

## **KATANGA: THE CONGO'S FORGOTTEN CRISIS**

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## **KATANGA: THE CONGO'S FORGOTTEN CRISIS**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Katanga province is one of the most violent yet neglected regions of the Democratic Republic of the Congo. Most of its problems are the same as those that are systemic in the rest of the country but it needs urgent attention because it is both the heartland of national politics and the nation's most mineral-rich province, a potential economic dynamo whose mines once produced 50 per cent to 80 per cent of the national budget. If the March 2006 elections are to be peaceful and have a chance to produce a stable, legitimate government, both foreign and domestic actors need to pay particular heed to the key province while doing more and doing it immediately to integrate the army, eliminate parallel chains of command and eradicate corruption. Waiting for the elections to put a new government in place before moving on those issues, as present international strategy implies, has it the wrong way around.

The home province of President Joseph Kabila and many other senior Kinshasa politicians is divided by three conflicts: tensions between southerners and northerners, between outsiders and natives, and between Mai-Mai militias and the national army.

The north-south competition has become pronounced since Laurent Kabila, a northerner and father of the current president, Joseph Kabila, seized power by overthrowing the Mobutu dictatorship in 1997. The south is one of the most mineral-rich areas of the continent, whose copper and cobalt deposits have prompted Katangan politicians – mainly northerners – to cultivate personal networks in the local security forces to protect their interests and threaten their rivals. These officials are resented by southerners, who feel excluded from the wealth of the province. This rivalry has triggered violence. In October 2004, for example, the army killed over 70 civilians while suppressing a rebellion by a ramshackle militia in the mining town of Kilwa. In May 2005, officials alleged a secession plot in Lubumbashi and arrested south Katangan politicians and military officers. Both operations appear to have been prompted by Kinshasa politicians eager to protect their mining interests and to squash opposition.

The election campaign has reignited conflict between native Katangans and immigrants from Kasai province. Under Belgian rule, many Luba from Kasai came to run the mining companies and state administration, creating tensions manipulated by politicians, who in 1992-1993 organised militias to ethnically cleanse the province. More than 5,000 Luba were killed. The Union of Congolese Nationalists and Federalists party (UNAFEC), which is run by some of the same figures who led the violence in the early 1990s, is using its youth gangs to intimidate its opposition, who are often Luba. Leaders of the party's youth wing have called for "necklacing" opponents with burning tyres.

The violence in the remote areas of northern Katanga is tightly linked to actors in Kinshasa. During the war, Laurent Kabila created Mai-Mai militias in the region to stem the advance of Rwandan-backed rebels. These militias, bolstered by arms from officials in Kinshasa as recently as 2004, have not been integrated into the national army and are fighting each other and the army over poaching and taxation rights.

It is past time to address these problems. The government has primary responsibility for security in the province. It must take steps to integrate the Mai-Mai militias into the national army and arrest commanders guilty of war crimes. After exhausting all peaceful means, it should deploy integrated army brigades to Katanga to dismantle recalcitrant armed groups. The UN mission (MONUC) should play an important role in these operations. It has been efficient in dealing with similar militia in the Ituri district, where 14,000 combatants have been demobilised, and the Katanga militias are not as well armed or organised. However, the minimal reinforcement – an 800-strong battalion – authorised in late 2005 by the Security Council for the province is insufficient. The 2,590-strong brigade asked for by the Secretary-General is needed.

In Katanga, as elsewhere in the country, bad governance and impunity are closely linked to violence. Officials use parallel chains of command in the army and administration to protect their interests and embezzle state funds. The justice sector is too weak and politicised to curb these excesses. Current levels of corruption and

abuse of power are themselves sources of instability that threaten the transition and could compromise elections, while discontented politicians are likely to take advantage of the weak state to stir up trouble and contest election results. Donors should take a firmer stance now on corruption and impunity. Their aid – over half the present national budget – gives leverage to impose stricter supervision of funds, like what is being attempted in Liberia. They should also give more support to Congolese institutions charged with good governance that are trying to curb corruption, such as courts and parliamentary commissions.

## RECOMMENDATIONS

### **To the Transitional Government of the Democratic Republic of the Congo:**

1. Arrest the military commanders in the Mai-Mai and other armed Katangan groups who are suspected of human rights abuses, paying special attention to those believed responsible for the events in Ankoro in 2002, Kilwa in October 2004, and the ongoing unrest in the Mitwaba-Pweto-Manono-Dubie area.
2. Deploy integrated national army (FARDC) units with MONUC to northern and central Katanga to pressure militias to integrate into the army or demobilise.
3. Comply with the Global and Inclusive Agreement for the complete integration of the security services, the administration, and the judicial system in Katanga so that all components of the transitional government are represented in these bodies.
4. Discuss openly in parliament the Lutundula Commission report on contracts, including mining deals, that were signed during the war and publish a list of the major wrongdoers.
5. Take the following measures to prevent corruption in the mining sector:
  - (a) Bar sweetheart deals such as concessions or special tax exemptions on mineral exports awarded to individual companies by government officials in exchange for commissions or other benefits.
  - (b) Give the National Customs Office (OFIDA) the means to test minerals and pay and train its agents adequately.
6. Pass laws on campaign finance and the financing of political parties in order to increase the prospect of free and fair elections in March 2006, and

include provisions in the electoral law to outlaw and punish hate speech, especially hate speech directed toward ethnic groups.

7. Reaffirm that the National Demobilisation and Reintegration Commission (CONADER) has responsibility for demobilising armed groups in Katanga and prevent other groups, such as the Church Program for Peace and Conflict Transformation and Reconciliation (PAREC), from undertaking competing programs.

### **To the UN Security Council, the Secretary-General and MONUC:**

8. Raise MONUC's troop ceiling by 2,590, as requested by the Secretary-General in order to deploy a full brigade of peacekeepers to northern Katanga and equip this brigade with a clear concept of operations that authorises robust cordon and search and demilitarisation operations like those used in Ituri.
9. Instruct MONUC to carry out its mandate to monitor the arms embargo, especially at the Lubumbashi and Kalemie airports.
10. Support formation of a donors group focused on corruption and mismanagement and that ties assistance to political and administrative reforms such as suggested by the Secretary-General.

### **To the European Union and its Member States, the U.S. and Other Donors and Members of the International Committee for Support of the Transition (CIAT), the World Bank, and the IMF:**

11. Tie donor aid to political and administrative reforms and create a focus group of key donor countries as well as the World Bank and the IMF to look into corruption and mismanagement together with Congolese institutions in charge of good governance, and in Katanga to look in particular at:
  - (a) corruption in OFIDA, the mining sector and the parastatals, including Société nationale des chemins de fer du Congo (SNCC) and Gécamines;
  - (b) establishment of an effective control mechanism for the testing and export of minerals; and
  - (c) ending parallel command structures and integrating administrative, judicial and military services.

12. Support reform and upgrading of OFIDA, including with laboratory facilities to test mineral exports.
13. Take actions to ensure that international companies active in the Congo respect domestic laws and international norms, including imposing as necessary penalties on national companies that are in violation.
14. Agree on a code of good conduct respectful of employee working conditions and living standards and in compliance with Congolese laws and international norms.
15. Set up in cooperation with local human rights associations a trust fund supporting fair payment, relocation, land rights, medical care and training for artisanal miners.

**Nairobi/Brussels, 9 January 2006**

**To International Mining Companies and Traders  
and the International Labour Organisation:**

14. Agree on a code of good conduct respectful of employee working conditions and living standards

## KATANGA: THE CONGO'S FORGOTTEN CRISIS

### I. INTRODUCTION<sup>1</sup>

Katanga province has a long history of unrest. During colonial rule, its copper, cobalt and uranium mines were the state's richest revenue source. Administered by a Special Committee of Katanga until 1910, it was only fully integrated into the Belgian colonial state in 1933. Upon independence in 1960, Patrice Lumumba was elected prime minister and set about creating a strong central government, a move that was resented by Katangan leaders. Weeks after independence, Moïse Tshombe's National Confederation of Katanga (CONAKAT), supported by Belgian and American interests, declared a secession that led to a falling out between Lumumba and the major Western powers and ultimately to his downfall and murder. The Congolese national army, led by Joseph Désiré Mobutu,<sup>2</sup> and the UN peacekeeping mission were unable to put down the insurrection until January 1963. In 1977 and 1978 the former police (*Gendarmes Katangais*), of Tshombe's state, under the command of Jean Nguz Karl-I-Bond and General Mbumb Nathanael, attacked the southern towns of Kolwezi and Moba from Angolan bases. Mobutu defeated both rebellions only with the help of foreign troops.

The separatist drive subsided in the early 1990s, when Mobutu stirred tensions between the Luba immigrants and the native Katangans in order to weaken his strongest opponent, Étienne Tshisekedi, a Luba from Kasai Orientale. By then the mining parastatal Gécamines (Général des Carrières et des Mines), which had provided housing and social services for 33,000 workers, had collapsed due to mismanagement. The resulting unemployment and poverty provided fertile grounds for recruitment of angry youth. Mobutu's allies in the province blamed the

urban Luba population for stealing their jobs and in 1992-1993 led ethnic purges during which over 5,000 people were killed and some 1,350,000 forcibly displaced.

The 1997 seizure of national power by Laurent Desiré Kabila, a Katangan Luba from the north and father of the current president, introduced new tensions into the province's politics. Politicians from the north of the province came to dominate the security forces as well as the administration, creating resentment among southerners, who felt deprived of the power and wealth concentrated in their region. Instead of promoting reconciliation, the state has clamped down with harsh security measures. Twice in the past year, authorities around President Joseph Kabila have conjured the threat of secession in order to arrest and intimidate southern politicians. While inter-communal tensions were overshadowed during the recent war, the presidential, legislative and provincial elections scheduled for March 2006 have revived them. The Union of Congolese Nationalists and Federalists (UNAFEC) has recruited large youth groups to intimidate opponents in campaigns strongly reminiscent of earlier ethnic violence. President Kabila is using UNAFEC to campaign for him in Katanga, thus implicitly endorsing their intimidation and hate speech tactics.

The 1998 war also militarised the north of the province. Laurent Kabila created local Mai-Mai militias to stop the advance of Rwandan-backed forces. While the enemy threat has disappeared, the militias have taken on a life of their own and are now one of the largest security problems in the country.

<sup>1</sup> For recent reporting on the Congo, see Crisis Group Africa Briefing N°34, *A Congo Action Plan*, 19 October 2005; Crisis Group Africa Briefing N°25, *The Congo: Solving the FDLR Problem Once and for All*, 12 May 2005; and Crisis Group Africa Report N°91, *The Congo's Transition is Failing: Crisis in the Kivus*, 30 March 2005.

<sup>2</sup> Mobutu was the army chief of staff until 1965, when he proclaimed himself prime minister after a coup d'état. He renamed himself Mobutu Sese Seko Kuku Ngbendu Wa Za Banga in 1972.

## II. SECURITY

### A. THE MAI-MAI OF NORTHERN KATANGA

The Mai-Mai are the greatest security threat in Katanga and the main cause of the displacement of 310,000 people in the province. More than nineteen warlords in the northern and central territories command bands – estimated by the UN to total 5,000 to 8,000 – who regularly abuse the local population.<sup>3</sup> This violence is closely linked to figures in the transitional government. Officials such as General John Numbi, head of the air force, and former Katangan Governor Aimé Ngoy Mukena, who helped create and supply these militias, now seem unable or unwilling to dismantle them. The Mai-Mai commanders in turn do not want to relinquish control of local resources and integrate into the national army.

The Mai-Mai are a relatively recent phenomenon in the north.<sup>4</sup> While as elsewhere in the eastern Congo they are a local defence force recruited and organised along tribal lines, their emergence in Katanga was not as spontaneous as in the Kivus. Northern Katanga was strategically significant at the opening of the 1998 war for Laurent Kabila, who wanted to prevent the Rwandan army from reaching his Kamina military base and the provincial capital, Lubumbashi, and so isolate him from his home region and important mineral resources. His response was to set up armed groups, including the Popular Self-Defence Forces (FAP), the Hearts of Steel (*Moyo wa Chuma*) and the Mai-Mai. Senior members of his government, including Mwenze Kongolo, Ngoy Mukena, John Numbi and Kyungu wa Kumwanza, took part in this in 1999.<sup>5</sup> The FAP, the most notorious, was often led by commanders close to Laurent Kabila. Kinshasa distributed light weapons and ammunition throughout northern Katanga, without training or integrating the new militia into the national

army, then known as the Congolese Armed Forces (FAC).

Following the death of his father in early 2001, Joseph Kabila wanted to disband the FAP and ordered its integration into the police force. These orders were largely ignored, however, especially in the countryside. Indeed, authorities such as Governor Aimé Ngoy Mukena and the regional commander, General John Numbi, armed other groups, especially in Malemba Nkulu territory in the north.

After the Inter-Congolese Dialogue began in earnest in 2001, the international community treated Mai-Mai groups from the Kivus as independent actors in the transition. The peace agreements signed in Sun City and Pretoria in 2002 granted them positions in the parliament, provincial administration and army.<sup>6</sup> The Mai-Mai in Katanga, however, did not receive the same treatment. Northern politicians used family connections<sup>7</sup> and weapons shipments to keep control of the various militia leaders, thus maintaining private militias which could be useful should the political transition fail. The absence of a central command for the Katangan Mai-Mai and their lack of political representation in the transitional institutions have made negotiations with them difficult.

#### 1. Losing control

By the end of 2002 the Mai-Mai had become a serious threat to the local population and a thorn in the side of some of the local officials who had armed them but now seemed unable to control them. The some nineteen different groups, varying in size from 100 to several thousand combatants, fought each other as well as the national army for control of taxes, poaching opportunities in the Upemba National Park and mining concessions.

In November 2002, Mai-Mai under the command of Mukalay Jean “Deux Metres” fell out with army troops in Ankoro, Laurent Kabila’s hometown.<sup>8</sup> Both sides went on a rampage and attacked the local population. According to human rights organisations, over 100 civilians were killed and 75,000 were displaced.<sup>9</sup> While only one of

<sup>3</sup> Crisis Group interview with MONUC official, November 2005.

<sup>4</sup> The Mai-Mai phenomenon dates back at least to when Pierre Mulele and Gaston Soumialot, with the help of young Laurent Kabila, led the first Mai-Mai rebellions against the government after Patrice Lumumba’s 1961 assassination.

<sup>5</sup> Crisis Group communication with MONUC official, June 2005. Mwenze Kongolo was minister of justice under Laurent Kabila; Ngoy Mukena is the former governor of Katanga; John Numbi commanded the UFERI youth militia (JUFERI), before he became military commander of the province and subsequently air force commander; Kyungu wa Kumwanza was Katanga’s governor under Mobutu and is currently a deputy in parliament.

<sup>6</sup> Among the posts given to the Mai-Mai were thirteen seats in parliament, the environment ministry, the Katanga governorship, and command of the ninth military region in Kisangani. Joseph Kabila’s government co-opted many of these officials.

<sup>7</sup> Ngoy Mukena is the uncle of the Mai-Mai commander Makabe; John Numbi is the latter’s cousin, and Commander Chinja Chinja is his brother-in-law.

<sup>8</sup> According to local sources, the army had begun arresting Rwandan Hutus, which led to tensions with the Mai-Mai, who had been their allies. When a soldier killed a Mai-Mai, the tensions boiled over.

<sup>9</sup> Mark Dummett, “Congo government troops kill 100 civilians”, Reuters, 21 November 2002. A MONUC

many in the province, this particularly serious clash forced national authorities to focus greater attention on the region.

Provincial and national authorities sent several delegations to negotiate with the Mai-Mai in 2002 and 2003, but they proved difficult to disarm. Commanders are wary of being integrated into a national army, which would deploy them outside their home region and in which, since they are largely untrained and uneducated, they would be sidelined by their colleagues.

On 15 September 2004, the new governor, Kisula Ngoy, organised a round table in Kamina with the Mai-Mai and traditional chiefs from the north. However, many of the most important Mai-Mai leaders refused to attend for fear of arrest<sup>10</sup> and sent representatives or only letters. The round table's resolutions turned out to be empty promises. Afterwards, relations with the governor rapidly deteriorated, when he rejected demands on army ranks, civil service positions and education grants for demobilised combatants. In addition, little military pressure was applied. General Numbi, the air force commander, is known to have supervised large arms shipments through Lubumbashi airport as recently as May 2004<sup>11</sup> and may well have given some of these weapons to the Mai-Mai.<sup>12</sup> Without adequate incentives to demobilise or force to constrain them, the Mai-Mai have continued to abuse the population.

## **2. Buying peace with bicycles**

Seizing the opportunity, Pasteur Ngoy Mulunda, once a close associate of Laurent Kabila, said he would disarm and demobilise the groups by offering bicycles in exchange for guns. However, the organisation he created for the purpose, the Church Program for Peace and Conflict Transformation and Reconciliation (PAREC),<sup>13</sup>

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investigation several months later confirmed at least 70 deaths and said there may have been many more.

<sup>10</sup> Crisis Group interview with MONUC official, June 2005.

<sup>11</sup> UN expert group on the arms embargo report, UN document S/2004/551, 15 July 2004, p. 20.

<sup>12</sup> Crisis Group telephone interview with human rights group, September 2005. The ammunition and weapons are reported to have gone missing from the police camp Mutombo in Lubumbashi.

<sup>13</sup> Pasteur Mulunda calls himself the spiritual adviser of President Kabila. He formerly had a high position in the Methodist Church in Tanzania and Kenya and was close to Laurent Kabila for many years. He has used his influence in the past to reconcile Joseph Kabila with former opponents such as Moïse Katumbi, and more recently helped resolve a dispute between two mining companies, CHEMAF and Anvil Mining, in Lubumbashi. The NGO is affiliated with the New Apostolic

exacerbated tensions between militias. By February 2005, Mulunda had distributed 1,300 bicycles in Haut-Lomami district and claimed to have received over 2,000 weapons<sup>14</sup> but few were ever seen or handed over to the authorities.

Mulunda began negotiations with Mai Mai commanders Chinja Chinja and Bakanda Bakoka and, apparently authorised to speak for the government, promised them army ranks. On 8 February 2005, he hosted a public ceremony in Lubumbashi with both commanders, in which he claimed to have received 540 machine guns, 156 grenades and twenty poison arrows in exchange for 800 bicycles. While Mulunda was successful in the towns of Ankoro and Bukama,<sup>15</sup> he was chased out of Kongolo and denounced by the Mai-Mai of Luena and Kamina, who complained they had not received their bicycles. On 14-15 March, dissatisfied Mai-Mai who had not been offered bicycles went on a rampage in the central village of Katala, killing around 30 people and displacing 2,000.<sup>16</sup>

On 8 April, after much international pressure, in particular by MONUC, Chinja Chinja was arrested in Kinshasa for human rights abuses. Subsequently, militia activity largely ended in his home territory, Kitenge. However, his arrest also complicated demobilisation, as other militia leaders refused to talk with the authorities, claiming the negotiations were a trap. While the new regional commander, General Widi Divioka, began talks with Mai Mai General Gédéon Kyungu in October 2005, most other commanders still operate as autonomous warlords.

In the meantime, Mulunda's actions have complicated matters for the National Demobilisation and Reintegration Commission (CONADER), which is responsible for all demobilisation of Congolese armed groups.<sup>17</sup> The commission found a competing program in the field when it became active in Katanga in early 2005. Although it opened a demobilisation site in Kamina on 15 August, by year's end no Mai-Mai had been demobilised. A group of 300 has been waiting in the Kamina centre for three months, receiving little food or health care. Another 400 are allegedly still waiting to enter the process in Manono.<sup>18</sup> CONADER was supposed to open sites in Kalemie in July

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Church, which he founded, and his actions allegedly are closely tied to proselytising efforts on behalf of the church.

<sup>14</sup> Associated Press, 18 February 2005 and 5 May 2005.

<sup>15</sup> Crisis Group interview, international NGO, Lubumbashi, June 2005.

<sup>16</sup> David Lewis, "Women attacked and mutilated in Congo attack", Reuters, 7 April 2005; Crisis Group interviews with humanitarian officials in Lubumbashi, June 2005.

<sup>17</sup> The Congolese national army, FARDC, is responsible for the disarmament of such armed groups.

<sup>18</sup> Crisis Group interview with CONADER and state officials, November 2005.



2005 and Lubumbashi in 2006 but logistical problems have produced delays.<sup>19</sup>

While transport and logistical problems have plagued demobilisation throughout the country, political obstacles are also considerable. The Katangan Mai-Mai complain that, even though Laurent Kabila and his associates gave them preferential treatment during the war, they have been refused army positions. Governor Ngoy, supposedly named by the Mai-Mai, actually owes his post to pressure from Joseph Kabila's People's Party for Reconstruction and Democracy (PPRD). In mid-November 2004, the sixth military region offered Mai-Mai groups the opportunity to send fighters to the Kitona army base to join the second integrated brigade of the new national army (FARDC). Commanders agreed to send 115 but refused to leave the bush themselves, and little changed on the ground.

### 3. The hunt for Gédéon

In the run-up to elections, the army has begun operations against the militias in the eastern Congo who remain outside government control. After moving against the Congolese Revolutionary Mouvement (MRC) in Ituri and Mai-Mai in the Kivus, it attacked Mai-Mai in northern Katanga in November 2005. Commander Gédéon, who was based around the town of Dubie, was the first target. At this point the Mai-Mai had outlived their usefulness for

former patrons, and their abuses were making some leaders of the Katangan Luba ("Lubakat") in Kinshasa, including Joseph Kabila, unpopular with the local population.

Local sources have criticised the army for deploying to Dubie while Gédéon himself is said to be 75 km away in Kato. Its behaviour has also been of concern: \$245,000 in pay promised by army leaders had not materialised by early December, and soldiers were beginning to harass residents. The operations have displaced 49,000 people, adding to 70,000 previous IDPs in the area, but a local commander professed indifference to the problems, saying "you can't make an omelette without breaking some eggs".<sup>20</sup> MONUC was busy preparing the constitutional referendum<sup>21</sup> and lacked the logistics and spare troops to assist.

## B. THE POLITICS OF IDENTITY

Identity is the primary means used to rally support in Katangan politics, and appeals to ethnicity will become more prominent during the election campaign. There are two major fault lines.

### 1. The conflict between "Originaires" and "Non-Originaires"

Major immigration to Katanga began with the establishment of the mining industry in 1906. Belgium imported labour from other parts of the colony, partly due to the lack of skilled local workers, but also in the hope that this would produce a more docile force. Immigrants from as far as Rwanda were brought to the mining cities of Kolwezi, Kambove, Likasi, Lubumbashi, Kipushi, and Shinkolobwe.<sup>22</sup> Most, however, were from the Luba ethnic group of Kasai, in particular from the poor and neglected south east. At independence, the Luba ran much of the administration and business sector of the province, creating discontent and antagonism among other communities.<sup>23</sup> Moïse Tshombe and his CONAKAT movement used the discontent to demand more power for locals in the administration, and tensions between him and the Luba were aggravated at independence when the Kasaian

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<sup>19</sup> A mobile orientation centre was opened at Kalemie in August 2005. Former combatants are given the choice to return to civilian life or continue in the newly integrated army. Upon leaving the camp, demobilised combatants receive \$110 in cash (\$50 for transport, \$10 for rations, and a \$50 subsidy). CONADER also follows-up on demobilised combatants, who receive a monthly allowance of \$25 for a year and vocational training. The centre is financed by the Multi-country Demobilization and Reintegration Program (MDRP), a multi-agency effort hosted by the World Bank that supports the demobilisation and reintegration of ex-combatants in seven countries of the Great Lakes region. In the Congo, the program was allocated \$200 million and has been in existence since November 2004, though implementation has gone slowly. Transportation is often poor, irregular or non-existent and costs substantially more than the \$50 allowance. As a result, former combatants often spend days or weeks without shelter or food (unless NGOs intervene) in orientation centres meant to host them for only a day. Only one of the three fixed centres in Katanga is operational, and only two agencies have been approved to ensure the professional training of former combatants. CONADER has also experienced difficulties with payment of the monthly allowances; once they return to the countryside, former combatants are difficult to locate, and disbursement facilities are often non-existent. Of the 1,200 fighters demobilised by November 2005, only 827 have received their monthly allowance. Crisis Group interviews with CONADER officials in the Congo, November 2005. All references to dollars (\$) refer to U.S. dollars.

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<sup>20</sup> Crisis Group interview with local FARDC commander, November 2005.

<sup>21</sup> Congolese voters gave more than 80 per cent approval to a new constitution on 18-19 December 2005. MONUC dedicated many of its resources, in particular air assets and troops, to help with conduct of the referendum, including voter registration.

<sup>22</sup> Kabuya Lumuna Sando, *Nord-Katanga 1960-1964, de la sécession à la guerre civile, le meurtre des chefs* (Paris, 1992), p. 12.

<sup>23</sup> The Luba today are 20 per cent of the total Katangan population and 40 per cent of Lubumbashi's.

community sided with Patrice Lumumba against the secessionist south. Katanga's interior minister, Godefroid Munongo, orchestrated the first ethnic cleansing operations against the Luba, and the UN evacuated much of the community from the province.<sup>24</sup>

Manipulation of ethnicity continued even after Mobutu crushed secession. With a weak state and little popular support, identity became one of the main rallying cries of his regime, which used ethnic cleavages to divide the opposition and increased the number of Kasaians in Katanga's public administration, as well as the army and police, in the 1980s. With much of the repressive state apparatus and the mines under control of these "outsiders", native Katangans formed the Katangan Foundation, while communities from other provinces set up their own Cultural Association of *Non-Originaires* in order to defend their interests.

These ethnic and regional divisions provided the backdrop for the violence of the 1990s. As Mobutu's rule began to crumble and his financial resources dwindled with the loss of Cold War alliances, he was forced to make concessions to the pro-democracy movement. Political opposition and civil society leaders participated in the National Sovereign Conference (CNS) in 1991-1992 that was to guide the transition. Mobutu's main foe was Etienne Tshisekedi, the Kasaian leader of Union for Democracy and Social Progress (UDPS). To divide the opposition, Mobutu lured the Katangan Jean Nguz Karl-I-Bond away from Tshisekedi's coalition, appointed him prime minister in November 1991 and named his close associate, Gabriel Kyungu wa Kumwanza, governor of Katanga. Together the prime minister and governor set about recruiting unemployed Katangan youth into their new political party, the Union of Federalists and Independent Republicans (UFERI), and its youth militia (JUFERI).

Katanga's economy fell into depression after the collapse of Gécamines in the late 1980s, leaving thousands unemployed. This provided fertile ground for JUFERI recruitment. When the CNS elected Tshisekedi prime minister in 1992, UFERI adopted an explicit policy of ethnic cleansing against the Luba in Katanga's major mining cities, in particular Kolwezi. Governor Kyungu led the campaign, blaming the Luba for the economic woes and accusing them of trying to steal power in Katanga after already having done so in Kinshasa. According to the UN, the JUFERI militia killed over 5,000

and displaced around 1,350,000 in 1992 and 1993.<sup>25</sup> The provincial security forces detained over 75,000 people in inhumane conditions before humanitarian organisations evacuated them to Kasai, where most had never set foot.

Over the past few years, tensions have decreased and many Kasaians have returned to Lubumbashi and Likasi, though not to Kolwezi where most killings took place. There is, however, remarkably little public discussion of the violence. Many "native" Katangans believe that, although the attacks on Kasaians were a terrible thing, they helped them regain control of the provincial economy. Kasaians, especially those who lived through the ethnic cleansing, approach the election campaign cautiously but the younger generation resents its community's exclusion from power in the province, and many have joined the UDPS. Tensions between native Katangans and Kasaians have now crystallised into a new, violent rivalry between the UDPS and UNAFEC parties.

## 2. The division between north and south

In the Katangan political imagination, the province is divided into north (Tanganyika and Haut-Lomami districts) and south (Kolwezi, Haut-Katanga and Lualaba districts).<sup>26</sup> There are ethnic differences between the two regions: the north is predominantly Lubakat and Hemba, while the south is settled mostly by the Lunda, Bemba and Songwe tribes. The regions are economically distinct as well. The northern economy is almost completely agricultural – it is sometimes called the "useless Katanga" by southerners – while copper and cobalt mines give the south much greater revenue sources.<sup>27</sup> Southerners resent the predominance of northerners in both the provincial and national arenas and believe that their mineral wealth entitle them to greater representation in Lubumbashi and Kinshasa.

These political differences first surfaced in 1960, when the northern members of the provincial assembly sided with the nationalist first president of the Congo, Patrice Lumumba, against the secessionist southerners. After Tshombe launched his independence movement, northern politicians created a youth militia, the Balubakat Youth of Katanga (JEBAKAT).<sup>28</sup> When Katanga seceded, the north declared an independent Popular Republic of Lualaba,

<sup>24</sup> Georges Nzongola-Ntalaja, "States, Borders and Nations", paper presented at Annual Conference, Centre of African Studies, University of Edinburgh, 19-20 May 2004. The UN forces belonged to the UN Mission to the Congo (MONUC).

<sup>25</sup> Report on the situation of Human Rights in Zaïre presented by Roberto Garreton, UN Special Rapporteur, December 1994, UN Documents E/CN.4/1995/67, mainly sections 107 and 108.

<sup>26</sup> Kabuya Lumuna, op.cit., p. 23

<sup>27</sup> Notable exceptions are a cement factory in Kabimba and cassiterite mines around Manono.

<sup>28</sup> Eric Kennes and Munkana N'ge, *Essai bibliographique sur Laurent-Désiré Kabila* (Paris, 2003), p. 54.

which Tshombe's troops put an end to in March 1961 by seizing its capital, Manono.<sup>29</sup>

While north-south tensions died down under Mobutu, they reappeared under Laurent Kabila. His father was from the north and his mother from the south but he and his son Joseph have favoured northerners in their governments. Of the past six governors of Katanga, one, Katumba Mwanke, has been a southerner, five have been Lubakat.<sup>30</sup> Only seven of the 45 administrative, justice and security directors in the provincial government are southerners.

When Laurent Kabila came to power in 1997, a large part of his troops were south Katangans, the so-called "Katangan Tigers", descendents of Tshombe's forces, who fled the province after secession was put down.<sup>31</sup> Around 2,000 of these joined the insurrection against Mobutu. From the early days, however, conflicts arose between them and Laurent Kabila. In 1997, as his rebels approached Kinshasa, Kabila arrested Jean Delphin Muland, a top Katangan commander, along with twenty other officers in Lubumbashi, allegedly for indiscipline. Fearful of losing power to the group, he sidelined the Tigers when he formed his government. Some of their commanders resent that after fighting for the new Kinshasa regime for seven years, they now have less power than the politicians.

While these troops form a large part of the presidential guard, Joseph Kabila is wary of a coup and has further marginalised southern Katangan officers. The blame for Laurent Kabila's assassination in 2001, for example, was partly attributed to southern Katangans; Eddy Kapend, a former Katangan Tiger, remains in prison as the accused master-mind. Celestin Kifwa, the south Katangan head of the presidential guard, was suspended in June 2004 after a botched coup in Kinshasa.<sup>32</sup> The Kilwa incident in October 2004 and an alleged secession attempt in Katanga in April 2005, both described below, provided pretexts for further arrests of southerners.

Many southerners feel the coming elections are an opportunity to gain greater political representation. During a television broadcast on RTNC/Katanga in May 2004, a group of southern politicians denounced the nomination of Governor Ngoy because he was Lubakat.<sup>33</sup> When Joseph Kabila visited Lubumbashi in the wake of the alleged April 2005 secession plot, southern politicians presented him with similar complaints.

While these tensions are not very prevalent among the general population, they have become part of the language of Katangan politicians, who use them to elicit fear and rally support. Authorities in Kinshasa and Lubumbashi also use the north-south issue in part as a pretext to display their strength before elections.<sup>34</sup>

### 3. Urban unrest and electoral competition

The various conflicts in the province have set the stage for a tense electoral season. While all major Congolese parties are represented in Katanga, only a few have significant support. The main players in the presidential elections will be UNAFEC, which will probably back Kabila, UDPS and PPRD. The other two main former belligerents, the Movement for the Liberation of the Congo (MLC) and the Rally for Congolese Democracy (RCD), are weak in Katanga.<sup>35</sup> Smaller provincial parties such as the National Congolese Confederation (CONACO)<sup>36</sup> and the National Union of Congolese Federalists (UNADEF) could get support in the legislative and local elections but risk being outmatched by the larger parties' resources. It is possible, however, that a coalition of smaller parties from the south could rally against Kabila with the support of civil society groups like Solidarité Katangaise.

<sup>29</sup> Ibid, p. 79.

<sup>30</sup> Kyungu wa Kumwanza, Gaëtan Kakudji, Thadée Ngoie Mulume, Aimé Ngoie Mukena and Kisula Ngoie.

<sup>31</sup> Several generations of southerners served in the Angolan army after Tshombe's *Gendarmes Katangais* fled into exile in 1964 and 1965 and were joined by local youth angry with Mobutu. They were used by the Portuguese to fight against Angolan independence but soon sided with the MPLA against the Mobutu-backed UNITA and FNLA in that struggle. They were trained by the Angolan army and later given rudimentary support to launch their attacks into Zaire in 1977 and 1978.

<sup>32</sup> Most observers concluded that the attempt, carried out by Major Eric Lenge, a presidential guard commander, and several dozen soldiers, was either staged or intended merely to scare the president. Kifwa was later given a different position.

<sup>33</sup> The broadcast was on 24 May 2004. "Sécession du Katanga, premier mai 2005", Action Contre l'Impunité pour les Droits Humains, p. 7.

<sup>34</sup> Crisis Group interviews with diplomats and Congolese authorities, Kinshasa, June and July 2005.

<sup>35</sup> MLC is the party of former politicians from UFERI who sided with former Prime Minister Nguz Karl-I-Bond against Kyungu when the party split in 1996. As a consequence, and even though MLC seeks to attract moderate Luba voters from Kamina, it relies chiefly on supporters from Lualaba, the home district of its current leader, Jacques Mudib Nguz. RCD's Katanga chairman is Banza Mukalay. It is considered the party of the Banyamulenge from the high plateau in the north. Its reputation was tarnished by crimes committed during the war and its pro-Rwandan bias. In Lubumbashi, its supporters are predominantly activists who have no other option or opportunists who rallied behind the party in 2003 to secure a position in the transitional parliament.

<sup>36</sup> CONACO is run by Andre Tshombe and is similar in its policies and rhetoric to the party of his father, Moïse Tshombe. UNADEF is run by Christian Mwando and has a small constituency in the south of the province.

The only substantive difference between the three main parties in Katanga is over the constitution; UDPS and UNAFEC support a federalist political system, while the PPRD has endorsed the model of a unitary state enshrined in the constitution that was approved by the December 2005 referendum.<sup>37</sup> As elsewhere in the country, the campaign will be based on ethnicity and questioning the reputations of opponents. That kind of rhetoric, especially between parties with strong ethnic affiliations such as UNAFEC and UDPS, is likely to provoke violence.

UNAFEC was set up in 2001 during the Sun City negotiations and is led in the province by Gabriel Kyungu wa Kumwanza, a populist, and at the national level by the more moderate justice minister, Honorius Kisimba Ngoy. Many senior UNAFEC figures were also members of UFERI during the ethnic purges of the early 1990s. The party enjoys majority support among the Balubakat and Bahemba ethnic groups, who are 30 per cent of the Katangan population. Its youth wing, JUNAPEC, which will be used to rally support, provide security during demonstrations and intimidate opponents, has nine constituent groups, with, according to their leaders, around 4,500 members in the province.<sup>38</sup>

After Kyungu failed in May 2004 to be reappointed governor, he announced he would run against Joseph Kabila for the presidency. For several months UNAFEC supporters regularly accused Kabila and PPRD members in Kinshasa of having betrayed Katangan interests. In September 2004, however, Kyungu announced that he would run Kabila's campaign in Katanga.<sup>39</sup> The party will nonetheless campaign separately and against the PPRD in the legislative and local elections. This two-pronged approach has riled many in the PPRD who disapprove of Kyungu's incendiary rhetoric and style. In September 2005, supporters of the two parties clashed at a funeral in Lubumbashi.<sup>40</sup>

The main potential for violence, however, is between UNAFEC and two other groups: the UDPS, representing the interests of most Kasaians in the province; and Solidarité Katangaise, which, although an NGO and not a political party, has positioned itself as an important political actor rallying southern interests.

While there have been no authoritative polls in Katanga, UDPS's close rivalry with the PPRD in Kinshasa – most national polls show Tshisekedi leading Kabila<sup>41</sup> – has carried over to the president's home province. The UDPS has its own group of "combatants" to organise demonstrations and protect the leaders. During 2004 and 2005, JUNAPEC groups often interrupted UDPS meetings and clashed with its members. During a June 2005 incident in Lubumbashi, a member of the Congolese security services was part of a JUNAPEC group that attacked UDPS offices, thus tending to confirm the complicity of some local authorities in the skirmishes.<sup>42</sup> Accusing the government of mismanaging the transition and skewing the electoral process, Tshisekedi insists he will not participate in the March elections. Whether he does or not, the UDPS-UNAFEC rivalry will be a source of tension in the province.

The second target of UNAFEC is Solidarité Katangaise, an NGO involved mostly in civic education and development which has recently gained more public visibility. It is led by the head of the Lubumbashi bar, Jean-Claude Muyambo,<sup>43</sup> and claims several thousand members.<sup>44</sup> While it is mostly active in the south – Muyambo also leads Sempya, the cultural association of the Babemba, Balamba and Balala ethnic groups there – it began development projects and education programs in 2005 in the central and northern regions. Some Katangan authorities fear Muyambo will use his organisation to rally support during the elections and have tried to intimidate him on numerous occasions.<sup>45</sup> In June 2005, Solidarité Katangaise's NGO registration was suspended by the governor's office, which accused Muyambo of political involvement. On 17 August 2005, JUNAPEC youths from the Zoulou group tried to burn Solidarité's office in Lubumbashi before police dispersed them. The greater Muyambo's support, the greater the threat he poses for UNAFEC and Kabila. His importance rose when he hosted Olivier Kamitatu, the national assembly

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<sup>37</sup> This was highlighted in December 2004 when a delegation of senators came to Lubumbashi to consult on the drafting of the new constitution.

<sup>38</sup> These groups include the Brigade des Martyrs, Zoulous, GSS, Les Enfants Perdus, Brigade Rouge, Les Invisibles, Les Amazones and the Scorpions. Crisis Group interview, Jean Umba, president of JUNAPEC, Lubumbashi, June 2005.

<sup>39</sup> Crisis Group interviews with civil society in Lubumbashi, June 2005.

<sup>40</sup> "Bagarre autour des funérailles d'un proche du PPRD et celui de l'UNAFEC", Radio Okapi, 13 September 2005.

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<sup>41</sup> According to a poll conducted by Facilitas Consulting in various provinces of the country in August 2005, Tshisekedi would win 26 per cent of the vote in the presidential election, followed by Joseph Kabila with 17 per cent, while over 30 per cent of the electorate did not have a favourite. In legislative elections, UDPS would win 32 per cent, followed by PPRD with 20 per cent.

<sup>42</sup> Crisis Group witnessed this event on 25 June 2005.

<sup>43</sup> Muyambo is the co-founder of the Centre for Human Rights in Lubumbashi. He has also served as a legal adviser in the ministry of mines under Laurent Kabila.

<sup>44</sup> Crisis Group interview with Jean-Claude Muyambo, Lubumbashi, June 2005.

<sup>45</sup> Crisis Group interviews with local NGOs, Lubumbashi, June 2005.

president and a key player in the elections,<sup>46</sup> during an October 2005 visit.

UNAFEC's statements have become increasingly hostile in recent months. In October 2005, while inaugurating a new office in Lubumbashi, a party youth leader, Juvenal Kitungwa, denounced on local television those who want to divide Katangans.<sup>47</sup> He singled out "certain albinos", by which he seemed to refer to Muyambo, who is half Dutch, and said: "they are snakes. We have the obligation, we the Brigades des Martyrs, to grab them and to burn them with tyres around their necks". His colleague, Umba Lungange, denounced Muyambo as "a bat, half mouse, half bird. How can the bats give the animal advice? How can it give a bird advice?...If you see one here, trap it, burn it and eat it...Katanga is for the sons of Katanga to rule".<sup>48</sup> While Solidarité Katangaïse has not announced an intention to support candidates during the elections, UNAFEC obviously feels threatened by its popularity.

The weakness of the authorities' response to the hate discourse raises questions about their possible complicity. Following an outcry by MONUC and diplomats in Lubumbashi, the provincial governor denounced the language, while Minister of Justice Ngoy, who is also UNAFEC's president, demanded an investigation. However, he did so in his function as party head and has not tasked the state prosecutor.<sup>49</sup> Although they have been temporarily banned from broadcasting on TV and radio, Kitungwa and Lungange are still JUNAPEC members and blame MONUC for exaggerating the matter. The High Media Authority, the transitional institution in charge of regulating the media, shut the local station (RTIV) that carried their remarks for fifteen days, a period deemed insufficient by many diplomats and local NGOs. For comparison, around the same time it banned two newspapers in Kinshasa for three months after they published a story alleging that Kabila had donated money to schools in Tanzania.<sup>50</sup>

The statements of the JUNAPEC officials are strongly reminiscent of language used by UFERI during the ethnic cleansing of the early 1990s. This is not surprising, as some of that movement's old leaders are at the helm of UNAFEC, including Kyungu wa Kumwanza and General

John Numbi. While it is unlikely UNAFEC would unleash similar violence, a close eye should be kept on its actions and rhetoric to prevent escalation of tensions.

## C. KINSHASA IN KATANGA: JOCKEYING FOR POWER BEFORE ELECTIONS

### 1. The politics of mining

Katanga is by far the Congo's richest province, with 34 per cent of the cobalt and 10 per cent of the copper reserves in the world. Under Mobutu, Gécamines controlled mining and employed more than 33,000<sup>51</sup> but since 1993, its infrastructure has all but collapsed, and production of copper and cobalt is a tiny fraction of previous output.<sup>52</sup> Although a few large international firms are returning, much of the mining is still artisanal.<sup>53</sup>

The collapse of Gécamines forced it to enter into partnerships with small, questionable entrepreneurs that opened the mining sector to rackets. After Laurent Kabila gained power in 1997, access to mining operations became largely dependent on political connections with Kinshasa. Having originally authorised artisanal mining, he gave the Zimbabwe government access to Gécamines through intermediaries in return for military support against Rwanda and the RCD rebels. Zimbabwe, represented by Billy Rautenbach, who was made director of Gécamines in 1999, failed to profit from the nearly defunct parastatal, and the Kabila government began to engage in joint ventures with small foreign companies.

The three reports of the UN Panel on the Illegal Exploitation of Natural Resources in the DRC describe how officials close to the presidency helped foreign companies gain access to Gécamines concessions on

<sup>51</sup> George J. Coakley, "The Mineral Industry of Congo (Kinshasa)", U.S. Geological Survey, 2002.

<sup>52</sup> Gécamines was forced to fire two thirds of its staff, reducing it to 10,000. The World Bank funded a \$40 million early retirement scheme, which proved inadequate, because it did not take into account the social, medical and educational role played by the company.

<sup>53</sup> For an in-depth discussion of artisanal mining in Katanga, see "*Rush and Ruin – The Devastating Mineral Trade in Southern Katanga, DRC*", Global Witness, September 2004 and "*La paix sous tension: dangereux et illicite commerce de la cassitérite dans l'est de la RDC*", Global Witness, June 2005. The large remaining industrial mining firms are Forrest Malta, owned by a Belgian national born in the Congo; Anvil Mining, an Australian firm listed on the Toronto stock exchange; and two U.S. firms, OM Group, Inc. and American Mineral Fields. Other companies have acquired concessions and mining rights not begun operations.

<sup>46</sup> Kamitatu is an important member of the MLC but was rumoured in November 2005 to be preparing to leave the party to form an alliance with several other figures, including Muyambo.

<sup>47</sup> Juvenal Kitungwa is JUNAPEC's provincial president, while Umba Lungange is UNAFEC's acting provincial president.

<sup>48</sup> The remarks were broadcast by Radio Télévision Inter Viens et Vois on 8 October 2005.

<sup>49</sup> Crisis Group telephone interview with diplomats, Kinshasa and Lubumbashi, 12 November 2005.

<sup>50</sup> Ibid.

lucrative terms.<sup>54</sup> While by Congolese law all foreign mining operations must be joint ventures, officials often sign away concessions at undervalued rates in exchange for a commission. The UN and human rights groups have also accused foreign firms of not respecting the contractual terms for dividing profits.<sup>55</sup> Local NGOs accuse foreign investors of satisfying the authorities by paying generous commissions or making company shares available so they can breach mining and environmental regulations.<sup>56</sup>

In 2002, the Congolese government published a new mining code that was developed with World Bank help and intended to attract foreign investors with low tax rates. It also streamlined the process of acquiring concessions by creating a standard template for contracts and setting clear environmental, labour and financial guidelines. The World Bank hoped that Gécamines would be gradually privatised, the rationale underlying the attractive tax guidelines. However, most mining operations are still small joint ventures with modest foreign investors of limited means. Corruption and the uncertain security environment have deterred bigger investments, although the situation has begun to change, and mining experts predict more interest after the elections.<sup>57</sup>

While the mining code dictates the conditions under which all newcomers operate, older contracts remain valid. Some of these include tax exemptions or authorise export of non-processed minerals, which has been forbidden by presidential decree since 2003. In addition, artisanal miners and custom officials are easily cheated, as they have no means to measure the mineral concentration.

This represents a significant loss for Katanga. Its two refineries are now nearly at a stand-still as most minerals are exported unrefined for processing abroad.<sup>58</sup>

The lax application of mining laws has allowed prominent members of the transitional government to remain involved in managing public resources. Katumba Mwanke, one of those criticised by the UN Panel of Experts and now a roving ambassador, is said to have used his leverage in government to obtain substantial tax exemptions for a mining company on whose board of executives he sat until recently.<sup>59</sup> Similarly, Vice President Yerodia Ndombasi allegedly intervened through his legal adviser on behalf of a company in which he holds shares when it was accused of polluting Lubumbashi's water supply in 2004.<sup>60</sup> While a property register was set up in Kinshasa in 2004 to cut out individual interference in the acquisition of mines, international businessmen say all important deals are still negotiated with senior politicians.<sup>61</sup>

Customs fraud has been prevalent. Minerals such as copper and heterogenite are smuggled uninspected and untaxed across the border into Zambia with the complicity of customs officers. Local organisations have accused Governor Ngoy of responsibility for such fraud at the Kasumbalesa crossing. A review of the National Customs Office (OFIDA) by Crown Agents consultancy in 2004 reported that large amounts of goods leaked undeclared through customs and constituted the Congo's largest source of revenue loss.<sup>62</sup> A comparison of official Congolese export and Chinese import statistics for cobalt and copper trade in April and May 2004, for example, showed a greater than ten-fold difference.<sup>63</sup> As

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<sup>54</sup> Victor Mpoyo (minister to the presidency), Mwenze Kongolo (minister of national security) and Katumba Mwanke (minister to the presidency after Mpoyo) were suspended from their government positions by Joseph Kabila after being cited by the UN Panel of Experts. Kongolo and Mpoyo left public service to found the M-17 political party, while Mwanke was soon brought back as a roving ambassador. "Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo", 17 October 2002, UN S/2002/1146, pp. 7-8.

<sup>55</sup> For example, the Scories de Terril de Lubumbashi (STL) factory allegedly has not shared profits from certain mineral processing with Gécamines, *ibid.*, p. 10

<sup>56</sup> Crisis Group electronic communication, human rights NGO, October 2005.

<sup>57</sup> The most notable new investment is the purchase of the Tenke Fungurume mining concession by the U.S. company Phelps Dodge in 2005 for \$1.6 billion. Tenke contains some of the highest grade copper in the world and is expected to produce around 800,000 tons of ore annually by 2015, twice what Gécamines produced at its peak in the 1970s. David Lewis, "Congo's Gécamines nears Phelps deal – CEO", Reuters, 29 August 2005.

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<sup>58</sup> Crisis Group interview with international businessman, Kinshasa, November 2005. An example given was the continued payment of 4 per cent export tax as opposed to the 2 per cent tax stated in the mining code.

<sup>59</sup> Crisis Group interviews with local authorities and diplomats, Kinshasa and Lubumbashi, June-July 2005 and documentation on file with Crisis Group. Mwanke stepped down from the board of executives of Anvil Mining Limited shortly after the Kilwa incident (see below). He is also said to be involved in managing President Kabila's personal funds. For the UN Panel of Experts on Mwanke, see fn. 54 above.

<sup>60</sup> Crisis group interviews with local NGOs and UN officials, Lubumbashi and Kinshasa, June 2005. The company concerned was Société Minière du Katanga (SOMIKA). See also "Dossier SOMIKA: Les Lushois derriere Kisula Ngoy contre Yerodia Ndombasi", *Katanga News*, 6 November 2004, at <http://www.katanga news.com/societe09.htm>.

<sup>61</sup> Crisis Group interview with international mining officials, Kinshasa, November 2005.

<sup>62</sup> "Rush and Ruin", *op. cit.*, p. 12.

<sup>63</sup> Reliable data is scarce but millions of dollars in revenue from copper and cobalt are conservatively estimated to be lost every month. Local NGOs such as LICOF (Ligue Contre la Corruption et la Fraude) and LISCO (Ligue Congolese

larger mining companies return to Katanga and the financial stakes rise, so will the potential for corruption and possible implication of international companies in mining-related violence.

## 2. The Kilwa incident

The Kilwa incident offers insight into how close the connection is between politicians, commercial interests and conflict. In the early hours of the morning of 14 October 2004, the lakeside town was attacked and captured by combatants led by Alain Kazadi Mukalay. According to investigations by MONUC and local human rights organisations, Kazadi had ten to 30 accomplices with only a handful of weapons. He held a public meeting and declared that he was the leader of the Revolutionary Movement for the Liberation of Katanga (MRLK), which had the blessing of President Kabila and the nearby FARDC commander, Colonel Ademar Ilunga. He then distributed money to the local population, recruited soldiers and sacked local government offices.<sup>64</sup>

Two days later, to Kazadi's surprise, Colonel Ademar Ilunga attacked the insurgents from his base in nearby Pweto. While there was no resistance, the FARDC troops rounded up local civilians, accused them of collaboration, and killed many. A MONUC investigation and local human rights group put the death toll at more than 100.<sup>65</sup>

The way the attack was conducted suggests manipulation by local and national officials. Shortly before, Anvil Mining, an Australian company whose shares are traded on the Toronto stock exchange, broke off negotiations with Ademar's brigade regarding security for its warehouse. These talks were allegedly at the behest of General John

Numbi, who took an avid interest.<sup>66</sup> During the previous month, many FARDC troops stationed locally were withdrawn to Kolwezi, apparently on his orders. While he currently commands the air force, Numbi formerly was the regional military commander and often is involved in Katangan military affairs. The day before Kazadi's arrival, Ademar moved heavy weapons and some of his children out of town, and the local administrator evacuated his personal belongings.<sup>67</sup> According to a witness, when Ademar saw Kazadi in the hospital on 16 October, Kazadi exclaimed: "You betrayed me!"<sup>68</sup> He died in detention several days later of wounds sustained during the fighting.

While the real motives behind the attack on Kilwa and its recapture are difficult to pin down, it is likely the fighting was used by Lubumbashi and Kinshasa politicians. The affair may have been intended as a reminder of Numbi's strength in the province and been directed at his rivals, including Katumba Mwanke, a close counsellor of President Kabila who was until recently on Anvil Mining's board, and other southern politicians such as Katebe Katoto, who had interests in the company.<sup>69</sup> The incident was an opportunity for authorities to settle scores and extort money; in the subsequent weeks some dozen individuals – many of them southern Katangans – were arrested for alleged association with Kazadi although these links were often flimsy or non-existent. MONUC concluded: "It is tempting to believe that this group was not an uncontrolled group within a global separatist movement, but the easy prey of a group of manipulators who wanted to create a situation of instability in Kilwa and in fact play a double game".<sup>70</sup>

Anvil Mining denies any wrongdoing.<sup>71</sup> While it allowed the army to use its vehicles and airplanes during

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pour la Sauvegarde des droits des Consommateurs) have reported numerous cases over the last two years. Their revelations pave the way for populist politicians to manipulate popular frustration. The massive dimensions of the tax leakage are suggested by the discrepancies described above in trade with China. "Rapport préliminaire sur l'exploitation illégale des ressources naturelles en RD Congo – le pillage s'intensifie", ASADHO/Katanga, July 2004; "Rush and Ruin", op. cit., p. 13.

<sup>64</sup> Crisis Group interviews with local NGOs and UN officials, Lubumbashi, June 2005. For more information on the Kilwa uprising, see "Rapport sur les violations des droits de l'homme commises à Kilwa au mois d'octobre 2004", ASADHO/Katanga, January 2005.

<sup>65</sup> "Sixteenth Report of the Secretary-General on the United Nations Mission in the Democratic Republic of the Congo", UN Security Council S/2004/1034, December 2004, p. 4; "Rapport sur les violations des droits de l'homme", op. cit., pp. 13-15.

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<sup>66</sup> Crisis group interview with diplomats in Lubumbashi and Kinshasa, June/July 2005. Numbi reportedly asked for \$150 per soldier per month and was turned down by Anvil.

<sup>67</sup> "Rapport sur les violations des droits de l'homme", op. cit. p. 10; Crisis Group interview, UN officials, Lubumbashi and Kinshasa, June/July 2005.

<sup>68</sup> Crisis Group interview with diplomats, Lubumbashi and Kinshasa, June/July 2005. It seems that Kazadi believed he had been betrayed, just as he had believed that he had Kabila's support. He later went to the Médecins Sans Frontières office to ask to speak on its HF radio in the belief that the transmission would then be broadcast over Radio France Internationale.

<sup>69</sup> Katebe Katoto leased machines to Anvil Mining. See below for further description of Katebe's importance in Katanga.

<sup>70</sup> "Report on the conclusions of the special investigation into allegations of summary executions and other violations of human rights committed by the FARDC in Kilwa on October 15, 2004", MONUC, Kinshasa, available at [http://abc.net.au/4corners/content/2005/MONUC\\_report\\_oct05.pdf](http://abc.net.au/4corners/content/2005/MONUC_report_oct05.pdf).

<sup>71</sup> For Anvil Mining's statement, see <http://www.anvil.com.au/documents/2005August23AnvilConfirmsThatAllegationsAreUnfounded.pdf>.

the affair, it claims it did so at gunpoint, although the UN investigation suggests its statements have been contradictory.<sup>72</sup> The World Bank has supported Anvil Mining by giving it insurance worth \$10 million in 2005 through the Multilateral Investment Guarantee Agency (MIGA)<sup>73</sup> but has been accused by NGOs of not conducting a thorough investigation into the company's role in the massacre<sup>74</sup> and has asked an ombudsman to look into the matter. MONUC refused to publish the findings of its thorough investigation until recently, limiting itself to a press statement.<sup>75</sup> Whatever the full story, the Kilwa events indicate that business interests, if poorly managed, can contribute to destabilisation of the peace process and thus are another reason why it is important for bilateral and multilateral donors to support reform in the country.

### 3. The April 2005 secession attempt<sup>76</sup>

In late April 2005, the police and army carried out high-profile arrests in Lubumbashi. André Tshombe, the son of Moïse Tshombe, who had tried and failed to make Katanga independent in the 1960s, was arrested along with several businessmen, a university professor and 30 FARDC officers. To the surprise of many locals, the government announced on 9 May that it had foiled another secession attempt.<sup>77</sup> It claimed that Tshombe had been preparing a rebellion and those arrested had purchased several thousand machetes. At the same time, Jean-Claude Muyambo of Solidarité Katangaise was threatened by local officials and ordered not to leave town. President Kabila and General Numbi arrived shortly afterwards from Kinshasa to look into the matter personally.

No evidence has ever been produced but the alleged plot allowed authorities to arrest or intimidate many southerners who could be seen as rivals in the 2006 elections. Tshombe had links to the Katangan Tigers, of which an estimated 14,000 are rumoured still to be in Angola. According to local journalists and NGOs, he had several times contacted the Tigers in 2004 on Kabila's behalf to encourage them to return home.<sup>78</sup> He is also the president of CONACO, a prominent political party in Lubumbashi, and hoped to receive support from Belgian parties for its 2006 campaign in Katanga.<sup>79</sup> Among those arrested were ten FARDC colonels, mostly ex-Tigers from the south, stationed in Katanga but also as far away as Equateur province.<sup>80</sup> Some of these had fallen out with Numbi shortly before.<sup>81</sup>

Other prominent Numbi and Kabila foes were intimidated but not arrested, including Muyambo, who as head of Solidarité Katangaise and Sempya could have much greater influence on elections than Tshombe. He was summoned by the local prosecutor and warned not to leave town. He claimed Numbi personally threatened him and FARDC soldiers surrounded his compound.<sup>82</sup> Another wealthy local politician from the south, Katebe Katoto, postponed a return to Katanga from abroad to launch the campaign of his party, the Union of Liberals for Democracy (ULD).<sup>83</sup> He claims to have received death threats from Numbi. Vincent de Paul Lunda Bululu,<sup>84</sup> a prime minister under Mobutu and now head of

<sup>72</sup> "Report on the conclusions of the special investigation", op. cit., p. 9. According to the UN report, Anvil wrote in December 2004 to its shareholders that "the response from the military and the government both on the provincial and national level has been swift and of great assistance in the speedy resumption of operations".

<sup>73</sup> Eliah Giffenbaum and Shannon Lawrence, "The World Bank in the Democratic Republic of the Congo", Environmental Defense, available at [www.ed.org](http://www.ed.org), p. 3.

<sup>74</sup> "World Bank support for extractives: complicity in human rights violations?" Bretton Woods Update, September/October 2005, p. 1.

<sup>75</sup> The report is now available upon written request to the Special Representative of the Secretary-General, Ambassador William Swing.

<sup>76</sup> A thorough account is in "Secession du Katanga, premier mai 2005", Action Contre l'Impunité pour les Droits Humains, May 2005.

<sup>77</sup> "Thirty arrested in alleged secession attempt", IRIN News, 9 May 2005.

<sup>78</sup> Crisis Group interviews, Lubumbashi, June 2005. Also see "Sécession du Katanga", op. cit., p. 9.

<sup>79</sup> In an interview with a local newspaper, *Le Fédéral*, Tshombe said he had been received by the president of the Belgian senate, *ibid.*, p. 9.

<sup>80</sup> The following Katangan commanders were arrested in Equateur: Colonel Kabinda Yav, Colonel Yav a Yav, Major Kadimbili, Major Kamboyi and Captain Nkemba.

<sup>81</sup> This was the case of Captain Itala, commander of the GSSP heavy artillery battalion in Lubumbashi, as well as Major Jajija, commander of the military police in Lubumbashi. Crisis Group interviews with UN officials, Kinshasa, June/July 2005.

<sup>82</sup> Crisis Group interview, Jean-Claude Muyambo, Lubumbashi, June 2005.

<sup>83</sup> Katebe Katoto is a rich Bemba businessman from southern Katanga who made his fortune in local trade. He became a close associate of former President Chiluba of Zambia and is accused by current President Mwanawasa of arms trafficking and plotting against him. After their investigations indicated that he and his brother, Moïse Katumbi, were also involved in embezzlement of state funds, the Zambian authorities froze their assets. Katoto was vice president of RCD-Goma at the beginning of the transition but has since founded his own party, the ULD.

<sup>84</sup> Lunda Bululu, a southern Katangan, was the prime minister of Zaire under Mobutu, 1990-1991, and foreign



the Rally of Socialist Federalists (RSF), also reported Numbi threats.<sup>85</sup> Others, who had publicly urged secession on local television and in newspapers such as the Notables Katangais led by Mbenga Sandongo,<sup>86</sup> were not affected by the clamp-down.

The handling of the incident revealed the parallel command structures that still exist in Katanga. General Numbi travelled to Katanga to head the investigation, presiding over the provincial security council instead of the governor.<sup>87</sup> According to local military sources, he gave direct orders to the Lubumbashi security services to track down and arrest the suspects, by-passing the regional military commander and civilian authorities.

### III. KEEPING THE PEACE

Katanga has not seen major fighting since 2001 so the international community has mostly lost sight of its politics. MONUC established an office in Lubumbashi only in January 2003 and has a much smaller presence there than in Bukavu, Goma and Bunia. Until recently, there were only around 150 UN soldiers in the province, assigned to protect UN installations in Kalemie on Lake Tanganyika. They do not have the tasking or resources to address any of Katanga's security concerns, and MONUC officials rarely travel to the remote northern and central areas. Security Council Resolution 1635 (28 October 2005), which raised MONUC's troop ceiling, will allow deployment of a battalion of 800 soldiers, mostly from Benin. While this is welcome, the troops' tasking is not yet clear.

#### 1. Integration of armed groups and demobilisation of combatants

As in the rest of the Congo, the armed groups in Katanga are far from being integrated into a common, coherent command structure. At the beginning of the transition in 2003, three broad armed groups were present: Congolese Armed Forces (FAC) loyal to Joseph Kabila; the National Congolese Army (ANC) loyal to the RCD-Goma of Azarias Ruberwa; and various Mai-Mai groups which, while pledging allegiance to Kabila, lacked a single command and often fought each other. According to a recent estimate, there are around 20,000 ex-FAC and ex-ANC soldiers and perhaps 5,000 to 8,000 Mai-Mai in Katanga.<sup>88</sup> In addition, at least 1,000 of the Special Guard for Presidential Security (GSSP), Kabila's presidential protection force, are deployed in Lubumbashi and Kolwezi, still under his direct command. In recent months, these GSSP soldiers have become increasingly aggressive, harassing civilians at roadblocks and abusing diplomats and MONUC personnel. In late October 2005, they beat up a MONUC local staff member and the next month stopped a Belgian diplomat and his wife and harassed them at gunpoint.

The integration of armed forces has proceeded slowly in Katanga – in the case of many Mai-Mai factions, not at all. As in most provinces, two competing integration process are under way: one, from the national level as

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minister 1994-1995. He later joined in turn the RCD-Goma and MLC parties before starting his own party in 2004.

<sup>85</sup> Crisis Group interview with local politician, Lubumbashi, June 2005.

<sup>86</sup> Me Mbenga appears frequently on local television to defend his demand for secession. He has also written to the UN. See [www.katanga-freedom.com](http://www.katanga-freedom.com).

<sup>87</sup> Crisis Group interviews, Lubumbashi and Kinshasa, June/July 2005.

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<sup>88</sup> Crisis Group interviews with FARDC commanders in Lubumbashi and Kinshasa, June and August 2005. The census, conducted by the army, was solely of ex-FAC and ex-ANC soldiers; Mai-Mai figures are from a Crisis Group interview with MONUC, see fn. 3 above. The census revealed that FARDC troop figures in Katanga had been inflated by 38 per cent.

part of the Global and Inclusive Agreement that started the transition, and a second, at the provincial level at the discretion of the regional commanders. No nationally integrated force has yet been deployed in Katanga but the provincial commanders have merged various local forces. Ex-ANC soldiers (the RCD armed wing), based in the north-eastern towns of Kalemie, Nyunzu, Kabalo and Manono, have been slowly integrated into the sixth military regional command based in Lubumbashi. The May 2004 mutiny of dissident ex-ANC forces in Bukavu speeded up the dissolution of the former ANC command, as several prominent former commanders fled Katanga to South Kivu, including the old brigade commander, the police commander of Kalemie and members of the security services.<sup>89</sup> The ex-FAC naval commander, General Madoa Madoa, was subsequently sent to Kalemie to take over the forces there.<sup>90</sup> The local integration process has been unequal, however; few Mai-Mai and ex-FAP have been incorporated into the eight local brigades.

Officers from all Congolese armed groups that were signatories to the Pretoria Agreement were named to the regional command in Lubumbashi in August 2003. An ex-MLC commander, General Alengbia Nzambe, was placed at the head of the sixth military region with an ex-FAC deputy. Local military commanders have complained however, that the former regional commander was often sidelined from decision-making and that commanders close to Kabila have continued to give orders through their personal military networks. These parallel command structures and the lack of transparency in the military command have undermined unification of the armed groups. Commanders suspect each other and refrain from relinquishing control over their men. This situation persists under the new military regional commander from the MLC, General Widi Mbulu Divioka.

Nonetheless, the overall security situation in Katanga has improved. Territories such as Kitenge, for example, are now accessible to humanitarian organisations, and the numbers of displaced there have gone down. In other areas, such as the triangle between Mitwaba, Manono and Pweto, where the army began an offensive against

Commander Gédéon in November 2005, violence has increased since the beginning of the transition, while tensions in urban areas such as Lubumbashi and Kolwezi have been exacerbated by electoral pressures.

As noted above, CONADER, the national commission charged with demobilising and reintegrating soldiers into civilian life, started slowly. After its Kamina orientation centre opened in August 2005, arriving soldiers were often stranded there without food or health care.<sup>91</sup> The lack of orientation centres in the centre and the north, where most Mai-Mai operate, has also meant that many militiamen are forced to walk long distances to enter the integration process. While CONADER has experienced technical difficulties, many Mai-Mai leaders are reluctant to enter the integration process as they fear arrest, while others feel bolstered by ties to officials such as General Numbi and Governor Ngoy. Pastor Mulunda's parallel demobilisation initiatives have further confused matters.

Mai-Mai demobilisation requires a carrot and stick approach. Regroupment centres and transportation between them and the integration centres need to be improved so as to take care of the militiamen who have waited months to join the process. The authorities need to investigate thoroughly commanders such as Gédéon who have been accused of human rights violations and arrest them if evidence is found.<sup>92</sup> Remaining officers should be offered positions in the national army as has been done with Mai-Mai commanders in the Kivus.

FARDC should send integrated brigades against recalcitrant Mai-Mai, as has been done in Ituri district, where despite logistical problems and failure to pay salaries regularly, the first and fourth integrated brigades, supported by MONUC, have pushed the militias out of several towns and constrained their actions. However, no integrated brigade has yet been deployed to Katanga. As described below, MONUC's cooperation is essential, not only for tactical support but also to make sure FARDC does not abuse civilians. The Katangan Mai-Mai are poorly organised and would probably surrender quickly to a well-advertised demobilisation and integration program.

CONADER is now functional and should be solely responsible for demobilisation and reintegration in the province. Pastor Mulunda's ongoing bikes-for-weapons initiative<sup>93</sup> should be discouraged because it will only further confuse the combatants and lead to complaints and violence.

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<sup>89</sup> Crisis Group interview, international NGO, Lubumbashi, June 2005. Many of these officials were Banyamulenge. The brigade commander, Colonel Fraterne Kibunga, was arrested by the Munityamulenge Colonel Patrick Masunzu in June 2004 along with three other Banyamulenge officers and handed over first to General John Numbi in July 2005 then to a military tribunal in Lubumbashi. See "Le RCD réclame la libération des officiers ex-ANC transférés à Lubumbashi", 20 July 2005, <http://www.radiookapi.net/article.php?id=2548>.

<sup>90</sup> Madoa Madoa, also known as Lokole, is an ex-Mai-Mai commander from South Kivu and close associate of Laurent Kabila.

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<sup>91</sup> See fn. 19 above.

<sup>92</sup> Gédéon's group is active in Mitwaba and has been accused by many locals of atrocities, including cannibalism.

<sup>93</sup> Mulunda visited Kongolo and Malemba Nkulu in June and July 2005.

## **2. MONUC's deployment and mandate**

Although the violence in Katanga is as bad as it has been in the Kivus and Ituri during the same period, MONUC has deployed fewer than 1,000 of its 17,000 troops to Katanga.<sup>94</sup> The Committee for the Support of the Transition (CIAT), the Kinshasa-based body that coordinates the actions of important foreign actors in the Congo, rarely raises problems pertaining to Katanga.

The UN Secretary-General's Third Special Report on the Congo (16 August 2004) recommended establishment of a 3,500-strong brigade for Katanga and Kasai, headquartered in Kamina and with battalions deployed to Kalemie, Lubumbashi and Mbuji Mayi, as well as a reserve battalion in Kamina. Security Council Resolution 1565 (1 October 2004), however, failed to raise the troop ceiling high enough to create this brigade. The Secretary-General reiterated his plea for more troops in a special report on the elections in March 2005 asking for the ceiling to be raised to 19,290, including a 2,590-strong brigade for Katanga and Kasai. Given the reluctance of some Security Council members, especially the U.S., to increase the mission budget, the proposal has fared poorly.<sup>95</sup> When MONUC's mandate was renewed for a year in November 2005, the Council authorised only an additional 300 troops, far short of needs.

According to the UN Department of Peacekeeping Operations (DPKO), these troops will be used to enable deployment of a battalion of around 800 to Katanga, with bases in Kamina, Lubumbashi and Kalemie.<sup>96</sup> Even this deployment is meeting with administrative and logistical delays, and it will need to be matched with a stronger and clearer concept of operations for the province, so that operations like those in Ituri can be conducted, including aggressive patrolling, cordon and search, and establishment of demilitarised zones. In late December 2005, 125 Indian police arrived to carry out patrols but they are too few to operate beyond Lubumbashi and its immediate vicinity.

MONUC's deployment has caused consternation among local military officials, who want to avoid interference with their activities, particularly at Lubumbashi airport.

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<sup>94</sup> By the end of 2005, MONUC had around 150 peacekeepers in Kalemie with the mandate to protect UN installations; part of the battalion of 800 additional troops had arrived in Lubumbashi and Kamina but still lacked clear tasking.

<sup>95</sup> Crisis Group interviews with diplomats, New York, June 2005.

<sup>96</sup> Crisis Group interview with UN official, Kinshasa, November 2005. While only 300 additional soldiers were authorised, MONUC was several hundred below its ceiling at the time, so it should be able to bring in approximately 800 new troops.

On 28 October 2005, a local MONUC staff member, who was helping the new MONUC troops there, was beaten by Special Guard for Presidential Security (GSSP) soldiers. Local authorities complain the UN's Radio Okapi in Lubumbashi harms President Kabila's reputation, and the GSSP has intimidated its staff.<sup>97</sup>

## **3. Good governance and abuse of power**

A failed state that allows individuals to use public office for personal power and enrichment is partly the root of political ills in Katanga as in all the Congo. Tax exemptions, fraudulent allocation of mining concessions and the parallel command structures in the administration and army are all examples.

Mismanagement contributes directly to violence. The poor and irregular payment of soldiers, for example, has made the national army, FARDC, arguably the single largest security threat for Congolese civilians. Foreign experts estimate that of the \$8 million allocated each month for salaries and rations, between \$3.5 million and \$5.8 million goes missing. Much of the embezzlement happens through payment of "ghost soldiers", but even the real soldiers are often not paid and rarely receive their rations.<sup>98</sup> The combination of poorly paid soldiers and commanders still beholden to the old chains of command makes for a dangerous situation on the eve of elections whose fairness is already being compromised by the machinations of political elites in Lubumbashi and Kinshasa, and whose results could well be protested violently.

The Congolese institutions meant to produce good governance have been emasculated and are largely neglected by the international community. Judicial reform lags due to a lack of funding but also of political will. Most higher court judges in Kinshasa – including those on the Supreme Court and the High Council of Judges – were appointed by Joseph Kabila before the transition began. Laws on the High Council and the status of judges have been blocked for over a year, so judges are still controlled by the justice ministry. This politicisation of the judiciary has made any action in cases involving important officials and commanders difficult. No thorough Congolese investigation has been made of the Kilwa incident or the arrests following the alleged secession

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<sup>97</sup> Crisis Group interview with UN official, Kinshasa, November 2005.

<sup>98</sup> Crisis Group interview with diplomats and officials, Kinshasa, November 2005. The army has continued paying the 352,000 soldiers of a 2004 estimate even though its own census has placed actual strength at 244,000 and a not yet completed South African census estimates troop strength at between 150,000 and 160,000.

attempt. While the JUNAPEC officials were suspended from their party after their recent incendiary statements, they have not been indicted for hate speech.

The weakness of the courts has undermined laudable initiatives by the parliament and the revenue court (*Cour des Comptes*). For example, after a parliamentary commission led by Gregoire Bakandja suspended six ministers and several dozen officials of state-run enterprises for corruption in January 2005 and referred the cases to the public prosecutor, no indictments have been issued.<sup>99</sup>

Similar impunity has allowed officials to continue to use their offices to get access to mining sector profits. A parliamentary commission led by Christophe Lutundula and supported by the World Bank has produced a report on contracts signed during the war, which is specially relevant to Katanga, as it examines whether the contracts are legal and benefit national development. The commission's mandate should be extended, however, since it only covers contracts signed up to June 2003, and some companies are already said to be guarding themselves against the report's recommendations by signing new deals. Moreover, the report, which was submitted to parliament in July 2005, has not been made public. Some politicians have tried to suppress it, and Lutundula has received death threats.<sup>100</sup> Without outside pressure, it is not likely even to be discussed.

Meanwhile, outside pressure is faltering. The UN Secretary-General has pushed for the Security Council to address good governance as an election prerequisite and has proposed that donors create a "group of friends of good governance" to meet regularly in Kinshasa to examine corruption allegations and coordinate pressure on the government.<sup>101</sup> At a meeting with key diplomats and his vice presidents in late October 2005, President Kabila turned down the donors group proposal. Many members of CIAT accept corruption as a necessary evil to be addressed only after the new government is elected.<sup>102</sup> Upon recommendations from Kinshasa embassies, the Security Council later watered down MONUC's mandate renewal, dropping the donors group and limiting the mission's ability to promote good governance.

Donors need to review their policy of "Congolese ownership" and tie aid tighter to reform. They have done

little to ensure that the more than 50 per cent of the budget they contribute is not squandered and embezzled, unlike, for example, in Liberia where aid is to be conditioned on acceptance of a program involving tight supervision of revenues.<sup>103</sup> A diplomat in Kinshasa expresses the priority: "Corruption is an issue that has existed in the Congo for decades and will not be fixed in a few months. We must get elections done, have a more legitimate government and then address good governance and impunity".<sup>104</sup>

This reasoning is flawed. Current levels of corruption and abuse of power are themselves sources of instability that threaten the transition and could compromise elections. Without capable legal institutions to apply electoral laws, intimidation and corruption will undermine the results, and if embezzlement is not tackled head on now, the Congolese state will likely never be able to put together a viable budget, let alone spend it effectively. Donors are not helpless: they can, for instance, apply pressure on their own domestic companies that operate in the Congo to respect its laws and international norms and satisfy minimum standards of transparency and accountability.<sup>105</sup>

Moreover, if it had the political will, the international community would be in a stronger position to address good governance now: signatories to the peace accords agreed that CIAT would be a formal transition institution with the mandate to counsel the government. Donors will be in a weaker position after the elections, when they have indicated they wish to see MONUC's budget reduced and its staffing scaled down.<sup>106</sup>

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<sup>99</sup> Crisis Group interview with Vice President Azarias Ruberwa, Kinshasa, June 2005.

<sup>100</sup> Crisis Group interview with diplomat, Kinshasa, November 2005.

<sup>101</sup> "Secretary-General's Special Report on Elections", S/2005/320, 26 May 2005.

<sup>102</sup> Crisis Group interviews with diplomats, New York, Brussels, Paris and Kinshasa.

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<sup>103</sup> The Governance Economic Management Assistance Program (GEMAP).

<sup>104</sup> Crisis Group interview with diplomat, Kinshasa, October 2005.

<sup>105</sup> In Belgium, for example, the intervention and protection of the Ducroire Office, the national agency that insures companies against political and commercial risks in developing countries, should be conditioned upon their respect of good governance in the Congo.

<sup>106</sup> Crisis Group interview with diplomats, Kinshasa, October and November 2005.

#### **IV. CONCLUSION**

Katanga could be one of the Congo's most violent regions during the electoral season. President Kabila faces a stiff challenge there from parties such as Union for Democracy and Social Progress (UDPS) and organisations like Solidarité Katangaise, and almost no progress has been made in demobilising Mai-Mai in the north and centre of the province. The deployment of integrated army units with MONUC military and police support to urban areas and the north could help with election security and demobilisation, although troop levels are too low to deal with all threats. As elsewhere in the country, however, Katanga's problems have been caused by the weakness and corruption of state institutions. The international community has focused on managing crises in the east on a case by case basis. Its much lesser emphasis on accountability and rule of law has allowed the elites in power to manipulate the state apparatus, including the army, with results such as the Kilwa incident, manipulation of the alleged secession attempt and UNAFEC's bullying.

This abuse of power can only be addressed by strengthening the independence and the capacity of democratic institutions such as courts, the parliament and the press. Donors should establish mechanisms for linking their significant support to good governance, especially in the mining sector. International companies should implement, perhaps with the help of the International Labour Organization (ILO), a code of good conduct with regard to living standards and working conditions for miners, and work with Congolese

civil society to establish a trust fund supporting fair payment, relocation, land rights, medical care and training for artisanal miners. Innovations elsewhere such as the Kimberly process for diamonds, the GEMAP in Liberia, and the initiatives to deal with the revenues from the Chad-Cameroon pipeline should inspire management of the Congo's vast natural resources but there is very little discussion or debate about such possibilities.

Two months before elections, the Congo is far from attaining the goals set by those who signed the Global and Inclusive Agreement in 2002. Army integration is advancing sluggishly – by late 2005 affecting only 18,000 of the roughly 160,000 troops in the country. Large parts of the local administration, the security services and the courts have not even begun to be integrated, and many pre-transition officials remain in power. Most importantly, the extensive corruption and pervasive abuse of power raise serious questions about whether the elections can produce a stable and legitimate government.

In many ways, Katanga is symptomatic of those systemic national problems. Making a start of attacking those problems there now is vital since its mining revenues have traditionally accounted for 50 per cent to 80 per cent of the national budget. The international community and Congolese authorities should adopt a more comprehensive vision of the peace process in the key province in order to prevent renewed fighting after elections and allow real development and democratic accountability to take root.

**Nairobi/Brussels, 9 January 2006**