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## **DR CONGO: A REGIONAL ANALYSIS**

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commissioned by United Nations High Commissioner for Refugees,  
Emergency and Technical Support Service**

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**Caveat:** Writenet papers are prepared mainly on the basis of publicly available information, analysis and comment. The papers are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. The views expressed in the paper are those of the author and are not necessarily those of Writenet or Practical Management.

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## **1 Introduction**

Since the beginning of 2007, the DRC is a country with elected institutions. However, these are confronted with the difficulty of distributing the dividends of peace and democracy. Excessive expenditure due to bad governance and to the particular context of the electoral campaign, during which candidates tried to buy the support of voters regardless of cost, has created a difficult legacy for the new government. It is now confronted with the problem of meeting the reform requirements set by the World Bank and the International Monetary Fund (IMF). As a result, much needed development aid could be delayed, and this in a context of large-scale unemployment acting as a powerful incentive to migration, more particularly to the diamond-rich areas of Angola.

At the same time, large pockets of insecurity remain in the eastern part of the country, and reform of the Army, which is still a major threat rather than a source of security for the citizens, is far from completed. As was evident during last March's two days of all-out war between President Kabila's and defeated presidential candidate Bemba's guards, there is still not even a basic consensus on the rules of the game, on the status of the opposition and on respect for human rights. In addition there are ongoing land disputes and conflicts of competence between the state and the provinces; there have been repeated incursions by foreign armies and militias; there is division inside the state apparatus over the strategy to apply in order to curb rebel activities; and the general situation is further inflamed by public statements by politicians and others inciting to ethnic hatred.

Against this background it is not surprising that repatriation of refugees – whose total numbers now stand at well over 300,000 – and return of internally displaced persons (IDPs) – whose numbers have reached over one million – is progressing only fitfully, and that fresh instances of forced migration are still occurring in spite of the formal political and demobilization progress.<sup>1</sup>

## **2 Political Developments in the DRC**

### **2.1 Lack of Consensus on Basic Political Groundrules**

The clashes on 22 and 23 March 2007 in Kinshasa, which pitted members of defeated presidential candidate Jean-Pierre Bemba's guard against President Kabila's guard and Forces Armées de la République Démocratique du Congo (FARDC) troops supported by Angolan soldiers, caused between 200 and 600 deaths according to Western military sources. The clashes provide a brutal illustration of the consequences of the lack of political consensus between the two sides on the basic rules of the game of "democratic politics".

Four months later, there is still deep distrust between the two sides, although tension has been reduced following the total defeat of Bemba's militia (Division Présidentielle de Protection – DPP), the demobilization of these troops, Bemba's departure for Portugal on 11 April, and his declaration on 11 June that he would extend his stay there, officially for medical reasons. Bemba himself did say, however, that his decision to postpone his return was motivated by "security reasons". These could include the need to buy time in order to negotiate guarantees for his physical security after his return and also the need to obtain guarantees that he will not

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<sup>1</sup> United Nations High Commissioner for Refugees, Kinshasa Branch Office, *DRC Fact Sheet*, Kinshasa, 25 May 2007

face prosecution by the International Criminal Court (ICC) for the atrocities committed by fighters belonging to his Mouvement de Libération du Congo (MLC) in late 2002 in Ituri and in early 2003 in the Central African Republic (CAR). He might also fear prosecution by the Congolese judicial authorities, who have accused him of having violated the constitution by retaining his private militia beyond the 15 March deadline set by the government for the disarmament of the DPP.

However, Bemba might find justification for his caution, and for the fears generated among his own supporters, in the persecution suffered by critics of the Kabila regime. The torture and killing by four soldiers of a member of a human rights organization in Kipushi (Katanga), Simplicite Kitenge Mwarabu, and the murder of journalist Serge Maheshe of the UN-sponsored Radio Okapi on 13 June in Bukavu are two striking examples of the dangers still facing critics. A further incident, though one that might have been the result of simple banditry, was the attack on the journalist Anne-Marie Kalanga of the national TV network Radio Télévision Nationale Congolaise (RTNC) on 19 June. She was shot in the leg by three men wearing police uniforms.<sup>2</sup> And in mid-June Radio Canal Satellite in Tshikapa (Western Kasai) was shut down by the government's intelligence service, Agence Nationale de Renseignements (ANR), allegedly because its journalists were "intoxicating the population" and "broadcasting in bad French", although the ANR has no legal role in media regulation.<sup>3</sup>

However, attempts are being made to find a basis for accommodation between Bemba and the Kinshasa authorities. One such attempt is the draft law, passed by the National Assembly on 14 June, which ringfences the status of the leader of opposition. The text, drafted by the MLC, creates a new institutional figure, Coordinator of the Parliamentary Opposition, to be elected by opposition senators and MPs. It stipulates that the coordinator does not necessarily have to be a member of parliament and that he will enjoy status equivalent to that of a minister, with several advantages ranging from protocol facilities to remuneration. The coordinator will also benefit from security protection, but the details, including the number of his guards, have still to be agreed. The role of the coordinator is said to be in helping to consolidate democracy, including by preventing the opposition from propagating hate speech and inciting to violence. Such a position looks tailor-made for Bemba, and would allow him to enjoy greater visibility than his current position of senator. However, the text does not specify whether he will also have some form of parliamentary immunity.<sup>4</sup>

## **2.2 Army and Administration Reform**

Since the appointment of the new government on 5 February there have been attempts to reform the armed forces. In the second week of June, President Kabila reshuffled the command and dismissed the Army chief of staff, General Philemon Kisempia, replacing him by Lieutenant-General Dieudonné Kayombe, a graduate of the French St Cyr military academy. The ground forces remain under General Gabriel Amisi, which does not necessarily bode well for the future, as Amisi was the commanding officer during the massacres that occurred at Kisangani and in the Maniema province in 2002. Meanwhile, the Airforce will henceforth be under the command of Major General Rigobert Masamba Musungu, a pilot by

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<sup>2</sup> Agence Congolaise de Presse, Cérémonie d'hommage au journaliste Serge Maheshe de Radio Okapi, Kinshasa, 19 June 2007, <http://www.digitaalcongo.net/article/44522> [accessed July 2007]

<sup>3</sup> Committee to Protect Journalists, Radio Station in Congo Shut Down for Broadcasting 'Bad French', New York, 15 June 2007 [press release]

<sup>4</sup> International Crisis Group, *Congo: Consolidating the Peace*, Brussels, 5 July 2007, p. 12

profession, who replaces Kabila's close collaborator General John Numbi, who in turn has been appointed head of the Police. Finally, Vice-Admiral Didier Etumba, previously in charge of military intelligence, has been appointed new Navy chief of staff.<sup>5</sup>

The reshuffle seems intended to provide more professional commanders at the head of the Army. Indeed, Numbi, who lost the battle of Pweto against the Rwandan-backed Rassemblement Congolais pour la Démocratie (RCD) in January 2001, was not trained in any military academy. The move is in line with EUSEC's (the European Union's advisory and assistance mission for the security sector) plan of assistance for the restructuring and professionalization of the Congolese army, but is hardly sufficient. Higher pay and better discipline across the board are required if the armed forces are to be transformed from a source of instability into a source of stability. Nor is Numbi's appointment as chief of the Police necessarily good news for this institution, which remains highly politicized. Both Numbi and the Minister of the Interior, General Denis Kalume, are staunch supporters of Kabila, but are not seen as possessing any particular skills in terms of ensuring law and order.

EUSEC is also running a programme aimed at securing the chain of payment in the Army to enable rank and file soldiers to access their wages. This programme is on track. For the last six months funds destined for payment of rank and file soldiers' wages have been delivered directly from the Central Bank to brigade level, bypassing the higher chain of command, and under supervision of EU military officers. A census operation led by South African officers has resulted in the elimination of large numbers of "ghost soldiers" and allowed EUSEC to raise the level of payment from US\$ 10 to US\$ 25.

However, according to the former EU Special Envoy for the Great Lakes area, Aldo Ajello, the question of the Army remains central to the stabilization of the country.<sup>6</sup> His view is that one of the main problems is that responsibility for the demobilization process has been left to the World Bank within the Multi-Country Demobilization and Reintegration Programme (MDRP) and that, unlike in Mozambique where the UN took full responsibility for the entire operation, the Bank has applied the principle of local government ownership to the demobilization programme. As a result, says Ajello, a giant bureaucratic machine was set up with no less than five management committees in addition to the government's Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER). One problem was that the leadership of the operation was left to people who had no interest in its success because they were benefiting from the status quo. Another was that the World Bank had no relevant experience and, moreover, never wanted to be involved in the disarmament aspect of the programme, resulting in a bottleneck being created at the very beginning of the process. Moreover, there were reports of embezzlement and deliberate obstruction from the higher military hierarchy, who had been the beneficiaries of the wages of the "ghost soldiers".

Progress has been made, however. At the second international conference on demobilization, disarmament and stability in Africa, which took place in Kinshasa in June 2007, the United Nations Development Programme (UNDP) announced that biometric technology had been used to register more than 100,000 fighters and that 60,000 demobilization kits had been distributed. Already by the end of March, the MDRP Secretariat had reported that 116,675 fighters had been demobilized since the beginning of the programme, leaving approximately 33,000 to be demobilized, while 15,000 reintegration opportunities were awaiting funding,

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<sup>5</sup> Congo-Kinshasa: La tête de l'armée remaniée, *La Libre Belgique*, 14 June 2007

<sup>6</sup> Aldo Ajello. Personal interview, 15 January 2007

which, however, remains a problem.<sup>7</sup> The World Bank has asked the DRC government to refund some US\$ 57 million for misprocured items or ineligible expenses and makes new International Development Association (IDA) financing of US\$ 50 million conditional upon the repayment of this money.<sup>8</sup>

Another problem is that improvements in the chain of payment of military personnel may raise their income, but not sufficiently to defuse the temptation for them to loot and extort money or property from their fellow citizens. In addition, even if this reform proceeds, the nominal wage of a high-ranking officer may increase, but it will certainly not provide him with the US\$ 5,000 which he has been used to embezzle to sustain his living standard.

Much also remains to be done before civil servants, who in some cases are owed years of arrears, get regular and decent pay. Workers at the state owned post and telecommunications company, Office Congolais des Postes et Télécommunications (OCPT), for instance, are awaiting several years of arrears of salary.

### **2.3 Rule of Law, Local Insecurity and Violence**

On-going violations of human rights are a further serious source of concern. This situation prompted the UN High Commissioner for Human Rights, Louise Arbour, to warn in early June that such violations were putting the whole of Central Africa on the verge of a major conflict. Louise Arbour reportedly said that the end of impunity for the perpetrators both in Burundi and in the DRC was a pre-condition for a lasting peace in the region.

In the Kivus the situation remains especially volatile. In April 2007, violent clashes between various militias and government troops forced more than 64,000 people to flee their homes in North Kivu.<sup>9</sup> By early May, UNHCR estimated the total number of North Kivu displaced at 123,000.<sup>10</sup> There have, however, also been new attempts by the government to address the issue of the permanent threat posed by the Rwandan Hutu rebels of the Forces Démocratiques de Libération du Rwanda (FDLR). To this effect, an alliance has been struck with the renegade general Laurent Nkunda, whose estimated 2,000 to 6,000 troops have begun to join mixed brigades whose task it is to crush the FDLR and allied Mai-Mai groups. However, this strategy is opposed by local politicians who want to prioritize the struggle against the Congolese Tutsis, and more particularly the Banyamulenge. New fighting involving the Delta mixed brigade, which includes General Laurent Nkunda's forces and FARDC troops, against a coalition of FDLR rebels and Mai-Mai fighters, took place in the Masisi area during the first half of June.<sup>11</sup>

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<sup>7</sup> Multi-Country Demobilization and Reintegration Programme, *Democratic Republic of Congo: Country Page*, updated June 2007, <http://www.mdrp.org/drc.htm> [accessed July 2007]

<sup>8</sup> Multi-Country Demobilization and Reintegration Programme, *Quarterly Progress Report January- March 2007*, April 2007, <http://www.mdrp.org/reports.htm> [accessed July 2007]

<sup>9</sup> United Nations High Commissioner for Refugees, *Violent Clashes in Eastern DRC Force Thousands from Their Homes*, Kinshasa, 25 April 2007 (news story)

<sup>10</sup> United Nations High Commissioner for Refugees, *UNHCR Fears for Congolese Civilians Caught in Violence*, Kiwanja, 9 May 2007 (news story)

<sup>11</sup> Agence de Presse Associée, *Nouveaux affrontements entre FARDC et FDLR dans Masisi*, 12 June 2007, quoting the UN-sponsored *Radio Okapi*

In South Kivu, the situation is definitely not improving. According to civil society sources in Bukavu, violence is even “accelerating” in the province. The assassination in Bukavu of the Radio Okapi journalist, Serge Maheshe, on 13 June is unfortunately only one example. The positive element is that the authorities have arrested a dozen suspects including two soldiers, giving a signal that impunity should not prevail in this case. However, the negative element is that this murder shows that the Army, in that province and in the entire eastern part of the country, remains a factor of insecurity. The Maheshe case is not an exception: the following day, a student named Justin Lubala was shot down by men in uniform, possibly that of the FARDC. The situation is confused, since the perpetrators are often not clearly identified. In some cases, such as the murder of an 81 year old woman at Kalulu (Kabare territory) on 1 June, witnesses mention that the killers were speaking Kinyarwanda. Those who attacked Ifendula village in Kalonge chiefdom on 4-6 June are described as *interahamwe*. But other reports concerning the looting of properties owned by passengers in trucks and on motorbikes on the Bukavu-Bunyakiri road on 7 and 8 June do not identify those responsible. Nor is there any indication of the identity of those responsible for the assassination of a student whose body was discovered in the Ruzizi river, near the Ruzizi I hydroelectric power dam on 9 June.

In the Uvira territory of South Kivu, the situation has also deteriorated. NGOs report that the recruitment of child soldiers by Mai-Mai fighters has resumed. OCHA has identified 40 among two groups totalling 100. Some of these children had benefited from reinsertion programmes but afterwards allowed themselves to be re-recruited, in the hope of being once more included in the demobilization process and receive new allowances from CONADER.<sup>12</sup>

But perhaps the most worrying aspect is the persistent anti-Tutsi rhetoric by South Kivu politicians and civil society activists, including sometimes religious authorities, which could become a serious embarrassment for President Kabila’s attempts to defuse tension between the communities, as well as between the DRC and its neighbours, Rwanda and Burundi. Reflecting the mentality of these circles, the DRC’s former ambassador in Brussels, Albert Kisonga, who is a native of South Kivu, in a text widely circulated by e-mail, accuses Kabila of “high treason” and calls for the President’s resignation.<sup>13</sup> This kind of attitude risks not only to exacerbate passions and make reconciliation between communities more difficult but also to inhibit and undermine the DRC government’s efforts to restore peace in the area. These could include plans to organize round-table discussions between representatives of the different communities and ethnic groups. Such an exercise – already mooted for North Kivu – could be even more difficult to arrange in South Kivu. One of the problems is the ambiguity of the position of General Laurent Nkunda. For the government, he is both an ally against the FDLR and the Mai Mai and someone who should be prosecuted for war crimes and rebellion, arising from June 2004 when he organized a mutiny and took control of the city of Bukavu jointly with another dissident, Colonel Jules Mutebusi.

In Ituri, the situation is far from stabilized, although UN agencies report some improvement, with the demobilization of former members of local militias being supported by UNDP.<sup>14</sup> However, progress is slow. Out of an estimated total number of militia members of between 4,000 and 5,000, some 1,217 had been disarmed since December according to the UN’s DRC

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<sup>12</sup> Agence de Presse Associée, Reprise des recrutements d’enfants dans les forces Mai Mai à Uvira, 12 June 2007

<sup>13</sup> Où va le Congo?, 5 June 2007, text circulated by e-mail by the former DRC ambassador in Brussels, Albert Kisonga Mazakala

<sup>14</sup> IRIN, DRC: Ituri Demobilisation Wins UNDP Support, 5 June 2007

mission, MONUC. Clashes between the DRC Army and Peter Karim's Front des Nationalistes et Intégrationnistes (FNI) have died down since February, after Karim was appointed colonel in the government Army. Nevertheless, other groups including the Mouvement Révolutionnaire Congolais (MRC) and Cobra Matata's Front de Résistance Patriotique de l'Ituri (FRPI) have so far been reluctant to demobilize their troops. The expected impact of the demobilization process, if fully implemented, would be to permit the resettlement of an estimated 200,000 IDPs in Ituri alone. So far, some 50,000 IDPs have returned to Djugu territory, since Karim joined the Army. Yet, volatility could increase and spark new displacements if the Army's plans to carry out forced disarmament operations materialize. This scenario cannot be ruled out, since some armed groups are very reluctant to disarm, and, additionally, some former Rwandan soldiers who were disarmed and demobilized have recently been re-recruited into militia ranks.<sup>15</sup>

But the main new factor since the beginning of the year has been the unrest in the West, with the outbreak of violence in the Bas-Congo province at the end of January, provoked by protests orchestrated by the Bundu dia Kongo politico-religious grouping against the controversial election of a new governor. The protests led to brutal repression by the Army and the Police, causing 134 deaths.<sup>16</sup> Since then, calm has been restored but frustration among the local Bakongo ethnic group has not disappeared. As in Katanga, there is widespread feeling among the local population that it does not benefit from the provincial riches, including the electricity generated through the Inga Dam and the onshore and offshore oil operations.

However, at the same time stability elsewhere has allowed over 96,000 refugees to return home and UNHCR has been facilitating the voluntary return of Congolese refugees from five neighbouring countries including Burundi and Rwanda. So far during 2007, returns stand at 8,000 – lower than expected – as refugees are worried about difficult conditions back home.<sup>17</sup>

### **3 Economic Developments in the DRC**

#### **3.1 Difficulties in Implementing Economic Reform**

The post-transition government formed on 5 February 2007 is faced with many challenges on the economic front. The main one consists in finding the resources to finance the reconstruction programme which is crucial to address the issue of widespread unemployment – it is estimated that 96% of the DRC's potential working population does not have formal employment. However, as the government itself has pointed out, more than half of the US\$ 14.3 billion, earmarked to finance the 2007-2011 recovery programme, still has to be provided by the international community (US\$ 7.35 billion to be precise).<sup>18</sup>

But by June 2007 the conditions were not yet met to guarantee such financial support, because of the previous administration's failure to meet the targets agreed with the IMF and

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<sup>15</sup> IRIN, DRC: Demobilisation of Ex-militias Slowly Taking Root in Northeast, Bunia, 28 May 2007

<sup>16</sup> MONUC, DR Congo: MONUC Demands of the Authorities to Respect the Law, Kinshasa, 9 February 2007 [press release]. Other sources estimate 137 deaths.

<sup>17</sup> World Food Programme, Violent Clashes Bring New Misery to Congolese Civilians, London, 24 April 2007 (press release), <http://www.wfp.org/english/?ModuleID=137&Key=2451> [accessed July 2007]

<sup>18</sup> See, Note de présentation du programme commun du gouvernement de coalition, Kinshasa, February 2007, <http://www.arc-rdc.org/arc/> [accessed July 2007]



the scant progress recorded in the area of reforms during the first months of 2007. Some donors have confirmed their financial support, such as the EU (€411 million for the period 2008-2013), the US (US\$ 130 million over the 2006 and 2007 fiscal years), and the World Bank. Others are hesitant, however, and it may take time before the international community provides its full backing to the reconstruction programme.

In March 2007, the IMF expressed concern that during the first two months of the year, the situation had continued to deteriorate after a deceleration of real GDP growth rate down to 5% in 2006, a 15% depreciation of the value of the Congolese franc, an insufficient level of hard currency reserves and an inflation rate which was more than twice the 9.5% target for 2006.<sup>19</sup> A new IMF review took place at the end of May. Some progress in the implementation of the government's macroeconomic stabilization programme was noticed by the Fund, according to Congolese officials.<sup>20</sup> According to the Central Bank, since February inflation has begun to decrease, down from 25.6% in February to 21.1% in March on a year-on-year basis, while the Congolese franc appreciated by 1.03% in April.<sup>21</sup> A one year Programme of Priority Actions, from July 2007 to July 2008, will be launched by the government. But it is only if the results are satisfactory that the DRC will achieve completion of the Highly Indebted Poor Countries Initiative (HIPC) requirements and obtain a 90% cancellation of its debt and financing of its Poverty Reduction Strategy Programme, which should have a significant impact on poverty reduction, especially in the rural areas.

Meanwhile, the implementation of the budget will not be an easy task because the government's draft budget was made on the basis that the decentralization programme, which involved devolution of the administration of tax revenue to the provinces, would not be in force this year.<sup>22</sup> The speakers of the provincial assemblies of ten provinces have asked for the immediate implementation of the measure. But the central government argues that such a reform cannot be carried out before completion of legislation to regulate in detail the devolution of powers and revenues. The problem is, however, that no deadline has been set for voting on the decentralization law and for the transfer of resources. Some of the provincial assembly speakers, including Katanga's Gabriel Kyungu wa Kumwanza, have threatened to mobilize the population in support of their claims. In the past, similar initiatives have often provoked turmoil.

For the time being open conflict over the share of the budget between the central state and the provinces has been averted, with the central government's decision on 6 June to create a joint commission composed of representatives of both the centre and the provinces to sort out the matter. However, the issue has not been resolved and the commission needs to determine how to implement the constitutional requirement that, starting from 1 September 2007, control over the spending of 40% of national tax revenue should be delegated to the provinces. The stakes are considerable: indeed, while Prime Minister Antoine Gizenga's 2007 budget allows only 47 billion Congolese francs for spending by the provinces, the sum would be 268

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<sup>19</sup> International Monetary Fund, Statement at the Conclusion of an IMF Mission to the Democratic Republic of the Congo, 19 March 2007 (press release), <http://www.imf.org/external/np/sec/pr/2007/pr0755.htm> [accessed July 2007]

<sup>20</sup> Agence Congolaise de Presse, Le FMI satisfait des performances économiques réalisées par la RDC, 11 June 2007

<sup>21</sup> Agence de Presse Associée, Une mission du FMI à Kinshasa, 28 May 2007

<sup>22</sup> Agence Congolaise de Presse, Le projet de budget de l'Etat déclaré recevable à l'Assemblée nationale, 4 June 2007, reporting on Prime Minister Antoine Gizenga's responses to questions by MPs

billion Congolese francs if the 40% allocation were implemented.<sup>23</sup> It is possible that the provinces and the provincial parliaments could take their claims to the Supreme Court.

### **3.2 Economic Recovery and Job Creation**

Another important element is that the opposition is complaining that the draft budget which was being discussed at the end of May at the National Assembly does not provide sufficient support for the public sector. The government has taken several steps aiming at restoring confidence in the administration and in the management of the country's natural resources. In May and June, it indicated its intention to dismiss the managers of all state owned companies, except those of the copper and cobalt mining company Gecamines, whose managing director was appointed in 2006 with the World Bank's blessing. In May, the heads of the water and electricity companies, Regie de Distribution d'Eau (Regideso) and Société Nationale d'Electricité (SNEL) and the managing director of the 80% state-owned diamond company Minière de Bakwanga (MIBA) were replaced.

The situation at MIBA, which employs some 6,000 workers, was desperate at the beginning of June. In 2006, the output shrank considerably and almost no export was recorded during the first half of 2007. All this creates a situation which can only continue to encourage random private ventures of artisanal mining, despite recent efforts to organize the small scale mining sector, which is estimated to employ 500,000 people. Artisanal mining often takes the form of invasion of concessions in Eastern Kasai and in Katanga, by so called "wildcat miners".

The current number of wildcat miners in the DRC is estimated at 500,000, some 100,000 of whom are in Katanga and some 50,000 of whom are children.<sup>24</sup> The development of major projects in Katanga requires control of their activities, since some mining concessions, such as those owned by the Compagnie Minière du Sud-Katanga (CMSK), a subsidiary of the Belgian Forrest Group at Luisha, are illegally worked by these wildcat miners, making commercial exploitation impossible. Similar situations, including the chronic invasion of the MIBA concessions in Kasai by groups of artisanal diggers, sometimes armed and sometimes sponsored by the military, provoke clashes with the company's security guards. With the recent crisis at MIBA more people, including the company's own workers, may be tempted to engage in this kind of activity, since MIBA has not been able to pay them on a regular basis for the last eight months.

The magnitude of the phenomenon, which has grown over the last few years, has prompted the Belgian Foreign Ministry to appoint a Task Force on the Mineral Resources in Central Africa, which is busy trying to improve the traceability of the Congolese minerals in Katanga and also to find solutions to the overall problem. The plan is to support the efforts of the government's Service of Assistance to the Small Scale Mining Sector to train and organize the artisanal miners into cooperatives in order to integrate them into the formal economy. Although most of their current activities are not illegal, they are potentially dangerous in that they could be used by organized crime, through smuggling of their output to neighbouring Zambia. The plan is also to persuade mining companies to hire some of these people, while

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<sup>23</sup> Congo-Kinshasa: Décentralisation: conflit reporté, pas réglé, *La Libre Belgique*, 15 June 2007

<sup>24</sup> Agence de Presse Associée, Au moins 50 mille enfants travaillent dans les sites miniers artisanaux en RDC, 19 June 2007

others would be employed for road works and other tasks which could be of interest to the mining companies. The process however is still in its infancy.<sup>25</sup>

### **3.3 Land Disputes and Property Rights**

The government is currently planning to establish a comprehensive land occupancy map of the large forest areas which cover nearly half of the total surface of the country. In principle, local communities have to be consulted for this exercise, which is carried out in parallel with a review of forestry concessions. But so far, the administration has shown itself too weak to enforce its own decisions, and conflicts between logging companies and local communities do occur and cannot be expected to cease in the future.<sup>26</sup>

There is also concern over the long-term effect if the current 11 provinces are split into 26 smaller ones, as called for by the constitutional settlement. There could be a risk of future conflicts between the richer border provinces, which will be able to get a share of customs receipts, and the poorer interior ones. Some Congolese politicians are now realizing the significance of the problem, and Gabriel Kyungu and the Balubakat who represent the northern part of Katanga, are expressing growing resistance to the split of the province into four smaller ones: the richer Haut-Katanga (capital Lubumbashi) and Lualaba (capital Kolwezi) districts, which benefit from the copperbelt's mining resources, and the much poorer Tanganyika (capital Kalemie) and Upper Lomami (capital Kamina) districts. But in the Copperbelt, with its concentration of resources, the attitude is entirely the opposite.<sup>27</sup> The split is scheduled to take place within three years from the inauguration of the new institutions or, according to other interpretations, three years after the decentralization law is passed. In any case, the debate is already raging.

Similar disputes could emerge in the Eastern Province, Bandundu and Equator, where politicians in poorer districts remote from international borders fear that the split could deprive them of the necessary resources to finance development at provincial level.

Separately from that, the DRC has since the beginning of the year been confronted by new challenges from three of its neighbours, concerning the sovereignty over its own territory. The government of Southern Sudan has extended its administration and established roadblocks in an area of Ituri. Since January, the Angolan army is occupying 11 villages in the south of the Bandundu province. Meanwhile, the Zambian army is occupying one village in Katanga.

### **3.4 Provision of Basic Services**

According to the UN Humanitarian Action Plan 2007, released at the end of last year, vulnerability continues to prevail in all sectors. Life expectancy in the DRC is only 43 years. The mortality rate of children under five remains at 126 deaths per 1,000 live births, which is higher than the infant mortality rate typical of emergency situations in other humanitarian crises. Illnesses which could easily be prevented, such as malaria, diarrhoea and acute respiratory diseases, continue to cause a great number of deaths. The lack of a drinkable water supply (aggravated since the beginning of 2007 by disruption of the supplies by the

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<sup>25</sup> Thierry de Putter, co-chairman of the MIRECA Task Force. Personal interview, 12 January 2007

<sup>26</sup> See, Greenpeace, *Carving Up the Congo*, London, 11 April 2007, <http://www.greenpeace.org.uk/media/reports/carving-up-the-congo> [accessed July 2007]

<sup>27</sup> Professor Bob Kabamba, University of Liege (Belgium). Personal interview, 14 May 2007

state-owned water company Regideso in Kinshasa), is a matter of concern. On average 46% of the population, but only 29% in rural areas, have access to drinkable water. Of course, this creates a high risk of waterborne diseases. Only 6% of the population have access to electricity. The nutrition situation is worrying in Ituri, in the Kivus and in the centre of Katanga, reaching a 19.2% level of malnutrition at Dubie (Upper Katanga) and up to 14% in some areas of South Kivu.<sup>28</sup>

## 4 Impact on Neighbouring States

### 4.1 Risk of Spillover of Armed Conflict

The Congolese government does not have the capacity to wage war against its neighbours, who all, except the CAR, have relatively more disciplined armies and more control of their respective territory. However, there are other armed elements within the DRC, whose actions can pose a direct threat to the stability of neighbouring countries.

The most direct threat comes from the Kivus, where there are an estimated 15,000 fighters from the former Rwandan army and from the *interahamwe* Hutu militias, many of whom are now members of the FDLR or dissident groups, sometimes allied with the Mai-Mai. These still have some potential to make incursions into Burundi, Rwanda or Uganda, but with very limited chance of gaining control of an area or even to disrupt normal activities for long.<sup>29</sup> A further danger comes from the persistent hate filled rhetoric against the Tutsi population in South Kivu and the many verbal attacks against President Kabila, calling him “traitor” because of his decision to strike a tactical alliance with General Nkunda’s Congrès pour la Défense du Peuple (CNDP) troops. The risk here is that the propaganda could once more trigger violence against Congolese Tutsi, who might then take refuge either inside Congo in the Itombwe mountains of South Kivu or in the part of the Rutshuru area which is under Nkunda’s control or cross the borders of Burundi, Rwanda or Uganda. It is also possible that FDLR fighters could try to cross temporarily into Rwanda, Uganda or Burundi in order to escape Congolese Army and CNDP operations against them. This could only be stopped through coordination with the armed forces of Rwanda, Burundi and Uganda. This prospect, however, is complicated by lack of unity within the DRC government, which is split between those like the outgoing Army chief of staff, General Kisempia, who favoured an alliance with Nkunda, and those in Kabila’s entourage who come from the South Kivu and Maniema provinces and who tend rather to consider Rwanda and the Tutsis as the principal enemies and favour alliances with the Mai Mai or the *interahamwe*.

To a lesser extent, movement across the borders between the DRC and Sudan or Uganda, either by civilian refugees or escaping militia, could be linked to actions by dissident – or non-dissident – fighters from Cobra Matata’s or Peter Karim’s groups in Ituri, although it would appear that their power of nuisance is waning.

The Angolan border with the Bas-Congo province is now less likely to be disturbed, after the Bundu dia Kongo politico-religious sect recently called for peace and reconciliation, reducing the risk that its more fanatic supporters would form an alliance with the Henrique Nzita Tiago faction of the Frente de Libertação do Enclave da Cabinda (FLEC). There is still the danger,

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<sup>28</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Democratic Republic of Congo: Humanitarian Action Plan 2007*, 30 November 2006, <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1504> [accessed July 2007]

<sup>29</sup> La nonchalance du gouvernement actuel, *Grands Lacs Confidentiel*, 18 June 2007

however, of a repetition of a hardline disproportionately severe clamp-down from the Congolese Army, which could destabilize the province, unless averted by the Kinshasa authorities.

## **4.2 Trade, Smuggling and Mining**

The porosity of the DRC's borders makes smuggling of minerals a constant source of disputes between customs officers and border guards in the DRC and its neighbours. Sometimes, as on the Zambian border in Katanga or Kasai, the smugglers might operate under the protection of local authorities. In the case of Angola, the ongoing movement across the border to the diamond fields by illegal diggers from the DRC greatly assists smuggling. The length of the border with Angola (2,500 km) which neither army can control entirely, poses a permanent challenge. Smuggling of gold, timber and diamonds also takes place across the border with Uganda and the Central African Republic.

On the other hand the need to access natural resources can also work towards greater stability. One example is the recent moves by the DRC and Rwandan governments, for geoseismic security reasons, to coordinate their efforts to tap the methane reserves of Lake Kivu, which have contributed to some easing of the tensions existing between the two countries. An opposite example, though, is provided by the recent sporadic demonstrations in Angola and Uganda against the DRC, which should be seen in the context of these two countries' desire to achieve the best possible deal in their negotiations with the DRC on the sharing of offshore oil resources, in the Atlantic or in Lake Albert.

## **4.3 Impact on Individual Neighbouring States**

### **4.3.1 Angola**

In December 2006 UNHCR launched a new operation for the repatriation of 1,800 Angolan refugees from the DRC, as by now there was relative calm prevailing in Angola.<sup>30</sup> Owing to the conditions of roads and bridges, which are not accessible during the rainy season, these refugees were repatriated by air. The number of refugees repatriated to Angola since 2003 amounts to 52,000, which, however, still leaves some 68,000 Angolan refugees in the DRC.

At the same time actions by the Angolan government have the potential to create situations which can cause new cross-border movements. The Angolan decision last February to expel 3,400 Congolese illegal migrants and their families, mostly involved in artisanal alluvial mining operations in the Lunda Norte province of Angola, to southern Bandundu, as well as the expulsion of hundreds to Western Kasai, has created pockets of humanitarian crisis.

Moreover, the Angolan army is currently occupying 11 villages in the south of Bandundu province and have been there since January. According to reports in Kinshasa, the Angolan military have brought in diamond digging equipment. They are also accused of brutality in their dealings with Congolese civilians and local authority officials, who have been expelled from their own villages. The situation has generated a political row in Kinshasa between the government, who has tried to play down the incidents, and local authorities backed by MPs.<sup>31</sup> The Angolan government, which is providing training for several units of the DRC Army and

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<sup>30</sup> United Nations High Commissioner for Refugees, UNHCR Starts Repatriation of Thousands of Vulnerable Angolan Refugees by Air, 19 December 2006 (news story)

<sup>31</sup> Congo: Response to Angolan Military Incursion Is Confused, *SouthScan Briefing*, Vol. 22, No. 5, 9 March 2007

Police, and which came to the rescue of President Kabila during the clashes that took place between his Republican Guard and Bemba's Guard last March, is in a strong position to exert pressure on the DRC government. Consequently, after border delineation talks between representatives of the two governments in May, the DRC Foreign Minister, Antipas Mbusa Nyamwisi, stated that the Angolan Army had not crossed the border. This conclusion contradicts that of a Congolese parliamentary commission that had investigated this matter, and could also remove their nationality from thousands of people who claim to be Congolese, and who are residing on their own ancestral land.<sup>32</sup>

#### **4.3.2 Zambia**

In November 2006, the governments of the DRC and Zambia signed a tripartite agreement with UNCHR to allow the voluntary repatriation of more than 60,000 Congolese refugees from Zambia. Most are from Katanga, where 10,000 refugees had already returned by their own means during 2006.<sup>33</sup> While 35,000 refugees had expressed a desire to return home, UNHCR warned that the returnees would face problems on their return owing to poor infrastructure, health and education services and the difficulty of access to drinking water. However, following the November agreement UNHCR was able to launch the voluntary return in May, with a first ship repatriating 400 refugees across Lake Tanganyika to Katanga.<sup>34</sup> Another group of 437 refugees was repatriated in June to Moba (Katanga).<sup>35</sup>

However, notwithstanding the undeniable success of these return operations, at the same time there have been incursions by the Zambian Army into DRC territory. During one such incursion the local administrator in the Moba area reported that the Zambian troops were present for "a long time" in the village of Kapingu, 150 km from the border and committed abuses against the local population.<sup>36</sup>

#### **4.3.3 Tanzania**

Officially, at the beginning of February there were still some 287,000 refugees in camps in Tanzania, mostly from Burundi and the DRC.<sup>37</sup> The figure however does not take into account the large number of refugees from both countries who live outside the camps. The numbers are gradually reducing, largely through voluntary repatriation to both countries, according to the UNHCR, which estimates that more than 23,000 Congolese refugees have returned home with its assistance since October 2005.<sup>38</sup> However, future returns will depend on the stabilization of the Congolese provinces on the other side of Lake Tanganyika, namely South Kivu and Katanga.

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<sup>32</sup> Angola: Bid to Integrate Cabinda Extends Luanda's Influence in DRC, *SouthScan Briefing*, Vol.22, No. 11, 1 June 2007

<sup>33</sup> United Nations High Commissioner for Refugees, DRC, Zambia and UNHCR Sign Agreement for Congolese Refugee Returns, Lusaka, 28 November 2006 (news story)

<sup>34</sup> United Nations High Commissioner for Refugees, UNCHR Launches Voluntary Repatriation for Congolese Refugees in Zambia, Geneva, 4 May 2007 (briefing notes)

<sup>35</sup> Agence de Presse Associée, Retour de plus de 400 réfugiés congolais de la Zambie à Moba, au Katanga, 19 June 2007

<sup>36</sup> Border Incursions Now Include Zambia, Uganda and Angola, *SouthScan Briefing*, Vol. 22, No. 7 6 April 2007

<sup>37</sup> United Nations High Commissioner for Refugees, Refugee Population in Tanzania Camps Drops Below 300,000, Dar-es-Salaam, 1 February 2007 (news story)

<sup>38</sup> *Ibid.*

#### **4.3.4 Burundi**

In Burundi, the level of Lake Tanganyika has substantially decreased as a consequence of several years of insufficient rains; and intensive deforestation, especially in the Kibara forest, has led not only to the diminution of the available natural resources but also to generally higher temperatures.<sup>39</sup> As a result, the trend towards reduced yield from food crops may prompt part of the rural population to cross the Congolese border, if the security situation improves in South Kivu. However, for the time being, no massive return of Congolese refugees in Burundi has been observed because of the on-going unrest in this neighbouring Congolese province.

#### **4.3.5 Rwanda**

In Rwanda, 60% of the 8.5 million inhabitants live on less than US\$ 1.00 per day, and there is a shortage of land for what is an essentially rural population. This creates a context which, in the event of the improvement of the security situation in North Kivu, could tempt some inhabitants to relocate to less populated areas of neighbouring DRC, merging with the local Hutu or Tutsi population. At present this is an unlikely scenario, as evidenced by the continued presence of Tutsi exiles in the refugee camp of Byumba since several years, but it cannot be totally disregarded for the future. At the same time, the situation in Rwanda, despite the reintegration programme for Hutu rebels returning from the DRC, does not provide the necessary incentives to convince those Hutu rebels who settled in the Kivus or married local women to return home. The widespread effects of the HIV-Aids pandemic in Rwanda contribute to aggravate the situation: according to UNICEF, Aids has left 800,000 orphans in Rwanda, about 10% of the total population.<sup>40</sup>

#### **4.3.6 Uganda**

The big question here is whether the talks between the government and the Lord's Resistance Army (LRA) will succeed. In the past, DRC territory has been used as a sanctuary by the LRA, and MONUC and the Congolese Army have not yet achieved total control of the situation in the north-east of the country. This area could therefore be exposed to a sudden return of LRA fighters and possible pursuit operations by the Ugandan People's Defence Force (UPDF).

Regardless of the LRA problem, the UPDF keeps making sporadic incursions into DRC territory. During the first quarter of 2007, the DRC Environment Minister, Didace Pembe Bokiaga, accused the Ugandan Army of having violated Congolese territory and occupied parts of the Virunga National Park in North Kivu.<sup>41</sup> While the Ugandan authorities did not accept the accusations, they stated that they were facing renewed threats from the Allied Democratic Forces (ADF) and National Army for the Liberation of Uganda (NALU) rebel groups, who have used areas of North Kivu and of Ituri as sanctuaries. The military activities have been quite intensive in the area. UPDF sources claim that during the first half of April alone, 76 rebels were killed.<sup>42</sup>

#### **4.3.7 Sudan**

By the beginning of June 2007, the situation was calming down in Southern Sudan. The last incident reported, an ambush of trucks by the Ugandan LRA rebels, took place in late April, according to Sudan People's Liberation Army sources in Moli. Since then, LRA fighters have

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<sup>39</sup> IRIN, Burundi: Shrinking Lakes and Denuded Forests, Bujumbura, 7 June 2007

<sup>40</sup> IRIN, Rwanda: La pauvreté et le manque de terre aggravent l'impact du VIH/Sida, PlusNews, 14 July 2006

<sup>41</sup> Border Incursions Now Include

<sup>42</sup> Bemba's Ouster a Blow to Museveni's Ambitions, *SouthScan Briefing*, Vol. 22, No. 8, 20 April 2007

tended to move towards assembly points.<sup>43</sup> Yet, the future remains uncertain. Acholi intellectuals argue that the International Criminal Court prosecution against the LRA leaders Joseph Kony and Vincent Otti is no longer appropriate and instead favour traditional justice procedures.<sup>44</sup> The question is whether the ICC's and President Yoweri Museveni's wish to bring the LRA leaders to international justice could reignite the conflict, with possible consequences for an area where the state's control is at its weakest, north-eastern DRC.

Nevertheless, despite some improvements, it seems that the Southern Sudanese administration is taking advantage of poor control of north-eastern DRC by the Kinshasa authorities. In May, there were reports that Southern Sudanese officials erected roadblocks in the Aru area of the Congolese district of Ituri. Additionally there were reports in early May of an invasion of several villages in the same area by Sudanese cattle-herders who expelled the Congolese villagers from their homes.<sup>45</sup>

#### **4.3.8 Central African Republic**

The government of the Central African Republic seems unable or unwilling to control cross-border movements between its territory and the DRC. In early 2006, an influx of Mbororo cattle-herders from the CAR and Chad provoked clashes with the local Congolese population in the Bas-Uele district. Similar incidents have also been reported in the Garamba National Park in early 2007.<sup>46</sup>

#### **4.3.9 Congo-Brazzaville**

Since early 2005 the Congo-Brazzaville authorities have held several DRC military officers in detention, charged with alleged attempts against the security of the Congolese Republic. At the same time the DRC's military intelligence has held three Congo-Brazzaville army officers in detention for three years. Human rights organizations in both countries, such as the DRC's Voix des Sans Voix (VSV), accuse the security services of both states of carrying out crossborder incursions in order to apprehend political dissidents, asylum seekers and refugees. These actions are based on bilateral agreements between the two countries, which allegedly have led to arbitrary arrests, extraditions and forced disappearances.<sup>47</sup>

## **5 Conclusions**

As should be abundantly clear from the account above the DRC is still in a state of profound insecurity and uncertainty, in spite of the formal process of democratic elections and governance building strategies.

An optimistic assessment of possible outcomes would include the following developments:

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<sup>43</sup> IRIN, Sudan-Uganda: Elusive Peace Along the Tong-Tong Road, Moli, 4 June 2007

<sup>44</sup> IRIN, Sudan-Uganda: 'The Acholi Were Provoked' – Prof Morris Ogenga Latigo, Ri-Kwangba, 1 June 2007

<sup>45</sup> Southern Sudanese Join Others in Eroding Border Integrity, *SouthScan Briefing*, Vol. 22, No. 10, 18 May 2007

<sup>46</sup> United Nations Office for the Coordination of Humanitarian Affairs, DRC Office, *Rapport de l'évaluation de la situation humanitaire à Buta, Aketi, Titule, Bambesa, Dingila, Ango et Bondo (District de Bas Uélé-province Orientale)*, Kinshasa, March 2007

<sup>47</sup> IRIN, Congo-DRC: Human Rights Groups Urge Release of Detainees, Brazzaville, 11 June 2007



- The government manages to get financial support for its programme, contains insecurity in the East and at the borders, manages to increase the salaries of the civil servants and of the military, while the big mining projects in the pipeline in Katanga come on stream.
- Without solving all problems, these developments, together with a review of mining contracts, help restore confidence among investors and the population.
- Diplomatic efforts manage to ease tensions between the government and the opposition as well as between the DRC and its neighbours.

However, it must be deemed uncertain, to say the least, whether the degree of international support and domestic competence needed for such a scenario would be forthcoming, in which case a much more pessimistic assessment would be appropriate:

- The government fails to deliver. It cannot arbitrate in the row over provincial budgets. It fails to restore peace in Ituri and in Kivu and new outbreaks of violence occur in the Bas-Congo province.
- The inability of the government of the Central African Republic (CAR) to cope with its own rebels and other factors provoke new incursions of Mbororo cattle-herders in the north of the Eastern Province.
- On-going human rights violations by the government army, security services and police continue to undermine people's confidence in the ability of the authorities to stabilize the country and reform its institutions, and create renewed impetus towards population exodus.

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