

HOW KABILA LOST HIS WAY:  
The performance of  
Laurent Désiré Kabila's government

Background Paper

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## HOW KABILA LOST HIS WAY:

### The performance of Laurent Désiré Kabila's government

#### I. Introduction

A continental war has begun in Africa. It reaches almost without interruption from the Red Sea to the Atlantic Ocean. Whereas some of the conflicts along this path started decades ago, a new phase involving more than a dozen states has now begun. The central arena of this conflict is the Democratic Republic of the Congo, where a combination of international intervention and civil war threatens whatever stability the African continent still possesses. This is an entirely African conflict, not linked to the policies of Western colonial powers or the Cold War.

As with all wars, it is easier to pinpoint when and where military confrontations occurred than it is to explain the original reasons for the conflict. Was it the decision in 1990 of Ugandan President Yoweri Kaguta Museveni to permit Rwandan Tutsi refugees to start a military campaign against the then-Hutu dominated Government of Rwanda? Was it the decision of that government to exterminate as many Tutsi as it could which led to the greatest genocide in African history? Was it the defeat of that government and the exodus to Congo (then Zaire) of about one million Hutu along with their leaders and intact units of its army? Was it the fact that these 'refugees' were regrouped in UNHCR camps not far from the Rwandan border from which they launched guerrilla attacks against the new Tutsi dominated Rwandan regime? Was it the fact that despite repeated warnings from Rwanda, the United Nations - or rather, the Western powers, which dominated its decisions in this matter - did nothing to disarm the Hutu or to stop attacks against Rwanda? Was it the fact that the Government of Congo (then Zaire), burdened by years of corrupt dictatorship under the dying President Mobutu Sese Seko, was allied to the Hutu but also near collapse?

These interlocking events certainly contributed to the current crisis in Central Africa. More fundamentally, one of the most important underlying problems is that many groups - often defined ethnically, sometimes constituting majorities, sometimes minorities - feel alienated from governments which rule the states in which they live. If such states are ruled in a non-pluralistic fashion or are perceived to be doing so, the alienated groups often take up arms. These conflicts become more complicated, and more deadly, when such groups find support from other states or international forces. In the past, such support was usually linked to the Cold War; today the syndrome still exists but it has become africanised.

The current phase of conflict in Congo started in 1996 when Congolese Tutsi, Rwandan and Ugandan military forces (later joined by Angola) started a lightning campaign against the Mobutu regime: they emptied the Hutu camps, pursued the Hutu who did not return to Rwanda, and defeated Mobutu. In order to accomplish this, they supplemented their effort with the creation of a Congolese alliance - the Alliances of Democratic Forces for the Liberation of Congo-Zaire (AFDL)-, which gave the entire campaign a revolutionary or civil war character. The man who led this alliance, Laurent Kabila, became the self-proclaimed President of the re-named Democratic Republic of the Congo. He and his regime were given

wide recognition as virtually the whole world expressed relief at the end of the Mobutu regime and the closing of the Hutu camps.

Two years later, a new war has broken out. Kabila stands accused by many Congolese of having become a dictator who, in the eyes of some, is worse than Mobutu. For their part, the Rwandans and the Ugandans perceive their goals - secure borders with the DRC - to be unfulfilled and even betrayed.

Internally, the forces, which have taken up arms against Kabila, are disaffected soldiers, politicians with a variety of different backgrounds, and the Congolese Tutsi. Externally, the threat to the regime is from the armed forces of Rwanda, Uganda and Burundi.

To counter this challenge, Kabila has mustered three circles of international support. The first circle is comprised of Angola, Namibia, Chad, Sudan and Zimbabwe, all of which have military forces fighting in the DRC. The second circle is made up of the Francophone states of Central Africa, whose support is mainly diplomatic rather than military. The third circle includes what might be called 'radical' states: Sudan, Libya and possibly Cuba. The motivations of these states are varied but one rule seems to apply: the enemy of my enemy is my friend.

Internally, Kabila has played on anti-Tutsi sentiment, which is strong in the DRC. At present, he can also count on the Katanga Gendarmes elements in the new Congo Army (Forces Armées Congolaises); some former FAZ (Forces Armées Zairoises) the former Mobutu forces; the Hutu ex-FAR/Interahamwe (Forces Armées Rwandaises), who have apparently been recruited not only in the DRC but also from Congo-Brazzaville and the Central African Republic; and finally, the young recruits, who have joined the army in the last year. While none of these forces are considered to be neither militarily well trained nor well organised, they are numerically significant and strongly motivated by an anti-foreign, nationalist fervour.

In a word, Africa is faced with an international conflict of major proportions and a civil war in the DRC, which has already caused endless misery and death and has shattered the hopes of its 45 million citizens.

This crisis is even more dangerous because an increasing number of Africans see it in racial terms, with the 'Bantus' pitted against the 'Nilotics' or 'Hamites'. In the Great Lakes region, this is represented by the Hutu (i.e. Bantu) versus Tutsi (ie. Nilotic or Hamitic) conflict. These perceived identities can be called racial (rather than ethnic) because the distinctions made are biological; for example, the Tutsi are identified as tall, narrow-nosed, etc. Even people with the same physical characteristics who are not Tutsi are easily targeted.

In rapid succession, a number of attempts have been made to end this conflict by mediation. These include those undertaken or proposed by the Organisation of African Unity, the Southern Africa Development Community (SADC), President Nelson Mandela of South Africa, former Prime Minister Etienne Tshisekedi, President Muammar Khaddafi of Libya, President Jacques Chirac of France, former UN head Boutros Boutros Ghali as head of the Francophonie, and President Frederick Chiluba of Zambia. Up to now, these initiatives have all failed for one main reason: until recently, both sides of the conflict appear to have felt that they can win militarily. Over the last few months, a *de facto* military stalemate may alter the situation. But, until the very recent past, Kabila's partisans have insisted that the conflict is nothing other than an invasion and that, therefore, a withdrawal of the foreign forces opposed to his government should take place prior to negotiations.

The forces opposed to Kabila, notably the Goma-based Rassemblement Congolais pour la Démocratie (RDC), define the conflict in different terms. For them, it is essentially an internal uprising inspired by Kabila's betrayal of the goals of the movement, which overthrew Mobutu in 1997 and because he has since become a dictator. They also claim to recognise the right of Uganda and Rwanda to take necessary steps to attain secure borders. This is linked to the view that Kabila has made an alliance with the ex-FAR and Interahamwe. However from the start the DRC has called for all-party negotiations, including not only Kabila and his supporting

forces but also those Congolese political groups which have been institutionally excluded by Kabila, such as the UDPS (Union pour la démocratie et le progrès social) and civil society organisations.

## II. Background To The Present Conflict

The present conflict divides both the internal and external original 'sponsors' of the movement which overthrew Mobutu, i.e. the leadership of the AFDL (some have remained in Kabila's camp, some have joined the RCD, or Rassemblement Congolais pour la Démocratie) and the foreign sponsors (Angola committing troops to fight for the regime while Rwanda and Uganda are fighting against it).

In comparing the 1996-7 and the 1998 campaigns, two factors are strikingly different: first, the 1996-7 war was overwhelmingly fought by non-Congolese on both sides of the struggle, yet it was everywhere viewed as a war of liberation or a revolution. As noted above, the 1998 war, while involving foreign armed forces on both sides, does have many Congolese fighting each other, yet it is generally referred to as an invasion. Second, there is a marked difference in the reaction of ordinary citizens to the anti-governmental forces. In 1996, the population generally welcomed the AFDL with enthusiasm; in 1998 in place of enthusiasm there is reserve and often antagonism toward the DRC.

Another point of comparison between the two periods of conflict is that, although Angola is now backing the Kabila regime, while Rwanda and Uganda are challenging it, all three share a common concern: they are threatened by military insurgency forces which use the DRC as a rear base from which to attack government forces or civilian targets. This concern was the cement, which created and held together the 1996-97 alliance. Why did it fall apart in 1998 and why - after some hesitation - did Angola decide not only to refrain from supporting Uganda and Rwanda, but to enter the war on Kabila's side? However, it is clear that the Angolan decision has had an enormous impact on Central Africa, likely to be felt for many years.

### A. **The End of the Mobutu Regime: Internal and External Reasons for the 1996-1997 War**

How did Kabila become the head of the movement, which destroyed the Mobutu regime? How has the DRC been governed since the changeover? The answers to these questions will lay the groundwork for an analysis of the current war.

It had been decades since the Mobutu regime had any real support among the Congolese (then Zaïrois) people. But, despite this unpopularity the regime was able to hold on to power year after year as the standard of living for ordinary people kept falling. There are several reasons for this condition. First, during the Cold War, Mobutu was supported, and when necessary saved, by Western powers. Secondly, after the terrible bloodletting, which had taken place during the revolutionary struggles of the mid-1960s (usually referred to as the Congo Rebellion) the Congolese people seem, quite spontaneously, to have rejected violent protest. Such violence as was present was state violence exercised against selected segments of the population. Third, especially after 1991, a strong opposition to the regime had developed, but it did little to mobilise mass support, rejected armed struggle and tended to be led by relatively old, legalistically minded leaders. As a result, this opposition was unsuccessful - after seven years of struggle - in ending Mobutu's rule.

The AFDL 'liberation war' was largely fought by troops, which were not Congolese. Ex-FAR, Interahamwe, UNITA and Serb mercenaries on Mobutu's side. Rwandan, Ugandan, Angolan forces on the anti-Mobutu side. Congolese combatants participated in the war: among the anti-Mobutu forces, the Congolese Tutsi (mainly the Banyamulenge) were involved from the start, as were, somewhat later, the Katanga Gendarmes. On Mobutu's side, the DSP, one of his elite units and a few ordinary army units participated in some of the battles. However, in essence, although the spark that started the war was internal, the underlying reasons for the war and the actors were regional.

### **Why then did it start and who were its most important players?**

For an answer, one has to look to the 1994 genocide in Rwanda and its consequences. After the genocide perpetrated against the Tutsi, the Rwanda Patriotic Front (RPF) defeated the Hutu government of Rwanda and about a million Hutu fled to surrounding countries, especially Congo (then Zaire). This exodus was peculiar in that entire army units crossed the border, as did government and political leaders. The Hutu refugees, having crossed an international boundary, came under the protection of the international community especially UNHCR (United Nations High Commissioner for Refugees), which set up huge camps to house them near the Rwandan border. These camps were controlled by the same political structures and leaders, which had previously been in command in Rwanda and had organised the genocide. Furthermore, the camps became bases from which guerrilla attacks were launched against the new regime in Rwanda.

In Congo, especially in North and South Kivu, this influx of refugees had a profound effect on the local population and on political relations among ethnic groups. First, it created heightened tension and violence as the Congolese Hutu were suddenly strengthened by the influx of Rwandans and the balance of power between them and others - especially the Tutsi - was upset. Second, economic hardships resulted from the mass immigration and foreign aid tended to favour the refugee camps thus creating resentment. In some cases, Congolese citizens had to abandon their homes but, because they had not crossed an international frontier, they received almost no help from international donors. Third, the Mobutu regime, having been allied to the Habyarimana (i.e. Hutu) regime in Rwanda, continued to help the Hutu and this included becoming the conduit for arms shipments destined for the guerrilla fighters who attacked Rwanda. This was profoundly threatening to the new Rwandan government as well as to Congolese Tutsi. Finally, some national and local Kivu politicians and administrators chose to see the new constellation of forces as an opportunity to attack Congolese Tutsi and in the end order their expulsion, i.e. ethnic cleansing, from the Congo.

The beginning of the 1996-97 war was intimately linked to these conditions in Eastern Congo. The Rwandan government repeatedly warned that it could not accept the presence of the people who had perpetrated the genocide not only camping on its borders but being allowed to rearm and use UNHCR camps as rear bases from which to attack Rwanda. The international community was essentially deaf to these warnings. The South Kivu Tutsi, having seen the genocide in Rwanda and the attacks and expulsion of the North Kivu Tutsi, were determined not to let the same thing happen to them. When the plan to operate another ethnic cleansing, this time against them, was close to execution they descended from their highlands and conducted a pre-emptive strike against the FAZ (Forces Armées Zairoises - former Mobutu forces) and the Hutu camps. This was the opportunity the Rwandans had been waiting for and they immediately crossed the frontier in support of the Tutsi. At high speed they attacked both FAZ and the Hutu camps. Uganda joined the operation for essentially the same although less pressing reasons. Anti-Museveni forces (the Allied Democratic Forces, the Lord Resistance's Army and the West Nile Bank Front) were using Congo as a rear base from which to launch attacks against Uganda. No doubt the long friendship and shared guerrilla experience between Museveni and Rwandan Vice-President Major-General Paul Kagame also contributed to this alliance.

Museveni and Kagame must have been aware of the danger that this operation would be viewed as an invasion, thus reducing its legitimacy. This is how the Mobutu regime tried to persuade the world to view it. Moreover, if it was viewed as a specifically Tutsi invasion, its legitimacy in the eyes of the Congolese public would be utterly compromised because the Tutsi were suspected in some quarters of seeking to create a Greater Tutsi - or Hima - empire which would claim substantial areas in the two Kivus as historically belonging to Rwanda. Hence, the need to give the conflict a Congolese character. This was difficult to achieve not because there were no opponents to the Mobutu regime, on the contrary dozens of parties and leaders were committed to his downfall, but because most of them rejected violent protest. It was necessary to fall back on small, exiled groups that were virtually unknown and certainly had very few followers but which favoured revolutionary methods.

## **B. The resurfacing of Laurent Desire Kabila**

It was at this moment that the AFDL was born - initially called the AFDLCZ - which united four parties: the Parti de la Révolution Populaire (PRP) founded in 1968 and led by Kabila; the Conseil National de Résistance pour la Démocratie (CNRD) led by André Kisase Ngandu with Lumumbist associations; the Mouvement Révolutionnaire pour la Libération du Zaïre, led by Masasu Nindaga, and the Alliance Démocratique des Peuples (ADP) led by Déogratias Bugera with Congolese Tutsi associations.

Kabila was chosen as spokesman, probably in part because he was the oldest among the founders but more importantly because he had a long history of anti-Mobutu protest going back to the 1960s. He had been a zone commander in South Kivu during the 1964-65 Congo Rebellion. It was in his zone that Che Guevara and some Cuban revolutionaries came secretly to support the revolutionary movement. He was the only revolutionary leader who continued to lead an uncaptured redoubt, Hewa Bora between Fizi and Baraka, in South Kivu up until the mid 1980s, the only leader of the opposition forces to succeed in doing so, and never joined Mobutu's regime. He is also said to have had the strong personal support of Museveni and Nyerere.

In 1979, when the Ugandan exiles, supported by Tanzania, decided to overthrow Idi Amin Dada, Kabila was incorporated by the Tanzanian troops among various armed groups to get a first hand experience of modern warfare. According to Uganda exiles, Kabila stayed in Uganda and became close to the Museveni group until they went to the bush in 1980. Kabila later fell out with Nyerere because of their disagreement over Kabila's lifestyle. Nyerere criticised Kabila for being too autocratic in his guerrilla movement and too involved in illicit business, which later led to the cutting off of contacts with the Tanzanian security services.

President Museveni refers to a slightly different version of his first meeting with Kabila in his speech, "Background to the situation in the Great Lakes region"<sup>1</sup>. Museveni said that he met Kabila for the first time in 1986 after taking over power in Uganda: "He was coming out of Tanzania where he had apparently lived. While in Tanzania during the anti-Amin struggle, I heard of Mr. Kabila, having some bases in the eastern mountains of Congo, around Kalemie, but I had never met him. He was introduced to me by a Tanzanian Intelligence officer that I had known by name of James Nzagi."

In this first meeting with Museveni, Kabila is said to have asked for arms but was given two conditions: not to operate on the Uganda-Congo border, "given the prejudice that existed in the region against us for having come to power through a protracted people's struggle. Some of the leaders thought that we were a bad example and that we would influence their people," Museveni wrote in his speech. The other condition was that Kabila was to get official permission to transport the arms through Tanzania to his bases in eastern Congo. "In order to do this, H.E. President Mwinyi's [the then Tanzanian head of state] consent had to be sought. Mr. Kabila however failed to secure President Mwinyi's concurrence. We therefore did not proceed on the question of arms but I gave him a modest financial contribution apart from linking him with the Libyans to see if they could assist him in any way without involving Uganda."

Kabila surfaced again in 1994 when the Rwanda Patriotic Front (RPF) took power in Rwanda. Ugandan President Museveni introduced him to Rwandan Vice-President Kagame, whom, Museveni says, had a sharper conflict with President Mobutu over the presence of Rwandan refugees on the Rwanda-Congo border, held hostage by Interahamwe militias and elements of the former Rwandan Army. At the same time Museveni forwarded another Congolese politician, Kisase Ngandu, to Kagame, to work with Kabila to initiate the anti-Mobutu movement. At first, Kabila and Kisase Ngandu failed to raise enough manpower, until 1,200 Tutsi from Masisi trained by the Rwanda army were linked to the Banyamulenge in South Kivu. Both groups were under the threat of expulsion from Congo. Two other prominent figures,

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<sup>1</sup> Speech read to the head of states in 1997.

Masasu Nindaga and Déogratias Bugera, joined Kabila and Kisase Ngandu to form the alliance.

A significant and powerful force was then added to this equation. Since the early to mid-1960s, opponents of Mobutu had taken refuge in Angola. Most were former Katanga Gendarmes, originally mobilised by the secessionist regime of Moïse Tshombe in Katanga immediately after Congo became independent in 1960. But there were also people who had fought in the 1963-65 Congo Rebellion, especially from Bandundu Province. These soldiers had shuttled between different Angolan forces - the Portuguese, UNITA and the MPLA - but had ended up allied to the Angolan government. Indeed, after the Lusaka accords, when it was agreed that foreign forces would leave Angola, they were integrated into the Angolan Army so as to avoid expulsion. Although it is believed that most of them had been born in Angola as the second generation of those who had originally left Congo, they had always wanted to return to Congo but were prevented by their opposition to Mobutu. When the 1996-97 war began, envoys from the Angola-based Congolese were sent to Goma where they offered to join the fight. This could not have occurred without Angolan agreement, but the Angolan government had a long-standing score to settle with Mobutu thanks to his many years of support for UNITA. Indeed, later in the campaign, Angolan troops and materiel were deployed against the Mbutist forces although it is unclear what the mix of the Gendarmes and 'real' Angolan forces was.

It is open to question whether the original foreign (Rwanda/Uganda) sponsors of the war wanted or expected to go all the way to Kinshasa, or whether their plan only called for the capture of eastern Congo. At any rate, such a limited goal would have been of questionable value to Angola and, as it turned out, the movement took on a dynamic of its own as the Mobutu forces collapsed and Kabila set his sights on Kinshasa.

President Museveni says mobilisation of the international support was crucial in the anti-Mobutu war, with former President of Tanzania Julius Nyerere the first figure to be contacted. He informed European Ambassadors in the region about the threat, which the Banyamulenge and other Tutsi faced in eastern Congo. Museveni briefed South African President Mandela, Zimbabwean President Robert Mugabe and Mozambican President Chissano in order to galvanise African opinion in support of the AFDL. According to Museveni, the Americans wanted Mobutu out but they did not favour Kabila either.

As the war progressed, the international community was preoccupied with two problems: first, how to limit the amount of bloodshed and therefore how to get the two warring parties to negotiate; second, how to stop the frequently reported massacres of the Hutu –and by that time, most of them had tried to escape the anti-Mobutu forces by moving west, rather than following the majority of the camp inhabitants who had chosen, or been pushed, back into Rwanda. Unfortunately, these efforts to negotiate did not also include bringing the non-violent opposition to Mobutu into any of the negotiations. If this had been done before the outcome of the war had become clear, a more pluralistic post-war government might have emerged which would have combined both the legitimacy stemming from the National Sovereign Conference and that arising from the military defeat of Mobutu.

President Museveni of Uganda directly accuses Kabila of refusing to meet with Mobutu in 1996 despite efforts to persuade him. He says when he personally attempted to advise Kabila to attend the meeting organised by Mandela on a ship in the Atlantic, Kabila engaged him in a shouting match on a satellite phone. "Therefore, just before the fall of Kinshasa, I suggested the idea of holding a national conference of all anti-Mobutu political forces, to H. E. Bizimungu, H. E. Mkapa, Mwalimu Nyerere and H. E. Kagame. The majority of them, however, thought it was a 'bit late', and we should remain 'close' to H.E. Kabila, 'advising' him and so on. I was, however, not interested in the role of 'adviser' to H. E. Kabila, because a few times I had tried to 'advise' him, he appeared to resent my advice," Museveni says in his speech *Background to the situation in the Great Lakes region*.

The negotiation efforts undertaken by the international community failed in almost all respects and the AFDL, with a triumphant Kabila at its head, captured Kinshasa in May 1997.



### III. The Kabila Regime

#### A. The AFDL before May 1997: Philosophy and Leadership

Even before the Alliance des Forces Démocratiques pour la Libération du Congo (AFDL) reached Kinshasa in May 1997, certain of the AFDL policy commitments and its leadership styles began to emerge. Almost from the start of the military campaign, the Alliance attempted to forge a new morality for the average Congolese citizen. The underlying principles were reminiscent of the revolutionary rhetoric of the 1960s and were transmitted via 'political lessons' fashioned after those employed by Kabila in his revolutionary redoubt Hewa-Bora. As one observer put it, they tried to impart a 'muddled Marxist analysis of Congolese society' to their reluctant students. The new morality also involved punishing individuals who did not apply it, for example, whipping drunkards or women whose skirts were too short. The AFDL also created a mechanism of local control reminiscent of totalitarian systems both left and right; the so-called Chembe Chembe, street-by-street committees set up both to inform and watch ordinary citizens.

As the AFDL captured one town after another, it also adopted a form of populist democracy. It organised direct elections for mayors and other officials. People assembled and selected candidates by raised hands. This experiment was more genuine and fair than most observers at the time assumed, but resulted in several UDPS cadres or members being elected as well as civil society leaders. Presumably because that did not help to legitimise AFDL control, the experiment soon ended.

The leadership question can be divided into two parts: the role of Kabila and the recruitment of new officials. At the beginning, leadership of the AFDL was supposed to be collegial and Kabila was only the 'spokesman'. When he started calling himself President, other leaders of the AFDL are reported to have objected, especially Kisase Ngandu, but he was assassinated very early in the campaign - Kabila's enemies blame him for this - and soon the limits on Kabila's leadership came more from his foreign supporters than from inside the AFDL. As the AFDL organised its control over the country, a presidential decree came to be the highest law in the land. There were no institutional limits on this power and control. All of this was supposed to change after adoption of a new constitution and elections which were to be held two years later, but for the moment the governmental system was highly centralised and, ultimately, controlled by Kabila alone.

Initially, there was a near-complete refusal to recruit anyone who had been part of the Mobutu regime and even anyone involved in the non-violent opposition to Mobutu. Since, almost anyone who could be considered a member of the elite and who also had lived in Congo during the last 30 years had to have had such an association, a limited pool remained from which to draw personnel. As a result, there was a great opening for returned exiles. In Kabila's first Cabinet, there were at least ten ministers who had only recently returned to Congo from exile abroad. These returned exiles were soon resented. In August 1997, opinion poll showed 40 % of those had a "poor" opinion of Congolese leaders of the Diaspora against 23 % who expressed a "good" opinion.<sup>2</sup> This was both because they had not shared the miseries of life under Mobutu and because they allegedly showed little understanding of the changes that had taken place in Congo in their absence.

#### 1. The early reaction of the Congolese to the Kabila regime

The quality of Kabila's rule can best be understood by analysing the reaction to his presidency among three groups: the general public; the country's elite (politicians, civil society leaders, journalists, intellectuals), and the international community. The record is relatively complete concerning the reactions of the international community and the elite,

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<sup>2</sup> BERCI, August 1997, p 48.

but it is difficult to gauge the reaction of the public. That is why, in this report, frequent reference will be made to the opinion polls taken by a dynamic, newly established organisation in Kinshasa, the Bureau d'Etudes, de Recherche et de Consulting International (BERCI). Unfortunately, with one exception, all the polls are limited to Kinshasa, but despite this limitation these results are one of the only useful indicators of public attitudes.

When the AFDL took control of Kinshasa, on 17 May 1997, it was initially met with an enthusiastic welcome. However, after perhaps one of the shortest honeymoons any victorious revolutionary leader has enjoyed, Kabila found his policies challenged and his association with his foreign supporters, especially the Rwandan Tutsi, viewed with suspicion. It would appear that this initial enthusiasm stemmed from appreciation of the end of Mobutism rather than from approbation for the AFDL's program or style of governance. Hence, once Mobutu was gone, the public judged on the basis of new criteria. When asked, in August 1997, 'If legislative elections were held this Sunday, for which party would you vote?' only 14% of respondents chose the AFDL (compared to 38% for the UDPS led by Etienne Tshisekedi). Kabila himself received even less support when the question was: 'In the Presidential elections, which candidate would you vote for?' He received 11%. Nonetheless, in what was to become something of a pattern, when respondents were asked 'what opinion do you have of Kabila as President of the Republic?' 56% gave him a 'good' compared to 14% 'bad'.

**a. The new regime: rule from strength or weakness?**

Given his policies, one could assume that Kabila was in a strong position but it was not the case. There could have been few successful revolutionary leaders who had as few tools with which to govern as did Kabila. None of the four parties making up the AFDL had any grass root structures or even a substantial membership. The newly created Forces Armées Congolaises (FAC) did not amount to much either, especially in its early days. It was made up of essentially four elements:

- (i) Former Forces Armées Zairoises (FAZ), who were being 're-educated', often under humiliating conditions, and whose loyalty to Kabila was uncertain at best;
- (ii) The Banyamulenge warriors, who had started the struggle but who were generally perceived to be more loyal to the Rwandan Tutsi than to Kabila. In the end, many of them were loyal neither to Kabila nor to the Rwandans but rather to their self-interest;
- (iii) Young men recruited during the march to Kinshasa, the so-called 'kadogos'. They were probably loyal, but hardly effective troops if forced to fight. As they also tended to lord it over the public, thereby producing considerable resentment;
- (iv) The so-called Katanga Gendarmes who had joined the AFDL's struggle against Mobutu and were initially a part of the Angolan army. To whom were they loyal: to Kabila, to the Angolans, or to the political wing of the Katangans in Angola headed by Dr. Emile Ilunga? The latter soon turned against Kabila because he monopolised power and leadership.

Apart from the issue of their loyalty, the existence of these forces posed another serious dilemma: how they could be integrated into one force? This was to become a considerable problem for the regime and one, which, in the end, was not resolved.

Especially in the early months of his regime, Kabila could, and indeed had to, rely on the support of his foreign allies - especially the Rwandan troops and officers. Kabila himself retained the post of Minister of Defence. His first Chief of Staff was the leader of one of the four parties in the AFDL alliance but may have been viewed as a competitor. At any rate he was dismissed, jailed and condemned to 20 years in prison several months later. Then, in December 1997, a Rwandan officer, James Kabarebe, was appointed interim

Chief of Staff. This move served only to weaken Kabila in the eyes of the Congolese public, which was in any case suspicious of his relationship with the Rwandan Tutsi. Already in October 1997, when asked if they thought Kabila was under 'foreign influence', 71% of respondents agreed and 62% thought that Rwanda and Uganda were in the process of 'recolonising the Congo'.<sup>3</sup> If he were to legitimate himself with the Congolese public, he would have to distance himself from his dependence on foreign troops. But, given the state of his power in the DRC, it is clear that he concluded that that would have to wait.

The inherent weakness of the regime is related to the speed with which the old regime of Mobutu was finally destroyed - all of eight months. This period was too short for those struggling to overthrow it to form a coherent united and tested force. Indeed, there were few Congolese who actually fought in this 'war of liberation'. This phenomenon of lightning speed change with the resulting lack of control, organisation and discipline is not new for Congo. It occurred during the independence struggle and again during the uprisings between 1963 to 1965.

#### **b. Kabila's early policy moves**

Kabila responded to the dilemma of his initial weakness in three ways. First, he re-employed many members of Mobutu's security apparatus. There seems to have been little or no 're-education' for them. Second he co-opted individual leaders from virtually every significant political and ethnic group in Congo - as individuals but in no way as representatives of structured organisations. Both they and the many returned exiles were, therefore, utterly dependent on Kabila's approbation since they had no independent or institutional base of power. Third, although hampered by his dependence on Rwanda and Uganda in the eyes of the Congolese, Kabila successfully presented himself as an avid nationalist, fending off the designs of imperial forces such as France, the UN, the US, etc. In addition, Kabila abandoned many AFDL programs. The re-education seminars for ordinary citizens soon petered out, as it became apparent that the Congolese public had no taste for them. The 'new morality' was also largely abandoned with exception of truly popular themes such as serious attempts to limit corruption especially at the level where it touched poor, ordinary citizens. The Chembe Chembe - very much resented and even attacked in some instances - were also allowed to fade away.

In a further attempt to strengthen his personal hold on power, Kabila systematically reduced the power of the AFDL as a structure that was supposed to dominate the political and administrative scene. This also marginalised the influence of his Alliance partners. As noted earlier, none of these parties had substantial structures or cadres; thus, when a leader was sidelined, there was little left of the party's influence. The first to go was of course Kisase Ngandu, who was assassinated long before Kinshasa was captured. While it appeared that Bugera and Masasu were both at the very top of the leadership hierarchy, first, Masasu was condemned by a military court and given twenty years in prison and then Bugera was removed as Secretary General of the AFDL and given a high cabinet post without function.

In effect that left only Kabila and some of his old PRP (Partie de la révolution populaire) followers with real power. Although the AFDL was supposed to be second only to the President, in reality, it became a structure, which had served its purpose - for Kabila - and was month after month rendered increasingly impotent. Yet, it is interesting to note this development, which was, at least initially, hidden from the public; thus, in August 1997 when asked if there was a difference between the AFDL and the State, 66% of respondents answered 'no'.<sup>4</sup>

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<sup>3</sup> BERCI, October 1997, p. 38.

<sup>4</sup> BERCI, August 1997, p. 46.

Finally, Kabila made a virtue out of unpredictability. Some Mobutu era and current leaders were jailed, some were not. It was never clear what could land one in jail or what one had to do to stay out of jail. As a result politicians both in and out of the government were increasingly careful not to offend the President.

## 2. The failure to create a pluralistic regime

### a. Improved security and control of inflation as main successes of the new government

Although the Congolese public had high hopes for the change that the AFDL victory was supposed to bring, it was also a very realistic and pragmatic citizenry. If Kabila did not create the desired pluralism, (in response to the question 'do you think it is necessary for Kabila to meet the leaders of the Congolese opposition [opposition was understood to mean the non-violent opposition to Mobutu]? 86% answered yes<sup>5</sup>), if he was seen to be establishing a dictatorship rather than a democracy (In August 1997, 52% of the public thought the regime was 'dictatorial' as against 22% which thought it was 'democratic'<sup>6</sup>), his rule could be viewed as acceptable if a few minimal improvements were instituted.

Kabila seems to have been aware and responsive to some of these desires. In other words, the public wanted Kabila and the AFDL to join with Tshisekedi, the UDPS (Union démocratique du progrès social), and its allies. In fact it preferred the old opposition to the AFDL, but in the meantime if there were some fundamental improvements more than half the respondents gave Kabila their approval. The reason for this apparent inconsistency lay in the terrible social conditions, which faced ordinary Congolese at the end of the Mobutu regime and even more dramatically at the beginning of the Kabila period. When asked which of the following events they had personally experienced in their families or among neighbours on the street or community they lived in, they responded as follows<sup>7</sup>:

▪ Individuals being robbed:	53%
▪ Wounded by bullets:	42%
▪ Arbitrary arrests:	40%
▪ Assassination and murder:	39%
▪ Settlements of accounts:	39%
▪ Rape:	22%

Under such circumstances, whatever their political preference, people approved of anything which brought about some security. In April 1998, respondents were asked 'what, for you, has been the most notable change' since the Kabila victory in May 1997? From a list of 17 possible answers, 43% selected 'personal and property security'. The next highest category received 15%.<sup>8</sup> Dealing with security is one of the first things on which the Kabila government focused. It created a new police unit, the Rapid Intervention Police (PIR) which apparently did help to protect life and property. In August 1997, when asked whether they were satisfied with the PIR, 75% answered yes and only 12% said no.<sup>9</sup> Almost a year later, in May 1998, 60% of Kinshasa respondents said that security

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<sup>5</sup> Ibid., p. 33.

<sup>6</sup> Ibid., p. 34.

<sup>7</sup> Ibid., p. 47.

<sup>8</sup> BERCI, April 1998, p. 34.

<sup>9</sup> BERCI, August 1997, p. 47.

was better than in the Mobutu era, 19% said it was worse.<sup>10</sup> In Lumumbashi, 93% said it was better. Other results are also significant in terms of judging at least the urban population's reaction to the new regime.

To the same question ('how do you judge the new regime when compared with the Mobutu regime?'), the following answers were given in Kinshasa, Mbuji Mayi, Kisangani and Lumumbashi [this selection of items was taken from a larger list by the author]<sup>11</sup>:

	Kinshasa		Mbuji Mayi		Kisangani		Lumumbashi	
	Better	Worse	Better	Worse	Better	Worse	Better	Worse
Security	60%	19%	40%	24%	51%	25%	93%	6%
Justice	38	28	25	26	28	30	62	29
Corruption	42	17	17	17	33	18	80	16
Hum. Rights	25	30	14	28	8	27	54	37
Tribalism	45	24	25	26	35	30	78	16

Cumulatively, this table shows how much more support the regime received in Lumumbashi and by extension in Katanga, Kabila's home province, than elsewhere in the DRC. But the most important comparison is not between cities but between categories. Security was seen to have improved everywhere, but the administration of justice - largely in the hands of military courts - was given a far more modest rating, as was human rights. This is consistent with the perception that the regime tended to be dictatorial. It is also noteworthy that despite elite perceptions of growing tribalism in favour of the Katangans (mainly Katanga Luba, Kabila's ethnic group), the public still thought that this aspect of public life was better than under Mobutu.

The second success of the regime, which was reported to have had a real impact on the lives of ordinary Congolese, was control over inflation. This was a significant achievement and especially important for the poor who still employed Congolese currency (the more affluent almost exclusively employed US dollars). According to the BERCI analysis of April 1998, the inflation rate during the first year of the Kabila regime dropped from over 1000% to 10%<sup>12</sup>. This was accomplished with almost no foreign aid, which was delayed due to conflict between the Government and the international community over the thwarted UN investigation of massacres of Hutu and other human rights violations.

**b. Kabila's popularity remained lower than Tshisekedi's**

Kabila did not respond to the public will in many respects, particularly in the areas of civil rights and political pluralism. There were probably two reasons for this: first, his background does not suggest a commitment to democratic values, and, second, despite his victory over Mobutu, he was constantly overshadowed in popularity by Etienne Tshisekedi, leader of the UDPS. Moreover, all evidence suggests that the UDPS had a national structure at its disposal, which was superior to that of the more recently established AFDL. The following chart illustrates the level of popularity of Kabila and Tshisekedi in Kinshasa as reflected in responses to the question, "whom would you vote for if there were presidential elections?"<sup>13</sup>:

	05/97	06/97	08/97	09/97	12/97	01/98	02/98	04/98	07/98
Tshisekedi	33%	32%	34%	26%	26%	32%	24%	34%	20%
Kabila	11%	15%	23%	18%	24%	31%	26%	33%	33%

<sup>10</sup> BERCI, May 1998, p. 33.

<sup>11</sup> Ibid., p. 34.

<sup>12</sup> BERCI, April 1998, p. 19.

<sup>13</sup> BERCI, July 1998, p. 43.

In other words, for the first 14 months of the Kabila regime, Tshisekedi was the more popular leader. What would have happened if Kabila had found a way to compromise with Tshisekedi? It is not clear which of the two would have benefited more. What would have happened if Tshisekedi had not been thwarted in developing UDPS activities? Would his advantage over Kabila have increased? And, finally, how representative is the Kinshasa poll for the rest of the country? In the one poll, which was conducted in the capital of Kabila's home province, Lumumbashi, in May 1998 (i.e. very late), Kabila received 80% support compared to 8% for Tshisekedi.<sup>14</sup>

### **3. Challenges to the Kabila regime**

It was said earlier that Kabila received a remarkably short political honeymoon for a leader at the head of a 'revolutionary liberation army' who had defeated an unpopular dictator. Harsh criticism of Kabila and his regime was particularly strong among the political and civil society elite who could articulate opinions and have them heard both in Congo and abroad. As a Congolese observer stated in March 1997, "Kabila et ses 'commissaires' semblent faire abstraction des groupes et des personnes qui depuis 1990,... se sont employés... à préparer 'le changement'".<sup>15</sup>

#### **a. The political parties in the opposition**

On 22 March 1997, a few weeks before he took the control of Kinshasa, Kabila outlined some aspects of future policy:

No party activity by anyone not affiliated with the AFDL;

After the liberation of the whole country, the government would be exclusively made up of AFDL members and "true" opponents of the Kabila regime [clearly this excluded the Kinshasa-based non-violent opposition, but did not clearly indicate if former Mobutu supporters were included];

Kabila himself would not be a candidate for the Presidency and would return to private life after the country was liberated.

At the same time, voices were already raised recalling the legitimacy of the National Sovereign Conference (NSC) and the political conscience raising which had been undertaken by civil society. These initial positions laid the framework for a confrontation, which was to continue until the present.

On one hand, political party leaders who did not join Kabila argued, perhaps unwisely, that the legitimacy emanating from the NSC was the only real expression of the will of the Congolese people and should therefore be followed. They were handicapped by several developments: first, that so many of them were willing to be co-opted by Kabila; second, that, in the view of some, there was a certain reasonableness in Mobutu's position that the country had to be put in order before party political competition could usefully begin; and third, the fact that they had very weak grass-roots structures - only the UDPS, somewhat crippled by the number of its leaders who joined Kabila- could claim to have a nation-wide structure. On the other hand, Kabila's order forbidding free political party activity did not have the support of public opinion. When asked whether they thought the suspension of NSC decisions and political party activity was good or bad, 67% of respondents chose 'bad' against 23% who chose 'good'.<sup>16</sup>

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<sup>14</sup> BERCI, May 1998, p. 46.

<sup>15</sup> "Kabila and his "sub-commanders" seem to be wilfully ignoring organisations and individuals who have been working for reforms since 1990". INFO-CONGO/KINSHASA, N°125, 27 March 1997, p. 3.

<sup>16</sup> BERCI, August 1997, p. 35.

In the end, despite numerous challenges, political party activity was overwhelmingly interrupted or ended. Only a few parties - Tshisekedi's UDPS, Ngoma's Force du Future, Olengakoy's FONUS and Gizenga's PALU - challenged the order actively. This resulted in repeated confrontations and imprisonment of leaders and followers. Some politicians went abroad to organise political parties opposed to Kabila. That was the case with Kinkiey and Kamanda who, in August 1997, created the Rassemblement du Peuple Congolais (RPC)<sup>17</sup>. This and similar formations were considered attempts by Mobutists to counter their loss, but until August 1998, their impact was small indeed.

**b. Civil society**

Civil society, that is to say the leaders of NGOs and churches, presented a different type of challenge to the regime. In principle, their policy options were similar to the non-violent opposition parties. They urged rapid moves towards elections and democratisation and they affirmed the legitimacy of the National Sovereign Conference (Conférence Nationale Souveraine) - which was the one time in the Congo's constitutional development, when they participated formally. Indeed, the national umbrella organisation of NGOs, the Conseil National des Organisations Non-Gouvernementales de Développement (CNONGD), declared on 28 March 1997 that continuing the democratic process initiated by the NSC was the only solution to the unfolding crisis.

But there were critical differences between the NGOs and the political parties. First, the NGOs (even without counting the churches) were numerous and had strong local affiliates. Second, they had taken over many social service functions; it would have been virtually impossible simply to ignore their existence. Third, they had strong allies abroad and received direct financial support from these allies. At a grass-roots level, they were in a position to mobilise the population, to report on AFDL, army and administrative misdeeds - and they did so. In total, although not formally political, they were a more serious potential danger to governmental control of the population than were the opposition political parties. If one adds the infrastructure of the churches, especially the Catholic Church, to the vast network of NGOs, one is left with an enormous (though not centralised) source of independent influence. It was therefore inevitable that the Kabila regime and the civil society organisations should come into conflict.

The first chapter in this developing relationship occurred during a national conference organised by Synergies Africa, the CNONGD and the International Human Rights Law Group in Kinshasa in June 1997. About 250 delegates from a variety of NGOs attended and raised many issues, which can be viewed as political. For instance, while it saluted the AFDL's success in ending the Mobutu dictatorship, the conference declared its concern for the protection of fundamental liberties, the absence of political dialogue, indiscipline in the army, the absence of a clear-cut division between the state and the AFDL, and finally, over the absence of a constitutional framework. Most of these decisions were implicitly critical of Kabila's policies. It should be noted that this conference occurred only a month after he had taken Kinshasa - the honeymoon was short indeed.

The regime's reaction to this challenge was expressed at the conference by the then Minister of Reconstruction, Etienne Mbaya, who 'reminded' participants that the actions of civil society had to be inscribed in the spirit and priorities established by the government. Mbaya made the distinction between the Mobutu era, during which civil society was obliged to intervene in certain vital sectors of the society such as hospitals, roads and schools, and the post-liberation era. The new government would assume all its responsibilities, and its priorities were the rehabilitation of the state, changing people's 'mentalities' [i.e. values, outlooks], and material reconstruction. Finally and most

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<sup>17</sup> BERCI, October 1997, p. 11.

importantly, the minister announced that he would soon organise a meeting so that civil society leaders could absorb the different priorities of the government.<sup>18</sup>

The June 1997 Conference posed a serious problem for the regime. On the one hand it proved not only the strength and wide representation of NGOs and the support they were able to garner from abroad, but also their ability to co-ordinate their activities on a national scale. Many of the discussions showed that participants were uninhibited about stating their views on matters, which were of broad national and specifically political interest.

Given the predilections of the regime to centralise and control, this amounted to a clear-cut challenge. But, having found little support and much opposition to its policy of forbidding political party activity, it would have been costly to forbid the activities of the hundreds of civil society associations, especially at such an early stage in the regime's existence.<sup>19</sup> Hence the attempt to set parameters for civil society (their activities and plans must fit into the state's development plans) and the announcement that the government would organise its own national development conference. The advantage for the regime of this approach was clear: first, it would control the agenda, second, it could invite the participation not only of civil society representatives, but also of other institutions such as local governments, and it would be nearly impossible for them to refuse participation.

At the start, this approach appeared to work well. Preparatory conferences in both the provinces, and even abroad in Europe and North America met with considerable approbation, participation and enthusiasm. But the success of the preparatory conferences undermined the value, which they were presumably to have for the regime. Neither the AFDL nor the provincial administrations had the power or the organisation to prevent the preparatory conferences from taking on a life of their own. They adopted many positions similar to those taken by the NGOs at their own June Conference. For example, when the South Kivu preparatory conference met from 3 – 9 January 1998, it focused on questions of Tutsi nationality, discussed incursion by the RPA (the Rwandan Patriotic Army) into the province, and even questioned the agreements made between Kabila and Kagame. These were extremely sensitive political issues. At the preparatory conference in Kisangani, participants criticised the behaviour of certain AFDL cadres, expressed a preference for a federal form of government, liberalisation of the rules governing political parties, and the effective application of democratic principles.<sup>20</sup>

At the time that the preparatory conferences were taking place, the Kabila government had made a great point about not only refusing 'indirect' foreign aid, i.e. not transmitted through the central government, but also impeding foreign government aid given to local or provincial authorities. In the face of such policies, the preparatory conferences of Katanga, Kasai Oriental, Kasai Occidental and Bas-Congo recommended the exact opposite. In Katanga the recommendations went further, asking that provincial authorities have the right to negotiate directly with foreign donors. Almost all the conferences urged that party political life be permitted.<sup>21</sup>

Coming from a government-sanctioned process, which consulted thousands of administrators, NGO leaders, members of the different churches, and others, the recommendations of these conferences had a greater legitimacy than almost any decision taken by the Kabila regime. In addition the National Conference on Development, which was to be attended by representatives of the preparatory conferences, was given wide

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<sup>18</sup> Société civile de la République Démocratique du Congo, Conference on "La reconstruction et la Démocratisation de la République Démocratique du Congo", Final declaration and commission reports, 16-20 June 1997, Centre Nganda, Kinshasa.

<sup>19</sup> A CNOGD (comité national des organisations non-gouvernementales au développement) -UNICEF study listed 1322 NGOs in the DRC. At a later date, the Kabila regime wanted all of these organisations to register with the Ministry of Justice. INFO-CONGO/KINSHASA, N°139, 29 May 1998, p. 3.

<sup>20</sup> INFO-CONGO/KINSHASA, N°135, January 1998, p. 6.

<sup>21</sup> Private communication. PK112598.



publicity, and invitations were extended to diplomatic representatives and to such figures as the Director of UNDP. The regime risked having an agenda presented to the world under its own auspices, which was in direct opposition to its own political and social options.

Under the circumstances, it is no surprise that the new Minister of the Interior, Gaétan Kakudji cancelled the conference at the last minute, on 21 January 1998. Some observers attributed this embarrassing development to the conflict between Minister Mbaya - who was dismissed and jailed - and the then rising power of Minister Kakudji. This conflict probably played a role in the cancellation of the conference, which was more fundamentally due to the inherent weakness of a regime. Despite the fact that it controlled neither a viable party apparatus, a functioning administration nor an effective military, the government nonetheless wanted to impose a revolutionary and authoritarian agenda on a population which had limited taste for the program.

The Kabila regime pursued several other avenues to gain control over the civil society/NGO community. These policies never completely succeeded although they did limit the freedom of action of these organisations to a greater degree than had been the case during the last years of Mobutu. First, there was the attempt to direct through government channels the financial and other aid, which came to these organisations from abroad. This never fully succeeded although it was an enduring threat for the organisations concerned. Second, some NGO leaders who criticised government policies, especially in the area of human rights and democratisation, were jailed. Third, an attempt was made to oblige NGOs register with the Ministry of Justice which, had it been fully implemented, would have given the authorities the ability to pick and chose which was 'legal' and which was not.

Fourth, dissolution: the largest and best-known human rights organisation, AZADHO (changed to ASADHO), was dissolved on 3 April 1998. (55% of the Kinshasa public thought that this was a 'bad decision' against 21% who thought it was good)<sup>22</sup> and <sup>23</sup>. Another NGO, Fédération des entreprises du Congo (FEC), which represented young entrepreneurs, was also dissolved. And finally, there was the creation of government-sponsored NGOs: the Solidarité entre nous which was given the task of 'assisting' national and international NGOs, and the Union Congolaise pour la Défense des Droits de l'Homme which was given the task of identifying human rights violations but also of informing the government of 'foreign manipulations'<sup>24</sup>. Despite these pressures many leaders of civil society organisations continued to criticise and attack the regime and, it must be noted, made little distinction between social and political issues. They were their own mouthpiece and as noted, generally opposed to government policy and, due to their local networks, well aware of human rights and other violations. They fed international NGOs and media an ongoing stream of facts about violations of every sort.

The pattern of attempting to control Congolese society with limited tools can also be seen in the regime's relations with the media which, were in general openly critical of the regime, especially print. Sporadically, the regime responded with newspaper closings and with the arrest of editors. Ultimately these moves did demonstrate the government's intent but did not eliminate a relatively broad degree of freedom of expression.

Relations with the churches, especially the Catholic Church, were somewhat different. In the first year and a half of Kabila's presidency, no genuine attempt was made to control the Church, despite the fact that its declarations supported policies, which the regime opposed. For example, a letter from the Permanent Committee of the Catholic Bishops of Congo on 2 July 1997 made the following points: it regretted that the new authorities had decided to reject the project which the people had adopted at the National Sovereign Conference and noted that certain acts were being committed by members of the new

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<sup>22</sup> INFO-CONGO/KINSHASA, N°139, May 29, 1998, p. 3.

<sup>23</sup> BERCI, April 1998, p. 26.

<sup>24</sup> Ibid.

regime which did not respect the dignity of the human person. The letter added that people were uneasy at seeing acts committed which "vont à l'encontre des caractéristiques d'un Etat de droit"<sup>25</sup>.

People complained about expedited justice for minor infractions, mutilations, public executions and burnings, and 'inciting' hate against individuals who are so-called enemies of the people.<sup>26</sup> It will be noted that, similarly to the situation of the NGOs, the church did not bother to draw a line between the religious and the political arena. In some cases that resulted in arrests, for example when a Protestant pastor compared Kabila's rule to Mobutu's.<sup>27</sup>

In summary, civil society as represented by the leaders of significant NGOs, the churches and the media in large part rejected the form of government which was being instituted by the Kabila regime. They insisted on resuscitating the institutional projects outlined by the National Sovereign Conference. This directly challenged the revolutionary program which Kabila and the AFDL sought to apply to Congolese society. Although the regime never recognised either the legitimacy of the decisions of the National Sovereign Conference or the right of the civil society leaders to lobby for such a recognition, the regime was unable to silence them or to gain acceptance for its own projects.

### **c. The military**

It has been argued here that it is difficult to measure what ordinary Congolese thought and that the views expressed by their political and civil society elite may not have accurately reflected these opinions. For that reason, the public opinion polls by BERCI have frequently been referred to. No similar instrument exists for the military and therefore, what views are available tend to deal with military policies or high officers exclusively. In a situation such as the one that has existed in Congo for the last two years, the composition of different army factions and the attitudes of ordinary soldiers are of crucial importance.

#### **The Forces Armées Congolaises (FAC)**

It is known that the FAC has been made up of former FAZ, Katanga Gendarmes, Banyamulenge Tutsi (excluded since 2 August 1998), and new recruits. Neither the numbers involved, neither their ethnic identities nor their ages are known with any precision. How many ex-FAZ are there? How many of the new recruits are in effect child soldiers? Is it correct that a disproportionate number of new recruits were drawn from Kabila's home province: Katanga?

#### **The Katanga Gendarmes**

The Katanga Gendarmes originally were largely Lunda from South Katanga who had been recruited by Moise Tshombe in 1960-62 and then made their way to Angola. At that time, great animosity existed between the Lunda and the North Katanga Luba (Kabila's ethnic group) because the latter were allied to Patrice Lumumba and opposed the then project of the Katanga provincial government to secede from the Congo. However, in the meantime, non-Lunda Katangans and other Congolese joined the so-called Katanga Tigers. What is the ethnic composition of the FAC troops of Katanga Gendarmes origins today? Does the old animosity between Katanga Luba and Lunda still count among them? The Katanga Luanda are certainly critical of Kabila and said to be in contact with Katanga politicians like Luanda Bululu and Emile Ilunga.

#### **The 10th Brigade**

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<sup>25</sup> "This goes against the characteristics of a State of Law."

<sup>26</sup> INFO-CONGO/KINSHASA, N°130,11 August 1997, p. 3.

<sup>27</sup> INFO-CONGO/KINSHASA, N°134,19 December 1997, p. 4. Pastor Theodore Ngoy was reported to have said that the new government was making the same mistakes as the last.

As the new Congolese army was being organised, it was forced - immediately - to deal with critical military challenges to the new regime in the Eastern Congo. There, the Mai-Mai, the ex-FAR, the Interahamwe and others constantly challenged AFDL rule. It was therefore logical for the government and the different Chiefs of Staff to deploy their best troops to the East as was confirmed by their local commanding officer, Commander Ondekane.<sup>28</sup> The 10th Brigade, which he commanded, - and which mutinied in August 1998 - was said to be the largest, best trained and best equipped unit in the FAC. Can this be verified and what is the ethnic composition of the 10th Brigade? Does this version of recent military history mean that the units, which remained in the West and South, were of low or untrained quality? How many Katangans were integrated into the 10th Brigade and other units posted in the East, and what happened to them?

Colonel James Kabarebe, the former DRC Chief of Staff, carefully selected the composition of the 10th Brigade. It was composed of mainly former Mobutu soldiers, Lunda Katangans, some troops from Kasai, and the young soldiers commonly known as kadosos. These groups had shown signs of anti-Kabila feelings due to alleged marginalisation. The move to deploy them was initially designed to keep them from the capital, Kinshasa. However when time for the anti-Kabila war came, the Rwandans found it easier to ally with the 10th battalion, which was already disgruntled with Kabila, to launch the rebellion.

### **The Banyamulenge Troops**

It has been widely reported that when the military campaign against Mobutu began in the fall of 1996, the Banyamulenge soldiers were among the first Congolese to join the AFDL's drive toward Kinshasa. In fact, it has been argued that relatively few Congolese, apart from the Banyamulenge, actually participated in the fighting - this having been mainly done by such foreign troops as the Rwandans, Ugandans, Angolans and the Katanga Gendarmes who were an integral part of the Angolan military at that time. The unanswered question is how the Banyamulenge soldiers were organised and how and where they were posted after the AFDL victory. Were they integrated into the Rwandan units? Did they receive better pay than other FAC troops? It is clear from subsequent events that at least sometimes they were organised in ethnically homogeneous units, but beyond that little is known about their numbers, where they were posted and into what FAC units they were integrated.

### **The FAC - Leadership and Purges**

In the military, as in virtually every other area, Kabila attempted to achieve control. In his quest for regional leadership, he had an ambitious project of creating an army of 600,000 men that could intervene anywhere. From that perspective, the presence of foreign troops was an obstacle to his plan. Achieving control of the military, however, was both more complicated and dangerous than gaining control of political, civil society or economic arenas. It was complicated because of the widely different backgrounds of the forces he had to manage to mobilise. It was dangerous because the military always has the power to attempt a coup. It was further complicated by the fact that there were foreign troops helping him retain power who were much resented by the Congolese public. In August 1997, when asked whether they supported the presence of foreign soldiers in the Congolese army, 82% of respondents declared themselves against and only 10% were in favour.<sup>29</sup>

Furthermore, he was handicapped by the fact that he initially had no troops specifically loyal to him. As noted earlier, he was the only leader of the AFDL partnership who had a known revolutionary past. There had been a time when he led substantial numbers of partisans in South Kivu. However, by the time the AFDL's campaign against Mobutu started, he was almost alone and was unable to bring any combatants into the alliance.

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<sup>28</sup> Press Conference in Washington D.C., 15 October 1998.

<sup>29</sup> BERCI, August 1997, p. 46.

Some of the other partners did bring fighters into the fight. But for more than a year, he clearly did not feel that he could rule without the support of his non-Congolese supporters, especially the Rwandans. It is questionable whether they would have accepted the notion that, having overthrown Mobutu, they could be asked to return to their home countries. Consequently Kabila made serious efforts at creating a new Congolese army - the FAC - and at integrating into a single force the different entities he had inherited.

In the first cabinet, the leader of one of the AFDL partners, Masasu, was appointed Chief of Staff. He is half Tutsi and half Mushi and is reported to have been quite popular with some of the troops. In July 1997, Kabila publicly addressed the first re-educated FAZ officers who were said to have benefited from 'moral rearmament' lessons. He called on them to serve the country and indicated that the new army would be a truly republican and politically aware entity. The televised speech received wide approbation (60% thought it good against 12% who said it was bad)<sup>30</sup>. A substantial effort was made at enrolling new recruits. At Kamina, it was reported that Tanzanian instructors were training 40,000 new recruits. At Kitona, it was reported that 10,000 ex-FAZ were undergoing 're-education'.

### **The failure to reform the army**

Problems immediately emerged, not the least of which was that the Rwandan troops (and possibly the Banyamulenge) were being paid in US dollars at a much higher pay scale than the newly recruited soldiers or the 're-educated' ex-FAZ.

Another military problem facing the regime was the fact that before the army could be reorganised and integrated, it had to face constant violence and attacks in the East from Mai-Mai warriors, Interahamwe, and ex-FAR. In South Kivu, the new regime faced the resistance of Bembe warriors allied to Burundian Hutu insurgents. In addition, there were reports that some of the Mobutu forces had withdrawn to Garamba National Park, as well as to the Central African Republic and to Congo-Brazzaville, and were waiting to challenge the Kabila forces. Kabila's response to the various challenges to his government in the East was to reinforce the military (both Rwandan and Congolese) stationed there. In early September 1997, the 10th Brigade was stationed in Goma. Although this resulted in some initial conflicts with the Rwandan troops, ultimately the 10th Brigade worked closely with the RPA (Rwandan Patriotic Army) in joint operations.<sup>31</sup>

Rivalries among FAC units with widely different histories occurred frequently and sometimes rose to the level of violent confrontations. For instance, as early as August 1997, a fight broke out at Camp CETA between Rwandan and 're-educated' ex-FAZ troops.<sup>32</sup>

Kabila argued that the militia such as the Mai-Mai in Eastern Congo which were fighting his government did not represent any legitimate interests but were in the pay of the Mobutist opposition. Therefore there were no serious attempts at mediation. However promises were made to integrate such militia members who might surrender into the FAC. In September 1997, a substantial number of Mai-Mai and some Interahamwe did in fact surrender. They were transferred to Kisangani but instead of being integrated into the army, they were dumped in a camp in which conditions were so bad that many of them died. One has to assume that information about this treatment made its way back to the Kivus and had a discouraging impact on any further capitulation. Indeed, it was alleged that some Mai-Mai joined the ex-FAR.<sup>33</sup>

Another problem facing the military was the impact which the very young recruits, the kadogos, were having. Undisciplined yet armed, they were feared by the population and

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<sup>30</sup> BERCI, August 1997, p. 36.

<sup>31</sup> Press conference/Interview, Commander Ondekane, Washington D.C., 15 October 1998.

<sup>32</sup> INFO CONGO/KINSHASA, 12 September 1997, N°131, p. 2.

<sup>33</sup> IRIN, weekly round up, 7-13 November 1997.

probably less than useful as regular elements of the new army. By December 1997, substantial numbers were being demobilised.

Two events stand out as particularly serious problems. In fact, they can be considered the seeds, which led to the rebellion against Kabila in August 1998. First was the decision to purge the Chief of Staff, Masasu Nindaga, in November 1997. He was one of the founders of the AFDL, was one of its vice-presidents, and popular with the troops, some of whom he had led as an officer in the campaign against Mobutu. He was accused of being involved with foreign intelligence services, making arbitrary arrests, establishing a private prison and smoking hemp.<sup>34</sup>

One may wonder whether these were the real reasons for his dismissal, arrest, and ultimately twenty-year sentence. Since Masasu Nindaga is half Tutsi, half Mushi, and since the Bashi in South Kivu tend to compete with if not entirely oppose the Tutsi, it was logical in the dynamic of Congo politics to link his arrest and downfall to his ethnic identity. Some observers viewed this as the elimination of a Tutsi who objected to Kabila beginning to create distance between himself and the Rwandans; others saw him as a Mushi who may have been in contact with Bashi who had joined the Mai-Mai.

Perhaps the most significant aspect of this event is the confrontation, which it caused in Kinshasa on 28 November 1997, between troops loyal to Masasu, Tutsi-both Rwandan and Congolese-, and Katangan troops. One report indicates that the confrontation cost the lives of 11 soldiers. Similarly, in Bukavu, leaflets demanding the freeing of Masasu were distributed, while soldiers paraded in his support. It is also significant that this event caused the Secretary General of the AFDL, Deogratias Bugera, to first support Masasu and then to distance himself from him, after the Rwandans started to be worried about Masasu's quickly growing influence in the FAC, and thus about his capacity to carry out a coup against the Kabila regime. The AFDL founders were shrinking in numbers.

Finally comes the charge that Masasu was the first to discover that Kabila had begun to negotiate with and to help the Hutu. How he used this information is not clear, and this is probably why Kabila and the Rwandans rejected him both. On the one hand, Masasu was not on good terms with the Rwandan troops in Congo and probably did not want to share any information with them. On the other, this charge against Kabila's regime can be viewed as perhaps the most fundamental reason why Rwanda later attacked the Congo, which means that at some point the information filtered out.

Few of these charges can now be confirmed, but there is little doubt that Masasu's fall had a demoralising impact on professional soldiers, because they saw it as a proof that the new army- as the old- would not reward merit in a politically neutral fashion. This suspicion was reinforced by developments which occurred some months later, in November-December 1997, namely the rise of persons in the army who were very closely linked to Kabila, notably his son Joseph and his brother in law, General Kifwa. However, when he reshuffled the high command of the army, Kabila set out two contradictory messages. On the one hand, he appointed a Rwandan officer, James Kabarebe, as interim Chief of Staff – a clear bow to Rwandan and Tutsi influence- but on the other, he let it be known that he was resolved to free Congo from foreign influences - a statement which was interpreted as meaning the Rwandans would have to make place for Congolese citizens.<sup>35</sup>

The second problem linked to the May rebellion against Kabila is the mutiny of Banyamulenge soldiers in South Kivu in February 1998. The trigger for this incident was the organisation of a house-to-house search for arms in Bukavu, apparently organised in order to find hidden weapons belonging to the Hutu ex-FAR. Suspicion had reached such proportions that the Banyamulenge saw this as a move to disarm them and, given shifting alliances and the general distrust and even hatred aimed at this community in South Kivu,

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<sup>34</sup> INFO CONGO/ZAIRE, 19 December 1997, N°134, p. 2.

<sup>35</sup> INFO-CONGO/ZAIRE, 19 December 1997, N°134, p. 2 – 3.

it is possible that they were right. In any case, the Banyamulenge soldiers in the area mutinied and emptied the arms depot at Camp SAIO in Bukavu. They then withdrew southward toward Uvira where they established a fortified defence position and according to one report were supported by APR troops from Rwanda.<sup>36</sup>

They were pursued by FAC units and eventually disarmed. The interim Chief of Staff, James Kabarebe, fled to Bukavu and eventually negotiated a non-violent end to this confrontation. Kabarebe's being a Tutsi obscured to some extent the fact that many Tutsi, especially Congolese Tutsi, now felt that the Kabila regime was unsupportive and had betrayed the trust given him when they joined the fight against Mobutu a year earlier. On the other hand, many Congolese saw the negotiation between Kabarebe and the Banyamulenge as an intra-Tutsi affair and demanded that all the mutineers be punished.

In sum, in the most delicate arena, namely the military, Kabila had offended and alienated some of his best officers because of several purges and nepotistic appointments. Secondly, he had alienated the many Congolese Tutsi who saw betrayal both in the refusal to confirm that they would be given formal citizenship and in the treatment of their community. Third, by imprisoning Masasu, other AFDL leaders picked up the signal that they were in danger and that the reforms they had embarked on together in 1996 were being sidelined in order to promote the Katangans, a regional/ethnic group, rather than to pursue an ideological commitment. Whether or not these views were objectively correct. Perhaps Kabila had not started to deal with the Hutu, maybe he had protected the Banyamulenge as much as his compromised position in this matter permitted, and perhaps Masasu had committed crimes. The important issue was whether the relevant people and groups thought the situation was as described.

#### **4. Antagonising the international community**

Despite the hope created by the overthrow of Mobutu and the integration of Kabila among the so-called 'new leaders' at the OAU summit in Harare in 1997, and despite the willingness of donors to help Kabila democratise and reconstruct his country, Kabila's relationship with the international community has rapidly deteriorated. There were several reasons for this development, but they were all connected to a basic misperception on the part of Western/UN leaders as to the nature of Kabila and many of his principal advisers, and a misperception on the part of Kabila as to the motives and premises of his Western interlocutors. UN, US, Belgian, EU policy makers (with the probable exception of the French) had all in effect welcomed Kabila's victory. They were reassured by his promised support for liberal economic policies and commitment to democratisation, decentralisation and early elections. They viewed the problems facing the Kabila government as monumental and evaluated the new leadership as inexperienced and desperately in need of help at every level. This help they intended to provide, even though the projected budgets were extremely modest. In this spirit, the Secretary General appointed a Special Representative with development experience, who was to establish a major UN presence in Kinshasa. The policymakers in question apparently did not appreciate how people with a Lumumbist/Marxist/revolutionary past would view their projects. For the latter, these plans were reminiscent of the UN presence in the Congo in 1960-63, which had resulted in the assassination of Lumumba and the exclusion of Lumumbists (they had captured political power, democratically no less!) from the political scene resulting in over 30 years of Mobutu's dictatorship. Hence, the "astounding" reaction of Kabila: he simply rejected the presence of a Special Representative and a beefed up UN presence.

These misperceptions fed directly into the first open conflict between the Kabila regime and the international community (a misnomer which really refers to the Western states). This concerned the investigation of massacres of Hutu who had fled westward during the AFDL's advance across the country. Under normal circumstances this would have been undertaken by the UN Commission for Human Rights and its Special Rapporteur, Roberto

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<sup>36</sup> INFO-CONGO/KINSHASA, 27 March 1998, p. 3 – 4.

Garreton, but the new Congo authorities refused to let him enter the country because, predictably, his analysis would undermine the regime and its alliance with Rwanda. Despite protests from international human rights organisations, the Secretary-General, Kofi Annan, decided to circumvent this obstacle by appointing his own team to undertake this investigation. Kabila had given his agreement to this arrangement at the Harare meeting of the OAU in June 1997. However, in the end, the team sent to the Congo was prevented from doing its work and was ultimately recalled. The net effect of this fiasco was that Western states, held up their proposed aid packages and that relations between the DRC and the UN, the EU and the US became strained.

Since this resistance to the investigation bore such a heavy price for the Kabila regime, one has to question why it adopted this policy. It is all the more puzzling because Kabila did not really control the troops, which presumably perpetrated these massacres. Indeed, in some instances, it is known that Rwandan troops were involved. The only plausible explanation is that Rwandan/Tutsi influence was great enough to force Kabila to resist, and/or that Kabila and the people around him distrusted Western motives for insisting on the investigation.

Similar "misunderstandings" occurred in the bilateral relationship with the US. Gestures, which were perceived by the US as supportive - even if somewhat conditional - were rejected, sometimes with a good deal of contempt. For instance, when President Clinton's representative Jesse Jackson came to Kinshasa, Kabila refused to meet with him. When Secretary of State Madeleine Albright joined Kabila in a press conference, he appeared to jeer her concern with democratisation. Nonetheless, US policy continued to attempt to bring Kabila into the fold of what was until recently seen as a fraternity of "new" leaders with dynamic and reformist policies for their societies. Kabila was invited to the meeting of African leaders with President Clinton on his Africa tour in March 1998.

A similar process of "disappointed expectations" by Western interests occurred in the area of investment capital. Prior to reaching Kinshasa, Kabila had given potentially very valuable concession contracts to several companies, which, it was said, had helped him in various ways in the early days of the campaign. Among these companies, one can count American Mineral Fields International, American Diamond Buyers, etc.. But, most of these contracts were in one way or another cancelled after the AFDL victory, apparently without much concern regarding the impact this would have on potential investors in the DRC. Subsequent contractual arrangements with Chinese, Cuban, Zimbabwean and Angolan companies did not have the effect of making investment in the DRC more attractive.

## **5. The breakdown of Kabila's relationship with the region**

Another major development before the current war erupted was the deteriorating diplomatic relationship between Kabila and his allies that helped him take power. This deterioration was caused by three issues: Kabila's quest for regional leadership, his tolerance of rebel groups aiming to destabilise the governments of his neighbours on the DRC territory and his unwillingness to co-operate on economic projects. It reached a point where, at the beginning of 1998, both Kabila and his former government allies started secretly to prepare for possible conflict. As early as February 1998, the Rwandans started planning a coup, said to have been vetoed by Uganda on the grounds that it was not going to be credible either internationally or regionally. By May 1998, there were signs that Kabila was also preparing for war with Rwanda and Uganda. Relationships between the DRC, Rwanda and Uganda deteriorated to the extent that they led to the near-breakdown of official communication between the respective governments.

One major point of disagreement was that the security concerns of Angola, Uganda and Rwanda had not been addressed: rebel groups of all those countries kept on carrying out cross-border attacks into their territories. By December 1997, pressure had increased on Kabila to deal with this. Early in 1998, all the head of intelligence agencies met in Kampala to discuss the security situation and to prepare summits of heads of state.

Angola demanded a decision be taken on Kabila's reluctance to address the security concerns of neighbouring states. Another meeting of the same people was held in Kinshasa, where Uganda, Rwanda, Angola and Zimbabwe were shocked to discover that Sudan was also invited. The heads of state meeting on security issues was therefore cancelled. The COMESA<sup>37</sup> summit in June 1998 was boycotted by Rwandan President Bizimungu and Ugandan President Museveni, which was interpreted by Kabila as a show of hostility. Tension was growing and a consensus was beginning to emerge that Kabila's leadership had to be re-evaluated.

Privately, regional security officials complained that Kabila was double-faced. While allowing Ugandan troops to enter Congo to pursue ADF rebels, he was supposedly offering a corridor in the northeast of the country where Sudan could airdrop weapons for Ugandan rebels. The intensification of attacks by rebel groups based in Congo on Rwanda and Uganda by February 1998, and the obvious tolerance of the DRC government to the presence of those groups, increased the feeling that Kabila had betrayed his former allies after they helped him take power in 1997.

Because of those attacks and in disregard of international law, the Ugandan Army crossed the border in July 1998 and established operations bases in the Democratic Republic of Congo. The Rwanda Patriotic Army (RPA) also frequently carries out cross-border raids to track down the Interahamwe militia and ex-FAR based in Congo. The military operations by both Ugandan and Rwandan forces had already worsened the humanitarian situation in North Kivu areas of Rutshuru, Masisi Walikali and Butembo. Approximately 200,000 people have been internally displaced in North Kivu by the fighting between various rebel forces and government forces.

The open disapproval of his regime by the regional leaders was taken seriously by Kabila, who at one stage started to look for substitute allies. According to Bizima Karaha, his former foreign minister now a member of the RCD, Kabila made a secret trip to Sudan in June 1998 to ask for assistance in preparing for an attack from Uganda and Rwanda. Around the same period, he also re-activated contacts with Libya given to him by Museveni during the 1996-1997 war. According to Kinshasa sources, Kabila's nephew was sent on secret missions in the region, lobbying against the Rwandan influence.

Kabila began to introduce new figures into the military field. Without consultation with the Rwandans, who dominated the command of the FAC, military instructors were brought in from Tanzania and Zimbabwe. The presidential protection unit, commanded by Rwandans, was disbanded without informing Kigali. Kabila's attempts to disengage from his former allies culminated in the order for Rwandan troops to leave the DRC in July 1998. This action can be considered as the immediate trigger of the current conflict between the troops of the FAC loyal to President Kabila, the Mai-Mai, the Zimbabwean, Angolan and Namibian governmental troops, the ex-FAR and Interahamwe, and the FDD, on the one hand, and rebel government troops, Rwandan, Ugandan and Burundian troops, on the other.

At first, in 1997, Uganda seemed ready to tolerate many of Kabila's shortcomings if the new president of the DRC would address bigger economic issues, such as US\$2 billion road linking Uganda and Kisangani and the need to train police and anti-smuggling units. Both Rwanda and Uganda had hoped that by helping Kabila take power, they would ensure security on their borders and also benefit economically from North Kivu's natural resources including minerals, gold and diamonds. By May 1997, Ugandan businessmen had jumped into the fray, selling everything from frozen chicken to plastic mugs to Congo. But Kabila had other plans. The Kisangani project also never materialised. This lack of interest on Kabila's side to open up Congo to Uganda's business interests was a critical blow to the relationship between Museveni and Kabila.

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<sup>37</sup> Community of the Sub-Saharan States of Africa.



Kabila's decision to join the Southern Africa Development Community under the encouragement from President Mugabe further pushed him away from Nyerere and Museveni who had instead been quietly encouraging him to join the East African Community since May 1997. In fact, Kabila's diplomatic moves can be seen as a reaction to the influence of his former sponsors and reflect the alliances he made in the current war.

#### IV. Conclusions

Despite the credit of a "liberator" he earned in overthrowing Mobutu, Kabila had the project of establishing a new authoritarian regime, which the Congolese people and their established elite had no sympathy for. It has to be underlined that he had very few tools with which to rule and mobilise support and little room to manoeuvre, considering the expectations. He failed to mobilise support of existing political and civil society organisations. He squandered western support largely because he viewed its policies with leftist/60's premises. Most dangerously, he did not address the concerns of the neighbours that had put him in power. Thus, the short-lived post Mobutu "peace" collapsed and Africa was thrust into a continental war.