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Will Rwanda End Its Meddling in Congo?

THOMAS TURNER

In March 2013, Bosco Ntaganda, one of the first men sought by the International Criminal Court (ICC), appeared before the court in The Hague. He identified himself by name, said he is of Congolese nationality, and attempted to plead “not guilty.” The presiding judge told him he could not enter a plea at this point. The next hearing was set for September 2013.

Some remarkable events had made possible this brief court appearance. Ntaganda, the alleged leader of the M23 rebel movement, had been defeated by another faction of the Tutsi-led movement and had fled into Rwanda. He appeared on the doorstep of the United States Embassy in Kigali and said that he wanted to be sent to the ICC. The embassy faced an awkward choice. US legislation forbade cooperation with the international court (under the American Service Members’ Protection Act). However, the United States had not used its veto at the United Nations Security Council to prevent the referral of a case against Sudan’s leaders for alleged genocide in Darfur, so perhaps it was concerned mainly with preventing prosecution of its own citizens. The embassy apparently sought assurances from the Rwandan government that it would not interfere with the transfer. Rwanda announced that it was not concerned with Ntaganda, since he is Congolese. The United States then sent Ntaganda to The Hague, where he was arrested under warrants issued in 2006 and 2012.

Several fictions were passed over. Ntaganda was deemed to have turned himself over voluntarily, even though his choices seem to have been to go to The Hague or be killed. The Americans did not arrest him, but transported him to The Hague where the ICC arrested him. Ntaganda was allowed to claim that he is a Congolese citizen,

even though he was born in Rwanda and had served in the Rwandan armed forces before being named an officer in the Congolese army. He is in fact the latest in a series of men used by Rwanda to promote its interests—military, political, and economic—in Democratic Republic of Congo (DRC).

Ntaganda has a long record of violence and pillage in eastern DRC. To understand the case against him and the likelihood that it will prove beneficial to the long-suffering Congolese people, some background on the relations between Congo and Rwanda is essential.

DIFFICULT NEIGHBORS

Belgian Congo (as DRC was known for most of the colonial period) was by far the largest and richest territory of Belgian Africa. Congo was the former Congo Free State, a private colony of the Belgian king, Leopold II. Millions of Congolese perished in the Free State, in the pursuit of ivory, wild rubber, and other riches. Belgium assumed responsibility for the former Free State in 1908.

Belgium acquired the small and poor colonies of Rwanda and Burundi at the end of the First World War, as a reward for its contribution to the war against Germany, and ruled them under a League of Nations mandate (later, a UN trusteeship) as Ruanda-Urundi, until 1962.

Congo corresponds in a general way to the basin of the Congo River. Some Kinyarwanda-speakers were included in Congo when the Belgian colony’s borders were set, and many more migrated from Rwanda to Congo during the colonial period. Rwanda’s rulers apparently wanted to retain control of the emigrants, but were unable to do so under the colonial system.

Rwanda had been a pre-colonial state, under a monarch known as the mwami. In central Rwanda, around the mwami’s court, a hierarchical system had developed, in which an upper class

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of Tutsi cattle-owners dominated the majority of the population (Hutu cultivators). Around the periphery, smaller states, some of them headed by Hutus, preserved varying degrees of autonomy. The hierarchical system and the ethnic labels that expressed it spread to the periphery during the nineteenth century. A number of pastoralist communities (Hima in northeastern Rwanda and Gogwe in the northwest) remained autonomous.

Under European rule, regional variations were eliminated. All of Rwandan territory was divided into chieftaincies, whose relationship to the center was identical. The Belgians attempted to standardize even the ethnic identities of their subjects. Since Tutsis tended to be pastoralists, the Belgians decided that a man owning 10 or more cows was a Tutsi, and was issued an identity card bearing that ethnic label. Gogwe and Hima were relabeled Tutsi. Mechanisms of social mobility were ignored. Obligated to furnish labor, the Hutus found the new system very frustrating.

Thinking that the Tutsis were natural rulers, the Europeans gave far greater educational opportunities to Tutsi boys than to Hutu boys. Eventually, however, the Catholic Church and the colonial administration decided that the restlessness of the Tutsi elite threatened their continued dominance, and switched horses. They began backing educated Hutus over their former Tutsi auxiliaries. Inter-ethnic violence in 1959 led to the flight of Mwami Kigeli. When elections were held, the Parmehutu (Party of Hutu Emancipation) won over 77 percent of votes cast, as against 16 percent for the Tutsi-led Rwanda National Union.

The Rwandan "social revolution" of 1959–62 and the establishment of a Hutu-dominated republic led to the flight of Tutsi refugees into neighboring countries. In 1962, an unsuccessful attack on Rwanda by Tutsi exiles based in Burundi led to the killing of 20,000 Tutsi civilians.

In 1964, Tutsi exiles established an alliance with the followers of the assassinated Congolese prime minister Patrice Lumumba, fighting in eastern Congo to overthrow the Western-backed government in Leopoldville/Kinshasa. The Lumumbists reportedly promised to give the exiles "the territories of the Babembe, the Bavira up to Rutshuru," well suited to cattle, if the rebellion proved successful.

In 1990, the Rwandan Patriotic Front/Rwandan Patriotic Army (RPF/RPA) used Uganda as a launching pad for an invasion of Rwanda. Rwandan Tutsi members of the Ugandan army invaded Rwanda in October 1990, beginning a four-year civil war that culminated in the 1994 genocidal slaughter, mostly of Tutsi civilians. Paul Kagame, the current president of Rwanda and a Tutsi, was head of Ugandan military intelligence, as well as an RPA leader, when he was sent to the US command school at Fort Leavenworth, Kansas, in 1990. He was in the United States when the invasion began.

Congo (named Zaire from 1971 to 1997) was involved in the Rwandan civil war on both sides. The RPF/RPA recruited in North Kivu (an eastern province that borders Rwanda), even before it launched the invasion. Among its recruits was young Bosco Ntaganda, a Gogwe, who apparently left his home in northwest Rwanda in 1986 and went to Masisi (North Kivu). He enrolled in a secondary school but never graduated; instead he joined the RPA at the age of 17. The first RPA offensive was turned back by Zairian and French troops sent to reinforce the regime of Hutu President Juvénal Habyarimana.

In the aftermath of the genocide, the extremist Hutu leadership moved out of the country in stages, first into the French-protected

Turquoise Zone in the southwest, and then into refugee camps in eastern Zaire/Congo (near Uvira, Bukavu, and Goma). From these camps, the Hutu military, including former members of the Rwandan army and the armed wing of Habyarimana's party, launched attacks on Rwandan territory and on Tutsis in eastern Congo.

After several warnings that it might take action if the attacks were not stopped, Rwanda invaded Zaire/Congo, in association with Uganda and Burundi and a Congolese force subsequently labeled the Alliance of Democratic Forces for the Liberation of Congo (AFDL). The AFDL had four components. Two were small Lumumbist opposition groups: Laurent Kabila's People's Revolutionary Party and André Kisase Ngandu's National Congress for Defense of the People (CNDP). Two other components represented Rwandophones and other Kivu ethnic groups: the Revolutionary Movement for the Liberation of Zaire of Anselme Masasu Nindaga and Déogratias Bugera's Democratic Alliance of Peoples. Kabila

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was spokesman for the AFDL and Kisase Ngandu its military commander.

THE NATIONALITY QUESTION

Armed groups in the Great Lakes region have been fighting a long time over minerals, land, and political power. Often, their combat is expressed in the language of identity—nationality, ethnicity, or region. Region in the broad sense—eastern Congo versus the west—emerged as a crucial cleavage with the Rwando-Ugandan invasion of 1996, fronted by the easterner Kabila. Sometimes this division was recast in linguistic terms: Swahili vs. Lingala.

The weak Congolese state proclaims its existence notably through promulgating laws defining Congolese nationality. The constitution has been revised on numerous occasions, in order to include or exclude various categories of people from the Congolese nation. The 2006 constitution specifies that Congolese nationality is “one and indivisible” (there is no dual nationality), and attributes Congolese nationality to “all persons belonging to the ethnic groups whose peoples and territories constituted what became Congo at independence.” The constitution is written in general terms, but it is understood that the problem particularly concerns people of Rwandan origin or culture.

The nationality issue was muted during the tenure of President Mobutu Sese Seko (1965–97), but the move toward multiparty competition after 1990 heated up the question of who is Congolese. The Sovereign National Conference of 1991 offered “local” leaders from North and South Kivu an opportunity to challenge the Congolese nationality of their Kinyarwanda-speaking rivals.

The nationality question sometimes sinks to the level of slurring one’s political rivals by questioning their claim to be Congolese (much as “birthers” in the United States insist that President Barack Obama was not born in the United States). A similar story presents Congo’s current president, Joseph Kabila, as the son of a Rwandan Tutsi woman who was a concubine of Laurent Kabila.

Fighting in North Kivu since 2000 has opened the question of the nationality of Tutsi generals. The claim of General Laurent Nkunda to have been born in North Kivu is believable, but Congolese of other backgrounds almost univer-

sally call him “Rwandan.” In contrast, General Ntaganda was born in northwestern Rwanda. Many Congolese Tutsis see him as an outsider.

Conflicts between “locals” and non-natives occurred in all regions of Congo on the eve of independence. They were set off by the introduction of electoral competition in the cities. It was said that, since the Belgians were leaving, so should their protégés. Soon after independence was won in 1960, the creation of new provinces set off a new round of conflicts. The Mobutu dictatorship was able to largely eliminate conflicts between locals and strangers by rendering elections meaningless and by suppressing insurrections.

LOCALS AND STRANGERS

The Banyamulenge, in whose name Rwanda invaded Zaire/Congo in 1996, are the product of recent ethnogenesis. They are the strangers, as opposed to the self-proclaimed locals, Bembe, Lega, Fulero, Vira and others. They are the people of Mulenge (a village in the Chefferie des Bafulero) as opposed to other Rwandan Tutsis, including those who fled the “Social Revolution” of 1959. Many Congolese consider the Banyamulenge to be foreigners, but some of their forebears probably arrived in South Kivu before the founding of the Congo Free State in 1885.

Under colonial rule and since then, having one’s own administrative unit symbolized identity, in addition to providing instrumental advantages. The Belgians tended to ignore the presence of the Tutsi pastoralists in South Kivu or to consider them to be foreigners. Not until the Second Congo War (1998–2003), when the Rwanda-backed Rally for Congolese Democracy (RCD) was running South Kivu on behalf of Rwanda, were the Banyamulenge of Fizi, Uvira, and Mwenga united in the single territory of Minembwe. Once DRC was reunited, Minembwe and other creations of the RCD administration disappeared from the map.

The Banyamulenge pastoralists were forcibly brought into the broader political arena in 1964, when Lumumbists opened their eastern front at Uvira-Fizi. When the rebels raided their cattle, the Banyamulenge sided with the Congolese army. This transformed the rebellion against the Kinshasa government into an ethnic war.

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Young Banyamulenge, armed and trained by the army, pushed back the rebels. As compensation, the Congolese government offered full access to education, social services, and employment opportunities. The result was the formation of a new politico-military Banyamulenge elite, with a heightened awareness of its delicate position within Congolese society. To differentiate themselves from the Tutsi refugees of 1959 who had supported the Lumumbists, the Banyarwanda Tutsis of the high plateau adopted the ethnic label Banyamulenge.

The Banyamulenge (like the Banyarwanda of North Kivu) struggled to establish their Congolese nationality. A 1972 law granted citizenship to “all persons of whom one of the ascendants is or was a member of one of the tribes established on the territory of the Republic of Zaire in its limits of 15 November 1908. . . .” People from Ruanda-Urundi living in the province of Kivu before January 1, 1960, and having continued to live in Zaire, acquired Zairian nationality in 1960. In 1981, a more restrictive law was adopted. Now one had to demonstrate majority descent from a member of one of the tribes living in Congo before August 1885 (the Free State’s supposed date of creation).

The effects of the 1981 law were more political than legal. The identity cards of Kinyarwanda-speakers were not revoked. However, politicians who feared the number of votes represented by Kinyarwanda-speakers in proposed elections stirred up feelings against them among members of neighboring ethnic groups.

Meanwhile, events in Burundi and Rwanda severely affected the already bad relations of the Banyamulenge with their neighbors. When the Hutu president of Burundi was assassinated in 1993, many Burundians fled to South Kivu. Banyamulenge were stoned in the streets of Uvira, where thousands of Burundians had sought refuge. In 1994, the transitional parliament responded to the flight of hundreds of thousands of Rwandan Hutus to North and South Kivu by creating a commission to investigate the situation of “foreigners” in the east. The commission alleged that Rwanda had been attempting to acquire Congolese territory and to supplant its indigenous inhabitants for years.

MORE MASSACRES

Feeling increasingly threatened by harassment and talk of expulsion, many young Banyamulenge men went to Rwanda to join or be trained by the

army of the new Tutsi-dominated government in Rwanda, which also supplied them with weapons. Others organized their own militias in South Kivu.

In September and October 1996, the conflict between the Banyamulenge and their neighbors became entangled with a conflict between Rwanda and Congo. There were demonstrations against Banyamulenge and further attacks on them by civilians in Uvira. More than 35 Banyamulenge allegedly were extrajudicially executed. Kinshasa accused Rwanda of training 3,000 Banyamulenge to infiltrate and destabilize eastern Zaire.

In October 1996, so-called Banyamulenge attacked an Uvira refugee camp. It seems likely that many of the attackers were regular troops from Burundi and Rwanda, passed off as Banyamulenge. Several hundred thousand people were displaced, mainly Rwandan and Burundian Hutus.

The contradictions between Rwanda’s interests and motivations, and those of the AFDL and its components, soon came to the fore. Kisase Ngandu was murdered in January 1997, allegedly because of his opposition to Rwanda’s role in the DRC. Masasu Nindaga was arrested by the government of Laurent Kabila in November 1997, and detained until a general amnesty in 2000. He was re-arrested in November 2000 and killed soon thereafter. Laurent Kabila himself was assassinated in January 2001. The circumstances of these murders remain obscure. Laurent Kabila has been accused of eliminating rivals. Rwanda has been accused of killing Kisase Ngandu and Kabila, men who resisted its control.

A 2010 report by the UN High Commissioner for Human Rights drew considerable attention for its assertion that the attacks by the Rwandan army and the AFDL against Rwandan and Congolese Hutus in 1996–97 might have amounted to genocide. However, the report is as interesting for what it leaves out as for what it says. The mass violence in eastern DRC cannot be understood without reference to the 1994 genocide in Rwanda, and to the roles of France and the United States in facilitating the transfer of the Tutsi-Hutu struggle to Congolese soil.

The leaders of the ousted Hutu regime brought into exile not only the funds of the national bank but also a supply of arms. In the camps on Congolese soil, along the border with Rwanda, the Hutu authorities maintained their hold over the civilians, dissuading them from returning to Rwanda because they wished to use this mass of people to negotiate an eventual return to power.

The Kagame government made two gestures in 2011, in an apparent effort to turn the page on the minerals question. A large quantity of minerals was impounded in Rwanda and turned over to Congolese authorities. Four high military officers were arrested on charges of conducting private business with civilians in DRC. These gestures seemed to acknowledge that Rwanda had in fact engaged in officially sanctioned pillage in eastern Congo, though nothing of the sort was said.

WARLORD PAWNS

Laurent Kabila, Rwanda's former frontman, came to be regarded by Rwanda and by the Americans as an obstacle to progress in DRC. In 2001, one of his bodyguards killed him. Colonel Eddy Kapend, one of Kabila's closest military advisers, then killed the assassin. Joseph Kabila emerged as successor to the murdered president, his father. After an incoherent trial, Kapend and dozens of bodyguards were found guilty of murder and sentenced to death. In 2011, a film called "Murder in Kinshasa" strongly suggested an assassination plot carried out by Rwanda and its allies and agents, with (at least) the approval of the United States.

To the extent that Laurent Kabila was an obstacle to peace, his removal should have sped things up. Instead, since 2001 there has been an interminable series of truces, negotiations, and agreements to share power and/or to integrate hostile forces into the Congolese army. Yet conflict continues in eastern Congo and the situation for ordinary Congolese remains dire. Typically, Kinshasa agrees to fight the latest incarnation of the Hutu rebel militia, the Democratic Forces for the Liberation of Rwanda (FDLR), but does not do so to the satisfaction of Kigali. Rwanda seeks the integration of Tutsi officers and politicians into Kinshasa's army, yet when they refuse to obey orders or even stage a mutiny, Kigali provides assistance to the mutineers.

When Nkunda, the Tutsi general, seized Bukavu in 2004, his men committed a number of crimes there, and Rwanda provided assistance. Kabila and Kagame reached a compromise in 2009, whereby Rwanda would remove Nkunda from the scene, and Kabila would agree to steps against the FDLR. Nkunda was placed under house arrest in Rwanda, and Bosco Ntaganda was put in his place

as head of the Tutsi-led National Congress for the Defense of the People (not to be confused with the CNDP of 1996). The CNDP signed an agreement with Kabila, covering its working conditions.

In the immediate aftermath of this leadership change, a number of pro-Nkunda Tutsis were murdered. Kabila continued to work with Ntaganda through the 2011 election campaign, and Ntaganda's men apparently supplied the "muscle" by which Kabila was able to win the elections in North Kivu.

Ntaganda seems to have relished his role as a warlord in Goma and Masisi. He played tennis, drank wine in restaurants, and gave an endless stream of interviews to foreign journalists, in which he pooh-poohed the ICC charges of rape, murder, sexual slavery, and using children as soldiers. He maintained his position by displays of violence, earning the nickname "the Terminator." (Congolese enjoy watching bootleg DVDs of action films, including those of Arnold Schwarzenegger.)

Eventually, Ntaganda was done in by the contradictions in his role as Rwanda's pawn. He should have known better, since Kisase Ngandu, Laurent Kabila, and many others had been killed, and his immediate predecessor, Nkunda, had been forcibly removed from the scene and placed under house arrest in Rwanda. After the CNDP joined the presidential majority and helped ensure Kabila's reelection, a number of Tutsi officers mutinied in April 2012. They called their group the M23 movement—March 23, 2009, being the date of an agreement that the dissidents felt Kabila had not kept. They complained about poor living conditions and poor pay.

Another interpretation is that M23 mutinied in protest over Kabila's announcement in April 2012 that he was prepared to hand Ntaganda over to the ICC. Asked about Ntaganda, Colonel Sultani Makenga, M23's military chief, denied that Ntaganda was with his group. Makenga and some of his associates are close to Nkunda, who is from North Kivu and culturally a Munyanduga (from the central area of the Rwandan kingdom). They see Ntaganda as a Gogwe and an outsider, responsible for the killing of Nkunda loyalists.

After the mutineers had occupied Goma and then withdrawn under international pressure, it became clear that M23 was no longer a unified

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movement. The Makenga faction apparently was ready to negotiate with Kabila, while Ntaganda and his supporters were not. The two groups clashed, Makenga won, and Ntaganda was left with no choice but the one he made.

IS THIS THE END?

Ntaganda's trial probably will be lengthy. If he is found guilty, the deterrent effect will be greatly delayed. Any reparations to the victims of his violence, who must number in the thousands, will come too late for many of them. In any event, one should not count on the ICC proceeding and its aftermath to produce meaningful change in DRC. Only Congolese can improve the effectiveness of their government, its service delivery, and its ability to protect citizens.

However, the arrest of Ntaganda and his trial should serve as reminders to the Rwandan authorities that their interference in DRC is no longer

acceptable, if it ever was. Far from guaranteeing the security of the Kinyarwanda-speaking Tutsis and Hutus of eastern DRC, Rwanda's interventions have continuously destabilized Congo and put the lives and property of Rwandophones and others in danger.

The Americans eventually came to realize that they could no longer tolerate Rwanda's destabilization of Congo and exploitation of Congolese resources. The recent cancellation of a small amount of military assistance to the Kigali government sent an unmistakable message that assistance to M23 would no longer be tolerated. South Africa and Tanzania, which had declined to send troops to Congo in 1996 and 1998, agreed to send troops for a special UN force to combat M23 and other armed groups. The Rwandans had no choice but to abandon Ntaganda and to hope that his testimony in The Hague would not be too damaging to their reputation. ■