Post immediately M. Behrooz Sadry, the Deputy Special Representative of the UN Secretary General, former chairman of the Ituri Pacification Commission and overall President of the Ituri Interim Administration, to Bunia for at least six months, to accompany the pacification process and support his Congolese counterparts in the interim administration in the negotiations for cantonment of the armed groups and DR.
7. Set-up radio Okapi in Ituri immediately to counter rumours and inform internally displaced persons (IDPs) of the situation in Bunia and the help they are likely to receive.
8. Plan at once to train a new Congolese police force for Bunia as it has done in Kisangani.

To the UN Security Council:

9. Be prepared to review the resources of the IEMF and to authorise their appropriate reinforcement should they prove inadequate for any of the above tasks, including the prospect of having to make good on a threat to disarm forcibly fighters who refuse to disarm voluntarily.

10. Authorise a revised and more robust mandate for MONUC in order to support the pacification of Ituri (North-Eastern Congo), including the following:

    (a) complete and sustained demilitarisation of Bunia in order to continue support for the Ituri Interim Administration in its negotiation for the cantonment and DR of all militias;

    (b) planning for deployment of peacekeepers, respectively in Aru, Mongwalu and Irumu, to support humanitarian access to IDPs and the work of the IIA for the same negotiations in the rural areas as in Bunia, such planning to include determination of how many troops would be necessary in each location, and what would be required for adequate logistical support and, in the event of serious difficulties, for their protection; and

    (c) deployment of MILOBS teams, supported as necessary by armed peacekeepers, at border posts, strategic routes, airstrips and other lakeside points of entry in order to deter, monitor, and report on small arms flows and to make such seizures as they can in order at least to contain the problem.

11. Appoint an international commission of inquiry on war crimes, crimes against humanity and acts of genocide committed in Ituri since June 1999, that in turn should:

    (a) deploy immediately to Bunia to work with the conflict prevention and verification commission of the Ituri Implementation Administration and the MONUC human rights department; and

    (b) recommend a procedure for handling particularly serious crimes committed since June 1999, whether by a Congolese court, an international court, or a special court adapted to the particular situation, including the possibility that those committed after 1 July 2002 might be taken up by the International Criminal Court (ICC).

To the members of the International follow-up committee of the transition in Kinshasa (U.S., UK, France, Belgium, South Africa and Angola):

12. Keep strong international pressure on the governments of Rwanda, Uganda, and DRCongo, and warn them that:

    (a) all supplies of weapons and ammunitions to their respective proxies in Ituri must immediately be stopped;

    (b) they will be held responsible if their respective proxies threaten the presence or undermine the joint work of MONUC, the IEMF and the IIA in Ituri;

    (c) their respective proxies must immediately abide by their commitment to the demilitarisation of Bunia and to negotiate the cantonment and DR of their troops jointly with the IIA, the IEMF and MONUC;

    (d) They should immediately withdraw their own military personnel from Ituri;

    (e) they and their respective proxies should make the necessary compromises to finalise the last leg of the power-sharing negotiations so that there is a government of transition in the DRC before the end of August 2003; and

    (f) Unless proof is given that clear action is being taken on the above matters, they will review critically all support currently being given to the recalcitrant government.

To the governments of Uganda, Rwanda and the DRC, the RCD-Goma, the RCD-ML, the MLC, and the RCD-National:

13. Stop all supplies of weapons and ammunitions to their respective proxies and allies in Ituri and immediately withdraw all military personnel from the district.

14. Make the necessary compromise to finalise the negotiations on the creation of a new Congolese army and establish a government of transition before the end of August 2003.

15. Pressure their respective proxies and allies in Ituri to work together with the IEMF, MONUC,

and the IIA for the complete demilitarisation of Bunia, the cantonment of all militias, the distribution of relief food and medical care to the IDPs and the immediate ending of all fighting.

To PUSIC, FNI/FRPI, FAPC, FDPC, UPC, RCD-ML, and other Ituri militias:

16. Cooperate with the IEMF and the IIA to proceed with the full demilitarisation of Bunia and the cantonment of troops at least 15 km outside Bunia, and allow the free movements of civilian populations on all access roads leading to Bunia for the safe distribution of relief food and medical care.

17. Abide by all commitments made in the 18 March 2003 ceasefire agreement and in the 16 May 2003 Dar-es-Salaam agreement to support the Ituri pacification process and immediately end all fighting.

With regard to Eastern Congo (The Kivus)

To MONUC:

18. Take the initiative, once a government of transition is formed in Kinshasa, to propose organisation of a Kivu Pacification Commission, involving the government of transition (with the current government, RCD-ML and RCD-Goma representatives included), the different Mai Mai leaders, civil society representatives, traditional leaders and all other armed groups such as the militia led by the current north-Kivu governor Eugene Serufuli, who is not party to the Pretoria agreement, to establish a roadmap for the sustained pacification of the Kivus.

19. Develop a realistic plan for what would be required to deploy a well armed military contingent in the Kivus to support DR operations with respect to the Hutu armed groups, protect at least significant concentrations of civilian populations, and patrol the Rwanda-Kivu border sufficiently to deter infiltration from the armed groups into Rwanda.

To the UN Security Council:

20. If the situation warrants, pass a resolution authorising such action and ensuring the necessary resources are made available.

To the UN Secretary General:

21. Appoint a regional Special Envoy to negotiate both with the armed groups and the Government of Rwanda the modalities and operational framework for DR.

To the governments of the U.S., UK, France, Belgium, and South Africa:

22. Keep strong international pressure on the governments of Rwanda, Uganda, and DRCongo, and warn them that:

    (a) All supplies of weapons and ammunitions to their respective proxies in the Kivus must immediately be stopped;

    (b) they should immediately withdraw all military personnel from the Kivus; and

    (c) unless proof is given that clear action is being taken on the above recommendations, they would review critically all support currently being given to the recalcitrant government.

Nairobi/New York/Brussels, 13 June 2003

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I. INTRODUCTION

Several sets of vested interests are spreading oil on the fire in Ituri, to the administrative centre of which – Bunia – a weak and interim emergency multinational force (IEMF) is being deployed to restore peace and order and facilitate humanitarian relief. The district suffers from ethnic strife over communal access to land, mineral resources and local positions of power. The Hema and Lendu communities are both the central actors and victims of this tragedy. Secondly, Hema and Lendu politicians and businessmen turned warlords have, since 1999, found willing Ugandan and then Rwandan supporters to carry on with their destructive activities. Initially limited to one territory – Djugu – and to a land dispute, the conflict has now spread to almost all of the five territories of Ituri district (Djugu, Irumu, Mahagi, Aru, Mambasa) and has been fuelled by a continuous flow of small arms, increasing dramatically the number of deaths – estimated at 50,000 – and displaced civilians – approximately half a million – since 1999.

Uganda, Rwanda and the Kinshasa government are waging their own proxy war in Ituri. Since August 2002, Rwanda has been backing the Union of Congolese Patriots (UPC), a break-away movement from Kinshasa's ally in the region, the RCD-ML. Soon thereafter, Uganda, which had first engineered UPC's creation before it turned to Rwanda, supported a split from another faction within the UPC. Ituri could become a prelude to a third phase of the Congo war if the current stalemate over the last leg of negotiations for the beginning of the Congolese transition is not urgently solved.

Despite their official support for the IEMF, Rwanda and its Congolese proxies perceive the deployment of a French-dominated force in North-Eastern Congo with hostility, because of Paris's alignment with Kinshasa's interests and the possibility of covert military support and political gains that the peace-keeping operation could facilitate for the Congolese government. France was the first country to answer UN Secretary General Kofi Annan's call for a coalition of the willing to intervene in Ituri, and it is now in the process of deploying, together with Canadian, South African, Nigerian, Pakistani, German and probably British peace-keepers. The Ituri intervention is highly risky. The French do not want to get involved in a quagmire similar to the 1994 "Turquoise" operation in Rwanda and end-up being accused of protecting *génocidaires* as much as displaced civilians. This is why they conditioned their deployment on participation of other forces and limited their operation to the town of Bunia, until 1 September, under a chapter VII mandate of the UN Charter authorising the use of force when necessary.

The IEMF has only been conceived as a bridging facility, to hold the line for the deployment of additional regular MONUC troops in September 2003. Yet, if MONUC forces cannot deploy outside Bunia and do not also have a robust mandate to support the cantonment, and demilitarisation of the militias as well as protect civilians in the rural areas, the pacification of Ituri will remain stillborn. Only a sustained and strong UN intervention geared towards restoring Congolese State sovereignty can lead to a sustainable pacification of Ituri. Any lesser commitment is likely to be defeated by the vested interests involved in the conflict. The stakes are

higher, however, than just Ituri. The pacification of that district should provide a winning formula for the pacification of the Congo's entire east. That is what this report seeks to outline.

II. GRIEVANCES AND GREED: ORIGINS OF THE HEMA-LENDU CONFLICT

The Hema and Lendu communities reside mainly in the Djugu and Irumu territories of Ituri. More than ten other communities populate the three remaining territories (Mambasa, Aru, and Mahagi)[1] of a district estimated to have five million inhabitants. The Hema and Lendu occupy the most fertile and resource-rich highlands of the district. Djugu and Irumu were heavily exploited by the Belgian colonial administration that by the end of the nineteenth century had also discovered in Ituri the world's largest gold deposits. The colonisers sponsored a plantation-based economy run by settlers and developed the mining industry. This exploitation led to the displacement of populations, as well as alienation of land and grazing rights. Simultaneously, administrative control enforced according to divide and rule tactics, contributed to the social differentiation between communities based on ethnic stereotypes.[2]

As in Rwanda and Burundi, the nilotic and mainly pastoralist Hema were given priority in education by the Catholic missionaries and then employed to run the local administration and supervise the agriculturalist Lendu workforce on the plantations and in the mines. In Djugu, the northern Hema – the Wagegere – were integrated with the Lendu to the point of losing their mother tongue and adopting the Lendu's Sudanese language. Yet, because of colonisation, they found new opportunities to rebuild their ethnic identity and came progressively to monopolise almost all white collar and business positions left for Africans.

After independence, the Hema were not only more favourably positioned to takeover the plantations left by the Belgian settlers, but they also had the

[1] Alur, Babira, Balese, Bamboti, Bombo, Bandaka, Banyari, Kakwa, Kaliko, Lugbara, Mabendi, Ndo-Okebo. See RDC, Cabinet du gouverneur de la province de l'Ituri, "Pour une carte postale de la province de l'Ituri", mimeographed document, 2000.

[2] See Onesphore Sematumba, "Ituri: la guerre dans la guerre", Pole Institute, Goma, March 2003, www.pole-institute.org and Amnesty International, "DRC: On the precipice – the deepening human rights and humanitarian crisis in Ituri", AI Index: AFR 62/006/2003, March 2003.

intellectual, political and financial resources to manipulate Mobutu's state to their advantage and increase their economic domination over the two territories. Land-motivated local conflicts periodically emerged (1966, 1973, 1990, 1997) between Hema landholders and Lendu communities that felt disadvantaged and marginalised. These conflicts were either repressed or mediated before they could escalate into large-scale fighting, and the great majority of poor Hema were rarely involved.[3]

Land-based communal grievances and individual greed for power and resources are a colonial and post-colonial inheritance not uncommon elsewhere in the Congo and Africa generally. Although finding durable solutions to these sources of conflict will be essential to a sustained peace in Ituri, – notably through review of land acquisition procedures, restitution of stolen properties to rightful owners and establishment of an efficient community-based judicial system – land hunger by itself cannot explain the spiral of violence that exploded in mid-1999.

[3] Local human rights organisations report, for instance, that in Djugu territory, only 5 per cent of the Hema have ranches for cattle grazing, 10 per cent are shop-keepers and businessmen and 85 per cent are agriculturalists. 95 per cent of the Hema population in Djugu does not have any land problem with the Lendu. It is estimated that Irumu and Djugu territories are home to 150,000 Hema and 750,000 Lendus. See ASADHO, "Rapport sur le conflit inter-ethnique Hema-Lendu en territoire de Djugu dans la province orientale", mimeographed document, December 1999; Les Amis de Nelson Mandela pour la Défense des Droits de l'Homme, "Le conflit inter-ethnique Hema-Lendu dans l'Ituri : violations des Droits de l'Homme", Kisangani, mimeographed document, December 1999; Human Rights Watch, "Uganda in Eastern DRC: Fueling Political and Ethnic Strife", New York, 28 March 2001; and Amnesty International, "DRC : On the precipice", op. cit.

III. TRANSFORMATION OF THE CONFLICT – ORGANISED CHAOS TO GENOCIDE

The violence in Ituri has, since 1999, progressively spread to all territories of the district and virtually all its communities. Initially unleashed in Djugu, it rapidly spread to Irumu and finally reached Mahagi, Aru and Mambasa, with other communities creating their own ethnic militias and sometimes taking sides between the Hema and the Lendu militias. Over the past four years, one constant feature boosted the violence: Uganda's divide-and-rule tactics with its Congolese rebel proxies. For four years, every Congolese rebel in charge of Ituri was enthroned by Uganda, then replaced by another of its creatures. Wamba dia Wamba, Mbusa Nyamwisi, John Tibasiima, Jean-Pierre Bemba, Thomas Lubanga, Chief Kahwa, and others all briefly ruled Ituri as protegés of one or another Ugandan generals.

This is not to exonerate Congolese responsibility in the massacres. Most of the above-mentioned leaders could be convicted for crimes against humanity for involvement in what happened during their rule of Ituri. But Uganda continuously spread oil on the fire, trained and armed militias, sided with the Hema and manipulated rebel lieutenants to turn against their leaders. All this makes its officers accomplices to the acts of genocide that were committed. Similarly, Rwanda and Kinshasa's recent involvement, including heavy arming of Hema and Lendu militias, imply the same burden of responsibility.

The total collapse of administrative authority after the war began was never corrected by any of the rebel leaderships responsible for Ituri under Ugandan influence. Ituri was far from the main theatre of military operations where the rebel coalition allied to Rwanda and Uganda fought the alliance led by the then Congolese president, Laurent-Desiré Kabila. Situated on Uganda's doorstep, Ituri fell under direct Ugandan administration and into the hands of whomever Uganda imposed. The first wave of violence started in June 1999, when a Hema businessman with fake deeds attempted to evict Lendu families from land he claimed to have acquired. This sparked six months of continuous violence – a succession of attacks and reprisals,

resulting in destruction of villages and manhunts throughout Djugu.[4]

A worsening factor was the direct involvement of Ugandan military in the killings. Hema businessmen, fearing Lendu resistance to eviction from land they had grabbed, did the same as they had done under Mobutu: they bought protection from the army and police commanders. A local human rights NGO reported that between June 1999 and January 2000, nineteen attacks were carried out by the Lendu against the Hema, and between June 1999 and April 2000, 26 were carried out by Hema militias against Lendu villages. Of the latter, ten were conducted by joint Hema-UPDF units (Ugandan forces), fourteen by UPDF units alone and only two by Hema militias alone.[5] This first wave of violence led to the death of up to 7,000 civilians and created 150,000 internally displaced persons (IDPs).[6]

The quasi-official alliance of Ugandan officers with Hema politicians created deep suspicion among the Lendu. On 22 June 1999, General James Kazini elevated the district of Ituri to provincial status and appointed Adele Lotsove Mugisa, a Hema businesswoman and politician, as governor. The Lendu also occasionally found allies within the UPDF who supplied weapons and ammunitions. Colonel Peter Karim, an Alur officer married to a Lendu, is regularly identified as the main figure.

Uganda played both arsonist and fire fighter in Ituri. It constantly tried to settle the conflict by mediating between rebel leaders as well as Hema and Lendu community leaders, but simultaneously armed, trained, and sided with one or the other sides.[7] The chaos was a useful smokescreen for the unbridled exploitation of resources by Ugandan officers and justification of their continuous presence. As the UN panel on the illicit exploitation of natural resources and other sources of wealth in the Congo has extensively documented in three reports, Ugandan generals James Kazini and Salim Saleh and Colonels Noble Mayombo, Kahinda Otafiire, and Peter Karim have been extensively involved in exploiting gold and timber and trading coffee or papaïne while never paying taxes to Congolese authorities.

Lately the discovery of oil in Lake Albert and the beginning of exploration activities by the Canadian company, Heritage Oil, has created new tensions. Although it remains highly uncertain that Lake Albert's oil will ever be profitable, contracts have been signed between Ugandan officers and Congolese politicians, and fighting has spread to the area, displacing more thousands of civilians.[8]

The divide-and-rule tactics worked beyond expectations with Congolese leaders who proved to be small-time Mobutus. By September 1999, Bunia had become the power-base of the embattled Prof. Wamba dia Wamba, who had lost the leadership of the RCD four months before and had migrated to Kisangani and then to Kampala after the UPDF lost the town and could no longer guarantee his security. Wamba created the *RCD-Mouvement de Libération* (RCD-ML) from Kampala and appointed two of his men (Mbusa Nyamwisi, a Nande businessman in Beni, and John Tibasiima, a Hema politician, former chief executive of the gold producing OKIMO, in Bunia) to administer the North-Kivu and Orientale Province territories under Uganda's influence. Nyamwisi and Tibasiima quickly decided, however, to run North Kivu and Ituri and ignore Wamba. Permanent in-fighting within the RCD-ML marred the administration of the territories, which were abandoned totally to themselves.

Mbusa and Tibasiima tried three times in 2000 to unseat Wamba from the helm of the RCD-ML, thus generating permanent combat between their respective militias in Bunia. Both rebel leaders also recruited young men to create their owned armed groups. Nyamwisi had the UPDF train Lendu fighters together with his own Nande in Nyaleke, close to Beni, while Tibasiima did the same with young Hema in Rampwara, close to Bunia. Within months, both Hema and Lendu youths had deserted the Nyamwisi

[4] Ibid.
[5] Reports quoted in Human Rights Watch, "Uganda in Eastern DRC", op. cit.
[6] Ibid.
[7] In September 1999, there was even some shooting between two UPDF units that were supporting opposing Hema and Lendu militias.

[8] See Dominic Johnson, "Shifting Sands: Oil exploration in the Rift Valley and the Congo conflict", Pole Institute, Goma, March 2003, www.pole-institute.org and *Africa Confidential*, "Congo-K/Rwanda/Uganda: Proxy wars and Slaughter", Vol. 43, N°21, 25 October 2002.

and Tibasiima militias and taken their guns back to their communities.[9]

By the end of 2000, unable to control the wrangles anymore, Uganda tried to merge the groups with its other proxy, Jean-Pierre Bemba's *Mouvement de Libération du Congo* (MLC), into a new rebel movement, the *Front de Libération du Congo* (FLC) led by Bemba, who himself attempted pacification after one of the worst outbursts of violence led to the deaths of hundreds and the displacement of thousands in January-February 2001.[10] Lendu militias, fearing the return of Hema domination, attacked the town and tried to destroy a Ugandan helicopter gunship at the airport. This led to the second wave of large-scale violence with pre-emptive and reprisal attacks committed by both Lendu and Hema militias on one another's communities.[11] On 26 April 2001, six ICRC relief workers were killed in Fataki as a warning to the humanitarian community against identifying those responsible for massacres.

In the end, neither Nyamwisi nor Tibasiima accepted the FLC deal. After a series of confrontations, they managed to oust Bemba from Bunia in November 2001. The RCD-ML leaders had been arguing for equal representation with other rebel groups at the preparatory meetings of the Inter-Congolese dialogue (ICD) and could not accept Bemba's pre-eminence if they were to satisfy their national political ambitions. Moreover, Nyamwisi and Tibasiima would not accept being deprived by Bemba and Kazini of the U.S.$100,000 levied on Congolese traders at the border posts of Kasindi and Mahagi.

Yet, the RCD-ML's reign in Ituri did not last. Mbusa was quickly accused by his minister for defence, Thomas Lubanga – a Hema Gegere – of having sold out Ituri's interests to Kinshasa at the ICD, giving away Bunia to his Nande tribesmen and siding with the Lendu. Lubanga was heavily supported by Uganda's Kazini, whose commercial and financial interests were threatened by Nyamwisi. Throughout the first half of 2002, a protracted war unfolded between Nyamwisi's *Armée Populaire Congolaise* (APC) and the Hema militias controlled by Lubanga and supported by UPDF officers, who participated in the killings of Lendu civilians.[12] In February 2002, Lubanga was demoted from RCD-ML Minister for Defence, and Nyamwisi appointed a new governor for Ituri, Jean-Pierre Molondo from Kasai. In April, Nyamwisi forced the resignation of the Hema bishop of Bunia's Catholic diocese and had him replaced by a Nande. For months, the Nande community of Bunia lived in fear of a Hema massacre, while Nyamwisi's men multiplied the kidnappings and assassinations of Hema in Bunia town. Simultaneously, raids and destruction of Hema and Lendu villages succeeded one another in an escalation of violence between Hema militias led by Lubanga and Ngiti militias, armed, trained and led by the APC.[13]

Lubanga seceded from the RCD-ML in June 2002 with a number of his tribesmen to create the *Union des Patriotes Congolais* (UPC), initially based at Mandro, south of Bunia. Tibasiima had managed to obtain the promise of a ministerial appointment in Kinshasa at the Sun City negotiations and retired to the DRC's capital. On a visit to Kampala in July 2002, Lubanga was arrested by Ugandan authorities opposed to Kazini's manipulations and transferred to Kinshasa. The UPC – mobilizing the Hema youth – started to attack RCD-ML positions in June and July 2002, and with UPDF support captured Bunia town on 9 August 2002. At the end of August, Chief Kahwa, a leader of the Southern Hema supporting the UPC organised the kidnapping of the DRC Minister for Human Rights, Ntumba Luaba, who had come on a peace mission to Ituri, and traded him for Lubanga.

The UPC takeover of Bunia was celebrated with the ethnic cleansing of Nande, Bira and Lendu families and the looting of shops belonging to Nande businessmen by both UPC and UPDF soldiers. The APC and Lendu militias reacted with one of the worst massacres of the conflict – a clear act of genocide – at Nyakunde on 5 September. After an additional UPC attack on the Ngiti community at Songolo, twenty km southeast of Nyakunde, the APC carefully planned revenge. Close to 1,000 Hema civilians were mutilated and slaughtered, including the sick and elderly and the women and children who had sought refuge at the local Hospital. Bira civilians were also

[9] Human Rights Watch, "Uganda in Eastern DRC", op. cit.
[10] Ibid.
[11] Wamba dia Wamba had managed to remove Adèle Lotsove Mugisa from Bunia in December 2000 and appointed Uringi Padolo, an Alur, as governor.

[12] See Amnesty International, "DRC : On the precipice", op. cit.
[13] For more details, see in particular the compelling evidence presented by Amnesty International in "DRC: On the precipice", op. cit., and the Human Rights Watch briefing paper, "Ituri: UN action needed now", November 2003.

massacred.[14] From August 2002 to March 2003, Lubanga's leadership was no better than Nyamwisi's and led to another escalation. Non-Hema or Lendu communities, like the Bira or the Alur, were punished by both Hema and Lendu militias and the APC for lack of support or for collaboration with the enemy. By the fall of 2002, arbitrary arrests, abusive taxation, intimidation of humanitarian NGOs, and systematic torture had all become synonymous with Lubanga's reign of terror, while a direct war with the APC continued in the rural areas.[15]

The total absence of judicial process entrenched a fear of extermination in both communities that recalls the psychology leading to the Rwanda genocide. The many casualties and civilian displacements reinforced a destitution that became the engine for the massacres. Fear of attacks based on rumours led to pre-emptive strikes followed by reprisals. The trauma of violence also led to an escalation in ritual killing among both communities. In a public orgy of violence on 19 January 2001, Hema youths paraded in Bunia with the heads of three Lendu victims, after they had been asked by Ugandan officers to kill infiltrators who had attacked their airport positions that morning. Similarly, body mutilation, cannibalism and exhibition of body parts as trophies were regularly reported to be systematically practiced by Lendu militias since 2000 as part of a protection ritual. With time, traumatised displaced civilians resorted more and more to witchcraft and rituals. Whereas initially a drink mixture combined with drugs was believed sufficient to protect against bullet wounds, the consumption of human body parts slowly became a must. This is now reported to be also practised by the Hema.[16]

Dehumanisation of the enemy became a justification for extermination. Ethnic stereotyping gave way to genocidal intent. The ethnic-based cultural and self-help associations – LORI for the Lendu and ENTE for the Hema – that had spread in the Congo in the early 1990s to compensate for the total collapse of state welfare institutions, provided an intellectual vehicle for mobilising and justifying violence and became the prime propagators of hate. The progression was from land-based communal violence, to land-related operations of ethnic cleansing, to repeated acts of genocide by both Hema and Lendu.

[14] Ibid.

[15] See Justice Plus, "Lettre à l'intention de M. Thomas Lubanga : L'Etat des Droits de l'Homme et le processus de paix en Ituri", Bunia, 15 January 2003.

[16] ICG interview, NGO worker, Bunia, 28 May 2003.

IV. THE SEARCH FOR AN ELUSIVE PEACE: THE LUANDA AGREEMENT AND ITS IMPLEMENTATION

The year 2002 saw acceleration of the Congo peace process, thanks to the combined efforts of South Africa and a UN-led mediation, as well as a rapprochement between Kinshasa and Kampala. After the failure to reach an inclusive agreement at Sun City in April 2002 isolated the RCD-Goma and Rwanda for their intransigence on power-sharing, international pressure slowly mounted. The positions of the recalcitrant parties became particularly untenable after the massacres they committed in May in Kisangani and in the highlands of South Kivu against the Banyamulenge insurrection of Patrick Masunzu. By the end of July 2002, Rwanda had to accept a South African initiative to sign a bilateral security agreement with the DRC in which it agreed to withdraw its troops within three months. In turn, the ex-FAR units remaining within the Congolese army were to be disarmed and disbanded, forcibly if necessary. As this left Uganda the only foreign belligerent without a plan for scheduled withdrawal from the Congo, Angola took the opportunity to reaffirm its role in the region and broker a similar deal between Kampala and Kinshasa. On 6 September 2002, both parties agreed on the withdrawal of the UPDF from North-Eastern Congo within three months, against the establishment of a joint security mechanism at the border and a pacification commission for Ituri involving Uganda, within twenty days.

A. INTERESTS AND STRATEGIES

The signature of the Luanda Agreement was a personal defeat for Thomas Lubanga. He had barely established his power in Bunia when his Ugandan godfather undermined him through an agreement of which he would necessarily become the prime victim. Indeed, the proposed establishment of an Ituri Pacification Commission (IPC) involved dismissal of the UPC as the ruler of Ituri and downgraded its role in the district to that of any militia or civil society delegation. The bilateral agreement between Kinshasa and Kampala totally rejected the relevance of local rebel groups as viable interlocutors for settlement of the Ituri conflict. Lubanga knew he had to find another patron if he was to remain the leader of Ituri, with a capacity to bargain for a national political position.

Uganda's participation in a joint security mechanism and in the IPC indicated that it was ready to withdraw but wanted to retain influence on the political destiny of the gold-rich district. General Salim Saleh's discreet visits to Kinshasa after signature of the Luanda Agreement illustrated that this attempt at redefining bilateral relations between the DRC and Uganda was essentially economically driven, with the north-east intended to be a Ugandan sphere of influence. The general wanted to make sure that his participation in the Heritage oil deal, for instance, would not be jeopardised by the pacification process, and that his other economic interests in the region were protected.[17]

Rwanda was angered by the Ituri settlement. Not only had Uganda been primarily responsible for the escalated chaos, but also it was now praised for its peacekeeping role by the UN and officially involved in a pacification process that would entrench its economic and political influence in North-Eastern Congo.[18] By contrast, Rwanda, which had come under heavy international pressure to withdraw from the Kivus (it eventually did so unilaterally in October 2002), still had a meaningful security threat at its borders since Kinshasa never fulfilled its part of the 30 July Pretoria Agreement,[19] and it bore the blame for human rights abuses and killings in Kisangani and the South Kivu highlands that by Ituri standards were minimal. What Kigali considered an international double standard had become extremely damaging for its political credibility. Kampala was perceived to have scored points in the Congo peace process at

[17] ICG interview, Congolese government official, October 2002; *Africa Confidential*, "Congo-K/Rwanda/Uganda: Proxy wars and Slaughter", Vol. 43, N°21, 25 October 2002.

[18] UN Security Council, "Special report of the UN Secretary General on the United Nations Mission to the Democratic Republic of Congo", S/2002/1005, 10 September 2002, para. 29. Para. 58 even states that the UPDF should remain in charge of the security in Ituri until a Congolese force ready to takeover has been trained, regardless of any calendar for withdrawal and without mentioning the UPDF role in fueling the conflict. This appeared to suggest that MONUC believed it did not need to be concerned about security or to play a role itself.

[19] ICG, Rapport Afrique n°63, *Les rebelles hutu rwandais au Congo: pour une nouvelle approche du désarmement et de la réintégration*, 23 Mai 2003.

Kigali's expense, while continuing covert undermining of RPF rule inside the country. When the UPC asked for military and logistical support in August 2002, Rwanda had an opportunity to settle a score and regain some of its own influence in North-Eastern Congo.

The Luanda Agreement had several advantages for Kinshasa. First, it provided for withdrawal of Ugandan troops at the expense of economic interests that could always be renegotiated or rejected later. Secondly, it provided the government an opportunity to consolidate its access to and presence in North-Eastern Congo, thus reinforcing its alliance with the RCD-ML, which was continuously supplied with weapons, ammunitions and military advisers. Post-Sun City politics had indeed given birth to a new security alignment between Uganda, Kinshasa and the RCD-ML, designed to encircle the positions of Rwanda's proxies in North Kivu, keep up military pressure southwards and contain any possibility of military advance northwards. Lastly, Kinshasa as a party to the IPC, would be in a strong position to play the nationalist card with the delegates and so possibly restore its military presence quickly in Bunia. The IPC could not meet in the fall of 2002 partly because Kinshasa attempted to impose its choice of delegations.[20]

By August 2002, therefore, Ituri had clearly become a new fighting ground for Kinshasa, Rwanda and Uganda, through their respective proxies. Without strong international involvement to neutralise these external influences and finalise the power-sharing negotiations and implementation of the Pretoria Agreement, the Ituri conflict will provide an explosive opening for a new phase of intensive violence or even worse, the beginning of a third phase of full scale war that would wash away any hope of a transitional Congo government.

B. ITURI PACIFICATION IN TROUBLE

After Signature of the Luanda Agreement, it took slightly more than eight months and the removal of Thomas Lubanga's UPC from Bunia by the UPDF for the IPC to meet. The Congo peace process at large made significant progress during that period, with finalisation of a power sharing agreement that included the RCD-Goma on 17 December 2002 in Pretoria and agreement on a constitution of transition on 6 March 2003. Yet, Lubanga's exclusion from the national negotiations on the grounds that he was not a signatory to Lusaka, that he had not participated in the Inter-Congolese Dialogue negotiations from the beginning, and that his inclusion was likely to trigger dozens of splits among other rebel delegations, became a justification for stalling the Ituri pacification process. Simultaneously, that became a justification for Uganda's continued presence beyond three successive deadlines.

The UPC had four conditions for agreeing to the IPC. First, it demanded that Ituri be recognised by Kinshasa not as a district but as a province, since it had been elevated to that status by James Kazini. Secondly, it demanded Kinshasa's recognition that the UPC was the only administrative authority in Ituri and the RCD-ML's exclusion from the pacification process. Thirdly, it demanded withdrawal of Kinshasa's support for the Lendu and Ngiti militias and the RCD-ML, and the withdrawal of its troops (the FAC) from Beni. Lastly, the UPC demanded that MONUC facilitate a tripartite meeting between Kinshasa, Kampala and the UPC, in order to harmonise the timetable and the list of proposed participants.[21] That hard-line position, unacceptable to the other parties, made the UPC the main obstacle to holding the IPC.

By November 2002, the offensives of Jean-Pierre Bemba's MLC and Roger Lumbala's RCD-National toward Isiro, Watsa and Mambasa from Bafwasende became another problem. Eager to regain territory lost to the RCD-ML before finalisation of the transition agreement and to seize the gold and diamond mines of Ituri, Bemba marched east, reigniting the war between the Congolese rebel groups. The UPC shortly helped the MLC bring Nyamwisi to his knees. On 30 December in Gbadolite, MONUC finally managed to obtain signature of a ceasefire between the RCD-ML and the RCD-National, witnessed by the MLC. The UPC refused to attend that meeting and announced a few days later its official alliance with Rwanda's proxy, the RCD-Goma, thus positioning itself decisively as an enemy of Kinshasa

[20] Communication to ICG from MONUC officer, 8 October 2002.

[21] UPC, Secrétariat national Aux Affaires Etrangères, "Cahiers des charges de l'UPC à l'intention du gouvernement de Kinshasa", Bunia, 22 October 2002.

and Kampala. A Dar-es-Salaam summit between Yoweri Museveni, Thomas Lubanga and Joseph Kabila on 11 February 2003 attempted to relaunch the pacification process. It scheduled the IPC to start on 25 February and UPDF withdrawal on 20 March. However, the UPC's rejection of the proposed IPC delegations and growing hostility towards Uganda after its return from Dar-es-Salaam stalled the process once again.

The realignment of Lubanga with Rwanda had inevitably led to splits within the UPC. Chief Kahwa, a leader of the southern Hema, was displeased with the pre-eminence acquired by Lubanga. Not only had he been freed from Kinshasa in August 2002 thanks to Kahwa's initiative, but the southern Hema were the dominant force which had contributed to taking over Bunia.[22] Yet, Kahwa was never enthroned as a leading figure of the UPC and had come to loggerheads with Lubanga over the pacification. In November 2002, Kahwa created the *Parti pour l'unité et la sauvegarde de l'intégrité du Congo* (Party for the Unity and safeguarding of Congolese Unity, PUSIC), which split the majority of his southern Hema combatants from the UPC.

Kahwa wanted to pre-empt Kinshasa's likely influence during the IPC by creating a regional alliance between the people of Ituri – Hema, Lendu, Bira, Alur, Lugbara and so forth – that together would control Ituri's resources without interference from non-Ituri tribes (the Nande businessmen of North Kivu in particular) or Kinshasa's predatory administration. Kahwa then promoted a pan-tribal Ituri alliance with a regional agenda, the *Front pour l'intégrité de la province de l'Ituri*, (Front for Ituri Province Integrity, FIPI) that included Hema, Lendu and other militias. Unfortunately, these plans ran directly up against the ambition of Lubanga, who wanted to control all militias in order to be able to dismiss the relevance of the IPC and claim a national leadership role. Lubanga thus rejected FIPI and continued his military campaign to eradicate opposition to his rule among any militia, including Kahwa's southern Hema, whose Mandro headquarters was burnt to the ground by the UPC.[23]

Kahwa and his regionalist/autonomist agenda could not hold together though they were welcomed in Kampala, especially after Lubanga's rapprochement with Kigali. The Lendu militias remained loosely assembled behind Commandant Mathieu Ngodjolo's *Front révolutionnaire pour l'Ituri* (Revolutionary Front for Ituri, FRPI) and Njabu Ngabo's *Forces nationalistes et integrationistes* (Nationalist and Integrationist Forces, FNI). The FRPI, in particular, dominated by the Ngiti, sought support from the RCD-ML and the DRC government. It adopted Kinshasa's nationalistic project against the Hema, who were easily identified as collaborators with foreign forces, if not foreigners themselves, like the rwandophones are seen by the Mai Mai in the Kivus.

Njabu Ngabo's FNI remained closer to Kampala and Uganda's Lendu godfather, UPDF Col. Peter Karim. The Alur, Lugbara and Kakwa militias did not risk allying with either the Lendu or the Hema. They joined Thomas Unen-Chan, an Alur leader, to create the *Front populaire pour la démocratie au Congo* (Popular Front for Democracy in Congo, FPDC). Last but not least, one mercenary leader, Commandant Jerôme Kakwavu, a mugogwe from North Kivu, who identified with none of this squabbling, was only interested in personal gain and had been allied to the UPC, retreated with his men to the area of Aru/Mahagi, where they controlled the northern Ituri border post with Uganda that produces U.S.$100,000 a month in tax levies.[24]

By February 2003, the fragmentation among Ituri armed groups had led to the creation of no less than a dozen militias, loosely represented by the UPC and the PUSIC on the Hema side, the FDPC and FAPC for the Lugbara, Alur, Kakwa and other minority tribes, and finally the FRPI/FNI for the Lendu. Thanks to military advisers Rwanda dispatched to Bunia, the UPC and then the FAPC, its break-away movement based in Aru/Mahagi, were the only groups with some level of integrated command and were better armed, trained and organised. With at least two battalions capable of coordinated fighting, the UPC is nevertheless estimated to consist of up to 60 per cent child soldiers, who are unpaid, unfed, and undisciplined.[25] The PUSIC's military capacities and control over its own troops remain uncertain. The UPC is also allegedly supported by 1,400 Ugandan

[22] ICG interview, PUSIC spokesman and Congolese political analyst, Kampala, 26 May 2003.
[23] ICG Interview, NGO worker, Bunia, 29 May 2003

[24] FEWER, Ituri Briefing, 18 May 2003.
[25] ICG interview, NGO worker, Bunia, 28 May 2003.

People's Redemption Army (PRA) rebels, brought, armed and trained by Rwanda from January 2003.[26]

None of the ten to twelve Lendu and Ngiti militias, loosely organised on ethno-clanic lines and territorial origin, display any kind of unified command or even authority over their troops, who when drugged or hungry often threaten their leaders as much as any unfortunate civilian. The FNI allegedly controls only two of them. Among the Ngiti, Germain Katanga based in Aveba-Boloma is reputed to control a 1,300 strong militia, including 400 men with firearms, independent from Mathieu Ngodjolo's FRPI.[27] With even a higher rate of child soldiers among them, the Lendu and Ngiti militias often win combat through sheer numbers. When faced with continuous opposition, however, they frequently abandon the field. The primary objective of their troops is to exterminate the enemy, and they are followed by women who loot and by young children who torch the huts.

C. THE UPDF STRIKES BACK, MONUC LETS DOWN THE IPC

Uganda soon considered the strategic alliance between the UPC, the RCD-Goma and the PRA in Ituri, all allies of Rwanda on its western border, a security threat that it needed to pre-empt through direct military intervention. It took the opportunity of the deadlock over the Ituri Pacification Commission and the UPC's hostile rhetoric to strike back. By early March 2003, the UPC started indeed to demand the UPDF's withdrawal from Bunia airport and accused Kampala of fueling the conflict by providing Lendu militias and the RCD-ML with weapons and ammunition. One UPDF battalion still remained at the airport at the time, and President Museveni had sent Brigadier Kale Kayihura, one of his best officers and previously uninvolved in the Congo, to negotiate with Lubanga over the holding of the long-awaited Ituri Pacification Commission.

On 6 March, as it came under attack from the UPC, the UPDF detachment led by Kayihura settled scores. At dawn, heavy artillery started to shell UPC positions, and the UPDF quickly made progress to take control of the town. Two days before, the UPDF had persuaded a UPC Commandant, Jerôme Kakwavu, to break away and create a new rebel group, the *Forces armés pour le Congo* (Armed Forces for the Congo, FAPC). On 6 March, the UPDF used the 3,000-strong FAPC to lead a coalition of ethnic militias (Lendu, Alur Lugbara) against UPC positions from the north, while it moved itself out of Bunia from the south. The UPC and its PRA ally based at Mont Ahoro collapsed quickly and fled in all directions. Thomas Lubanga was wounded and retreated to his home village of Bule, before he was extracted by the RDF to Goma and then Kigali. On 18 March, a ceasefire was facilitated by Uganda between the Ituri armed groups except the UPC, leading the way to the opening of the Ituri Pacification Commission. PUSIC and the FNI, both allied to Uganda, were allowed to take over Bunia.

By seizing Bunia on 6 March, Uganda also put into question the withdrawal it initially had promised would begin two weeks later but that had been postponed until 24 April. Brigadier Kayihura did everything he could to show that the UPDF was a credible stabilisation force in Ituri. And indeed, during his month at the head of UPDF in Ituri, the security situation improved tremendously. According to some observers, a start was made on rebuilding hundreds of huts in the countryside.[28] Yet, Uganda's attempt to be endorsed as a peacekeeping force[29] backfired. Kigali's Hema and Kinshasa's Lendu proxies made sure that massacres continued in the district, to ruin any credibility of Uganda's pretence. The Drodro massacre of 300 on 3 April, for example, showed that the UPDF's continued presence in Ituri, regardless of its troops' good performance, was untenable.

The IPC finally took place from 4 to 14 April 2003 and produced a remarkable document. An assembly consisting of 32 delegations of civil society community and militia leaders, and including the Ugandan government, worked under the guidance of MONUC's deputy special representative to produce a roadmap for the pacification of Ituri, the reconstruction of the district and the restarting of its devastated economy.[30] An interim administration was elected, with a local assembly of 32 members,

[26] ICG interview NGO worker, Bunia, 29 May 2003.
[27] ICG interview, Lendu combatant, Kampala, 26 May 2003.
[28] ICG interview, humanitarian actor, Bunia, 29 May 2003.
[29] See, for instance, Brigadier Kayihura's statement to the opening ceremony of the IPC, on 4 April 2003.
[30] Angola had given up on its facilitation of the pacification process, and MONUC took on the initiative.

representing all delegations, a five-member interim executive to implement assembly decisions, an eighteen-member commission for conflict prevention and verification, a nine-member committee for dialogue between the armed groups, and a seventeen-member interim observer group on human rights violations.

The interim assembly, with Petronille Vaweka presiding, was established as the decision-making organ of the interim administration, to supervise and control the interim executive's work, ensure appropriate functioning of the three commissions, and decide sanctions in the event of grave violations of the IPC decisions. The executive administration, coordinated by Emmanuel Leku, is organised into four departments, for administration, infrastructure and reconstruction, economy and finances, and human rights and social work. It is supposed to take charge of the administration of Ituri until the government of transition is established in Kinshasa and resumes normal duties. The commission for dialogue between the armed groups is supposed to organise a permanent follow-up on the security situation, guarantee respect of the 18 March cessation of hostilities agreement and the actual cantonment of all armed groups, develop conflict prevention mechanisms, propose a complete plan for disarmament and reintegration (DR)[31] of armed groups linked to the national plan, and make sure that the armed groups respect human rights. It is accountable to the commission on conflict prevention and verification.

The Ituri Interim Administration was immediately confronted with two problems. First, its lack of resources and incapacity actually to raise taxes and therefore pay its staff and local officials undermined its authority. Secondly, the IPC's work had been weak on operational procedures for implementation of its resolutions. The IPC was promised that MONUC would deal with actual pacification – the security details supporting the work of the interim administration for cantonment and demilitarisation of the militias, and the training of a joint police force. MONUC's representatives repeatedly assured the delegates that by the time the UPDF withdrew, it would have brought in an alternative force to guarantee security in the town of Bunia and support the DR work of the interim administration.[32] The delegates were mistaken to believe such promises.

Several attempts were also made to entrench special interests and compete with MONUC's expected deployment. First, as soon as the work of the commission finished, Uganda attempted to create a joint force of PUSIC, FNI and FAPC, under the command of FAPC's Jérôme Kakwavu, to take control of Bunia. The tensions that had risen following a series of massacres by Lendu against Hema communities in early April doomed this initiative. Simultaneously, Kinshasa sent a detachment of 700 rapid intervention police (PIR) to take charge of the security of Bunia and control the different militias. Led by a FAC commander, Gal Kisempia, the PIR ordered all militias to regroup under its command or face the consequences. On 3 May, as elements of PUSIC and the FRPI started to fight one another in town, the unpaid, unfed, unequipped, disorganised Congolese policemen sold their guns to the FRPI militias and deserted Bunia for Beni. Only 240 remained around the airport. By the end of April, Bunia was tense again and split between PUSIC and FNI/FRPI areas.

MONUC then proved unable to provide the necessary security for Bunia let alone the pacification of Ituri. Even though 712 Uruguayan military guards had been deployed by the time the UPDF left, their mandate was never to support the IPC. MONUC's leaders wanted a political success in Ituri to prove that they would be capable of supporting the Congolese transition without help from external facilitators such as South Africa. The UN appears to have intentionally misled the IPC on its capacity to deliver a security mechanism in order to demonstrate its ability to manage a political negotiation and clinch a political deal, however unimplementable. The Ituri interim administration and the civilians face the consequences.

The deadline for UPDF withdrawal could not be extended a fourth time. Rwanda had already threatened MONUC that it would officially re-enter the Congo if the Ugandans had not themselves departed by 24 April. Kampala, trying to get an

[31] The concepts of disarmament and reintegration encompass all the ideas contained in the term DDRRR (disarmament, demobilisation, repatriation, rehabilitation and reintegration). In the interests of simplicity and to minimise impenetrable jargon, ICG uses the abbreviation DR in place of DDRRR and encourages others to follow this example.

[32] ICG interview, member of the IIA, Bunia, 29 May 2003.

official UN endorsement for its presence, warned of genocide against the Hema and demanded a written request from the Secretary General to keep its troops in Ituri. The UN, however, could neither legally nor politically authorise Uganda's presence in the Congo. Legally, an explicit authorisation of such an intervention would require a Security Council resolution granting a Chapter Seven mandate. The Secretary General has no power to provide this by himself. Politically, of course, the request was unacceptable. The purpose of the entire peace process has been to obtain the withdrawal of foreign troops and negotiate a power-sharing agreement likely to help restore Congolese sovereignty. Since Uganda was a party to the Ituri conflict, it would never have been given a blank cheque, allegedly to support the pacification process. Having been given a deadline to withdraw, Kampala then refused the idea floated by MONUC of doing so in a phased way.

On 25 April, after a new delay, Brigadier Kayihura passed the command of Bunia airport over to MONUC. The complete withdrawal of the 7,000 UPDF troops was completed by 6 May. More than 6,000 Hema walked behind the UPDF to the border. From 3 May onwards, Lendu militias spread inside the town, arresting Hemas for questioning and racketeering. By 7 May, the pillage of Hema houses in Bunia town was in full gear.[33] The departure of the Ugandan detachment was followed by a week of assassinations, ethnic cleansing and looting during which MONUC was not even able to protect its own personnel. On 3 May, the offices of OCHA were attacked and ransacked by Lendu militias. On 8 May, the population of Bunia demonstrated against MONUC, denouncing its incapacity to guarantee any order and the UN's irresponsibility in demanding the Ugandan departure without planning for an alternative security mechanism. At the end of the demonstration, shots were fired at the MONUC compound, and some MONUC personnel caught in the crowd were threatened with lynching.[34] MONUC had initially attempted to set-up roadblocks, restore order, conduct patrols and protect civilians, but these were quickly overwhelmed, and the mandate "to protect civilians under imminent threat of physical violence" was abandoned.[35]

During that dreadful week, individuals were killed or kidnapped beside the UN compound. MONUC was asked on several occasions to escort or protect Hema individuals out of dangerous locations to more secure areas, and it either failed to do so, or intervened too late. On 10 May, MONUC was informed of the likely assassination of Nyakasanza's parish priest and other Hema clerics. It refused to intervene or even accompany the vicar-general to the parish after the massacre. On 11 May, a man was kidnapped from the MONUC compound. Uruguayans officers were informed but refused to intervene. The person was then executed less than 100 metres away. On 11 May MONUC refused to escort to its compound nineteen Catholic seminarians who were under death threat and in hiding.[36]

MONUC proved totally incapable of fulfilling its protection mandate, even though it managed to help a few of the close to 20,000 IDPs who remained throughout the fighting.[37] On 11 May, 5.5 tons of wheat, beans and oil, clean water and medical kits were, for example, distributed at Bunia airport. On 12 May, the UPC retook the town and started to repeat the atrocities the Lendu militias had committed the week before. In the end more than 400 people were killed in the two weeks, with the assassination campaign and systematic ethnic cleansing organised successively by both militias.

On 16 May, Tanzania facilitated a summit between the protagonists of the Ituri drama to restart the pacification process. Joseph Kabila met with delegations of the Ituri interim administration, PUSIC, the FNI/FRPI, the FAPC and the UPC. All delegations signed a new commitment to restart pacification, agreeing to abide by the 18 March 2003 ceasefire agreement they had already signed and to proceed with the cantonment of their troops in their respective headquarters for the purpose of

[33] Communiqué de presse de Justice Plus, 7 May 2003.
[34] ICG interview, MONUC personnel, Bunia, 28 May 2003 and Justice Plus, Communiqué de presse, 16 May 2003.
[35] See Human Rights Watch, "Congo; UN Must Protect Civilians Under Threat in Ituri", Press release, 8 May 2003. For the mandate, see Resolution 1417 of the UN Security Council, adopted on 14 June 2002.
[36] ICG interviews, Congolese human rights activist, Kampala, 23 May 2003; Bunia, 29 May 2003; and Justice Plus, Communiqué de Presse, 16 May 2003.
[37] ICG interview, humanitarian NGO officer, Bunia, 28 May 2003.

demilitarisation. They also officially supported the efforts of the UN Secretary General to obtain deployment of an international rapid reaction force in Ituri. Two days later, MONUC facilitated a meeting between the UPC and the FRPI to regulate their presence within the Bunia city limits. Both militias agreed to accept the other's presence, share the town in two zones and establish the modalities for joint police patrols. Exactly a week later, the UPC attacked FRPI positions and took military control over the entire city.

Within Bunia today twelve to sixteen-year olds high on drugs roam the streets in search of food and palm wine while their leaders attempt to curtail the authority of the elected Ituri Pacification Commission interim administration. After its takeover of Bunia, the UPC has tried to impose its own order and to claim leadership of the entire Ituri district. Having initially rejected it, it finally reluctantly accepted deployment of the UN multinational force and even agreed to withdraw some of its troops from the city centre. On 27 May, the UPC ordered displaced civilians to regain their ransacked homes if they did not want to be treated as enemies. It also started to use Radio Candip as a propaganda tool and threatened to hunt down Lendu combatants wherever they were.[38] The UPC has also informed MONUC that it intends to reopen all major roads to Bunia. It wants to create the impression of stability and normalcy to back up its claim for ruling the district. Yet, the reality is that the Interim Ituri Administration executives have been under continuous direct physical threat from the UPC, and Thomas Lubanga has promised publicly to retake full control of Bunia and dismiss the IIA once the international force has left Ituri.[39]

[38] UPC radio communiqué, Radio Candip, 27 May 2003

[39] Agence France-Presse, "L'UPC prête à se batter contre la force multinationale (Lubanga)", 3 June 2003.

V. EMERGENCY PEACEKEEPING IN BUNIA – AND BEYOND

A. ITURI

On 15 May, UN Secretary General Kofi Annan appealed to the members of the United Nations to form a coalition of the willing to end the humanitarian catastrophe unfolding in Ituri. France agreed to lead only if other countries took part, the deployment was strictly limited in time and location, and Uganda and Rwanda supported deployment.[40] On 30 May, the Security Council authorised the deployment of a French-led interim emergency force (IEMF) to Bunia, which on 4 June was also endorsed as a European Union peace-keeping mission.

The IEMF is not a UN force, although authorised by Security Council resolution. It will not be paid on the UN's budget or wear the blue beret. Its mandate, established by Resolution 1484 under Chapter Seven of the UN Charter, is:

> to contribute to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure protection of the airport, the internally displaced persons in the camps in Bunia; and, if the situation requires it, to contribute to the safety of the civilian population, United Nations personnel and the humanitarian presence in town.[41]

The IEMF will not operate beyond 1 September 2003 and is only a bridging facility pending the deployment by mid-August 2003 of a reinforced United Nations presence to Bunia. This second deployment is authorised by the same resolution within the prescribed MONUC ceiling of 3,000 troops in two instalments already decided by UNSC resolution 1445 of 4 December 2002.[42]

[40] Agence France-Presse, "France holds talks at UN with potential contributors to international force for Congo", 30 May 2003.

[41] Resolution 1484 of the UN Security Council, 30 May 2003, art. 1.

[42] United Nations, "Security Council authorizes interim force in Bunia, DR Congo, until 1 September, unanimously adopting resolution 1484 (2003)", press release, 30/05/03.

The 1,400-strong force, one-half French, will have light armoured vehicles but no combat helicopters.[43] It will benefit from air support from Mirage 2000 fighter-jets stationed at Entebbe in Uganda. South Africa, Pakistan, Nigeria, Sweden, Belgium, Germany, the U.S. and the UK will also contribute in one way or another to the deployment.[44] Deployment of the 700 French troops through Entebbe should be completed by mid-June, while the rest are to be on the ground by the end of the month.[45]

Reacting to the announcement, Thomas Lubanga gave in to international pressure, declared that he would not oppose the deployment and even promised that he was ready to meet the FRPI deputy chief of staff to make a new ceasefire agreement under certain conditions.[46] France obtained U.S. and UK support for the intervention, and both applied enough pressure for Rwanda officially to reverse its hostile posture towards the multinational force and send a written letter of support to the Secretary General. The UPC was equally forced to go along. Uganda almost immediately welcomed the French deployment and even provided access to Entebbe airport to facilitate operations. The IEMF definitely serves Kampala's strategic interest for the stabilisation of Bunia and the weakening of the UPC.

Yet, the IEMF falls far short of what is needed to pacify Ituri or even consolidate the IPC's interim administration authority. Its mandate even seems to back-track from the objectives stated in the resolution's preamble, in which the Security Council claims to be:

> Reaffirming its full support for the political process initiated by the Ituri Pacification Commission, calling for its swift resumption and for the establishment of an effective inclusive security mechanism in this framework, to complement and support the existing Ituri interim administration, [and r]ecognising the urgent need for a secure base to allow the full functioning of the institutions of the Ituri Interim Administration, and recognising that the Engagement to Relaunch the Ituri pacification process, signed in Dar-es-Salaam on 16 May 2003, reaffirms the Ituri parties' commitment to the Ituri interim administration, and commits them to join a process of cantonment and demilitarisation.

The mandate requires that the IEMF provide protection for the civilians remaining in the internally displaced camps around Bunia and that it intervene to restore security in case of an outbreak of violence, such as an attack by Lendu militias against the UPC. To a certain extent, the IEMF could be considered by the FRPI as an ally of the UPC since it is not going to challenge its presence in the town or contribute to either Bunia's demilitarisation, the UPC's cantonment or its disarmament, as required in the pacification process. As long as the UPC keeps its troops under control on the streets of Bunia and leaves the humanitarian agencies in the IDP camps alone, it should have no problem with the IEMF and can still intimidate and undermine the authority of Ituri interim administration officials through its armed presence inside town. Moreover, since Bunia is currently almost uninhabited, the humanitarian impact of the intervention is likely to be limited unless displaced civilians return massively.

The massive return of 200,000 civilians to town, however, could lead to problems of its own. The Lendu militias would be likely to take this opportunity to infiltrate combatants into Bunia, thus creating an explosive situation. Unless it makes sure the IDP camps are totally demilitarised, the IEMF risks being accused by the UPC of facilitating such infiltration. If it does make sure that all returning IDPs

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[43] Agence France-Presse, "L'ONU à un tournant de son action en RDC, selon un responsable onusien", 30 May 2003.

[44] South Africa is expected to contribute one company of troops. The UK, Pakistan and Nigeria are also likely to contribute some troops. The U.S. and Belgium are anticipated to provide logistical and financial support. Agence France-Presse, "L'ONU decide la creation d'une force internationale à Bunia", 30/05/03 and ICG interview, UN senior personnel, Kampala, 26 May 2003.

[45] The limited mandate, and the modest intentions its participants have for the IEMF, were emphasised when the force commander arrived in Bunia on 10 June 2003. *The New York Times* reported that: "Speaking to reporters on the airport tarmac here, the commander of the French-led force, Brig. Gen. Jean Paul Thonier, said he would not strip the militias of their guns, venture outside the city or get in the middle of a gun battle. 'Separating the factions is not part of my mission', he said". Somini Sengupta, "Won't Disarm Congo Armies, UN Force Declares", *The New York Times*, 11 June 2003.

[46] Agence France-Presse, "L'UPC prête à reprendre les discussions avec sa milice rivale", 30 May 2003.

are unarmed, the IEMF will stand accused by the Lendus of siding with the UPC, who are allowed to remain armed though the FNI/FRPI is not. To avoid such a political quagmire and a rapid deterioration of the security situation inside Bunia, the IEMF has no other option than to demilitarise the town completely and demand that all militias canton their troops out of town.

Ideally that demand should be accompanied by the threat that the fighters will be forcibly disarmed if they do not comply. If, as seems likely, the IEMF as presently mandated lacks sufficient capacity to make good such a threat, the Secretary General should determine what additional resources are required and recommend to the Security Council that it make those reinforcements available. It is recognised that it will not be easy to revisit this issue in the Security Council but the credibility and effectiveness of the whole operation may depend on this.

Anything less than complete demilitarisation of Bunia and cantonment of the militias will only delay the inevitable – a direct confrontation with the militias. However, by immediately stating its objective and engaging in a dialogue on the modalities of the town's demilitarisation and of cantonment, the IEMF has a chance to avoid a direct confrontation and getting trapped in accusations and counter-accusations of partiality. Equal treatment for all armed groups is the key to the IEMF's neutrality and credibility. The security it provides the Ituri interim administration can then become a stepping-stone for pacification.

The complete demilitarisation of Bunia within three months and related provision of relief to all returning IDPs would be a considerable achievement for MONUC, the IIA and the IEMF. Yet, the pacification of Ituri requires intervention beyond Bunia. The only way to break the cycle of violence in Ituri for good is to complement the Interim Administration over the long haul. A three-month bridging deployment of an interim multinational force securing only Bunia town and incapable of reaching out to civilians in the rest of the province is not enough.

MONUC, which is supposed to takeover from the IEMF by late August, needs to have the means and robust mandate to ensure the permanent demilitarisation of Bunia, support the negotiated cantonment and DR of all militias, and deploy peacekeepers in at least three other strategic towns of Ituri (Irumu, Mongbwalu, Aru) to support rural pacification and guarantee humanitarian access throughout the district. This is a big order, but if it is not filled, the current effort will prove useless and with the transfer of authority back to MONUC and its weak mandate after three months, Ituri will return to chaos.

In the second special report on MONUC submitted to the Security Council on 27 May, the Secretary General proposed establishment of an Ituri pacification support unit to provide comprehensive support to the Interim Administration. He also proposed establishment of a small civilian police unit to plan the formation of an integrated police element in Ituri and the strengthening of the human rights department in Bunia. The Secretary General further assessed that in order to establish a framework of security in support of the on-going political process, "a brigade-size formation consisting of three infantry battalions with appropriate support (logistics, utility, helicopter, engineering) and totalling up to 3,800 personnel would be necessary".[47] Such a military presence would help MILOBS access the more remote areas, and "provide limited support to humanitarian operations in selected locations", notably along the axis towards Djugu and Mahagi. This would definitely be a positive step that the Security Council should approve. However, a change of the DR component of the MONUC mandate to permit a more robust approach in support of pacification remains key to the stabilisation of Ituri and must be addressed urgently.

Cutting off the arms flow to Ituri is another central element to the pacification process. As long as the different militias are able to obtain cheap weapons from private means (an AK47 sells for U.S.$30-$50 on the Bunia market) or from foreign backers, the conflict will not end. There are currently six to eight known roads, four Lake Albert delivery sites and a dozen airstrips through which weapons suppliers deliver their cargo. MONUC must enhance its presence along these sights to stop or at least contain these small arms flows.

Lastly, impunity has to end in Ituri. The UN Security Council should establish an international judicial commission of inquiry into the most serious war crimes committed since June 1999, with possible involvement of the International Criminal Court

[47] Paragraph 48 of the report.

(ICC) for that portion of those crimes (those committed after 1 July 2002) on which it could exercise jurisdiction. The very presence of the international commission of inquiry inside Ituri would likely deter a number of extremists and reduce the violence.

B. THE KIVUS

The situation in Ituri that has captured today's headlines is grim but it is part of a larger set of inextricably linked challenges to peace that apply throughout all of Eastern Congo. The situation in the Kivus is arguably more tragic yet, with potentially farther reaching consequences. Very serious fighting continues there in what has been the main theatre for both direct and proxy confrontation between local, national and regional participants in the Congo conflict since the Lusaka ceasefire was signed in 1999. The population is suffering while international attention is almost completely absent.

The Kivus were the powder keg where ethnic massacres first exploded in the 1990s and regional war in 1996 and 1998. The situation is now complicated by direct military involvement of external actors, multiplication of local warlords and active exploitation of natural resources by both. All regional actors are making strong efforts to mould the provinces to their own strategic needs. The withdrawal of most Rwandan and Ugandan troops in 2002 has not fundamentally changed this dynamic.

Neither MONUC's plans nor finalisation of an inclusive political agreement will be enough to make a difference in the Kivus. MONUC's mandate is insufficient for disarming the Hutu and Congolese militias, and the political agreement for a national unity government and elections after two years does not address the reality of power in the Kivus or provide credible solutions to the nationality, ethnicity and land crises that fuel the local war. If fighting does not stop, all plans to restore national authority and reunify the territory will be meaningless. Additional measures with respect to both the military and political aspects are required, as well as a new international determination to move beyond the immediate crisis of Bunia and Ituri to deal comprehensively with the wider problems of Eastern Congo.[48]

These measures are similar to those discussed in detail above for Ituri. Indeed, while the plan for the Kivus would have to make adjustments for local circumstances, one reason why Ituri has become so important is that it provides the opportunity to develop and apply a strategy that is applicable for the wider conflict in the north and north-eastern parts of the country. Once a government of transition is formed in Kinshasa, MONUC should take the initiative to propose the organisation of a Kivus Pacification Commission, involving the government of transition (with the current government, RCD-ML and RCD-Goma representatives included) and all local civilian and militia players. Its objective would be to establish a roadmap for the sustained pacification of the Kivus.

This in turn would require MONUC to develop a realistic plan for what would be required to deploy a well armed military contingent in the Kivus to support DR operations, protect civilian populations, and patrol the border sufficiently to deter infiltration from the armed groups into Rwanda. The Security Council will need to be prepared to authorise such actions if needed and to ensure that resources are made available. The Secretary General should send a special envoy to assist negotiation of the modalities and operational framework for DR, and major governments including the U.S., should keep strong pressure on Rwanda, Uganda, and Kinshasa to withdraw their own forces and cease immediately all military assistance to their proxies on risk of losing international assistance.

[48] See ICG Africa Report No. 56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003 where the situation, and measures to cope with it, are discussed in much grater detail.

VI. CONCLUSION

Ituri has become another fighting ground for the proxies of Rwanda, Uganda and Kinshasa. If the current stalemate over the last leg of negotiations for the beginning of the Congolese transition is not urgently solved, it could become a prelude to a third phase of the Congo war. Central to whether that happens is the formation and growth of the transition government and agreement on the "new national Congolese army". The intervention in Ituri is dramatic and necessary, and more needs to be done to ensure its success. But it is a band-aid operation on a piece of the overall problem that should not distract the international community from the main aim as defined in Lusaka Agreement.

There is no other way for Ituri to be pacified than through a sustained, robust, and widespread UN intervention. Only by doing this can the international community prove that it is determined to end the Congo conflict and the UN show that it is indeed able to support the transitional government effectively and help alleviate the sufferings of the hundreds of thousands of civilians who have been displaced and traumatised by this war. There is only one honourable exit strategy from Ituri. It is to hand over the Ituri Interim Administration to a legitimate transitional government with adequate police and military capabilities and that will guarantee future elections in the Congo will not reignite the fires of recent years.

The pacification of Ituri, however, is also a test case for the pacification of the entire eastern Congo. Today in the Kivus, the fighting continues unabated, producing more civilian casualties than Ituri has ever had. A local consultative process, sidelining criminal warlords and supported by a strong multinational force, could also be the winning formula for the DR of the Hutu armed groups and pacification in the Kivus. Yet, the international community has first to prove that it is capable of succeeding in Ituri, and this means giving a robust mandate to MONUC.

Nairobi/New York/Brussels, 13 June 2003

APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF THE CONGO

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, *www.crisisweb.org.* ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, Moscow and Paris and a media liaison office in London. The organisation currently operates twelve field offices (in Amman, Belgrade, Bogota, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone, Skopje and Tbilisi) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Georgia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Ruben & Elisabeth Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund and the United States Institute of Peace.

June 2003

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* The Algeria project was transferred from the Africa Program in January 2002.

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