

# All Quiet on the Eastern Front<sup>1</sup>: War, Extraction, and Silence

## Nathalie Nakabanda

Professor of Legal Sciences, Specialist in Civil Law  
Catholic University of Bukavu, Higher Institute of Rural Development of Bukavu, DRC  
[nathalienakabanda76@gmail.com](mailto:nathalienakabanda76@gmail.com)

*Interview réalisée par*

## Mame-Penda Ba

Professor of Political Science, Gaston Berger University, Senegal  
Editor-in-Chief, *Global Africa*  
[mame-penda.ba@ugh.edu.sn](mailto:mame-penda.ba@ugh.edu.sn)

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## Toussaint Murhula Kafarhire, S.J.

Professor of Political Science, Loyola University of Congo, DRC  
[kafmurhula@gmail.com](mailto:kafmurhula@gmail.com)

### Mame-Penda Ba and Toussaint Murhula Kafarhire:

*Professor Nakabanda, thank you for accepting this interview. For several months, we have been conducting a series of interviews focusing on the Great Lakes region, trying to understand its dynamics and issues. In this framework, we have already conducted an interview with Prof Toussaint Kafarhire and another one with Prof Rigobert Minani Bihuzo. But before diving into the main issue, we would like you to introduce yourself and remind us of your academic background as well as your activism in civil society.*

### Nathalie Nakabanda

Thank you for including me in this reflection, which is of significant importance to me. I am Nathalie Vumilia Nakabanda. I was born in the village of Iraga, in the Karhongo group in Nyangezi, South Kivu. My father was a village head, and my older brother succeeded him. My father was a carpenter, and my mother was a farmer, so I come from a rather modest background. My father passed away when I was three, and my mother when I was seventeen. I did part of my primary education in Nyangezi. In 1984, I went to Burundi to continue my studies for family reasons, and then I returned to Bukavu to attend the Catholic University of Bukavu where I studied

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<sup>1</sup> In a sorrowful echo of Erich Maria Remarque's masterpiece on the First World War, *All Quiet on the Western Front*: Remarque, E. M. (1929). *All Quiet on the Western Front* (A. W. Wheen, Trans.). Little, Brown and Company.

private and procedural law. I then completed an additional master's degree in human rights at the Louvain Academy and a thesis on "The Protection of Widows in the Democratic Republic of Congo. How effective is it?" I am currently a full professor.

As for my engagement in activism, I was mainly inspired by my mother, because she was a great activist for me. She was the motivation for my thesis on widows' rights. As the wife of a deceased village head, my mother had to fight against all odds to ensure that her rights and those of her children were respected, confronting our paternal uncles and anyone else who tried to trample on our rights. Through her, I understood very early on the need to fight for justice, especially for disempowered women.

The second person who motivated my fight for (human) rights is [Bishop Munzihirwa](#). Although I never met him personally, I came to know him through his words and writings. In 1999, when I came to study in Bukavu, there was the war led by the Alliance of Democratic Forces for the Liberation of Congo (AFDL). He called on the population to engage in peaceful resistance. To me, he embodied a role model, a man who dared to stand up against the violation of rights even when faced with armed individuals, at the cost of his own life.

Another source of inspiration for me is cinema. Fiction, when it draws on the repertoire of peaceful fight for justice, peace, dignity, and respect for the human being, is a powerful instrument for liberation. There was something of that kind, an idea of the grandeur of a cause worth dying for, when I began my activism in the GRAPES group, a think tank focused on political, economic, and social analysis, as well as the fight against human rights violations supported by some Xaverian Missionary Fathers. At that time, my friends nicknamed me "Sarafina". Indeed, during the war of the Congolese Rally for Democracy (DRC in 1998), we would raise the DRC flags during the night. I was the one who had to bring the flag. The punishment, if caught, was death.

The last person who inspires me and drives me to take action again and again is Christ. I love reading the Bible, although I don't know it very well, but when I have a little time, I make an effort to read it. Jesus Christ is a pacifist, an active non-violent model, someone to follow. There is also the Virgin Mary, that Woman who said yes, knowing what awaited her. This Woman who accepted to live through everything she did and who always turns to the Lord to ask for peace. These are role models, in my eyes, who accompany me in my daily life.

Lastly, there is a behind-the-scenes worker, my husband. He is very discreet, but he supports me, helps me, and encourages me. I find that my children and family members are also people who push me to move forward, to persevere, and to hold on to the hope that things can improve if everyone does their part. That is briefly who I am.

#### Mame-Penda Ba and Toussaint Murhula Kafarhire

*Could you help us better understand what is happening in the east of the DRC by recalling the historical context, as well as the regional context, the actors, and the determinants of these recent events?*

#### Nathalie Nakabanda

I am neither a historian nor a conflict specialist; I am a legal expert, and I would like to emphasize that. The analysis I am providing here is strictly personal. The war in Congo is complex and multidimensional. Its distant origins lie in the border divisions decided in Berlin in 1885. This division was done violently and arbitrarily, without regard for any African realities, but it was imposed upon us as such.

King Leopold II and his "Congo Free State" (CFS), based on the exploitation of the people and the resources of Congo, up until November 15, 1908, when the country became a Belgian colony after King Leopold II literally sold "his" Congo to Belgium. In 1925, the Congo took on a new configuration as Rwanda-Urundi (now Rwanda and Burundi) became one of the provinces of Belgian Congo (See [Belgian Congo](#); [The colonial administration's reports on Rwanda and Burundi are open to research – State Archives in Belgium](#)). The borders between these three states were determined by the Brussels

Protocol signed on May 14, 1910, by the Belgian, German, and British governments regarding the border from Lake Tanganyika to Lake Kivu. A migratory wave led to the movement of populations between these states. Congolese people moved more easily between Rwanda and Burundi, and vice versa. The consequence was that different peoples began to settle in all three states. This is the case for the Barundi, of Burundian origin, in the Ruzizi Plain, who settled in the area during the first half of the 19th century. According to written records, it was in 1928 that the colonizer divided the Uvira territory into three chiefdoms, based on the major ethnic groups: the Bavira chiefdom, the Bafuliru chiefdom, and the Barundi chiefdom, (See [Understanding Conflict in Eastern Congo \(I\): The Ruzizi Plain](#)). Similarly, the Banyamulenge settled in Congo as immigrants, some as Tutsi cattle-herders who moved their cattle to the Itombwe Highlands in search of better lands or pastures, while others fled the atrocities related to the armies of Mwami Rwabugiri, who was trying to conquer Kyniaga in Rwanda (also see [Le passé des Banyamulenge et la mémoire des autres \(1970-2006\) | Cairn.info](#) ; [L'autre visage du conflit dans la crise des Grands Lacs ; mémoire historique sur la crise de la citoyenneté au Kivu](#)).

The second cause of the Congolese crisis would lie in the war for the control of its natural resources. The DRC is often referred to as a “geological scandal” due to its vast wealth in both mineral and non-mineral resources. Its soils and subsoils contain the greatest resources, but their exploitation and distribution are profoundly inequitable and unequal. This abundance, the greed of certain states hungry for power and resources, the complicity of corrupted Congolese oligarchs and traitors to their own nation, explain the birth and exponential multiplication of armed groups dedicated to the illegal exploitation of these resources. In the [report of the expert group on the illegal exploitation of natural resources and other wealth of the DRC](#), it is demonstrated that Congolese people have made pacts with foreign states and a variety of stakeholders, who supply them with weapons and mercenaries to facilitate the illegal and underpriced exploitation of all these resources, without the country's citizens benefiting from them.

With the vastness of the Congolese territory, governing this quasi-subcontinent covering an area of 2,345,000 km<sup>2</sup> is problematic. The capital is located 2,000 kilometers away from cities like Bukavu and Goma. This complicates the state's control over the entire country and raises the issue of the model of the state: federation? A highly decentralized state? For example, the governor of South Kivu struggles to leave Bukavu and reach certain territories in his province, such as Shabunda or Fizi. There is, therefore, a deficit in state authority in certain areas, and this contributes to the ongoing conflict situation in the DRC.

The third factor lies in the question of identity in the war in the DRC, which is a political construct. This communal dimension began in South Kivu on April 3, 1961, with Joseph Marandura, from the Bafuliru community, who proclaimed after independence that Burundian immigrants settled in the Ruzizi Plain, now called the Barundi, could not access customary power because they were considered foreigners ([Issue-2\\_ResCongo-Conference-Paper.pdf](#) ; [rebellionkivu171116.pdf](#)). In the Bembe community in Fizi, a group was formed to contest the recognition of the Banyamulenge people, who came from Rwanda and now live in the DRC. In North Kivu, a similar situation arose between the Hutus settled in the DRC and the Nandes in the Rutshuru and Masisi territories, making peaceful coexistence even more complex.

In response to these conflicts, by Article 1 of Law No. 1972-002 of January 5, 1972, relating to Zairian nationality, the Congolese legislator, under President Mobutu's regime, recognizes the status of Zairian citizens, according to Article 5 of the Constitution, as of June 30, 1960, for all people whose ancestors were or had been members of any of the communities established in the territory of the Republic of Zaire as established on November 15, 1908. As a result, the Banyamulenges, the Hutus, the Tutsis of North Kivu, and the Barundi obtained Congolese nationality. The problem was that the population did not identify with this law, considering it contrary to traditional law. The new nationality law, Law No. 04/024 of November 12, 2004, relating to Congolese nationality, did not take into account the protests of other Congolese populations, as Article 6 recognizes that “All persons who belong to ethnic groups and nationalities whose members and territory formed what has become the Congo (presently the Democratic Republic of Congo) upon its independence” is Congolese by

origin. And, Article 4 establishes that “All ethnic groups and nationalities whose people and territory constitute what on independence has become the Congo (now the Democratic Republic of Congo) should benefit from equality of rights and protection under the law as citizens.”

The refugee flows further complicate the situation, as was the case following the assassination in 1993 of the first president of Burundi, Melchior Ndadaye, which led to a civil war and a wave of Burundian refugees into the DRC (See [Burundi : the day President Melchior Ndadaye was assassinated - Jeune Afrique](#)). Similarly, the Rwandan genocide caused many Rwandans to seek refuge in the DRC. The DRC also experienced reverse population movements, particularly during the “liberation” of M23 and the Congo River Alliance (AFC), when some Congolese went to seek refuge in Rwanda. However, when the Rwandans moved into the DRC following the Tutsi genocide, an entire Hutu army also relocated to the DRC with its weapons. These soldiers organized themselves into a force to liberate Rwanda, under the name of the Democratic Forces for the Liberation of Rwanda (FDLR). The presence of this militia is now used as an argument by Rwanda to justify its military interventions on Congolese soil. The Rwandan government claims it does not seek to overthrow or destabilize the institutions in DRC but rather to hunt down the FDLR, who want to overthrow the Rwandan regime. A similar stance has been adopted by other neighboring countries, such as Burundi and Uganda, who claim to be pursuing rebels from their regimes who have taken refuge in the DRC ([Conflict in Eastern DRC : What roles do Rwanda, Burundi and Uganda play ? - BBC News Afrique](#)). These foreign armed groups, which have found themselves on Congolese soil under the pretext of their own national security, also constitute a source of regionalization of the war.

All these historical, economic, sociological, and geopolitical factors, combined and interconnected, will be the source of the conflicts in the DRC. Here is the situation, if I can describe it briefly.

Mame-Penda Ba and Toussaint Murhula Kafarhire

*We can clearly see the interconnection of the causes and especially the regional dimension of the conflict. Could you now explain the international geopolitics and the role played by the international community? What are the actions and statements of the African Union, the European Union, the Southern African Development Community (SADC), and the East African Community (EAC)?*

Nathalie Nakabanda

For me, if the international community consists of the UN, the European Union, the African Union, the SADC, or the EAC, then it does not really exist because a community cannot be limited to just declarations that serve no purpose. As far as the DRC is concerned, this community exists only so that certain of its components can benefit from the war. Some stakeholders in the international community benefit from the continuation of this war, ensuring its perpetuation. The images of armed groups reveal a striking reality. The rebels are better dressed, better armed, and better paid than the national army. But where does this supply come from? From Congolese natural resources, “blood minerals,” war loot, or support from shadowy hands? The future will give us the answer. What is certain is that they are supported in every aspect. Complicity is there, no matter what we say; there is internal and external support that cannot be ignored.

I belong to a group of women mediators, and our position of principle in relation to this international community is that must have the courage to identify those states and multinational corporations benefiting from the war, and who are well known, and to punish them. Not just simple declarations but real sanctions, demanding the closure of weapons production factories, suspending funding to certain countries. We want the international community to recognize the actions of the armed groups, supported by Rwanda and Uganda, as war crimes, crimes against humanity, and genocide crimes. We need to say it clearly and take all appropriate measures. The AFC/M23 movement killed children who picked up weapons in camps abandoned by loyalist soldiers, children under the age of 15. Instead of disarming them, they shot them at point-blank range. These acts must be clearly qualified for what they are: crimes against humanity, and war crimes, because these crimes have the advantage of being imprescriptible. They can be prosecuted at any time, at any point.

The Security Council must take into account the legitimate claims of the DRC; that the actors, notably Rwanda and Uganda, their accomplices, and the armed groups be brought before the International Criminal Court. Here, I'm talking about President [Paul Kagame](#) and President [Yoweri Museveni](#), who, along with their Congolese accomplices and members of the armed groups, should be brought before the International Criminal Court for war crimes, genocide, and crimes against humanity. The European Union must stop supporting Rwanda and Uganda, especially in the military and financial sectors. This request was recently made by Professor [Denis Mukwege](#), the Nobel Peace Prize laureate. We need to freeze the assets of Rwandan, Ugandan, and Congolese officials and allocate those assets to the states and to the reparation of victims. The United States, as a global power, must impose exemplary sanctions against Rwanda, Uganda, and all the multinational companies that continue to buy minerals exploited on the blood of Congolese people, and engage genuinely with the Congolese state for the implementation of the rule of law, in line with its Constitution.

It is also important to set up humanitarian corridors to allow displaced people to receive assistance, and to create and support a framework for dialogue among Congolese people. It is important that the Congolese can sit at a table, analyze the real causes of these conflicts, and find sustainable and definitive solutions. I believe the African Union has a fundamental document, the African Charter on Human and Peoples' Rights. When reading this charter, we realize that we, as Africans, must respect our citizenship and identity. This also means that the African Union must stop being funded by the European Union because, in such dependence, it is difficult to make sovereign decisions. The African Union must demand that states respect the inviolability of borders and African conflict resolution mechanisms, especially the [Luanda resolution in Angola](#), and the Nairobi process. I participated in the Nairobi 3 process, which aimed at establishing a ceasefire. The war must urgently come to an end. It is crucial to create a support fund for victims of the conflict, managed by the African Union.

As for the Southern African Development Community (SADC), it is necessary to continue military and diplomatic collaboration with the DRC in the absence of a ceasefire. The DRC needs support, and I applaud Burundi's commitment to support us militarily. However, it is with great pain that I say this because the war continues to kill and destroy all investments. The East African Community (EAC) should suspend Rwanda from the EAC, although I'm not sure whether this would have an impact.

**Mame-Penda Ba and Toussaint Murhula Kafarhire**

*You mentioned that the International Criminal Court should take responsibility by sanctioning heads of state, notably from Rwanda and Uganda. How can this be done? For example, the role of South Africa was pivotal in the international condemnation of the war in Gaza. What concrete actions should be taken?*

**Nathalie Nakabanda**

As a lawyer at the Bar of South Kivu, I noticed that a call for witnesses was issued by the United Nations High Commissioner for Human Rights' Fact-Finding Mission regarding the situation in the North and South Kivu provinces of the DRC. ([Call for Contributions – Fact-Finding Mission of the OHCHR on the Situation in the North and South Kivu Provinces of the DRC | OHCHR](#)). Although these jurisdictions have the power to issue convictions, the issue of victim reparations remains a crucial challenge. However, obtaining a conviction is already a victory. For us, human rights defenders, each conviction represents a step forward.

What we can do is continue advocacy efforts, which should be preceded by a monitoring of violations. Human rights organizations will need to initiate a mapping of violence committed against people and their property. This would help document the violations committed, the victims, the alleged perpetrators, and study the protection guarantees for victims to build a case to submit to the Congolese State, which will file a complaint against the alleged perpetrators in order to fight impunity through the judicial mechanism. For now, it is difficult in the current context of occupation. It is practically

impossible to conduct an investigation into crimes against humanity committed by armed groups like the M23 or the forces of the Congo River Alliance without putting the lives of investigators at risk. The key issue is therefore how to effectively carry out this monitoring and fact-finding task.

It is also true that Congolese courts sanction crimes against humanity, genocide crimes, etc. However, when the alleged perpetrators are high-ranking political figures, it is preferable for the State to take action to demand, as an example, that the Rwandan Parliament lift the immunity of President Paul Kagame or that the Ugandan Parliament do the same for its head of state. In the absence of such procedures, any judicial action would remain dead in the water as long as these leaders remain in power.

But there are other actors who can be prosecuted. Criminal mechanisms will work alongside other mechanisms, including diplomatic ones, which will eventually produce ceasefires. But if the war continues, the criminal process will remain dead in the water. There absolutely has to be peace for criminal justice to work; otherwise, it will not be possible.

**Mame-Penda Ba and Toussaint Murhula Kafarhire**

*As a legal expert, how do you view the Congolese judicial system? What are the obstacles, and how can justice help build or rebuild sovereignty and peace?*

**Nathalie Nakabanda**

*Ubi societas, ubi ius ; ubi ius, ibi societas* which means “Where there is society, there is law; where there is law, there is society.” Justice can still play its role. The Congolese legal framework is solid and very rich. The justice I wish for is restorative and transitional justice, capable of regulating social relations, establishing a legitimate and accepted framework by all, and rebuilding a harmonious social fabric. South Africa, after apartheid, established a transitional justice system that worked relatively well. Rwanda, after the genocide, adopted a similar process. Truth and reconciliation commissions not only restore relationships between the concerned parties, but they also ensure the reparation of victims. It would also be relevant to incorporate principles of cooperation that work in American and Anglo-Saxon justice. When a defendant cooperates, he or she may benefit from a reduction in their sentence. The role of the international community and other regional organizations should be to support the effective implementation of law and such processes.

**Mame-Penda Ba and Toussaint Murhula Kafarhire**

*As an academic working on issues of violence and sexual violence, in light of the massacres of civilians and mass rape, what is the current situation?*

**Nathalie Nakabanda**

Massacres have been carried out in Goma, Bukavu, Kalehe, Nyabibwe, Uvira, Kamanyola, Luvungi, and continue in many other localities. In Goma, for example, the city's takeover caused the prison guards to flee, leaving the prisoners to their own. Some of them took advantage of this situation to sexually assault women, before setting the prison on fire, causing the death of many victims, including children living with their mothers in prison. There are not only killings but also physical assaults on people for absurd reasons: hesitation to respond, a misinterpreted glance... We no longer have the right to move freely. The freedom of movement is limited. We are returning to the colonial period, and a state of war is gradually being established.

Mame-Penda Ba and Toussaint Murhula Kafarhire

*Regarding sexual violence, we would like to identify with you some local skills, indigenous mechanisms, and local innovations that communities or civil society are implementing to mitigate these types of violence and start responding to them. You mentioned women mediators. I imagine this is possibly in response to UN Resolution 1325 what does this system entail?*

Nathalie Nakabanda

It is essential to first note that the community is lacking the means to respond to the scale of current violence. However, it is developing strategies through education and awareness-raising among its members to avoid perpetuating the same types of violence. Secondly, the community prioritizes conciliation, which is a traditional mechanism, through out-of-court settlements. For example, when the perpetrator is known, efforts are made to find compensation mechanisms. The community is also gradually developing mechanisms for accepting the victim, which was not the case just a few years ago. Previously, the victim of a rape was rejected by the entire community. Today, the community recognizes the victim's innocence in the act they suffered and, for this reason, tries to protect and integrate them, avoiding the stigmatization by other community members. This evolution extends to children born from rapes; gradually, some communities, not all, accept and welcome them.

Regarding the women mediators, this is a group of women from civil society and the political sphere who are committed to advocating for peace. We hold meetings with leaders and decision-makers to advocate for peace-related issues. We also collaborate with West African women, particularly Malian women, to strengthen this dynamic and support each other in the fight for peace. A letter from the women mediators will be released soon. It is written by Congolese women, with input from Malian and Central African women. It is thus supported by a whole continent of women who carry these urgent cries.

Mame-Penda Ba and Toussaint Murhula Kafarhire

*In the Great Lakes region, the populations interact, maintaining commercial, familial, and friendly relations, that go beyond all the wars and crises we have known for a long time. If you had a message to send to this population, what would it be? As a local actor and academic involved in the cycle of this crisis and war, what do you expect from fellow professors across the African continent, especially?*

Nathalie Nakabanda

When I am in Bukavu, my food products come from various neighboring countries: my tomatoes from Rwanda, fish from Burundi, tea and coffee from these same countries. These exchanges illustrate the close ties between our populations. Every morning, at the Burundian border, we see lines of Burundians coming to the DRC and Congolese going to Burundi. The same happens at the Rwandan border, where citizens of both countries cross the border to ensure their livelihood. This means that politicians must absolutely stop with their selfish interests and prioritize the common good. Populations must remain united and look at each other not as Burundians, Congolese, Ugandans, or Rwandans, but as human beings. Simply put, as human beings. This would mean that we will not only recognize that we were all created by God but also that we all have the same dignity, the same rights, and notably the right to life. All of us, without exception and without discrimination. As for my colleagues, my fellow researchers, and academics, I call for collective responsibility.