

Security Provision in North Kivu (Dem. Rep. of the Congo) – the Role of Non-state and State Actors

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1. Introduction

The Democratic Republic of the Congo (DRC) has undergone two devastating civil wars. One led to the displacement of Dictator Mobutu Sese Seko; the second officially ended after the signature of the “Global and All Inclusive Agreement” of Sun City in April 2003, leading to the installation of the transitional government. President Joseph Kabila’s election in October 2006 and the establishment of democratically elected assemblies at both the national and provincial levels have brought a formal end to the transition phase initiated after the Inter-Congolese Dialogue.

However, the peace process is not complete and its achievements remain to be consolidated. Especially the Northeast of the DRC is not entirely pacified and the state authorities are limited in their effective reach of their monopoly over the means of violence. Various actors of violence continue to challenge the state’s legitimate monopoly of violence, spoiling the peace process. Given weak state institutions and a proliferation of armed groups, the question is how and by whom security is provided, if at all? This paper will explore the security provision by state and non-state actors in North-Kivu province and attempt to shed light on the following questions in particular:

How can the nexus between security and insecurity be described? Who are the main actors of security provision? Are there alternative governance structures providing security beside the state? Who are the addressees of security provision; what is the degree of inclusion of security as a private good? Of which quality is the relationship between state and non-state security providers? What are quality and effectiveness of non-state and state actors’ security provision? Finally, concluding remarks will be made on the citizen’s perception of security.

The required data has been generated during a period of extended field research in the North Kivu province of the DRC in April and May 2007. However, the findings of this first phase of research must be considered as preliminary results and will be under further scrutiny in a second research phase later in the year.

2. The Congolese National Army: FARDC

2.1 The integrated brigades

The integration and restructuring of the army was key to the security sector reform (SSR) and therefore a core objective within the transition process. Efforts to reform the Congo's military had to start from levels that were in many respects less than zero. Since the foundation of the *force publique* under King Léopold, the army did not exist to provide security for the public in any normal sense. To the contrary, the army acted as a predatory organ, used by politicians and officers to pursue their individual political and economic goals. The legacy of the army had to be overcome and is still a challenge today. Command structures were still kept weak so that no single faction could control them; as a consequence multiple competing power structures were created,¹ weakening the army's overall capacities and discrediting the integrated chain of command.

Brassage is the process whereby ex-combatants are retrained and integrated into the FARDC - the DRC's Armed Forces. As a starting point, all ex-combatants were officially declared as FARDC soldiers. Before going to *brassage*, the then FARDC brigades rest deployed until the order to leave for *brassage*. The single process takes 40 days in theory, but in reality 3 to 6 months.² The concept of *brassage* is to mix the soldiers sufficiently in order to build an integrated national army and deploy them far away from their former operational area. Within the *brassage* process unfit soldiers, soldiers who are willing to demobilize, child soldiers and non-Congolese are separated out.³ In North Kivu province the *brassage* process has started in March 2005 and has yet to be fully completed. Some Mai-Mai are still waiting for *brassage* in orientation camps in Lubero territory and the 85th brigade has also not yet gone to *brassage*. In North Kivu there the 2nd and 9th integrated and the 85th non-integrated FARDC brigades are deployed, with the 9th brigade being in an immense dissolution process. Whereby the 2nd brigade is deployed in North Kivu's *grand nord*,⁴ which is comprised by the territories of Beni and Lubero. The resolute 9th brigade is deployed in the farthest south of Rutshuru territory.

The FARDC is as much a security as an insecurity factor. They are insufficiently trained and ill equipped. Most importantly, the soldiers are, if at all, only irregularly paid. This has

¹ International Crisis Group 2006: Security Sector Reform in the Congo. Africa Report Nr. 104, p. 2-3.

² Interview with MONUC Political Affairs Officer in Goma, North Kivu, 09.04.07.

³ It is noteworthy that there are two parallel processes of demobilization ongoing in the DRC: a national process to demobilize, disarm and reintegrate (DDR) the signatories to the Global and All-inclusive Agreement and the Final Act of 2 April 2003 and the process of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) process of the forces of the international community.

⁴ North Kivu's *petit nord* is composed by Walikale, Masisi and Rutshuru territory.

created a security hazard of its own when unpaid soldiers prey on the local population for survival. Besides that, corruption is widespread and going up to highest levels.⁵ Moreover, it must be emphasized that it would be too easy to explain - and thereby somehow excuse - the numerous human rights abuses committed by FARDC soldiers by their need to earn money. Cases of torture, arbitrary murder and the numerous cases of rape can not be equally explained. In fact, it has not been accomplished to build an army with the spirit of a republican army and train them sufficiently in respect of human rights. The combination of not being paid, the insufficient practical and ideological training and their bad equipment are the main obstacles to build a well working army. Consequently, a lack of will to risk their life in battle is widespread, weakening the army's capability to provide security against the remaining armed groups.

One of the main problems is the insufficient control over the behaviour of soldiers and the overall atmosphere of impunity. As a result of the quota system that allocates each former belligerent faction certain numbers in the army, there is a considerable diversity in the status, skills and pay of the soldiers.⁶ Given this, the competence of some commanders has to be questioned with devastating effect on the comportment of the soldiers that relies highly on the commander's competences and will to enforce respect for human rights. The human rights violations that have been committed by FARDC troops can largely not be associated with the perpetrators ethnic backgrounds, but explained as the "normal" comportment of marauding troops.⁷

2.2 The hybrid formation: the mixed brigades

Since January 2007 a parallel process to *brassage* has been initiated. Negotiation had been initiated under the impression of the Sake crisis of December 2006, when dissident General Nkunda's troupes⁸ had already taken Sake and were heading for North Kivu's provincial capital Goma and only MONUC's troops were able to stop them. The result of the negotiations between Nkunda himself and FARDC General Numbi, which were held in Kigali, is the *mixage process*, establishing a North Kivu exception from *brassage*. The concrete content of this arrangement remains unknown, as it has been an internal FARDC

⁵ General Ngizo, the chef of the 8th military region (North Kivu), had been dismissed at the beginning of May 2007 and accused of corruption. Interview with MONUC Political Affairs Officer in Goma, North Kivu, 15.05.07.

⁶ International Crisis Group 2006: Security Sector Reform in the Congo. Africa Report Nr. 104, p. 16.

⁷ Interview with MONUC Political Affairs Officer in Goma, North Kivu, 17.05.07.

⁸ In 2003, with the official end to war, Nkunda joined the FARDC as a Colonel and by 2004, he was promoted to General. He, however, soon rejected the authority of the government and retreated with some of RCD-Goma troops to Masisi.

process with the exclusion of MONUC. Several circumstances cause suspicion, like the fact that Air Force General Numbi has been the negotiator for land forces' issues, which actually lies out of his competences.⁹ Moreover, President Kabila holds unchanged on to Nkunda's international arrest warrant.

Mixage is supposed to be a preliminary process to *brassage* process, but doubts remain powerful that at least on Nkunda's side, *brassage* will and has never really been intended. The concept of *mixage* is to mix FARDC troupes which had also not yet gone to *brassage* together with troops loyal to Nkunda. The neologism *mixage* suggests a mixing process, but in reality the supposed mixing is, except for the alpha brigade, not at all executed. From FARDC side, the 110th, 116th and the 1st reserve brigade that had been deployed in South Kivu are mixed together according the key of 50:50 with the 81st and 83rd brigade loyal to dissident General Nkunda. The then called "mixed brigades" were named alphanumerically and deployed in Masisi and Rutshuru territory without being trained at all. Their main objective is the immediate fight of the remaining Democratic Forces for the Liberation of Ruanda (FDLR)¹⁰ troops before going to *brassage*. In fact, the battalions remain separated and were not mixed altogether; only on the level of leadership, commander and deputy were alternately appointed. In consequence, the *mixage* process results in an expansion of Nkunda's influence. Before, his zone of control had only reached into parts of Rutshuru territory.

Formally, the troops are under the direct control of the 8th military region, but estimations by MONUC employees rate its influence at only 20-30 %, while the main control remains in Nkunda's hands. Besides that, issues that are dealt with under the DDR process, like the separating out of the unfit, non-Congolese and the especially disturbing question of the high numbers of child soldiers remain untouched.

Since the beginning of *mixage*, more than 100.000 persons have fled their homes and continue to live in miserable conditions in refugee camps.¹¹ The immense waves of flight were either caused by the threat posed upon the population by the mixed brigades, or by the villages being turned into the opponents' battleground. The villagers are accused of being FDLR's allies and of giving the rebels refuge. The FDLR have been living in the forest for 13 years and are in many cases married to Congolese women who are now living together with their husbands in

⁹ Besides that, it is surprising that General Numbi who is known as having ties to the FDLR, (see International Crisis Group 2005: Solving the FDLR Problem Once and for All. Crisis Group Africa Briefing Nr. 25, p. 3.) was the negotiator on FARDC side.

¹⁰ As will be further worked out in chapter 3.1, the FDLR is mainly comprised of ex-Interahamwe, the militia that carried out the 1994 Rwandan genocide where almost 800.000 Tutsis and moderate Hutus were killed. Their presence in North Kivu poses a threat to Rwanda and Congolese and Rwandan Tutsis.

¹¹ Interview with UN OCHA Information Officer in Goma, North Kivu, 13.04.07.

the forest. Accordingly there are links between the FDLR and the local population. The relationship between them will be further explored in the following chapter.

As a consequence they have been at least harassed and in some cases arbitrarily detained and tortured. In an atmosphere of ethnic tension as found especially in North Kivu's *petit nord*, fear is immense that genocidal tendencies could arise.

Furthermore, concerning their impact on security provision, it has to be stated that there are immense differences between the various battalions. If supposed the fight against the FDLR as a whole is evaluated positively,¹² the impact of the battalions which are composed by Nkunda loyal soldiers is far bigger than that of the others. The FDLR soldiers have a very good knowledge of the area and the forest is giving them both a considerable advantage in battle and an opportunity to hide themselves. Accordingly, the non-Nkunda battalions are not very keen on risking their life in battle. For the Nkunda loyal battalions, the fight against the FDLR is their *raison d'être* as soldiers and accordingly their motivation is much higher. For the Tutsi/Rwandophones, the security situation has improved, as they were truly protected by these troops. Security provision is at least selectively provided by the mixed brigades. Nevertheless, there is a negative impact on general security as has been earlier stated; the mixed brigades pose a direct and indirect threat to the population of other ethnicities than Tutsi.

But besides that, the deployment of the mixed brigades has fuelled ethnic tensions with possible negative consequences concerning their presumed protégés' security. There is a further possible negative impact of the shift in power to the Tutsi in military. Because with the voting out of North Kivu's governor Serufuli who is a Hutu and the new governor being a Hunde, the (perceived) marginalization of the Hutu ethnicity can possibly fuel the tensions, leading to escalation.

The founding of a new rebel group called Coalition of the Congolese Patriotic Resistants (PARECO) as a reaction to the *mixage* process may cause new serious security problems, but their action cannot yet be evaluated.

¹² As has been stated earlier, the fights endanger the local population in two aspects: firstly as being blamed as collaborator by both sides and secondly as being in frontline of the battleground.

3. Non-state armed actors

3.1 FDLR

The Force for Liberation of Rwanda (FDLR) is the political wing of the Forces Combatants Abacunguzi (FOCA).¹³ When referred to the FDLR, very often a picture of a monolithic organization is drawn. The FDLR is no coherent actor, as it is seriously split between political and military factions and also in higher ranks. The FDLR is ethnically composed of Hutus who are responsible for the 1994 genocide in Rwanda, namely the Interahamwe militia and ex-Rwandan Army Forces (FAR), and ex-FAR who did not participate in the genocide. Furthermore the FDLR comprises of post-genocide recruits who had mainly been recruited in refugee camps in Congo and Tanzania. A common goal is the overthrow of the Rwandan government; radical powers preaching the continuation of the genocide.

The FDLR have been living in the forest for 13 years and are in many cases married to Congolese women, living together with their husbands in the forest. Although a high degree of integration in the local population has to be questioned, there has a certain modus of cohabitation developed. There are cases in Rutshuru territory, where trade networks between FDLR and the local population were maintained. It is left to further scrutiny whether these are imposed by force or not. But arrangements between local authorities and FDLR have been reported, for the FDLR to hand over their weapons for the period of trade before entering the villages.

Nevertheless, the presence of the FDLR does not only in respect to the above mentioned consequences of the mixed brigades' presence interfere with the local population's security. The FDLR itself causes a high level of insecurity; regularly raiding villages with numerous incidents of rape and torture; even murder is a common problem for the villages near the forest. When asked about the ethnic affiliation of their victims, no selectivity was to be found. The households who are supposed to be the most lucrative sources are object of raids and victims of rape are chosen arbitrarily.¹⁴ According to their easy accessibility, women who are doing agricultural work on their fields are the most likely victims of rape. One exception is probably the FDLR battalion under Lieutenant Colonel Dimitri¹⁵ who opposes the atrocities against the local population and therefore enforces a non-aggressive conduct towards the Congolese population.

In summary, the FDLR's role as a security provider has to be largely neglected, as they protect only their own families who are living with them in the forest.

¹³ When talking about the FDLR/FOCA, their political wing's abbreviation FDLR is used.

¹⁴ Besides that, in mining areas forced labour has since a long time become a common tool for exploitation.

¹⁵ The battalion is deployed in Kasugho sector towards Pinga.

3.2 ADF/NALU

The ADF/NALU is a coalition between the Allied Democratic Forces and the National Army for the Liberation of Uganda. Whereas the ADF is a Muslim fundamentalist group from Sudan, the NALU is opposed to Ugandan president Museveni's regime. They are located in the Virunga National Park in the north of Beni territory that is bordering Uganda. Estimations on their strength and control over the area vary considerably. In 2006 no remarkable activities were registered, but recently they are reinforcing by recruiting young Congolese. An NGO's project manager has expressed his severe doubts about their alleged threat to the local communities' security. The ADF/NALU are living in and off the forest and doing trade on the local markets. It was not possible to check within the first field research phase, whether they do resort to forced labour, kidnappings and massive raids, but this will be further scrutinized.

3.3 Mai-Mai

The term Mai-Mai is a catch-all expression for a series of disparate local militia operating in the DRC's Kivus and Katanga.¹⁶ They usually recruit along tribal lines and always mirror in their composition the local population. Many of the aims and objectives of the various Mai-Mai groups are location specific. Although the Mai-Mai are very heterogenic according to their provenience, internal organization, political strategy and their relationship towards the local population, they can be subsumed according the following attributes: 1. they call themselves Mai-Mai and refer thereby to their adherence of a specific cult whereby water (Mai) makes the fighters invulnerable, 2. they are all part of an irregular armed group with a flat command structure, 3. they define themselves over their local provenience and 4. they fight the presence of foreign troops in Congo.

In the run-up to the peace deal signed by all major Congolese belligerents, the various Mai-Mai groups formed a political structure to allow them to participate in the transitional government. This allowed some of the larger and more structured Mai-Mai groups to obtain positions in the national army and in government. Some groups were not represented in the Mai-Mai coalition and continue to fight amongst themselves, as well as with the FARDC.

The Mai-Mai groups in North Kivu are mainly located in *grand nord* and are therefore homogenously composed by the Nande ethnic group, who inhabit this region. The remaining three irregular Mai-Mai groups differ hugely according their relationship with the local

¹⁶ Since the end of Belgian colonial rule in 1960, the Mai-Mai have existed as a form of resistance to and defence from the predatory state. The current groups mostly appeared after the onset of direct Rwandan interventionism in the Kivus in late 1996, and especially after the Rwandan/Ugandan invasion of August 1998.

population. There are indications that the Baleine Mai-Mai group,¹⁷ which is deployed between Kayna and Lubero, protects the local population against FDLR and other threats. To what extent they actively protect remains uncertain, but it is relatively certain that this group is not committing human rights violations against the local population. Their exact role in security provision needs to be further explored within the next field research phase.¹⁸

The Lafontaine Mai-Mai group is opposed to the Baleine Mai-Mai group but has been repelled by the latter and is now located in Vurondo Mai-Mai's territory, namely in the area north-western of Lubero city. The Vurondo Mai-Mai group is led by an 11 year old¹⁹ and is also called by its leader's name Baraka. This Mai-Mai group is a major security threat for the local population; they are in full control of that area and its inhabitants. The Vurondo Mai-Mai are known for their atrocities: raid, rape and killings are on their daily agenda.

3.4 Vigilante groups / self-defence groups

Unless the common theoretical approach to assign important competences and leverage to self-defence groups in security governance, for the case of North Kivu province at least, such presumptions have to be neglected. Local defence forces (LDF), which were state-organized paramilitary groups and had grown in number and importance since former governor Serufuli's empowerment²⁰, were also subject to DDR and their occurrence is forbidden since the transition phase. Nevertheless, there were some indications that in Rutshuru territory, single activities can still be sporadically found; this could not yet be confirmed.²¹ But conclusion can be drawn that LDF's existence as a widespread/common phenomenon has not only formally ended. When asked for organized self-defence, the overall answer was that there is none. A common explanation by interviewees was the fear of revenge from the various armed groups. Nevertheless, there are cases of mob justice when a perpetrator has been caught on the spot, but these cases are rare, presumably for the above mentioned reason.

4. Relationship between FARDC and non-state armed groups

A theoretically possible competitive or conflictual relationship between state- and non-state armed groups concerning their role as security providers cannot be currently found in North

¹⁷ The Baleine Mai-Mai group and the Jackson Mai-Mai group are merged together with Jackson as their leader since the death of Delemba, the former Baleine leader who has been killed at the beginning of February 2007.

¹⁸ Some Mai-Mai capture civilians and force them to work. Analogical to the Mai-Mai's loose structure and low organizational degree, their use of forced labour is not well organized and happening more on an ad hoc basis.

¹⁹ Baraka has inherited his post by his father in the age of 8. He has been arrested by FARDC in beginning of May 2007.

²⁰ Human Rights Watch 17:9 (A), p. 7.

²¹ Interview with MONUC Political Affairs Officer in Goma, North Kivu, 09.04.07.

Kivu.²² Only the Nkunda loyal troops before *mixage* were in direct competition with the state institutions over their legitimate role as security providers at least for the specific group of Tutsis/Rwandophones. However, with the introduction of the mixage process, their status has changed.

Until 2002, the FDLR had been supplied by Kinshasa, since then the activities against them were only half hearted. But with the deployment of the mixed brigades, action against the FDLR has been intensified.

The FDLR and Mai-Mai live currently in coexistence and even lead joint operations against their common enemy, the mixed brigades. However, the relationship between the Mai-Mai and FDLR is volatile.

The relationship between the FARDC and the remaining irregular Mai-Mai groups can be described as largely indifferent. The 2nd brigade proceeds against the Mai-Mai, but their relationship is more precisely described as coexistence.

The 85th brigade that is formally a FARDC brigade lives in more or less peaceful coexistence, allowing both groups to profit from the exploitation of natural resources, being “chief of their own turf”.²³ Clashes between both are possible, but only occur rarely.

Some elements of the 9th brigade that is in a serious dissolution process go over to the mixed brigades. Though, the 2nd brigade’s position towards the mixed brigades is characterized of suspicion.

5. Remarks on citizen’s perceptions

One of the main sources of insecurity in North Kivu pose the mixed brigades. The common view within non-Tutsi/non-Rwandophones, which has been to a large part adapted by the international community, is that the mixed brigades pose the biggest security problem. Tempting as it might be to put it like that, the overall security situation and its currently worsening status must be analysed in a more differentiated way. It is true, that their deployment and activities against the FDLR has caused instability and therefore insecurity. And it is true that there are crimes against human rights committed by mixed brigades. But it is equally true that not every violent incident that has happened had been committed by mixed brigades. There was an alleged massacre in end of May 2007 of 17 persons carried out by mixed brigades in a village 20 km north from Kiwanja in Rutshuru territory. Investigations by

²² Whereas the Mai-Mai have been at least until the first war positively perceived by the local population, since the second war, their image has worsened since their increased exploitation of natural resources and atrocities against the local population.

²³ Interview with Human Rights Watch senior researcher on the Democratic Republic of Congo, Anneke van Woudenberg, in Goma, North Kivu, 13.05.07.

Human Rights Watch and MONUC's Human Rights division have confirmed six dead. Moreover, a Human Rights officer has expressed his doubts about the assumed authorship of the killings: FDLR's attacks would have been as likely in that case as mixed brigade's. Currently, there is the tendency to ascribe all crimes to the mixed brigades. It cannot be lastly evaluated whether this is true or not, but caution to quick generalizations is necessary, especially in an environment of such ethnic tension. Furthermore, in interviews with internally displaced persons (IDPs) from the area and with inhabitants of Kiwanja, they have expressed their fear of the mixed brigades. When asked about the FDLR's comportment, there were huge difference between the interviewees' description and reports about human rights abuses.

The population has learnt to adapt to the latent level of insecurity and they have arranged themselves with the armed groups and the mainly negative consequences of their presence. When it comes to the 5th brigade that had been deployed in Rutshuru before the 9th brigade, a citizen's perception of them as a security provider is broadly spread.²⁴ But both brigades are known for massive abuses and human rights violations, like rape and suchlike. How could this be explained? Controlling for the interviewee's ethnic affiliation, lead to no convincing linkage. Of more explanative power is that over time, perceptions can be altered, especially in comparison to more recent experiences.

There are findings that indicate to such an assumption, but at this stadium of research, they remain on a very speculative level. This has to be further explored in the upcoming field research phase.

6. Conclusion

In North Kivu province the security situation remains fragile and large parts of the population live in an insecure environment. The state forces are incapable of providing security for large parts of the population; in contrast, they are themselves a threat. With the deployment of the mixed brigades the security situation has to a certain extent deteriorated, leading to massive waves of displacements. In areas where mixed brigades and FDLR boarder, the population becomes victim of attacks by both sides, being accused of cooperation with the enemy.

Security is at least selectively provided by the mixed brigades for the Tutsi/Rwandophones

The remaining armed groups pose a severe security threat and can not - with the exception of the Baleine Mai-Mai - be identified as security providers.

²⁴ The 5th brigade, besides being perceived as no security problem, was accused of only attacking Hutus. It is proved that there was no systematic differentiation along ethnic lines, but the "normal" violence of marauding troops. This example illustrates how ethnically laden the population is.