

**WARID:** Democratic Republic of Congo (RCD) 1998-2004

**STARDATE:** 3 August 1998

**ENDDATE:** 31 December 2004

Related cases: Zaire/DR Congo (AFDL) 1996-1997  
DR Congo (MLC) 1998-2002  
DR Congo (CNDP) 2006-2009  
Rwanda (FPR/PALIR, FDLR) 1990-2002  
Angola (UNITA) 1998-2002  
Burundi (CNDD, CNDD-FDD) 1994-2004  
Burundi (Palipehutu, FNL) 1997-2008  
Uganda (ADF) 1996-2002

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### **Conflict Overview**

In the First Congo War (October 1996-May 1997), the rebel ‘Alliance des Forces Démocratiques pour la Libération du Congo’ (AFDL) led by Laurent-Désiré Kabila and backed by the governments of Angola, Burundi, Rwanda and Uganda toppled Zairian president and longtime dictator Mobutu Sese Seko. Kabila declared himself president and proclaimed the Democratic Republic of the Congo (DRC). In August 1998, the Second Congo War broke out. In the course of the fighting, seven foreign countries, various foreign rebel groups and over a dozen indigenous militias (mostly the so called Mayi-Mayi<sup>1</sup>) became embroiled in the armed struggle. Troops from Angola, Chad, Namibia, Sudan and Zimbabwe entered the war on behalf of President Kabila. Rwanda, Uganda and Burundi – once backers of the AFDL forces – supported the rebels. Rebel groups from Burundi, Uganda and Rwanda – who fought against the AFDL in the first war – were now supported by Kabila and fought against the forces that challenged the new president.

The anti-Kabila rebellion forces were primarily composed of Banyamulenge and Tutsi fighters from North Kivu, former Mobutu soldiers (former ‘Forces Armées Zaïroises’ (FAZ)), along with members and deserted soldiers from the new ‘Forces Armées Congolaises’ (FAC). On 16 August 1998, the rebels formally established the ‘Rassemblement Congolais pour la

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1 The term ‘Mayi-Mayi’ or ‘Mai-Mai’ refers to loose groups of ethnic militias in eastern Congo.

Démocratie du Peuple' (RCD) in order to remove Kabila from power. In light of this, all of the DRC is considered disputed territory.

The anti-Kabila rebellion is closely related to the war against Mobutu: parts of the warring parties remained the same, though they fought in a different constellation. Threatened by anti-Tutsi violence under the rule of Mobutu, the Banyamulenge and Tutsi from North Kivu felt betrayed when Kabila collaborated with radical Rwandan Hutu extremists starting in 1997. Above all, they were had not been rewarded for their support in the war against Mobutu; soon after his victory, Kabila dismissed them from the government. Likewise, Kabila denied former Mobutists any access to power. As a consequence, the latter group, the Banyamulenge and Tutsi from North Kivu joined the anti-Kabila rebellion to regain access to political and economic power.<sup>2</sup> When Kabila demanded that all foreign troops leave the DRC in late July 1998, thereby ending military cooperation, the Banyamulenge and Tutsi from North Kivu, especially, feared falling to the mercy of Mayi-Mayi and radical Hutu militias<sup>3</sup> (so-called ex-FAR/Interahamwe).

On 2 August 1998, Tutsi brigades and Rwandan elements of the FAC mutinied in Goma, North Kivu, and Rwandan troops crossed the border into the DRC. Within a few days, the Rwandan soldiers and rebel forces captured all the key points in the Kivu provinces in the east of the country;<sup>4</sup> they also made a quick advance on Kinshasa from the west.<sup>5</sup> Kabila was close to defeat when Zimbabwe and Angola deployed troops to defend the capital in late August 1998. In May 1999, the RCD split into two factions: the pro-Uganda wing of the RCD (RCD-ML) moved its headquarters to Kisangani while the pro-Rwanda wing stayed in Goma (RCD-G).<sup>6</sup> Hereafter, the term 'RCD/RCD-G' refers to the rebel group until 1999 and refers to the RCD splinter faction 'RCD-G' after that point. Other RCD splinter factions have not been deemed relevant.<sup>7</sup>

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2 Rwanda and Uganda's interest in the war against Kabila was the same as in the struggle to overthrow Mobutu. Both countries sought to eradicate the bases of rebel forces in the DRC to satisfy their need for regional security. Kabila proved to be neither capable nor willing to combat foreign rebels on his territory.

3 In the beginning, these militias were the former Rwandan 'génocidaires' (ex-FAR/Interahamwe). Later, they called themselves 'Armée pour la Libération du Rwanda' (ALiR) and 'Forces Démocratiques de Libération du Rwanda' (FDLR) after 2000.

4 They captured the cities of Goma, Bukavu, Uvira and Kisangani.

5 On 4 August 1998, former DRC Chief of Staff, Kabarebe, air-lifted Rwandan and Ugandan soldiers to the Kitona airbase in the west of the country. The airbase held 10,000 to 15,000 ex-Mobutu soldiers in a so-called 're-education camp' that eventually joined Kabarebe's forces. Thereafter, they captured several towns, including Matadi, and also the Inga Dam hydroelectric complex (Weiss 2000: 14).

6 The RCD-ML became embroiled in another conflict dyad in Ituri, though fatalities in the armed struggle between the government and the rebels were very low. The vast majority of deaths were caused by one-sided violence. Hence, the conflict between the government and the RCD-ML splinter faction is not considered a new case of the sample.

7 Other RCD factions, mostly Ugandan-backed, included the RCD-ML, RCD-N, RCD-O and RCD-K-ML.

Following the foreign intervention on behalf of Kabila as well as the RCD-split, it became apparent that neither warring party was able to achieve a military victory. Given the military stalemate, the parties agreed to the Lusaka Ceasefire Agreement (LCA) on 31 August 1999. However, the implementation was delayed on account of renewed fighting. On 16 January 2001, President Kabila was shot and his son, Joseph Kabila, succeeded him in office. He revived the peace negotiations and the Inter-Congolese Dialogue (ICD) which had been envisaged in the LCA finally convened between February and April 2002. On 17 December 2002, the negotiation parties<sup>8</sup> finally signed the Global and Inclusive Agreement (GIA) in Pretoria, inducing a transitional period that ultimately lasted until 2006.<sup>9</sup>

According to the UCDP (Uppsala Conflict Data Program), the war between the RCD-G and the Kabila government was officially terminated upon final implementation of the LCA in 2002 [**WARENDUC=1**].<sup>10</sup> The main hostilities between the government and the rebel groups had already ceased in late 2001. However, renewed fighting between government actors and the rebels which were by that time already part of the power-sharing government erupted during the Bukavu Crisis in 2004.<sup>11</sup> Moreover, armed struggle between non-state actors and one-sided violence against civilians continued until that year.<sup>12</sup> There was neither an armed struggle nor one-sided violence in 2005 that can definitively be attributed to either warring party in the dyad. Consequently, the war is considered to have lasted from August 1998 until the end of 2004; thereafter, the conflict definition was no longer met [**WARENDOS=5; WARDUR=77**].

According to the UCDP estimates, fatalities in the armed struggle between the DRC Government and the RCD/RCD-G rebel forces numbered 4,490. One-sided violence by the parties involved in the conflict and fighting between non-state actors in the dyad resulted in an additional 7,962 deaths, bringing the death toll to 12,452 [**FATALUC=12000**]. However, other sources indicate a much higher number of fatalities, though figures differ widely. Between 1998 and 2000 alone, around 200,000 people are said to have died in the armed struggle

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8 The government of the DRC, the RCD-G, the MLC, the RCD-ML and the RCD-National (created by former RCD-G leader Roger Lumbala), Mayi-Mayi militias, the unarmed political opposition and member of civil society were signatories of the agreement.

9 For a conflict overview see Afoaku 2002; Cappelaere 2011; Carayannis 2003; Dunn 2002; ICG 2000; ICG 2006a; Johnson 2008; Kisangani 2012; Marriage 2013; Prunier 2004; Prunier 2009; Turner 2002; Weiss 2000.

10 UCDP Conflict Termination dataset, dyadic version, [http://www.pcr.uu.se/research/ucdp/datasets/ucdp\\_conflict\\_termination\\_dataset/](http://www.pcr.uu.se/research/ucdp/datasets/ucdp_conflict_termination_dataset/) (24 May 2014).

11 Several hundred people, including armed forces and civilians, were killed in the fighting between former RCD-G general Jules Mutebutsi, who was supported by Laurent Nkunda, and the commander of the military region in Bukavu, a supporter of Kabila, General Mbuza Mabe (ICG 2004: 3-6).

12 See UN 2003: para. 18-19; <http://www.irinnews.org/report/52483/drc-after-gaining-ground-insurgents-agree-to-ceasefire> (9 May 2014).

(Afoaku 2002: 122; ICG 2000: 67; Prunier 2009: 242). Kisangani (2012: 146) even estimates the number of deaths resulting from acts of violence between 1998 until 2002 to be 700,000.<sup>13</sup> According to the UCDP, about 67% of all fatalities between 1998 and 2000 (50% between 1998 and 2002) were related to the RCD/RCD-G dyad.<sup>14</sup> Applying that share to the number 200,000 (and 700,000, respectively), which do not distinguish between different dyads, at least 134,000 (350,000) people were killed by 2000 (2002). Since these numbers do not include fatalities in the years 2003 and 2004, we settle for the higher estimate **[FATALOS=350000]**. According to World Bank estimates, the population of the DRC in the last year before the outbreak of the war amounted to 44,078,397 **[PREWARPO=44100000]**.<sup>15</sup> The number of fatalities based on UCDP data equaled 0.04% of the pre-war population **[INTENSUC=0.03]**. Considering the higher death toll, the losses amount to 0.79% of the pre-war population **[INTENSOS=0.79]**.

### **The military balance at the end of the war**

According to Cunningham et al. (2009), the RCD controlled parts of the Kivu region in eastern Congo. At its peak, the RCD-G expanded its presence to most of North and South Kivu, northern Katanga, Maniema and areas in Kasai Orientale, totaling almost one third of the country. After Zimbabwe and Angola's intervention, rebel troops lost territory in the western parts of the country (Kitona, Maniema and Inga in the Lower Congo region). From that point on, the RCD-G rebels focused on their stronghold in the eastern provinces, where they established a political and economic zone of influence, indicated by the rebels' ability to collect taxes, exploit natural resources and establish assemblies in North and South Kivu (ICG 2002: 12; Tull 2003: 435).<sup>16</sup> The RCD-G mainly exerted power in major towns in the eastern territory (Goma, Uvira, Bukavu), but was largely absent in rural areas where mostly Mayi-Mayi militias launched attacks against the RCD-G (Tull 2003: 434, 437; Weiss 2000: 18). After the Bukavu Crisis in June 2004, the RCD-G continuously lost control in South Kivu. The rebels were forced to withdraw from South Kivu after they had lost control over Bukavu and retreated to their stronghold in North Kivu (Autesserre 2006: 18). Hence, by the end of the war the RCD-G controlled less territory than it had during the war **[REBTERR= -1]**.<sup>17</sup>

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13 Since there are no sources indicating the number of fatalities related to the dyad for the period between 1998 and 2004, the following calculation only serves as an approximation.

14 After the division of the RCD, we only count fatalities related to the RCD-G dyad.

15 Data on the population at: <http://api.worldbank.org/v2/en/country/cod?downloadformat=excel> (26 Aug 2014).

16 The RCD was able to extract significant financial resources from licensing fees and taxes imposed on multinational corporations that became engaged in mineral trade during the war (Kisangani 2003: 273).

17 See Weiss 2000: 12.

However, when comparing the size of the territories controlled by the government and the RCD at the end of the war, we determine that the government clearly controlled more of the disputed territory than the rebel forces [**MORETERR=-1**].

According to Cunningham et al. (2009), the RCD's relative fighting capacity was 'moderate'. [**REBFIGHT=0**]. However, it decreased over the years, especially after the RCD split in 1999. Additionally, the rebels did not have a central command structure and were largely dependent on Rwandan soldiers that numbered 15,000 compared to around Congolese soldiers, many being inexperienced teenagers (Kisangani 2003: 266). This notwithstanding, the RCD was able to defend its stronghold in the Kivus and achieved a military stalemate with the government.

In the first years of the armed struggle, the rebel forces hoped to achieve a military victory. The DRC Government was significantly strengthened by the foreign intervention on behalf of Kabila. However, the tide did not turn in favor of Kabila but rather led to a stalemate. In the wake of the RCD-split and rising tensions between the rebels' main foreign backers (Rwanda and Uganda), the rebel alliances turned against each other, thus limiting their ability to oust Kabila (Tull 2003: 434). As early as 1999, rebels were enmeshed in the war and did not have the means to extend operations so as to break the frontlines (ICG 2000: 2). By 2001, ambitions by the rebels to capture Kinshasa finally disappeared on account the persisting military stalemate. The government's forces were dependent on their foreign allies who guaranteed the protection of strategically important cities.<sup>18</sup> However, the foreign forces were not able or willing to expand their operations in order to decisively weaken the RCD. The government's forces and their allies were therefore unable to repel the RCD from the Kivus, only possessing capacities enough to maintain the status quo. Both warring parties were able to defend their stronghold but neither side was likely to gain territory through continued fighting beyond the frontlines [**CONFIGHT=0**].<sup>19</sup>

Given the military stalemate on all frontlines, neither the government nor the RCD rebels can be considered the military victor [**VICTORY=0**].<sup>20</sup>

Neither Kabila<sup>21</sup> nor any of the RCD leaders was killed or captured in military or armed operations by the opposing side [**LEADER=0**].

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18 The mineral-rich city of Mbuji-Mayi was defended by Zimbabwean troops and remained one of the last major sources of finance for the Kabila government.

19 ICG 2000: 10-11.

20 See Stearns 2011: 316ff.

21 Kabila was shot in 2001, though the background of his assassination is unclear. His own bodyguard was said to have shot him. Later, in 2004, RCD members were sentenced for being involved in the plot.

The military standoff ultimately led to a comprehensive peace agreement (GIA) signed by the belligerents in late 2002.<sup>22</sup> The fact that violence only ceased in 2004 had no bearing on the overall military balance, which slightly favored the government [**WARBAL= -0.33**].

### **The military balance in the post-war period**

One of the main tasks of the transitional government was to implement security sector reforms (SSR) as outlined in the GIA (Annex V, art. 2a). This agreement provides for a unified Congolese defense force incorporating all forces of the GIA signatories into the new army (art. 2, par. 3; Boshoff 2005: 3-4, 8). According to the signatories themselves, approximately 340,000 combatants had to be integrated into the new army in total.<sup>23</sup> However, little progress was made due to continued fighting.<sup>24</sup> By the end of 2005, 3,500 RCD-G troops had been 'integrated' into the new brigades. Government forces also contributed with at least 5,000 troops (ICG 2005: 3; ICG 2006a: 14).<sup>25</sup> Consequently, both former warring parties substantially participated in the state's military forces [**STATEFOR 2005-2006=0**], which consisted of various, incoherent armed groups with parallel chains of command.

Despite the integration efforts, Kabila retained his personal bodyguards, the 'Groupe Spécial de Sécurité Présidentielle' (GSSP)<sup>26</sup>, and refused to disband the contingent (Boshoff 2004: 64).<sup>27</sup> The GSSP was an elite corps under Kabila's direct control (AI 2007: 56-57; ICG 2006a: 3, 29; ICG 2006b: 7). The GSSP numbered between 10,000 and 15,000 soldiers.<sup>28</sup> As such, Kabila had separate armed forces at his disposal.

Despite the RCD's commitment to integrating their soldiers into the new 'Forces Armées de la République Démocratique du Congo' (FARDC), parallel chains of command remained in place. RCD generals were still the de facto commanders of the troops in South and North Kivu. In 2003, Laurent Nkunda and two other former RCD-G officers refused integration into

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22 The UCDP refers to the Lusaka Ceasefire Agreement that was finally implemented with the signing of the GIA, indicating that the conflict ended with a ceasefire agreement and not a peace agreement.

23 This figure was revised down to 240,000 in 2004; other sources indicate a number of 130,000 combatants (Clément 2009: 90, ICG 2006a: 16).

24 See Clément 2009: 91; ICG 2006a: 3; UN 2004: para. 14-23; UN 2005b: para. 34-36; UN 2006: para. 49-50.

25 Kabila stated a total number of 120,000 FAC soldiers that had to be integrated. However, most of them were 'ghost' soldiers, only existing on the pay roster (ICG 2006a: 14, Prunier 2009: 306). Hence, FAC numbers are highly inflated and 'Military Balance' estimates only 64,000 soldiers for 2005 and March 2006, and 51,000 for November 2006 (IISS 2006-2006/2007).

26 The presidential guard was later renamed 'Garde Républicaine' (GR).

27 On 12 November 2004, the transitional parliament passed a law on defense and armed forces. However, it did not provide for a distinct unit within the army or the size and for control over Kabila's presidential guard (Clément 2009: 92-93; ICG 2005: 2, 15)

28 See AI 2007: 57; Freedom House 2007; ICG 2006a: 3-4; ICG 2006b: 7; Prunier 2009: 311. The GIA had only envisaged 5 to 15 bodyguards for each political leader (Annex V, art. 1a).

the FARDC.<sup>29</sup> Once the rebel positions in South Kivu were weakened in 2004, ex-RCD troops in the FARDC still loyal to Nkunda mutinied in Bukavu.<sup>30</sup> Nkunda appeared with approximately 1,000 to 2,500 troops from North Kivu and eventually captured the city but left shortly thereafter and retreated to his stronghold in the Masisi and Rutshuru regions.<sup>31</sup> In 2005, Nkunda called for the government to be overthrown. Following this appeal, an additional 1,000 ex-RCD-G soldiers in the FARDC defected and joined Nkunda's forces.<sup>32</sup> By the end of December 2006, Nkunda's forces numbered approximately 3,500 (Boshoff 2007: 4-5).<sup>33</sup> Throughout 2006, there were several military confrontations between Nkunda's troops and the national army (HRW 2007: 16; ICG 2006b: 14), indicating that the RCD-G – in the person of Nkunda – had separate armed forces at its disposal, as did Kabila [SEPFORCE 2005-2006=0].<sup>34</sup> According to our definition, however, there was no relapse into war before November 2006.

Since there is a lack of consistent data on the number of rebel forces as well as precise figures for integrated RCD soldiers in the FARDC during the respective post-war years, we cannot assess whether there had been a change in the number of troops in favor of either of the warring parties. Likewise, we lack information on the rebels' weaponry [TROOPS 2005-2006=n.d.; ARMS 2005-2006=n.d.].

By the end of 2004, both sides retained control over important territory. Following the agreement with the 'Mouvement de Libération du Congo' (MLC) leader Bemba in 2002, the government merged its territory with the MLC stronghold in the north and therewith controlled around 60% of the country (ICG 2002: 7; ICG 2005: 1-2). Given the stalled integration of armed forces and the state's weakness in effectively exerting power in the eastern provinces, the rebel side maintained their state-like structures in the Kivu provinces (Kisangani 2003: 273; HRW 2007: 12). Nkunda was able to recruit Tutsi, Banyarwanda Hutu from Masisi

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29 See AI 2007: 31; Baaz/Verweijen 2013: 11, 15; ICG 2005: 4; ICG 2006b: 6; ICG 2006a: 14; Kisangani 2012: 153; Stearns 2012: 18. Consequently, the brigades under their command deployed in Masisi (North Kivu) were not incorporated into the new army. After the withdrawal of Rwandan troop in mid-2002, the RCD had called Banyarwanda commanders back to North Kivu (Tull 2003: 442; Stearns 2012: 20).

30 On the Bukavu Crisis, see ICG 2004: 3-6; UN 2004: para. 34-46.

31 See HRW 2007: 10-11; ICG 2005: 2, 6; ICG 2006b: 15, 18; Kisangani 2012: 153; Prunier 2009: 297-298; Stearns 2012: 21; Tull 2003: 442.

32 See AI 2007: 34; ICG 2006b: 16; Stearns 2012: 23.

33 By his own accord, Nkunda commanded 12,000 men (Prunier 2009: 323).

34 Albeit the fact that the senior military leadership of the RCD-G was opposed to the transition process and joined Nkunda's forces, there were also moderate parts within the RCD-G. Whereas the 'die-hard' elements supported Nkunda, those participating in the transitional government largely distanced themselves from Nkunda's actions (AI 2007: 32; Clément 2009: 94, ICG 2005: 6). RCD-G leader Ruberwa was one of the moderate forces; however, he temporarily suspended his the participation in the transitional government as a reaction to a massacre on Congolese Tutsi in the Burundian refugee camp Gatumba. He accused Kabila of planning the attack, which was later refuted by an UN investigation (ICG 2005: 6; Prunier 2009: 299; Stearns 2012: 21). Under international pressure, he rejoined the transitional government soon after.

(North Kivu) and other men from various tribes in the surrounding area (Prunier 2009: 323).<sup>35</sup> Although Nkunda did not control any major mines, Nkunda imposed taxes and skimmed profits from the mineral trade in North Kivu (Stearns 2008: 259). In terms of extent, however, the government side controlled more important territory than the RCD in the post-war period [**TERRCON 2005-2006= -1**].

After the RCD mutiny in Bukavu in 2004, the government forces were able to drive back the rebels in South Kivu, northern Katanga and Maniema to an extent (ICG 2006b: 7). Following this moderate advancement by the government's forces, the RCD nearly vanished from South Kivu and retreated to North Kivu. The government therefore controlled a bit more territory than it had at the end of the war [**TERRWIN 2005-2006= -1**].<sup>36</sup>

Due to the fact that the RCD-G retreated to its stronghold in the eastern regions when it became obvious that the capture of Kinshasa was no longer possible, the government was strategically less vulnerable in its territory.<sup>37</sup> Compared to the territory controlled by the government, the rebels only exerted control over a considerably smaller part in the eastern provinces [**VULNERAB 2005-2006= -1**]. The rebels did not have the capacity to attack government positions outside of their own territory; when renewed fighting broke out, military confrontation was limited to areas under the control of the RCD-G or adjacent government positions. The increased deployment of FARDC troops close to Nkunda's base in North Kivu further threatened the rebels, who had become surrounded (ICG 2005: 7).

UN peacekeeping forces have been present in the DRC since 2000 under the 'Mission de l'Organisation des Nations Unies en République Démocratique du Congo' (MONUC).<sup>38</sup> The mandate has been extended throughout the years.<sup>39</sup> The European Union (EU) deployed a temporary EU force (EUFOR) composed of 1,500 soldiers to support the approximately 17,000 UN soldiers in providing security during the general elections in 2006 [**PEACKEEP 2005-2006=0**].<sup>40</sup> None of the permanent members of the UN Security Council would have intervened on behalf of either of the warring parties [**P5ALLY 2005-2006=n.r.**].

In sum, the post-war military balance moderately favored the government [**POSTBAL 2005-2006= -0.5**]. The scores for the military balance at the end of the war and for the post-war

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35 He further convinced Mayi-Mayi to recruit warriors for him.

36 See ICG 2006b: 15.

37 However, Nkunda was able to strengthen his military structure with the quelling of the Bukavu mutiny and he retreated to Masisi and strengthened ties to armed groups in Ituri (HRW 2007: 11; Stearns 2008: 249).

38 See <http://www.un.org/en/peacekeeping/missions/past/monuc/facts.shtml>. (23 May 2014).

39 In 2010, the mission was renamed MONUSCO (Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo) and was ongoing throughout the investigation period.

40 See Kisangani 2012: 153; [http://www.eeas.europa.eu/csdp/missions-and-operations/eufor-rd-congo/index\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/eufor-rd-congo/index_en.htm) (26 Aug 2014).



period indicate the decreasing predominance of the government [**BALANCE 2005-2006= -0.42**].

## Economy

The DRC's gross domestic product (GDP) remained at a very low level.

Table 1: GDP per capita in current USD<sup>41</sup>

Year	Population (total)	GDP per capita
2005	54,028,003	133
2006	55,590,838	159

## The scale of compromise after the war

The Global and All-inclusive Agreement (GIA) provided for power sharing between the government and the various rebel groups. The signatories of the agreement were commissioned to constitute a government of national unity and to prepare free, democratic and transparent elections. The agreement further envisaged the participation of all parties of the ICD in the political administration (art. I-II). Both the government and the RCD contributed to the transitional government with seven ministers and four deputy ministers (GIA Annex). Kabila maintained the presidential office, and four vice-presidencies were granted to the rebel forces (MLC and RCD), the government and the unarmed opposition (art. V). The RCD and the government also contributed 94 representatives to the National Assembly and 22 senators to the second legislative chamber (Annex I). As such, both the government and the RCD participated in the transitional government, though a veto right did not exist for each side [**GOVERN 2005-2006=0; VETO 2005-2006=n.r; VETOSAT 2005-2006=n.r.**]. Since the new government and parliament were not inaugurated until 2007, the RCD is considered part of the government in 2006, despite their drastic defeat<sup>42</sup> in the general elections in July 2006.<sup>43</sup>

Given the RCD's marginalization in the elections, its loss of influence was foreseeable; this resulted in an increase of support for Nkunda and led to a consolidation of his troops in North Kivu.

41 Data on the GDP per capita and the population available at: <http://api.worldbank.org/v2/en/country/cod?downloadformat=excel> (26 Aug 2014).

42 Once contributing to the transitional parliament with 94 deputies, the RCD only won 15 seats (3%) in the 2006 elections (Kisangani 2012: 157; Stearns 2012: 16). Thus, with no significance at the national level, the RCD was marginalized and even lost its political base in the Kivus (HRW 2007: 12; Kisangani 2012: 160).

43 The new Prime Minister Antoine Gizenga announced his government in February 2007 (Kisangani 2012: 158).

According to the GIA, elections were scheduled for late 2005, though the date was deferred. Since the government in office included President Kabila and RCD vice-president Azarias Ruberwa, not holding elections was in favor of both sides as they could not be challenged by other parties [ELECT 2005=0]. On 30 July 2006, the first general elections were held after over 40 years. In the presidential elections, transitional president Kabila prevailed with 44.8% of the votes against his main competitor, MLC leader Bemba (20%) in the first round of the polling. RCD nominee Ruberwa barely gained 2% of the votes (Prunier 2009: 213). In a run-off on 29 October 2006, Kabila emerged as the winner with 58% of the votes. Apart from some irregularities, the elections were basically transparent, democratic and free with no incidents of deliberate fraud.<sup>44</sup> The Freedom House (2007) political rights rating improved from ‘6’ to ‘5’. Consequently, both former warring parties were able participate in basically democratic elections [ELECT 2006=0].

The warring parties fought for the entire country and for access to governmental power. The secession of a certain territory, disputes over borders between federal or sub-state units and the allocation of competencies in these units were not the core of the armed struggle [EXBORDER 2005-2006=n.r.; INBORDER 2005-2006=n.r.; COMPETEN 2005-2006=n.r.].

Changing the economic order was not on the agenda of either of the warring parties [ECONOMY 2005-2006=n.r.].

After Kabila had taken power in 1997, he incrementally marginalized the Tutsi population in the eastern regions. Already under Mobutu’s dictatorship, their status as citizens of the DRC was unclear, and, in 1996, all Banyamulenge Tutsi were called upon to leave the country. After that, one of the main objectives of the Banyamulenge Tutsi – represented by the RCD-G – was their recognition as citizens of the DRC with equal rights and the guarantee of security. The Lusaka Ceasefire Agreement (LCA) stated that “all ethnic groups and nationalities whose people and territory constituted what became the Conge (now DRC) at independence [in 1960] must enjoy equal rights and protection under the law as citizens” (art. III.16). In 2004, the parliament passed a nationality law that realized the provisions of the LCA (Kisangani 2012: 153). These provisions were later enshrined in the 2006 Constitution (art. 10). The rebel side prevailed on the issue of discrimination of the Banyamulenge population [SPECPRO 2005-2006=1].<sup>45</sup>

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44 See BTI 2008: 6; EISA 2006: 7, 9, 13; EU 2006: 11, 13-14; Merckx/Vander Wayden 2007: 810-811.

45 The rebels did not make any concessions; Kabila was “offering a carte blanche over the issue of Congolese Tutsi nationality [...]”. He was hoping to win the backing of the Banyamulenge population in the Kivus once they were granted citizenship (ICG 2001a: 13).

Whereas Kabila insisted on the withdrawal of foreign forces before entering into a power-sharing agreement, the RCD-G demanded the end of government support for the so-called ‘negative forces’ along with their disarmament (ICG 1999b: 16-17; ICG 2001a: 2).<sup>46</sup> The GIA reiterated the LCA’s call for the “disarming of the armed groups and militias” (art. I.3). However, little progress was made and Kabila continued to collaborate with the FDLR (Forces Démocratiques de Libération du Rwanda).<sup>47</sup> MONUC investigations revealed that Hutu FDLR fighters had not been disarmed or demobilized (UN 2005a: para. 20, 23). The enduring existence of the FDLR continued to pose a threat to the Tutsi in the eastern DRC, who claimed that their security situation had not improved and that anti-Tutsi sentiment persisted (UN 2005a: para. 26) – cited as their reason to continue fighting. Thousands of people in the Kivus were eventually displaced as a result of skirmishes between the FDLR, the FARDC and the RCD-G. Overall, the government prevailed in terms of the disarmament of the FDLR **[ISSUE 2005-2006= -1]**.

Soon after the outbreak of the war and on account of the stalemate, the belligerents’ objective of militarily defeating the enemy faded. Economic interests gained center stage and continued fighting proved more profitable than peace.<sup>48</sup> The Declaration of Fundamental Principles of the Inter-Congolese Political Negotiations, signed on 4 May 2001, provided for “the utilization of the natural resources [...] in the interest of the whole country [...]” (art. II.11). This declaration was recalled in the Final Act of the Inter-Congolese Negotiations, which was signed on 2 April 2003 (UN 2003: para. 2-3). However, the government was unable to gain control of areas with vast natural resources controlled by the RCD-G; the rebels continued to illegally exploit resources for their personal gain (Stearns 2008: 259). Thus, no compromise was reached with respect to the common utilization of resources for the benefit of the whole population. The rebel side prevailed by maintaining access to the mineral trade in North Kivu, which ensured the financing of their war expenditures **[ISSUE2 2005-2006=1]**.

There were no other central issues that emerged in the post-war period **[NEWCON 2005-2006=n.r.; NEWCON2 2005-2006=n.r.]**.

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46 Chapter 9 of the LCA Annex provides a list of the groups considered negative forces.

47 See HRW 2007: 15. Simultaneously, in an effort to demonstrate that it was meeting its obligations, the government conducted joint military operations with MONUC soldiers against the FDLR in the Kivus (Conflict Barometer 2005: 22; Conflict Barometer 2006: 26, Conflict Barometer 2007: 26; UN 2005a: para. 27-28; UN 2006: 39-40).

48 See Kisangani 2003: 278; Kisangani 2012: 164; UN 2002. Mines around Kisangani were an important source of finance for the rebels and their allies. Access and exploitation of these mines exacerbated the tensions between Rwanda and Uganda, which ultimately led to the armed struggle between the two entities in 1999 and twice in 2000. Rwanda prevailed in all three military confrontations (ICG 1999b: 19-20; ICG 2000: 83; Kisangani 2003: 270-271).

Despite the comprehensive provisions of the GIA and the inauguration of a transitional government, there were no compromises implemented in the post-war period [**BENEFIT 2005-2006=n.r.; BENEFIT2 2005-2006=n.r.**].

In sum, the post-war order slightly favored the rebel side [**COMPROM 2005-2006=0.2**].<sup>49</sup>

### **Stability of peace**

Nkunda accused the FDLR Hutu militias of committing genocide against the Tutsi in eastern Congo and envisioned himself as their protector. The killing of a Tutsi businessman served as a pretense for Nkunda's troops to attack the city of Sake in late November 2006, and their advance on Goma shortly thereafter (Stearns 2008: 252). This new armed struggle between the Nkunda's new rebel movement the 'Congrès nationale pour la défense du peuple' (CNDP) and government forces precipitated the renewed outbreak of the war against the Kabila government [**SAMEWAR=1; DATESAME=25 Nov 2006; ANYWAR=1; DATEANY=25 Nov 2006**]. Despite ongoing fighting between several militias in the eastern provinces (especially in Ituri), which cannot clearly be attributed to either warring party of the dyad, we determine a period of 23 months of relative peace (December 2004-November 2006) in which the war threshold was not reached for the conflict between the Congolese Government and the RCD-G/CNDP [**PEACMON1=23; PEACMON2=23**].

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49 The RCD's marginalization in the aftermath of the 2006 elections only came into effect with the inauguration of the new government and parliament in early 2007.

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