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DEMOCRATIC REPUBLIC OF THE CONGO: PROSPECTS FOR PEACE AND NORMALITY

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commissioned by United Nations High Commissioner for Refugees,
Emergency and Security Services**

March 2006

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Acronyms

BIP	Brigade d'Intervention Populaire – People's Intervention Brigade
CODECO	Coalition des Démocrates Congolais – Coalition of Congolese Democrats
CSC	Confédération Syndicale Congolaise – Confederation of Congolese Trade Unions
DDR	Demobilization, Disarmament, Re-integration
DRC	Democratic Republic of the Congo
FAP	Forces d'Auto-défense Populaire – People's Selfdefence Forces
FARDC	Forces Armées de la République Démocratique du Congo – Armed Forces of the Democratic Republic of the Congo
FDLR	Forces Démocratiques de Libération du Rwanda – Democratic Forces for the Liberation of Rwanda
FNL	Forces Nationales de Libération – National Liberation Forces
FNLC	Front National de Libération du Congo – Congolese National Liberation Front
ICJ	International Court of Justice
IEC	Independent Electoral Commission
IPIS	International Peace Information Service
IRIN	[United Nations] Integrated Regional Information Networks
JUNAFEC	Jeunesse de l'UNAFEC – Youth of UNAFEC
LICOF	Ligue contre la Corruption et la Fraude – League against Corruption and Fraud
LRA	Lord's Resistance Army
MLC	Mouvement de Libération du Congo – Movement for the Liberation of Congo
MONUC	Mission de l'Organisation des Nations Unies en République Démocratique du Congo – United Nations Organization Mission in the Democratic Republic of the Congo
MRC	Mouvement Révolutionnaire Congolais – Congolese Revolutionary Movement
MRLK	Mouvement Révolutionnaire de Libération de Katanga – Revolutionary Movement for the Liberation of Katanga
MSF	Médecins Sans Frontières – Doctors Without Borders
OCHA	[United Nations] Office for the Coordination of Humanitarian Affairs
OCPT	Office Congolais des Postes et Télécommunications – Congolese Post and Telecommunications Authority
PPRD	Parti du Peuple pour la Reconstruction et la Démocratie – People's Party for Reconstruction and Development
PUSIC	Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo – Party for Unity and the Safeguarding of the Integrity of Congo
RCD	Rassemblement Congolais pour la Démocratie – Congolese Rally for Democracy
SK	Solidarité Katangaise – Solidarity for Katanga
SPLA	Sudanese People's Liberation Army
UDPS	Union pour la Démocratie et le Progrès Social – Union for Democracy and Social Progress
UNAFEC	Union Nationale des Fédéralistes Congolais – National Union of Congolese Federalists
WHO	World Health Organization

Executive Summary

The Democratic Republic of the Congo (DRC) is heading towards a crucial period in the run-up to the forthcoming elections, scheduled, in principle, to take place before 30 June 2006 but likely to be postponed. The hope is that the electoral process will finally bring an end to nearly a decade of war and engage the country on the path of reconstruction and development, after more than 40 years of dictatorship and arbitrary government. Positive developments were recorded in recent months and weeks with the adoption of a Constitution through a referendum and of an electoral law. The possibility that a second round of elections could not be held before the 30 June deadline could provoke popular anger, with consequences similar to what happened in January 2005 and June 2005. At that time large numbers of Congolese suspected that their rulers wanted to slow down the entire transitional process in order to remain in power as long as possible. Another potential problem is the possibility of non-representation or under-representation of Congolese Tutsis in the post-transition institutions, and such an outcome could revive ethnic violence in the Kivus. Altogether, despite the strong commitment of the international community, the process is fragile and last minute surprises cannot be ruled out. A recent illustration is the attempt on 2 March by Vice-President Bemba to remove the National Assembly chairman by force.

By and large, foreign interference from the DRC's neighbours has considerably waned. However, the danger of international spill-over from the deteriorating situations in some regions of the DRC and neighbouring countries remains. In recent months, flows of refugees were observed moving from Rwanda to Burundi, owing to their fear of being sentenced by the *gacaca* courts in Rwanda. Such flows could also take the direction of the DRC. The situation in Uganda is far from stabilized, and is very likely to generate further refugee flows across the DRC border. In Katanga, possible clashes in the Copperbelt region between the political parties during the electoral campaign may generate intervention by Front National de Libération du Congo (FNLC) fighters in Angola.

Inside the DRC large pockets of insecurity remain, and sometimes UN troops are specifically targeted. Unfortunately, interventions by the Congolese army are often as damaging as rebel operations in terms of human rights abuses, loss of lives and property. The lack of accountable leadership within the army and the government structures is largely responsible for this situation, which will take time to improve. Small arms proliferation also remains a serious problem in a country where warlords may try to disrupt the democratization process if the results do not suit them.

All these factors combined will require strong donor support, including after the elections, to step up the stabilization of the country, and help avert the still serious risk of outbreaks of violence. International effort is also essential to address the acute humanitarian situation in the country, even in those areas that are not affected by armed violence and insecurity. In addition, drought problems in the eastern part of the country and in neighbouring states pose difficult challenges to the international community.

1 Introduction

The Democratic Republic of the Congo (DRC) is heading towards a crucial and critical period in the run-up to the forthcoming elections, which have been scheduled, in principle, to take place before the end of June. These elections would signify a major step towards the stabilization of the country after five years of war (1998-2003) and three years of political transition (2003-2006), characterized by large pockets of chronic insecurity. This report seeks to analyse the causes of the current instability and to identify potential new threats to security and their consequences for the work of humanitarian organizations.

2 Recent Developments

2.1 Political Developments

Major positive steps have been recorded in recent months and weeks. The constitutional referendum organized in December was successful despite huge logistical and political hurdles. At last, combined efforts by the troops from Forces armées de la République Démocratique du Congo (FARDC) and Mission de l'Organisation des Nations Unies en République Démocratique du Congo (MONUC) have contributed to reduce the level of insecurity in the eastern part of the country and more specifically in the district of Ituri and in both North and South Kivu. The UN Security Council has also increased its pressure on Ugandan, Burundian and Rwandan rebel leaders who have been threatened with sanctions. At last, the Kinshasa authorities are beginning to collaborate in efforts aiming at neutralizing the foreign rebels. Since November 2005, the Congolese army has handed over to Burundi about 20 Burundian Forces Nationales de Libération (FNL) rebels, according to the Burundian army spokesman, Major Adolphe Manirakiza, who commended this "change of attitude".¹ Until then, the DRC government had refused to admit that the FNL rebels were using their territory as a sanctuary to attack Burundi. A strong signal to the warlords was also sent on 19 January 2006 with the life sentence imposed on the leader of the Ituri-based militia Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo (PUSIC), Yves Kawa Mandro, by a court in Bunia, the regional capital.²

The condemnation of Uganda last December by the Hague-based International Court of Justice (ICJ), for violation of the DRC's territorial sovereignty and for human rights violations, sets a precedent in the region and may defuse attempts by neighbouring states to engage in large destabilizing efforts. Yet, the credibility of the decision will depend on the follow-up to this ruling and the effective compensation for the loss of Congolese lives and properties. In the case of Rwanda, the ICJ ruled on 3 February 2006 that it lacked jurisdiction to consider the application filed by the DRC in May 2002, thus limiting the deterrent effect of the Uganda ruling.³

Meanwhile, the electoral campaign has started. By the end of February 2006, at least 60 politicians had announced that they would contest the presidency. President Joseph Kabila and Vice-Presidents Jean-Pierre Bemba and Azarias Ruberwa were all designated as

¹ Agence France Presse, L'armée congolaise a livré au Burundi une vingtaine de rebelles FNL, 30 January 2006

² Yves Kawa Mandro condamné à perpétuité, *Radio Okapi*, 21 January 2006, <http://radiookapi.net/article.php?id=3782> [accessed March 2006]

³ IRIN, DRC-Rwanda: ICJ Dismisses Congo's Case over Lack of Jurisdiction, 6 February 2006

candidates during their respective party congresses, between December and early February. On 19 February, President Joseph Kabila promulgated the constitution, thus enabling the parliament to vote the electoral law on 21 February and the Independent Electoral Commission (IEC) to prepare the forthcoming presidential, legislative and provincial elections, which were scheduled to take place before the 30 June deadline set by the Congolese parties in the 17 December 2002 Pretoria peace agreement.

2.2 Humanitarian and Security Developments

Evidence of the comparative improvement of the situation is to be found in the fact that tens of thousands of refugees in the Great Lakes region have started returning home, but without adequate support their return could itself be a source of conflict. By the end of January 2006, there were still an estimated total of 250,000 refugees in the DRC and an even larger number of Congolese refugees, 392,000, in the neighbouring states.

The peace agreement between the Sudanese People's Liberation Army (SPLA) and the Government of Sudan, signed on 9 January 2005, theoretically paves the way for refugees to go home. On 31 January 2006, the DRC and Sudan governments and UNHCR signed two agreements for the repatriation of 6,810 Congolese from Sudan and 13,311 Sudanese from the DRC. However, several years of war have destroyed the entire infrastructure of Southern Sudan, limiting the ability of the region to absorb the huge number of potential returnees. The repatriation operations are a difficult challenge. Moreover, the three Sudanese refugee camps of Aru, Aba and Dungu in the DRC are located in an area where there have recently been incursions from the Ugandan rebel Lord's Resistance Army (LRA).

Since October 2005, according to the DRC's National Commission for Refugees, 22,775 Congolese refugees have also been repatriated from Tanzania. A tripartite UNHCR-Tanzania-DRC meeting in Kigoma, between 5 and 7 February, envisaged the repatriation of 35,000 refugees to the Congo, if receiving conditions were met.⁴

At the beginning of 2006, the UNHCR estimated that they were still 94,000 Angolan refugees in Bas Congo and Bandundu provinces and in Kinshasa. But living conditions in Angola are not improving fast enough to cope with these needs despite the country's impressive macroeconomic growth.⁵

However, the downside of the peacemaking operations in Eastern Congo is that they have generated new flows of refugees and IDPs. This was particularly the case in Katanga (120,000) and in Northern Kivu (30,000) at the beginning of January of this year, and also in Ituri during the month of February. There is also a sizeable potential for deterioration in the security situation, both inside and outside the country. Evidence of this has been brought by massive desertions and an attack on government troops by dissident soldiers in Northern Kivu at the end of January. The region is the stronghold of one of the President's rivals, Pierre Pay Pay, a former Minister of Finance under Mobutu's regime and now leader of the Coalition des Démocrates Congolais (CODECO). A combination of poor social conditions, ethnic tensions within the army and suspicions about a hidden agenda from the presidential

⁴ Tanzanie abriter la réunion tripartite transfrontalière Rdc-Hcr-Tanzanie, *Le Potentiel* [Kinshasa], 4 February 2006, <http://fr.allafrica.com/stories/200602060241.html> [accessed March 2006]

⁵ IRIN, Angola: Needs Are Dropping, but Aid Dropping Faster – WFP, 16 January 2006

side aiming at spoiling CODECO's chances are seen by civil society actors in the region as being among the causes of the troubles in Northern Kivu.

Simultaneously, on-going unrest is reported in several parts of Katanga, where the governor admitted in December that the FARDC government troops lacked food and logistics successfully to carry out the offensive launched against the Mai-Mai groups in November of last year.⁶

In such a context, the government's capacity to handle the problems of additional refugees or IDPs is highly questionable. Even in circumstances where local people are not forced to leave their homes health conditions are extremely poor. In January there was an outbreak of cholera in the Bukama area of Katanga, owing to the lack of safe water provoked by a breakdown at the installations of the Regideso state owned water distribution agency.⁷ The World Health Organization (WHO) reported that in the Ituri district alone, 2,261 cases of cholera were registered in 2005, causing 69 deaths, namely in the Tchomia, Kafe and Tcheyi IDP camps in Djugu territory.⁸ The relative improvement in the security situation in some parts of the country is also revealing new humanitarian crises and increasing the known needs. For instance, about 800 people who had remained hidden in the Maiko Natural Park of the Eastern Province, were beginning to come out and were found in deplorable conditions, in particular in the village of Mungele, in the Lubutu district of the same province, lacking safe water, food, medicine and clothes at the end of January.⁹

Obviously, the humanitarian challenge will remain for a long time in a country plagued by poor road infrastructure, low health budgets, malnutrition and poverty, where about two thirds of the population have no access to decent primary healthcare. In order to address the situation, the UN and the EU announced on 13 February in Brussels a Humanitarian Action Plan for the DRC, which beyond its strictly humanitarian dimension aims as well at consolidating the transition process, as stressed by the EU Development Commissioner Louis Michel. Its objective is to gather a US\$ 681 million package to finance 330 projects in the areas of food security, health, protection of vulnerable persons, water, sanitation and demining in order to remedy a situation described as "catastrophic", by the UN Under-Secretary General for Humanitarian Affairs, Jan Egeland.¹⁰ "Each and every day, more than 1,200 people in DRC die from the lingering effects of civil war: malnutrition, disease and displacement", Egeland said, and continued, "over four million people have perished as a result of years of continuing conflict"; "neglect" was also a cause of the disaster.

⁶ Offensive contre les Mai Mai au Katanga : le gouverneur Kisula Ngoy dénonce le manque de logistique et de vivres dans les rangs des FARDC, *Radio Okapi*, 10 December 2005, <http://www.radiookapi.net/article.php?id=3494> [accessed March 2006]

⁷ Agence Congolaise de Presse, Résurgence de l'épidémie de choléra à Bukama au Katanga , 18 January 2006

⁸ See MONUC, Weekly Press Briefing, 18 January 2006, <http://www.monuc.org/News.aspx?newsID=9666> [accessed March 2006]

⁹ Agence Congolaise de Presse, Situation humanitaire préoccupante dans le territoire de Lubutu, 31 January 2006

¹⁰ United Nations, Office for the Coordination of Humanitarian Affairs, 2006 Humanitarian Action Plan Launched, Brussels, 13 February 2006 (press release), <http://www.un.org/News/Press/docs/2006/afr1326.doc.htm> [accessed March 2006]; for the text of the plan see http://www.rdc-humanitaire.net/planaction/ap_actionplan220106.doc [accessed March 2006]

More than 1.6 million remain displaced, 200,000 are newly displaced in Katanga and North Kivu, and just under 1.7 million of recent returnees are only starting to rebuild their homes and their livelihoods. Life expectancy dropped by 10 years since the beginning of the war in 1997. In the troubled eastern provinces killings, abductions, and sexual violations continue. Humanitarian access in some areas remains a major challenge.¹¹

3 Overview of Political and Security Risk Factors

3.1 The Political Process

One of the country's main political parties, the Union pour la Démocratie et le Progrès Social (UDPS), which had called for a boycott of the voter registration and of the referendum, announced in early 2006 that it would after all participate in the elections. The risk of marginalization of this party, which has strongholds in Kinshasa and in the diamond-rich Kasai provinces, was averted with the reopening of 113 registration centres in the Bandundu province at the end of January by the IEC. This decision should enable party members in that region and in the capital to register and to be candidates if they wish. However, on 24 February, the IEC chairman, Apollinaire Malu Malu, refused to reopen the registration centres in Mbuji-Mayi, the capital of Eastern Kasai, and said that only candidates (but not ordinary citizens) would be allowed to register at the point of application. As a result, a "stay-away" (*opération ville-morte*) was organized by UDPS on 28 February in Mbuji-Mayi.¹²

In addition, the general antagonism between UDPS and Joseph Kabila's Parti du Peuple pour la Reconstruction et la Démocratie (PPRD) had not faded by the end of February. The PPRD's Secretary General, Vital Kamerhe, has described the leader of the UDPS, Etienne Tshisekedi, as the main rival, while the UDPS continues to wage an intense xenophobic campaign against Kabila, whom it describes as a "Rwandan".¹³ Such antagonism has the potential to provoke serious clashes. In early January and in late June 2005, demonstrations in which UDPS militants participated ended up with riots and several deaths in Kinshasa. In addition, the terror caused by men in uniforms who are looting property in Mbuji-Mayi, the capital of Etienne Tshisekedi's Eastern Kasai province, has the potential to spark a local insurrection, particularly since victims are claiming that policemen and soldiers are the perpetrators of such violations.¹⁴

The ethnic and political configuration in the DRC is unlikely to produce a clear election winner. Most observers predict that no party can expect to obtain an absolute majority. If well managed, such a result could stimulate political players to build coalitions, but in a country where political positions are coveted as sources of revenue it is unlikely that fair play will prevail. The losers are not likely to accept the results easily. Congolese politicians have shown so far that they can display considerable talent for not abiding by the rules of the game. As EU election observers have noted, the referendum was a training course, now the real battle begins. It seems that the presidential side is banking on its financial resources,

¹¹ *Idem*

¹² CEI: Malu Malu maintient son refus de r'ouvrir des bureaux d'enrôlement, *Radio Okapi*, 25 February 2006, <http://www.radiookapi.net/article.php?id=4025> [accessed March 2006]

¹³ Agence Congolaise de Presse, Tshisekedi, principal concurrent de Joseph Kabila aux élections présidentielles selon Vital Kamerhe, 8 February 2006

¹⁴ Agence Congolaise de Presse, L'insécurité criante dans certains quartiers de Mbuji-Mayi, 18 January 2006

which are far more significant than those of the other candidates, to win support. But the origin of those funds, in a context where civil servants, policemen and soldiers do not receive regular pay, could spark controversy. Suspicions may arise that part of the money spent during the campaign by the former warring parties could come from embezzlements and commissions on state contracts by high-ranking officials both from the presidential side and from the former rebel groups, as highlighted by both UN and internal DRC investigations.¹⁵

The government's failure to meet its promises to increase the salaries of civil servants and to pay them regularly generated protests in September and October 2005. There was a truce during the referendum campaign. But unmet demands led to a new wave of strikes during the first half of January 2006 in schools, in hospitals, in the transport sector and in the public administration. It is likely that the pressure will increase since trade unions will want to use the electoral campaign to push up their demands. During February, other strikes were reported in Ituri, where civil servants were protesting against the embezzlement of their bonuses, in the hospitals of Matadi and by magistrates throughout the country. On 17 February, the staff of the Office Congolais des Postes et Télécommunications (OCPT), the public telecommunications operator, announced that it would go on strike to protest against the government's budget, described as "anti-social" by the Confédération Syndicale Congolaise (CSC).

The delays in organizing the elections and the inclusivity or non-inclusivity of the electoral system, which will depend on the electoral law, could generate popular anger if some sections of the population feel they will be misrepresented or underrepresented. The electoral legislation requires indeed a prohibitive deposit of US\$ 50,000 from candidates for the presidency, which has provoked an outcry among many politicians who are not sitting in the transition institutions and cannot therefore siphon funds off to finance their campaign.¹⁶ In addition, the electoral system is complex and may discriminate against small parties. The system envisages a single member majority vote in the small constituencies and a proportional vote in the largest ones. Civil society organizations are warning that the consequence would be that in 125 out of 145 territories the results might be seen as unrepresentative of a significant part of the electorate. Beside this, a Ministry of Justice requirement for each candidate to produce citizenship certificates in addition to his or her voter's card, in a country with obviously reduced administrative capacities, sparked reactions of protest among some opposition parties at the end of February.¹⁷ Provisions in the electoral law that reject the Banyamulenge's (Congolese of Rwandan extraction) claims to have their own constituencies in Southern Kivu, could deprive them of political representation in the post-transition government and generate frustrations which might erupt into violence. The denial of this group's citizenship rights was largely responsible for its involvement in the successive rebel movements, which emerged after 1996 in the eastern part of the country.

¹⁵ See, United Nations, Security Council, Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth in the Democratic Republic of Congo, Annex to the letter dated 15 October 2002 from the Secretary General addressed to the President of the Security Council, S/2002/1146, 16 October 2002; Democratic Republic of the Congo, National Assembly, Commission Spéciale chargée de la validité des conventions à caractère économique et financier conclus pendant les guerres de 1996-1997 et de 1998, rapport des travaux 1^{ère} partie, 26 June 2005, http://www.kongo-kinshasa.de/dokumente/regierung/rapport_lutundula.pdf [accessed March 2006]

¹⁶ Mobateli, A., Elections en RDC: vive controverse autour de la caution des candidats, *Le Potentiel*, 12 January 2006

¹⁷ Agence Congolaise de Presse, Protestation du RDR contre l'exigence du certificat de nationalité auprès des candidats électeurs, 1 March 2006

Suspicious of deliberate attempts to delay the transition process by the political leadership have also been voiced by opposition challengers as well as by foreign observers. The Brussels-based daily *La Libre Belgique* stressed that the President took two weeks before promulgating the constitution and wonders if this unexplained delay was a calculated strategy in order to make it impossible to complete the electoral process before the 30 June deadline. The alleged hidden agenda would be aimed at completing only a first round of the presidential elections, which would be won by Joseph Kabila, enabling him to adopt the position of the only legitimate authority on 30 June.¹⁸

The possibility of a power vacuum after the 30 June deadline (such as in evident in Côte d'Ivoire) is seen as a major threat by international community observers. Opposition groups might not acquiesce in such a scenario and the risk of unrest cannot be ruled out. Such fears are expressed inter alia because the timetable for the preparation of the elections is very tight. The electoral law was finally passed on 21 February, 40 days after the date proposed by the European Union. The names of candidates in the different elections will only be known by mid-March at the earliest. And it is only after that stage that the IEC will be able to commission the ballot papers, which according to an election adviser from the EU promises to be "a logistical nightmare", far more difficult than for the referendum. All these time constraints prompted the IEC to propose on 21 February that the first round of the elections should be held on 18 June 2006, confirming all the fears about a constitutional vacuum after 30 June, since it is regarded as impossible to organize two rounds of elections in such a short timeframe, owing to Congo's logistical problems.

During each election day, the IEC will have to pay 200,000 election agents, which promises to be another difficult challenge in a country where money transfers are mostly made in cash and not through the ailing banking network. During and after the registration operations many conflicts have already emerged between the IEC and the election agents over payment delays. *Radio Okapi* reported on 21 February that the IEC staff in Djolu (Equator) threatened to lynch an administration official, who failed to distribute the promised bonuses. Other incidents, also caused by the failure to pay the IEC staff, were reported by the same source in Bandundu at the end of February. By that time, concern was increasing since observers were anticipating that even the 18 June target for the first round of the elections would probably not be reached because the National Assembly subsequently was also late in submitting the text of the electoral law to the President for promulgation and therefore delayed the entire process by five more days.¹⁹ The mounting concern over all the delays was voiced by the UN Secretary General who on 24 February called for the immediate publication of an electoral timetable by the IEC, by the International Community of Support to the Transition on the same day and by the European Union Council on 27 February.²⁰

However, not all Congolese players agree that the postponement of the elections beyond the 30 June deadline would mean a power vacuum. The National Assembly chairman Olivier Kamitatu, for instance, in an interview broadcast by *Radio-France Internationale*, ruled out this scenario and said that according to the new constitution, the transitional institutions

¹⁸ Cros, M.F., La constitution promulguée: Et après?, *La Libre Belgique*, 20 February 2006

¹⁹ Cros, M.F., Elections: un processus qui semble mal engagé, *La Libre Belgique*, 1 March 2006

²⁰ Southscan, *Congo: Fears Grow of a Political Vacuum as Election is Postponed*, London, 24 February 2006

would remain in place until their successors have been designated.²¹ The problem, however, is to convince the electorate that such delays do not mean an attempt to hijack the democratic process. Even before the elections there is a risk of a new crisis of the transition institutions themselves, after the ruling by the Supreme Court that MPs or senators who defected or were expelled from their parties (this applies for instance to the case of Olivier Kamitatu) have to hand over their seats to new parliamentarians appointed by their respective parties. This situation is affecting about 100 MPs and senators, from Jean-Pierre Bemba's Mouvement de Libération du Congo (MLC) and from Azarias Ruberwa's Rassemblement Congolais pour la Démocratie (RCD), who strongly objected to what they regarded as a breach of the transitional constitution.²² On 2 March Vice-President Bemba ordered the police to surround the National Assembly buildings while his candidate, Thomas Luhaka, attempted to use force to enter the office of the National Assembly chairman, Olivier Kamitatu, who was expelled from the RCD, in order to replace him as chairman of the Assembly. This created an unprecedented crisis between the Executive and the Parliament, but some commentators suspect Bemba of having provoked the disorder in order to prevent the Assembly from voting to recognize the International Criminal Court, which has started investigating the involvement of MLC troops in atrocities committed in Ituri in 2002.²³

The risk that some political leaders will use ethnicity as a political argument against their rivals during the election campaign is another potential cause of tension. The relentless campaign by UDPS and other groups portraying Joseph Kabila as "a Rwandan" does not bode well for the electoral climate. The Congolese media regulator on 8 February criticized the UDPS spokesman, Jean-Baptiste Bomanza, for interviews with the private *Canal Kin* and *Canal Congo* television channels in which he claimed that Vice-President Abdoulaye Yerodia, whose father is Senegalese, was not qualified to speak on Congolese political issues. There were also calls to vote for "hundred percent Congolese" during the MLC party conference in late January. Human rights groups in Katanga warned in mid-February that ethnic tension is rising in the province, in part because the ruling PPRD is attempting to take control of politically and economically important associations in the province, confirming warnings by outside observers that the election campaign was "likely to provoke violence".²⁴

The stability of the country will also depend on the decision to maintain a strong international presence in the country after the elections. At the launch of the Humanitarian Action Plan for the DRC on 13 February 2006, the Congolese Minister for Planning, Alexis Thambwe Mwamba, agreed with other speakers, including the EU Development Commissioner Louis Michel, the Belgian Foreign Minister Karel De Gucht and the head of MONUC, William Swing, that the international community's financial, humanitarian and military support would be needed, in particular after the elections, even if they take place under satisfactory conditions. On the one hand, there will be a need to deter losers from using their private armies to maintain their privileges. On the other hand, the elected government will only have a very short period of time in which to show that it can carry through significant change.

²¹ Olivier Kamitatu soutient le recours une fois de plus au consensus politique pour éviter le drame d'un vide politique le 30 juin 2006, *DigitalCongoNet*, 24 February 2006, <http://www.digitalcongo.net/fullstory.php?id=64990> [accessed March 2006]

²² Agence France Presse, Les mandats parlementaires restent attribués aux partis, 27 February 2006

²³ Coup de force de Bemba au parlement, *La Libre Belgique*, 4 March 2006

²⁴ IRIN, DRC: Ruling Party's Election Strategy in Katanga Is Raising Ethnic Tension, 17 February 2006

3.2 Regional Considerations

3.2.1 Katanga

In Katanga, there is ferocious antagonism between Joseph Kabila's party and the political parties of the Copperbelt's main Lunda tribe for control of the province, which partly reflects the old Balubakat-Conakat divide of the 1960s. Not without reason, the EU Special Envoy to the Great Lakes, Aldo Ajello, considers that Katanga is a "high risk area where the number of UN troops is insufficient".²⁵ These tensions are occurring in a province that has a long history of ethnic manipulation and confrontation, reflected by the anti-Kasaian pogroms of 1992 and by the anti-Tutsi pogroms of 1998.²⁶ Clashes have already taken place in 2005 between followers of Tshisekedi's mainly Kasaian UDPS and militants of Union Nationale des Fédéralistes Congolais (UNAFEC), whose leader, Gabriel Kyungu wa Kumwanza, was the driving force behind the 1992 pogroms and the exodus of about 200,000 Kasaians from Katanga.

Today, UNAFEC's youth wing, JUNAFEC (Jeunesse de l'UNAFEC), has another target, namely the NGO Solidarité Katangaise (SK), led by the Lubumbashi lawyer, Jean-Claude Muyambo. Accordingly, JUNAFEC continued to stoke the fires throughout 2005, through its "Zoulou group" militia, trying to set fire to the SK premises in Lubumbashi. One of JUNAFEC's leaders, Juvenal Kitungwa, during a rally in October 2005 called the party's enemies, "snakes" and "bats". "We have the obligation, we the Brigade des Martyrs, to grab them and to burn them with tyres around their necks", he threatened. This rethoric, which recalls that of the dreaded *Radio-Television des Mille Collines* in Rwanda during the 1994 genocide, targets in particular Muyambo's group and others who support the new constitution. In future the current province of Katanga will be divided into four smaller ones, leaving the wealthy southern provinces (Haut Katanga and Lualaba) with the Copperbelt mining resources, whereas the mainly agricultural northern provinces of Haut Lomami and Tanganyika, which are the stronghold of Kyungu's Lubakat ethnic group, will be left with less resources. There is a strong potential for the situation to derail, since the UNAFEC militants have not been condemned by the government, and the electoral campaign in Katanga has already started in a violent manner, with clashes between UNAFEC and MLC activists on 21 February in Lubumbashi, during which 25 MLC banners were burnt and 10 MLC activists were wounded.²⁷

Army operations to clear some parts of Katanga from the Mai-Mai militia have generated large numbers of IDPs, and although the government army claims victory, the problem is far from solved. Many of the militias fled into the Upemba National Park and are causing problems in neighbouring Zambia.²⁸ By early January 2006, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated the total number of displaced in central and northern Katanga at more than 120,000.²⁹

²⁵ Ajello A, EU Special Envoy to the Great Lakes region, Personal interview, 13 January 2006

²⁶ Unless otherwise indicated this and the following paragraphs draw on International Crisis Group, *Katanga: the Congo's Forgotten Crisis*, Brussels, 9 January 2006

²⁷ Agence Congolaise de Presse, Des échauffourées entre les militants de l'Unafec et du MLC à Lubumbashi, 22 February 2006

²⁸ IRIN, DRC: Crisis in Katanga Ignored, 3 January 2006

²⁹ IRIN, DRC: Tens of Thousands of IDPs Flee Fighting in Katanga, 6 January 2006

There are still more than 19 warlords in Northern, Central and South-Eastern Katanga, who command bands whose numbers are estimated at between 5,000 and 8,000 by the UN. This proliferation started in 2001, three years after the creation by President Laurent Kabila of militias including Forces d'Auto-défense Populaire (FAP), the Moyo wa Chuma ("Hearts of Steel"), and a Katangan Mai-Mai. Unlike the Kivu and Manieman Mai-Mai guerrilla the Katangans did not manage to secure a share of administration jobs and government positions. Moreover, President Joseph Kabila's government, who attempted to absorb the guerrillas into the government forces, failed to pay them and they went on the rampage through the Katangan hinterland. General John Numbi, the current airforce commander and the former governor of Katanga, Aimé Ngoy Mukena, who set up the militias, "seem unable or unwilling to dismantle them". Attempts to solve the problem, including a "bikes for guns" operation launched last year, failed to bring meaningful results. Katangan civil society activists explain that some rebels took the bicycles but only gave their obsolete weapons in exchange and kept the others. The appointment of a Mai-Mai governor for Katanga, Urbain Kisula Ngoy, did not bear fruit either. Moreover, the arrest of a Mai-Mai leader called Chinja Chinja in April 2005 in Kinshasa deterred other warlords from engaging in negotiations with the government. Although he was selected as the main target of a 6,000 strong FARDC offensive launched in November 2005, Mai-Mai "General" Gedeon has not been captured so far. Early this year, the head of OCHA's office in Kalemie, Anne Edgerton, was sceptical about the army's chances of success, since it had "no food, no fuel and no bullets".³⁰ Claims by Congolese military in mid-February that Gedeon was shot by FARDC soldiers were later denied by the Sixth military region commander, while the UN were unable to confirm the rebel leader's death.³¹

According to local human rights NGOs, Alain Kazadi Mukalayi, the leader of the small secessionist Mouvement Révolutionnaire de Libération de Katanga (MRLK), which in October 2004 attacked the town of Kilwa, near Lake Mweru, forcing the Australian company Anvil to stop operations at its Dikulushi copper and silver mine, died shortly afterwards in mysterious circumstances.³² But civil society sources in Lubumbashi do not rule out that the MRLK could be revived by Mukalayi's deputy, Tadayi Nema, who was not caught at the time.

In this context, the delay of several weeks in the deployment of 750 MONUC soldiers from Benin in the Kalemie area of Northern Katanga, which was caused by the seizure by the Equatorial Guinea authorities on 11 January 2006 of their equipment (including 85 trucks and 15 armoured personnel carriers, light weapons and ammunitions) shipped from Belgium, is a matter of concern. Indeed, the ship was only allowed to resume its journey on 10 February by the Malabo authorities. Despite other UN troop reinforcements, by the end of February only a few hundred soldiers were deployed in a province as large as France.³³

3.2.2 Northern Kivu

In Northern Kivu, the situation has a strong potential for deterioration, as illustrated by the clashes in the Rutshuru territory between elements of the FARDC's Fifth Integrated Brigade

³⁰ IRIN, DRC: Crisis in Katanga...

³¹ Agence France Presse, Un chef milicien tué par l'armée congolaise au Katanga, 13 February 2006; Agence de Presse Associée, Un officier supérieur des FARDC dément la mort de Gédéon, 16 February 2006

³² Neighbour, S., The Kilwa Incident, *Four Corners [Australian Broadcasting Corporation]*, 6 June 2005

³³ Southscan, *EU Sends Factfinding Mission Amidst Dispute on Military Participation*, London, 27 January 2006

and mainly Kinyarwanda-speaking soldiers who deserted from the 83rd Brigade based in the Masisi area on 18 January 2006. The latter apparently did not accept the appointment of a Mai-Mai commander and decided to join the forces of dissident General Laurent Nkundabatware, against whom an international warrant of arrest has been issued, following the UN Security Council's decision to include him on a list of persons targeted by sanctions, including a visa ban and the freezing of his assets abroad. By early February 2006, the FARDC had regained control of some villages in the area but General Nkundabatware's troops were still moving around, undefeated, using as a sanctuary the Runyoni and Cyanzu mountains, which form a natural fortress. A military solution to the problem, if envisaged, could be costly. During the first skirmishes, about 300 dissidents routed the more than 2,000 soldiers of the Fifth Brigade. However, rumours about Rwandan army support for the dissidents were dismissed by the FARDC army chief of staff.³⁴

The assessment of the situation is complex. The conflict also has an ethnic dimension, which is unlikely to disappear overnight. Sources from the Nande tribe blame looting allegedly perpetrated in the small town of Kiwanja, 72 km from Goma, in the territory of Rutshuru, by Kinyarwanda-speaking soldiers who were sent in support of the Fifth Brigade commander Jean-Marie Kasikila, whose brigade disintegrated as his troops fled in large numbers towards the Kanyabayonga heights to the north. On 24 and 25 January local Nande youth erected barricades in protest against the Kinyarwanda-speaking soldiers' presence, while Hutu youths from Rutshuru were moving towards Kiwanja, armed with machetes, with the purpose of targeting the Nande, according to the Goma-based Pole Institute.³⁵ Other sources emphasize the antagonism between the Hutus and the Tutsis in that area. In any case, the Mai-Mai/Kinyarwanda-speaking divide within the Congolese military is regarded as one of the causes of the desertions and of the dissidents' attacks on Rutshuru. Besides, the Pole Institute stressed a growing secessionist dimension to the dissident soldiers' revolt, as evidenced in a memo dated 25 January 2006, entitled "Petit Nord-Kivu, dernier retranchement d'une population en péril et abandonnée par tous" and sent by a Captain Jean Mugema to the UN and to the Kinshasa diplomats. Mugema claims to speak for a newly created Brigade d'Intervention Populaire (BIP). He justifies the insurrection by dissident Kinyarwanda-speaking soldiers (both Hutu and Tutsi), by arguing that they stood against a programme of "extermination" of the Kinyarwanda-speaking populations of Eastern Congo. Supposedly, the commander of the Fifth Brigade had been ordered by the Presidency of the Republic to expel all Kinyarwanda-speaking from the Rutshuru territory.³⁶

Since then, the situation has calmed down. On 1 February, the DRC's Defence Minister, Adolphe Onusumba announced that units from the FARDC's Angolan-trained Second Integrated Brigade, headquartered in Kinshasa and Kitona (Bas-Congo) would replace the Fifth Brigade, which would instead be sent to Kananga (Western Kasai). Simultaneously, MONUC declared that the situation in Rutshuru was "under control" but admitted "difficulties" in the integration process of the FARDC. MONUC considers that both military and political approaches are necessary to solve the crisis.³⁷ On 8 February, three battalions of

³⁴ Agence Congolaise de Presse, Précisions de l'état-major général des FARDC sur la situation dans le Nord-Kivu, 26 January 2006

³⁵ Sematumba, O., La guerre de Rutshuru: entre éclaircie et escalade, *Echos de Goma et d'ailleurs* [Pole Institute], February 2006

³⁶ *Ibid*

³⁷ Agence de Presse Associée, Tensions dans l'Est de la RDC: appel pour un règlement pacifique de la crise, 2 February 2006

insurgents, totalling 1,463, surrendered to the loyalist forces, according to the DRC's Defence Ministry.³⁸ The deserters described the non-payment of their salaries and poor logistics as the reasons for their defection. Yet, the stabilization of the area promises to be a long process. Other insurgents reoccupied several villages (Burungu, Togo and Nyanzale) in the Masisi and Rutshuru territories after the surrender of the three battalions. However, the deployment of UN troops helped to stabilize the area and allowed the return of displaced persons to Kiwanja and to Rutshuru, according to MONUC. Nevertheless the Pole Institute warns that these disorders can happen again anytime, because the root causes of the problems (the lack of ethnic reconciliation, the local and national players' hidden agendas and the lack of governance within the army) have indeed not been addressed yet. The reoccupation by Kinyarwanda-speaking dissident soldiers of the two small towns of Ruynonyi and Bunagana, near the Ugandan border on 24 February proved that the Institute's concerns were well founded.

Local observers in Northern Kivu also express reservations about the efficiency of the December 2005 joint FARDC-MONUC offensive against bases belonging to the Hutu Forces Démocratiques de Libération du Rwanda (FDLR) in the Virunga National Park. According to civil society activists, this operation was like "a shot in an ant-hill".³⁹ Reportedly, the FDLR spread all over to the north, towards Lubero and to the west, towards the Walikale forest, where they set up new camps. So far, the process of voluntary repatriation of the FDLR to Rwanda has proved very slow. And skirmishes continue: between 7 and 10 February, a UN patrol was also attacked by FDLR rebels near a place called Hombo in Southern Kivu, according to MONUC.

3.2.3 North Eastern DRC

The killing of eight Guatemalan UN soldiers in a clash with Ugandan LRA rebels on 23 January 2006 in the Garamba National Park, near the Sudanese and Ugandan borders, shows that the situation remains volatile in the north eastern part of the country.⁴⁰ By mid-February, a resumption of rebel activity in the Ituri district was forcing UN troops to intensify their control operations in the Marabo and Tchehi areas.

3.3 Arms and Armed Forces

Small arms proliferation remains a serious problem in a country where warlords may try to disrupt the democratization process if the results do not suit them. Belgian and Congolese NGOs, such as the Kinshasa-based Ligue contre la Corruption et la Fraude (LICOF) and the Antwerp-based International Peace Information Service (IPIS), have stressed the importance of the phenomenon and pointed to arms trafficking from Tanzania and other countries.⁴¹ The persistence of this danger is also stressed by a major report on the problems related to the arms embargo by a UN appointed group of experts.⁴²

The Congolese armed forces themselves also represent a major risk. South Africa, Belgium, the Netherlands and Angola are currently training brigades composed of elements from the

³⁸ Agence de Presse Associée, 3 bataillons d'insurgés se rendent aux forces loyalistes à Rutshuru, 7 February 2006

³⁹ Sematumba, O., Rutshuru: à qui profite la guerre?, *Echos de Goma et d'ailleurs* [Pole Institute], January 2006

⁴⁰ MONUC, Eight MONUC Peacekeepers Killed in Garamba Park, 23 January 2006 (Press Release);

⁴¹ Grands Lacs: La LICOF s'insurge contre la circulation des armes légères, *Le Potentiel*, 13 January 2006

⁴² United Nations Security Council, Group of Experts on the Democratic Republic of the Congo, [Report... 23 December 2005], S/2006/53, January 2006

former warring groups with the aim of creating a single national army. But the process is slow. In addition, corruption within the army hierarchy prevents rank and file soldiers from getting their regular pay. The consequences are both a humanitarian crisis and insecurity. The soldiers are often malnourished and sick, with no option for survival other than to loot the property of their compatriots. The situation of 1,000 soldiers from the Fifth Brigade and about 500 of their relatives, who were waiting at Goma airport to be transferred to Kananga in Western Kasai, was described by one news agency as deplorable, not least because they had not been given food.⁴³ Their transfer to Kananga (Western Kasai) could create problems there because of their desperate condition and the presence of diamond activity in that province, where banditry and circulation of weapons among civilians is increasing. In some cases, the Congolese army is indeed more of a problem than a solution. Under the cover of peacemaking operations against rebels in Ituri, looting and child murder have taken place. MONUC reported “serious human rights violations” by FARDC soldiers during military operations in the district of Ituri, including alleged extra-judicial executions, rapes and looting in December 2005 and January 2006.⁴⁴ Killings were also carried out by FARDC in the area of Beni (Northern Kivu). MONUC also reported later that by mid-February, FARDC had burnt 87 houses in the Rutshuru area of Northern Kivu. On 2 March, about 50 FARDC soldiers who were participating in an offensive against militias in Ituri looted a MONUC warehouse in Aveba, adding to the difficulties caused by the rebels who were putting up strong resistance in the Tcheyi area.⁴⁵

Even in places free of rebel presence, the failure to pay the soldiers can lead to serious problems. In the Kisangani area, freelance diamond diggers are complaining of constant harassment and extortion from the military. A positive development was recorded with the trial in January of 50 soldiers accused of having participated in looting in Mbandaka (Equator) on 3 and 4 July 2005. But the problems in this town are far from being settled: soldiers of the 38th Brigade were reported as complaining in late February that they had not received their January pay.⁴⁶ There is also a potential for deterioration if no actions are taken against policemen like those in a suburb of Kinshasa who reportedly tear up passing citizens’ voting registration cards and steal their properties.⁴⁷

EUSEC, the European Union’s mission to provide advice and assistance for security sector reform, began introducing changes in December 2005, which consisted in the replacement of the former chain of payment which coincided with the chain of command within the FARDC, by a new system, whereby the money would go directly to the brigades and bypass the corrupt hierarchy. According to EUSEC’s commander, General Pierre Michel Joana, the operation of payment of the soldiers of the integrated brigades of the FARDC in December did work satisfactorily.⁴⁸ Yet, the process of integration of the soldiers from the former warring armies is slow. The challenge is to train, equip and pay the soldiers of twelve

⁴³ Près de 1 000 soldats et leurs familles cantonnés à l’aéroport international de Goma, *Radio Okapi*, 9 February 2006, <http://www.radiookapi.net/article.php?id=3921> [accessed March 2006]

⁴⁴ MONUC, Human Rights Situation in January 2006, Kinshasa, 7 February 2006

⁴⁵ Reuters, U.N. Cancels Congo Operation after Commando Mutiny, 4 March 2006

⁴⁶ Agence de Presse Associée, Les soldats de la 38^{ème} brigade réclament leur solde, 22 February 2006

⁴⁷ Agence de Presse Associée, Des policiers déchirent des cartes d’électeurs, 2 March 2006

⁴⁸ Agence de Presse Associée, L’EUSEC satisfaite de la paie des militaires des brigades intégrées des FARDC, 20 January 2006

brigades by May 2006, in a timeframe which is shorter than the one which was needed to form the first six brigades (more than one year).

However, even if the military were to receive their salaries regularly, these are set far too low to address their essential needs. Great Lakes specialist Hans Romkema considers that the only way to solve the problem is to set up a system that would allow the soldiers to draw more than the current US\$ 12 per month.⁴⁹ During the second half of 2005, living conditions were so appalling that about a hundred soldiers died from cholera in the Ituri district.

By next June, the DDR (Demobilization, Disarmament, Re-integration) and unification process will not be entirely completed. Some units such as the Presidential Guard remain essentially faithful to one man and not to the nation and have not yet been earmarked for integration. MONUC is aware of the risk of one of these groups interfering in the political process. This particular risk, and the fact that MONUC does not control the situation in some areas, lie behind the UN Secretary General's request in early January 2006 for the EU to provide additional forces able to intervene in trouble spots, a request that received a positive answer in principle from the EU.

However, the implementation of this plan has proved difficult. On 22 February, EU diplomats in Brussels failed to reach consensus on the size of each country's contribution to the European force and left the foreign ministers to decide on that subject at a later meeting which took place on the 27 February but failed to produce a concrete decision. Germany has shown itself reluctant to take on leadership of the force.⁵⁰ France and the UK, who have the capacity to lead such an operation, have not shown enthusiasm either. Belgium and the UK for different reasons have said that they would not offer troops and two of the options recently discussed by the EU's 25 member states implied sending a smaller force than the 1,500 strong battle group envisaged during the visit to the EU of the UN Deputy-Secretary General in charge of the Department of Peace Keeping Operations, Jean-Marie Guéhenno.⁵¹ The EU's confidential plan has been reported to include the following tasks: ensuring the security of Kinshasa, supporting the FARDC, gathering of intelligence, evacuation of individuals, protection of airfields and support for MONUC's stabilization efforts.⁵² Special attention would therefore be devoted to the situation in Katanga and in Eastern and Western Kasai. Unlike the EU's previous Artemis mission, sent between June and September 2003 to restore peace in the troubled Bunia (Ituri) area, the range of potential risks include that of urban disturbances waged by political groups, or riots and looting and destruction of property by angry citizens as occurred in January 2005 in Kinshasa. Since the EU, like the UN, has no intention to commit staff other than elite soldiers, the question is whether this kind of skills would be appropriate in the event that crowd control experience would be required rather than anti-guerrilla expertise.

According to the EU Special Envoy crowd control will be the exclusive task of the Congolese police and the EU force will only intervene in the case of "real necessity".⁵³ The EU is

⁴⁹ Agence France Presse, Le brassage des forces armées donne des résultats décevants en RDC, 30 January 2006

⁵⁰ Bundeswehr in den Kongo? Verteidigungsministerium prüft Blauhelm-Mission, *Der Spiegel*, 14 January 2006

⁵¹ Agence France Presse, Les Européens disent non au plan Michel, 15 February 2006

⁵² Belga News Agency, La force européenne se concentrerait surtout sur Kinshasa, 15 February 2006

⁵³ Aldo Ajello, European Union Special Envoy to the Great Lakes. Personal interview, 13 January 2006

currently carrying out an € million (US\$ 11 million) programme to train the Congolese police.⁵⁴ In the run-up to the elections, five “integrated” battalions of the Police Nationale Congolaise will be formed. There are also plans to reduce the number of policemen from the current 93,000-114,000 to 70,000. At the end of January, there was also an announcement by the Minister of the Interior, Théophile Mbemba that the salary of Congolese policemen would be quadrupled in 2006, which might help to reduce the predatory behaviour of this category of civil servants. But during a meeting between the Vice-President in charge of security matters and representatives of the international community on 25 January, concerns were expressed about the delays in the reform of the police and the DDR programme for the military.⁵⁵

In any case, MONUC’s requests for external support had not found a satisfactory answer by early March. To say the least, confusion was prevailing. Most of MONUC’s 16,000-17,000 troops were stretched in the Eastern part of the country, leaving a few battalions to cope with potential problems in the other half of the DRC. The UN badly needed reinforcements, but the EU had not yet formulated a concrete proposal. The need for a European force in the DRC has recently been rejected by the South African Defence Minister, Mosiuoa Lekota, statement that seemed directly contradictory to the UN’s own assessment of its military needs.⁵⁶

4 Assessment of Likely Impact on Refugees and IDPs

The risk factors outlined above could, if they translate into reality, ignite disturbances and have the potential in the more extreme circumstances to produce more refugees or IDPs, especially if they are combined with external factors.⁵⁷

In early January of this year the NGO Médecins Sans Frontières (MSF) was already trying to raise awareness about the current acute humanitarian crisis in Katanga. MSF said that the Congolese army was preventing the aid organizations from accessing conflict zones such as the area of Pweto on Lake Mweru at the Zambian border. Since mid-November 2005, over 49,000 people have fled fighting between FARDC and Mai-Mai in Northern Katanga according to humanitarian sources. Some of the displaced persons do not even have clothes to wear. About 120,000 persons, from Kabalo (North), Pweto (West) and Mitwaba (South), fled Mai-Mai violence last year and many are still hiding in the bush. The on-going army operations against the Mai-Mai tend to increase their mobility and spread the crisis, since some militias fled to the south and others to the north when the army attacked their stronghold within the Mitwaba-Manono-Pweto triangle. By the end of January, this situation prompted MSF to leave the Mitwaba area, after the town of Kyubo, 160 km south of Mitwaba, was “completely wiped out” on 16 January.⁵⁸ The current unsanitary conditions in which the displaced persons live are contributing to spread a cholera epidemic, according to MSF.

⁵⁴ Agence de Presse Associée, Cinq cent policiers en recyclage à Kasangulu par des cadres de la gendarmerie française, 20 January 2006

⁵⁵ Agence Congolaise de Presse, Examen de la réforme du système de sécurité en RDC, 26 January 2006

⁵⁶ Agence de Presse Associée, Elections en RDC: force de l’UE sans doute pas nécessaire, 1 March 2005

⁵⁷ IRIN, Great Lakes: Returning Refugees Risk Being Displaced, 6 December 2005

⁵⁸ IRIN, DRC: Mayi-Mayi Attack New Area in Katanga, 23 January 2006

The attempts by the authorities to restore control, which are likely to intensify in the run-up to the elections, may have undesired humanitarian side-effects. Katanga is a case in point. In Ituri, public announcements by the FARDC of a new offensive have already prompted inhabitants of Tcheyi and Aveba, 70 km and 100 km south of Bunia respectively, to flee from their home areas in order to avoid being caught in crossfire between the army and the militias, who have formed a new alliance called Mouvement Révolutionnaire Congolais (MRC). Statements by the military, urging people to leave because “everyone could be mistaken for a militia” contributed to the panic.⁵⁹ By early March, in the wake of the joint MONUC-FARDC offensive on Tcheyi, 1,000 people had sought refuge in Aveba, where already 4,000 IDPs had fled a previous offensive, while 8,000 other persons were held hostage by the militias. Thousands were living in the bush, without food or shelter, and UN agencies warned that continuation of the fighting would delay access and assistance to the fugitives.⁶⁰

In Southern Kivu, the situation remains fragile. Over 2,400 civilians left their villages after Rwandan FDLR rebel attacks during the first three weeks of February in the Kalehe territory and were seeking refuge at a place called Ziralo. Desertions by FARDC soldiers, who refused to fight the FNL Burundian rebels in the Uvira area and who joined a group of “infiltrated” fighters coming from Rwanda, suggest that cross border fighting and banditry are far from extinct in the area.⁶¹ Congolese sources admitted that an offensive by the UN and by the Kinshasa army to clear the area of Bunyakiri, close to the Kahuzi-Bihega National Park, of FDLR rebels was “difficult” because of the dense forest where the rebels could easily hide.⁶²

A new controversy is also developing about the claim of the Banyamulenge Congolese Tutsis from Minembwe and Bunyakiri for administrative territory status, which prompted people from Fizi and Uvira to demonstrate their hostility to the project in the streets of Bukavu on 16 February. This kind of event could reignite community violence in an area that has already produced large numbers of refugees and IDPs, and where moreover health conditions are already difficult, as illustrated by a new cholera epidemic which had already infected 1,185 people and killed 14.⁶³

The danger of international spill-over from the deteriorating situations in some regions of the DRC and neighbouring countries remains. For instance, the flows of refugees currently observed from Rwanda to Burundi, which was due to their fear of being sentenced by the *gacaca* courts in Rwanda, could affect the DRC or Uganda as well.⁶⁴ It could also contribute to delays in the repatriation of Rwandan and Burundian refugees in the Kivus. The situation in Uganda is far from stabilized: “the country faces several challenges. Improving the humanitarian situation of the people living in IDP camps in the north remains a matter of

⁵⁹ IRIN, DRC: Aid Arrives for Displaced Thousands but Fears over Safety Persist, 16 February 2006

⁶⁰ United Nations, Office for the Coordination of Humanitarian Affairs, Thousands of Civilians without Humanitarian Assistance Used as Human Shields in Ituri, 2 March 2006 (press release)

⁶¹ Uvira: désertion de 12 éléments de la 109e brigade, *Radio Okapi*, 20 February 2006, <http://www.radiookapi.net/article.php?id=3987> [accessed March 2006]

⁶² Agence France Presse, RD Congo et Onu engagées dans deux opérations militaires dans l’est congolais, 1 March 2006

⁶³ MONUC, Verbatim point de presse, 1 March 2006

⁶⁴ IRIN, Burundi-Rwanda: UN Refugee Agency Prepares Camp for Thousands of Asylum Seekers, 6 January 2006

urgency, as does ending the LRA rebellion, which has become a regional menace and puts millions of lives at risk”.⁶⁵ The February DRC government army offensive against the new positions of General Gedeon’s groups on the shores of Lake Upemba, where he moved in January from his former base in the Mitwaba-Pweto-Manono triangle, could likewise trigger an exodus to neighbouring Zambia. Possible clashes between UNAFEC and the mainly Lunda parties of the Copperbelt region of Katanga could also generate intervention by FNLC fighters in Angola who are mainly Lunda. Most of them are serving in the Angolan government army, but when the army was used to expel large numbers of Congolese Lunda diamond diggers in 2003 and 2004, some of the Lunda soldiers sided with their compatriots.

Internal instability can also lead to new flows of refugees. After the fighting between FARDC and mainly Kinyarwanda-speaking soldiers from the 83rd Brigade in the Rutshuru area of Northern Kivu during the second half of January, at least 20,000 refugees crossed the border into the Ugandan districts of Kisoro and Ishasha. Local sources indicated that some of the refugees had begun to return to the village of Rubare by 22 January. But since the root causes of the problems of coexistence of soldiers from various ethnic groups within the FARDC are far from being solved, it is reasonable to expect that such a scenario may be repeated again in the Kivus, and on 31 January, the Goma-based Pole Institute indeed mentioned the arrival of an additional 4,000 displaced persons from the Rutshuru area in the capital of Northern Kivu.⁶⁶

Environmental and macroeconomic developments in neighbouring states, where the situation is sometimes worse than in the DRC, could also have an impact on the overall displacement situation. The drought in Eastern Africa, especially in Tanzania, but also in Rwanda and Burundi, could force population displacement and perhaps generate instability in the region. In addition, the disruption to large scale fishing in Lake Edwards caused by the violence and unrest in the area has contributed to a drastic reduction in fish production there.⁶⁷ On the other hand, the powerful attraction of Angola’s diamond deposits despite the massive expulsions of 2003 is also capable of generating tragedies and related humanitarian crises in the provinces of Katanga, Western Kasai and Bandundu.

5 Conclusion and Prognosis

Even in the event that the elections take place successfully, other factors mean that the DRC will not overnight turn into a stable country. These include both the behaviour of Congolese political actors, so well described by Monsignor Laurent Monsengwo, the archbishop of Kisangani, who speaks about a “crisis of ethics” among the political elite, and objective infrastructure problems.⁶⁸ These endogenous factors are significant enough to carry a potential risk, especially if the Congolese come to realize that the elected leaders are not delivering their promises and are failing to share the democracy dividends. Congolese citizens have placed great hopes in the democratization process, but there is an ongoing danger of disappointment and breakdown.

⁶⁵ IRIN, Uganda: Year in Review 2005 – Rebel Activity and Political Upheaval, 13 January 2006

⁶⁶ Sematumba, O., *La guerre de Rutshuru...*

⁶⁷ Agence Congolaise de Presse, Baisse de production au Lac Edouard, 3 March 2006, quoting a local fishermen’s cooperative, COOPEVI

⁶⁸ Cros, M.F. and Misser, F., *Géopolitique du Congo (RDC)*, Brussels: Editions Complexe, 2006, p. 93

On 27 February, the UN High Commissioner for Refugees, António Guterres, during a visit to Kinshasa warned about “a huge risk for conflict to rise again, [while] the scale of the problem, the complexity of the problem, and the nature of the problem [in the DRC] are such that all our resources combined together won’t easily resolve it”.⁶⁹ As both Congolese politicians and international players have pointed out, this situation requires continued and enhanced support to the new elected government from the international community after the elections. But such support can only be efficient in the long run if governance values are shared by the new authorities.

There is also a risk that international community workers could again be targeted by popular anger. This has happened in the past, not because of what they did but rather because of what they could not do. Considerable security, economic, social and humanitarian challenges must be addressed in the short-term, and at the same time strategies need to be developed to address the causes that produce refugees and displacement of populations. They include poverty, political intolerance and manipulation of ethnicity. Owing to the inability of the Congolese army to cope with the situation, MONUC, which has demonstrated its ability to stop violence, should also get the means to maintain the ground taken.

⁶⁹ United Nations High Commission for Refugees, High Commissioner Guterres Warns of Huge Risk for Conflict again in DRC, 27 February 2006

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