CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO

DEMOCRATIC REPUBLIC OF THE CONGO v. UGANDA

COUNTER-MEMORIAL OF UGANDA ON REPARATION

VOLUME III

6 FEBRUARY 2018

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Annex 50

International Rescue Committee, *Mortality in Eastern DRC: Results from Five Mortality Surveys* by the IRC (May 2000)

Bukavu, DR Congo

International Rescue Committee

Mortality in Eastern DRC

Results from Five Mortality Surveys by the International Rescue Committee May 2000

Executive Summary

To guide health programs and quantify the levels of civilian death and violence in the eastern Democratic Republic of Congo (DRC), the International Rescue Committee (IRC) conducted a series of five mortality surveys. These surveys took place between April 18 and May 27, 2000. The areas surveyed included: the city of Kisangani (in collaboration with MSF Holland), the Katana and Kabare Health Zones, the Kalonge Administrative Zone and approximately 1,000 square kilometers surrounding Moba. These sites represent three of the five eastern provinces within DRC and have a collective population of 1.2 million.

The 1,011 households visited contained 7,339 living residents, who reported 606 deaths among their household members since January 1, 1999. From the information provided the IRC reports that:

- 1.7 million excess deaths or more have occurred over the past 22 months as a result of the fighting in eastern DRC. This equates to 77,000 deaths per month and of that, 26,000 (34%) are children younger than five years of age.
- There are many children younger than two years old missing from the demographic **profile.** Compared to the number of three and four year olds, there are 30% to 40% fewer children under two years of age than would be expected. The data collected indicate that the particular hardships endured by women may play a role in the shortage of young children. Specifically within the interviewed families, 3% of full-term births resulted in maternal death, and adult death from malnutrition was an almost exclusively female phenomenon.
- Violent deaths and other "nonviolent" deaths are inseparable in eastern DRC. Those places and times where infectious disease deaths were highest were the same as where violent death rates were highest. Moreover, the displacements and economic hardships induced by armed combatants play either a direct or an indirect role in all of the excess deaths described.
- Violence against civilians appears to be inflicted by all sides. Among the 69 deaths attributed to violence, family members reported that the deaths were committed by the Interahamwe and the RCD at a similar frequency.
- Violence against civilians appears indiscriminate. Women and children constituted 47% of the violent deaths reported.
- Eastern DRC is an unchecked incubation zone for disease. In the five surveys conducted, both endemic and epidemic illnesses are rampant, with major (suspected to be more than 500 deaths) outbreaks of cholera, shigella and meningitis reported by households. Suspected polio was reported in two of the five areas.
- The overall mortality rate during the year 2000 is higher than it was in 1999. Thus, none of the collected information indicates that the rates will decline in the foreseeable future.

International Rescue Committee

Kalonge	21%	14.1
Moba	47%	24.5
Zaire 1995, from UNICEF, State	of the World's Children 1997	3.1*

*UNICEF estimates <5 mortality as a function of births, i.e., via a different technique. Thus, the calculated <5 CMRs presented are not exactly comparable to the UNICEF value.

The child mortality rates alone cannot explain the deficiency of young children in Kisangani and Katana (although the Katana survey last year found an <5 CMR of 10/1,000/mo.). It is likely that fertility and reproductive outcome issues are playing a part. Minor evidence of this includes: i) while not asked about, five women reported having full-term stillborn children (which were not included as deaths in this report), ii) an estimated 3% of full-term pregnancies in the sample population resulted in a maternal death and iii) adult malnutrition appears to be a disproportionately female phenomenon. (In the five surveys, of 15 deaths attributed to malnutrition in people five years of age and older, 11 (73%) were women with a median age of 25, while only four (27%) were males with a median age of nine years.) In the "attribution" of maternal mortality, the two pregnant women who died of heart attacks during military attacks (one while being shot at, one while running), and the woman who was too pregnant to run from attackers and was strangled during/after being raped, were classified as deaths from violence. The woman in Kisangani who died of an induced abortion had her death classified as "other non-infectious." The reason for mentioning these four deaths is to note that there are risks in the DRC associated with being pregnant that are not captured by the epidemiological concept of maternal mortality.

Eastern DRC is an unchecked incubation zone for disease. Several major disease outbreaks were detected during the course of these five surveys, which had not received a significant response (if any) from the health community. Examples of this include: an estimated 870 suspected meningitis deaths in Kisangani (95%, CI = 40 - 1,800), family-reported death rates in Moba from cholera and dysentery of approximately 1% of the sample population, reports of multiple measles deaths in three of the five surveyed populations, suspected polio deaths reported in Kalonge (our diagnosis, not the families) and seven polio cases last year reported by the Moba physical rehabilitation center.

<u>Violence and infectious disease deaths are inseparably linked</u>. The rates of death from violence versus the rates of death from all other causes are shown in Figure 15. There is an apparent association between the areas with the most violence-related mortality and the most "other" mortality. This was seen most dramatically in Kalonge, where when violent deaths increased dramatically (5.5-fold) during the period after October 1999, the malaria-specific mortality rate simultaneously went up 3.5-fold. Many of the Kalonge displaced and the Moba residents reported that their family members died of malaria or diarrhea while hiding in the forest after their village was attacked. Their statements included that they had no food in the forest, which may have played a large role in their immunological susceptibility

<u>Violence against civilians involves both sides and is somewhat indiscriminate</u>. Over the course of the five surveys, 69 deaths from violence were reported. Figure 16 shows the age and gender profile of those killed. Of note is the fact that only 53% of those killed were males over 14 years in age. The most common mechanism of murder in all of the age and gender groups was by shooting except for girls five to 14 years old, whose four deaths were attributed to being burned in their hut, a shooting, an abduction with the body found later and one poisoning. Figure 17 shows those to whom the interviewees attributed the deaths. While the numbers of reported deaths from violence are small, there seems to be a similar rate of participation in civilian murders by both sides. In support of the idea that "all sides are complicit and indiscriminate" are the facts that i)

International Rescue Committee

two of three households that had experienced multiple episodes of deaths from violence had the RCD conduct the murders during one round and the Interahamwe conduct the murders during the other round; thus, these families could not have been true "enemies" of either, and ii) of 12 RCD-attributed murders, three (25%) were females, while, similarly, of 18 Interahamwe attributed murders, five (28%) were women.

Overall Mortality in Eastern DRC

There is a dearth of health and mortality data for eastern DRC. Articles in the media and statements by political figures have implied that a quantitative documentation of the war death toll has occurred, although these estimates seem to be largely speculative. While the 1.2 million people within the sampling universe of the five IRC studies are not representative of the approximately 20 million people in eastern DRC, these surveys probably represent the best broad-based data available. Thus, the IRC feels an obligation to provide an estimate of the number of people who have died due to this conflict. This attempt to extrapolate these findings to eastern DRC is done somewhat reluctantly and will systematically attempt to extrapolate conservatively (to give minimal excess mortality) to avoid these findings later being discredited as exaggerated or hyperbolic.

Three approaches will be employed to estimate the mortality toll of this conflict. The third, or "best judgment" approach will be assumed to be the best, but the other two approaches will provide insight into the dependence of the outcome on the underlying assumptions. For all three approaches, the following will be used as inputs:

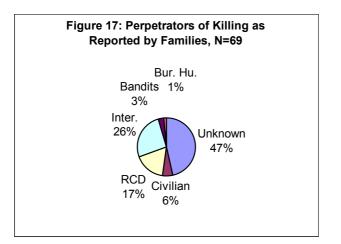
b) <u>Place</u>	Population of Sample Universe	Mortality 1/99 - 4/00	Other
Kisangani Kabare Katana Kalonge Moba	613,000 130,000 305,000 59,000 100,000	2.6/1,000/mo. 2.7/1,000/mo. 2.7/1,000/mo. 6.4/1,000/mo. 11.4/1,000/mo.	1-10/99 = 3.5
WIOUd	·	11.4/1,000/110.	
c) Province	Population (1996*)		
Orientale N. Kivu S. Kivu Maniema Katanga	5.691 million 3.515 million 3.028 million 1.353 million 6.319 million		

a) Baseline mortality = 1.5 deaths/1,000 population/mo.

Total = 19.906 million * From Zaire Bureau of Statistics, Bukavu, 1996.

Approach 1: Straight Average

Assume that the five independent surveys conducted represent five measures of mortality, which represent eastern DRC. Also assume that the rate over the past 22 months has been the same as the rate over the survey recall periods of 15.7 to 16.8 months. Thus, the average



Annex 51

Les Roberts, International Rescue Committee Health Unit, *Mortality in Eastern Democratic Republic of the Congo: Results from 11 Surveys* (2001)



Mortality in eastern Democratic Republic of Congo Results from Eleven Mortality Surveys



Kalonge displaced, D.R. Congo. Photo: IRC

Final Draft 2001 Prepared by:

Les Roberts, IRC Health Unit

Charles Hale Fethi Belyakdoumi Laura Cobey **Roselidah Ondeko Michael Despines IRC DRC Bukavu/Kisangani** John Keys, IRC Regional Director for Africa Table 3 estimates the mortality experienced in South Kivu Province. Table 4 estimates the overall number of deaths in the eastern DRC since August 1998.

It is estimated that *approximately 2.5 million people have died as a result of this war*, above and beyond the million people who might have been expected to die otherwise. Approximately 350,000 of these deaths are believed to have been from violence.

6) The mortality rates are increasing.

IRC revisited three of the sites surveyed in the early months of 2000. Two of these sites, Katana and Kabare, experienced a 50% or greater increase in the CMR since the previous year. In a third location, Lusambo, mortality remained unchanged. In the two new eastern areas surveyed this year, Kalemie and Kalima, the mortality rate has increased over the recall period. Thus, it appears that over the past 11 months, the mortality rate has not improved and probably has gotten worse in eastern DRC.

VII. LIMITATIONS

There are several limitations to these surveys that should be considered by those who will use these data. Some of these include:

- The areas visited may not have been typical of eastern DRC. In particular, local officials and Congolese protested repeatedly that interviewers were going to the safest areas and their findings would understate the severity of the situation. Given that adequate security was one of the major criteria for selecting sites to visit, this criticism is probably valid.
- There was no follow-up or confirmation of the information provided by interviewees. This has two problematic aspects: People may have lied to interviewers or may have been mistaken about the cause, month or age of reported decedents. Interviewers and survey staff are convinced that families were not inventing deaths, and that the overall CMR estimates are probably accurate. The survey staff are equally convinced that some cause of death data are suspect. For example, less than 10 AIDS-related deaths were reported, even though Congo suffers from an AIDS epidemic and two of the visited areas (Kalima and Lusambo) had households report that TB was one of the two primary causes of death. Likewise, malaria, fever and diarrhea deaths may not be distinguishable from malnutrition. It is believed that violence-related deaths have not been over-diagnosed by the households and, if anything, incentives existed to underreport violent deaths.

International Rescue Committee Mortality in Eastern Democratic Republic of Congo Page 15 Table 1: Summary of Mortality Surveys Conducted by IRC in Eastern DRC Since 1998.

Place & Date	Live in	CMR-	Ş	Methods
	HH int.	Deaths/1,000/mo	Mort.	
Katana, 1/98 – 2/99	1051	3.8 (2.2 – 5.4)	10.1	Spatial grid, clusters spaced 1Km. E. to W., 3.5 Km No. to So.
Katana, 1/99 – 4/00	1219	3.0 (2.2 - 3.9)	6.9	" " 7 Km No. to So.
Katana, 1/00 – 3/01	1803	4.9(3.8-6.0)	12.9	2 stage, syst., proportional to pop. assignment of clusters,
				random grid to find starting pt.
Kabare, 1/99 – 4/00	1273	2.7(2.0-3.8)	5.8	57 57 57 57
Kabare, 1/00 – 3/01	1778	4.4(3.7-5.1)	5.6	57 57 57 57 59
Kisangani, 1/99 – 3/00	2305	2.9(2.3 - 3.9)	4.8	57 57 57 57
Lubungu, 1/00 – 3/01	2317	2.8(2.1 - 3.6)	6.9	57 57 57 55
Moba, 1/99 – 5/00	1212	12.1 (10.5 - 13.8)	24.5	57 57 57 55
Kalonge 1/99 – 4/00*	1330	6.4	14.1	Spatial based convenient sampling, rural and urban via dif. Methods
Kalamie 1/00 – 3/01	2204	10.8(9.5 - 12.1)	23.8	2 stage, syst., prop. to pop. Clusters, random grid to find pt.
Kalamie, 1/00 – 3/01	150 HH	4/122 HH dead		10 clusters in Kalamie survey (on 2 axies) had additional survey
		(3%), 4/122 most		tacked on regarding fate of those who were neighbors at start of
		dead (3%)		war.
Kalima, 1/00-3/01	1958	7.5 (6.3 – 8.7)	17.1	2 stage, syst., prop. to pop. Clusters, random grid to find pt.
Lusambo $1/00 - 2/01^{**}$	1288	3.0 (2.1 - 3.9)	10.0	57 57 57 57

* Because the Kalonge survey was not a probability survey, and was not sampled evenly with regard to space, this survey has the greatest limitations in terms of validity. ** Not in eastern DRC, not to be included in extrapolations.

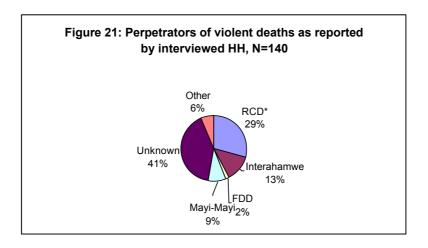
International Rescue Committee Mortality in Eastern Democratic Republic of Congo Page 21

Place & Date	Live in	CMR –	Basic Design	Design	Pop. of Area	Pop. of accessible
	HH	Deaths/1,000/mo	Clusters X HH/clust.	Effect	1	areas, actually
						surveyed
Katana, 1/98 – 2/99	1051	3.8 (2.2- 5.4)	32 X 5 spatial	2.67	285,000*	285,000*
Katana, 1/99 – 4/00	1219	3.0 (2.2 - 3.9)	34 X 5 spatial	1.02	305,000*	305,000*
Katana, 1/00 – 3/01	1803	4.9(3.8-6.0)	30 X 10 2 stage	1.75	347,000	347,000
Kabare, 1/99 – 4/00	1273	2.7(2.0-3.8)	40 X 5 2 stage	1.11	111,000	111,000
Kabare, 1/00 – 3/01	1778	4.4(3.7-5.1)	30 X 10 2 stage	6L'0	112,000	112,000
Kisangani, 1/99 – 3/00	2305	2.9 (2.3 – 3.9)	48 X 5 2 stage	1.35	402,000	402,000
Lubunga, 1/00 – 3/01	2317	2.8(2.1 - 3.6)	30 X 10 2 stage	1.93	157,000	157,000
Moba, 1/99 – 5/00	1212	12.1 (10.5 - 13.8)	40 X 5 2 stage	1.6	$\sim 100,000$	$\sim 100,000$
					62,000 officially	
Kalonge 1/99 – 4/00	1330	6.4	Spatial convenient	ΝA	62,000	59,000 (95%)
Kalamie 1/00 – 3/01	2204	10.8(9.5 - 12.1)	30 X 10	1.66	$\sim 400,000$	196,000 (~49%)
Kalima, 1/00–3/01	1958	7.5 (6.3 – 8.7)	30 X 10	1.62	154,000	91,000 (59%)
- N	N = 18,450			Tot	Total = 1,576,000	Total=1,268,000

Table 2: Characteristics of Mortality Surveys Conducted by IRC in Eastern DRC Since 1998.

*2001 # used for Katana, even though all of this growth is believed to be due to the arrival of displaced who probably had a higher mortality than the residents.

International Rescue Committee Mortality in Eastern Democratic Republic of Congo Page 22



Annex 52

Republic of Uganda, Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo 2001, Final Report (Nov. 2002)



THE REPUBLIC OF UGANDA

JUDICIAL COMMISSION OF INQUIRY

INTO

ALLEGATIONS INTO ILLEGAL EXPLOITATION OF NATURAL RESOURCES AND OTHER FORMS OF WEALTH IN THE DEMOCRATIC

REPUBLIC OF CONGO 2001

10

(May 2001- November, 2002)

Legal Notice No. 5/2001, as amended

FINAL R E P O R T

November, 2002

3. ILLEGAL EXPLOITATION OF NATURAL RESOURCES

Originally this Commission received no assistance from the reconstituted Panel. However when the Commission was about to wind up, some documents were received from the reconstituted Panel, which prompted this Commission to recall General Kazini for the third time. After some difficulty in securing his attendance, the General attended, and after giving evidence about the documents obtained from the new Panel, produced a number of radio messages which affected this Commission's understanding of what was going on in the the

10 Democratic Republic of Congo. so far as the UPDF was concerned, and confirmed certain suspicions which this Commission had entertained throughout. That evidence is considered here first, as it affects the consideration of the subsequent Headings, taken from the original Panel Report. The relevant allegations in the original Panel Report involve confiscation, extraction, forced monopoly and price fixing. Some of the revelations made by General Kazini in the radio messages which he produced go to confirm some of the allegations made by the original Panel.

13. THE KAZINI REVELATIONS.

The radio messages concerned the undermentioned subjects:

13.1. UPDF Officers conducting business

20

In answer to the President's radio message (set out in a quotation of the message at Paragraph 14.6 below), General Kazini wrote the following message (dated the 20th December 1998) within hours: --

"It is true that some officers were getting excited about doing business in Congo from the beginning but it was discouraged. What is happening is that some Ugandans could be in business partnership with some commanders but no officers or men are directly involved in trade in Congo. There is a big influx of Congolese businessman into Entebbe using our Aircraft on their return journeys they are still facing difficulties to take items bought. We have been squeezing to assist them but we cannot handle all their cargo. So I suggest that the Ministry of Commerce or a trade delegation from UMA to meet the RCD leadership on your recommendation to agree on modalities of doing business with their counterparts in Congo. By a copy of this message 2 i/c 1 DIV should not allow any officer to trade using our aircraft. Meanwhile 2DIV CO, 4DIV CO to make sure boarders are thoroughly monitored."

The speed at which General Kazini replied shows that he was aware of all these problems, would take no real action until the matter became public, and had not previously himself made His Excellency the President aware of them.

From this message, General Kazini was admitting the following: --

- That the allegation by the original Panel that some top officers in the UPDF were planning from the beginning to do business in Congo was generally true, although the specific examples given were incorrect. On the first occasion when General Kazini came before this Commission to give evidence, he denied the allegations in paragraphs 27 and 28 of the original Panel Report, and was extremely evasive while doing so. In view of his radio message in reply to the President's radio message, he was clearly lying to this Commission.
- 2. That Commanders in business partnership with Ugandans were trading in the Congo, about which General Kazini took no action.
- 3. That Military aircraft were carrying Congolese businessman into Entebbe, and carrying items which they had bought in Kampala back to the Congo, but the military were unable to handle all the cargo. On the first occasion that General Kazini gave evidence before this Commission, he said that it was not allowed for Congolese businessman or Ugandan businessman to bring items from the Congo on military airplanes. In this he has been revealed to have lied to this Commission. The whole question of the use of military transport is considered at Paragraph 14.6 below, and a graphic representation can be found below.

As a result of the President's message, General Kazini took the following steps: --

- · He directed that officers should not be allowed to trade using military aircraft
- He directed that passengers on military aircraft be thoroughly monitored.
- He took no action in relation to Ugandans in partnership with UPDF officers or Congolese

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The third paragraph of the President's radio message directed that Ugandan businessmen should be given security assistance to do business in Congo in order to alleviate the acute needs of the population and to establish links for the future. The radio message itself is clear, and when this Commission interviewed His Excellency the President, he confirmed that he had no intention to assist Congolese businessmen, save as to security, and pointed out that in his message he had specifically mentioned Ugandan businessman.

However when General Kazini gave evidence to this Commission on the third occasion, he said that he had given directions to assist Congolese businessman to travel back and forth from Congo, and had even allowed them to carry goods from Uganda for sale in the
Democratic Republic of Congo. His counsel also interrupted his evidence to argue that the Presidential Radio message included assistance to Congolese businessmen, which it clearly did not, save of course in relation to the provision of security.

This Commission's researches in comparing the data from the Uganda Revenue Authority which related to collection of customs duty on flights landing at the Military Air Base since 1999, data from Liaison Officers at the Military Air Base and from the Ministry of Defence relating to flights for the UPDF, and data from the Civil Aviation Authority showing all flights recorded by them to the Democratic Republic of Congo, both Civil and Military, showed quite clearly that on many occasions, military flights paid for by Ministry of Defence, or flown on Uganda Air Cargo (flying for Ministry of Defence) were carrying large quantities 20 of coffee in particular back from the Democratic Republic of Congo.

Not only was this originally denied by General Kazini, but also by all of the liaison officers who served at the Military Air Base. There was only one admission concerning coffee flown

in from the Democratic Republic of Congo for Mr. Bemba.

Annex 52

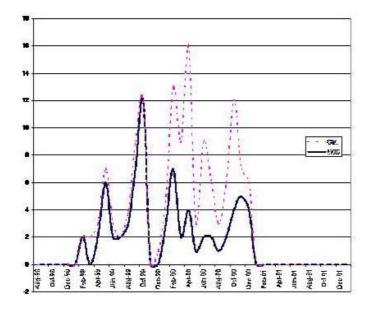


Figure 1: Data from URA Customs at Old Airport Entebbe

However, as Figure 1 shows, the comparison between Military and Civilian dutiable flights arriving at the Military Air Base shows, for flights during 1999 and 2000 which were recorded by URA, military flights and civilian flights were almost equally disposed during 1999, with a wide difference during 2000. There was no data available before 1999 and after December 2001, which is the reason for the dips at each end. General kazini, and the liaison Officers at the Military Air Base have been lying to this Commission.

On the 11th of February 1999 in a radio message General Kazini said that reports had started 10 coming to him that officers in the Colonel Peter Kerim sector, Bunia and based at Kisangani airport were engaging in business contrary to the presidential radio message, and he pointed out that the cover being used was "Uganda businessmen / Congolese".

This corroborates many of the Original Panel's allegations in respect of officers of the UPDF.

13.2. Gold Mining

On the 31st of December 1998 General Kazini messaged Major Kagezi, saying that his soldiers and detach commanders were writing chits for gold mining and smuggling and instructing him to stop this immediately. Major Kagezi replied that his investigations revealed that Lieutenant Okumu had been giving chits, and recommended changing his platoon because they had stayed for a long time, but he had been unable to do so because the Commander had refused (an interesting comment on co-operation and discipline within the UPDF). On the 1st of January 1999, General Kazini ordered that the platoons be changed and Lieutenant Okumu arrested. This does not agree with the evidence of Lt Okumu who said that he had

already been arrested from Durba on 27th December 1999. On the 11th of February 1999 General Kazini sent a message to say that he was sending intelligence officers on a fact-finding mission on the gold trade involving UPDF officers and men. This was the first time that this Commission had heard of this investigation, and is surprised not to have heard about this from Colonel Mayombo, who said that he did not conduct any investigations until after the original Panel Report.

As late as the 15th of February 2000 General Kazini was receiving reports from Professor Wamba that UPDF soldiers in Watsa were in conflict with civilians in relation to mining, and on 23rd February 2000, he sent a message in which he said that he had seen three messages concerning uncoordinated deployments. He pointed out that no soldier of the UPDF was supposed to guard mines, although Major Kagezi had deployed soldiers to Durba. He directed that all soldiers must be withdrawn to Isiro. This message backs up some of the allegations in the original Panel Report relating to mining. It is extremely difficult to reconcile with General Kazini's evidence that he did not know that the soldiers at Durba had been detached to guard the bridge there, and that Lt Okumu's direct mission written instructions in September 1999 were to guard the bridge and the airfield.

Further on the 3rd of October 1999, General Kazini was asking Lieutenant Colonel Sula, Major Kagezi (who had already posted soldiers to Durba against orders) and Captain Kyakabale to let him know if there was any UPDF deployed in either gold or diamond mines, directing them to withdraw them immediately and send their names. General Kazini's actions, radio messages, and evidence to this Commission have been inconsistent throughout.

13.3. Intelligence/Security Funding

On the 21st of January 1999 General Kazini complained in a radio message that some commanders were getting money from Congolese rebel leadership under the pretext of intelligence gathering. This is an extremely interesting complaint, given that he himself later, in July 2000, instructed Commanders in that area to refer any payment of security funding to himself at TAC HQ, and is an example of what this Commission is beginning to suspect, that General Kazini was writing all these radio messages, and copying many of them to His Excellency the President, to cover himself, without any intention that they should be followed.

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13.4. Looting

On the 29th of January 1999 General Kazini was complaining that soldiers of the 19th Battalion were involved in looting civilians. He directed that soldiers should not man roadblocks anywhere, and asked for an explanation and details of a specific occurrence. This was another matter raised by the original panel, and denied by General Kazini initially, but confirmed by these radio messages.

13.5. Smuggling

On the 5th of July 1999 General Kazini directed that an investigative team be stationed in Arua and Nebbi at the customs stations to monitor goods in transit. He explained that a dangerous habit was developing where goods supposedly in transit to Congo were returned to Ugandan markets tax-free. He said that the suspects were army officers aided by "Kampala and Arua Boys". He directed Captain Kyakabale to take the appropriate measures. On 23rd August 1999 General Kazini accused the 19th Battalion of being involved in smuggling in Bunia and Beni sector. On the 25th of December 1999, General Kazini sent a message to, among others Lieutenant Colonel Arocha, Lieutenant Colonel Mugenyi, Lieutenant Colonel Nyakaitana, and Lieutenant Colonel Burundi. He accused of all of them of being suspected of indulging in smuggling goods re-entering Uganda territory from the Democratic Republic of Congo. On the same date he was asking for liaison with the Inspector General of Government to send experts to monitor various customs those on the Uganda border. He said that these were border points where goods were smuggled into the country aided by the UPDF without paying taxes. This Commission was able to check this information with the Inspector General of Government, who said that he had never been approached by the UPDF for this purpose. These were the kind of events, together with others referred to below, to which this Commission was referring when asking Col, Mayombo why he had not investigated such matters. His reply after some questioning, and after the witness indicated that he did not know of these matters, although General Kazini clearly did, was:-

"Lt. Col. Mayombo: I am saying My Lord that: At that time I did not investigate it. It was a failure in judgement, I accept."

What General Kazini has done by producing these radio messages is to confirm that his information in respect of many of the allegations of misconduct of the UPDF was the same as that which reached the original Panel. There is no doubt that his purpose in producing these messages was to try to show that he was taking action in respect of

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the Democratic Republic of Congo, but that he had gone to Kinshasa at the invitation of Laurent Kabila, and there discussed trade possibilities, and in particular air services. This was at a time when there was every reason to count on the cooperation of Laurent Kabila, and this Commission sees no problem in such matters as trade being discussed at that time.

14.3. Allegations against Kainerugaba Muhoozi

Apart from a later general allegation, this is the only time Lt Muhoozi's name is mentioned (in Paragraph 28) in the whole original Panel Report.

Before this Commission Lt Muhoozi said that he went, not to Eastern the Democratic Republic of Congo but to Kinshasa on two occasions. The first was in 1997, during the regime of Laurent Kabila, when he went to look for a market for meat products on behalf of his family ranch, which is well known for the keeping of cattle and the need for a market. The second occasion was in early 1998 when he had started working for Caleb International, Salim Saleh's firm, for discussions with some potential partners in the Democratic Republic of Congo with the possibility of developing some mining interests there. This was early in the regime of Laurent Kabila, when friendly relations were thought to exist between the Kinshasa Government and Uganda.

This Commission is fully satisfied that these were genuine visits during peacetime to promote international trade, and this Commission cannot understand why they appear as criticisms in the original Panel Report.

14.4. Allegations against top UPDF Officers

As to Point 4 above, see Paragraph 13.1 above: General Kazini's radio message in reply to that of His Excellency the President shows that, although there was no effect on the policies of the Uganda Government, some officers were excited about the possibility of self-enrichment in the Democratic Republic of Congo. To that extent the allegations in the original Panel Report are true.

14.5. Allegations against General Kazini.

As to Point 5 above, this Commission has received some evidence in support of the allegation against General Kazini in relation to his conduct at the inception of the campaign in the Democratic Republic of Congo, From August to December of 1998, he was clearly aware of a problem as his radio message shows, but took little action:

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he only appears to have acquainted His Excellency the President of the problem as late as December 1998.

14.6. Transportation Networks

14.6.1. Military Air Base

The original Panel said that the Military Air Base was used during Operation Safe Haven for transport of goods to and from the Democratic Republic of Congo. The Commission therefore investigated the operations at the Military Air Base. What the Commission found left a lot to be desired.

The first question to be asked was how a supposedly secure Military Air Base came to be used for transport of civilians and goods.

This Commission asked His Excellency the President about this because it had been intimated to this Commission that this was on reliance on his radio message dated 10/12/98. Set out below is part of the transcript of his evidence:

......when my army went into Congo, I had to give them terms of reference on all major matters; there is no major matter which we did not regulate by a document. For instance, on the 15th of December 1998, no, on the 10th of December, 1998 at 1500hrs, I sent a message myself to all army units in Congo, which I could read for their Lordships: "From President for Chief of Staff, Inform Army Commander, Minister-of-State for Defence, and All Stations.

(All stations means all units).

Ensure that there is no officer or man of our forces in Congo who engages in business. Also report to me any other public servant, whether currently based in Congo or not, who tries to engage in business in the Congo. However, other Ugandan businessmen (who are not soldiers or public servants, including all politicians or their families)"

This is in brackets: (businessmen who are not soldiers or public servants, including all politicians or their families), end of brackets.

"... should, given the fluid security situation in Congo, be assisted, if necessary, to do business there in order to alleviate the acute needs of the population"

(Of the population in Congo).

"... and also to establish links for the future. The purpose of this directive is to erase the feeling that I ordered our forces into Congo because we wanted to loot minerals from Congo, and not to defend our security interests."

Your Lordships, if they have not given you this copy of this message, then I will give it to you. This is the

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If the allegation were true, there would have been a significant number of left hand drive cars in the streets of Kampala. This Commission has evidence, and has observed, that this is not the case and cannot confirm this allegation.

The evidence of Adele Lotsove also shows that cars in the Democratic Republic of Congo are junk, as there are no good roads in the Democratic Republic of Congo, and therefore would not be worth stealing and transporting.

15.5. Theft from Banks

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Paragraph 40 of the original Panel Report alleges that Jean Pierre Bemba had instructed his soldiers to empty banks once a town was captured and that the soldiers had taken the equivalent of \$400,000 from Banque Commerciale du Congo branch at Bumba, \$500,000 in Lisala and about \$600,000 in Gemena. Jean Pierre Bemba denied the allegation. As in the case of coffee referred to in paragraph 15.3 above, he told the Commission that he heard of the allegation and wrote to the banks concerned requesting them to confirm that money was taken from them by his men during the liberation of their towns. The banks replied saying that they had never been looted by his soldiers. He gave copies of the correspondence to the Commission (Exh. JPB/7/116) and said that he had also given copies of those documents to the second original Panel. He also pointed out that when a town was about to be captured, the occupying troops would be ill advised to leave cash in the banks, knowing that it would be lost to them, and converted to funding for the victorious rebels. This allegation is unlikely to be true.

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15.6. Murder of Civilians

In Paragraph 42 it is alleged that in Bunia Congolese civilians were injured or murdered for resisting the attempted seizure of property by "RCD rebels and foreign soldiers". It is not clear whether this is an allegation against the UPDF, but the allegation is not sufficiently detailed to investigate, or to rely upon. This Commission does however have a record of a General Court Martial in which a soldier was accused and convicted for murdering civilians who were in custody in Gemena. This was much later in April 2001, but indicates that Uganda appears to have taken at least one such allegation seriously.

15.7. Organised Looting

In Paragraph 43 and 44, the highest army commanders of Uganda are alleged to have encouraged, organized and coordinated looting, and in particular General Kazini is

said to have appointed loyal commanders and reliable civilian Congolese to secure his network in areas rich in mineral resources. The appointment of Adele Lotsove was quoted as an example, and is further dealt with in Paragraph 71. This Commission has considered the matter at Paragraph 15.8 below of this report. In particular, it should be born in mind that General Kazini was aware of looting, as his radio message of 29/1/99 shows, and was inappropriately involved in promoting Victoria Diamonds, indicating actions consistent with the allegations of the original Panel, which cannot be totally ruled out.

15.8. Allegations against Uganda

15.8.1. Appointment of Adele Lotsove

In paragraph 71 of original Panel Report it was stated that the illegal exploitation of natural resources of Democratic Republic of Congo was facilitated by the administrative structures established by both Uganda and Rwanda. The original Panel cited as an example the appointment as Governor of Ituri Province of Adele Lotsove on 18th June, 1999 by Major General Kazini.

This Commission has seen the letter of appointment among the exhibits. The Commission has also heard evidence on oath from Madam Adele Lotsove and General Kazini on the issue. Madam Adele Lotsove told the Commission that she was a native of Ituri. She was once the 1st Deputy Governor of Kisangani in-Charge of Upper Zaire Province or Haut Zaire. She said that Ituri Province was one of the Provinces of Zaire in 1962, but was abolished by Mobutu. During a National Conference in 1991 it was proposed that the whole of Zaire should be divided into 28 Provinces. Ituri was supposed to be one of the Provinces, but the proposal was never carried out. So when she was appointed the 1st Vice Governor of Kisangani, she considered that as an opportunity to implement the 1991 proposal by proclaiming Ituri a Province as that was the aspiration of her people. Her aim was to adopt the Ugandan model of administration and political system, which she had seen during her stay in Nebbi in Uganda.

When she discussed with General Kazini her aspirations and ambition, she found him very receptive. Since General Kazini was the one in charge of Security she asked him to take charge of her security whilst she fought for the creation of Ituri Province. The letter written by General Kazini dated 18/6/99 allegedly appointing her a Provisional Governor in-Charge of the Districts of Ituri and HAUT–UELE

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recorded. In those circumstances this Commission is at a loss to work out what information gathered by the original Panel could clearly indicate that such payments were made, and this Commission therefore doubts this conclusion. There is one additional consideration which does not seem to have been borne in mind by the original Panel, which is that Adele Lotsove was only in office for some 3 months before she was dismissed by Professor Wamba, and would therefore have had little time to get involved in such matters.

15.8.2. Knowledge of Key Ugandan Officials

In Paragraph 45 it is alleged that key officials in the Government of Uganda were aware of the situation on the ground: and further, in the case of gold, that the increased production would have alerted any government.

It has proved impossible to trace or investigate the allegation in Paragraph 45, because the key officials and the sources of information upon which the original Panel relies are not given. In evidence on oath before this Commission, this allegation has been denied in toto. As to the allegation relating to the levels of production of mineral resources, in particular gold, this Commission has dealt with this at Paragraph 21.1 below

16. SYSTEMATIC AND SYSTEMIC EXPLOITATION

In Paragraphs 46-54 of the original Panel Report, the original Panel allege that a company 20 (Dara Forêt) used illicit business practices and complicity with occupying forces and the Government (presumably the Government of Uganda) as well as its international connections to exploit the natural resources of the Congo. The original Panel conducted a case study which is alleged to support this proposition.

The allegations of impropriety concern Dara Forêt, Dara Great Lakes Industries and associated companies, and the Uganda Government.

16.1. Timber : Dara Forêt and Dara Great Lakes International.

This Commission reproduces here the example according to the original Panel Report. Evidence brought, and severely tested by this Commission, is interpolated together with this Commission's comments.

Timber harvested in this region, which is occupied by the Ugandan army and RCD-ML, has exclusively transited or remained in Uganda. Our own investigation in Kampala has shown that mahogany originating in the Democratic Republic of the Congo is largely available in Kampala, at a lower price than Ugandan mahogany. This difference in price is simply due to the lower cost of acquisition of timber. Timber harvested in the Democratic Republic of the Congo by Uganda pays very little tax or none at all.

There is no evidence before this Commission that Uganda as a country or as a Government 10 harvests timber in the Democratic Republic of Congo. This Commission doubts that the allegation in the Report is correct. Timber does come across the border as an import, and there is no doubt that timber is also smuggled through the porous borders. Congo timber is cheaper in the market because it is usually cut by chain saws, which are not allowed in Uganda. Such documentation as this Commission has seen indicates that timber cut in the Democratic Republic of Congo is dutiable there on export, and that such duties are levied by the rebel authorities and paid.

This Commission toured the Kampala Timber Market at the Ndeeba area. The Commission found that timber from Congo is available in the market. The timber from Congo is mainly hardwood.

20 The Commission found that timber from Congo is cheaper than those from Uganda. The reason for the difference in price depends on the method of cutting the timber. In Uganda timber is processed either by handsaw or pit saw or by sawmills or what is commonly known as machine cut. Timber from Congo is processed by chain saw. Timber processed with handsaws has a smooth surface while those cut with chain saw have rough or uneven surface. Chain saws are illegal in Uganda.

Transit timber is always accompanied by Forest Products Movement Permit issued by the District Forest Offices. One needs to get a concession from the Forestry Department to cut timber from Forest Reserves. The application is made through the District Officer of the area where the Forest Reserve is situated. It is then forwarded to the headquarters in Kampala 30 where it is processed and issued.

This Commission was informed that there is a ban on raw timber export. Only finished or semi-finished wood products are permitted to be exported.

In addition, customs fees are generally not paid when soldiers escort those trucks or when orders are received from some local commanders or General Kazini. Timber from the Democratic Republic of the Congo is then exported to Kenya and Uganda, and to other continents. The Panel gathered from the Kenyan port authorities that vast quantities of timber are exported to Asia, Europe and North America.

The Panel also discovered during its investigation that individual Ugandan loggers violated forestry legislation, recognized by their ally RCD-ML, by logging (extracting) the timber directly. According to the Congolese legislation on the permis de coupe, only individual Congolese nationals are allowed to harvest timber and only in small quantities. Foreigners must apply for the larger concessions. Initially, Ugandans operated in partnership with a Congolese permit holder. Soon, the Ugandans began to pay the Congolese to sub-lease the permit and, subsequently, to obtain the licence in direct violation of the law.

In so far as the above relates to Dara Forêt, Mr. Kotiram has told this Commission that he has not yet cut a single tree within his concession. He has given good and sufficient reason for that, and this Commission will recite it in due course.

During a visit to Mpondwe/ Kasindi and also at Arua/ Ariwari, this Commission spoke to the Congolese Officers there, and they denied strongly that it would be possible for UPDF to influence the passage of merchandise, or for their commanders to give orders in that regard. It

20 is true that large quantities of timber transit Uganda for export to Europe and America, in the ordinary course of trade.

In so far as individual Ugandan loggers are concerned, this Commission has no way of investigating this non-specific matter: This Commission has had evidence that there are Ugandans who go over to the Congo and buy trees by negotiating with individual Congolese permit holders or Chiefs, and import the timber once cut to Uganda, which helps to account for the presence of Congolese hardwood in the Uganda market. This Commission was informed that the low price of Congolese hardwood is due to the fact that Congolese timber is harvested and cut with chain saws, while chain saws are not permitted in Uganda. The efficiency of chain saws accounts for the increase in cross border trade. This cross border 30 trade has been carried on throughout living memory.

Timber extraction in the Democratic Republic of the Congo and its export have been characterized by unlawfulness and illegality. Besides extracting timber without authorization in a sovereign country and in violation of the local legislation, DARA-Forest consistently exported its timber without any certification procedure.

In this Paragraph the original Panel raise the whole question of de facto control of administration which this Commission has dealt with under the heading of "Illegality" at Paragraph 11 above.

companies, either personally, or by his interest in yet another company, Royal Star Holdings, which, while registered in Uganda, is a wholly Thai owned Company. Since the shareholding in Nyota Wood is much the same, presumably it falls under the same umbrella. This is the evidence of Mr. Kotiram, and probably in practice it is true: but probably also these are not in law subsidiaries of Dara Group, (a company registered in the Virgin Islands) since that company does not appear to hold any direct interest in any of the companies.

Then it can be shown that there was no collusion between Nyota Wood and the Ministry of Water, Land and Forests of Uganda, because one application which was made to the Ministry, which, if the original Panel is right, would have been essential to the alleged conspiracy, was 10 refused by the Ministry.

In May 2000, DGLI signed a contract for forest stewardship certification with SmartWood and the Rogue Institute for Ecology and Economy in Oregon, United States of America.

This is not true. Smartwood is the certifying Agency: the Rogue Institute for Ecology and Economy was an agency whom Mr. Kotiram contracted to advise him on SmartWood's requirements for certification. Thereafter Dara contacted another Company, UNIQUE, Wegerhäuser & Partner, who later gave a presentation to the reconstituted Panel. UNIQUE were advising Dara on the way to go about certification of their concessions in Democratic Republic of Congo and in Uganda.

On 21 March 2000, the Director of the DARA group, Prossy Balaba, sent a letter to the Commissioner asking him to allow an official of SmartWood to visit certain forests, such as Budongo and Bugoma; he was due to visit the region in mid-April.

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Prossy Balaba was not "the director of the Dara Group". She was a director and minority shareholder of the Ugandan Company referred to above as DGLI. In that regard it will be noted that Mr. Kotiram set up his companies with himself in control, supported by the participation of local directors and shareholders. This is quite normal, and indeed required in some countries. In any event, for a Thai National whose grasp of French and English is not that good, it is certainly advisable.

30 It is true that the request above was made : this Commission has a copy of the letter.

Democratic Republic of the Congo of minerals such as cassiterite and coltan in trucks. During the original Panel's visit to Bunia it was reported that other products were loaded in trucks which are supposed to carry timber only; it is likely that coltan and cassiterite were these products. Moreover, the fraud extends to the forging of documents and declarations "originating" in Kinshasa.

The confusion between Dara Forêt and DGLI, on the basis of the evidence, exists only in the mind of the original Panel. These appear to this Commission to be two separate Companies, registered in two separate countries. Mr. Kotiram agrees that Dara Forêt has been exporting 10 coltan for which he has a licence, which he has produced to this Commission. It does not appear to be forged. The mineral has been sent in transit through Uganda. Mr. Kotiram has produced before this Commission Customs documents which have been verified for this Commission by URA. There is no evidence whatever that any of the Dara Companies have

been dealing with diamonds or gold.

The original Panel is not specific as to the forgery alleged: but this Commission suspect that the problem may arise from the use by rebels of original forms left by the Kinshasa Government before the rebellion. In any event, this Commission would be slow to accuse parties of criminal offences such as fraud and forgery without being able to set out specific details with particulars

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The logging rate was alarming around Butembo, Beni, Boga and Mambassa. The RCD-ML administration acknowledged its lack of control over the rate of extraction, the collection of taxes on logging activities and the customs fees at the exit points. On the basis of eyewitness accounts, satellite images, key actors' acknowledgements and the Panel's own investigation, there is sufficient evidence to prove that timber extraction is directly related to the Ugandan presence in Orientale Province. This has reached alarming proportions and Ugandans (civilians, soldiers and companies) are extensively involved in these activities. In May 2000, RCD-ML attributed a concession of 100, 000 hectares to DARA-Forest. Since September 1998, overall DARA-Forest has been exporting approximately 48, 000 m³ of timber per year.

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UPDF presence in Orientale Province provided the security and access to overseas markets denied to the Congolese for so long. One would therefore expect to see increased activity in the area, not only by Dara Forêt but by other companies as well.

So far as Dara Forêt is concerned, while Mr. Kotiram agrees the figures quoted, he tells this Commission that in his concession he has not cut even a single tree, and he has given this Commission good and sufficient reason for this. The source of his timber has been from

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individuals, in accordance with a long standing practice outlined to this Commission by another witness.

This Commission is extremely concerned at the approach of the original Panel to this subject. Nowhere in the whole of this passage is the reliability of sources quoted, but, considering the emphasis put on these alleged events, the original Panel must have come to the conclusion that it was safe to rely on its undisclosed and apparently un-evaluated sources. Yet the perception of those sources, and that of the original Panel, was quite clearly wrong. A short interview with Mr. Kotiram and his associates would have established the truth, but he was never approached, according to his evidence. This problem casts doubt on the original Panel's

10 collection and reliance upon information given to it, not only in respect of Dara Forêt, but throughout the Report, given the emphasis placed upon this so-called Case Study.

From the evidence, this Commission has come to the conclusion that the investigation by the original Panel of Dara Forêt was fundamentally flawed and is unable to find support for any single allegation made in this so-called Case Study.

16.1.1. Allegations against His Excellency the President and his family

The original Panel say :

Some unconfirmed information indicates that members of President Museveni's family are shareholders of DGLI, although more investigation is needed.

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As above, this Commission agrees that a great deal more investigation is needed before such an allegation appears in a report to a United Nations body. This Commission's own investigations with the Companies Registry reveal nothing whatever of that nature. All the relevant witnesses were called, and all the Companies Registry files were obtained. The allegations are specifically denied by Mr. Kotiram, Prossy Balaba, Salim Saleh, Jovial Akandwanaho, and, for himself, by His Excellency the President

During a consideration of the link between exploitation of resources by the Democratic Republic of Congo and the continuation of the conflict, the reconstituted Panel point out that Dara Forêt registered as a Congolese registered Company in Kinshasa in March 1998: it will be remembered that that was at a time when relationships between Kinshasa and Kampala were good, and trade opportunities were being investigated (see Paragraph 14.2 above). Then in June

Lt. Col. Mayombo: I am aware that a Lt. Okumu, who was in charge of a platoon, got involved with civilians by issuing chits that they could mine and he was arrested by the overall operational commander and his case was investigated by the Special Investigations Branch of the Military Police.

He promised to let this Commission have details of the investigation, but has never returned with that information. This would have assisted this Commission's investigations enormously.

General Kazini at first said that the officer was reprimanded for his offences: later he said that there was a court martial which acquitted him. The entry of reprimand on this officer's record has never been produced. Lt Okumu said that he was never even investigated in respect of any offences relating to mines, but that he was cleared of any charges in respect of selling fuel.

This has been a cover up: and it is in respect of the conduct of Lt Col Mugenyi, a senior officer whom this Commission has caught out in lies and contradictions of a serious nature, Maj. Sonko, who is not fit to fill the rank which he has attained, and Lt Okumu, who also lied to this Commission, and whose misconduct has been badly investigated. Particularly this Commission is unable to reject the allegation by the original Panel (for this is the purpose of the cover-up) that UPDF soldiers were posted at mines to take contributions of gold from miners to allow them to mine.

The evidence of Major General Kazini, General Jeje Odong and Lt. Col. Noble Mayombo clearly shows that the incident did happen and that the culprits were Lt. David Okumu and the soldiers under his command. Lt. Col. Mugenyi claimed that Lt. David Okumu was investigated and found innocent. This Commission has found that no proper investigation was conducted because Lt. Col. Sonko who was instructed by Lt. Col. Mugenyi to investigate the matter was also implicated in the matter. His conclusion therefore did not come as a matter of surprise to the Commission.

The evidence about the final investigation of this matter was extremely unclear. General Kazini promised to let this Commission have a copy of it: he took no action for many months, and on his last appearance stated that the matter had come before a General Court Martial. He said that he had tried to get a copy of the proceedings, and had been told that they could not be released to him for reasons

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however, Maj. Sonko referred to a quite different incident in which two soldiers from Bunia were said to have connived with three FAC soldiers from Watsa Barracks who harassed and robbed civilians. According to his report the detach managed to get the stolen money back and to restore it to its rightful owner. The whole matter was indecipherable, and amounts to just another example of the frustrations one encounters when one tries to investigate what was going on within the UPDF. However, in the Kazini Revelations at Paragraph 13.2 above, it is obvious that there is confirmation of some of the original Panel's allegations.

16.2.3. Trainees used as Convincible Labour to Mine

In Paragraph 58 the original Panel states that local Congolese were used in what the original Panel termed as "Convincible labour" to mine gold, diamonds or coltan. The original Panel gives, as an example, Bondo locality in Equator Province where young men from 12 to 18 years recruited by Jean- Pierre Bemba were given one-hour morning physical training in the morning, and then sent to gold mines to dig for gold on behalf of the Ugandans and Bemba. Jean Pierre Bemba denied the allegation concerning the recruitment of young men from the ages of 12 to 18 years. He stated that the minimum age of recruits was originally 17 years, but that it was later put at 18 years. Even when he was told that the Commission had had evidence from a journalist who showed some video of some young people being trained, Jean Pierre Bemba insisted on saying that the minimum age was 17 years. He could not see the purpose of recruiting 12-year-old young men.

The UPDF officers and men this Commission interviewed have admitted that Jean-Pierre Bemba was an ally and that they trained the rebels under his command, but denied that they trained young men recruited by him to mine gold diamonds or coltan. Jean-Pierre Bemba has also denied the allegation. Since the names of the alleged eyewitnesses who gave information to the original Panel were not disclosed, this Commission is unable to investigate the matter further, concludes that there it is unable to find evidence to support this allegation

16.2.4. Foreign Labour

The allegation in Paragraph 60 of the original Panel Report is that occupying forces brought manpower from their home countries to mine in Congo. UPDF was one of the occupying forces, but Uganda, unlike Rwanda, was not mentioned in

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connection with that pattern of organised extraction of minerals from Congo. This Commission has not received evidence that tends to prove the allegation. The probability is that the original Panel did not find that Uganda was involved and that was the reason why Uganda was not specifically mentioned by the original Panel. Accordingly this Commission rejects it as a mere allegation so far as Uganda is concerned.

16.3. Wildlife.

16.3.1. Poaching in Garambwa National Park

Paragraph 61 of the original Panel Report states that between 1995 and 1999, 30% of elephants were killed in Garambwa National Park in areas controlled by Ugandan troops and Sudanese rebels, and that there are similar problems in other parks. There is no evidence available as to who was responsible for this. There is however evidence that although there was a detach at Durba, near the Park, its duties did not cover the Park. Congolese Security Reports produced complained of poaching by SPLA in Garambwa Park and there were other reports of trouble caused by the SPLA there. (Exh. FM/07/102). It should also be noted that the original Panel's allegation covers the period from 1995 to 1999. Ugandan troops did not reach the area until late 1998, and therefore could only have been involved in this allegation, if at all, for a very short time.

16.3.2. Tusks seized in Isiro

It is also said in Paragraph 61 of the original Panel Report that RCD-ML temporarily seized about 3 tons of tusks in Isiro. After strong pressure, it is said, from Uganda, the cargo was released and transferred to Kampala.

16.3.3. Tusks seized from Col Mugenyi near Garambwa National Park

Paragraph 62 of the original Panel Report alleges that Lt. Col. Mugenyi of the UPDF and a crew of his soldiers were found with 800 kgs of elephant tusks in their car near Garambwa Park. The Uganda Government is alleged to have received notification of the incident.

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The original Panel Report does not state the date on which he was found nor by whom he was found, nor to which department or officer of the Uganda Government Report was made. The Uganda Government denies in its response that it received notification of this incident as alleged in the original Panel Report.

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has harmed Uganda, and allowed investigators to conclude that His Excellency the President must have been involved in illegal exploitation of the natural resources of the Congo. This Commission takes the matter very seriously indeed, and recommends that the matter be further investigated by the relevant authorities for further action.

18.4. Take Air Ltd

In 1998 Take Air, in which General Salim Saleh was a shareholder and director, submitted invoices to UPDF and was paid Shs. 111 million for flights to the Congo that could not be identified. Lt. General . Saleh could not explain the reason for the payment. He promised to check with his staff and report back to the Commission. This was not done. Months later the General appeared before the Commission again. When asked about the documents he had promised including manifests, he said that he had so far failed to get them. Take Air had closed in late 1998 and he (Saleh) had difficulties in tracing its Managing Director who left Uganda in March 1999. To-date the payment is still not accounted for. Further investigations are necessary and recommended.

18.5. Other Private Companies

In Paragraph 79 of the UN Report it is alleged that a number of Companies were created to facilitate the illegal activities in Democratic Republic of Congo. On the Ugandan side, it is alleged that military officials created new companies and businesses using prête-noms. It is said that most of the companies are owned by private individuals or groups of individuals. Trinity and Victoria Group are specifically named in Paragraph 80 as some of the said companies.

18.5.1. Victoria Group

Victoria Group is said to be chaired by one Mr. Khalil and has its headquarters in Kampala and is owned jointly by Muhoozi Kainerugaba, son of President Museveni, Jovial Akandwanaho and her husband. It is said the Group deals in diamonds, gold and coffee. These products are purchased from Isiro, Bunia, Bumba, Bondo, Buta and Kisangani. The Group is also suspected in the making of counterfeit currency.

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The evidence the Commission has on oath from Mrs. Ketra Tukuratiire, the Acting Registrar – General, is that Victoria Group is not known in Uganda. It is neither registered as local Company nor as a foreign Company. Apart from Khalil whom this Commission has not been able to interview, as he is a non-resident in the

Country, all the alleged owners of the Groups have denied any connection with the Group.

Further evidence this Commission has received however, shows that there is a Company known as La Societe Victoria which is owned by two people who have not been mentioned throughout the evidence. The Company is registered in Goma and deals in diamonds, gold and Coffee which it purchases from Isiro, Bunia, Bumba, Bondo, Buta and Kisangani. The Company pays taxes to MLC to back up what the Army Commander, Major General Kazini, terms' "the effort in the armed struggle".

For that reason, General Kazini gave specific instructions to UPDF Commanders in Isiro, Bunia, Beni, Bumba, Bondo and Buta to allow the Company to do business uninterrupted in the areas under their command.

Though General Kazini has denied on numerous occasions that he has any connection with Khalil and that he only knew him casually, from the special favours he gave to La Societe Victoria and the lies he told about his dealings with the Company, one cannot resist the conclusion that he has some interest in the Company, though this Commission has no conclusive evidence to prove it.

It is clear, however that the steps he took to facilitate the interests of the Company were above and beyond the call of duty, and further, inappropriate to the UPDF's role of providing security.

As regards the alleged dealings of Mr. Khalil with Jovial Akandwanaho in diamonds, this Commission originally had only the evidence of Jovial on the issue. She admitted that she knew Khalil and that herself and Khalil at one time established a Lebanese Restaurant known as Leban (U) Ltd on Bombo Road in Kampala, in the middle of 1999. They are no longer operating the restaurant. Jovial has denied that, apart from restaurant business, she had had any other dealings with Khalil and in particular, diamonds. However under the heading "The Diamond Link" at Paragraph 21.3 below, and particularly at Paragraph 21.3.5 below, this Commission has come to the conclusion that Jovial's participation in Khalil's operations, and Victoria in particular, cannot be excluded.

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This Commission has asked the Inspector General of Government to provide copies of the declaration of assets of Salim Saleh unfortunately he has not made one for any of the past years, nor yet for 2002.

20.2. Jovial Akandanawaho

Jovial told the Commission that she has never been in any part of the Democratic Republic of the Congo. Salim Saleh denied business dealings with any of the persons mentioned. Jovial stated that she co-owned a restaurant with Khalil in Kampala for a limited period in 1999, but denied having any other commercial dealings with him. She further denied the allegation that she wanted control of Kisangani diamond market. She and her husband refuted the allegation that she was at the root of the Kisangani wars. However, this Commission has evidence connecting Jovial with Khalil and Victoria in Diamond smuggling, which is considered at Paragraph 21.3.5 below where this Commission has found that it is unable to rule out the participation of Jovial Akandwanaho in the diamond smuggling operations of Victoria, revealing that there is some truth in the allegations made against her by the original Panel.

20.3. General James Kazini

In Para 89, General James Kazini is said to be the third key actor. It is alleged that he is the master in the field, the orchestrator, organizer and manager of most illegal activities related to the UPDF presence in the Democratic Republic of the Congo. He is said to rely on the 20 established military network and former comrades and collaborators such as Colonels Tinkamanyire and Mugenyi and to be close to Messrs. Nyamwisi, Tibasiima, Lumbala, Jean-Pierre Bemba all of whom have facilitated his illegal dealings in diamond, coltan, timber, counterfeit currency and imports of goods and merchandise in Equator and Oriental Provinces.

General Kazini is accused of many wrong doings in the original Panel Report, and this Commission has tried to deal with the allegations in the same order as did the original Panel. He was examined by the Commission at length, but he denied any involvement in business activities. One of the witnesses, Ateenyi Tibasiima, confirmed what Kazini had said. He stated in an affidavit that he had not helped or seen Kazini in business activities. However,

30 consideration of General Kazini's involvement with Khalil and Victoria can be found at Paragraph 21.3.4 below. Throughout this report, General Kazini's name surfaces in respect of many allegations which relate to the misbehaviour of senior officers of the UPDF in the DRC, in respect of which he has taken little action: he has lied to this Commission on many occasions. Whilst this Commission bears in mind that he was the man on the ground, and that

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many allegations have been freely made from the DRC which have not stood up to close examination, nevertheless this Commission has found that many of those made against General Kazini are supportable.

General Kazini's alleged dealings with Jean-Pierre Bemba in respect of coffee beans is covered by Paragraph 17.1 above. He and a number of other witnesses have stated that they were never asked to meet with the original Panel. Aside from his meddling in local administration when he appointed Mme Adele Lotsove a Provisional Governor and created a new Ituri Province for which he was reprimanded (see Para 15.8), the Commission has not found any evidence to implicate him as accused in the original Panel Report.

10 However, the Commission has received documentary evidence implicating General Kazini in other local administrative matters. In one case he instructed UPDF Commanders in Isiro, Bunia, Beni, Bumba, Bondo and Buta to allow one company, La Societe Victoria, to do business in coffee, diamonds, gold uninterrupted in areas under their control as it had been cleared of taxation by the President of MLC, Jean Pierre Bemba. He concluded by saying that: "Anything to do with payment to you in form of security funding, it will be done through OSH-Tac HQS", i.e. his office.

In another letter addressed to the Governor of Kisangani, the Major General attached a copy of communication from the chairman of MLC and his own comments and stated that VICTORIA had officially cleared taxes with MLC authorities and asked the Governor "to 20 leave VICTORIA do his business and he will continue to pay taxes to MLC to back up the

effort in the armed struggle".

While General Kazini and other UPDF officer denied collecting or receiving any money from Congolese for their services, the General's first letter above leaves little doubt that some of the UPDF Senior Officers expected money from Congolese for security purposes. His evidence makes clear that he also expected it, and that the Commanders would keep the money for themselves, rather than accounting to him for it.

20.3.1. General Kazini's Coltan.

Letter from General Kazini requesting one Thomas Mathe as minister of finance of RCD-ML to allow his Coltan through customs.(Document 5)

30 On the face of it this appears to be a proper copy letter from General Kazini (who then was a Brigadier). However it is apparent that there are a number of strange things about it. In the first place Captain Balikudembe's name is spelt wrong. He and the mining incidents referred to in Paragraphs 57 and 59 of the original Panel Report, with which this Commission has dealt at Paragraph 16.2.1 above.

A serious consideration of those holding Senior Posts in the UPDF is called for, and recommended by this Commission .

21. ECONOMIC DATA : CONFIRMATION OF THE ILLEGAL EXPLOITATION OF THE NATURAL RESOURCES OF THE DEMOCRATIC REPUBLIC OF CONGO

In Paragraphs 94 to 108 economic data is set out in the report.

21.1. Gold

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- The conclusion of the original Panel Report in relation to the economic data was that the official data provided by Uganda authorities, contained substantial discrepancies. The original Panel pointed out that the export figures for gold were consistently greater than production values. The original Panel attributed the gap to the exploitation of the natural resources of the Democratic Republic of Congo. They point out that the Bank of Uganda has acknowledged to IMF officials that the volume of Ugandan gold exports does not reflect Uganda's production levels, but rather that some exports might be leaking over the borders from the Democratic Republic of Congo. According to the Bank of Uganda exports in 1996 6.4 million dollars, and in 1995 \$23 million, and in 1997 were \$105 million.
- This Commission has heard evidence from Bank of Uganda officials that their data is collected from forms provided by the Bank of Uganda which express an intention to export only. This Commission therefore looked at the URA figures for gold exports and transit. It was not possible to separate the figures for exports originating from the Congo, although it was possible to separate the transit figures, but only for 1999 and 2000.

This Commission thought to confirm figures from the UN COMTRADE database said to have been provided by the Uganda Bureau of Statistics, which revealed totally different Ugandan export figures to those quoted by the UN panel, sourced from the Ministry of Energy and Mineral Development. When comparing those figures with the figures provided by Uganda's trading partners in terms of imports from Uganda an even more disparate picture emerged.

There are problems in comparing figures, since some are in millions of shillings and others in thousands of dollars, and some others are in tones/tonnes. But a general picture can be obtained of a steady rise until 1997, with a dip in 1998 and an increase in 1999. In 2000 there is a small dip.

There is also one other thing which appears from the figures, and that is that the figures from the COMTRADE database as provided by Uganda Bureau of Statistics as to Uganda's export figures, and the figures provided by Uganda's partners as imports differ wildly, and bear no relation at all to the figures provided by URA. It is quite clear therefore that there is massive smuggling of gold, and that the figures from any source cannot be relied upon. One wonders how it can be suggested that Uganda must have realised what was going on with respect to Gold, or how Uganda can be blamed for anything but an inefficient Customs Service and a porous border. It is not the only country in Africa with these problems. The Commission will have recommendations to make on this subject in due course.

It is also clear that there is no mine in Uganda which is fully operative; the same is also true for the eastern Democratic Republic of Congo. The only source of gold available is artisanal mining in open areas and abandoned mines (such as Kilo Moto). The original Panel themselves indicate that a great deal of artisanal mining is going on: they quote a figure of 2000 people mining in Kilo Moto mines per day, paying soldiers a total of 2 kg per day; no doubt the workers also take an appreciable amount of gold out of the gate. The Addendum to the original Panel Report increases that figure to 10,000 people per day, generating £10,000 a day, 6 days a week, or \$3,120,000 a year. Whether or not soldiers are involved, this is an appreciable amount of gold. Maj. Ssonko put the figure at 20,000 artisanal miners. Dr Mido gave evidence that Professor Wamba appointed a Commission of soldiers to charge artisanal miners at Kilo Moto about \$15 worth of gold to go into the mine, and that the proceeds from that were about two to three hundred grams a month, which raises the possibility that RCD soldiers were mistaken for UPDF soldiers.

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According to the Uganda Government, the figures for production in Uganda do not reflect true production, because artisanal miners do not declare production, whereas exporters do. Nevertheless there is widespread artisanal production in Uganda, since this would be the only source of gold production in Uganda, apart from the production from one mine in development.

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What concerns this Commission is that the COMTRADE figures declared by Uganda Bureau of Statistics are 16,35, and 43 million dollars for 1998,1999, and 2000 respectively. These figures are far too high to be matched by likely artisanal production in the Democratic Republic of Congo even taken together with Uganda, and they are not matched by COMTRADE Partner Import figures which are 2,4,and 14 million dollars only, (which are much more acceptable in relation to artisanal production.

The original Panel has relied upon figures provided by the Ugandan Bureau of Statistics. These figures do not match URA figures, or figures from Import partners who, with respect, might be expected to be more reliable. This Commission thinks that perhaps if a little comparative research had been done, the original Panel would have realised that the figures upon which they relied were, to say the least, questionable, even though provided by Uganda, and that artisanal mining was the only realistic source of gold production in this part of the world. The original Panel might have been able to look with sympathy on the parlous state of the Uganda Customs Service, and to make constructive recommendations in that regard. This Commission cannot support their conclusion in Paragraph 45 that :

"The Panel has strong indications after talking to numerous witnesses (key and others) that key officials in the Governments of Rwanda and Uganda were aware of the situation on the ground, including the looting of stocks from a number of factories. In some cases, the level of production of mineral resources would have alerted any government, such as those of gold for Uganda and coltan for Rwanda (from 99 tons in 1996 to 250 tons in 1997)."

In passing this Commission would point out that in view of this Paragraph, and similar comments in the Addendum, this Commission will not be considering coltan under this heading, although there undoubtedly was coltan from the Congo transiting through Uganda.

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With relation to the acquisition of proper statistics, the problem appears to be the recording of production. This Commission visited a gold exporter, and saw one transaction through from the visit of the client with unprocessed gold dust to the melting of the gold, and payment for it. The client was a businessman in Arua, and he brought one large packet which was split up into many smaller packets, each of which belonged to an artisanal miner. Each one was painstakingly labelled with the name of

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the artisan, and they were all melted and assessed individually, and the payment for each man calculated.

In such circumstances it is impractical to expect the artisans to notify gold production and source, even where the law requires it. It is only the exporter who is required to fill in statistical forms for export. Production and, more importantly, source figures ought also to be required of whoever is the first person in Uganda to melt the gold down, because the gold dust brought contains many impurities. In that regard, it was quite clear from the visit that URA has no hope of charging import duties, because the individual packets were so small (smaller than a matchbox,though heavy, and quite valuable) that they were easy to hide. For the same reason, it might be impractical to require source figures, because gold smuggled through the border would be unlikely to be declared as sourced from outside Uganda, so that it was not dutiable. This Commission was told that the sources were all within Uganda: but looking at some of the names involved, and bearing in mind the fact that the client was from Arua, this was unlikely.

This Commission's observation of the practice and procedure of, at least, artisanal gold production was that it would be very difficult, if not impossible to control gold imports from across the border, or to produce production statistics of any kind. Therefore, even if the Uganda Government ought to have noticed that production figures did not match export figures, there was very little that could be done about it. Practically speaking this Commission is unable to suggest an approach to solve the problem, but would recommend further study of the problem.

GOLD							
INFORMATION FROM	1995	1996	1997	1998	1999	2000	2001
URA EXPORTS Mshs	24,296	22,233	18,972	12,988	22,497		
URA TRANSIT from Congo Value Mshs	0	0	0	0		13	53
BOU Mshs	2,539	6,409	8,059	1,860	3,836	3,184	

Table 1: Comparative figures for Gold from various sources

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from Uganda coincide with the years of the wars in the Democratic Republic of the Congo, that is from 1997 onward."

So far as this Commission is concerned, the data from Ugandan Authorities is not silent. It is quite clear from URA, BOU and Uganda Bureau of Statistics data to COMTRADE that there is no record whatever of diamond production in Uganda. There is a slight possibility of some artisanal surface diamond collection, but nothing has been officially declared.

On the other side, the original Panel's information, which is said to have come from WTO, the World Federation of Diamond Bourses and the Diamond High Council, agrees quite closely with the COMTRADE Partner Import figures on diamonds, except for the figures for 2000. This Commission has checked the original Panel's information with the Diamond High Council. It is revealed that, although much more care is now exercised by the Belgian Authorities, at the time in question, the source of diamonds was accepted upon the information of the importer, and Diamond High Council statistics (which the original Panel quoted as their source) relate to import to Belgium.

Therefore, although the original Panel treat as suspicious the fact that, according to external statistics, Uganda was a diamond exporter, in fact that information was based upon the most unreliable figures.

For example this Commission has traced a Police case in Uganda where one Khalil, who is mentioned in the original Panel Report, admitted to obtaining diamonds in the Democratic Republic of Congo in April 2000, flying them in to the Military Air Base, and ultimately sending a packet of them through associates to the International Airport, where the diamonds were exchanged (in the Gents toilet at the airport) for \$550,000 in cash with a courier from Belgium who caught the next flight back. This was hardly an honest exchange, particularly as there is no record of import, export or transit through Uganda. The reason the matter was reported to the Police in Uganda was because on the way back to Kampala, the car was stopped by armed men and the money stolen. The case is dealt with more particularly at Paragraph 21.3 below. The point is that the source of information in Belgium that the diamonds originally came 30 from Uganda (which they did not) was the courier who had been involved in this shady deal. Had the original Panel known all this, perhaps they would not have been so hasty as to lay the blame at Uganda's door: and to establish the source of the information upon which they relied was only a telephone call away, for that is how

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this Commission established this information. There is no doubt that diamonds are being smuggled, and falsely declared as sourced in Uganda. Bearing in mind that a fortune can be carried in a pocket, it is difficult to see what Uganda as a State can do about this. Partner Countries must be aware that Uganda is not a diamond producing country, and yet are prepared to publish figures which deny that fact. The original Panel acknowledge the difficulty, and make recommendations in respect of it, which the Uganda Government, in its response, accepts.

Although the original Panel refers to diamond exports from Uganda as commencing "*with the occupation of the eastern Democratic Republic of the Congo*" the figures they produce clearly show considerable trading in 1997, a year before the UPDF went in. This however would coincide with the start of the Laurent Kabila regime, and the coming of relative peace and security to the eastern Democratic Republic of Congo, followed by security provided by UPDF even in troubled times, both of which enabled overseas trading. There is no surprise in this.

This Commission cannot therefore understand why the original Panel referred to these figures as suspicious, or as supporting their conclusions from field trips.

DIAMONDS	1995	1996	1997	1998	1999	2000	2001
URA	0	0	0	0	0	0	0
BOU	0	0	0	0	0	0	0
COMTRADE UGANDA- EXPORTS (\$000)		0	0	0	0	0	0
COMTRADE PARTNERS- IMPORTS (\$000)		0	203	1,364	1,232	13	0
PANEL (\$000)			198	1,440	1,813	1,263	

Table 2: Comparative figures for Diamonds from various sources

21.3. The Diamond Link

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An opportunity presented itself to investigate the way in which diamonds were exported to Europe from the Democratic Republic of Congo, arising from a document

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provided by the reconstituted Panel, combined with information that this Commission had obtained about the smuggling of diamonds. The evidence and conclusions to be drawn from it are set out below.

21.3.1. Victoria

Throughout this Commission's investigations the name of Victoria Diamonds or Victoria Group has surfaced on many occasions. The allegations in the original Panel Report were that Salim Saleh was a key shareholder in the group, which was said to have been involved in the making of counterfeit Congolese Francs (Paragraph 67). Later in paragraph 80 the original Panel described Victoria Group as being chaired by one Mr. Khalil with its headquarters in Kampala. The original Panel said that Mr. Khalil deals directly with Salim Saleh's wife on Diamond issues, and had two collaborators in the Democratic Republic of Congo, Mohammed Gassan and Mr. Talal. The original Panel were also told that Victoria Group belongs jointly to the son of President Museveni and Salim Saleh and his wife, and was involved in trading diamonds, gold and coffee.

In Paragraph 88, when focusing on Salim Saleh and his wife, and accusing Salim Saleh of controlling Mbusa Nyamwisi and Ateenyi Tibasima through General Kazini, who were protecting his commercial and business interests, the original Panel stated that Salim Saleh used the Victoria Group (and also Trinity) for the purchase and commercialisation of diamonds, timber, coffee and gold. The original Panel also reported that Salim Saleh's wife wanted to control the Kisangani diamond markets on the recommendation of Mr. Khalil.

In the Addendum, Victoria comptoir in Kampala is mentioned in Paragraph 26 as continuing to sell gold mined from Malaka, and in Paragraph 97 as still exploiting diamonds, gold coffee and timber, enabling the UPDF to "pull out their troops, while leaving behind structures that permit military officers and associates, including rebel leaders, to continue profiting". In Paragraph 99 of the Addendum, Roger Lumbala is alleged to be a front for Victoria in respect of Bafwasende diamonds.

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This Commission's original researches were centred on a Ugandan Company of that name because of the insistence of the original Panel that the Company was connected with Kampala, and it took very little time to establish that there was no such company registered in Uganda, either local or foreign. All that was

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discovered relevant to the allegations in the original Panel report was that at one time Jovial Akandwanaho and Khalil were associated in a Lebanese restaurant. They were directors in a company named Leban (U) Ltd which was registered on 5th August 1999, and opened a Lebanese Restaurant in Kampala Road in mid-1999. Later, Jovial said, she had sold her shares to Khalil.

Later on in this Commission's researches, a registration document of a company called Victoria Diamonds, registered in Goma in February 1999 was obtained. The Directors of that Company were Ahmed Ibrahim (a Lebanese living in Goma) and Kay Nduhuukire (a Ugandan living in Goma), who were mentioned nowhere else in the reports or evidence. This Commission therefore thought that this Company was not the Company referred to by the Original Panel, and reported as such.

However, an event in Uganda came to the attention of this Commission. On 14th July 2000 a robbery took place on the Entebbe Road. The robbery was from a vehicle which was travelling from Entebbe Airport to Kampala: and a sum of \$550,000 was reported to have been robbed from the occupants. The matter was reported to the Police, and it turned out that the loser was the same Khalil, who made a statement to the Police.

21.3.2. Khalil

In that statement Khalil identified himself as Khalil Nazem Ibrahim, of British Nationality. He said that he came to Uganda in January 1999 and that he had a Lebanese restaurant on Kampala Road and did business of buying diamonds from the Congo especially in Kisangani, Buta and Bunia. He did not name the company under which he worked. He said that he used to send money for buying diamonds through one Hussein, and sometimes would go himself. He was receiving diamonds through the Entebbe airport and also sending them to Europe especially to Belgium, and received the money in dollars for buying the diamonds from one Nasser Murtada at Entebbe Airport. His base was in Bugolobi in Kampala. Due to problems in the Congo he said that he stopped the business and in June 2000 brought a man named Ismail from Buta to start buying diamonds from the Congo. Khalil said that he then went back to Belgium to arrange finance after showing Ismail what to do. The procedure was that Nasser Murtada already purchased back to Belgium.

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with Military Transport. It is the name Khalil which connects these operations and the allegations in the original Panel Report. It seems to matter little whether the Goma registered Company La Societé Victoria is the same Victoria Group or Comptoir referred to in the original Panel Report or not. Khalil's operations are therefore referred to in this report simply as "Victoria".

21.3.4. General Kazini

In considering these operations, this Commission wonders how they could have been set up, obviously with UPDF assistance, so far at least as transport is concerned. Those concerned in smuggling of diamonds from the Congo to the Military Air Base in many cases were admittedly Lebanese, who were plainly and visibly neither Ugandan nor Congolese, and again it is fair to ask, in view of the President's radio message, how these Lebanese were allowed to travel to and from the Military Airport. This Commission had no evidence as to how these operations were set up, until the reconstituted Panel provided a set of documents which had to be put to General Kazini.

The first document was a receipt for payment of ad valorem tax in advance to MLC of \$100,000 each from Siporia Diamonds and Victoria Diamonds. The payer on behalf of Victoria Diamonds was Abbas Kazal, a connection which helps to confirm this Commission's above finding.

The receipt was attached to a note on MLC notepaper signed by Mr. Bemba addressed to all civil and military authorities, dated 26th June 1999 which states that La Societe Victoria was authorised to proceed with purchases of gold, coffee and diamonds in Isiro Bunia Bondo Buta Kisangani and Beni, and that all the local taxes would be paid to MLC.

The note was an interesting document in itself, confirming that Mr. Bemba initially lied to this Commission, and confirming what appears to have been a universal practice of pre-payment of taxes.

But also endorsed on the note were the comments of General Kazini addressed to the Commanders in all of the mentioned towns, except Kisangani, also dated 26th June 1999. From other writings of General Kazini this commission had no doubt that it was in his handwriting: and there is quite a large sample in this case. It was therefore astonishing to hear General Kazini deny flatly that he wrote it. It was not until it was pointed out that in another document with which this Commission will

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deal below, the comments were referred to, and that it would be a simple matter to call handwriting expert evidence that he admitted that he was indeed the author. This was not a mistake: having watched General Kazini giving evidence, this Commission is fully satisfied that it was a deliberate lie by Uganda's Acting Army Commander, displaying an arrogance and contempt of civil authority similar to that which has been displayed by other witnesses in the UPDF.

General Kazini's comments were actually instructions to his Commanders, pointing out that La Societe Victoria had been granted permission to do business in coffee, gold and diamonds in their areas, that taxes were to be paid to MLC, and that the Commanders should "let Victoria to do its business uninterrupted by anybody". This makes one wonder what the Commanders would have done if they had not received this instruction.

In his last paragraph General Kazini instructed the commanders that anything to do with payment to them in the form of security funding, it should be done through OSH TAC HQS, that is, through himself. Throughout these proceedings, every UPDF witness, including General Kazini, has denied that any such funding was taking place, but it clearly was. Senior Officers have again been lying to this Commission.

All of the above documents were copied in a letter from General Kazini on UPDF notepaper addressed to the Governor Kisangani, datelined July 1999. The letter referred to Mr. Bemba's letter and General Kazini's comments endorsed on the same document. He informed the Governor that Victoria had officially cleared taxes with MLC authorities and MLC was a recognised organisation by all Congolese and allies. He asked the Governor to "leave Victoria to his business and he will continue to pay taxes to MLC to back up the effort in the armed struggle."

Pausing there for a minute, it is worth considering the position in Kisangani at the time. Contrary to what this Commission understood at the start of this investigation, the UPDF never took control of Kisangani town, but established headquarters at La Forestiere some 17 km outside Kisangani. According to the evidence of General Kazini and Adele Lotsove, Kisangani itself was under the control of RCD Goma, and indeed the letter is copied to them. General Kazini was questioned on his authority to give instructions to the Governor of Kisangani. His explanations were confused and unconvincing.

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Whilst the Governor of Kisangani would also be responsible for territories north of Kisangani, in areas which were under UPDF control, it has to be remembered that Adele Lotsove had been talking to General Kazini for some time with a view to establishing the province of Ituri so that she could take the governorship of the province, and indeed it was on the 18th of June 1999 that General Kazini wrote the letter of appointment, some 8 days before the date of the correspondence under consideration: General Kazini therefore knew on the date on which he wrote the letter to the Governor that the areas North of Kisangani, which were destined to become Ituri Province, which were the same areas controlled by the commanders listed in his comments, either were already, or soon would come under the administration of Adele Lotsove, not of the Governor of Kisangani.

Evidence shows that Kisangani, though not a diamond producing area in itself, was the basis of collection and distribution. It was also Victoria's base. Clearly Victoria's operations involving pre-payment of tax to MLC could not succeed without some co-operation from the Rwanda supported Kisangani Administration in the matter of tax.

Set in that light then, this Commission asked General Kazini why he, who had no control in Kisangani Town, was giving instructions to the Governor of Kisangani in administrative matters, and why, in his last paragraph he wrote what amounts to a veiled threat. His replies were not satisfactory, particularly in view of the fact that apart from the appointment of Adele Lotsove, he denied being involved in any other administrative matters.

This Commission can only come to one conclusion, that General Kazini had more interest in Victoria's operations than he has been prepared to admit: and that conclusion supports many allegations of the original Panel in respect of General Kazini.

The Governor of Kisangani was not notified in advance of the intended appointment of Adele Lotsove, or of the carving out from his Province of the new Province of Ituri. General Kazini therefore was involved in secretly appointing, or conspiring in the appointment of Adele Lotsove to take administrative control of the mineral producing areas. This can only have been because she was a sympathetic administrator. In appointing her, General Kazini was acting against the existing Governor who clearly was not sympathetic, as is revealed by the

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phraseology of the last paragraph of General Kazini's letter to him: "Let me hope that I have been clearly understood". In the circumstances this letter was inflammatory, and calculated to upset the appointed administration, RCD Goma and its ally, Rwanda.

It is also revealing that, amongst others, he copied his letter to Victoria, as though reporting that he had obeyed his instructions, and done what he had been asked to do by Victoria.

These conclusions put General Kazini at the beginning of a chain as an active supporter in the Democratic Republic of Congo of Victoria, an organisation engaged in smuggling diamonds through Uganda: and it is difficult to believe that he was not profiting for himself from the operation.

Perhaps also an answer to the question posed above, as to how Lebanese were being allowed to fly on Military Aircraft to and from the Democratic Republic of Congo, in breach of the President's Instructions, is beginning to appear. General Kazini according to the evidence, was one of those who gave clearance instructions to the Liaison Officers at the Military Air base.

21.3.5. Jovial Akandwanaho

It is fairly clear how diamonds were smuggled into Uganda through the Military Air Base, and smuggled out to Belgium. The question that arises is how the courier was able on many occasions to get through Entebbe Airport Security unscathed. He had to have had assistance at the airport.

Enquiries have revealed that a Civil Aviation Authority officer in the VIP lounge was in fact assisting Nasser as he came into the country on Sabena. His evidence had to be taken in camera on the basis that he feared for his life should he give evidence in public. This fear was based upon an allegation that one of the investigators into the robbery had been killed. What this officer told this Commission on oath was that he had been introduced to Khalil by Jovial Akandwanaho with a view to assisting him through Customs when he came from Belgium, and returned to Belgium with the diamonds.

When he met Khalil, they came to an arrangement where the officer would assist 30 couriers from Belgium, and the officer was rung on several occasions by Jovial

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Akandwanaho, on occasions by Khalil, and also by others and asked to meet the courier, which he did, and assisted him through Customs.

On one occasion he received a call from Jovial and was asked to go to the departure lounge where the courier had been stopped because he was carrying diamonds. When he got there, he rang Jovial who spoke on his phone to the security officer, as a result of which the courier was allowed to continue onto his flight. The officer said that this was how he came to know that diamonds were involved. He showed Jovial's mobile number on his phone: it was found to be correct.

This Commission had the opportunity of seeing this witness give evidence, and was impressed by him as a truthful witness. He clearly thought that he was putting himself in danger by giving evidence, but nevertheless volunteered information which supported the allegations made by the original Panel. It might be thought that this Commission might have further interviewed Jovial Akandwanaho, but it had regard to her denial that she had anything to do with diamonds, and was only associated with Khalil through a Lebanese restaurant: only a renewed denial was to be expected where it was obvious that the identity of the witness would become known, contrary to this Commission's promise to the witness.

As a result, this Commission is unable to rule out the participation of Jovial Akandwanaho in the smuggling operations of Victoria as alleged by the original Panel : on the contrary there is every indication that there is a link between General Kazini, Victoria, Khalil and Jovial Akandwanaho, and perhaps others in the smuggling of diamonds through Uganda to Belgium.

It is clear to this Commission that the incident of the robbery opened many channels of investigation, and the recommendation would be that further investigations should be conducted on the basis of what has been revealed so far, and appropriate action taken.

21.4. Niobium

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The original Panel say that the pattern of Niobium Export appears to be the same : no production prior to 1997, followed by an increase in exports. In respect of all these minerals, due to the original Panel's recital of data source, this Commission communicated with WTO, who said that they did not keep such statistics, and referred this Commission to the UN COMTRADE Database. So there is some

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confusion there, as the figures are somewhat different. Uganda declares exports as from 1995, whilst Partner Imports start in 1998. This makes a nonsense of the original Panel's conclusion that Export started in 1997, to coincide with the start of the war. The original Panel's figures are much higher than those from the COMTRADE database, but the figures never exceed \$782,000 in a year from whatever source. This Commission does not think that the figures bear out the original Panel's conclusion, or that Niobium bears any real relation to the alleged illegal exploitation of the natural resources of the Democratic Republic of Congo.

NIOBIUM	1995	1996	1997	1998	1999	2000	2001
URA							7
BOU							
COMTRADE UGANDA EXPORTS (\$000)		32		231	7		
COMTRADE PARTNERS IMPORTS (\$000)				435	713	422	
PANEL (\$000)	0	0	13	580	782		

Table 3: Comparative figures for Niobium from various sources

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21.5. Mineral Transit figures

In Paragraph 102 of the Report, the original Panel say:

102. Third, the Ugandan authorities, in their response to the Panel's questionnaire, stated that there was no record of transit of mineral products. However, the Panel received information from one Ugandan customs post at the border between the Democratic Republic of the Congo and Uganda. Records for 1998, 1999 and 2000 reveal that mineral products as well as other commodities left the Democratic Republic of the Congo and entered Uganda (presumably this would also prove true for the other dozen or so points of entry). The following three examples show an increase in the transboundary movement of natural resources between 1998 and 1999.

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Coffee 1998: 144,911 bags 1999: 170,079 bags 2000: 208,000 bags Timber 1998: 1,900 m3 States and Actors. This was a subject which was of great interest to this Commission, as the hope was that from such a consideration would come some specific allegations which could be investigated. It did not appear that the members of the reconstituted Panel who visited us were aware of, or perhaps had in mind, the response by the Uganda Government.

It became clear that the reconstituted Panel had not addressed this subject in any depth at all. The reason, with which this commission sympathises, is the lack of time. It is true that a great deal of the time of the reconstituted Panel was taken up with investigation of other countries which had not been looked at before in very great detail. An example of the reconstituted Panel's failure can be found in Paragraph 31.5 below.

This has therefore raised problems, once again problems of perception.

In Paragraph 15 of the Addendum it is made clear that there was no emphasis placed on such a review, since the reconstituted Panel say that their investigations focused on evaluating whether changes in trends had occurred since the release of the report, thereby apparently approaching their task by accepting the original Report, which has been the subject of so much criticism, as a basis.

This was an important omission from the point of view of the accused countries, and from Uganda's point of view in particular. Uganda submitted detailed, item by item responses. His Excellency the President also submitted a particularised response to the allegations made against himself and his family. These responses appear in the main to have been ignored by the reconstituted Panel. This Commission examined those responses in tandem with the relevant paragraphs of the original Panel Report, and, to take an example, in its Interim Report found no evidence whatever to back up the criticisms by the original Panel against His Excellency the President. The reconstituted Panel has done nothing to confirm or deny those allegations, which remain in the air.

The second arises from the apparent complete acceptance of the original Panel Report in the Press, the International Community and the proceedings of the United Nations Security Council. One International Donor has already withdrawn substantial Aid from Uganda on the ground of the allegations in the original Panel Report. This demonstrates that the mandate to the reconstituted Panel recited in Paragraph 1 b) above was not an unimportant issue to which the reconstituted Panel might merely refer, but an issue at the basis of the whole perception of the situation by the

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International Community as regards the allegations against Uganda made in the original Panel Report, which have caused Uganda a great deal of harm. On this Commission's evaluation, allegation by allegation, there is little evidence to support most of the allegations, and none at all in respect of those against Uganda as a State, and against His Excellency the President. The reconstituted Panel's mandate was to come up with a response, based as far as possible on corroborated evidence to the comments and reactions of States and Actors cited in the report of the original Panel. The reconstituted Panel so far has failed to do so.

31. EXPLOITATION OF THE NATURAL RESOURCES

10 31.1. "Illicit" and "Illegal"

As can be seen from the title of this section, the reconstituted Panel have abandoned the use of the word "Illegal", save in referring to their mandate. This is the case throughout the Addendum, in which only the word "illicit" is used on nine occasions instead, and only once in relation to Uganda.

It is important to understand the difference between these two words. "Illegal" is defined as "not allowed by law". "Illicit" as either "not allowed by laws or rules, or strongly disapproved of by society". (Longman – Dictionary of Contemporary English).

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In usage, "Illegal" appears to be the more uncompromising and restricted meaning of "breach of the law": the example given is "they were caught selling illegal drugs" whereas "illicit" has a wider use and more often is used in the sense of moral disapproval: the examples given are "an illicit love affair" (which would normally involve no breach of the law, but more probably would attract society's disapproval) and "illicit diamond trading", which expression arose from the days when there were no controls, and now remains in the language.

Thus an illegal action will also be illicit: but an illicit action is not necessarily illegal.

One wonders then why the reconstituted Panel have moved to the word "illicit", when their mandate, as the mandate of this Commission uncompromisingly relates to alleged "illegal" acts. In this Commission's view, this constitutes a movement, not only of the goalposts, but of the whole playing field, and this Commission is unable to accept the view expressed by the Chairman of the reconstituted Panel in an interview with this commission that, in view of differing interpretations, the word illicit may be used instead of the word "illegal" in respect of the allegations against Uganda and Ugandans in the original Panel Report.

Indeed in a Press briefing by the President of the Security Council on 19th November 2001, the Chairman is reported in the following manner:

But during the second phase of the fact finding mission, the Panel discovered that whether it was legal or illegal, most of the exploitation was illicit. 'There may be differences in style and forms of exploitation, but in the end it was illegal' he said.

If correctly reported, (and this was a specific quotation in a Press briefing by the President of the Security Council), a finer example of circular logic could not be imagined.

Further in answer to a question specifically on the point of the definition of illegality, the Chairman is reported to have said:

During the first phase of the Panel, the issue was whether the exploitation was legal or illegal. In the second phase, the Panel found that the words legal or illegal became irrelevant. In the end it discovered that those who claimed to be operating legally were actually engaged in illicit activities with regard to exploitation. Also between those activities classified as legal and those classified as illegal there was a wide grey area

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The grey area to which the Chairman refers is the area described by the word "illicit", in the sense of strong to mere disapproval by the International Community, by whom the reconstituted Panel is mandated.

The report continued:

For example, those whom the Panel thought were illegal were not denounced by the Democratic Republic of Congo Government – in fact the Democratic Republic of Congo dealt with them to allow the continuation of the activity

Just such a case was the operation of Dara Forêt as found by the reconstituted Panel. In Paragraphs 72 to 73 of the Addendum, the reconstituted Panel found that Dara Forêt had complied with all the regulations in effect and was recognised by the Kinshasa Government. As an entity therefore, the reconstituted Panel was forced to recognise that Dara Forêt had to be accepted as legal. Nevertheless, in interviews with

27. The original Panel's report sheds light on the gold mining activities carried out by the Ugandan army, which assumed control of this gold-rich area. The sharp rise in Ugandan gold exports, which also exceeded national production, was given as further evidence that this gold is transported by UPDF elements to Kampala, from where it is exported. The Government of Uganda contested the findings of the original Panel in its report, attributing the increase in its exports to 1993 policies liberalizing gold sales and exports, where the revamped policies permitted artisanal miners in Uganda to keep hard currency earned from sales. Officials claimed that as a result of the ease with which gold can be smuggled, Uganda became the preferred destination for gold produced by artisanal miners in the surrounding region.

28. The discrepancy between the gold export figures registered by the Ministry of Energy and Mineral Development and those recorded by the Uganda Revenue Service was attributed to the fact that the Ministry's figures reflect the quotas set for the production of the Ugandan export permit holders. These permit holders can buy from artisanal miners, the total of which appears on the export permits. While small-scale smuggling may in part explain the discrepancy in Uganda's production and export figures, the original Panel has evidence that artisanal gold mining activities in the north-east by UPDF and RCD-ML, as well as the short-lived rebel coalition FLC, have continued. In the Kilo-moto area for example, operations at the Gorumbwa and Durba sites are under the control of UPDF and RCD-ML. The Malaka site reportedly employs 10,000 diggers and generates amounts of gold valued at \$10,000 per day. Gold produced is still being sold through the Victoria comptoir in Kampala.

The original Panel Report quotes a figure of only 2000 artisanal diggers operating at Kilo Moto, producing sufficient gold to "pay off" up to 2 kg of gold a day. The reconstituted Panel gives no account for this inflationary figure, which raises suspicions of exaggeration by the original Panel's informants. The reconstituted Panel do not deal with this problem. There is another example of such exaggeration relating to the "skimming" by Mbusa Nyamwisi of taxes, dealt with at Paragraph 32 below of this report.

This Commission has dealt with Gold at Paragraph 21.1 above. As with diamonds, there are no import figures of gold, which, if it is sourced in the Democratic Republic of Congo, is clearly being smuggled. There is something in what the reconstituted Panel say, with regard to gold being sold through Victoria, who were licenced in respect of gold as well as diamonds, and this Commission is unable to exclude this possibility.

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31.4. Copper and Cobalt

There are no allegations which involve Uganda in respect of these minerals. This Commission has drawn attention to the situation of Kasese Cobalt Ltd in Paragraph 21.6 above. The company has now ceased to function.

31.5. Diamonds

The reconstituted Panel say:

Diamonds from artisanal mining in northern Kisangani area have provided a source of revenue for the rebels, RPA and UPDF for the continuation of the conflict. The high combined taxes imposed by the RCD-Goma rebel group and RPA ultimately resulted in diamonds mined in this area being redirected to Kampala, where lower tax rates prevail.

The reconstituted Panel continue to quote the same figures from the Diamond High Council as were used in the original Panel Report, and to draw the same conclusions as the original Panel.

This Commission has dealt with the question of diamonds at Paragraph 21.2 above of this Report. Its conclusions are undeniable: there are no import figures for diamonds, nor transit figures. Diamonds are therefore quite clearly being smuggled through Uganda, and declared as sourced in Uganda by the smugglers on arrival in Antwerp. This Commission has evidence of one such transaction, privately conducted. That being so, since no tax is paid in Uganda, it is difficult to understand the relevance of lower tax rates in Kampala, how the Ugandan Treasury benefits, and how the UPDF is able to use the proceeds for the continuation of the war, as the reconstituted Panel claim. Tax paid in the Democratic Republic of Congo would be paid to rebel authorities, who would be able to use the money for the continuation of the war. This, however, would not be a matter to be laid at Uganda's door, although it is true that there is cause to believe that some top Commanders were secretly profiting for themselves from "Security Funding", a different matter.

This point is a specific example of the unfortunate failure of the reconstituted Panel to carry out its mandate, as mentioned in Paragraph 1 b) above. The response of the Uganda Government to the original Panel Report raises exactly this point, and the investigations of this Commission have confirmed the likelihood that the response was correct.

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The reconstituted Panel complain that although timber is exported through Kampala to Mombasa, the Government of Uganda denies that timber is transited through Uganda. In the meeting with the reconstituted Panel, it was made clear that in their interviews, information such as this had mistakenly been given to the original Panel by a senior Ugandan Government official, but this Commission has discovered such information is quite wrong. URA has provided this Commission with transit information for Timber, and also import figures both from the Democratic Republic of Congo. It is difficult to understand how this misunderstanding has arisen, but a misunderstanding it certainly is. If only referring to the data from Dara Forêt, there is clear evidence of transit of timber: and this information was no doubt provided to the reconstituted Panel during their interview with Mr Kotiram. It certainly was provided to this Commission from that source, and finally from URA. There was without doubt, constant transit of timber through Mpondwe, and transit and import through Arua.

32. ALLEGATIONS AGAINST UGANDA IN THE ADDENDUM

In Paragraph 95 of the Addendum, the reconstituted Panel acknowledge what Uganda has said all along, that it had legitimate security interests which prompted its military intervention in the Democratic Republic of Congo. The Addendum acknowledges that there has been a significant withdrawal of UPDF troops, resulting in the perception that exploitation activities have reduced.

In paragraph 97 of the Addendum it is stated that while the effect of the original Panel's report and the significant withdrawal of UPDF troops have given the impression that the exploitation activities have been reduced, they are in fact continuing. It alleges that commercial networks put in place by Ugandan Army Commanders and their civilian counterparts that were described in the original Panel's report are still functioning in Orientale Province and Kampala. It cites, in particular, Trinity and Victoria Companies as examples of Commercial networks that are still actively exploiting diamonds, gold, coffee and timber from the Democratic Republic of Congo.

The two named companies have no direct Ugandan connection. Trinity was set up by the rebel leaders in control of the Oriental Province to generate funds to finance their war efforts, although it is possible that much of the income ended upo in private rebel

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pockets. According to Professor Wamba and Col Otafiire, Uganda has made strenuous diplomatic efforts at the time of the forming of FLC to bring it to an end. Victoria Group is registered in Goma and operates in Isiro, Bunia, Bondo, Buta, Kisangani, Beni and other places in the Democratic Republic of Congo and pays taxes to MLC as evidenced by one of the documents made available to this Commission by the re-constituted Panel of Experts. Neither of the companies has Ugandans living in Uganda as shareholders. They are not registered in Uganda and have no registered or Branch offices in Uganda. While it is true that this Commission has found that there are Ugandans who have interests in Victoria, nevertheless those individuals have done everything to keep their interests secret. Uganda as a state is not involved in their activities.

The ownership and nationality of the Companies could easily have been ascertained from the Registrar of Companies' offices in Uganda and the Democratic Republic of Congo. That would have prevented the erroneous allegation that the two companies are owned (rather than facilitated) by Ugandan Army Commanders and their civilian counterparts. In the case of Victoria, however, this Commission is unable to exclude that possibility. Trinity on the other hand appears to be a mainly Congolese affair, in respect of which strenuous efforts have been made by Uganda to end it and therefore this Commission doubts the reconstituted Panel's conclusion.

Paragraph 98 of the Addendum states that while the Government of Uganda does not 20 participate directly in the exploitation activities, the culture in which its military personnel function tolerates and condones their activities. It alleges that Commercial activities of Senior UPDF officers are public knowledge but does not provide any evidence of that. To prove the alleged involvement of Senior UPDF officers in Commercial activities, it cites the alleged admission by General Salim Saleh that one of his Companies had been engaged in exporting merchandise to the eastern part of the Democratic Republic of Congo and the confiscation of the aircraft that was transporting the merchandise by Major General Kazini. The paragraph also alleges that General Kazini told the original Panel about his role in facilitating the transport of Uganda merchandise to Kisangani and other areas in the Democratic Republic of 30 Congo.

> This Commission interviewed both General Kazini and Lt. General Salim Saleh about the allegation. It appears that the reconstituted Panel in the Addendum has mixed up the role of Lt. General Salim Saleh as a businessman dealing in merchandise and as an aircraft operator. As a businessman, Lt. General Salim Saleh has denied that any of

In the Commission's view the role General Kazini played, as indicated above, supports to some extent the allegation in the Addendum that at least he established a mechanism to promote business in the areas under the control of UPDF. We find the allegation in Paragraph 98 sustainable, but are unable to lay blame at the door of the State of Uganda.

In paragraph 99 of the Addendum it is alleged that UPDF officers usually conduct their business through a Congolese affiliate, on whom they bestow power and support. To prove their point the reconstituted Panel stated that they had learnt that recently Mr. Lumbala had signed two Commercial agreements bearing the signatures of UPDF Commander Kahinda Otafiire and Belgian and Austrian parties. During a working session with the reconstituted Panel in Kampala in March 2002, this Commission asked the reconstituted Panel if they had in their possession copies of the Commercial agreement alleged to bear the signatures of UPDF Commander Kahinda Otafiire. The Chairman of the reconstituted Panel replied that they had only heard about the allegation, as stated in the Addendum, and had no documentation to support it.

This Commission finds it difficult to understand how a Panel of such stature could make such a serious allegation against Colonel (not Commander) Kahinda Otafiire, who is now a Minister of State in-Charge of Regional Co-operation, on hearsay evidence of a single uncorroborated witness. The Commission's immediate re-action was to ignore the allegation. But in order to put matters beyond dispute, the Commission summoned the Minister to come and tell the Commission what he knows about the alleged Commercial agreements. He told the Commission that he had not signed any commercial agreement with anybody and challenged the original Panel to produce the signed Commercial Agreements to prove him wrong. He had not been asked about them by the reconstituted Panel.

It is also alleged in paragraph 99 that Mbusa Nyamwisi "skims" up to USD 400,000 off the tax revenues collected from the Beni Customs post at the Uganda border and shared the money with General Kazini and General Salim Saleh. This allegation has been denied by Nyamwisi, General Kazini and General Salim Saleh and constitutes a substantial advance on the original allegation. As the alleged credible, and apparently very inflationary, source of the original Panel's information was not disclosed, this Commission has no alternative but to accept their denial, particularly as the source is quoted by the reconstituted Panel as single, and is not corroborated

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In view of the findings of this Commission regarding the allegations in paragraphs 97, 98 and 99 above, this Commission thinks that the original Panel's conclusion in paragraph 100 that there is a link between the continuation of the conflict and the exploitation of the natural resources and that Ugandan influential Government Officials, military officers and businessmen continue to exploit the security situation for their commercial interests, is tenuous with the possible exception of the operations of Victoria. In particular the suggestion that Ugandan influential Government Officials are involved has no basis in the text. While it is true that businessmen continue to trade in the Democratic Republic of Congo, that does not necessarily have the result of the continuation of the conflict.

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33. THE LINK BETWEEN EXPLOITATION OF RESOURCES AND THE CONTINUATION OF THE CONFLICT

33.1. Recent Developments

33.1.1. Uganda

In Paragraph 57 the original Panel say:

There are indications that clashes during the past seven months in the Oriental and Kivu Regions between the Mayi Mayi, who appear to be better equipped and coordinated than before, and UPDF and the MLC rebel group have been directly related to control of coltan and gold

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It is odd that, while the reconstituted Panel do not mention Uganda when considering the exploitation of Coltan, nevertheless the Mayi Mayi clashes are attributed to the UPDF's desire for coltan. As to the desire for control of gold, when talking of the clashes with the Mai-Mai, this allegation appears to be geographically unrelated.

It is therefore probable that the reconstituted Panel ought perhaps to have gone beyond relying on pure indications, and to have looked for evidence, as has this Commission. This Commission has not found any such evidence, and would have appreciated any assistance either of the Panels could have given in this regard.

33.1.2. Democratic Republic of Congo - Dara Forêt

During a consideration of the link between exploitation of resources by the Democratic Republic of Congo and the continuation of the conflict, the 10

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reconstituted Panel point out that Dara Forêt registered as a Congolese registered Company in Kinshasa in March 1998: it will be remembered that that was at a time when relationships between Kinshasa and Kampala were good, and trade opportunities were being investigated (see Paragraphs 14.2 and 14.3 above). Then in June 1998 Dara Forêt was granted a logging concession from North Kivu Provincial Authority, and an exploitation licence. The reconstituted Panel found that Dara Forêt had complied with all the regulations in effect, and pays taxes as before. It is checked by local; authorities in North Kivu to see that it is complying with the terms of its licence. It was also granted a certificate of registration by the Ministry of Justice in Kinshasa.

This is a completely different story from that of the original Panel, whose criticisms of Dara Forêt were attributed by the Mayi Mayi for their formation, and for the kidnapping of 24 Thai Nationals working there. There is no acknowledgement of any mistake by the original Panel: this Commission has examined the whole of the so-called Case Study of Dara Forêt and DGLI, and the allegations against the Uganda Government, and His Excellency the President, and found that far from there merely being no evidence of the original Panel's allegations, those allegations were completely wrong : and the reconstituted Panel have independently agreed, on the basis of additional evidence.

This Commission was expecting to see a specific withdrawal of the false allegations contained in the original Panel Report: it is absent.

34. CONCLUSIONS OF THE PANEL IN THE ADDENDUM

In paragraph 143 of the Addendum the reconstituted Panel alleges that the systematic exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo continues unabated. It alleges that the exploitation activities are carried out by a large number of state and non-state actors from the region and outside the region, some of whom are involved in the conflict, others not. It stated that some individuals and institutions who have been enriched from the exploitation are opportunistically making use of the current situation in the Democratic Republic of Congo to amass as much wealth as possible. And in paragraph 144 it alleges that without resolution of the broader conflict 30 in the Democratic Republic of Congo and the region, it would be highly unrealistic to expect an end to

the exploitation of the natural resources and other forms of wealth in the country.

This Commission agrees that exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo is still continuing. The Government of Uganda has been acquitted of any wrong doing by the reconstituted Panel and no state institution has been found by it to be involved

owned by a Uganda registered company Kullinan Finance Investment Company. Kullinan Finance Investment Co. Ltd is owned by Mr. Anatoli Piskounov and an offshore company called Term Invest Company INC, an international Business Company incorporated in the British Virgin Islands on 11th September, 2000. Kullinan Finance Investment Co Ltd owns 99% of the shares in La Conmet whilst 1% of the Shares is owned by Ituri Gold Mining Co.

The Commission is in possession of the registration documents of both companies. Lt. General Salim Saleh has no interest in any of the companies that own La Conmet. Therefore he could not be the owner of La Conmet. Lt. General Salim Saleh has testified on oath that he has no interest in La Conmet. His evidence is corroborated by Mr. and Mrs. Piskounov.

According to the evidence available, La Conmet exported only one consignment of coltan from Democratic Republic of Congo to Ulba, Kazakhstan in October 2000. The commission has in its possession receipts for taxes paid by the company to the Congolese authorities in respect of that export. Therefore it is not correct that the company was exempt from paying fiscal and customs duties.

It will be remembered that the original Panel ran into some trouble in its case study of Dara Forêt: here is another example of a problematic case study, involving a report of an interview which does not reflect the facts revealed by documentation. No doubt a complete case study would have involved looking at the documentation available from the Piskounovs, compared with the document in the panel's possession. Unfortunately the reconstituted Panel did not avail that document to this Commission, which must proceed on available evidence.

Consequently this Commission has come to a conclusion that the allegations contained in paragraphs 109 - 111 are not supported by credible evidence.

40.3. Diamonds - Victoria

In Paragraph 112 the reconstituted Panel set out briefly the information supplied to it by this Commission in relation to Victoria's diamond operations, and Khalil. This Commission has no evidence to connect Lt. General Saleh with Victoria, nor is there any evidence available upon which this Commission could act, that Victoria has been purchasing gold from local comptoirs with counterfeit money: it may or may not be so, but there is no evidence upon which this Commission can recommend any action by the Government of Uganda.

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U.K. All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, Cursed by Riches: Who Benefits from Resource Exploitation in the Democratic Republic of the Congo? (Nov. 2002)



ALL PARTY PARLIAMENTARY GROUP ON THE GREAT LAKES REGION AND GENOCIDE PREVENTION

Cursed by Riches:

Who Benefits from Resource Exploitation

in the Democratic Republic of the Congo?

NOVEMBER 2002

"The international community could..., with our help, sort out the blight that is the continuing conflict in the Democratic Republic of the Congo, where three million people have died through war or famine in the last decade."

Prime Minister Tony Blair, to the Labour Party Conference, October 2001

positive signs, the DRC government needs to be encouraged to implement the policies and to honour its commitments.

4.4 The Ugandan connection

It has been widely reported that certain members of the Ugandan army have been benefiting from the resources in the northwestern area of the DRC. Individuals such as Commander Major-General James Kazini and Salim Saleh are alleged to have exploited resources from the Congo, and to have made considerable personal profits.⁵¹ A number of companies, both Ugandan and Congolese, have been set up to facilitate this exploitation. Moreover, there are reports of ongoing fighting between different rebel factions around the locations of natural resources, such as the Bafwasende gold mine, where troops loyal to Pierre Bemba have made recent advances. Roger Lumbala's UPC (or RCD-National) is said to be fighting the RCD-ML over resource-rich areas around Watsa, Dugu and Mahagi, as well as targeting customs posts on the Congo-Uganda border, as these can provide a source of revenue to fund the war effort. The intensification of the ethnic conflict between the Hema and Lendu in Ituri can be linked to the interests of certain parties in gaining access to economic resources.⁵³

Reports have shown that Ugandan export figures of certain minerals, such as diamonds, which are found in the area under Ugandan influence, have exceeded the country's own domestic production figures (see table 1).⁵⁴ Some of these minerals are not even found domestically in Uganda. The Ugandan government has argued that this is the result of legitimate business activities which use Uganda as a transit country, and that the rebel forces have *de facto* legitimacy to produce and trade.

Table 1	Ugand	an Mineral Exp	ort and Don	nestic Productio	on (1994 – 2000)	
Year	Gold exports	Gold production	Coltan exports	Coltan production	Niobium exports	Diamond exports
	(tons)	(tons)	(tons)	(tons)	(US\$)	(US\$)
1994	0.22	0.0016	-	0.435	-	-
1995	3.09	0.0015	-	1.824	-	-
1996	5.07	0.0030	-	-	-	-
1997	6.82	0.0064	2.57	-	\$13,000	\$198,302
1998	5.03	0.0082	18.57	-	\$580,000	\$1,440,000
1999	11.45	0.0047	69.50	-	\$782,000	\$1,813,500
2000	10.83	0.0044	-	-	-	\$1,263,385
2001						\$2,539,000

Sources: Coltan and gold figures from Ugandan Ministry of Energy and Mineral Development; niobium figures from WTO aggregated data; diamond figures from the Diamond High Council (all figures appeared in the UN Panel of Inquiry Report April 2001, except for 2001 diamond figures which appeared in Dietrich, Christian (2002)). It should be noted that there is no production of niobium or diamonds in Uganda, therefore these are re-exports of minerals that are extracted elsewhere.

The Ugandan government set up its own Commission of Inquiry after the publication of the accusations made in the first and second interim UN Panel reports. This commission, headed by Justice David Porter, has gathered evidence to show that General Kazini has played a major role in the transportation of Ugandan goods into the DRC without government authority. It was also claimed by the UN Panel and other reports that General Kazini had brokered deals for a company called Victoria Diamonds to carry out business in gold, diamonds and coffee.⁵⁵ Lebanese businessmen have facilitated diamond sales in Europe.

⁵¹ Final report of UN Panel of Experts report (S/2002/1146).

⁵² BBC World Service, February 2002.

⁵³ According to local human rights organisations: reports obtained in October 2002.

⁵⁴ The Ugandan government has disputed these figures, which were originally shown in the first report of the UN Panel of Experts.

⁵⁵ IPIS report (2002), 'Network War: An Introduction to Congo's Privatised Conflict Economy'; final report of UN Panel of Experts (S/2002/1146); The Monitor, Kampala, May 21 2002.

International Rescue Committee, *Mortality in the DRC: Results from a Nationwide Survey* (2003)

Mortality in the **Democratic Republic of Congo: Results from a Nationwide Survey**



Conducted September – November 2002 Reported April 2003



Reported by Les Roberts Pascal Ngoy Colleen Mone Charles Lubula Luc Mwezse Mariana Zantop Michael Despines IRC New York

IRC New York, Health Unit IRC Kinshasa, DRC **IRC Burundi** IRC Bukavu, DRC IRC Bukavu, DRC IRC New York, Health Unit If the 5 million inaccessible people in the east are left out of the equation, these results indicate that the weighted average mortality in the DRC from January to October 2002 was 2.2/1000/mo. If the 5 million inaccessible people are assumed to have the same mortality as those easterners surveyed, the mortality rate was 2.4/1000/mo.

Cause of Death

Families attributed a cause to almost all reported deaths. Among children <5 years of age, the majority of reported deaths were ascribed to febrile illnesses, diarrhea, neonatal mortality, acute respiratory infections (ARI), measles and malnutrition. Among people >4 years of age, the majority of deaths were ascribed to febrile illness, diarrhea, TB, ARI and malnutrition. It should be emphasized that causes of death were not verified and that no formal verbal autopsy procedure was employed. The reported causes of death for those <5 years and those >4 years are presented in Figures 1-4 for both the eastern and western areas surveyed. [Due to logistic constraints, western cause of death data is not included for South Lodja (this includes 10 deaths among children <5 and 10 deaths among those >4).]

Of note is the apparent abundance of measles deaths in the east (21 in the east vs. 4 in the west), as well as HIV-attributed deaths (10 in the east, 0 in the west).

Violence

War-related violence accounted for no deaths in the west and only 7 of 443 deaths (1.6%) reported in the east. This compares to 69 violent deaths of 624 deaths (11.1%) recorded by the IRC in 2000, and 84 violent deaths of 894 (9.4%) in 2001.⁴ By chance, two areas (Kalima and Kalemie) were selected for both the 2001 and 2002 surveys, and were evaluated both years using similar methods. Kalima and Kalemie are important because they had the highest rates of mortality and violence of the six locations surveyed in 2001. Kalima had a CMR of 7.1 (95% CI: 6.3 - 8.7) between January 2000 and March 2001, which decreased to 3.0 (95% CI: 2.2 - 3.9) deaths/1000/mo. in 2002. Kalemie had a CMR of 10.8 (95% CI: 9.5 - 12.1) between January 2000 and March 2001, which decreased to 4.2 (95% CI: 2.8 - 5.6) deaths/1000/month during 2002.

	Kalima		Kalemie	
Time Frame	CMR	Confidence Int.	CMR	Confidence Int.
Jan '00-Mar '01	7.1	95% (6.3-8.7)	10.8	95% (9.5-12.1)
2002	3.0	95%(2.2-3.9)	4.2	95% (2.8-5.6)

Table 3: Mortality in Kalima and Kalemie, 2000 vs. 2002

Combining these two areas, the 69 violent deaths among 600 households over 16 months seen in 2000-2001 (1.04 violent deaths/1000/mo., 95% CI: 0.79 - 1.29) correspond to a violent death rate 26 times higher than the one violent death reported by 450 households over 9.1 months of 2002 (0.04 violent deaths/1000/mo.).

Kisangani Ville was the only place visited where multiple violent deaths were reported (5), and all were shootings, allegedly by Rwandan soldiers. These violent events are further explored in the Discussion section.

politically, most of these provinces remain out of the direct control of the Kinshasa-based government. Thus, to facilitate comparisons with survey results from past years, a sample of 10 health zones was taken in the areas of the five eastern provinces not controlled by the Kinshasa-based government, and a separate sample of 10 health zones was taken in the six western provinces predominantly controlled by the Kinshasa-based government. With one exception (South Lodja), the eastern sample can be thought of as the rebel-held areas and the western sample as the Kinshasa-based government-controlled areas. This simplification ignores that fact that Aketi in the east and Gbadolite in the west are controlled by a third political power. Because Aketi can be accessed only from the east and transport to Gbadolite can be arranged only in Kinshasa, these two "Bemba" held health zones do not detract from the general conclusions regarding differences between the east and the west.

By virtually all measures, the population's health appears worse in the east than in the west. The crude mortality rate, birth rate and other factors that contrast the east and the west are shown in Table 4.

Indicator	East	West
CMR: deaths/1000/mo.	3.5 (95% CI = 2.2 - 4.9)	2.0 (95% CI = 1.5 - 2.6)
<5 MR: deaths/1000/mo.	9.0 (95% CI = 4.0 - 14.0)	4.4 (95% CI = 3.2 - 5.7)
% newborns dead by 12 mo.	21.0%	11.6%
Births/1000/mo.	44 (95% CI = 38 - 50)	52 (95% CI= 43 – 60)
% pregnancies lost	21.0%	7.0%
% population <5	16.3%	19.4%
Average HH growth rate	0.00%	1.58%
Measles-related deaths	21 of 443 (4.7%)	4 of 246 (1.6%)
HIV-reported deaths	10 of 443 (2.3%)	0 of 246 (0%)
Violence-related deaths	7 of 443 (1.6%)	0 of 246 (0%)

Table 4: Contrast in health events in the samples of the eastern vs. western health zones

In specific health zones of the east, particularly dire circumstances were recorded. For example, in Kalemie, 66% of children die before reaching 2 years of age. This fraction was 59% in Mweso, and 53% in Pweto. Thus, while conditions are generally poor in the east, clearly there are areas with acute needs that are not being met.

The ongoing conflict in the east explains the relatively poor health condition of the population in comparison with the west. Yet the health conditions in the west are relatively poor compared to Africa generally. The crude mortality measured by this survey in the western DRC in 2002 is the same as that reported for Sierra Leone in 2001, which had the highest mortality for any country in the world that year, according to UNICEF.¹⁰

Under stable conditions, rural African populations tend to experience far more births than deaths, and thus are continually growing. During past surveys in the eastern DRC, the chief health zone doctors (Medecin Chef de Zone, or MCZ) in Katana and Kisangani reported that in stable times, including the early 1990s, the rate of population growth was 3%, while the local MCZ reported a rate of 2% in Lusambo. Most health professionals in the DRC assume a 3% annual growth rate while planning vaccination campaigns. The concept of average household growth rate, as

International Crisis Group, *Ethiopia and Eritrea: War or Peace?*, ICG Africa Report No. 68 (24 Sept. 2003)

ETHIOPIA AND ERITREA:

WAR OR PEACE?

24 September 2003



ICG Africa Report N°68 Nairobi/Brussels the people will not", said an Ethiopian community activist. "The Tigrayans would instigate skirmishes, and this could erupt into full scale war".²⁷

Eritrea's position is that it is taking a principled stand for international law, that justice delayed would be justice denied, and that with respect to the Boundary Commission's decision, as one official said:

There is nothing to discuss. It is a closed chapter. There is nothing ambiguous about the process. We feel we are the one to have complaints with the process, but we accepted the decision in advance as final and binding. Either we have a solution or we don't. People in Eritrea are fed up. Either pressure the Ethiopian government to implement the decision and we can all look forward to peace, or the international community should just leave us alone. The only way to have a solution is to implement this agreement.²⁸

The Eritrean government points out that it accepted what it deemed to be an unfavourable decision four years earlier in a territorial dispute with Yemen over the Hanish Islands, and it expects the Ethiopian government to do the same.²⁹ It argues that if Addis Ababa is recalcitrant, the Security Council should bring pressure to bear to allow the demarcation to proceed. "If the decision is reopened, then we will reopen the Hanish Islands decision", warned one official.³⁰ A diplomat added that "The government won't talk [about any other issue] as long as it perceives that Ethiopia is occupying its land".

Early in 2003, Ethiopia appealed for UN help in adjusting the boundary decision. The Secretariat responded that the UN could not engage in reinterpretation or revision of the decision on the basis of the Algiers agreement, that the article cited by Ethiopia anticipated humanitarian problems for those caught on the "wrong" side of the border once demarcation was final and was not intended to

C. **RISING BORDER TENSIONS**

vary the line of delimitation.³¹

Security along the border has become more brittle as the demarcation is delayed. Troops from both sides, but particularly Ethiopians, have made illegal incursions into the TSZ.³² Eritrean troops continually frustrate UNMEE's freedom of movement in adjacent Eritrean areas. Shootings along the border are also increasing, by troops and militias alike. Five Italian missionaries were shot by Eritreans in June when they were mistaken for fleeing Eritreans.³³ On 18 May an Eritrean boy was killed by Ethiopian troops after crossing the border in search of his livestock.³⁴ Ethiopian herdsmen – often accompanied by armed men - have more frequently entered the TSZ, heightening the risk of armed clashes. Shootings were reported in the TSZ in April between local militias,³⁵ but whether this was related to the border issue or competition over resources remains unclear.

Mines remain the greatest danger to those who live and work along the border. On 21 August 2003, six persons were killed in Ethiopia when their tractor struck a mine.³⁶ Mine clearance by UNMEE, NGOs and governmental agencies was going steadily until that month, when Eritrea asked most of the teams to leave, asserting that its demining authority should do the job.³⁷ Particularly worrisome is that since early 2003, new mines have been laid on

²⁷ ICG interview in Ethiopia, July 2003.

²⁸ ICG interview in Eritrea, August 2003.

²⁹ The Hanish-Zuquar Islands were awarded to Yemen based on its relatively recent history of use and possession of the islands. The full text of the International Court of Justice's 94-page decision on the Eritrea-Yemen dispute can be downloaded from the International Boundaries Research Unit at <u>http://www-ibru.dur.ac.uk.</u>

³⁰ ICG interview, August 2003.

³¹ The Ethiopian appeal cited Article 416 of the Algiers agreement, which calls for UN assistance in dealing with humanitarian problems arising from the Boundary Commission's decision. ICG interviews, July and August 2003.

 $^{^{32}}$ In August 2003, the UN officially protested to Addis Ababa the entrance of armed troops into the TSZ in order – they said – to play football. IRIN, "UN Protests to Ethiopia over border incursions", 14 August 2003. Some diplomats believe that the football match was a provocation. ICG interviews, August 2003.

³³ IRIN, "UN concerned about upsurge in border shootings", 4 July 2003.

³⁴ "Progress Report of the Secretary-General", op. cit.

³⁵ Ibid.

³⁶ IRIN, "Six Killed in Mine Blast", 22 August 2003.

³⁷ Eritrea had already told one of two international demining groups to leave the country in June 2003. IRIN, "Government has capacity to clear mines itself – government ministry", 13 June 2003.

roads previously cleared, endangering UNMEE patrols and local inhabitants alike. The Eritrean Islamic Jihad Movement, a group opposed to the government in Asmara, has claimed responsibility for some of the mines³⁸ but is probably not the only group involved. Many mines have been laid in the central sector, far from where it operates.

The demobilisation that was to have followed from the Algiers agreement has not begun in earnest in Eritrea where some 300,000 troops – a significant proportion of able-bodied adults in a country of 3.5 million – are being held ready for action.³⁹ Sustaining such a military posture comes with economic, social and internal political costs but demobilisation will not go forward while the border situation remains unresolved.⁴⁰ Ethiopia has halved its army to approximately 150,000 men but retains its considerable advantage in material, notably air power.⁴¹

V. THE OCTOBER 2003 DECISION POINT

On 7 July 2003 the Boundary Commission released a "Decision Pursuant to Article 15B of the Commission's Demarcation Directions", which responded to an Ethiopian complaint raised about procedures intended to facilitate the demarcation. Both parties are required to appoint Field Liaison Officers (FLOs) whose mission is to liaise with the demarcation team and serve as a conduit for communication between that team and the FLO's government. Ethiopia objected that Eritrea was using this cover to send military officers to the border to gather intelligence. The Boundary Commission concluded that the already designated FLOs should be replaced and new rules promulgated for the selection of their successors, necessitating a further delay in launching the demarcation itself, which had initially been foreseen for April. However, it set a new date of October 2003 for work to begin.⁴

Ethiopia thus faces a decision of great consequence in the next few weeks. It can block the process indefinitely simply by refusing the demarcation team visas but the consequences would be much harder to calculate or limit.

There is no appetite in either capital for starting another war. "We will leave no stone unturned to prevent a return to war", said one Ethiopian official. "We don't need it. Our interests are not in more war".⁴³ Another insisted, "The conflict was stupid, and we won't get into another one".⁴⁴ An Eritrean official similarly said, "We don't want to go to another war. The populations in both Eritrea and Ethiopia are suffering from drought and the effects of

³⁸ IRIN, "Islamic Group Says it Planted Mines", 21 March 2003.

 ³⁹ The World Bank and European Union have set aside
 U.S.\$60 million for demobilisation activities, to be spent
 once the Eritrean government takes certain initial steps.
 ⁴⁰ ICG interview with Eritrean official, August 2003.

⁴¹ Africa Confidential, Vol. 44, No. 15, 25 July 2003, p. 1.

⁴² The demarcation team will be composed of technicians working under the authority of the Boundary Commission. It is to begin by planting pillars in the ground along the eastern sector of the border and conducting surveys in the central and western sectors. In addition to complying with the new requirements respecting FLOs, both parties will need to issue travel documents for the demarcation team and give adequate security guarantees. UNMEE claims it is not mandated to provide security for the demarcation team. Under the terms of the Algiers agreement, Ethiopia and Eritrea are not permitted to have military units in the TSZ. Living quarters for the demarcation team problem, and, of course, the presence of mines, discussed above, represents a further security threat.

⁴³ ICG interview in Ethiopia, July 2003.

⁴⁴ ICG interview in Ethiopia, July 2003.

Burnet Institute, International Rescue Committee, *Mortality in the Democratic Republic of the Congo: Results from a Nationwide Survey* (2004)

Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey

Conducted April - July 2004



Reported by

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International Rescue Committee

Table 5: Aggregated mortality rates for a 16-month recall period (1/1/2003 to 4/30/2004)						
Stratum	Subdivision of stratum	Number of health zones and type of selection	Mortality	rates ar DE	nd design effects U5MR	DE
	EAST	11 random and 4 purposive	2.3 (2.1-2.5)	7.4	4.8 (4.4-5.3)	3.2
	EAST	11 random	2.2 (2.0-2.4)	6.2	4.7 (45.1)	2.7
EAST	EAST 2002	7 random and 4 purposive	2.7 (2.4-3.0)	8.2	5.8 (5.2-6.4)	3.6
	EAST 2002	7 random	2.7 (2.3-3.0)	6.2	5.7 (5.0-6.3)	2.7
	TRANSITIONAL EAST	4 random	1.4 (1.2-1.5)	1.9	3.0 (2.6-3.4)	1.4
WEST	WEST 2003-04	10 random	1.7 (1.5-1.8)	1.6	4.3 (3.8-4.7)	1.4
WEST	WEST 2002	10 random + 4 transitional east	1.6 (1.5-1.7)	2.2	4.0 (3.7-4.4)	1.9
All Rates e	All Rates expressed as deaths per 1000 per month (95% Confidence Intervals)					

Subdivision of former East	Mortality Rates [^] and Design effects				
Subdivision of former East	Crude	DE	Under 5 years of age	DE	
Health zones reporting violence $\overset{*}{}$	2.8 (2.5-3.1)	8.9	6.3 (5.6-7.0)	3.6	
Health zones not reporting violence [#]	1.6 (1.4-1.7)	2.5	3.0 (2.7-3.4)	1.5	
Adi, Tshofa, Kalemia, Kalima, Katana, Moba, Oicha, Rwanguba and Shabunda Centre					

Table 7: Proportionate mortality of violent deaths and relative risk of violent death in the East					
Population Group	Proportionate mortality for violent deaths	Relative Risk			
Children younger than 15 years	5 of 1707 (0.3%)	Reference			
Women aged 15 years or over	9 of 681 (1.3%)	4.5 (1.5-13.3)			
Men aged 15 year or over	36 of 774 (4.7%)	15.2 (6.0-38.6)			
Recall Period = January 2003 to end of April 200					

Human Rights Watch, The Curse of Gold, Democratic Republic of the Congo (2005)

The Curse of Gold Democratic Republic of Congo

Human Rights Watch

that most of the gold they exported came from Congo. They estimated the trade to be worth about \$60 million per year.³⁸⁹ There are three main gold export businesses in Kampala. The largest two, Uganda Commercial Impex Ltd and Machanga Ltd, control an estimated 70 percent of the export trade from Uganda. Since profit margins on each trade are relatively small, these traders make profits by trading in high volume and by offering good quality gold, for which they need a reliable source of supply.

Uganda Commercial Impex Ltd. is the largest gold exporter in Uganda. In an interview with Human Rights Watch researchers, its representatives said that nearly 90 percent of their gold came from Ituri and they confirmed that Dr Kisoni Kambale from Butembo was "one of their customers."³⁹⁰ Company representatives explained they paid their customers cash for the gold or transferred funds into the customer's bank accounts held either locally or abroad. Like Dr. Kisoni, they had their own refinery on the premises, to process any gold that arrived as ore before exporting it to Switzerland and South Africa. Representatives of the company stated they declared the gold upon export, ensuring that a customs form and airway bill accompanied each shipment.³⁹¹

Representatives of Machanga Ltd, the second largest gold exporter, also told Human Rights Watch researchers that the gold they traded came from Congo and they confirmed that one of their customers was Mr. Omar Oria.³⁹² They further explained they advanced cash for the purchase of gold, sometimes as much as 30 percent of the anticipated purchase price, a system used also by Mr. Oria in Ariwara. Machanga representatives stated they exported all their gold to Metalor Technologies SA, a gold refining company in Switzerland.³⁹³ Other traders stated they also sold gold to Switzerland as well as to other locations such as South Africa and Dubai.

Trading companies in Kampala do not operate illegally but rather benefit from the loose regulation of the gold trade. Not required to request import documentation or to ask the origin of the gold, they buy smuggled Congolese gold as if it had entered Uganda legally and export it as a legal commodity. An essential bridge to the global economy, they benefit from the risks taken by Congolese dealers like Dr. Kisoni and Mr. Oria and from their relationships with local armed groups.

³⁸⁹ Human Rights Watch interviews with representatives from Uganda Commercial Impex Ltd, Machanga Ltd and A. P. Bhimji Ltd, Kampala, July 7 and 8, 2004.

 ³⁹⁰ Human Rights Watch interview, Kanal Chune, Uganda Commercial Impex Ltd, Kampala, July 7, 2004.
 ³⁹¹ Ibid.

³⁹² Human Rights Watch interview, Jigendra Jitu, Machanga Ltd, Kampala, July 8, 2004.

³⁹³ Ibid.

IX. International Initiatives to Address Resource Exploitation in the DRC

Continued fighting in eastern DRC throughout 2004 and early 2005 was a stark reminder of the fragility of the peace process. During the first two years of the transitional government, the international community focused on short-term crisis management and failed to provide consistent diplomatic assistance to implement the peace process. While timely intervention from the U.K., U.S.A. and South African governments twice pulled Rwanda back from new military operations in Congo, such efforts were sporadic and in the end Rwanda temporarily sent its troops back across the border in November 2004. Key international actors paid little attention to tackling the underlying causes of the conflict. While most international governments acknowledged that resource exploitation played a central role in exacerbating and prolonging the conflict in the DRC as a result of the U.N. panel of experts reports, few efforts were made to deal with the issue. The DRC example of conflict and resources raised broader questions of corporate accountability in the developing world, particularly in conflict zones where the exploitation of natural resources could help fund military operations and fuel war.

U.N. Panel of Experts Reports on Illegal Resource Exploitation in the DRC

The U. N. Security Council first expressed concern about the link between conflict and natural resources in the DRC in June 2000 when it appointed an independent panel of experts to research and analyze the matter.⁴³² The U.N. panel of experts produced a series of reports, the last in October 2003 that detailed how the exploitation of resources had funded many of the different armed groups (local and foreign) fighting in eastern DRC, enriching individual officers of the Rwandan, Ugandan and Zimbabwean armies that intervened in the conflict, as well as elite Congolese actors.⁴³³

The U.N. panel of experts not only documented the link between resource exploitation and conflict in the region, but also considered the connection between the exploitation of resources and international business. The minerals and other resources from Congo

⁴³² U.N Security Council Presidential Statement (S/PRST/2000/20), June 2, 2000. The mandate of the Panel was (i) to follow up on reports and collect information on all activities of illegal exploitation of natural resources and others forms of wealth in the DRC, including violation of the sovereignty of that country; (ii) to research and analyse the links between the exploitation of the natural resources and others forms of wealth in the DRC and the continuation of the conflict; and (iii) to revert to the council with recommendations.

⁴³³ See reports from the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo, April 12, 2001 (S/2001/357), May 22, 2002 (S/2002/565), October 16, 2002 (S/2002/1146), October 23, 2003 (S/2003/1027) plus other addendums.

B. Coghlan, R. Brennan, et al., "Mortality in the Democratic Republic of Congo: a Nationwide Survey", *The Lancet*, Vol. 367, No. 9504 (7 Jan. 2006)

Mortality in the Democratic Republic of Congo: a nationwide survey

Benjamin Coghlan, Richard J Brennan, Pascal Ngoy, David Dofara, Brad Otto, Mark Clements, Tony Stewart

Summary

Lancet 2006; 367: 44-51 See Comment page 7

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Background Commencing in 1998, the war in the Democratic Republic of Congo has been a humanitarian disaster, but has drawn little response from the international community. To document rates and trends in mortality and provide recommendations for political and humanitarian interventions, we did a nationwide mortality survey during April–Iuly. 2004.

Methods We used a stratified three-stage, household-based cluster sampling technique. Of 511 health zones, 49 were excluded because of insecurity, and four were purposely selected to allow historical comparisons. From the remainder, probability of selection was proportional to population size. Geographical distribution and size of cluster determined how households were selected: systematic random or classic proximity sampling. Heads of households were asked about all deaths of household members during January, 2003, to April, 2004.

Findings 19 500 households were visited. The national crude mortality rate of $2 \cdot 1$ deaths per 1000 per month (95% CI $1 \cdot 6 - 2 \cdot 6$) was 40% higher than the sub-Saharan regional level ($1 \cdot 5$), corresponding to 600 000 more deaths than would be expected during the recall period and 38 000 excess deaths per month. Total death toll from the conflict (1998–2004) was estimated to be $3 \cdot 9$ million. Mortality rate was higher in unstable eastern provinces, showing the effect of insecurity. Most deaths were from easily preventable and treatable illnesses rather than violence. Regression analysis suggested that if the effects of violence were removed, all-cause mortality could fall to almost normal rates.

Interpretation The conflict in the Democratic Republic of Congo remains the world's deadliest humanitarian crisis. To save lives, improvements in security and increased humanitarian assistance are urgently needed.

Introduction

The Democratic Republic of Congo (DR Congo) is struggling to recover from a devastating 6-year conflict that continues to destabilise Central Africa and cause immense suffering to the country's civilian population. Known as "Africa's first world war"¹ because of the involvement of at least six nations in the region, the war began in August, 1998, and quickly engulfed the country in a conflict characterised by extreme violence, mass population displacements, widespread rape, and a collapse of public health services. The outcome has been a humanitarian disaster unmatched by any other in recent decades, but one that has drawn little response from the international community.

The broader health consequences of the war have been similar in nature but much greater in scale compared with those of other conflicts over the past two decades. In a series of three mortality surveys, the International Rescue Committee (IRC) documented that between 1998 and 2002, an estimated 3 · 3 million people died as a consequence of the war.²⁵ These data show that the Congolese conflict has been the world's most deadly since the end of World War 2⁶ and that the death toll far exceeds those of other recent crises, including those in Bosnia (estimated 250 000 dead),⁷ Rwanda (800 000),⁸ Kosovo (12 000),⁹ and Darfur in Sudan (70 000).⁰

Since 2002, however, there had been some encouraging political and diplomatic developments involving local, regional, and international participants. A series of peace accords signed by the various factions, the deployment of about 10 000 UN peace-keeping troops, and the formation of an interim Government of National Unity and Transition in July, 2003, had earlier held out the hope for greater peace and stability in DR Congo. Additionally, plans were drawn for nationwide democratic elections in 2005 that would be open to all major political parties.

Against this backdrop, the IRC decided to undertake its fourth mortality survey in DR Congo from April to July. 2004. This was the second nationwide survey in the series, the first two surveys having concentrated only on the eastern provinces. The specific objectives of the survey were to determine both the rate and causes of mortality throughout DR Congo, to identify trends in mortality through comparisons with recent historical data, to ascertain whether there were regional differences in mortality rates, and to estimate the total number of excess deaths since the previous survey. However, the survey does not include mortality data for the period since the beginning of June 2004, during which there has been a resurgence of violence, including a brief occupation of Bukavu by rebel forces, an attempted coup in Kinshasa, the massacre of over 150 Congolese Tutsi refugees in neighbouring Burundi, and major population displacements in Ituri Province. The relevance of the findings has, therefore, increased in the wider context of the deteriorating social, political, and economic situation now confronting DR Congo.

declined by 77% and excess mortality has almost been eliminated since fighting in the city stopped in 2002.

All these trends underscore the association between violence and mortality due to all causes in DR Congo. They also provide compelling evidence that improvements in security represent perhaps the most effective means to reduce excess mortality in DR Congo. The most obvious inference to be drawn is that a larger, more robust peacekeeping force than the current MONUC (UN Mission in DR Congo) contingent of 16 700 is urgently needed to effectively address the security concerns and associated humanitarian needs in DR Congo. In fact, the African Union indicated in a recent report that up to 45 000 troops might be needed to stabilise the region and disarm the militias.16 But any additional troops must be better trained, better equipped, have better leadership, and be willing to exercise their mandate to engage more forcefully than MONUC personnel to date.17

Another key finding of the survey was that most deaths were due to preventable causes such as malnutrition and infectious diseases. Some epidemic diseases, like measles, even seem to be on the increase. Moreover, young children were disproportionately affected by these illnesses. Improving food security and increasing access to essential health services, such as immunisations, clean water, insecticide-treated bednets, and case management of common diseases, have the potential to contribute greatly to reductions in excess mortality. The international humanitarian response should emphasise established, cost-effective strategies and interventions related to infectious disease control, child survival, and environmental health.

In interpreting the results, it is important to recognise the limitations of the survey. First, five million people were inaccessible because of security issues and so were excluded from the sampling frame. Second, during the survey, security concerns led to the substitution of one health zone and two villages with the nearest accessible unit of a similar population size. Third, the sample does not capture households where all occupants have died (survival bias). Fourth, underreporting of infant deaths is a known issue in rural Africa.^{18,19} All these factors serve to underestimate the mortality rates.

On the other hand, the seasonal variations in mortality seen in previous IRC studies—with peaks at the end of the rainy season between November and January might have resulted in a slight overestimation of mortality for the 16-month recall period. The regression analysis for mortality attributed to violence assumes that there was no confounding, so that any differences between areas with and without violence would be caused, indirectly or directly, by violence. If areas with higher pre-war mortality rates were more likely to have had violence, then we will have overstated mortality due to violence. Recall bias is likely to affect the results, although the extent and direction of bias are difficult to measure. Long recall periods can lead to an underestimate of less recent deaths, while traumatic events may be remembered as having occurred more recently than is actually the case.³⁰ Households in which all family members were absent were not sampled and could be interpreted as survivor bias⁹ in the east. This assumption is less valid in the west where there is no conflict and the direction of bias is difficult to estimate. Inaccurate government census data might have resulted in selection bias, and UNICEF and World Bank mortality rates used for comparison are subject to limitations of their own.¹¹¹⁴

Formal verbal autopsies were not done, although information about the cause of death was sought. Although responses were probably valid for traumatic deaths and common diseases with obvious clinical manifestations, such as measles, other cause-of-death data must be interpreted with caution. Additionally, no independent confirmation of cause of death from health facilities or other sources was sought.

Lastly, the WHO/EPI method was not designed to measure mortality. Mortality surveys that use this method, including the 2002 IRC survey in DR Congo,4 often report higher design effects than the assumed standard of two, particularly when examining violent deaths. Mortality surveys may thus need to either assume design effects of many times greater than two or greatly increase the number of clusters surveyed, although these decisions have to be balanced against the consequent increases in costs, time, and logistical requirements, not to mention security risks, when studying populations in such contexts. Our choice of a design effect of four and our decision to sample 30 clusters per health zone (and not more) reflects such a balance, and was an increase compared with the 2002 IRC survey of 15 clusters per health zone. Furthermore, we believe that our use of systematic sampling for almost a quarter of all clusters is likely to have improved the precision of the study. although we cannot quantify the level of improvement.

We believe that this survey of DR Congo is the largest of its kind to be done in a country experiencing ongoing conflict. Surveying was suspended for 3 weeks during June because of major security concerns. During this time, one of the main IRC offices was attacked and burnt, and staff were threatened. Nonetheless, the survey was representative of almost the entire national population and a method similar to that of the 2002 IRC survey was used to allow a discussion of the key trends in mortality over this time.

Notwithstanding these constraints, we believe that periodic surveys are an invaluable tool for mapping the trends in mortality in a conflict situation where regular sources of data are limited. Lack of security has been clearly linked to increased mortality rates and, consequently, DR Congo still has a rate among the highest in the world. The limits of the current "peace"—

Democratic Republic of the Congo, Poverty Reduction and Growth Strategy Paper (July 2006)

Democratic Republic of the Congo



PEACE – JUSTICE – WORK



July 2006

EXECUTIVE SUMMARY

7 The Poverty Reduction and Growth Strategy Paper (final PRGSP) was prepared in a difficult but much more promising context, characterized by a number of positive effects from implementation of the actions called for under the interim version (I-PRSP). With the support of the international community, the country is gradually emerging from the conflict, and reunification and peace are being consolidated throughout the national territory. The political process began with the organization of the constitutional referendum in December 2005 and the promulgation of the constitution and the election law in February 2006. Inexorably, the path toward organizing legislative and presidential elections has been mapped out. The efforts to emerge from the political crisis were buttressed by courageous reforms: (i) fiscal and monetary reforms; and (ii) reforms in key sectors of the national economy. Despite several setbacks, which are hard to avoid in such circumstances, the reforms undertaken by the Government brought about clear improvement in the macroeconomic environment. Inflation has been relatively well controlled, the national currency has stabilized, and the country has returned to positive growth rates. To consolidate these gains and, in particular, to improve their positive spillover effects on the lives of the people, the Government intends vigorously to continue to intensify these reforms. This will enable it to rein in the effects of cyclical and structural shocks, whether domestic or external in origin, so as to reach the completion point of the Heavily Indebted Poor Countries Initiative (HIPC Initiative) in 2007.

The process of preparing the final PRGSP was complicated and laborious, 8. but the Government insisted that it be carried out rigorously and systematically. The objective pursued was to have a high quality PRGSP the contents of which were assimilated, internalized, and legitimized by all stakeholders working in a responsible partnership. From the methodological standpoint, the process combined qualitative and quantitative methods in order to: (i) conduct a poverty diagnosis; (ii) define the longterm vision of development; (iii) formulate the strategy; and (iv) develop the implementation, monitoring, and evaluation framework and mechanisms for the actions called for under the strategy. Participation took the following forms: (i) the organization of sectoral and theme-based consultations and focused studies; (ii) the systematic involvement of civil society organizations in the process, in particular in the organization of participatory consultations with grassroots communities; (iii) the organization of qualitative and quantitative surveys; (iv) the involvement of national experts and the sectoral ministries; (v) the organization of capacity building workshops at the central and provincial levels; and (vi) the participation of the development partners.

9. The qualitative and quantitative diagnosis clearly underscores the multidimensional nature of poverty. Some of its dimensions are tangible and can be quantified, while others are intangible and can only be perceived through proxies. The results of the 1-2-3 survey show extremely high rates of monetary poverty (71.34 percent of the poor) and inequality (Gini index of 40 percent) which vary sharply by area of residence (61.49 percent of the urban poor have a Gini index of 40 percent, while 75.72 percent of the rural poor have a Gini index of 36 percent), by province (the poorest provinces are in the eastern part of the country), by socioprofessional group (with greater poverty in the informal sectors), and by demographic variable (greater poverty among young couples and the elderly). The human development indicators (education, health, access to socioeconomic goods and services) as well as indicators on the prevalence of HIV/AIDS, living conditions, and social protection, not only confirm the foregoing diagnosis, but also establish that poverty in the DRC is a generalized, chronic, mass

phenomenon. The diagnosis further establishes that the individual and collective factors which explain poverty and the vulnerability of the people are, among others: (i) family structure; (ii) education level (of the head of household or parents); (iii) employment status; and (iv) the province of residence. In view of the above, the DRC would be hard pressed to achieve the Millennium Development Goals (MDGs) by 2015.

The long-term development vision (known as Vision 26/25) emerged from 10. the participatory process as the sole bulwark on which the PRGSP strategy should be based. This vision contemplates building a Society of Hope based on: (i) national unity and territorial integrity; (ii) security, justice, equality, and the rule of law; (iii) work, wealth, prosperity, and sustainable development; and (iv) peace and national solidarity. On the basis of these fundamental values, Congolese society will move by 2030 toward double digit growth rates with an equitable redistribution of wealth aimed at achieving the MDGs. Four cardinal principles are set forth in this vision, namely: the rule of law, a decentralized governance system, a pluralist democracy, and egalitarian democracy built fundamentally on people shaped by culture and formed by a liberating education. The last of these should produce free citizens capable of innovating, thinking independently, and transforming their living conditions by taking the steps necessary for their individual and collective development, citizens prepared to lead the country while placing major emphasis on the well-being of all. The objective is to pull the DRC up to the human development level of the intermediate countries and converge toward the Millennium Development Goals.

11. The strategy adopted by the Government focuses on five groups of problems identified by the people during participatory consultations in grassroots communities and the diagnosis of monetary poverty, so as to align the PRGSP with the prospect of achieving the MDGs. It is based on five major pillars: (i) promoting good governance and consolidating peace through institution building; (ii) consolidating macroeconomic stability and growth; (iii) improving access to social services and reducing vulnerability; (iv) combating HIV/AIDS; and (v) supporting dynamism at the community level. The strategies for reducing monetary and human poverty call for strong and equitable economic growth and for Vision 26/25, to be fulfilled over the next 25-year generation. Such growth is particularly dependent on peaceful and secure conditions and on good governance. Poverty reduction would entail the equitable redistribution of this growth, determined by political, institutional, and sectoral reforms designed to enhance transparency and decentralization on the one hand, and to improve access to basic social services, reduce vulnerability, and combat HIV/AIDS on the other.

12. The implementation, monitoring, and evaluation of the PRGSP require the development and introduction of the proper institutional framework and structures. Accordingly, in the short term, particular emphasis will be placed on building the capacity of various stakeholders in the areas of poverty analysis and the planning, financing, and implementation of priority poverty reduction programs and projects. The strategy will be implemented using a participatory monitoring and evaluation system organized as follows: (i) monitoring of strategy execution; (i) monitoring of the poverty indicators; and (iii) assessment of the impact of the strategy's policies.

13. **Implementation of the PRGSP is subject to both endogenous and exogenous constraints.** The factors which might inhibit successful implementation of the strategy pertain to security, political, institutional, economic, and social considerations.

53. For each of these dimensions, households are subdivided into three categories depending on the seriousness of the situation: (i) extremely poor; (ii) poor and fragile; and (iii) poor but stable.

54. Tables 16 and 17 in the Annex show that the poverty profiles for urban and rural areas are similar for the following dimensions: (i) basic needs; (ii) security and vulnerability; and (iii) culture and family. They differ somewhat in the dimensions relating to productive activities and basic services.

2.2.2. Profile of absolute poverty in the DRC⁵

2.2.2.1. Poverty threshold⁶

55. Estimates of the food poverty line based on data from the 1-2-3 survey place it at CGF 123,070 per person per year in urban areas and CGF 82,755 per person per year in rural areas. These poverty lines were obtained by determining the value of the household basket of most widely consumed goods representing approximately 90 percent of total household spending on food.

56. The average nonfood expenditure of the households in this interval yields the nonfood poverty line, namely CGF 30,195 per person per year in urban areas and CGF 14,900 per person per year in rural areas.

57. The sums of the food and nonfood poverty lines come to CGF 153,265 per person per year in urban areas and CGF 97,655 per person per year in rural areas.

2.2.2.2. Poverty indexes⁷ and characteristics

A. Overall incidence of poverty

58. For the country as a whole, the incidence of poverty (71.34 percent) is extremely high by comparison with the other countries of central Africa. The same holds true as regards the depth (32.23 percent) and severity (18.02 percent) of poverty.

B. Spatial disparities of poverty

59. Area of residence. The incidence of poverty is greater in rural areas (75.72 percent) than in urban areas (61.49 percent). The same phenomenon occurs in respect of the depth and severity of poverty. People living in urban areas thus are better off than those living in rural areas. The same pattern may be observed with regard to vulnerability to poverty. This evidence tends to favor urban migration in the DRC.

60. **Disparities between provinces.** The disparities between urban and rural areas also exist between the various provinces of the country. Three provinces have a poverty incidence of 85 percent or more, namely Equateur, Bandundu, and Sud Kivu. The city/province of Kinshasa (42 percent poor) is the least poor in the country, followed by Kasai Occidental and Maniema (where

⁵ The diagnosis is based on analyses conducted using data from Phase III of the 1-2-3 survey.

 $^{^{6}}$ Starting from the food poverty line, the nonfood line is derived on the basis of the nonfood expenditures of households for which total food spending falls in a selected interval around that food poverty line (± 10%). 7 The traditional instruments for measuring poverty (Foster-Greer-Thorbecke indices) make it possible to quantify

⁷ The traditional instruments for measuring poverty (Foster-Greer-Thorbecke indices) make it possible to quantify three poverty indexes: (1) the incidence of poverty (P_0), reflecting the proportion of poor people in a given population (in percent); (2) the depth of poverty (P_1), which is an indicator of the intensity of poverty, the gap separating the poor and the non-poor, and makes it possible to estimate the financing needed to eliminate poverty in a single blow in conditions of perfect poverty targeting; and (3) the severity of poverty (P_2), which assesses the degree of a society's aversion for poverty and measures inequality among the poor.

equipment, furniture, and means of transport) because there is no adequate policy for covering the costs of care.

171. The lack of income forces girls and women into prostitution in order to survive; they thus constitute one of the groups most vulnerable to HIV/AIDS. The monetary poverty experienced by the affected households forces them to spend progressively less on health and to devote 85 percent of their income to food. Consequently, 61 percent of these households turn to traditional healers and sometimes to self-medication, thus making it difficult to identify and monitor those affected.

172. The surveys show that, in large measure, the population is rather well informed about STIs and HIV/AIDS (over 95 percent). However, knowledge about the various means of HIV/AIDS prevention and transmission remains low among the people. In fact, while the majority has heard about and knows the lethal consequences of the disease, genuine knowledge about transmission mechanisms and prevention is uneven. Such knowledge is more widespread among the more educated women (15.0 percent) than among those who have no education (7.0 percent). Women from urban areas (13.0 percent) are better informed, through information and prevention campaigns, than are women from rural areas (9.0 percent). This low level of education explains the persistence of unfavorable cultural practices and taboos which have an influence on HIV/AIDS transmission, such as levirate marriage, sororate marriage, polygamy, loss of inheritance, etc.

173. The insufficient sense of ownership of the fight against HIV/AIDS by specific high-risk groups (sex workers, youths, men in uniform, truck drivers, airmen and artisanal miners of precious substances, displaced persons, etc.) limits the measures to prevent HIV transmission.

174. HIV/AIDS now constitutes an extremely serious threat to economic development. Indeed, it spares no age group, including nursing infants. It attacks men and especially women, one of the major production factors in an economy largely driven by the primary sector. It thus constitutes an impediment to national development. Up to the age of 39, the number of AIDS cases is higher among women than among men. The low compensation level in conjunction with the inefficiency of the social security system tends to increase considerably the expenses associated with caring for Persons Living with HIV/AIDS (PLWHAs). With annual incomes just shy of US\$100 a year per capita, the annual cost of anti-retroviral (ARV) treatment of US\$360 per person represents a burden, putting care out of the reach of the majority of affected households and the family solidarity network.

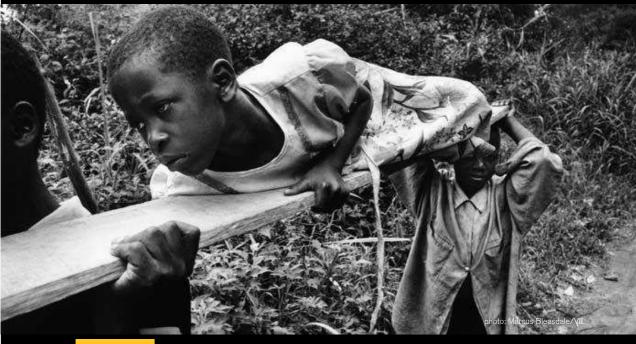
175. The situation described above has had harmful effects on the levels of prevention of HIV and STI transmission at the community level, on improving the quality of life of persons living with HIV, on attenuating the socioeconomic impact of HIV, and on strengthening the coordination and monitoring/evaluation capacity at all levels.

2.3.5. Community-level dynamics

176. The 40 years of conflict and poor governance, together with the glaring absence of decentralized State structures, have created a void that grassroots organizations have filled in order to promote income-generating activities, support the financing of education, and create health associations and solidarity groups. However, the lack of State support for this dynamic has resulted in: (i) the low level of participation of community-level organizations in planning and decision-making; (ii) the absence of promotion and legal recognition of community development organizations; (iii) the low level of intervention capacity of community development organizations; and (iv) limited capacity to support the initiatives of grassroots communities, particularly those of women and youths.

International Rescue Committee, Burnet Institute, Mortality in the Democratic Republic of Congo: An Ongoing Crisis (2007)

MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO AN ONGOING CRISIS





75 YEARS FROM HARM TO HOME



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MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO: AN ONGOING CRISIS

EXECUTIVE SUMMARY

The Democratic Republic of Congo (DR Congo) has been mired in conflict for over a decade, with devastating effects on its civilian population. The most recent war of 1998–2002 was characterized by mass displacement, collapse of health systems and food shortages, all contributing to major elevations of mortality. Although a formal peace accord was signed in December 2002, the war has since given way to several smaller conflicts in the five eastern provinces that have continued to exact an enormous toll on the lives and livelihoods of local populations.

Since 2000, the International Rescue Committee (IRC) has documented the humanitarian impact of war and conflict in DR Congo through a series of five mortality surveys. The first four studies, conducted between 2000 and 2004, estimated that 3.9 million people had died since 1998, arguably making DR Congo the world's deadliest crisis since World War II. Less than 10 percent of all deaths were due to violence, with most attributed to easily preventable and treatable conditions such as malaria, diarrhea, pneumonia and malnutrition.



Recent political developments together with improvements in security and humanitarian funding have raised hope that DR

Congo could emerge from years of crisis. A number of international agencies have expressed optimism that such progress would yield an early humanitarian dividend. But DR Congo faces many challenges on its road to recovery and development.

This fifth and latest survey, covering the period from January 2006 to April 2007, aims to evaluate the current humanitarian situation in DR Congo by providing an update on mortality. Investigators used a three-stage cluster sampling technique to survey 14,000 households in 35 health zones across all 11 provinces, resulting in wider geographic coverage than any of the previous IRC surveys.

The key findings and conclusions are:

1. Elevated mortality rates persist across DR Congo.

More than four years after the signing of a formal peace agreement, the DR Congo's national crude mortality rate (CMR) of 2.2 deaths per 1,000 per month is 57 percent higher than the average rate for sub–Saharan Africa. This rate is unchanged since the previous IRC survey in 2004. These findings indicate that DR Congo remains in the midst of a major humanitarian crisis. As with previous surveys, mortality rates are significantly higher in the volatile eastern provinces than in the west of the country. In addition, mortality rates have risen significantly in the center of DR Congo (a region referred to as *Transition East* in the attached survey). Based on the results of the five IRC studies, we now estimate that 5.4 million excess deaths have occurred between August 1998 and April 2007. An estimated 2.1 million of those deaths have occurred since the formal end of war in 2002.

MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO: AN ONGOING CRISIS

Stratum	Province	Zone	CMR*	95%	∕₀ Cl	U5MR*	959	% CI
	Equateur	Lolanga Mampoko	0.9	0.6	1.2	1.9	1.2	2.7
	Katanga	Mumbunda	1.0	0.6	1.3	2.1	1.1	3.1
	Kasai Orientale	Bonzola	1.0	0.7	1.3	2.2	1.3	3.1
	Kinshasa	Kasa-vubu	1.1	0.8	1.4	1.9	0.7	3.2
	Kinshasa	Masina 1	1.3	1.0	1.6	2.5	1.3	3.7
	Bas Congo	Matadi	1.5	1.1	1.8	3.1	2.2	4.0
	Katanga	Kambove	1.5	1.0	2.1	5.7	4.1	7.3
West	Kasai Occidental	Kalomba	1.6	0.8	2.4	3.8	2.1	5.5
	Bandundu	Koshibanda	1.7	1.4	2.0	3.9	2.5	5.3
	Kasai Occidental	Masuika	1.8	1.3	2.3	4.4	2.8	6.0
	Bandundu	Idiofa	2.8	2.1	3.5	6.7	3.4	10.0
	Bandundu	Vanga	3.0	2.5	3.6	7.1	5.4	8.7
	Katanga	Kilwa	3.1	2.3	3.9	6.8	4.3	9.2
	Kasai Orientale	Kasansa	3.4	2.7	4.1	7.7	5.7	9.7
	Kasai Orientale	Ngandanjika^	3.6	2.8	4.5	8.1	5.8	10.5
	Equateur	Bosomondanda	1.0	0.7	1.3	2.6	1.6	3.5
	Equateur	Tandala	1.8	1.3	2.2	4.4	2.9	5.8
Transition East	Equateur	Kungu	2.0	1.5	2.6	3.0	1.9	4.1
Lasi	Kasai Orientale	Vanga-kete	2.5	1.8	3.2	4.9	3.1	6.7
	Kasai Occidental	Muetshi	2.9	1.9	4.0	5.9	3.4	8.4
	Nord Kivu	Lubero	0.8	0.5	1.2	1.8	0.5	3.1
	Prov Orientale	Makiso Kisangani	1.0	0.7	1.4	1.6	0.6	2.5
	Sud Kivu	Katana	1.5	0.9	2.0	4.5	2.1	6.9
	Prov Orientale	Aru	1.6	1.1	2.0	4.2	2.7	5.7
	Sud Kivu	Kamituga	1.7	1.3	2.2	4.3	2.4	6.1
	Prov Orientale	Faradje	1.8	1.1	2.4	2.5	1.0	3.9
	Nord Kivu	Itebero	1.8	1.4	2.2	3.8	2.5	5.1
East 2002	Maniema	Kalima	2.1	1.5	2.7	5.2	3.1	7.3
	Nord Kivu	Rwanguba	2.2	1.4	2.9	4.5	2.6	6.4
	Prov Orientale	Lubunga	2.2	1.5	2.9	4.5	2.7	6.3
	Sud Kivu	Nyangezi	2.4	1.5	3.2	5.5	3.0	8.0
	Prov Orientale	Rimba	2.8	2.0	3.6	5.9	3.2	8.6
	Katanga	Kalemie^	3.6	2.9	4.2	8.9	6.9	10.9
	Maniema	Kunda^	4.1	3.2	5.0	7.0	5.1	8.9
	Katanga	Ankoro^	7.1	6.0	8.2	16.6	13.1	20.2

Table 5: CMRs and U5MRs for individual health zones, 2006-07

* Mortality rates expressed as deaths per 1,000 per month.

^ Mortality rates statistically significantly above the emergency threshold of 2.7 deaths per 1,000 population per month.

L. Wyler, P. Sheikh, *International Trade in Wildlife: Threats and U.S. Policy*, CRS Report for Congress, RL34395 (22 Aug. 2008)

Order Code RL34395

CRS Report for Congress

International Illegal Trade in Wildlife: Threats and U.S. Policy

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Prepared for Members and Committees of Congress

International Illegal Trade in Wildlife: Threats and U.S. Policy

Summary

Global trade in illegal wildlife is a growing illicit economy, estimated to be worth at least \$5 billion and potentially in excess of \$20 billion annually. Some of the most lucrative illicit wildlife commodities include tiger parts, caviar, elephant ivory, rhino horn, and exotic birds and reptiles. Demand for illegally obtained wildlife is ubiquitous, and some suspect that illicit demand may be growing.

International wildlife smuggling may be of interest to Congress as it presents several potential environmental and national security threats to the United States. Threats to the environment include the potential loss of biodiversity, introduction of invasive species into U.S. ecosystems, and transmission of disease through illegal wildlife trade, including through illegal bushmeat trade. National security threats include links between wildlife trafficking and organized crime and drug trafficking. Some terrorist groups may also be seeking to finance their activities through illegal wildlife trade, according to experts. Wildlife source and transit countries may be especially prone to exploitation if known to have weak state capacity, poor law enforcement, corrupt governments, and porous borders.

The U.S. government addresses illegal wildlife trade through several national and international venues. Congress has passed numerous laws that regulate and restrict certain types of wildlife imports and exports, including the Endangered Species Act of 1973, the Lacey Act and Lacey Act Amendments of 1981, and several species-specific conservation laws. These laws and others establish authorities and guidelines for wildlife trade inspection at ports of entry, and wildlife crime law enforcement and prosecution. Internationally, the United States is party to several wildlife conservation treaties, including the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which serves as the primary vehicle for regulating wildlife trade. Foreign training and assistance programs to combat illegal wildlife trade are also conducted by some federal agencies, including the U.S. Department of State, which leads an international initiative against wildlife trafficking.

The role of Congress in evaluating U.S. policy to combat wildlife trafficking is broad. Potential issues for Congress include (1) determining funding levels for U.S. wildlife trade inspection and investigation; (2) evaluating the effectiveness of U.S. foreign aid to combat wildlife trafficking; (3) developing ways to encourage privatesector involvement in regulating the wildlife trade; (4) using trade sanctions to penalize foreign countries with weak enforcement of wildlife laws; (5) incorporating wildlife trade provisions into free trade agreements; and (6) addressing the domestic and international demand for illegal wildlife through public awareness campaigns and non-governmental organization partnerships. This report focuses on the international trade in terrestrial fauna, largely excluding trade in illegal plants, including timber, and fish.

A. Lambert, L. Lohlé-Tart, *La surmortalité au Congo (RDC) durant les troubles de 1998-2004: une estimation des décès en surnombre, scientifiquement fondée à partir des méthodes de la démographie* (Oct. 2008)

La surmortalité au Congo (RDC) durant les troubles de 1998-2004 : une estimation des décès en surnombre, scientifiquement fondée à partir des méthodes de la démographie

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1 Introduction : des guerres, des élections et des morts

On parle souvent, à propos de la République Démocratique du Congo (RDC), de « quatre millions de morts » – on cite même des chiffres encore beaucoup plus élevés – du fait des troubles politiques de ces dernières années. Une ONG en particulier (International Rescue Committee [IRC]) a contribué à diffuser cette information, reprise sans examen par de nombreuses personnalités ou organisations, y compris politiques.

Les quatre millions de morts, produit supposé de la deuxième guerre du Congo, entre 1998 et 2004, représentent une évaluation du nombre de décès dus aux troubles et à leurs conséquences. Depuis lors, ce nombre a, curieusement, subi une inflation dans l'horreur! En ce qui nous concerne, nous n'étudions ici que la validité du nombre initialement proclamé et nous montrons qu'il a été incroyablement exagéré.

Une première guerre a eu lieu en 1996 lorsque les troupes de l'Alliance des Forces Démocratiques pour la Libération du Congo (AFDL), fortement épaulées par des militaires rwandais, ont traversé le Congo d'Est en Ouest, jusqu'à la fuite du président Mobutu et l'installation au pouvoir du président Laurent-Désiré Kabila. De l'avis général, cette opération s'est apparentée à une « promenade militaire » caractérisée par la fuite éperdue (ou la reddition) des troupes fidèles au Maréchal Mobutu devant les hommes se réclamant du futur président. Il y eut certainement des morts suite à des escarmouches, ou dans le cadre d'exécutions ou d'autres exactions mais un consensus est établi pour dire que cette première guerre a généré peu de mortalité directe et un minimum de désorganisation supplémentaire. D'ailleurs, les « quatre millions de morts » souvent cités ne se réfèrent pas à cette première guerre.

La deuxième guerre opposa de 1998 à 2004 les troupes du président Kabila, dorénavant appuyées par des contingents étrangers (zimbabwéens, angolais,...) aux troupes rebelles de l'Est de la RDC, soutenues par le Rwanda et l'Ouganda. Une des péripéties de cette guerre a été la désunion puis l'opposition entre Rwandais et Ougandais, dont les troupes se sont battues entre elles à Kisangani et dans la région.

Par ailleurs, un enregistrement électoral (« enrôlement ») de la population de nationalité congolaise a eu lieu en RDC en 2005-2006 en vue de la constitution d'un fichier des électeurs. Cette opération a permis de répartir les électeurs inscrits selon le sexe et l'âge, par circonscription administrative.

A la demande de la Commission Européenne, trois experts, dont les deux auteurs de cet article, ont effectué un contrôle des procédures d'enregistrement; celles-ci se sont avérées extrêmement fiables d'un point de vue statistique.

teraient pour 22% de la population $(22\% = 10\% \text{ d'étrangers} / 45\% \text{ de la population to$ tale). Sous cette hypothèse, le nombre maximal de décès s'élèverait alors – dans uneperspective maximaliste – à 182 592 * 1.22 soit**un volume de 222 762 morts**. Sachant qu'on est parti de 1992 – et non pas de 1998 –, disons par facilité que le nombrede morts dus aux troubles est d'environ**DEUX CENT MILLE MORTS**.

On peut certes accepter l'estimation préalable de quatre cent mille morts mais refuser de considérer qu'ils sont répartis relativement uniformément sur le territoire et penser au contraire qu'ils sont tous concentrés dans la partie « orientale » soumise aux troubles. Et donc ne pas appliquer à ce nombre le pondérateur régional de 45%. C'est oublier que l'évolution de l'espérance de vie est orientée à la baisse dans toutes les provinces et que cette évolution est validée par la concordance « reconstitution – enregistrement électoral » <u>au niveau de chaque province</u>.

On pourrait même dire a contrario que le déclin de l'espérance de vie dans les provinces en paix plaide en faveur de l'idée selon laquelle les morts du Congo – même dans l'est du territoire – sont plus la conséquence de la déliquescence du régime Mobutu que celle de la guerre à l'Est et de ses conséquences. Il y aurait alors moins de deux cent mille morts! Mais nous ne voudrions pas déforcer notre démonstration par des considérations difficilement quantifiables.

Ainsi donc, l'approche dynamique de l'évolution de la population du Congo nous a permis d'affirmer, par des méthodes uniquement quantitatives et adossées à des observations extrêmement robustes de détruire complètement les affirmations délirantes et malheureusement universellement reprises, selon lesquelles les troubles au Congo auraient entraîné quatre millions (ou plus) de victimes.

Il existe certes un véritable drame humain en RDC; mais il n'est que très partiellement dû à la guerre de 1998-2004 comme on vient de le montrer. En fait, les Congolais souffrent surtout des conséquences de la gestion désastreuse du pays par le régime du maréchal Mobutu et on pourrait se demander pourquoi dans le passé la Communauté Internationale n'a pas plus énergiquement manifesté son écoeurement face à la déliquescence des conditions de vie de l'immense majorité de la population congolaise. Peut-être fallait-il soutenir un « ami » dans le contexte de guerre froide qui prévalait encore à cette époque?

On pourrait aussi se demander si l'affirmation « quatre millions de morts en RDC» résulte d'une simple – mais grossière – erreur d'appréciation ou si elle sert les intérêts de pays, d'organisations ou d'autres puissances occultes.

Enfin, nous soulignons fortement que notre travail n'a pas pour but de banaliser les conditions de vie extrêmes dans lesquelles la population congolaise se débat. Cependant, il nous a paru nécessaire, en présentant des estimations scientifiquement défendables, de lutter contre la tendance à exagérer le nombre des victimes. Le présent travail ne nie pas l'inhumanité des conditions de vie congolaises mais donne à penser que ce ne sont pas les interventions étrangères – condamnables – qui sont la première cause de l'état marastique incontestable dans lequel le Congo se trouve. De surcroît, on en arrive à penser que cette situation n'est malheureusement pas exceptionnelle : il se pourrait même qu'il y ait plus de morts en Somalie ou au Darfour, eu égard à la population « soumise au risque », et que la justice et la compassion les plus élémentaires ne devraient pas oublier ces populations-là.

D/2008/4001/4

Health and Nutrition Tracking Service (HNTS), *Peer Review Report: Re-examining mortality* from the conflict in the Democratic Republic of Congo, 1998-2006 (2009)

The Health and Nutrition Tracking Service (HNTS) is an independent interagency initiative hosted by WHO

HEALTH AND NUTRITION TRACKING SERVICE (HNTS)

PEER REVIEW REPORT Re-examining mortality from the conflict in the Democratic Republic of Congo, 1998-2006

The Health and Nutrition Tracking Service (HNTS), an interagency initiative hosted by WHO, was created in response to a request made by the United Nations Emergency Relief Coordinator as part of the Humanitarian Reform process. The HNTS was established in late 2007 by the Inter-Agency Standing Committee (IASC) Health and Nutrition Clusters.

The Health and Nutrition Tracking Service (HNTS) aims to provide impartial, credible and timely information on mortality and nutrition rates in populations affected by crises and emergencies, especially the least funded and publicized ones, using standardized data collection and analysis methods wherever possible. The information gathered will help improve humanitarian operations by (1) rapidly detecting excess mortality and malnutrition in crises using key indicators, (2) promoting mutual accountability between the humanitarian community and beneficiaries, and (3) ensuring evidence-based information on health and nutrition needs in crises is available to high-level decision-makers.

The HNTS has two main functions.

It offers operational support to humanitarian staff in the field by peer-reviewing guidelines and other documents, participating in assessment missions, advising on the design of surveys, and providing technical advice to various agencies.

Its normative functions include developing standards for data collection and measurement through its Expert Reference Group, collecting, analysing and disseminating data, and providing independent technical advice on various issues related to method development and validation studies.

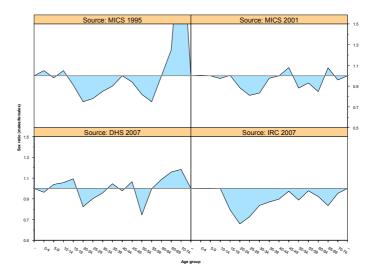


FIGURE 1: SEX RATIOS BY AGE AS REPORTED BY THE DIFFERENT SURVEYS Source: Calculated from the age distributions of each survey

The sampling of the IRC surveys can be summarized as follows. The surveys can be divided into three groups. The first two sets attempted probability sampling within particular areas, but where extrapolation to death rates for the whole of Eastern DRC was based on assumptions of the similarities and differences between observed and non-observed areas. The second group is the two first nationwide surveys that both are characterized by a three stage design with few initial selections. Then the third group has one member, namely the last survey that have a similar design to the second group, but with more first stage selections. The surveys were very similar as far as household selection was concerned, except for the fact that the first two sets of surveys used spatial sampling in some situations.

The overall design of the last survey is certainly the best, but it could still be improved upon, - a simple and cheap measure would be to introduce some more stratification. More complex, and entering directly into the whole debate on how mortality surveys should be carried out under difficult conditions is the issue of procedures for selection of households. As discussed above there are a number of issues that conceivably could lead to biases.

Some of the imperfections in the sampling design will automatically be reflected in the standard errors given the way they have been calculated, while some are probably not. Bias due to household selection may be present, but it is impossible to evaluate. Thus, the overall uncertainty associated with the estimates is certainly larger than that presented in the confidence intervals, but how much larger cannot be stated.

DEATH RATES IN THE IRC SURVEYS

Crude death rates are estimated from the households' reports of deaths during a reference period and the number of household members. In the

TABLE 5: HOUSEHOLD SIZES IN THE IRC SURVEYS

Household size	East	West		
Survey set 1	7.3	Not surveyed		
Survey set 2	7.3	Not surveyed		
Survey 3	6.0	5.7		
Survey 4	7.2	5.6		
Survey 5	6.4	5.7		

Source: The survey reports, for surveys 1 and 2 calculated from the reports

The IRC surveys are quite consistent as regards household size in the west of DRC, but the estimates vary considerably in the east (Table 5).

The DHS from 2007 finds an average household size for the whole of DRC of 5.4 (16 p. 13), that is considerably lower than the IRC estimates. It is unlikely that the different figures reflect real changes in household composition, so some of the surveys must be wrong. In any case, the implication would be that the fourth survey estimates a lower mortality rate than what it would have been if the survey had similar average household size as survey three and five. Conversely, if the surveys one, two and four are right, then survey three and five would tend to estimate CDR 13-20 percent too high in the East (all else being equal).

THE USE OF CDR TO ESTIMATE BASELINE DEATHS

In general terms there are at least three criticisms that can be leveled against the use that IRC makes of the CDR to estimate baseline deaths. The criticisms concern the comparison with a baseline in itself; the specific choice of a baseline; and the assumption that mortality increased rapidly from the baseline level because of the war.

The Crude Death Rate is not a good measure to compare mortality across countries or across time, because the rate depends on the age distribution of the population. With equal age specific rates, an old population will normally have a much higher CDR than a population with a high proportion of young. Thus, the CDR is influenced by the age distribution and by extension by the fertility rate. Similarly, populations that have their age distributions distorted, for example due to conflict or migration, may have quite different CDRs than populations without such distortions, but with the same underlying mortality. Therefore, comparing CDRs with a "baseline" is in principle foolhardy without age standardizing so that the baseline CDR can be expressed in terms of the age distribution of the actual population. In the specific case of DRC, all sources indicate that the age distributions are surprisingly even, so it is mainly the overall age effect that is relevant. To some extent, as will be discussed later, this is an implied major aspect of the Lambert and Lohlé-Tart criticism of IRC.

Choosing the average Sub-Saharan rate for comparison is also problematic because it assumes that the demographic regime in DRC was an "average African" before the war broke out. In fact, several different demographic

patterns may be identified in Africa, each with its own characteristics (17). For example, countries with very high prevalence of HIV/AIDS have different mortality patterns than those with low prevalence. DRC in 1998 was a country that had for many years undergone a profound crisis of governance, which may well have affected mortality patterns. Moreover sources indicate a quite high and stable fertility, in contrast to a more general African tendency towards fertility decline in recent years.

Finally, the underlying assumption of IRC that mortality increased suddenly in 1998 following the outbreak of the war is probably not warranted. According to IRC the predominant direct cause of mortality is not violence, but rather disease, and one would assume that much of the increase then would be gradual, reflecting worsening conditions because of the war. Still, one should not discount completely the possibility of at least localized rapid increases due to disease, since such certainly have been documented (e.g. outbreaks of cholera), as well as to sudden displacement as pointed out by IRC.

IRC SUMMARY

To some extent the IRC study illustrates an observation made by Timæus in a review of studies of adult mortality, namely that it is difficult to evaluate studies based on reports on household deaths using internal evidence alone (18 p. 557). There is no obvious smoking gun that would indicate that there are fundamental errors in the IRC surveys that would lead them to dramatically overestimate the death rates. Compared to many other such surveys the IRC surveys – particularly the last two – appears well designed and carried out.

As has been discussed, there is still smoke, i.e. a number of issues that can be improved upon and that may have affected the estimates. Still, the possible biases may go either way, and it is not easy to conclude if one direction would dominate.

There are nevertheless concerns, principally relating to the use of three stage sampling with few initial selections (especially in the two first nationwide surveys), household selection, substitution, definition of household and "death reporting group", and for the first three surveys lack of inclusion of the variance contribution from the implied weights. In sum, these factors may lead to much higher mean square error than reflected in the confidence intervals presented by IRC, or, put differently, considerably higher uncertainty.

The low sex ratio as well as the variability in the average household sizes suggest that the enumeration of household members in the IRC surveys may have been imperfect, although the low sex ratio, when considered in isolation, may indicate excess male mortality.

Finally, the use of the sub-Saharan baseline CDR for estimating excess deaths is problematic as is the implicit assumption of a very rapid increase

fourth IRC survey, the Lambert and Lohlé-Tart CDR is well within the confidence interval. For the 2007 survey it is outside of the confidence interval, but given non sampling errors in the survey as discussed above, the Lambert and Lohlé-Tart estimate may well be within the real bounds of uncertainty for the survey.

The main differences between the two are the treatment of excess deaths and the IRC notion that mortality increased rapidly with the start of the war. Lambert and Lohlé-Tart assumes that the low life expectancy is the way it is, and there are few "excess deaths" associated with it.

Thus the crucial difference from the IRC approach is not so much the mortality level, but that Lambert and Lohlé-Tart do not believe that the very high mortality levels arrived with the war. This approach has the benefit that it avoids the issue of a counterfactual that seem very difficult to establish, and are perhaps more easy to argue for in terms of the overall socio-economic development of the DRC.

CONCLUSION

Regardless of how one looks on the data, the rapid radical increase in mortality with the war that is implied by the IRC studies is difficult to substantiate while there is little doubt that the mortality level in DRC is very high.

Paradoxically Lambert and Lohlé-Tart and IRC reinforce each other. If IRC's estimate of the current CDR is in fact correct, then that is consistent with the Lambert and Lohlé-Tart description of the demographic development within the total sampling and non sampling errors that may be expected in such a survey.

However, such a view has several implications:

- That the "excess mortality" from war in DRC is far smaller than what has been presented by IRC, and that it cannot easily be estimated given the current demographic models or surveys.
- That IRC statement about the war in the Congo as being the most deadly war since World War II should be rephrased into something like "the catastrophic governance failure during the Mobutu regime and the subsequent war led to increasing mortality in the Democratic Republic of the Congo to alarming levels".
- That the recent DHS survey must be wrong in its estimation of child mortality, and that DRC thus has had a stable or decreasing low life expectancy for several years.
- That the UN population division and U.S. Bureau of Census estimates of a return to a pre conflict trajectory of increasing life expectancy may be wrong.
- That it is very difficult, both philosophically and technically, to disentangle the effects of overall decline in living conditions and the war, particularly since the overwhelming number of deaths

Human Security Report Project, "Part II, The Shrinking Costs of War", *Human Security Report* (2009-2010)

HUMAN SECURITY REPORT 2009

THE SHRINKING COSTS OF WAR

HUMAN SECURITY REPORT PROJECT

SIMON FRASER UNIVERSITY, CANAD

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April 2000 to December 2000—boosted the cumulative excess death toll estimate for the two survey periods to 2.5 million, of which 350,000 were violent deaths. As with the first survey, the findings of the second survey were compromised because the areas to be surveyed were not chosen in a way that ensured that they were representative of the region as a whole.

The primary problem with the three nationwide surveys that were conducted in 2002, 2004, and 2007 was the IRC's reliance on a baseline mortality rate that was too low.

In reaching its cumulative nationwide excess death estimate of 5.4 million for the period covered by all five surveys, the IRC added the excess death tolls from the first two surveys to those of the subsequent three surveys.

Readers may wonder how the IRC could calculate nationwide excess war death toll estimates for 1998 to 2001, given the two surveys taken in this period only provided fatality data for the war-affected eastern part of the country.

The short answer is the IRC assumed the violence was concentrated in the east and there were no excess war deaths in the west of the country over this period.⁸³ From this it follows that the excess war death toll for the east of the country in this period will also be the nationwide excess death toll.

In the analysis that follows, we focus on the IRC's own estimates, as well as the methodology and assumptions that underpin them.

In All the Surveys the Baseline Mortality Rate Is Too Low

In determining the excess death toll, the baseline mortality rate is critically important. If it is too low, the excess death toll will be too high.

The IRC uses the sub-Saharan average of 1.5 deaths per 1,000 per month as its baseline mortality rate for all but the very last survey when the sub-Saharan average drops to 1.4.⁸⁴ Using the sub-Saharan African average mortality rate as a comparator—to indicate how high death rates were in the east of the DRC compared with the rest of sub-Saharan Africa, for example—would have been both instructive and appropriate. Using it as a measure of the pre-war mortality rate in the DRC itself makes little sense.

The IRC argues that the sub-Saharan African average mortality rate is a conservative choice for pre-war DRC—i.e., it is higher than previous estimates drawn from data from the 1984 census and two UNICEF (United Nations Children's Fund) surveys that covered periods before the war started. But, the IRC never explains why it believes that the sub-Saharan African average is an appropriate measure of the pre-war mortality rate for a country that is far from average in sub-Saharan Africa.

The DRC languishes at the bottom of most development indicators for sub-Saharan Africa. It suffered a devastating 20-year economic decline from the mid-1970s that reduced its GDP (gross domestic product) per capita from more than USD 300 to just a third of that figure by 1998. Foreign aid was withdrawn almost completely in the early 1990s, and Mobutu Sese Seko's hopelessly inept and corrupt government had collapsed in total disarray by 1997.

If the baseline mortality rate is too low, the excess death toll will be too high.

The experts who reviewed the IRC's DRC research for the HNTS have all expressed skepticism about the choice of the sub-Saharan African average as an appropriate baseline mortality rate. Harvard University's Kenneth Hill, for example, notes, "the IRC counterfactual is not appropriate. [The] DRC almost certainly has had above average mortality by SSA [sub-Saharan African] standards for decades."^{#5}

Later in this chapter we argue that 2.0 deaths per 1,000 per month is a more plausible baseline mortality rate for the DRC and show how using this rate sharply reduces the estimated excess death toll attributable to the war throughout the entire period, with the decreases being greatest for the three most recent surveys.

The 2000 Survey: Survey Locations Inappropriately Selected

The most serious problem with the IRC's first survey is that the survey locations were inappropriately selected for the purpose of estimating excess mortality in the war-affected eastern region of the country. (This was also the case with the second survey.) In addition, too few areas were surveyed to allow much confidence in the results even if the locations had been selected appropriately.

The IRC's May 2000 report on the first survey notes: "While the 1.2 million people within the sampling universe of the five IRC studies *are not representative of the approximately 20 million people in eastern DRC*, these surveys probably represent the best broad-based data available."³⁶

While the latter part of the above statement is very likely true, the fact remains that extrapolating from a small convenience sample of five nonrandomly selected populations largest population of those in which the five surveys were carried out, the impact of this single survey location on the excess death rate for the entire region is very large.

In the second estimation method, Katanga accounts for 1.4 of the estimated 1.8 million deaths (or 77 percent) for the region as a whole; in the third "conservative" estimate, it accounts for 0.9 out of 1.7 million deaths (or 54 percent). In other words, the death toll from the single Moba survey—which we have no compelling reason to assume is representative of Katanga as a whole—is driving most of the death toll estimate for the entire eastern region.

The IRC provides no argument to support its assumption that it is appropriate to extrapolate the Moba mortality rate to Katanga as a whole. In fact, it is highly improbable that the Moba rate—or indeed any other rate from a single survey in Katanga—would be equal to the Katangan provincial average. This is because, as subsequent surveys have demonstrated, there is a high degree of intraprovincial variation in death rates throughout the country, including the eastern provinces.

There are, in other words, no good reasons to accept the excess mortality estimates that derive from the IRC's second and third estimation methods. But the biases generated by the IRC's procedures are then compounded by the decision to sum the provincial totals in order to provide an excess death estimate for the eastern region as a whole. The more statistically appropriate way to provide a region-wide estimate would have been to use all five surveys together—as was done (though without the appropriate population-weighting) in the first estimation method.

To reiterate, the methodological problems with the IRC's first survey are that:

- The five areas surveyed were not chosen randomly and were in any case too few to obtain reliable projections.
- The excess mortality estimation methods:
 - i) failed to weight the mortality rates from the five surveyed areas by population (in the first estimation method); or
 - ii) inappropriately generalized from a single survey to a province, and then—equally inappropriately—summed the excess death tolls calculated for each province to arrive at a regional total for the eastern part of the country (in the second and third estimation methods).

All three estimation approaches applied an inappropriately low baseline mortality rate. However, the error generated by the use of the inappropriately low baseline had a much greater impact on mortality estimates in the final three surveys than in the first two.

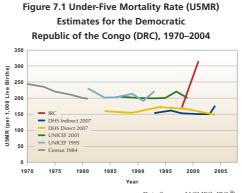
The 2001 Survey: Survey Locations Inappropriately Selected

The second survey, whose results were published in 2001, surveyed five additional areas, but again without random sampling and using the same inappropriately low baseline mortality estimate. However, the significant bias generated by the excessive reliance on the death toll in Moba in the first survey was not an issue in the second survey. In the 2001 report, the IRC used the results of all five surveys taken in 2000, plus the five taken in 2001, as well as a single survey taken in 1999, when estimating the cumulative death toll.⁹⁴

Although the second survey is not as problematic as the first, we believe the inappropriate selection of the areas to be surveyed means the IRC's excess death toll estimates for the eastern region of the DRC, as derived from the second survey, should also be rejected.

The Impact of the IRC's Flawed Methodology

According to the IRC's data, the nationwide U5MR in the DRC increased at an unprecedented rate between the outbreak of the war in August 1998 and 2001. The radical nature of the IRC's claim becomes evident when we compare the IRC's estimate with the under-five mortality trend data for the DRC from 1970 to 2005 provided by the Inter-Agency Child Mortality Estimation Group (IACMEG) dataset.⁹⁵



Data Sources: IACMEG; IRC.96

Census data and data from DHS and UNICEF surveys show that child mortality rates in the DRC, while very high, have been trending downwards for more than 30 years. By contrast, the International Rescue Committee's estimate of the U5MR in the DRC for the period 1998–2001 shows a very dramatic increase.

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The IRC's data also suggest there were no excess deaths in the west of the country for the period of the first two surveys. We can infer this from the following:

- First, the IRC recorded zero excess deaths in the west for the period of the first two surveys in the chart on page 13 of its final report.¹⁰²
- Second, the IRC's estimate of 5.4 million excess deaths in the DRC between 1998 and 2007 is obtained by adding the 2.5 million estimated excess deaths for the eastern region during the first two surveys to the nationwide estimate for the periods covered by the final three surveys. Given that this nationwide excess death toll estimate does not include an estimate for excess deaths in the west of the country during the period of the first two surveys, we conclude the IRC assumes there were no excess deaths in the west during those periods.

We have no idea whether the IRC's assumptions about excess mortality in the west during the period of the first two surveys are correct, but they are not implausible. They are consistent with what we know about the patterns of violence in the DRC and the lack of connectedness between the east and the west of the country. From the start of the war in August 1998, the violence was concentrated in the eastern region. Much of the western region, which was controlled by the government, is half a continent away from the warstricken east. Communication between east and west is minimal and livelihoods throughout the region are based mostly on subsistence agriculture. As such, they are less likely to be disrupted by distant armed violence—with the attendant risk of increased mortality—than would have been the case in a more economically interdependent country.

Given that, according to the IRC's findings, there were no excess deaths in the west during the periods of the first, second, or third surveys, then, other things being equal, we can infer that the average mortality rate for the region during the period of the first two surveys should be the same as that recorded in the third survey—i.e., 2.0 deaths per 1,000 per month.

Finally, other things again being equal, the mortality rate for the whole of the DRC immediately prior to the war should be the same as for the west of the country which was not affected by conflict during the period of the first two surveys. It follows that the 2.0 deaths per 1,000 per month is a plausible pre-war mortality rate for the DRC.

Like all baseline mortality estimates for the DRC, this figure is open to challenge, but HSRP is not alone in believing the 2.0 deaths per 1,000 per month is appropriate. WHO's

Francesco Checchi notes in his review of the IRC's research for the HNTS that his approach to the baseline issue would be "to use the east to west CMR [crude mortality rate] rate ratio, which in practice (though not in theory) means adopting the CMR in the west as the baseline for the entire country."¹⁰³

We also note that in its sensitivity analysis for its report on the third survey, the IRC uses the 2.0 deaths per 1,000 per month rate to demonstrate the effect of changing the baseline mortality rate. From this we assume that, while the IRC's preferred baseline rate is 1.5, it believes the 2.0 rate is not implausible.

Recalculating the Excess Death Estimate

When the IRC's excess death figures for the period of May 2001 to April 2007 are recalculated using the revised baseline rate, the result is startling. There is a massive reduction in the excess death toll. As Table 7.1 illustrates, the best estimate of the excess death toll shrinks to less than one-third of the IRC's original figure—from 2.83 million to 0.86 million.¹⁰⁴

The point of this exercise was not to produce a "correct" estimate—indeed, we do not believe the data are reliable enough to permit this. Rather, it was to show how a modest, but plausible, increase in a highly questionable baseline mortality rate can lead to a radically lower excess death toll.

To make the point even clearer, we asked a hypothetical question: What would the excess death toll be in 2017, under several different, but equally plausible, conditions?

- First, assume the average mortality rate in the DRC for the period 2007 to 2017 is the same as it was for the 2006 to 2007 period (i.e., 2.2 deaths per 1,000 per month). Using a baseline mortality rate of 1.4 deaths per 1,000 per month— which is the rate the IRC used in its final survey—there would be an additional 6.6 million excess deaths by 2017.
- Second, assume the average mortality rate for the period 2007 to 2017 declined to 2.0 per 1,000 per month, which is plausible given the mortality rate in the DRC had been trending downwards since 2002.¹⁰⁵ Assume also that the baseline mortality rate remained at 1.4 per 1,000 per month. There would now be an additional 5.0 million excess war deaths by 2017.
- Third, assume an average mortality rate for the period 2007 to 2017 is 2.2 deaths per 1,000 per month, and the baseline mortality rate is 2.0 per 1,000 per month—the rate suggested by HSRP and Francesco Checchi. There would be an additional 1.7 million excess deaths by 2017.
- Finally, assume the average mortality rate for the period 2007 to 2017 declined to 2.0 deaths per 1,000 per month.



CHAPTER 8

Can Retrospective Mortality Surveys Be Used to Determine Excess Death Tolls?

We now turn to a problem that has been ignored in the literature on conflict epidemiology but challenges the very idea that surveys are useful instruments for estimating excess death tolls.

We demonstrate why retrospective mortality surveys that use point estimates of the pre-war mortality as a baseline, and assume they do not change over time, will tend to produce erroneous excess death estimates, except in the case of very short wars. The longer the war lasts, the greater will be the extent of the error.

We also argue that, since war deaths are not the only factor that determine overall mortality, attributing increases (or decreases) in mortality to wartime violence may sometimes be highly inaccurate.

Finally, we point out that retrospective mortality surveys are simply too crude an instrument to detect the impact of most wars on nationwide mortality rates.

The discussion that follows is in no sense intended as a critique of nationwide retrospective mortality surveys. On the contrary, as we argue elsewhere in this chapter, such surveys are critically important sources of data for war-affected countries where there are rarely any reliable governmental statistics.

Nor do we question the utility of the local health surveys that humanitarian organizations carry out in internally displaced person and refugee camps that provide vital

Martin Adler / Panos Pictures. SRI LANKA.

needs-assessment information for humanitarian missions. Our focus is rather on the use of retrospective mortality surveys for the particular purpose of measuring nationwide *excess* war death tolls.

The nationwide population health surveys undertaken by Demographic and Health Surveys (DHS), UNICEF (United Nations Children's Fund), and WHO (World Health Organization)¹⁰⁷ are not used by these organizations to produce such estimates—we believe with good reason.

We further argue that not only is it rarely possible to calculate accurate estimates of excess war deaths but that such estimates are of little practical utility for humanitarian policy on the ground. Excess death estimates may well be useful for advocacy purposes, and are of obvious interest to historians and conflict researchers, but their utility even for these latter purposes is very limited given their accuracy is so dubious.

The Elusive Quest for Baseline Mortality Data

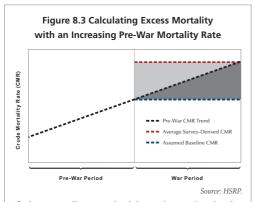
In Chapter 5 we described how nationwide surveys can be used to estimate the overall mortality rate for a war-affected population. We noted that, provided the pre-war mortality rate is known, researchers can easily determine the excess mortality rate—the difference between the wartime rate and the pre-war rate—and thence, the excess death toll.¹⁰⁸

The first part of this process—using survey-derived data to estimate the overall mortality rate—is subject to many sources of uncertainty and possible error—such as sampling error, reporting bias, response bias, recall bias, and survival

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In Figure 8.2 the assumption that the mortality rate at the beginning of the war did not change results in an underestimation of the excess death toll. In Figure 8.3, however, the same assumption results in the excess death toll being overestimated.

The extent of the overestimation is represented by the dark-grey area. When the appropriate procedure of measuring from the slope is followed, the light-grey area provides a measure of the extent of excess mortality. As Figure 8.3 shows, this declines over the period of the conflict.



If the mortality rate had been increasing in the pre-war period, and could be assumed to have continued to increase absent the onset of war, the light-grey area will represent a measure of the total number of excess deaths. If the mortality rate immediately preceding the onset of the war is assumed to remain constant, the measure of excess deaths will be overestimated to the extent shown by the dark-grey area.

Additional Methodological Challenges

In the highly schematic graphics in Figures 8.2 and 8.3, excess mortality can be determined by measuring from a changing baseline mortality rate. In the real world, things are not so simple and this is rarely possible.

Getting an accurate point estimate for the baseline mortality rate at the start of wars is, as we have already noted, extremely challenging, particularly in poor countries engulfed in, or emerging from, violent conflict. Getting accurate prewar trend data on national mortality rates is even more difficult. But there are additional problems that are equally if not more challenging. First, determining the cause of increased mortality during periods of conflict is difficult, if not impossible. Mortality rates can go up during peacetime. In our review of under-five mortality rates (U5MRs) discussed in Chapter 7, we found that 25 percent of countries that were conflict-free between 1970 and 2008 experienced increases in the U5MR.¹¹⁵ So, clearly, as mentioned previously, political violence is not the only cause of changing mortality rates during periods of conflict.

Mortality surveys in conflict-afflicted countries measure the effect not just of war but of all factors that impact mortality rates. Some nonwar factors—a major drought taking place during a period of fighting, for example—also push mortality rates upwards; others may cause them to decline. The problem is the mortality data cannot be disaggregated to determine the impact of these different factors. In fact, there is no way of determining the extent to which changes in wartime mortality rates revealed by surveys are caused by war or other exogenous factors.

Getting accurate pre-war trend data on national mortality rates is extremely difficult.

Second, survey-derived mortality rates often have quite wide confidence intervals. For example, the IRC's "best estimate" of the nationwide mortality rate in the DRC for the 2003 to 2004 period was 2.1 deaths per 1,000 per month. But the IRC's researchers could not be certain that this was the correct figure. Their methodology indicated they were 95 percent confident the actual rate lay between 1.6 and 2.6 deaths per 1,000 per month.

Any measurement of baseline mortality is likely to have a wider confidence interval than the survey-derived mortality rate for the war period—in part because pre-war trend data are often made up of widely divergent survey and census data.

What this means in practice is that excess death tolls from low-intensity conflicts may well be undetectable. If the real excess death toll is less than the uncertainties in wartime and pre-war mortality trend data, then the impact of war deaths may be hidden by the imprecision of the very instruments that are being used to try and detect them.

The clear implication of this analysis is that retrospective mortality surveys are rarely appropriate instruments for measuring excess death tolls in wars in poor countries, except in relatively rare circumstances—namely, very short wars.¹¹⁶

Ministère de la Justice et des Droits Humains, République Démocratique du Congo, & PNUD, Monitoring judiciaire 2010-2011, Rapport sur les données relatives à la réponse judiciaire aux cas de violences sexuelles à l'Est de la République démocratique du Congo (2010-2011)



Ministère de la Justice et des Droits Humains République démocratique du Congo



Programme des Nations Unies pour le développement



Monitoring judiciaire 2010-2011

Rapport sur les données relatives à la réponse judiciaire aux cas de violences sexuelles à l'Est de la République démocratique du Congo dans les parties intimes » « d'attentat à la pudeur » au lieu de « viol » alors qu'il qualifie le fait d'introduire le bras dans le sous-vêtement de « tentative de viol ».

6.4. Le droit à la réparation¹⁴¹

En droit congolais, l'article 258 du Code civil, livre II dispose que « tout fait quelconque de l'homme, qui cause à autrui un dommage, oblige celui par la faute duquel il est arrivé à le réparer. ». En matière de violences sexuelles le législateur a expressément exigé des OMP et juges de requérir « d'office un médecin et un psychologue, afin d'apprécier l'état de la victime des violences sexuelles et de déterminer les soins appropriés ainsi que d'évaluer l'importance du préjudice subi par celle-ci et son aggravation ultérieure»¹⁴².

Pour avoir droit à une indemnisation, il faut démontrer que le fait alléqué a été commis, et que le préjudice subi résulte directement du fait commis. Le principe est que l'indemnité doit pouvoir réparer aussi intégralement que possible le préjudice constaté ; le juge a donc un rôle déterminant dans l'évaluation de l'indemnité. Celle-ci doit être évaluée en se plaçant à la date du jugement définitif et non à la date de la réalisation du dommage¹⁴³.

En matière de responsabilité délictuelle, différents types de dommages doivent être pris en compte dans le cadre de la réparation. Le dommage corporel - atteinte à l'intégrité physique -, le dommage moral – atteinte à l'intérêt extrapatrimonial comme l'atteinte à l'honneur, aux sentiments, au crédit - et le dommage matériel - atteinte au patrimoine.

En effet, les violences sexuelles subies par une personne ont des répercussions multiples sur sa santé physique et mentale, son bien-être social, sa famille et sa communauté. Le mode de réparation varie en fonction des circonstances de la cause. Le dommage peut être réparé en nature ou par équivalent. De même, il peut être calculé en équité.

A titre d'exemple, en matière de réparation du dommage moral, sous le RP 2273, le TGI d'Uvira octroie une réparation au père de la victime du fait que « son honneur a été souillé par le viol de sa fille, le traumatisme subi après sa disparition».

De même, sous le RP 618/2011, le tribunal admet la partie civile aux dommages et intérêts en raison de « la perte de la virginité...la perte de la chance pour elle de contracter un mariage ».

Inversement, certains jugements¹⁴⁴ n'indiquent pas clairement la base d'estimation de la réparation ou des dommages et intérêt accordés aux victimes. Sous le RP 2275¹⁴⁵, le juge ne définit pas le préjudice tout en l'invoquant en disant « attendu que s'agissant de l'action civile de la dame X...le tribunal dira son action recevable...parce que celle-ci a subi des préjudices par le fait du prévenu qui a abusé de sa fille par ruse en prétendant la soigner, mais dira le montant de 10 000 \$ exagéré et réduira ex aequo et bono à 2000 Fc ». Sous le RP 21152, le juge reçoit la constitution de la partie civile et la dit fondée « étant donné que le comportement du prévenu a causé des préjudices énormes à la victime X ». Le juge n'explique pas le type de préjudice moins encore son étendue ou son importance.

D'autres jugements¹⁴⁶ recourent à l'équité alors qu'il s'agit de dommages qui peuvent être évalués de manière objective. Le TGI d'Uvira¹⁴⁷ par exemple « statuant sur les intérêts civils de la

 ¹⁴¹ Art. 258 du CC, Art. 69 du CPP, Art. 7 et 226 du CMJ.
 ¹⁴² Art. 14 bis du CPPC.

Art. 14 bis du CFFC. ¹⁴³ L'assistance judiciaire des victimes de violences sexuelles, Vade-mecum, ASF. ¹⁴⁴ RP 20.970, RP 21374, RP 21260, RP 20.970, RP 21714, RP 211521 (TGI-GOMA), RP 2280 (TGI-Uvira), RECEL 028 du TE de Goma, RP 652/2011 du TMG-Bukavu. Rendu par le TGI-Uvira.

¹⁴⁶ RP2275 TGI-UVIRA ; 2273 TGI-UVIRA ; RECEL 396 (TE-Goma).

victime...dit que celle-ci a subi des préjudices énormes certains par l'agression de sa fille, la grossesse qui s'en est suivi de la perte de chance pour un avenir meilleur et lui accordera ex aequo et bono des dommages et intérêts évalués à 2000 \$». Dans sa décision¹⁴⁸, le TGI de Goma énonce que la victime « a été trouvée avec l'hymen déchiré...signe suffisant que le prévenu a introduit son organe sexuel dans celui de la victime... », mais il condamne l'auteur du viol à payer « ...des dommages – intérêts d'office calculés ex aequo et bono...faute d'éléments objectifs d'appréciation des préjudices... ».

Concernant le dommage corporel, le juge a la possibilité d'évaluer objectivement (et non *ex aequo et bono*) les besoins de santé suite à l'agression ou les exigences pré et post natales de la victime et de l'enfant à naître, comme par exemple le coût d'entretien d'une grossesse, d'un accouchement, en recourant à une expertise médicale et psychologique comme l'exige la loi¹⁴⁹. Pour les dommages moraux, le juge pourrait alors recourir à une estimation « ex aequo et bono » c'est-à-dire « selon ce qui est équitable et bon ». Il pourrait y ajouter des éléments objectifs importants qui entourent la maternité comme la layette et d'autres besoins connus de tous les parents responsables ou qui agissent en « bon père de famille » étant donné que le juge semble reconnaître le prévenu comme l'auteur de la grossesse, (« *malgré la dénégation du prévenu* ») due à un viol par ruse.

D'autres juges¹⁵⁰ estiment tout simplement « le montant demandé » par la partie civile « *exagéré* » et les fixent « *ex aecquo et bono* » sans motiver cette exagération et sans le comparer à l'étendue du préjudice subi.

Le TMG de Bukavu¹⁵¹ siégeant en foraine à Kalehe en matière pénale concernant des crimes de masse (crime contre l'humanité) et détention sans titre ni qualité d'une arme de guerre a accordé un même montant « pour chacune des victimes » de viol¹⁵², de torture¹⁵³, d'emprisonnement ou autres formes de privation grave de liberté physique¹⁵⁴, de meurtre¹⁵⁵.

Le juge donne l'impression que toutes les victimes catégorisées suivant les infractions dont elles ont été victimes ont subi un même préjudice, ce qui ne semble pourtant pas évident. On peut en plus se poser la question de savoir le critère par lequel il a estimé que le préjudice issu d'un viol est plus important qu'un préjudice causé par des actes de torture.

Dans les cas spécifiques des enfants en conflit avec la loi, le juge a parfois accordé des dommages et intérêts pécuniaires aux victimes de ces mineurs¹⁵⁶. Cependant, dans certains jugements¹⁵⁷, le juge condamne sans préciser qui est le débiteur des dommages et intérêts¹⁵⁸, et il se limite à dire qu'il « *condamne le civilement responsable de l'enfant en conflit avec la loi.* » Sous le RECL 396 du TE de Goma, le juge condamne le civilement responsable sans que ce dernier ne soit identifié, il énonce « que *le conseil de la défense avait préféré la somme symbolique compte tenu du lien de famille entre enfant en conflit avec la loi et la victime ».*

¹⁴⁷ RP 2292 DU 12 décembre 2011.

¹⁴⁸ RP 21412.

¹⁴⁹ Art. 14 bis du CP : « …l'officier du Ministère Public ou le juge requièrent d'office un médecin et un psychologue, afin d'apprécier l'état de la victime des violences sexuelles et de déterminer les soins appropriés ainsi que d'évaluer l'importance du préjudice subi par celleci et son aggravation ultérieure ».

¹⁵⁰ RECL 028 du TE de Goma, RP 2275 du TGI-Uvira.

¹⁵¹ Sous le RP 275/09 et 521/10. Sous ce dossier, l'Etat congolais a été condamné seul à payer au tire de dédommagement pour préjudices subis par les 400 victimes.

¹⁵² 700 USD. ¹⁵³ 550 USD.

¹⁵⁴ 400 USD.

¹⁵⁵ 5800 USD.

¹⁵⁶ RCEL 193, RECEL 028, RECEL 396, RECEL 055 du TE de Goma.

¹⁵⁷ RECEL 028, RECL 193, RECL 396 du TE de Goma.

¹⁵⁸ Rappelons que la condamnation au paiement pour des faits d'autrui est prévue par l'article 260 du code civil livre 3 (des obligations)

Annex 66

Marie Chêne, Transparency International, U4 Expert Answer: Overview of corruption and anticorruption in the Democratic Republic of Congo (DRC) (8 Oct. 2010)

U4 Expert Answer

Anti-Corruption Resource Centre www.U4.no TRANSPARENCY INTERNATIONAL the global collition against corruption www.transparency.org

> CMI CHR. MICHELSEN INSTITUTE www.cmi.no

Overview of corruption and anti-corruption in the Democratic Republic of Congo (DRC)

Query

What is the present corruption situation in the Democratic Republic of Congo? Please provide an overview of recent evolution in national anti-corruption measures and structures.

Purpose

Our agency is currently reviewing its development cooperation programme with the DRC.

Content

- 1. Overview of corruption in the DRC
- 2. Anti-corruption efforts in the DRC
- 3. References

Summary

As the Democratic Republic of Congo (DRC) emerges from a long period of violence and instability, it struggles with a legacy of entrenched corruption at all levels of society, threatening social and political institutions with failure. Repeated political crises, poor infrastructure, an underdeveloped regulatory environment, lack of institutional capacity and weak rule of law fuel the country's persistent governance crisis.

Petty and grand forms of corruption, as well as a complex web of political patronage permeate all sectors of the economy, undermining development prospects and compromising the fragile post-conflict equilibrium. Despite being endowed with considerable mineral wealth, extraction of natural resources continues to be combined with widespread corruption, including within the armed forces, fuelling violence, insecurity and public discontent. Corruption in tax and customs

administration, as well as in the management of staterun companies, undermines the state's capacity to collect revenues and escape the trap of mismanagement, conflict and poverty.

Against this backdrop, the country has limited capacity to address the governance and corruption challenges it faces. There is neither indication of firm political will to address corruption, nor evidence of progress made in anti-corruption in the post-conflict era. While a strong legal framework to address corruption has recently been established under the pressure of the international community, it remains largely ineffective to curb corruption. The judiciary is plaqued by a lack of resources and capacity, and faces major challenges of independence, political interference and corruption. Other governance institutions are weak or non-existent. The media and civil society operate in a restrictive environment, running a high risk of intimidation, arrest and harassment when denouncing public sector corruption.

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1. Overview of Corruption in DRC

Background

The recent history of the Democratic Republic of Congo (DRC) has been marred by civil war and corruption. After Laurent Kabila overthrew the corrupt regime of Mobutu Sese Seko in 1997, the DRC endured five years of conflict between government forces supported by Angola, Namibia and Zimbabwe, and rebels backed by Rwanda and Uganda. Joseph Kabila assumed power after his father was assassinated in 2001 and won the first multiparty elections since independence in 2006, raising hopes that peace and stability would be restored. The war had claimed an estimated three million lives, and left the country in a fragile humanitarian, economic and political state. This situation further fuelled continuing violence, insecurity, human right abuses, poor governance and corruption.

Most observers agree the war was driven by both economic and political factors. The role of natural resources in conflict in the country has been welldocumented, with all sides taking advantage of the fragile situation to gain control over and plunder the country's mineral wealth (Global Witness, 2004, 2009 and BBC, 2010). Some authors also attribute the underlying causes of the conflict to decades of poor governance that resulted in inequitable distribution of resources, corruption and human rights violations under successive authoritarian regimes, and bred public discontent, violence and instability (Shekhawat, S., 2009).

Far from addressing this governance crisis, the fragile 2003 peace agreement and the political transition period that followed brought new governance and corruption challenges to light. Political actors regularly interfered in the administration, customs, army and natural resource sectors for private gain, giving rise to a predatory system of governance. Some reports estimate that as much as 60 to 80 % of custom revenues could have been embezzled, while close to a quarter of the national budget was not properly accounted for in the transition period (International Crisis Group, 2006). Mining, state-run companies and the military remain sectors that are particularly prone to corruption.

Extent of Corruption

Corruption continues to undermine the economy and administration in the post-conflict era. All available data

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and country reports indicate persistent, widespread and endemic forms of corruption in the DRC, permeating all levels of society. As the country emerges from a long period of violence and instability, there is little evidence of progress in anti-corruption work. Repeated political crises, poor infrastructure, an underdeveloped regulatory environment, a lack of institutional capacity and weak rule of law continue to hinder economic development prospects and create fertile ground for corruption.

This situation is reflected in the major worldwide governance indicators. In 2009, the country ranked 162nd of 180 countries assessed by Transparency International's Corruption Perceptions Index (CPI), scoring 1,9 on a scale of 0 (highly corrupt) to 10 (highly clean). These findings are consistent with the World Bank 2009 Worldwide Governance Indicators which confirm the DRC's extremely poor performance on all six dimensions of governance assessed. While the country has slightly improved its performance in terms of voice and accountability (from 3,8 in 2004 to 8,5 in 2009 on a scale of 0 to 100), it scores below 5 in all other areas of governance, including political stability, regulatory quality and rule of law. The situation even seems to be deteriorating in terms of government effectiveness (from 4,9 in 2004 to 1,9 in 2009) and control of corruption (3,9 in 2004 compared to 2,9 in 2009).

DRC does not perform better on the 2010 Heritage Foundation's Index of Economic Freedom. The country ranks 44th out of the 46 countries in the Sub-Saharan Africa region in terms of economic freedom, scoring far below the regional average. In particular, the country performed extremely poorly in terms of freedom from corruption, with a score of 17 on a scale from 0 to 100. Against this background, the report points to mismanagement and rampant corruption as major obstacles to doing business in the country, which contribute to driving much economic activity into the informal sector.

Forms of Corruption

Both **street-level and grand forms of corruption** are present in DRC, involving a wide range of state officials from low ranking civil servants to the highest members of government.

Inefficient government structures, weak administrative capacity, and low salaries combined with an absence of oversight, provide civil servants with both opportunities and incentives for extorting money from the population (Global Integrity, 2008). Reflecting this reality,

bureaucratic and administrative forms of corruption are widespread across all public services and departments. For example, more than 80% of firms interviewed in the **2006 World Bank Enterprise Survey** report expected to make informal payments to get things done or secure a government contract. Close to 70% expected to make gifts to get an operating license.

The lack of transparency and oversight is especially manifest in **public financial management**. Auditing and expenditure tracking are rare and the DRC ranks at the bottom of the **2008 Open Budget Index**, with a score of 0%. The government provides no information to the public on the central government's budget and financial activity during the budget year, making it impossible for citizens to hold government accountable for its management of public funds. As a result, state resources can be easily siphoned off for private or political purposes. One of the few audits published in 2008 claimed that various state agencies and parastatals had embezzled \$1,8 billion (Bertelsmann Foundation, 2010a).

At another level, the political legacy of previous regimes in which public resources were siphoned off to sustain a web of patronage networks continues to overshadow the current political landscape. Various forms of political patronage and clientelism are persisting across the political system, as reflected by the overrepresentation of cabinet members close to the President. President Kabila also replaced the heads of thirty seven state enterprises with his own connections, tightening his grips on economic and political power (Matti, S. A., 2010). Key positions in the administration are also allocated on the basis of cronyism and patronage politics rather than on merit. This is likely to processes undermine democratic and the establishment of transparent institutions, as rentseeking and accessing power become the major incentives for entering politics.

Sectors Most Affected by Corruption in the DRC

Mining

The DRC is endowed with considerable mineral wealth, including rich reserves of diamonds, copper, cobalt, gold and uranium. But this vast natural wealth has failed to bring economic dividends to ordinary citizens. This is documented in UNDP's 2009 Human Development Report where DRC performs very poorly

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on most indicators of human development (UNDP, 2009).

Many reports have documented the long tradition of **predatory management of natural resources**. Global Witness in particular have reported how the DRC's considerable natural wealth was originally exploited for the commercial benefit of a small number of business and political actors to the detriment of the population (Global Witness, 2004). Global Witness reports also denounced other problems in the natural resource sector, including extensive corruption, a lack of transparency and life-threatening labour conditions.

Global Witness' most recent report on the DRC documents the militarisation of mining in conflictaffected eastern areas of the country. The report describes how all warring parties have used the illicit exploitation of natural resources to consolidate their economic base and plunder the country's mineral wealth at the expense of the population (Global Witness, 2009). According to a 2001 UN expert panel report, warring factions sold minerals and signed contracts with multinational corporations and other mining companies to raise money for the war. This involved a wide range of practices such as offering monopolies in exchange for kickbacks, embezzling money from state-run companies, creating joint ventures in which politicians were shareholders, and accepting unfavourable contract terms for the state in exchange for kickbacks (International Crisis Group, 2006). In the process, the Congolese army and rebel groups have resorted extensively to forced labour and extortion, and have imposed illicit taxes on the civilian population.

Following the 2002 peace agreement, a commission led by an opposition parliamentarian, Christophe Lutundula, produced an incriminating report of mining sector management. In 2002, the World Bank helped draft new mining and investment codes, and in 2007 the Minister of Mines announced the creation of a governmental commission to **review mining contracts** that led to the cancellation of 61 contracts and the renegotiation of numerous deals (Freedom House, 2010a). On this occasion, Global Witness published a report expressing concern over the lack of transparency and clarity of the review process, over inadequate safeguards to protect the independence of the review commission, and over the limited involvement of civil society (Global Witness, 2007).

Smuggling of minerals also deprives the state of valuable resources. The 2006 International Crisis Group report estimated that close to \$80 million in diamonds were believed to be smuggled out of the country each year. In the Eastern part of the country, casserite from artisanal mines controlled by former DRC rebels were transported to Rwanda via Goma for refining. Gold smuggling has equally been an area of concern and a source of insecurity on the Ugandan border. According to the International Crisis Group, Congolese armed groups, supported by Ugandan officers and traders, have used gold mines as an important funding source for their operations in the north eastern Congo. Reportedly, the Congolese army has also been involved in gold smuggling (International Crisis Group, 2006).

Forestry

The Democratic Republic of Congo is part of the world's second largest tropical forest area after the Amazon Basin: the Congo Basin (U4, 2010). Industrial logging has great potential to generate state revenues but challenges of illegal logging and smuggling prevent this potential from being translated into economic growth. According to a U4 policy brief, industrial logging companies contribute less than 1% of GNP and there are indications that actual timber exports could be as much as seven times higher than official figures (International Crisis Group, 2006).

There have been several attempts to reform forest governance with support from the international community. But success has been limited so far. In 2002, President Kabila declared a moratorium on new forest concessions, cancelled 163 existing ones, and promulgated a forestry code. However, subsequent studies found that new concessions had been granted and 2.4 million hectares reinstated. Seven companies with concessions totalling over one million hectares were operating under fictitious contact details (International Crisis Group, 2006). Concerns have also been expressed by local NGOs over the legal review process of all logging contracts, especially with respect to the limited involvement of civil society and local community representatives. A review process finally resulted in October 2008 with the announcement that numerous deals would be cancelled, and that there would be an ongoing moratorium on new concessions (Freedom House, 2010a).

The U4 brief on forest governance in the DRC concludes that: (U4, 2010).

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- The 2002 forest code and accompanying presidential decree have been largely unsuccessful in improving industrial logging's governance;
- The new legal framework requiring increased public consultation has reinforced social imbalances with limited voice for women and indigenous people;
- The administrative, logistical and institutional control mechanisms envisaged for forest management are either weak or non-existent.

According to the brief, the limited impact of forest governance reforms can mainly be attributed to a lack of incentives for various stakeholders to reform a system from which they benefit in its present form. In addition, the general context of weak institutional and governance structures create favourable conditions for corruption, predation and illegal exploitation of resources.

Tax and Customs Administration

Corruption in the tax and customs systems undermines the government's capacity to generate revenues. According to the 2006 International Crisis Group report, the DRC has one of Africa's weakest collection capacities. Customs administration generates the largest share of fiscal income, but is also the greatest source of revenue loss, with between 60 to 80% of custom duties uncollected. This is seen as one of the factors fuelling the conflict in the eastern part of the country: armed groups finance their operations from the taxes they collect at border crossings (International Crisis Group, 2006).

More generally, customs administration is poorly structured and suffers from a lack of resources, infrastructure and equipment, but also from red tape, the overstaffing of posts and widespread corruption. In its 2008 report, Global Witness provides examples of a wide range of malpractices, such as underestimating the volume of goods, colluding with customs officers to declare goods that are taxed at a lower rate than the good was actually imported, or bribery to evade customs fees (Global Witness, 2008).

Taxation is another dysfunctional area of the DRC's administration. According to Freedom House, citizens are poorly informed of which fees are legal, and remain largely unaware of their rights in this regard. Taxes are mostly collected informally and illegally, undermining development of a relationship of accountability between

citizens and the state. At another level, mining companies take advantage of the tax administration's lack of resources and capacity to develop tax avoidance schemes. When mining revenues reach the state, opaque revenue distribution facilitates conflict between the local and national levels, providing local authorities with incentives to circumvent the revenue administration system (Freedom House, 2010a).

State-Run Enterprises

The management of state-run companies remains an area of concern. In the transition period, the management of these companies was allocated to the signatories of the peace agreement. Managers appointed former warlords to run the companies, who routinely abused their position for private gain, leading to considerable losses to the budget. As a result of corruption and mismanagement, the contribution of state enterprises to the state budget dropped from 10% in the late 1960s, to about 1% in the early 1990s, and to almost nothing towards the end of the transition period (Kodi, M., 2008).

Under pressure from the international community. President Kabila requested the audit of about 20 stateowned enterprises. This uncovered massive looting by the management and governing boards appointed by former warlords. The findings of the audit were debated at the National Assembly in 2005. This debate indicated that, of the 20 companies audited, only 12 had a board of directors, and most had kept no accounts for a period of between two to seven years, making a proper audit impossible. Management teams routinely decided on their own benefits or granted themselves "loans" that were never paid back. None of the companies reviewed had internal auditors (Kodi, M., 2008). Following the publicity given to the report, the President suspended six ministers who had allegedly participated in the plundering of state enterprises.

The Helpdesk has found no recent account of the situation in the post-transition era and little indication of major progress made in the management of stateenterprises since Kabila appointed his own people at the head of many parastatals.

Army

There have been many concerns raised about corruption in the armed forces, and it is noted that such corruption often has a direct impact on the population. Soldiers endure terrible living conditions, are very poorly paid and live below the poverty line. Low wages and poor internal control mechanisms facilitate the development of lucrative embezzlement schemes within the army. In particular, there have been widespread examples of embezzlement of soldiers' salaries, possibly representing close to half of the funds allocated to soldiers' maintenance and salary costs. There have also been concerns raised about bloating the payroll with ghost soldiers (International Crisis Group, 2006).

The International Crisis Group report documents how corruption further erodes soldiers' living condition, as troops are irregularly paid, and, in some places, receive less than half of what they are owed. Deprived of decent salaries they have incentives to harass and extort civilians, as well as loot villages for survival. Soldiers thus become a major threat to local populations. Embezzlement has decreased since 2006 due to introduction of a more independent payroll mechanism and better surveillance by the Congolese authorities. It is, however, unclear how successful these efforts are, given that the armed forces continue to face major challenges of lack of discipline in many parts of the country (International Crisis Group, 2006). The government is showing signs of addressing the situation, as reflected in the 2010 national budget which gives priority to the salaries of police, military, civil servants and teachers (U4, 2010).

2. Anti-corruption Efforts in the DRC

Addressing corruption and governance challenges is a prerequisite to prevent the DRC from sliding back into conflict. Yet the country has weak legal and institutional mechanisms in place to ensure accountability, as well as limited capacity to respond to its governance challenges. High levels of patronage have undermined the establishment of transparent, accountable institutions, and rent-seeking elites generally lack the incentives and political will to build strong institutions to curb corruption (Matti, S. A., 2010).

Legal Framework

Anti-corruption interventions were initiated during the transition period, mainly as a result of pressure from the international community and with little ownership by the Congolese government. An anti-corruption law enacted in 2005 brought provisions of the UNCAC and African Union Convention on Preventing and Combating Corruption into the national context and is largely perceived as providing an adequate legal framework to fight corruption (Freedom House, 2010a). Global

Integrity even rated the anti-corruption law as "very strong" on the DRC's 2006 scorecard. According to most reports, however, there is little indication of strong political will to effectively address corruption and enforce legal anti-corruption provisions. The strong legal framework has so far not resulted in effective prosecutions of corruption, even in cases where there is solid evidence of abuse (Kodi, M., 2007).

Other anti-corruption related legal provisions are included in the 2006 Constitution and the Code of Ethics of Public Officials, which require the head of state, government officials and civil servants to submit asset declarations to the constitutional court. However, these provisions are poorly implemented. The lack of public access to declarations hinders the effective monitoring of public officials' assets and limits the impact of such measures.

There is neither a freedom of information law, nor comprehensive laws regulating access to government data. In addition, as information dissemination is poorly developed, many citizens don't know the laws and regulations that affect their lives and remain largely unaware of their rights and obligations (Freedom House, 2010a).

In the area of public finance management, the country has been working with the World Bank to adopt a new procurement code (Freedom House 2010a).

In terms of its international commitments, the DRC has signed ¹ the African Union Convention on Preventing and Combating Corruption. In September 2010, the country also acceded to the UNCAC and is legally bound by the terms of the convention. Additional legislation includes the 2004 Money Laundering Act, under which the DRC cooperates with African and European crime-fighting organisations. In September 2007, the DRC also ratified the protocol agreement with the Southern African Development Community (SADC) on Fighting Corruption. Since 2008, the DRC is a candidate within the Extractive Industry Transparency Initiative (EITI), but must implement numerous steps to promote transparency before becoming a compliant EITI country (Freedom House 2010a).

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Institutional Framework

Ethics and Anti-Corruption Commission

The Commission de l'Ethique et de la Lutte contre la Corruption (CELC) was created in 2003 as one of the five "citizen" institutions mandated by the transitional constitution. From its establishment, it faced major resource and logistical problems that the international community has sought to help tackle. As with other transition bodies, its Board was composed of representatives of all signatories to the Peace Agreement, which resulted in bloated staffing, difficult decision-making processes and the lack of a common vision and coherent strategy (Kodi, M., 2007). The work of the CELC was further hampered by weak leadership, insufficient technical expertise and lack of independence. Paralysed by these various challenges, the CELC was finally not carried over into the new constitution (Freedom House, 2010a).

Financial Intelligence Unit

In order to enforce anti-corruption laws among civil servants and members of the government, President Kabila launched a "zero-tolerance" campaign in September 2009. Within this framework, he established the DRC Financial Intelligence Unit in October 2009 to combat money laundering and misappropriation of public funds (US Department of State, 2010). The effectiveness of this institution has yet to be ascertained.

The State Auditor

The state auditor is responsible for reviewing public expenditures and audit state-run companies. Freedom House considers the DRC's audit body to be largely ineffective (Freedom House, 2010a).

The Judiciary

The judiciary faces many challenges that undermine its ability to effectively prosecute corruption. The judiciary has been subordinated to the executive since the Mobutu era. The new administration is not believed to have brought effective change and there has been very little progress made in terms of judicial reform. The judiciary lacks independence and suffers from widespread political interference and generalised corruption (Bertelsmann Foundation, 2010). A 2004 audit of the judicial system revealed that only 20% of the population had access to justice services, especially outside Kinshasa (Matti, S. A., 2010).

¹ But not ratified as of 06.08.2010.

The 2006 constitution transferred the power to appoint judges and magistrates from the executive to the Supreme Council of the Judiciary (CSM), institutionalising the principle of judicial independence. However, the CSM was only created in 2008 and remained largely non-functioning as of mid-2009 (Freedom House, 2010a). In practice, judges remain subject to undue influence from government officials. In February 2008, President Kabila forced 89 judges into retirement, including the President of the Supreme Court and the Prosecutor General, and replaced them with 28 new and largely unqualified magistrates. While he justified his decision as a corruption purge, most analysts considered it to constitute undue interference with the judiciary (Freedom House, 2010a).

In addition to widespread political interference in the administration of justice, the judiciary is poorly equipped and under-financed. It has under-paid staff and poor infrastructure, and lacks basic resources and capacity, including legal texts. As a result, in spite of a strong anti-corruption legal framework, very few office holders have been prosecuted and convicted for corruption-related offences fuelling a culture of impunity and cynicism among the population (Kodi, M., 2007).

Other Institutions

The DRC lacks a national ombudsman and an effective complaint mechanism to empower citizens to report corruption cases (Freedom House 2010a).

Within the framework of a protocol cooperation agreement on fighting corruption with South Africa and UNODC signed in 2008, the DRC organised a Forum National sur la Lutte Contre la Corruption (National Forum on the Fight against Corruption) in December 2009. The Forum recommended creation of a number of anti-corruption institutions, including a consultative body, the National Council of Ethics, an Independent Commission of Ethics and Fight against Corruption, a government anti-corruption agency and an Ombudsman (FONALC, 2009).

Other Stakeholders

Media

Freedom of speech and of the press is guaranteed by the 2006 Constitution. However, in practice, the effectiveness of the media as a watchdog is hampered by considerable government control and restrictions. Government has used a wide range of licensing requirements, as well as security and criminal libel laws, to restrict freedom of the press (Freedom House,

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2009). Consistent with these findings, Reporters sans Frontières ranked the DRC 146 out of 175 countries assessed in its 2009 Freedom of the Press Index (Reporters Sans Frontières, 2009).

Critical journalists and broadcasters are frequently harassed, intimidated, arrested or imprisoned. Broadcasting institutions can also be banned from operating and the contents of their broadcasts censored. In 2007, for example, the government banned 40 TV and radio stations due to allegedly improper licenses. More recently, in March 2009, the mayor of Likasi ordered the closure of one local radio and one TV channel for alleged defamation. In July of the same year, the government banned transmission of the French public radio, Radio France International or RFI (Freedom House, 2010b). In spite of these constraints and restrictions, however, the media provides a space for lively debate on social and political issues (Bertelsmann Foundation, 2010).

Civil Society

Governance challenges combined with the near collapse of state institutions have served as a catalyst for civil society, with a myriad of NGOs emerging to provide basic services to fill gaps left by government. However, freedom of assembly and association are limited by public order-related provisions and groups organising public events must inform local authorities in advance (Freedom House, 2010b).

When they are politically active, civil society organisations run a high risk of intimidation, arrest and harassment. According to the Bertelsmann Foundation, the government has intensified repressive measures against opposition groups since the 2006 elections, contributing to restrictions on the country's political space (Bertelsmann Foundation, 2010). In particular, a 2008 Human Rights Watch report also documented the government's increased use of violence and intimidation to eliminate political opposition, with President Kabila himself setting the tone and ordering to "crush" or "neutralise" the "enemies of democracy," (Human Right Watch, 2008).

When tackling corruption issues, civil society faces considerable pressure from the government and powerful vested interests. A 2010 report by Freedom House provides numerous examples of human rights activists being arrested, harassed and imprisoned when dealing with corruption. In 2009, for example, the President of the human rights group ASADHO-Katanga was sentenced to one year in prison after publishing a

report alleging official kickbacks from illegal mining. In the same year, a trade union leader was arrested after writing a memorandum alleging the embezzlement of public money by the Minister of National Economy and trade (Freedom House, 2010a). In spite of these various challenges, the Bertelsmann Foundation reports that an increasing number of civil society organisations engage in budget tracking issues and are raising awareness of high level corruption in the population (Bertelsmann Foundation, 2010).

The International Community

The DRC is a heavily indebted country, whose budget is constrained by a debt load amounting to a quarter of the country's total annual expenditures (U4, 2010). As a result and given DRC's low revenue collection capacity, the country is heavily dependent on aid, which accounts for about half of the budget (U4, 2010).

International pressure has played an important role in driving past and current governance reforms. However, analysts also consider that international partners have an important responsibility in the government's failure to deliver meaningful change. In the transition period, some authors argue that the international community turned a blind eye to increasing levels of corruption in order not to undermine the fragile electoral process, while both international partners and the government paid lip service to the anti-corruption agenda (Kodi, M., 2007). Beyond the transition process, the lack of ownership is seen as a major obstacle to the success of anti-corruption reforms (U4, 2010).

3. References

Global Witness, 2004, The same old story: a background study on natural resources in the Democratic Republic of Congo, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/8a6 bac4cbe4f056785256eca00130ff8

BBC News, 2010, Democratic Republic of Congo country profile, http://news.bbc.co.uk/2/hi/africa/country_profiles/10763

99.stm

Shekhawat, S., 2009, *Governance crisis and conflict in the Democratic Republic of Congo*, Centre for African Studies, University of Mumbai,

http://www.mu.ac.in/arts/social_science/african_studies/ seemawp6.pdf

U4 Expert Answer

International Crisis Group, 2006, *Escaping the conflict trap: promoting good governance in the Congo*, Africa Report Nr 114,

http://www.crisisgroup.org/en/regions/africa/centralafrica/dr-congo/114-escaping-the-conflict-trappromoting-good-governance-in-the-congo.aspx

Transparency International, 2009 Corruption Perceptions Index, http://www.transparency.org/policy_research/surveys_i ndices/cpi/2009/cpi_2009_table

World Bank Institute, World Wide Governance Indicators,

http://info.worldbank.org/governance/wgi/sc_country.as p

Heritage Foundation, 2010, Index of Economic Freedom,

http://www.heritage.org/index/country/DemocraticRepublicCongo

World Bank, 2006, *Enterprise surveys,* http://www.enterprisesurveys.org/

Global Integrity, 2008, Democratic Republic of Congo country report,

Bertelsmann Foundation, 2010, *BTI 2010 Democratic Republic of Congo country report*, http://www.bertelsmann-transformationindex.de/fileadmin/pdf/Gutachten_BTI2010/WCA/Cong o__Republic_of_the.pdf

Open Budget Initiative, Open Budget Index 2008 Democratic Republic of Congo country report, http://openbudgetindex.org/files/cs_democraticrepublico fcongo.pdf

Matti, S. A., 2010, *The Democratic Republic of Congo? Corruption, patronage and competitive authoritarianism in the DRC*, Africa Today, Summer 2010, Vol. 56, No. 4, Pages 42-61

UNDP, 2009, Human Development Report, http://hdr.undp.org/en/

Global Witness, 2009, Faced with a gun, what can you do? War and the militarisation of mining in Eastern Congo, http://www.globalwitness.org/fwag/

U4 Expert Answer

Freedom House, 2010a, *Countries at crossroads - DRC country report*, http://www.freedomhouse.org/template.cfm?page=140 &edition=9&ccrpage=43&ccrcountry=181

Freedom House, 2010b, Freedom in the world, Democratic Republic of Congo, http://www.freedomhouse.org/template.cfm?page=22&y ear=2010&country=7954

Global Witness, 2007, The Congolese sector in the balance: lack of transparency risks undermining review of mining contracts.

U4, Forest governance in Congo: corruption rules?, U4 Brief,

http://www.u4.no/document/publication.cfm?3776=fores t-governance-in-congo-corruption-rules

Global Witness, 2008, *Global Integrity report – Republic Democratic of Congo*, http://report.globalintegrity.org/

Global Integrity, 2006 and 2008, DRC country report.

Kodi, M., 2007, Anti-corruption challenges in post election Democratic Republic of Congo, Chatham House,

http://www.chathamhouse.org.uk/files/3388_drc0107.pd f

Kodi, M., 2008, *Corruption and Governance in the DRC during the Transition Period (2003-2006)*, Chatham House,

http://www.illegal-

logging.info/uploads/MuzongKodiCorruptionGovernanc einDRCSept08.pdf

US Department of State, 2010, Investment Climate Statement - Democratic Republic of the Congo, http://www.state.gov/e/eeb/rls/othr/ics/2010/138056.htm

Forum National sur La Lutte Contre la Corruption (FONALC), 2009, *Rapport synthèse du Forum National sur La Lutte Contre la Corruption en RDC*, FONALC/ Ministère de la Fonction Publique

Reporters Sans Frontières, 2009, *Press Freedom Index*, http://en.rsf.org/press-freedom-index-2009,1001.html

Human Rights Watch, 2008, *We will crush you*, http://www.hrw.org/en/reports/2008/11/25/we-will-crushyou-0

Annex 67

Martin Ekofo Inganya, Avocats sans frontières, *La réparation des crimes internationaux en droit congolais* (2014)

Annex 67





La réparation des crimes internationaux en droit congolais

Analyse des pratiques indemnitaires des juridictions militaires au regard du Statut de Rome de la Cour pénale internationale

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Programme d'Appui au Renforcement de la Justice à l'Est de la RDC (PARJ-E)

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Un préjudice certain

Le préjudice certain se définit comme un préjudice avéré, qui ne peut être mis en doute. Le préjudice certain est certes dans la plupart du temps un préjudice qui s'est déjà produit mais il peut s'agir aussi d'un préjudice futur dès lors qu'il ne peut manquer de se produire et qu'il est certain qu'il arrivera. En effet, s'il n'est pas possible d'allouer des dommages et intérêts en réparation d'un préjudice purement éventuel, il en est autrement lorsque le préjudice, bien que futur, apparaît aux juges de fait comme la prolongation certaine et directe d'un état de chose actuelle et comme susceptible d'estimation immédiate.¹

Il en est ainsi du rapport d'expert établissant qu'il y a eu viol sur une adolescente, et que les symptômes tels que la dépression ou les troubles sexuels provoqueront un choc émotionnel qui aura des conséquences futures dans sa vie². Dans cette hypothèse, le juge est donc fondé, au regard de la certitude de la réalisation de ce préjudice, d'intégrer ce préjudice futur dans le chiffrage des indemnités à allouer à la victime.

Un préjudice direct

Cette exigence parait concerner moins le préjudice que le lien de causalité. En effet ce qu'on exige c'est que le préjudice soit la conséquence directe du fait dommageable. Le préjudice à réparer doit être une suite immédiate et directe de l'infraction permettant ainsi d'écarter la réparation des préjudices indirects et lointains qui, peut-être, n'auraient pu être provoqués par l'infraction.

Le préjudice doit consister dans la violation d'un intérêt légitime

Il s'agit d'un intérêt digne d'être pris en considération par la loi ou qui n'est pas contraire aux lois. Mais la tendance est d'exiger un intérêt socialement protégé justifiant ainsi l'admission de l'action en réparation de la concubine.

¹ Civ 1 juin 1931 D 1932 .I.102.

² TMG L'shi, 2007, RP N° 0315/2007, Aff. Aud Mil. Gson., L'shi et J TSHIABA contre Sgt. YOKA BION SO Petro.

2. CONSTATS TIRÉS DES PRATIQUES INDEMNITAIRES DES JURIDICTIONS MILITAIRES EN MATIÈRE DE CRIMES INTERNATIONAUX

Il se dégage des jugements et arrêts rendus par les juridictions militaires en matière des crimes internationaux^1 les constatations suivantes :

- 1. Une absence de recours à l'expertise pour l'évaluation des dommages corporels ;
- 2. Absence de transparence dans l'indemnisation des victimes de dommages corporels ;
- 3. Inégalité de traitement des victimes selon la juridiction militaire saisie ;
- 4. Indemnisation financière comme unique forme de réparation ;
- 5. Non application des instruments juridiques internationaux relatifs à la protection des victimes des crimes internationaux ;
- 6. Modicité des dommages-intérêts alloués aux victimes.

2.1. ABSENCE DES RAPPORTS D'EXPERTISE MÉDICALE

Le préjudice corporel relevant d'une constatation médicale, l'expertise médicale est bien évidemment l'élément déterminant de l'évaluation du préjudice et constitue l'acte initial de tout système de réparation d'un dommage corporel.² En effet révélant l'incompétence du juge à répondre à une question qui, par nature, est essentielle pour l'issue du litige, l'expertise est importante car elle a pour objet de déterminer les préjudices découlant des dommages, la responsabilité étant d'ores et déjà établie.

Relevons qu'il y a lieu de distinguer l'établissement de la culpabilité de l'auteur de l'infraction de l'évaluation pécuniaire du préjudice.

¹ Les décisions judiciaires retenues dans le cadre de cette étude sont celles relatives aux affaires suivantes : CM Equateur, 2006, RPA 014/2006,

Aff. Aud Mil. Sup. et parties civiles contre Lieutenant Eliwo et Consorts, dit « procès Songo Mboyo » ; CM Equateur, 2006, RPA 015/2006, Aff. Aud. Mil. Sup. et parties civiles contre Bokila et Consorts, dit « procès des pillages de Mbandaka » ; CM Province Orientale, 2007, RPA 003/2007, Aff. Aud. Mil. Sup. et consorts contre Capitaine Mulesa et Consorts, dit « procès Mulesa » ; TMG Ituri, 2006, Aff. Aud. Mil. Sup. et consorts civiles contre KAHWA MANDRO et RPA 030/06, dit « procès MBONGI », CM Katanga, RPA 065, Aff. Aud. Mil. Sup. et parties civiles contre KYUNGU MUTANGA, dit « procès Gédéon » ; CM Sud Kivu, Aff. Aud. Mil. Sup. et parties civiles contre Licol BALUMISA MANASSE et Consorts.

² Y. LAMBERT-FAIVRE et S. PORCHY-SIMON, op. cit., p. 89.

S'agissant de la preuve de l'infraction, l'absence du rapport de l'expert médical ne peut constituer un obstacle à la démonstration de la culpabilité du prévenu ; l'administration de la preuve étant régie par le principe de la liberté des preuves, le juge peut asseoir sa conviction sur d'autres moyens de preuve pour conclure à la culpabilité du prévenu à condition de respecter le principe de la légalité dans l'administration de la preuve.

En ce qui concerne l'action civile tendant à la condamnation du prévenu poursuivi pour crimes internationaux au paiement des dommages-intérêts, il faut dissocier la preuve du préjudice subi par la partie civile de l'évaluation pécuniaire des dommages et intérêts faite par le juge.

Le préjudice ne se présumant pas, il appartient à la partie civile, avant de postuler ses prétentions pécuniaires, de fournir la preuve de son existence, puis de son caractère certain et direct. En matière de préjudice corporel, la preuve d'un tel préjudice ne pourra être administrée autrement qu'en recourant au rapport de l'expert médical ou psychologique. Car il est doctrine constante¹ que la notion de dommage corporel est une notion de fait, donnant lieu à une constatation par le biais de l'expertise médico-légale.

En tant qu'expert, le médecin constate, décrit et détermine l'imputabilité des dommages à l'infraction. C'est la démonstration d'un lien pathogénique direct, certain et exclusif : c'est le concept juridique de causalité adéquate qui impose de démontrer la cause et la certitude que, sans l'intervention de celle-ci, le dommage ne serait jamais arrivé. L'effort de l'expert doit consister à affirmer ou infirmer le caractère certain du préjudice ainsi que le caractère certain et direct de la relation causale.

Le rapport de l'expert médical sert donc de document de base qui conditionne la fixation du préjudice corporel de la victime et qui permet à l'avocat de la partie civile d'établir sa réclamation, au juge d'arbitrer² par l'évaluation pécuniaire qu'il en fera.

Dans les jugements sous analyse, les tribunaux n'ont pas recouru à un rapport de l'expert médical pour établir la certitude de l'existence de préjudice et celle du lien avec les infractions mises à charge des prévenus mais ont alloué des dommages-intérêts pour réparer les préjudices subis en recourant à l'évaluation forfaitaire.

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¹ Y. LAMBERT-FAIVRE et S. PORCHY-SIMON, op. cit., p. 89.

² J.-G. MOORE, cité par B. A.H. DREYFUS, dans un article de la Gazette du Palais du 7 juillet 2001 p. 6.

2.2. ABSENCE DES CRITÈRES SPÉCIAUX DANS L'INDEMNISATION DES VICTIMES DE CRIMES INTERNATIONAUX ET LA GLOBALISATION SYSTÉMATIQUE DES PRÉJUDICES

Les jugements sous analyse se caractérisent, d'une part, par le manque de critères spécifiques dans l'évaluation des préjudices corporels résultant des crimes internationaux et, d'autre part, par l'allocation des dommages et intérêts pour « tous les préjudices confondus ».

Certes aucun texte n'impose impérativement une indemnisation analytique poste par poste des préjudices, mais le besoin de clarté de transparence et de cohérence recommande le recours à cette méthodologie. La particularité de chaque situation, les circonstances spécifiques du dommage ou la situation personnelle de chaque victime doivent nécessairement être prises en considération et ne sauraient faire l'objet d'une quelconque systématisation.

Par ailleurs, la transparence implique que tout ce qui relève du domaine de l'indemnisation soit connu de chacun. La réparation des préjudices par confusion entraîne une certaine opacité dès lors qu'elle ne permet pas à la victime de vérifier si tous les chefs de sa demande en réparation ont été pris en compte par le juge dans la fixation des dommages et intérêts. La réparation de « tous les préjudices confondus » ne permet pas à chaque victime de comprendre les différentes composantes de préjudices subis, pas plus qu'elle ne lui permet de connaître les évaluations habituellement pratiquées par les tribunaux dans des cas similaires.

En outre, l'analyse de ces jugements ne permet pas de dégager les critères spécifiques que le juge militaire retient pour déterminer le chiffrage des dommages-intérêts. Tel est le cas de l'affaire dite Bokala où le TMG alloue indistinctement 15.000 dollars américains à chaque ayant-droit de victime décédée. Cette juridiction se fonde-t-elle sur l'âge de la victime, sa situation familiale, l'activité exercée par la victime, et l'importance des douleurs endurées par elles et par les ayants droits ? Dans cette même cause, la Cour militaire de l'Equateur fait de même en accordant 5.000 dollars à chaque victime de viol comme si toutes les victimes avaient subi les mêmes préjudices tant dans leur nature que dans leur importance.

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De la même manière, dans cette affaire, s'agissant des commerçants victimes du pillage alors que la Cour pouvait examiner la situation de chacun, elle alloue 10.000 dollars, ce qui pourrait conduire à se demander si la Cour se trouvait face à des préjudices sériels, qui affectent à l'identique de nombreux individus et dont la cause est commune (affaires du sang contaminé, de l'amiante, du Distilbène[®], du vaccin contre l'hépatite B...)¹.

Il semble donc découler de l'absence des critères particuliers de préjudices corporels résultant des crimes internationaux une inégalité de traitement des victimes.

2.3. INÉGALITÉ DE TRAITEMENT DES VICTIMES DES PRÉJUDICES CORPORELS RÉSULTANT DES CRIMES INTERNATIONAUX

L'inégalité de traitement des victimes se traduit par une dispersion tant interne qu'externe dans l'appréciation jurisprudentielle de préjudices corporels résultant des crimes internationaux.

Dispersion au sein d'une même Cour militaire

Ainsi par exemple, dans l'affaire MULESA, la Cour Militaire de la Province Orientale a condamné la RD Congo *in solidum* au paiement de 10.000 dollars américains à la partie civile Mateso pour meurtre de sa tante SAMATO ADIDO. Cette même Cour, allouera à charge de l'Etat congolais dans l'affaire BONGI 50.000 dollars américains à la partie civile Androso KANYORO pour le meurtre de MBADHU.

Dispersion entre différentes cours militaires

En second lieu, il est frappant de constater qu'une victime est mieux indemnisée à KISANGANI qu'à MBANDAKA. En effet dans l'affaire SONGO MBOYO, la Cour Militaire de l'Equateur a condamné l'Etat Congolais *in solidum* avec les prévenus BOKILA LOLEMI et Consorts au paiement de 10.000 dollars américains à la partie civile pour le viol de sa fille décédée tandis que, pour la même infraction, la Cour Militaire de la Province Orientale accordera dans l'affaire MULESA 24.000 dollars américains au profit de la partie civile - le père de

¹ J. KULLMANN, « Remarques juridiques sur les sinistres sériels », in *Risques*, n°62, juin 2005, pp.107 et s.

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la victime violée et tuée. Il est inadmissible que l'on puisse se dire que telle victime, car elle a été violée à Mbandaka, sera moins indemnisée que si elle l'avait été à Bunia ou Kisangani.

Au-delà des considérations propres au caractère unique de chaque individu et de chaque situation, les inégalités constatées entre les juridictions dans le cadre de l'indemnisation conduisent à remettre en cause le principe même d'égalité ici devant le service public de la justice. 82

2.4. MODICITÉ DES DOMMAGES-INTÉRÊTS ALLOUÉS AUX VICTIMES

Il se dégage de l'échantillon des décisions rendues en la matière et repris dans le tableau suivant¹ une modicité des montants en ce qui concerne les indemnisations.

Juridic- tions	Affaires jugées	Montant des indem- nités al- louées	Nombre de victimes	Moyenne des indem- nités par victime
TMG Mban- daka	Affaire dite SONGO MBOYO RP 084/2005 du 12/04/2006	78.100 US \$	17, dont une vic- time violée et décédée (10.000 US \$), et 16 victimes de viols (5.000 US \$) et/ ou pillages (500 US \$).	4.500 US \$ en moyenne par personne
TMG Mban- daka	Affaire dite BOKALA RP 101/006 du 20/06/2006	300.000 US \$	128 parties civiles constituées (15.000 US \$ pour une vic- time décédée, 5000 US \$ pour chaque victime de viol,)	2.400 US \$ par victime
TMG Bunia	Affaire Bongi RP 018/06 du 24/03/2006	300.000 US \$	3 parties civiles	100.000 US \$ par victime
TMG Bunia	Affaire MULESA RP 101/2006 du 19/02/2007	315.000 US \$	19 parties civiles	16.000 US \$ par victime
TMG Bunia	Affaire KA- HWA Panga RP 039/2006 du 02/08/2006	500.500 US \$	13 parties civiles	38.500 US \$ par victime

Au premier degré

¹ G. BALANDA MIKUIN LELIEL, « Quelques considérations quant à l'indemnisation des victimes par la justice congolaise », in *Les réparations Judiciaires au profit des victimes de violations massives de droit de l'homme en République Démocratique du Congo*, Kinshasa, 2011, p. 37.

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Juridic- tions	Affaires jugées	Montant des indem- nités al- louées	Nombre de victimes	Moyenne des indem- nités par victime		
CM Equa- teur	Affaire dite SONGO MBOYO RPA 014/2006 du 7/06/2006	170.317 US \$	17, dont une vic- time violée et dé- cédée (10.000 US \$), et 16 victimes de viols (5.000 US \$) et/ou pillages (500 US \$).	10.000 US \$ en moyenne par personne		
CM Equa- teur	Affaire dite BOKALA RPA 15/006 du 20/06/2006	126.000 US \$	25 parties civiles constituées (15.000 US \$ pour une victime décé- dée, 5000 US \$ pour chaque victime de viol,)	5.000 US \$ par victime		
CM Pr Orientale	Affaire Bongi RPA 030/06 du 24/03/2006	165.000 US \$	3 parties civiles	50.000 US \$ par victime		
CM Pr Orientale	Affaire MULESA RPA 003/2007 du 28/07/2007	171.000 US \$	19 parties civiles. 24.000US US \$ par victimes de viol, 19.000 US US \$ par victime tuée ; 51.000U S \$ pour un père de 4 vic- times	9.000 US \$ par victime		
TMG Bunia	Affaire KA- HWA Panga RPA 023/2007 du 02/08/2006	Tout en annu- lant le juge- ment a quo, la Cour Mili- taire a déclaré l'action des parties civiles recevable et s'est réservée de statuer quant au fond				

Au degré d'appel

Bien que le franc congolais soit la seule monnaie ayant cours légal en RD Congo, le tableau ci-dessus indique que les montants de condamnation aux dommages-intérêts sont exprimés en monnaie étrangère, le dollar américain, mais payable en franc congolais. En 84

effet s'il est admis que les préjudices sont évalués à la date où le jugement est prononcé, son exécution intervient toujours après. Or avec la dévaluation constante et chronique de la monnaie nationale « franc congolais », le problème de la détermination de la monnaie de condamnation aux dommages-intérêt en droit congolais a toujours été posé. La jurisprudence admettait alors que le juge d'appel puisse tenir compte de la dévaluation monétaire intervenue depuis la date du prononcé du jugement, dont appel, pour augmenter les dommages-intérêts alloués par le premier juge à l'appelant¹. Cette solution jurisprudentielle n'a résolu que partiellement le problème car elle ne concernait que les décisions frappées d'appels.

Aussi, pour pallier cette carence, le recours à une monnaie étrangère stable est apparu comme une panacée, comme monnaie de refuge pour des condamnations aux dommages-intérêts en vue de faire face à la dévaluation de la monnaie nationale entre le jour du prononcé du jugement et de celui de son exécution.

2.5. LA NON APPLICATION DES INSTRUMENTS JURIDIQUES INTERNATIONAUX RELATIFS À LA RÉPARATION DES VICTIMES DES CRIMES INTERNATIONAUX

L'une des contributions des juridictions militaires dans la répression des crimes internationaux est l'application directe du Statut de la Cour pénale internationale¹. Cependant ces juridictions n'appliquent pas les instruments juridiques internationaux relatifs à la réparation des préjudices résultant de violations flagrantes du droit international des droits de l'homme et des violations graves du droit humanitaire.

¹ CM Sud Kivu, Aff. Aud. Mil. Sup. et parties civiles contre Lt. Col. BALUMISA MANASSE et Consorts, Feuillet

^{21 ;}TMG Mbandaka, 12 avril 2006, Aff. Aud. Mil. contre Lt. ELIWO NGOY et Consorts, inédit.

3. TENTATIVE D'EXPLICATION DE LA PRATIQUE INDEMNITAIRE DES JURIDICTIONS MILITAIRES CONGOLAISES

Certaines causes justifiant les constats énoncés plus haut peuvent être relevées.

3.1. UNE ÉVALUATION EN ÉQUITÉ « EX AEQUO ET BONO » DES INDEMNITÉS PAR LE JUGE MILITAIRE

Le juge militaire recourt systématiquement à une évaluation forfaitaire des indemnités pour réparer les préjudices subis alors que l'on juge¹ et enseigne² classiquement que l'évaluation ex aequo et bono (c'est-à-dire en équité) n'est permise que dans le cas où il n'existe pas d'éléments certains permettant de calculer le montant de dommages-intérêts. Une évaluation en équité est exclue dès lors qu'il est parfaitement possible de connaître les pertes subies et les gains manqués à la suite d'un crime international. S'il arrive au juge de recourir à l'évaluation ex aeguo et bono, il doit donner la raison pour laquelle l'évaluation ne peut être qu'ex aequo et bono.³ En effet, s'agissant des pertes subies, la preuve des frais exposés par les victimes indirectes pour les soins médicaux et les frais funéraires peut être administrée par des documents comptables à verser au dossier. Tandis que pour les gains manqués, et notamment les pertes de revenus, il faut les évaluer en recourant à un critère objectif tel que le dernier salaire de la victime au cas où elle avait une activité professionnelle.

Cette évaluation forfaitaire entraîne comme conséquence une incohérence et une disparité ci-haut rappelée dans l'indemnisation des dommages corporels. L'équité est une notion pour laquelle il existe un risque constant d'imprévisibilité et d'insécurité, sans compter l'arbitraire du juge. La spécificité première de l'équité est

¹ CSJ, 28 juillet 1987, RP 994, inédit. ; CSJ, 04 juillet 1980, RPP 2, inédit.

² R. LUKOO MUSUBAO, La jurisprudence congolaise en droit du travail et de la sécurité sociale, On s'en sortira, Kinshasa, 2006, p. 89.

³ CSJ, 5 juillet 1997, « Kanyanga contre MP et Makosso », in *Bulletin des Arrêts de la Cour Suprême de Justice*, p. 119.

Annex 68

Jacques B. Mbokani, Open Society Initiative for Southern Africa (OSISA), La jurisprudence congolaise en matière de crimes de droit international. Une analyse des décisions des juridictions militaires congolaises en application du Statut de Rome (2016)

La jurisprudence congolaise en matière de crimes de droit international

Une analyse des décisions des juridictions militaires congolaises en application du Statut de Rome



Une étude de l'Open Society Initiative for Southern Africa (OSISA)

2016

Jacques B MBOKANI



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les FAPC dont il était fondateur et commandant suprême. Il a abusé de son autorité et de son pouvoir en ordonnant l'exécution et le meurtre de Leti ; ce qui fut fait par ses subordonnés qui obéissaient de manière et quasi automatique à ses ordres. Le pouvoir, l'autorité et le contrôle que [l'accusé] exerçait dans les FAPC étaient tels que, même ses plus proches collaborateurs ne pouvaient poser aucun acte important sans que leur chef suprême n'ait ordonné ou autorisé et ils ne pouvaient lui désobéir sans subir un châtiment sévère et parfois suprême »⁵⁷².

Le second acte criminel imputé à l'accusé parce que, selon la Haute Cour, il l'aurait commis « par l'intermédiaire d'autres personnes » est le soi-disant crime de guerre par tortures infligées à M. Combe Ngabu sur ordre de l'accusé. Ici encore, l'on constate que la Haute Cour a appliqué l'article 25(3)(a) du Statut de Rome en soutenant que l'accusé « est individuellement responsable pénalement du crime de guerre par tortures pour avoir, par l'intermédiaire de ses subordonnés, infligé des tortures à Combe Ngabu ». La Haute Cour n'est pas entrée dans beaucoup de développements par rapport à cette seconde imputation. L'on suppose toutefois que les éléments invoqués dans le meurtre de M. Leti Léopold s'appliquent ici aussi pour justifier le recours à la théorie de la commission par l'intermédiaire d'une autre personne.

L'argumentation ainsi avancée tant sur la commission individuelle des crimes que sur la commission par l'intermédiaire d'autres personnes ou d'une organisation est globalement convaincante et n'appelle pas beaucoup de remarques. Il existe toutefois deux points à relever. Le premier est que la référence à l'article 25(3), par la Haute Cour, reste trop générale puisque cette disposition prévoit plusieurs hypothèses dans lesquelles la responsabilité pénale individuelle peut être retenue et qu'il importait à la Haute Cour militaire de spécifier laquelle de ces différentes hypothèses était applicable à l'accusé. La Haute Cour semble toutefois avoir eu en tête l'article 25(3)(a) du Statut de Rome puisqu'elle a retenu, à charge de l'accusé, une commission matérielle du crime de viol et, pour le meurtre de Leti Léopold et les actes de tortures à l'endroit de Combe Ngabu et de Mawa Assia, une commission par l'intermédiaire d'autres personnes. Le deuxième point est que l'argumentation relative à la commission par l'intermédiaire d'autres personnes n'est pas toujours soutenue par des faits concrets autres que les crimes dont il s'agit. Le degré de contrôle que l'accusé exerçait sur son groupe armé et qui entraînait une exécution quasi automatique de ses ordres aurait dû être étayé par d'autres faits que ceux qui sont à l'origine de l'arrêt commenté.

11. Affaire colonel 106

L'affaire dite *colonel 106* portait sur les exactions commises par un groupe armé des Maï-Maï dirigé par le colonel Bedi Mobuli alias « colonel 106 ». Ce dernier était poursuivi pour 15 chefs d'accusation liés aux activités de son groupe armé dans la localité de Manga dans

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le Sud-Kivu. Les 5 premiers chefs d'accusation ont été qualifiés par la Cour militaire de Bukavu de crimes contre l'humanité en vertu de l'article 7 du Statut de Rome.

Argumentation

Contrairement aux autres affaires, l'acte d'accusation dans cette affaire a spécifiquement invoqué l'article 25 du Statut de Rome. L'affaire *colonel 106* est ainsi l'une des rares affaires dans lesquelles l'acte d'accusation fait explicitement référence au Statut de Rome. Par rapport au rôle joué par l'accusé dans la perpétration des crimes⁵⁷³, la Cour a bien commencé son argumentation en précisant que « l'article 25-3-a englobe les notions de perpétration directe (commission d'un crime conjointement avec une autre personne) et de perpétration indirecte (commission d'un crime par l'intermédiaire d'une autre personne) que cette autre personne soit ou non responsable ». Ainsi, la Cour a bien clarifié la distinction que renferme cet article sur les deux variantes de la coaction.

La Cour a par ailleurs abordé quatre points relatifs à la responsabilité de l'accusé. Dans un premier temps, elle a examiné « la responsabilité individuelle du prévenu fondée sur l'article 25(3)(a) du Statut de Rome ». Elle a soutenu à cet égard que « l'examen du dossier et des éléments recueillis lors de l'instruction aux audiences successives renseignent que le prévenu Bedi Mobuli a commis les crimes contre l'humanité tantôt comme auteur à titre individuel, tantôt conjointement avec une autre personne, tantôt par l'intermédiaire d'une autre personne sur pied de l'article 25 du Statut de Rome (...), tantôt en tant que supérieur hiérarchique militaire ». Elle a ensuite reproduit les trois premiers paragraphes de l'article 25 du Statut de Rome, sans véritablement les confronter aux faits soumis à son examen. Sur la question du viol, la Cour s'est limitée à constater que l'accusé a personnellement eu des rapports sexuels avec deux femmes, et qu'il a même eu un enfant avec l'une d'elles, dans un environnement coercitif et que pour cela, ces faits étaient constitutifs de viols en tant que crimes contre l'humanité.

Dans un deuxième temps, la Cour a abordé la responsabilité de M. Bedi Mobuli au regard d'une « attaque menée sous son commandement ». Elle a à cet égard cité quelque 17 cas où les actes criminels (pillage, incendie, enlèvements des personnes, mauvais traitements et tortures, etc.) ont eu lieu suivant les ordres donnés par l'intéressé⁵⁷⁴. Elle n'a cependant pas invoqué la base juridique pour asseoir la responsabilité de l'accusé. Toutefois, en faisant référence aux actes perpétrés suivant les « ordres » de l'accusé, elle avait certainement en tête l'article 25(3)(b) du Statut de Rome.

Dans un troisième temps, la Cour a analysé la responsabilité de M. Bedi sous l'angle de la « commission du crime par coaction fondée sur le contrôle exercé conjointement sur le crime ». À cet égard, se référant à certains extraits de la Décision *Lubanga* et de l'ouvrage du professeur Nyabirungu, elle a déclaré que « la notion de coaction fondée sur le contrôle exercé conjointement sur le crime a pour origine le principe de la division des tâches

⁵⁷³ Arrêt colonel 106, p. 72 et suivantes.

⁵⁷⁴ Idem, p. 74.

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essentielles en vue de la commission d'un crime entre deux ou plusieurs personnes agissant de manière concertée » ; et qu' « ainsi bien qu'aucune de ces personnes ne détiennent le contrôle d'ensemble de l'infraction parce qu'elles dépendent toutes les unes des autres pour sa commission, elles partagent toutes le contrôle, car chacune d'elle pourrait compromettre la commission du crime si elle n'exécutait pas sa tâche »⁵⁷⁵.

La Cour a ensuite soutenu que la coaction fondée sur le contrôle du crime suppose d'abord l'existence d'un « accord ou plan commun entre deux ou plusieurs personnes ». Dans l'affaire soumise à son examen, elle a estimé qu'il existait un « accord entre Bedi et ses hommes » et que cet accord « portait sur l'idéologie, convaincre la population qu'ils étaient des Américains venus les libérer »⁵⁷⁶. Elle a également soutenu que dans le cadre de cet accord, les acteurs avaient convenu que « pour se ravitailler, il fallait prendre des contacts avec les chefs coutumiers et la population ; concevoir et les convaincre sur le calendrier de ravitaillement en ration, des vivres et autres, obtenir les transporteurs volontaires à défaut piller les vivres, les médicaments pour la pharmacie et arrêter des gens en mesure de transporter, les lier par une corde appelée *saviem* jusqu'à Manga » ; et qu' « une fois arrivés, les têtus [devaient être] gardés dans un trou appelé *handaki* ».

En plus de l'existence d'un accord, la coaction suppose également, et la Cour le dit à juste titre, l'existence d'un apport de chaque membre, c'est-à-dire une contribution essentielle et coordonnée aboutissant à la réalisation des éléments objectifs du crime. Se référant de nouveau à certains extraits de la Décision *Lubanga* et à l'ouvrage du professeur Nyabirungu, elle a rappelé que « lorsque les éléments objectifs d'une infraction sont réalisés par plusieurs individus agissant dans le cadre d'un plan commun, seuls ceux à qui ont été assignées des tâches essentielles et qui sont donc en mesure de faire obstacle à la perpétration du crime en n'accomplissant pas leurs tâches peuvent être considérés comme exerçant un contrôle conjoint sur le crime ». Par ces propos, elle avait certainement en tête l'idée de l'interdépendance.

C'est sans doute pour tenter de démontrer l'importance de la contribution de M. Bedi que la Cour a déclaré ce qui suit :

dans le cas sous examen, les crimes ne pouvaient pas être accomplis si les éléments n'attaquaient pas la population civile ; il n'y aurait pas viol des femmes si elles n'étaient pas amenées à Manga ; les butins des attaques n'arriveraient pas à Manga s'il n'y avait pas une sélection des transporteurs liés pas une corde appelée *saviem* et la distribution des femmes pour maintenir le moral de la troupe serait laborieuse s'il n'y avait pas un chargé de dispatch en la personne de M. Bedi Mobuli et la discipline serait compromise s'il n'y avait pas de *handaki* pour garder et corriger les indisciplinés. À Manga, M. Bedi et son groupe savaient bien qu'il est impossible que chaque villageois puisse ravitailler le mouvement de façon

⁵⁷⁵ Idem, p. 74.

⁵⁷⁶ Idem, p. 76.

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régulière et conséquente en vivres, médicaments, armes, munitions et femmes. Les conditions précaires de vie étaient tellement en doute qu'il fallait s'attendre à la résistance ou au refus. Mais ils ont délibérément accepté de procéder à ces opérations. La Cour déclarer l'élément subjectif établi. Donc chacun avait un rôle à jouer de sorte que si un maillon faillissait, il serait difficile de réaliser la politique du mouvement. La Cour dira sa participation à tous ces crimes par le contrôle exercé conjointement sur le crime établi dans le chef du prévenu⁵⁷⁷.

Dans un quatrième temps, la Cour militaire de Bukavu a abordé la responsabilité pénale de l'accusé sous l'angle de la « commission par l'intermédiaire d'une personne » (perpétration indirecte). À cet égard, elle a rappelé que cette forme de responsabilité consiste « en ce que l'auteur principal, auteur intellectuel utilise l'exécutant (auteur direct) comme simple outil ou instrument pour commettre le crime » et que c'est elle qui est également traduite, selon elle, par « la théorie de l'auteur derrière l'auteur inscrite à l'article 25(3)(a) du Statut de Rome »⁵⁷⁸. Ensuite, s'inspirant de la Décision *Katanga et Ngudjolo*, elle a soutenu que cette forme de responsabilité exige que soient satisfaites trois conditions à savoir (i) le contrôle sur l'organisation, (ii) l'existence d'un appareil de pouvoir organisé et hiérarchisé, et (iii) l'exécution des crimes assurée par une obéissance quasi automatique aux ordres.

Pour démontrer que ces trois conditions étaient réunies dans le chef de M. Bedi Mobuli, la Cour a déclaré ce qui suit :

le prévenu Bedi Mobuli est le chef de l'organisation Maï-Maï dans sa branche armée basée à Manga alias États-Unis (...), avec un pouvoir organisé et structuré avec le colonel « cinq Birere », le capitaine « Shimita », [et] les crimes commis obéissent à une exécution quasi automatique. C'est ainsi que l'attaque de la première barrière du parc de Kahuzi Biega, ses hommes ont agi en son absence et ont pillé les effets de F1, F55, ils ont détenu F1 et l'ont torturée, ils ont enlevée, et violé F19, F37 comme s'ils étaient des robots obéissants à un même *modus operandi*⁵⁷⁹.

La Cour a également mentionné deux incidents survenus dans la localité de Kalonge dans lesquels les hommes fidèles à Bedi Mobuli ont demandé de l'argent à une victime (F14) et, face au refus de celle-ci, ils l'ont pillée et lorsque sept de ces mêmes hommes ont violé une victime après que celle-ci ait repoussé leurs avances. L'arrêt ne précise toutefois pas s'il s'agit de la même victime (F14) ou d'une autre. La Cour a ainsi retenu la responsabilité pénale de l'accusé Bedi Mobuli « pour avoir commis par l'intermédiaire de ses éléments, l'infraction de crime contre l'humanité par pillage, enlèvement et par torture à Kahuzi

⁵⁷⁷ Idem.

⁵⁷⁸ Idem.

⁵⁷⁹ Idem.

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Biega sur la base des preuves par témoignages de F1, F55, F19, F89 (...) et l'attestation médicale de F25, F47 et F305, etc. ».

Observations

Il existe au moins trois points positifs à signaler à propos de l'arrêt colonel 106 quant à l'application de l'article 25 du Statut de Rome. En premier lieu, l'arrêt marque une rupture nette avec l'approche erronée de la coaction contenue dans les précédentes décisions des juridictions militaires de Bukavu depuis l'arrêt Kibibi et consorts, approche soi-disant tirée de la jurisprudence de la CPI. Dans l'arrêt sous examen, la Cour militaire de Bukavu fait application de la doctrine de la coaction fondée sur le contrôle exercé sur le crime pour les mêmes raisons et dans les mêmes conditions que la CPI dans la Décision Lubanga et dans la Décision Katanga et consort. Ainsi, la Cour précise que cette dernière approche exigeait de démontrer l'existence (i) d'un accord ou d'un plan commun entre les coauteurs et (ii) d'un apport essentiel et coordonné entre eux en vue de la réalisation du crime (interdépendance). En deuxième lieu, l'arrêt distingue clairement les deux variantes de la coaction : directe et indirecte. Troisièmement enfin, l'arrêt a le grand mérite d'avoir tenté de confronter le cadre juridique tracé par lui aux faits soumis à son examen. Sur ce point, il marque une certaine rupture avec cette tendance tant décriée des juridictions militaires congolaises de se lancer dans des débats théoriques pour finalement omettre de les confronter aux faits soumis à leurs examens.

L'arrêt colonel 106 comporte néanmoins quelques faiblesses à porter à son passif. Premièrement, on l'a déjà dit, l'article 25(3)(a) du Statut de Rome prévoit trois hypothèses de la commission d'un crime relevant de la compétence de la CPI. La première est celle de la commission dite « individuelle » dans laquelle une seule personne s'engage dans la commission d'un crime (perpétration directe). La deuxième hypothèse est celle de la commission physique et collective (avec d'autres personnes) d'un crime (commission conjointe ou coaction *directe*). La troisième et dernière hypothèse est celle de la commission du crime « par l'intermédiaire d'une autre personne ou groupe de personnes » ou encore la perpétration *indirecte* du crime. Cette hypothèse concerne généralement le cas des individus qui ne sont pas physiquement présents sur le lieu du crime, mais qui exercent un contrôle étroit sur la volonté des individus qui commettent physiquement le crime.

Au regard de ces trois variantes, la question que soulève l'arrêt *colonel 106* est alors celle de savoir si *pour un même comportement criminel*, un individu peut être tenu pénalement responsable sous toutes ces trois hypothèses ? Autrement dit, peut-on concevoir une hypothèse de cumul de responsabilité pénale pour un même fait dans le chef d'une personne ? L'arrêt *colonel 106* semble y avoir répondu par l'affirmative, sans le dire ouvertement. En effet, cet arrêt ne dit pas clairement pour quelle catégorie précise des crimes, la première hypothèse (perpétration physique) a été appliquée à l'accusé ni pour quelle autre hypothèse, la perpétration indirecte lui a été appliquée. L'on se retrouve avec une déclaration globale de la culpabilité sous toutes les trois variantes de l'article 25(3)(a) du Statut de Rome sans beaucoup de spécifications. Certes, pour tel incident, l'on peut engager sa responsabilité

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comme auteur physique de l'acte ; pour tel autre, comme coauteur (avec d'autres) de l'acte ; et pour tel autre encore, comme auteur ou coauteur indirect. Mais, pour un seul et même incident, on ne peut pas réunir toutes ces trois hypothèses. Il était donc important que l'arrêt soit plus précis sur cette question.

Deuxièmement, sur la question de l'existence d'un accord entre deux ou plusieurs personnes, exigence nécessaire pour établir une coaction fondée sur le contrôle conjoint du crime, l'arrêt *colonel 106* semble s'être mépris sur cette condition. L'arrêt soutient que cet accord portait sur l'idéologie, etc., mais ce qu'il a plutôt mis en avant ce sont les méthodes du groupe armé auquel appartient l'accusé, alors qu'il n'a pas démontré l'existence d'un accord au vrai sens du mot ni surtout qui étaient les parties à cet accord. On verra d'ailleurs plus loin que l'arrêt soutient que les parties à cet accord étaient tantôt les membres de l'équipe dirigeante de ce groupe armé, tantôt l'accusé et tous les membres dudit groupe armé. Il aurait pourtant été plus simple que l'arrêt soutienne que cet accord portait plutôt sur la création même du groupe armé auquel appartient l'accusé, sur la définition de ses objectifs et même sur ses méthodes d'actions pour fonctionner et parvenir à ses objectifs.

Troisièmement, deux confusions latentes – celle entre la coaction *directe* et la perpétration *indirecte*, d'une part, et celle entre la commission par *ordre* et la *perpétration indirecte*, d'autre part – peuvent être dénichées dans l'argumentation de cet arrêt.

Confusion entre coaction directe et perpétration indirecte ? Il faut ici rappeler que dans la « coaction directe », l'individu participe physiquement à la réalisation des éléments objectifs (matériels) du crime *conjointement* avec d'autres, tandis que dans la perpétration indirecte, il n'est pas présent sur le lieu du crime et n'a pas l'intention de se salir les mains ; toutefois, c'est lui qui *contrôle étroitement la volonté* de ceux qui exécutent le crime à sa place⁵⁸⁰ à la manière d'un coach dans le football qui contrôle les mouvements de ses joueurs sur terrain et qui peut les interchanger comme bon lui semble afin d'améliorer la performance de l'équipe. L'exemple qui est généralement donné est celui des crimes imputés aux chefs d'État – comme dans l'affaire *Al-Bashir* ou dans l'affaire *Gbagbo*⁵⁸¹ – dans lesquelles l'idée de base consistait à dire que ces deux individus ont commis les crimes par l'intermédiaire de l'appareil d'État sur lequel ils ont exercé un contrôle étroit.

Dans l'affaire sous examen, il apparaît que d'une part, en abordant la question de la « commission du crime par coaction fondée sur le contrôle exercé conjointement sur le crime », la Cour a soutenu l'existence d'un accord entre l'accusé et ses hommes. Selon ce raisonnement, il s'agit d'une coaction directe et les coauteurs directs sont, M. Bedi et ses hommes. Cependant, lorsqu'elle a abordé un peu plus loin la responsabilité de l'accusé sous l'angle de la « commission par l'intermédiaire d'une personne », la Cour militaire a affirmé que l'accusé Bedi Mobuli est le chef de l'organisation Maï-Maï basée à Manga ; que cette

⁵⁸⁰ Thomas Weigend, « Perpetration through an Organization: The Unexpected Career of a German Legal Concept », JICJ, vol. 9, 2011, pp. 91-111; Elies van Sliedregt, Individual Criminal Responsibility in International Law, Oxford, OUP, 2012, p. 93 et suivantes.

⁵⁸¹ CPI (Ch. Prél. I), Le Procureur c. Al-Bashir, « Décision relative à la requête de l'Accusation aux fins de délivrance d'un mandat d'arrêt à l'encontre d'Omar Hassan Ahmad Al Bashir », Doc. ICC-02/05-01/09-3tFRA, 4 mars 2009, § 214 ; Décision Gbagbo, § 230.

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organisation était structurée, mais surtout que la responsabilité pénale de M. Bedi Mobuli était retenue pour avoir commis ces crimes « par l'intermédiaire de ses éléments ».

Ces propos font clairement penser à la perpétration *indirecte* fondée sur le contrôle qu'un individu, en l'occurrence M. Bedi Mobuli, a exercé sur une organisation. Il se pose alors la question de savoir s'il s'agit d'une coaction *directe* entre M. Bedi Mobuli et ses hommes ou s'il s'agit d'une perpétration *indirecte* dans laquelle M. Bedi Mobuli exerce un contrôle étroit sur la volonté de ses hommes dans la commission des crimes. Autrement dit, l'arrêt est flou (et même contradictoire) sur la question de savoir (i) si les hommes de l'accusé étaient utilisés comme de simples « instruments » par lesquels il a commis les crimes (perpétration indirecte); ou (ii) si ces hommes étaient des « coauteurs » qui ont donné non seulement leur *accord à un plan commun* dont la réalisation comportait tout au moins le risque de commission des crimes, mais aussi une *contribution essentielle et coordonnée* dans la réalisation de ces crimes dans le cadre d'une interdépendance entre eux (coauteurs directs).

La Cour militaire en est même arrivée à imputer à M. Bedi Mobuli les actes criminels commis par ses hommes dans les circonstances où il apparaît que ces derniers ont agi de manière incontrôlée et sans avoir reçu un ordre quelconque de l'accusé. Tel est le cas du pillage et du viol de F14 (pour autant qu'il s'agisse de la même personne), commis par les hommes de M. Bedi Mobuli à Kalonge. La Cour a conclu que M. Bedi Mobuli a commis ces crimes par l'intermédiaire de ses hommes, alors même qu'elle n'avait pas démontré en quoi la commission de ce crime obéissait à une *exécution quasi automatique* des ordres émis par M. Bedi Mobuli. En laissant sous-entendre que les éléments de Bedi Mobuli étaient en même temps (i) des coauteurs directs (avec Bedi Mobuli) et (ii) des éléments, dont la volonté était étroitement contrôlée par Bedi Mobuli dans la commission des crimes, la Cour militaire a, en réalité, entretenu une confusion sur la nature de la responsabilité pénale retenue à charge de M. Bedi Mobuli.

Confusion entre la responsabilité fondée sur l'ordre et la perpétration indirecte ? La deuxième confusion latente qui réside dans cet arrêt est la difficulté à distinguer la responsabilité d'un individu qui a « ordonné » un crime et sa responsabilité dans le cadre d'une « perpétration indirecte », lorsque cet individu agit par l'intermédiaire d'une personne ou d'une organisation. Le donneur d'un ordre criminel est-il un auteur indirect des crimes ? L'arrêt colonel 106 y a apparemment répondu par l'affirmative. Cette interprétation particulière de l'article 25(3)(a) du Statut de Rome est parfaitement conforme au droit congolais. Elle semble en effet avoir été influencée par l'article 21(3) du Code pénal ordinaire congolais qui considère comme « auteurs » d'une infraction « ceux qui, par offres, dons, promesses, menaces, abus d'autorité ou de pouvoir, machinations ou artifices coupables, auront directement provoqué cette infraction », étant entendu que l'ordre de commettre une infraction constitue une des variantes de la provocation (privée) à commettre une infraction.

L'article 21 du Code pénal ordinaire ne contient donc pas la distinction entre le donneur d'ordre et l'auteur indirect d'une infraction. L'article 25(3)(a) du Statut de

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Rome, inséré à l'article 21 bis du Code pénal ordinaire, exprime une réalité un peu plus nuancée que celle de l'article 21 du Code pénal ordinaire. En effet, il est incontestable que dans les deux cas, il existe des ordres émanant d'un supérieur hiérarchique qui abuse de son autorité ou de son pouvoir. Toutefois dans l'hypothèse de la commission par l'intermédiaire d'une personne (perpétration indirecte), le rôle de l'auteur principal, encore appelé « l'auteur derrière l'auteur », est plus important que dans celle de l'ordre criminel donné. Dans le premier cas, les exécutants sont considérés comme de simples instruments interchangeables mis à la disposition de l'auteur principal de sorte que leur refus ne peut empêcher la commission du crime précisément parce qu'ils sont interchangeables. Mais, dans le second cas, les exécutants ne jouent pas vraiment un rôle si effacé que cela pourrait paraître. Le refus de leur part d'obéir aux ordres peut effectivement faire obstacle à la commission du crime précisément parce qu'ils ne sont pas interchangeables. Ainsi, pour conclure à l'existence d'une « perpétration indirecte », il est important d'établir l'étroitesse du contrôle que l'auteur médiat du crime a exercé sur ceux qui ont physiquement commis ledit crime, qu'il s'agisse d'un ou plusieurs individus ou d'une organisation ou encore d'une structure.

Or, lorsqu'on lit attentivement l'arrêt colonel 106, on n'y trouve pas l'exercice d'un contrôle étroit que M. Bedi Mobuli aurait exercé sur les individus qui ont physiquement commis les crimes. Et même quand l'arrêt tente de démontrer une certaine interdépendance entre les coauteurs, il n'est pas opéré une distinction claire entre le caractère substantiel d'une aide à la commission des crimes et le caractère simplement utile de cette aide. Certes, l'action des autres intervenants a effectivement apporté un soutien considérable aux activités criminelles pour lesquelles M. Bedi Mobuli est poursuivi. Mais il restait à démontrer l'existence d'une *interdépendance totale* entre eux dans la commission des crimes pour conclure à une coaction directe.

C. La responsabilité du supérieur hiérarchique fondée sur l'article 28 du statut de Rome

la responsabilité des supérieurs hiérarchiques a été appliquée dans au moins 11 affaires traitées par les juridictions militaires congolaises en vertu de l'article 28 du Statut de Rome. Il faut indiquer que le contenu de l'article 81 du Code judiciaire militaire présente certaines ressemblances avec l'article 28 du Statut de Rome en ce qu'il prévoit la responsabilité des supérieurs hiérarchiques. Cet article est ainsi formulé : « lorsqu'un subordonné est poursuivi comme auteur principal de l'une des infractions prévues à l'article 80 et que ses supérieurs hiérarchiques ne peuvent être poursuivis comme coauteurs, ils sont considérés comme complices dans la mesure où ils ont organisé ou toléré les agissements criminels de leur subordonné ». Toutefois, cette disposition, limitée aux seules infractions d'ordre

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Henry M. Stanley, In Darkest Africa: Or the quest, rescue and retreat of Emin, Governor of Equatoria, Vol. II (1890)

IN DARKEST AFRICA

OR THE

QUEST, RESCUE, AND RETREAT OF EMIN GOVERNOR OF EQUATORIA

HENRY M. STANLEY

WITH TWO STEEL ENGRAVINGS, AND ONE HUNDRED AND FIFTY ILLUSTRATIONS AND MAPS

IN TWO VOLUMES

Vol. II

*I will not cease to go forward until I come to the place where the two seas meet, though I travel ninety years."—KORAN, chap. xviii., v. 62.

> NEW YORK CHARLES SCRIBNER'S SONS

> > 1890

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IN DARKEST AFRICA.

CHAPTER XXXIII.

THE TRIBES OF THE GRASS-LAND.

• The Wahuma: the exact opposite of the Dwarfs: their descendants— Tribes nearly allied to the true negro type—Tribes of the Nilotic basin—The Herdsmen—The traditions of Unyoro—My experiences of the Wahuma gained while at Kavalli—View of the surrounding country from Kavalli camp—Chiefs Kavalli, Katto, and Gavira unbosom their wrongs to me—Old Ruguji's reminiscences—The pasture-land lying between Lake Albert and the forest—The cattle in the district round Kavalli: their milk-yield—Three cases referring to cattle which I am called upon to adjudicate—Household duties of the women—Dress among the Wahuma—Old Egyptian and Ethiopian characteristics preserved among the tribes of the grassland—Customs, habits, and religion of the tribes—Poor Gaddo suspected of conspiracy against his chief, Kavalli: his death—Diet of the Wahuma—The elimate of the region of the grass-land.

1889. July. The Wahuma THE Wahuma are the most interesting people, next to the Pigmies in all Central Africa. Some philological *nidderings* have classed them under the generic name Bantu, and every traveller ambitious of being comprehended among the scientific, adds his testimony and influence to perpetuate this most unscientific term. *Bantu* is an Inner African word of which the translation is Men. We are therefore asked seriously to accept it as a solemn fact, upon scientific authority, that the Wahuma, like the Pigmies, are men.

The Wahuma are the exact opposite of the dwarfs. The latter are undersized nomads, adapted by their habits to forest life: the former are tall, finelyformed men, with almost European features, adapted from immemorial custom and second nature to life in pastoral lands only. Reverse their localities, and they pine and die. Take the Pigmies out of their arboreal

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recesses and perpetual twilight, and from their vegetable diet, and plant them on a grass-land open to the winds and the sunshine, feed them on beef and grain Wahuma and milk as you may, and they shrink with the cold and exposure, refuse their meat, and droop to death. On the other hand, deport the Wahuma into the woods, and supply them with the finest vegetables, and always with plenty of food, and the result is, that they get depressed, their fine brown-black colour changes into ashen gray, the proud haughty carriage is lost, they contract an aspect of misery, and die in despair and weariness. Yet these two opposites of humanity are called Bantu, or men, a term which is perfectly meaningless, and yet as old as the story of the Creation. In North America we see to-day Esquimaux, English, Irish, German, French and Spanish Americans, and Indians, and, after the scientific manner, we should call them Bantu. Interest in the various human families is not roused by comprehending them under such unphilosophical terms.

The Wahuma are true descendants of the Semitic tribes, or communities, which emigrated from Asia across the Red Sea and settled on the coast, and in the uplands of Abyssinia, once known as Ethiopia. From this great centre more than a third of the inhabitants of Inner Africa have had their origin. As they pressed southward and conquered the negro tribes, miscegenation produced a mixture of races; the Semitic became tainted with negro blood, the half-caste tribes intermarried again with the primitive race, and became still more degraded in feature and form, and in the course of ages lost almost all traces of their extraction from the Asiatic peoples. If a traveller only bears this fact in mind, and commences his researches from the Cape of Good Hope, he will be able easily, as he marches northward, to separate the less adulterated tribes from those who are so nearly allied to the true negro type as to bear classification as negroid. The kinky, woolly hair is common to all; but even in this there are shades of difference from that which is coarse almost as horse-

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hair, to that which rivals silken floss for fineness.

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study of the hair may, however, be left; the great Wahuma, and engrossing study being the Caucasian faces under the negro hair. From among the Kaffirs, Zulus, Matabeles, Basutos, Bechuanas, or any other of the fierce South African tribes, select an ordinary specimen of those splendidly-formed tribes so ruthlessly denominated as negroes, and plant him near a West African, or Congoese, or Gabonese type, and place a Hindu between them, and having been once started on the right trail of discovery, you will at once perceive that the features of the Kaffir are a subtle amalgamation of the Hindu and West African types; but if we take a Mhuma of mature age, the relation to the Hindu will still more readily appear. Advancing across the Zambezi towards the watershed of the Congo and Loangwa, we observe among the tribes a confusion of types, which may be classed indifferently as being an intermediate family between the West African and the Kaffir; an improvement on the former, but not quite up to the standard of the latter. If we extend our travels east or west we will find this to be a far-spreading type. It embraces the Babisa, Barua, Balunda, and the tribes of the entire Congo basin; and to the eastward, Wachunga, Wafipa, Wakawendi, Wakonongo, Wanyamwezi, and Wasukuma. Among them, every now and then, we will be struck with the close resemblance of minor tribal communities to the finest Zulus, and near the eastern littoral we will see negroid West Africans reproduced in the Waiau, Wasagara, Wangindo, and the blacks of Zanzibar. When we return from the East Coast to the uplands bordering the Tanganika, and advance north as far as Ujiji, we will see the stature and facial type much improved. Through Ujiji we enter Urundi, and there is again a visible improvement. If we go east a few days we enter Uhha, and we are in the presence of twin-brothers of Zululand—tall, warlike creatures, with Caucasian heads and faces, but dyed darkly with the sable pigment. If we go east

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a little further, among those mixtures of pure negroes, with Kaffir type of ancient Ukalaganza, now called Usumbwa, we see a tall, graceful-looking herdsman Wahuma, with European features, but dark in colour. If we ask him what he is, he will tell us his occupation is herding cattle, and that he is a Mtusi, of the Watusi tribe. "Is there any country, then, called Utusi?" and he will answer "No; but he came from the north." We advance to the north, and we find ourselves travelling along the spine of pastoral upland. We are in the Nilotic basin. Every streamlet trends easterly to a great inland sea called now the Victoria Nyanza, or westerly to the Albert Edward Nyanza. This upland embraces Ruanda, Karagwé, Mpororo, Ankori, Ihangiro, Uhaiya, and Uzongora, and all these tribes inhabiting those countries possess cattle; but the people are not all herdsmen. Many among them are devoted to agriculture. After journeying hither and thither, we are impressed with the fact that all those occupied with tending cattle are similar to that graceful Mtusi whom we met in Usumbwa, and who vaguely pointed to the north as his original home, and that all the agriculturists are as negroid in feature as any thick-lipped West Coast By dwelling among them, we also learn African. that the herdsmen regard those who till the soil with as much contempt as a London banking clerk would view the farm labourer. Still advancing to the north we behold an immense snowy range. It is an impassable barrier; we deflect our march to the west, and find this Mtusi type numerous, and stretching up to the foot of the mountains, and to dense, impenetrable forests unfit for the herding of cattle; and at once the Caucasian type ceases, and the negroid features, either coppery, black, or mixed complexion—the flat nose, the sunken ridge, and the projecting of the lower part of the faceare dumb witnesses that here the wave of superior races was arrested. We retrace our steps, ascend to the upland and skirt the snowy range eastward, and over a splendid grazing country called Toro, Uhaiyana, and Unyoro, we see the fine-featured herdsmen again

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in numbers attending their vast herds, and the dark flat-nosed negroid tilling the land with hoes, as we wahuma, saw them further south. After passing the snowy range on its northern extremity, we proceed west across the flat grassy valley of the Semliki to other grassy uplands parallel with Unyoro, but separated from it by the Albert Nyanza; and over this pastoral region are living together, but each strictly adhering to his own pursuit, the herdsmen and the tillers of the During our travels from Usumbwa the herdssoil. men have changed their names from Watusi to Wanyambu, Wahuma, Waima, Wawitu, and Wachwezi. That is, they have accepted these titles in the main from the agricultural class, but whether in Ankori, or among the Balegga and Bavira, or dwelling with the Waganda or in Unyoro, they call themselves Watusi, Wahuma, or Wachwezi. In Karagwé, Ankori, or Usongora, they are the dominating classes. Their descendants sit in the seat of power in Ihangiro, Uhaiya, Uganda, and Unyoro; but the people of these countries are an admixture of the Zulu and West African tribes, and therefore they are more devoted to agriculture. When, as for instance, tribes such as Waganda, Wasoga, and Wakuri have been left to grow up and increase in power and prosperity, we have but to look at the sea-like expanse of the Victoria Nyanza, and we see the reason of it. No further progress was possible, and the wave of migration passed westward and eastward, and overlapped these tribes, and in their progress southward dropped a few members by the way, to become absorbed by the members of the agricultural class, and to lose their distinctive characteristics.

As the traditions of Unyoro report that the Wachwezi came from the eastern bank of the Victoria Nile, we will cross that river, and we find that between us and Abyssinia there are no grand physical features such as great lakes or continuous ranges to bar the migration to the south of barbarous multitudes; that the soil is poor and the climate dry, and pasture unpromising, and that all the tribes are devoted to the rearing of

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ignorance in the art of cooking them leaves them nauseous.

The "malwa," or beer, is from fermented millet and wahuma. ripe bananas. It is in great demand, and a chief's greatest business in life appears to be paying visits to his friends round about, for the purpose of exhausting their malwa pots. Fortunately, it is not very potent, and is scarcely strong enough to do more than inspire a happy convivial feeling.

The climate of the region is agreeable. Five hours' work per day can be performed, even out-door, without discomfort from excessive heat, and three days out of seven during the whole of daylight, because of the frequent clouded state of the sky. When, however, the sky is exposed, the sun shines with a burning fervour that makes men seek the shelter of their cool huts. The higher portions of the grass-land—as at Kavalli's, in the Balegga Hills, and on the summit of the Ankori pastoral ranges—range from 4,500 to 6,500 feet above the sea, and large extents of Toro and Southern Unyoro as high as 10,000, and promise to be agreeable lands for European settlers when means are provided to convey them there. When that time arrives they will find amiable, quiet, and friendly neighbours in that fine-featured race, of which the best type are the Wahuma, with whom we have never exchanged angry words, and who bring up vividly to the mind the traits of those blameless people with whom the gods deigned to banquet once a year upon the heights of Ethiopia.

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D. Rice, B. Cooper, "The Economic Value of Human Life", *American Journal of Public Health*, Vol. 57, No. 11 (Nov. 1967)

To establish the economic value of a human life, lifetime earnings discounted at a 4 per cent rate are presented by age, sex, color, and education. These estimates are intended for use by economists, program planners, and others. Various specific findings are reported.

THE ECONOMIC VALUE OF HUMAN LIFE

Dorothy P. Rice, F.A.P.H.A., and Barbara S. Cooper

Introduction

THE value of human life expressed in terms of lifetime earnings is a basic tool of the economist, program planner, government administrator, and others who are interested in measuring the social benefits associated with investments in particular programs. For public programs, such as the control and eradication of disease, highway construction, accident control, education, vocational rehabilitation, welfare, housing, and flood control, the valuation of human lives is a basic requirement for the proper calculation of the benefits to be derived. The recent emphasis on costbenefit analysis in all of these areas requires that adequate tools be provided for analysis. Like the carpenter, whose work is generally facilitated and product improved by the availability of good materials and equipment, the economist must be equipped with the tools of his trade-in this case, basic data for valuation of human life.

The aim of this report is to provide improved, refined, comprehensive, and up-to-date estimates of the present value of lifetime earnings in considerable detail according to age, sex, color, and educational level. Presentation of the data in this form will enable the economist to choose the most appropriate series of data for program evaluation. For example, a health program to reduce mortality in a specific age and color group can be evaluated by use of the lifetime earnings data developed for that group. Likewise, basic data are provided for measuring the benefits from investment in various educational programs.

The data presented are limited to the quantification of the value of human life in terms of lifetime earnings. These are by no means the only measures of the value of human life. Schelling notes that valuation may be in terms of the worth of one's life to oneself or to whoever will pay to prolong it, and the amount will vary accordingly.¹ However, in this report the value of a person is defined in terms of his economic worth as a productive member of society and the amount will vary according to age, sex, color, and degree of educational attainment.

Historical Summary

Quantification of the human life values in economic terms is not a new concept. In their "Money Value of a Man," Dublin and Lotka traced this procedure from the valuation of slave labor in ancient times through the various estimates made by Sir William Petty in the 17th century and Adam Smith a century later, on up to the time of their first edition, in 1930, and later, to 1946, when their revised edition was published.² In the revised volume, these authors defined the money value of man as the present value of his net future earnings, i.e., gross future earnings less that part which he consumes or spends on himself. Detailed data were presented for ages 21 through 64 according to specified annual levels of earnings in 1934, employing a 2.5 per cent discount rate.

The human life value concept has also been applied commercially in the field of life and health insurance. In 1927, Huebner, in his "Economics of Life Insurance,"³ stated his thesis that optimum life insurance protection should equal the capitalized monetary worth of the individual's earning capacity. This idea of employing potential lifetime earnings as a measure of adequate life and health insurance protection is now used extensively in the field.

Lifetime Earnings in Health Studies

The cost-benefit studies in the health field during the past few years include various estimates of the value of human life. Some are based on incomes; some on earnings; some impute a value to housewives; some account for consumption; and various discount rates are employed. Prest and Turvey point out in their comprehensive survey of cost-benefit analysis: "Some of the differences between authors in the way they estimate benefits stem from differences in the availability of statistics rather than from differences in what the authors would like to measure if they could."⁴

The following passages briefly examine the different basic assumptions, technics, and data employed by various health researchers in their presentation of earnings foregone.

In assessing the cost of mental illness

in 1958, Fein presented estimates of the present value of future expected income for ten-year age groups at various discount rates ranging from 2 to 5 per cent. Median income in 1952 was used for males and females, ignoring the economic value of housewives.⁵

Weisbrod, in "Economics of Public Health," used fundamentally the same formula as Dublin and Lotka for calculating the present value of net future earnings. However, there were some differences in the meaning of consumption and the earnings components of the formulas.⁶ Weisbrod developed the concept of marginal consumption-the additional consumption associated with an additional person-and imputed a value for nonmarket household services of females in terms of units of family responsibility. Data were presented for the present values of net future earnings by single years of age and by sex, using cross-sectional 1949 earnings and two discount rates-4 and 10 per cent. These data have been used recently by several economists in the development of costs of illnesses.7

Klarman calculated the present value of future earnings for syphilis cases and for those who died of cardiovascular diseases. For syphilis, the calculation was based on 1961 average earnings by sex and color, with no adjustments for age and the value of household services. Klarman used a net discount rate of approximately 2 per cent, having adjusted for productivity increases.⁸ In the later work on cardiovascular diseases, the present value of lifetime earnings was calculated for ten-year age groups on the basis of 1962 average earnings for employed males and females, and separate calculations were made for the value of housewives' services for each age class. In this case, a 4 per cent discount rate was used.9

In the recent study of one of the authors, "Estimating the Cost of Illness," lifetime earnings were presented for assume that a person ten years from now will earn the same amount as a person of the same age, sex, color. and educational level earns today. In order to adjust for the gain in productivity. an average annual gain can be projected and applied to the annual earnings. This rate of increase may be incorporated into the discounting calculations to obtain a net effective discount rate. For example, assuming a rise in productivity of 3 per cent a year,²⁰ a discount rate of approximately 7 per cent will be reduced to a rate of approximately 4 per cent (1.07/1.03 = 1.039), the rate used in this report.

Allowance for Consumption

There is a diversity of opinion regarding the treatment of consumption. Insurance companies treat consumption as a deduction from a person's contribution to output. Dublin and Lotka and Weisbrod deduct consumption from total output in their calculations of the earning losses.²¹

Fein and Klarman, on the other hand, make no such adjustment. Fein summarizes his views as follows:

"Certainly the net figure (gross value less consumption) derived by Dublin and Lotka to indicate the money value of a man to his family is correct for their purposes. It is not at all apparent, however, that the net concept is the correct one when we deal with the economic value of a man to society. It is true that man consumes partly in order to maintain himself, and in this sense some of his consumption may be considered as a gross investment to take care of depreciation; it is also true, however, that consumption is an end in itself and can be viewed as a final, rather than an intermediate, step in the creation of other products. The question involved concerns the purposes for which an economy exists." On an individual's income, "the individual enjoys life, and it is for this purpose that the social economy exists."22

In accordance with the above viewpoint and because we are measuring the economic value of man to society and not to his family, no allowance for consumption is made.

Findings

Data are presented on the present value of lifetime earnings of males and females by age, color, and years of school completed, discounted at 4 per cent. Table 1 presents the data by sex and color, and Table 2 presents the data for males and females by color and years of school completed. Data for three levels of education are presented: completion of 8 years. 12 years, and 16 or more years of school. (Data may be obtained from the authors for three additional levels of education—completion of less than 8 years, 9-11 years, and 13-15 years of school.)

The following highlights some of the relationships and differentials found in lifetime earnings by age, sex, color, and educational level.

Pattern of Lifetime Earnings

The value of lifetime earnings varies at different ages. For men, discounted expected lifetime earnings increase rapidly and sharply, peaking in the young adult years-ages 25-29-and then decreasing at an even faster rate beginning in middle age. Without discounting, the aggregate lifetime earnings would be highest at the youngest age groups, decreasing with age. The discounting procedure involves the application of increasingly higher rates to each year's earnings. At the under-oneyear age group, in which a person is not considered productive until at least age 14, his first year's earnings are diminished by the rate for the 13th year. The 13th year of discounting at the rate of 4 per cent yields a figure of 60 per cent, reducing that first year's earnings by two-fifths.

At the young adult ages, many years of expected earnings are also discounted heavily, but the earnings are counted immediately and these earnings over a long work span result in peak earnings at these age groups. At age 20, when many persons have already begun work-

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J. S. Landefeld, E. Seskin, "The Economic Value of Life: Linking Theory to Practice", *American Journal of Public Health*, Vol. 72, No. 6 (June 1982)

The Economic Value of Life: Linking Theory to Practice

J. STEVEN LANDEFELD, PHD, AND EUGENE P. SESKIN, PHD

Abstract: Human capital estimates of the economic value of life have been routinely used in the past to perform cost-benefit analyses of health programs. Recently, however, serious questions have been raised concerning the conceptual basis for valuing human life by applying these estimates. Most economists writing on these issues tend to agree that a more conceptually correct method to value risks to human life in costbenefit analyses would be based on individuals' "willingness to pay" for small changes in their probability of survival. Attempts to implement the willingness-topay approach using survey responses or revealedpreference estimates have produced a confusing array of values fraught with statistical problems and measurement difficulties. As a result, economists have searched for a link between willingness to pay and standard human capital estimates and have found that

for most individuals a lower bound for valuing risks to life can be based on their willingness to pay to avoid the expected economic losses associated with death. However, while these studies provide support for using individual's private valuation of forgone income in valuing risks to life, it is also clear that standard human capital estimates cannot be used for this purpose without reformulation. After reviewing the major approaches to valuing risks to life, this paper concludes that estimates based on the human capital approach-reformulated using a willingness-to-pay criterion-produce the only clear, consistent, and objective values for use in cost-benefit analyses of policies affecting risks to life. The paper presents the first empirical estimates of such adjusted willingness-topay/human capital values. (Am J Public Health 1982; 72:555-566.)

Introduction

Among the most hotly debated areas of public policy are those involving risks to human health and safety. For example, in the occupational area, industry representatives claim that exposure standards are so stringent they would fail any reasonable cost-benefit analysis. At the same time, public interest groups claim that cost-benefit analysis is a biased tool used to further the ends of industry to the detriment of workers' health and safety.¹

Central to this debate is the valuation of human life. Although some claim the value of human life cannot be expressed in monetary terms, the competing demands on scarce public funds require that some value be placed on programs that save lives. Refusal to place an explicit value on life merely forces implicit valuations that are made as part of decisions to fund or not to fund public projects as well as decisions to take other regulatory actions.

Most economists writing on these issues agree that the conceptually correct method to value risks to human life in cost-benefit analyses should be based on individuals' willingness to pay (or on individuals' willingness to accept compensation) for small changes in their probability of survival.* Despite this agreement, however, controversy continues on the appropriate technique for actually producing estimates for valuing risks to life. This paper reviews the major issues in this area and concludes that estimates based on the human capital approach—reformulated, using a willingness-to-pay criterion—produce the only clear, consistent, and objective values for use in cost-benefit analyses of policies affecting risks to life.

Methods Used to Value Life

Human Capital (HK)

The human capital (HK) approach to valuing life has a long history dating back to the works of Petty² and Farr.³ Later studies by Fein,⁴ Mushkin and Collings,⁵ Weisbrod,⁶ and Klarman⁷ polished and improved the theoretical and practical underpinnings of the approach. Finally, Rice⁸ in her pathbreaking article, "Estimating the Costs of Illness," effectively codified the empirical application of the technique.

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Editor's Note: See also related editorial p 536 this issue.

^{*}It should be recognized that the amount people are willing to pay depends, in part, on their ability to pay. Hence, any estimate of willingness to pay is dependent upon a given distribution of income. Similarly, because of these wealth effects, the amount people are willing to pay may differ from the amount they would be willing to accept as compensation.

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In the standard HK approach, it is assumed that the value to society of an individual's life is measured by future production potential, usually calculated as the present discounted value of expected labor earnings.** Some analysts, like Weisbrod, have employed expected earnings net of consumption, based on the notion that when an individual dies not only is productive contribution lost, but also claims on future consumption.¹² Therefore, as would be the case for physical capital, the net loss to society is the difference between earnings and maintenance (consumption) expenditures. Whether the gross HK approach or the net approach—adjusting for consumption—is employed, each is implicitly based upon the maximization of society's present and future production.***

Since standard HK estimates are constructed from society's perspective, labor earnings are evaluated before taxes as representing the actual component of GNP, rather than after-tax earnings which represent the relevant magnitude to the individual. In addition, non-labor income is excluded since individual capital holdings (and associated earnings) are not materially affected by an individual's continued existence. Thus, standard HK estimates incorporate a zero value for persons without labor income such as retired individuals with only investment or pension income.

By its emphasis on economic product, the HK approach also ignores other dimensions of illness and death as well as nonmarket activities that may be more important to an individual than economic loss. These include pain and suffering, aversion to risk, and loss of leisure which, itself, has value for the individual and perhaps for others as well. Furthermore, the only adjustment for nonmarket activities in HK estimates is the imputation of a value for housekeeping activities. These calculations are usually based on available information from time-use studies combined with data on wages of market substitutes for the relevant household activities.

An important issue that must be resolved to implement the HK approach involves the choice of an appropriate "social" discount rate to convert future earnings into present values. The problem amounts to determining what

TABLE 1—Present Value of Future Earnings of Males by Selected Age Groups, 1977^a (1977 dollars)

Age Group (years)	Real Discount Rate		
	2.5 Per Cent	6 Per Cent	10 Per Cent
1 to 4	405,802	109,364	31,918
20 to 24	515,741	285,165	170,707
40 to 44	333,533	242,600	180,352
65 to 69	25.331	21,801	18,825

*Dollar figures based on the present value of both expected lifetime earnings and housekeeping services at 1977 price levels and an annual increase in labor productivity of 1 per cent. Source: Dolan, Hodgson, and Wun.¹⁴

society forgoes when it invests in life-saving programs. The choice is made difficult because of the effects of taxes and risk aversion which cause the rate of return to society's investments to diverge from the rates of return to private investments. For example, taxation means that the beforetax rate of return to private investment (the marginal productivity of capital) will exceed the after-tax rate of return to the individual investor (the individual's rate of time preference).‡ Risk aversion works in the same direction, resulting in a risk premium that causes a divergence between the marginal productivity of capital and the individual's rate of time preference.

Although the problem of choosing a discount rate arises in the evaluation of investments in most public programs, the long life of "investments" in HK-with life expectancies on the order of 70 years-greatly magnifies the difficulty. For example, Table 1 shows a range of HK values when different real discount rates are used to estimate the present value of forgone earnings of males by selected age groups.‡‡ As can be seen, the values are significantly larger for low discount rates than for high ones, especially in the case of children whose stream of earnings will be the longest. At a real rate of 10 per cent-the rate of discount recommended by the Office of Management and Budget (OMB) ###---the value for males aged 1 to 4 is less than one-tenth the value corresponding to a real rate of 2.5 per cent. At the same time, choice of a discount rate can affect the relative valuations placed on persons in specific age groups. For example, according to the Table, at a real rate of 6 per cent, males aged 20 to 24 are valued higher than males aged 40 to 44; whereas, at a real rate of 10 per cent, the reverse is true. The usual response to

^{**}Rice⁸ and Cooper and Rice⁹ estimated the cost of illness in the United States by using the HK approach to calculate *indirect* costs in the form of forgone earnings due to sickness and death and then adding the *direct* costs based on medical expenditures for prevention, diagnosis, and treatment. Subsequently, Hartunian, Smart, and Thompson¹⁰ suggested that in assessing prevention programs, incidence-based estimates of the costs of illness should replace the prevalence-based estimates used by Rice. More recently, it has been suggested that especially for fatal illnesses, an adjustment should be made to account for the fact that while those who die may suffer substantial costs before their deaths, society also avoids significant health-related expenses because of their deaths; on this point, see National Academy of Sciences.¹¹

^{***}It should be noted, however, that if society merely wanted to maximize the gross national product (GNP)—a common measure of welfare—a less expensive course of action than investments in life saving might be to eliminate immigration barriers or discourage birth control. Furthermore, health measures that reduce death rates and add to GNP by increasing the labor force, could actually lower per capita GNP, if the number of workers increases relative to the amount of output they produce (see Mushkin and Landefeld¹³).

[‡]A standard result of capital theory is that, given perfect capital markets, rational individuals will adjust their savings and consumption patterns so that their private rate of time preference will equal their private rate of return on investments.

^{#\$}Since estimates of future earnings are generally made in constant or base-year dollars, whatever nominal discount rate is chosen must be converted to a real rate by an adjustment for inflation.

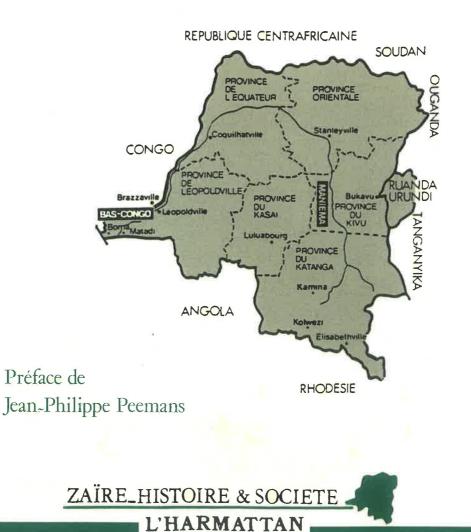
^{###}According to OMB, "the prescribed rate of 10 per cent represents an estimate of the average rate of return on private investment before taxes and after inflation."¹⁵

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Auguste Maurel, Le Congo de la Colonisation Belge à l'Indépendance (1992)

Auguste Maurel

LE CONGO de la colonisation belge à l'indépendance



AUGUSTE MAUREL. (MICHEL MERLIER)

LE CONGO

de la colonisation belge à l'indépendance

Préfacé par Jean-Philippe PEEMANS

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L'auteur

De son vrai nom Auguste Maurel, il avait adopté le pseudonyme «Michel Merlier» parce que dans les années 1950 — années des décolonisations, africaines entre autres — il ne faisait pas bon dire et surtout écrire des vérités sur les divers colonialismes occidentaux, si on voulait parachever une carrière universitaire sans encombre et/ou accéder à des postes de responsabilité dans le secteur public ou privé.

Auguste Maurel, géographe et agrégé de l'université, a été sur le terrain congolais bien avant les événements de 1959-60, et notamment au Katanga.

Pour écrire cet ouvrage, il a compilé la plupart des informations, journaux, articles, livres, disponibles à l'époque sur le Congo belge.

Cet ouvrage est la reproduction augmentée d'une préface de l'ouvrage:

MICHEL MERLIER

Le Congo – de la colonisation belge à l'indépendance

«Cahiers Libres» n°32-33 édités par François Maspero, 1962, Paris.

> © L'Harmattan, 1992 ISBN: 2-7384-1260-2

« Nous avons connu qu'il y avait dans les villes des maisons magnifiques pour les Blancs et des paillottes croulantes pour les Noirs, qu'un Noir n'était admis ni dans les cinémas, ni dans les restaurants, ni dans les magasins dits européens ; qu'un Noir voyageait à même la coque des péniches, aux pieds du Blanc dans sa cabine de luxe.

« Qui oubliera enfin les fusillades où périrent tant de nos frères, les cachots où furent brutalement jetés ceux qui ne voulaient plus se soumettre à un régime d'injustice, d'oppression et d'exploitation¹. »

Sans contrainte, la constitution d'un groupe de sociétés capitalistes ne suffisait pas à implanter le capitalisme au Congo. Les achats des Congolais, épisodiques et modiques, ne pouvaient créer la base d'un essor rapide de la cueillette : tous les explorateurs regrettent que l'économie de subsistance convienne tant aux « indigènes » et déplorent l'insuffisance de leurs besoins. Aussi, dès 1891-1892, Léopold II légalisa le travail forcé que les commis des factoreries imposaient le long des fleuves.

Par la coercition de peuples plus faibles, l'économie marchande devait pénétrer l'économie de subsistance des villages dans un délai assez court, imposé par les conditions de rentabilité des capitaux investis. Ce conflit entre capitalisme et économie de subsistance s'exprime alors dans un conflit de races : organiser l'économie coloniale revient à créer des détachements d'hommes armés, embryon de l'Etat colonial, encadrés par des agents européens intéressés à l'affaire et aux mains des compagnies.

Le système des sentinelles ou *capitas* et des gardes forestiers devint le principe de l'économie coloniale. Achetés par l'Etat (15 000 hommes à l'origine de la Force publique) ou mercenaires des compagnies (10 000 hommes au moins), des noirs, armés de fusils à pistons et souvent de fusils à tir rapide « albini », organisaient la cueillette sous la direction des chefs de postes intéressés à la récolte par des primes. « J'ai l'honneur de porter à votre connaissance que vous devez tâcher de livrer, dès le 1^{er} janvier 1899, 4 000 kilos de caoutchouc. Pour cela vous avez carte blanche. Essayez d'abord par la douceur, mais si les indigènes persistent à refuser les taxes réclamées par l'Etat, employez la force des armes », écrivait à l'un d'eux le capitaine Verstraeten^a.

On recruta les premiers soldats sur la côte occidentale ou à Zanzibar, hommes endettés qui s'engageaient pour accompagner les caravanes et les expéditions dans l'intérieur du bassin[®]. Ensuite le recrutement sur place remplaça ce recrutement extérieur sûr mais coûteux. On incorporait dans la Force Publique les esclaves, les prisonniers de guerre « libérés », les fortes têtes livrées

^{1.} Version de Congo 1960, t. I, p. 323.

^{2.} Cité dans Germinal, 1908, nº 15, p. 13.

^{3.} La Force publique, de sa naissance à 1914, 1952.

par les chefs des villages : souvent les officiers leur achetaient des hommes. Un système de primes judicieux les intéressait à ce trafic de chair humaine : quinze francs pour un enfant mâle mesurant au moins 1,20 mètre, soixante-cinq francs pour un jeune homme mesurant au moins 1,35 mètre et quatre-vingt-dix francs pour un homme apte au service mesurant au moins 1,55 mètre.

Réservé d'abord à certaines régions comme l'Uele, l'Orientale, le Lualaba-Kasaï, le recrutement s'étendit à l'ensemble du Congo occupé après les grandes mutineries de la Force Publique : en 1896, dans un but fiscal, on décida de recruter un soldat par vingtcinq cases. A cette date, le recrutement de la force armée nécessaire à l'économie coloniale représente 58 % du budget financé par l'exploitation des paysans. En 1905, la Force Publique absorbait encore 17 % du budget. Ces levées de miliciens atteindront 66 000 hommes de 1892 à 1914.

Sur le modèle de la colonisation hollandaise à Java, le travail forcé — et non l'impôt en argent ou l'intéressement matériel des Congolais — constitue le moteur de l'économie coloniale. Appliqué depuis quelques années, il fut légalisé en 1892. Un système de gratifications aux chefs de postes et aux commis les incitait à généraliser le travail forcé dans leur zone : des primes plus élevées lorsque le prix d'achat des produits de cueillette baissait, puis, devant l'indignation d'une partie de l'opinion sensible, des « frais de perception », des points valant pour l'avancement et enfin des allocations de retraite.

Le travail forcé comprenait d'abord des corvées de coupe de bois, de pagayage, de portage, de réfection des pistes et d'entretien des lignes téléphoniques. On imposa le portage, relativement libre avant 1891. E. Picard a laissé une description hallucinante du portage sur les pistes du Bas Congo :

«L'àpre voie, battue à l'infini par les pieds nus des porteurs, durcie comme une aire... Incessamment, nous rencontrons ces porteurs, isolés ou en file indienne, noirs, misérables, pour tout vêtement ceinturés d'un pagne horriblement crasseux, tête crépue et nue supportant la charge, caisse, balot, pointe d'ivoire, panier bourré de caoutchouc, baril, la plupart chétifs, cédant sous le faix multiplié par la lassitude et l'insuffisance de la nourriture, faite d'une poignée de riz et d'infect poisson sec, pitoyables cariatides ambulantes... organisées en un système de transport humain, réquisitionnés par l'Etat armé de sa force publique irrésistible, livrés par les chefs dont ils sont les esclaves et qui raflent leurs salaires ;... crevant au long de la route ou, la route finie, allant crever de surmenage dans leur village¹. »

Au Congo la confrontation du milieu naturel peu transformé, sans réseau de transport cohérent, et des exigences du marché

^{1.} E. Picard : En Congolie, 1909, p. 96-98.

mondial obligèrent la colonisation à mettre sur pied une énorme entreprise de transport vers la côte avec les moyens les plus primitifs. Le portage permit de distribuer les premiers bénéfices, avant de freiner le développement économique.

Après 1945, le portage existe encore dans les zones du coton malgré l'ouverture des pistes : les limites imposées à cette culture par des prix d'achats dérisoires laissaient assez de temps aux paysans pour porter leur coton au poste d'achat, les frais des compagnies diminuant d'autant.

Les villages doivent aussi fournir des vivres au titre de l'impôt ou comme amende, ce qui permet d'abaisser leur prix¹. Pour les travaux publics, l'Etat réquisitionne la main-d'œuvre nécessaire : sept mille hommes dès 1893. Ces « volontaires », conduits au poste de recrutement enchaînés, doivent effectuer des périodes de trois à sept ans pour trois à six francs par mois plus la nourriture. Par la suite, grâce au décret du 3 juin 1906, on affectera une partie des miliciens de la Force Publique à ces travaux forcés aux mêmes conditions.

Mais surtout le travail forcé le long des fleuves et des pistes produisait les denrées d'exportation. La production de l'ivoire reposait, outre les expéditions de la Force Publique, sur l'imposition en pointes des chefs de villages. On limita le droit de chasse, toléré seulement contre l'abandon de la moitié du produit à l'Etat. La production du caoutchouc progressa rapidement : trente tonnes en 1887, six mille en 1901.

La capitation fut fixée entre six et vingt-quatre francs : vingtquatre francs pour un paysan de l'ABIR représentait quatre kilos de caoutchouc par mois. Il fallait délaisser l'agriculture pour d'harassantes courses dans la forêt. « 2 500 cartouches représentent 25 000 kilos de caoutchouc » plaisantait alors un fonctionnaire. Bien entendu ce caoutchouc fut payé au *truck system* : un kilo vaut cinquante centimes de pacotille au poste et huit à dix francs à Anvers. Faut-il s'étonner que les rives du Congo et du Kasaï soient désertes et que le moindre déplacement d'un fonctionnaire ou d'un agent des compagnies se transforme en expédition ?

« Dans la plupart des cas, il (le noir) doit, chaque quinzaine, faire une ou deux journées de marche, et parfois davantage, pour se rendre à l'endroit de la forêt où il peut trouver, en assez grande abondance des lianes caoutchoutières. Là, le récolteur mène pendant un certain nombre de jours, une existence misérable. Il doit se construire un abri, improvisé... exposé aux intempéries de l'air et aux attaques de bêtes féroces. Sa récolte, il doit l'apporter aux postes de l'Etat ou de la compagnie, et ce n'est qu'après cela

1. E. Vandervelde : La Belgique et le Congo, 1911.

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qu'il rentre au village où il ne peut guère séjourner que deux ou trois jours, car la nouvelle échéance presse¹. »

Le jour du marché les paysans arrivent en colonne escortés par des capitas armés d'albini et de coutelas de toutes tailles. Bientôt plus d'un millier d'hommes sont rassemblés sur la place, épouvantés et silencieux. On range les récolteurs par village, en ligne, derrière des sentinelles l'arme au pied. Devant eux les employés de la compagnie, une balance truquée, un billot et une table avec les marchandises d'échange : assiettes en fer blanc, lambeaux d'étoffe, miroirs, sonnettes, mitakos.

L'appel des villages commence : à chaque nom les villageois se ruent en avant pour déverser leur récolte dans le plateau de la balance. Un caporal tranche sur le billot quelques boules de caoutchouc prises dans chaque panier : à la moindre impureté, l'agent de la compagnie crie *pamba* (pour rien) et tout le caoutchouc du village est confisqué tandis que les capitas jurent de se venger à coups de chicotte. L'agent jette aux paysans leur salaire, sans leur demander ce qu'ils préfèrent. Alors les capitas les poussent vers les séchoirs où ils déposent la récolte.

Ensuite commence la palabre de l'agent commercial et des capitas. Si la quantité fournie a diminué, la sentinelle doit s'expliquer : absence, nombre de paysans tués dont on présente les mains coupées, boucannées et enfilées sur des baguettes. Alors commence la distribution des cartouches au prorata des mains livrées. Si la sentinelle ne peut se justifier, elle subit immédiatement le supplice de la chicotte.

La nuit ou au petit jour, des expéditions punitives ravagaient les villages dont la cueillette restait malgré tout insuffisante : cases incendiées, rapt des femmes comme otages, chefs brutalisés. Au retour les capitas portaient au chef de poste quelques mains coupées pour prouver l'accomplissement de leur mission. Il fallait aussi fournir autant de mains que d'hommes absents pour le recrutement ou le portage. Les noirs récalcitrants, désarmés au préalable, étaient bâtonnés, enchaînés et conduits au poste pour travailler sur la piste ou porter des charges².

La chicotte, base de ce système d'avilissement des Noirs, était infligée deux fois par jour à six heures et à quatorze heures, près du poste. Selon le comte R. de Briey, « le châtiment à la fois le plus humanitaire et le plus efficace pour le Noir, c'est le fouet... les missionnaires protecteurs naturels du Noir confirment cette manière de voir⁸. » Les capitas distribuaient les peines toute la journée:

^{1.} Rapport de la commission d'enquête, 1905, p. 191.

^{2.} Voir S. Lefranc : Le régime congolais, 1908 ; J. Marcel : Terre d'épouvante, 1905 ; P. Mille : ouvrage cité ; E. D. Morel : Red Rubber, 1906, et ses autres ouvrages ; E. Vandervelde : ouvrage cité et Le martyre des Congolais ; A. Vermeersh : La question congolaise, 1906.

^{3.} R. de Brley : Le sphinx noir, 1926, p. 163.

« Toi tu iras à la chaîne ; toi tu auras ton matabiche » (ton pourboire, c'est-à-dire le fouet). Les victimes sont étendues sur le sol maintenues par quatre soldats (« nos glorieux héros »). Un milicien vigoureux leur donne les coups convenus avec un nerf d'hippopotame ou une lanière de cuir. A la fin, la victime est bourrée de coups de pieds et doit encore remercier en faisant le salut militaire. Le condamné à la chaîne était attaché plusieurs jours à un palmier.

La Commission d'enquête officielle envoyée au Congo en 1905 confirma presque tous ces faits : « Il n'a guère été contesté que dans les différents postes de l'ABIR que nous avons visités, l'emprisonnement des femmes otages, l'assujettissement des chefs à des travaux serviles, les humiliations qui leur ont été infligées, la chicotte donnée aux révoltés, les brutalités des noirs préposés au service des détenus fussent une règle habituellement suivie¹. »

Dans ce système, des jeunes Belges de vingt à vingt-cinq ans, ouvriers ou anciens caporaux venus au Congo pour y faire fortune, reçoivent des pouvoirs de satrapes. A leur tête, des officiers et des juges recrutés en Belgique, en Scandinavie ou en Italie. Les magistrats doivent fermer les yeux sur les engagements « volontaires », la chicotte donnée même aux enfants : on leur répondait d'ailleurs que si, d'après le règlement, la chicotte ne doit être appliquée qu'aux hommes, cela veut dire tout simplement qu'elle ne doit pas être donnée aux femmes ! Les assassins à gages des compagnies sont protégés par l'administration : il y a prescription au bout de six mois. Après un crime particulièrement atroce et connu d'un juge tatillon, ils seront condamnés à une peine légère, libérés et envoyés en Europe d'où ils reviendront auréolés de gloire et de légende. On donne leur nom à des rues ou à des bourgades.

Aux juges intègres, les administrateurs conseillent « le calme et la réflexion qui doivent inspirer tous vos actes. » Leur intervention détruirait la discipline, nuirait à l'intérêt de l'Etat dans des « affaires politiques » où la justice ne doit pas intervenir. S'ils ne comprennent pas, on classe le dossier, on les déplace dans des contrées reculées, on les calomnie, on les persécute de mille manières et en dernier recours on tente de les assassiner.

Alors commence le dépeuplement des rives du Congo que signalent tous les explorateurs. Les paysans congolais fuient les rivières, les pistes et les postes, pour se réfugier au cœur de la forêt, sur les interfluves. Là, ils échapperont longtemps aux expéditions fiscales des Blancs.

Alors que le système colonial léopoldien régressait vers le travail forcé, forme dégénérée de l'esclavage imposée au nom de la

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^{1.} Cité dans E. Vandervelde : Le martyre des Congolais.

atteignait la région. Le conflit éclata surtout pour l'ivoire, lorsque Léopold II commença à établir son monopole par le décret domanial de 1891. Les compagnies cherchaient aussi à se débarrasser de ces intermédiaires génants. Le conflit se termina par leur expulsion du bassin du Congo (1892-1894). La colonisation léopoldienne touchait alors à son apogée, avant les révoltes qui l'affaibliraient pendant plus de dix ans.

De 1885 à 1894 l'Etat Indépendant imposa son autorité sur de vastes régions. Mais les exactions inouïes du travail forcé entraînèrent de formidables révoltes, mal connues, noyées dans le sang. Après la guerre arabe et l'assassinat du chef Gongo Lutete, les troupes du Kasaï recrutées parmi les Batétéla se mutinèrent. D'autres mutineries désagrégèrent les colonnes en marche vers le Nil (1895-1900). En 1897 et 1898 les nombreux succès des rebelles provoquèrent le soulèvement des populations de l'Uele, châtiées à la boîte à mitraille, contre les fonctionnaires du Domaine Privé. et celui des Budjas contre l'Anversoise, vaincus après sept expéditions (1898-1905). Ce soulèvement permit à son tour la résistance héroïque des Batétéla au Katanga. Bien organisés et armés du matériel pris aux Belges qui les présentaient comme une horde de bandits et de pillards esclavagistes à la solde de l'Angleterre, ils résistèrent encore un an aux troupes du Comité Spécial du Katanga renforcées par la Force Publique (1907-1908). La guérilla continua longtemps sur les concessions des sociétés : ainsi le directeur de l'ABIR remit à la Commission d'Enquête un tableau indiquant qu'entre le 1er janvier et le 1er août 1905, cent quarante deux sentinelles de sa société avaient été tuées ou blessées par des paysans.

d'un chef par un explorateur, le décret du 6 octobre 1891 prévoyait qu'il fallait dresser immédiatement un tableau avec le nom et la situation du village, le nom des notables, le nombre de cases et de la population, les prestations à fournir.

Louis Franck expliqua clairement le rôle relatif des chefferies et des secteurs : « Le but final est d'arriver à créér ou à investir sous l'autorité de l'administration et de ses adjoints, dans un territoire, trois, quatre, ou cinq secteurs où l'autorité indigène sera confiée à un chef de secteur désigné par nous, sans pour cela supprimer les chefs locaux... Nous arriverons ainsi à former graduellement une administration indigène subordonnée qui empruntera son influence à notre pouvoir et consolidera l'institution des chefferies¹. »

Les instructions concernant les successions conseillent aux administrateurs de favoriser les candidats favorables à la colonisation, à la faveur des compétitions : « Il est certain que le choix à faire parmi les chefs est fort délicat et qu'avant de se prononcer en faveur de l'un ou de l'autre d'entre eux, il sera nécessaire de s'assurer de ses sentiments à notre égard. Au préalable, les vues du gouvernement lui seront exposées, c'est-à-dire qu'il sera mis au courant de ce qu'on attend de lui, tant au point de vue des prestations à fournir par ses sujets, que des cultures de rapport à faire établir par ses soins et, parmi celles-ci, spécialement celles du café et du cacao. Les indigènes ne sont pas familiarisés à subir une telle soumission, et c'est précisément pour cette raison que les commissaires de district et les commandants de territoire doivent, par un travail incessant et tenace, les y amener graduellement. » (arrêté du r8 novembre 1894⁸).

Cependant les conditions de l'investiture d'un chef par le Blanc l'améneront à commettre dans la plupart des cas d'énormes bévues. Parfois le chef réel des paysans, refusant de reconnaître la domination coloniale, est déporté ou fusillé, puis remplacé par une créature de l'administration, un chef « médaillé » sans autorité autre que celle des fusils de la Force publique. Le plus souvent, les véritables chefs des communautés préfèrent la retraite et même la clandestinité à l'humiliation. Retirés à l'intérieur des forêts, ils conserveront durant toute la période coloniale jusqu'à nos jours, autorité et prestige. Un administrateur décrivait un chef Tumbwe mort en 1908 en ces termes : « Il vivait près de la Niemba dans une retraite où nul Européen n'a pénétré. Quand il mourut, tous les chefs du pays allèrent visiter les lieux et y pleurer. Son successeur s'est installé un peu plus loin. Aucun Blanc ne l'a jamais vu et nul ne le verra probablement jamais⁸ ».

A Kisantu, le chef médaillé, ancien élève des Jésuites et com-

I. Congo, 1921, t. I, p. 198.

^{2.} Van der Kerken : ouvrage cité, p. 224.

^{3.} Van der Kerken : ouvrage cité, p. 236.

merçant avisé possède une belle maison de briques à étages. Le chef réel des populations de Kisantu est « un vieillard, peut-être un des moins intelligents que j'ai rencontré. C'est lui qu'on va trouver au lieu de soumettre le litige au chef médaillé, homme intelligent et capable de régler le différent en toute justice¹. »

Pourtant le chef réel de la communauté tolère souvent l'existence d'un chef de « fantaisie » chargé des relations avec les Blancs. Souvent ces hommes de paille sont des intrigants, des hommes de rien, des esclaves même ou bien d'anciens serviteurs des Blancs. L'administration des populations se dédouble quoique l'administration coloniale l'ignore assez souvent : l'administrateur territorial, haï des Congolais, opprime les paysans pour l'exportation et l'impôt ; l'autorité coutumière réelle maintient la cohésion tribale malgré la tourmente et anime la résistance de la tradition.

La domination coloniale s'accompagne d'une pulvérisation croissante de la société. Dans son hostilité aux chefs véritables, l'administration méconnaît les liens complexes de vassalité et de parenté qui unissent les individus dans la société congolaise. La contradiction entre l'ancienne organisation à base tribale et la nouvelle organisation territoriale, souvent dessinée arbitrairement sur la carte, ajoute encore au désordre. Alors le chef perd ses fonctions traditionnelles, en particulier l'arbitrage des conflits. Les forces désagrégatrices l'emportent peu à peu.

Comme les principales études ethnologiques furent rédigées après les grandes expropriations et déplacements de populations, certaines tribus ont été fragmentées et d'autres réunies tout aussi arbitrairement par la colonisation.

Les tribulations des Bayaka du Moyen Kwango sous la domination belge illustreront ces considérations^a. Leur chef, le kiamfu Nsimba Nkumbi sera tué par l'occupant en 1893 après une longue et héroïque résistance. Les Belges remettront alors le couteau, insigne du commandement, à son rival Luko Kisa et ensuite à ses héritiers, malgré leur résistance : Luko Kisa s'enfuira en Angola ; arrêté, il mourra en prison en 1913. Ses fils se réfugieront dans les forêts jusqu'en 1929. Alors le couteau revient aux héritiers de Nsimba Nkumbi, puis de nouveau à leurs rivaux. Mais les deux lignées rivales et leurs vassaux continuent leur résistance passive aux Blancs. Les villages s'éloignent des pistes, les sociétés secrètes se multiplient et les pratiques magiques renforcent l'emprise de la coutume et la cohésion de la société paysanne face à l'envahisseur.

Les groupes coutumiers institués en 1910 furent réorganisés en 1931 et 1933⁸. Les Congolais, obligatoirement enregistrés par l'administration, ne peuvent se déplacer sans passeport si la durée du

^{1.} R.P. de Pierpont : Les fermes-chapelles, 1912, p. 26.

^{2.} R.P. Planquaert : ouvrage cité.

^{3.} J. Sourdillat : Les chefferies au Congo belge, 1940.

Georges Nzongola-Ntalaja, Washington Office on Africa, "Appendix One: Historical Background, From Leopold to Mobutu", *Zaire: A Nation Held Hostage* (1992)

A Nation Held Hostage

A Policy Paper by

The Washington Office on Africa

distributed in collaboration with the

Africa Office of the National Council of Churches

June 1992

Printed on Recycled Paper

Appendix One: Historical Background

By Dr. Georges Nzongola-Ntalaja

From Leopold to Mobutu

aire is the third largest country in Africa and one of the potentially richest countries on the continent. Its enormous wealth in natural resources and strategic location in the center of Africa have made it the envy of major world powers since the present territory was defined in the Western scramble for Africa in 1885. In the ensuing one-hundred and seven years—regardless of the name it was called (Congo Free State, 1885-1908; Belgian Congo, 1908-1960; Democratic Republic of the Congo, 1960-1971; and Zaire, since 1971)—it has managed to achieve world-wide notoriety.

The first instance of humanitarian emphasis on the country, nearly a century ago, focused on protest against the brutal regime of King Leopold II of Belgium in the Congo Free State. The Leopoldian Era was characterized by atrocities. The quest of red rubber and other resources by the King's men led to death for millions of Congolese men, women, and children and was immortalized in two outstanding literary works, Joseph Conrad's Heart of Darkness and Mark Twain's King Leopold's Soliloguy. In the real world, Mark Twain was among the leading figures of an international campaign against King Leopold in the United States and in Britain (under Edmund Morel). A major actor in this campaign was William Henry Sheppard, an African-American from Virginia who had arrived in 1890 as one of the first two American Presbyterian missionaries in the Congo. Having witnessed at first hand the atrocities committed by the agents of King Leopold and his rubber barons in the Kasai region, Sheppard and his colleague William McCutcheon Morrison played a critical role along with other Christian groups in the fight to free the country from the Leopoldian system.

When Belgium took over from King Leopold in 1908, bringing reforms of the worst abuses, the administration still built on the legacy of the Congo Free State. In the Belgian Congo, more clearly than elsewhere in Africa, a "colonial trinity" of the state, large corporations, and the Roman Catholic Church worked harmoniously to promote Belgium's *mission civilisatrice*. The system was based on economic exploitation, political repression, and cultural oppression. In the Belgian Congo, as in the Free State before it, the country was a major source of capital accumulation for the colonial power. The Congo provided revenue for the construction in Belgium of public buildings, highways and other public works. Its resources bailed Belgium out of financial difficulties during both world wars, and it consistently proved a major source of investment capital and job opportunities for the Belgian economy.

WASHINGTON OFFICE ON AFRICA: POLICY PAPER 1

An economic boom in the 1950s and the absence of nationalist upheavals during much of the decade earned the Belgian Congo the label of "model colony" from its colonial rivals. African elites known as *évolués* benefited. There were also some improvements for the masses, including the opportunity to buy consumer goods such as bicycles, gramophones, and radios. But the fundamental roots of the system: economic injustice, political repression, and the daily humiliation of colonial racism did not change. A spirit of protest, however, grew. *Évolués* demanded equality of opportunity with whites. Peasants resented the forced cultivation of crops such as cotton, forced labor on private and government projects and heavy tax burdens. The working class demanded better living conditions and higher wages, while the urban unemployed and underemployed sought protection from deportation to the countryside and the right to a decent living.

This stage of the struggle for freedom culminated with a rebellion on January 4, 1959 in Leopoldville (Kinshasa), shocking the Belgian authorities into accepting the demand for independence advanced by the anti-colonial alliance of ordinary people and the *évolués*. However, the decolonization of the Belgian Congo did not follow the classic pattern of a relatively long period of initiation by the colonial rulers of their successors, preferably a group of moderate nationalists. The Belgians, who shifted almost overnight from opposition to independence to agreement to the militant demand for "immediate independence," gambled that they would be able to retain control even after independence. They assumed that the Congolese, without technical training, would be content to hold the formal trappings of office, while Belgian technical assistance personnel continued to run the country in practice.

In the May 1960 general election, the *Mouvement National Congolais/ Lumumba* (MNC/L) and its coalition of radical nationalist parties won 71 of 137 seats in the lower house of Parliament. Patrice Lumumba, the MNC/L leader, was seen by the Belgians as a major stumbling-block to their strategy of neocolonialism. His election victory was a threat. In the ensuing crises Belgium and its Western allies aimed to eliminate Lumumba and to prop up leaders without popular political support, hence vulnerable to external manipulation.

One such leader was Joseph Desiré Mobutu, now Mobutu Sese Seko. He began his career as a sergeant in the *Force Publique* (the Belgian colonial army), became an informer for the Belgian intelligence services, and later served as a junior minister in Prime Minister Lumumba's office when the latter named him as chief of staff of the national army in July 1960. The appointment followed an army mutiny less than one week after independence on June 30, 1960. The mutiny, generally acknowledged to have been provoked by General Emile Janssens, the Belgian Commander-in-Chief of the *Force Publique*, resulted in

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ZAIRE: A NATION HELD HOSTAGE

the panic and flight of Europeans. This left both the economy and the state deprived of most of their professional and technical personnel. It also marked the beginning of what became known as the "Congo crisis."

Having lost control of the situation, Belgium intervened militarily on July 10, presumably to protect European lives and property. On the following day, the Katanga (Shaba) province declared its secession. In the subsequent crisis, the Congo's fate was shaped largely by external intervention, with Belgium joined by the United States and by a United Nations mission dominated by the Western powers. Although the United States justified intervention by the Soviet threat, as Lumumba eventually appealed for Soviet help, Soviet involvement was never more than token. While Lumumba sought United Nations assistance in restoring order, ending the secession of Katanga and securing the with-drawal of Belgian troops, Washington identified Lumumba himself as a threat.

Perceived as a "dangerous man" from the standpoint of Western interests, Lumumba became a target of a CIA assassination plot ordered by U.S. President Dwight Eisenhower on August 18, 1960. He was eventually killed on January 17, 1961, as a result of decisions made by his Congolese rivals, including his former aide Mobutu, but with the help and encouragement of the CIA. With Lumumba first, and his followers afterwards, eliminated from the political scene, the stage was now set for a speedy resolution of the Katanga secession. The result was a unified Congo state, formed on terms favorable to Belgian and Western interests, featuring a leadership dependent primarily on external backing rather than political support within the country.

The newly established order rapidly disintegrated into a new and more severe crisis. The aspirations of ordinary people for more freedom and a better standard of living, ignored by the political elite, led to the eruption of popular resistance beginning in early 1964. The call for a "second independence," however, was blocked by Western military intervention and the search for a new "strongman" to maintain order. Ironically, Moïse Tshombe, the former Katangan secessionist, presided over the regime's suppression of the insurrections for a time. But in 1965, with Western support, army chief Mobutu took power in his own name. In the words of Eric Rouleau, writing in *Le Monde Diplomatique*, Mobutu fit the ideal profile of a dictator: intelligent, cunning, and independent of any group or popular consensus that might prevent him from serving his external patrons or his own personal interests.

Since 1965, Mobutu has ruled Zaire with supreme skill at political survival, but with virtually total disregard for the interests of the Zairian people.

Koen Vlassenroot, "The Promise of Ethnic Conflict: Militarisation and Enclave-Formation in South Kivu" in Conflict and Ethnicity in Central Africa (D. Goyvaerts, ed., 2000)

Conflict and Ethnicity in Central Africa

Edited by Didier Goyvaerts

Institute for the Study of Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies

2000

THE PROMISE OF ETHNIC CONFLICT : MILITARISATION AND ENCLAVE-FORMATION IN SOUTH KIVU

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The actual conflict¹ in Eastern Congo, as in the rest of the country, can easily be interpreted as having been imported from neighbouring countries - Rwanda, Burundi and Uganda. It is a common complaint often heard in both Kivu provinces that the Congolese would live in peace and harmony if they were just left to themselves. Although it is quite obvious that the current situation as well as large parts of the local history are strongly influenced by political events in Burundi and Rwanda, this view ignores the many different internal dynamics that undermine stability in North and South Kivu. The new insurrection that started on August 2nd, 1998 can indeed be understood as the result of an intensified struggle for power between president Kabila and his local allies on the one hand, and his former, strongly disappointed allies on the other. Already by the end of 1997 there were clear indications that the relationship between Kabila and Uganda and Rwanda was seriously deteriorating. Kabila wanted to reduce the influence of these countries in order to gain much needed internal support. Uganda and Rwanda, however, complained about

¹ An earlier version of this paper was presented at the international colloquium *Construzione Etnica e Violenza Politica*, held under the auspices of the Fondazione Giangiacomo Feltrinelli in Cortona on 2-3 July 1999. I am indebted to the participants of this colloquium for their suggestions and comments. A shorter version appears in Doom & Gorus (2000). The greater part of this article is based on fieldwork carried out during several visits to the Great Lakes region between December 1997 and May 1999. The financial support of the (Flemish) Fund for Scientific Research is gratefully acknowledged. I am also very grateful to all those in Eastern Congo, who shared their ideas and information with me, often under difficult circumstances. For their protection, however, their names cannot be given.

power to allocate the land, to collect taxes etc. Land allocation was regulated by the principle of *kalinzi*, which formed the structural basis of the local moral economy. According to this principle, access to land depended on the payment of tribute to the chief. Once this tribute had been paid, the peasant obtained use rights over a part of the customary land. Although there was only one initial payment, in practice the peasant regularly had to pay tribute. These land rights, however, were non-alienable for no subject could legitimately own land through the customary land tenure system. Even if land rights were hereditary, legitimate ownership could never be obtained since land remained customary, which left farmers in a relatively insecure position.

This system of kalinzi offered a peasant social integration and protection in exchange for the acceptance of the position of the customary authorities. As a result, subjects became clients in a dependent and conditional relationship. This relationship was determined by one's social identity. The economic relations constituted an expression of respect for the existing social hierarchy and allowed for ethnicity to be institutionalized since access to land was conditioned by space and social identity. Access to land was mainly determined by the social position one occupied in the existing social order and by the relationship one had developed with one's social superior. As a result, the society was a very hierarchically and very tightly controlled power-structure with the mwami at the top and the subjects, having to pay tribute without receiving anything in return, at the bottom. Another consequence was that one's ethnic identity, or ethnic belonging, had a clear material basis viz. the right to use land as a source of livelihood. For those not belonging to the ethnic community, it would be extremely difficult to have access to land before being recognised as a 'client'.

This pre-colonial system of communal territorial ownership practices formed the basis for the Belgian colonial administration's version of indirect rule. The extremely fertile soil of the Kivu highlands offered the potential for the development of plantation agriculture. For this purpose, the colonial powers declared all vacant land as property of the state and introduced a double system of land control and ownership. In doing so, they introduced a dual system of

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property rights. All vacant land became the property of the state to be turned into plantations under control of the colons. On the other hand, the legitimacy of the existing customary land tenure system was recognised where land was already under control of the traditional authorities. As a result of this colonial policy, the traditional, ethnically-based rural political order was transformed into units of a much larger modern administrative system. This led to a complete restructuring of the existing social rural environment. Another important and devastating consequence, was the further institutionalisation of ethnicity. Ethnic citizenship, itself the result of local ethnic community membership, was recognised as the sole basis for the right to access land and thus continued to be the basis for the existing economic relations. The practice of indirect rule, however, did not create one single customary system but was based on the colonial claims that every ethnic community had its own traditional system. It created 'a different set of customary laws, one for each ethnic group, and [established] a separate Native Authority to enforce each set of laws. The result was a Janus-faced power, with two faces. The difference between them was that while civic power was racialised, the Native Authority came to be ethnicised'. (Mamdani 1997:4). Since the colonial period, parts of society have found themselves in a marginal position as the customary system denied access to all those not belonging to the particular ethnic group or not respecting the authority of the mwami.

This system of land control and alienation continued to exist during the first years after independence, including the reproduction of a double form of citizenship viz. a civic Congolese one and an ethnic one. In 1973, however, it was further complicated and confused by a new legislation (the General Property Law, based on the so-called Bakajika Law of 1966), which integrated the traditional rural order into the urban-controlled modern political system. Again the traditional, ethnically defined, territorial organisation formed the basis for the new territorial structure, thus confirming the territorial basis of ethnicity. More important, however, was that under this new law the traditional, customary authorities lost their legitimate control over the land distribution and were assigned the role of simple administrators in the institutions of the new Zairean state. The 1973

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law declared all land state property and from then on transactions of land based on customary law became illegal. As a result of this new legislation, the customary system was confronted with a deep authority crisis while the existing social and economic order drastically changed. The most important consequence of this new legislation was that it provided a newly formed class of rural Congolese capitalists with a new and powerful instrument. The nationalised colonial plantations were redistributed to reward the loyalty of a political elite, but also communal land became subject to redistribution. The 1973 legislation not only drastically changed the social structure of Kivu, it also was an expression of the changing political economic conditions under the Mobutu regime. The policy of nationalisation (see below) offered the material basis for the formation of a new political elite. Loyalty was economically rewarded.

Although this new legislation was meant to limit the power of the traditional authorities, in reality the latter continued to play an important role in the control over land. The modern legislation abolished the customary land rights and only gave access to land on the basis of individual property rights, therefore limiting the power of the traditional authorities. Because the state was not capable of successfully implementing this new law (it never succeeded in describing the legal position of the traditionally distributed land and the administration was totally incapable), the existence of a double system of land property rights (the traditional order based on ethnic citizenship and the modern order based on individual property rights) not only caused confusion but also opened up some new opportunities. The traditional authorities became the privileged intermediaries for the sale of land. According to Mamdani (1997:4) 'To the extent that they were able to combine their chiefly status with important positions in the administration and the party hierarchy, [some bami] could claim authority on both traditional and political grounds, and make most of this situation to secure compliance with [their] decisions'. Mugangu (1998:8) concludes that by their control over the ethnic territory, 'non seulement, les authorités deviennent partenaires incontournables au processus de territorialisation de l'Etat, mais en plus elles peuvent reproduire, dans le contexte for a more decentralised network of patronage, which became hard to control for the political centre. As Reno (1997:4) states, 'Debureaucratised patrimonialism instilled an individualistic, acquisitive 'capitalist lifestyle' of a Zairean sort.[...] This became very explosive in the Zairian context, since 'officially' sanctioned private accumulation among strongmen is easily converted to autonomy by a ruler and the freedom to make their own arrangements with outsiders'. The activities of powerful generals such as Nzimbi or Baramoto are prime examples of decentralised networks of patronage aimed at controlling clandestine trade activities.

Mobutu's announcement of a democratisation process in April 1990 was yet another strategy to save his power. The privatisation of the army was another strategy. Mobutu gave the army leeway to act as private militia. The behaviour of the army during the looting of 1991 and 1993, as well as its reaction to the arrival of more than one million Rwandan refugees in Eastern Congo in 1994 (when army units entered into the service of whoever was willing to pay) are evidence of this shift. It should be clear that disorder in the Zairian context has nothing to do with anarchy but with deliberate strategies designed to preoccupy, destroy or disorganise rivals. Ethnicity proved to be the main instrument. The appearance of youth militia acting to the defense of local strongmen only demonstrates how a situation of impunity created the necessary conditions for a skilful manipulation of disorder. In Katanga, the special youth group Juferi played a crucial role in the campaign against the Baluba. As will be explained later, also in Kivu youth militia were to become a crucial pillar for defending the interests of local strongmen.

In the long run, the shrinking economy of the weak state (itself the result of its own very nature) was to have some very serious consequences for the power base of local strongmen. In South Kivu, just as elsewhere on the continent, the decline of resources available for patronage undermined the legitimacy of the local elite in two ways. First, in their search for means to protect their positions, local strongmen were forced to develop new strategies. Second, as they became unable to satisfy the demands of their clients, their positions were contested by a growing number of new actors (Chabal & Daloz 1998 :37). For the protection of their position, ethnicity was the best

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E. Pay & D. Goyvaerts, "Belgium, the Congo, Zaire, and Congo: A Short History of a Very Shaky Relationship" in CONFLICT AND ETHNICITY IN CENTRAL AFRICA (D. Goyvaerts ed., 2000)

Conflict and Ethnicity in Central Africa

Edited by Didier Goyvaerts

Institute for the Study of Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies

2000

BELGIUM, THE CONGO, ZAIRE AND CONGO: A SHORT HISTORY OF A VERY SHAKY RELATIONSHIP

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The aim of the present paper[‡] is to provide a short historical overview of the Belgian-Congolese/Zairian relations from the Belgian exploration and subsequent colonization of the Congo basin in the 1870s up to the fall of Mobutu and the assumption of power by Kabila in 1997. In doing so, it will become obvious that the history of Congo/Zaire up to the 1990s cannot possibly be isolated from the prevalent relations with Belgium – the mother country and, later, the ex-colonizer. Hence, emphasis will be placed on those events in which Belgium played a major part. Purely internal matters will only be discussed briefly, so as not to interfere with the general gist of the story.

King Leopold II's hunger for colonies

Before Leopold II's ascent to the throne, the interest of the great European powers in the African continent had been rather moderate and involved, essentially, a number of scattered regional commercial dealings. In the beginning, these activities focused on the slave trade, which relied heavily on the cooperation of both the local African rulers themselves and the Arab merchants although, in all fairness, it should be observed that in the West the role of the latter in this

[‡] We wish to express our sincere gratitude to Erik Kennes of the Africa Institute (Tervuren) for having read and commented on a previous draft of this article. Needless to say, the remaining shortcomings and infelicities are our own.

early 1990s now became particularly prominent. First, the country was going through a severe economic crisis, which caused food production to drop and imports to increase. Civil servants, doctors, teachers and soldiers were not being paid. Moreover, the country was burdened with an enormous international debt. A second factor was the political instability. Not only had the state completely withdrawn from the social sector -health care and education- but the army (Forces Armées Zairoises, FAZ), Mobutu's last stronghold, was under-armed and increasingly becoming demoralized. Last but not least, Zaire had completely become isolated on the international scene. For the United States, Mobutu ceased to be important after the collapse of the Soviet Union. To the world economy, Zaire had equally turned into a non-entity. Investments were non-existent and even as a supplier of raw materials the country had lost its significance due to the emergence of all sorts of surrogates. In point of fact, Zaire had been dead internationally since the end of 1990. In spite of this, and as a means to get out of the local impasse, the European Union declared itself willing to give financial support to the elections that were planned for mid-1997. As Belgium was still hoping for a peaceful solution to the conflict, it not only offered to help with the actual organization of the elections but kept putting the Zaire question on the international agenda, lest the country be completely forgotten by the west.

The Kabila factor

Still, it was not the disastrous economic situation that led to the final showdown, but the tensions in the Kivu region of eastern Zaire during 1996 and, especially, the subsequent revolt in 1997. This revolt was intimately linked with the Hutu-Tutsi conflict in Rwanda, which had culminated in the 1994 genocide. Eventually, armed Tutsi, entering Rwanda from Uganda managed to overthrow the Hutu-regime in Kigali. Together with the Hutu death squads (*Interahamwe*) and the defeated government troops, over a million Rwandans fled to the North-Kivu region of Zaire where, very rapidly, military structures were set up comparable to those that had

G. Kiakwama & J. Chevallier, The World Bank, "Nonreformers: Democratic Republic of the Congo", *Aid and Reform in Africa: Lessons from Ten Case Studies*, (S. Devarajan, D. Dollar, T. Holmgren, eds., 2001)

Aid and Reform in Africa Lessons from Ten Case Studies

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> The World Bank Washington, D.C.

Democratic Republic of Congo

Gilbert Kiakwama Jerome Chevallier For lack of expenditure control, inflation sprang up again and rapidly turned into hyperinflation, with an annual rate jumping from 39 percent in 1989 to over 4,000 percent in 1991. The economy went into a free fall. In 1996, the year before the demise of the Mobutu regime, GDP per capita was estimated at about US\$150, less than 40 percent of the 1958 level. The production of copper barely reached 40,000 tons, less than one-tenth the level achieved in the mid-1980s.

Without maintenance, infrastructure has deteriorated to such an extent that most regions are now completely isolated. Poverty has become widespread, and social indicators, which used to compare favorably with those in the rest of Sub-Saharan Africa, have steadily declined.

AID AND REFORM

The next section will discuss a series of issues at the core of the relationship between aid and reform, including the role of financial flows in reform, the adequacy of the reform agenda, the management of public resources, and the political dimension of reform.

Financial Flows and Reform

During the 1967–97 period, Zaire made two genuine attempts at economic reform. Both programs were formulated through close cooperation between the IMF and the Central Bank. The first one, in 1967, enabled the Congo to recover from the difficult post-independence years. The international community strongly backed the reform program and provided financial support through the IMF. At that time, the Central Bank was in control of macroeconomic management with little interference from the government. The 1967 reform reestablished private sector confidence, and the economy quickly bounced back. The reform program was supported by an IMF standby agreement, but the financial flows involved were quite limited.

The second ambitious reform initiated by Zaire took place in 1983– 85. After a steep devaluation, the government liberalized the exchange rate, interest rates, and most prices. Again, this reform was supported by an IMF standby arrangement, but little additional support came from the donor community. Improved fiscal management allowed Zaire to pay its external debt as rescheduled, resulting in a net transfer of resources in favor of its creditors. In 1984–85 the debt service actually paid by Zaire increased by 88 percent over the previous two years. Whereas in 1982 and 1983, Zaire was a net beneficiary of transfers from its creditors for a total of US\$42 million, it transferred the equivalent of US\$369 million to its creditors in 1984–85, or about 2.6 percent of its GDP.

F. Missier & O. Vallee, "Du Scandale Zaïrois au Congo Gemmocratique" in Chasse AU DIAMANT AU CONGO/ZAIRE (L. Monnier, B. Jewsiewicki, G. de Villers eds., 2001)

sous la direction de Laurent Monnier, Bogumil Jewsiewicki et Gauthier de Villers

Chasse au diamant au Congo/Zaïre

n° 45-46 série 2000

Institut africain-CEDAF Afrika Instituut-ASDOC Tervuren 3

Éditions L'Harmattan 5-7, rue de l'École-Polytechnique 75005 Paris

DU SCANDALE ZAÏROIS AU CONGO GEMMOCRATIQUE

par François Misser et Olivier Vallée

LA TECTONIQUE DES MINERAIS

« Diamonds are a girl's best friends » chantait Marilyn Monroe. L'on pourrait adapter la phrase aux chefs d'État ayant présidé aux destinées du Congo-Zaïre depuis 1965. La permanence de leur implication dans l'acquisition, le commerce, la production et le trafic de diamants a au demeurant incité un chroniqueur du quotidien belge *Le Soir* à écrire qu'avec Joseph Mobutu (Sese Seko) ou Laurent (Kabila), les diamants sont Désirés. La majuscule vient en effet à point nommé rappeler que les deux hommes ont partagé, outre un même second prénom, un appétit commun pour ces trésors du sous-sol, ce qui fait de l'un et l'autre des archétypes de ce que l'on pourrait appeler des « germocrates », autrement dit des acteurs politiques dont le pouvoir est lié au contrôle de la richesse diamantifère.

Las, les dirigeants congolais gouvernementaux ou rebelles ne sont pas les seuls à avoir contracté une véritable dépendance vis-à-vis du diamant, pour le plus grand malheur du pays. Outre l'entourage du voisin de Brazzaville, Pascal Lissouba, qui, jusqu'à sa chute en octobre 1997, se trouvait opportunément sur la trajectoire de la contrebande, aujourd'hui les diamants congolais constituent des ressources à la fois politiques et financières des présidents du Zimbabwe, Robert Mugabe, de Namibie, Sam Nujoma et des prétoriens ougandais et rwandais.

En marge des problèmes identitaires et sécuritaires, le nouveau conflit de 1998 au Congo démocratique comporte indéniablement une dimension stratégique et économique. L'adhésion de la République démocratique du Congo (RDC) à la Communauté pour le Développement Économique de l'Afrique Australe a été mal perçue par Museveni. Celui-ci nourrissait le rêve d'une intégration économique entre la RDC et l'Ouganda.

Le Rwanda avait goûté les délices de Capoue lorsque ses hommes dominaient Kin, et le Zimbabwe n'ignorait pas les potentialités du Congo avec lequel, d'ailleurs, il trafique le diamant depuis les années 1950.

Pourtant le diamant n'a pas toujours joué un rôle stratégique pour l'économie de l'ex-Congo belge. N'eussent été l'engagement de l'Union Minière du Haut-Katanga, qui apporta son soutien financier et militaire à la sécession katangaise, et l'appartenance de la Forminière, qui exploitait les diamants industriels au Kasaï Oriental et qui appartenait au même holding que l'UMHK, la Société Générale de Belgique, il n'est pas sûr que la sécession sud-kasaïenne, appendice de la première aurait vu le jour. Dix ans après l'indépendance d'ailleurs, le diamant ne représentait encore que 8 % de la valeur des exportations congolaises, contre 76 % pour les produits de la Gécamines (cuivre et cobalt).

Il faudra la combinaison de la libéralisation de l'exploitation du diamant en 1982, autorisant l'activité artisanale en dehors des concessions octroyées par l'État, et l'effondrement de la production de la Gécamines pour que cette ressource finisse par peser d'un poids prépondérant dans l'économie. Les ventes de diamant représentaient, avec 739 millions de dollars en 1996, quelque 47,9 % du total de la valeur des produits exportés par le Zaïre, tandis que les minerais non précieux de la Gécamines se situaient en deçà de 20 % du total. Ce retournement spectaculaire s'explique partiellement par une évolution diamétralement opposée dans l'extraction des deux produits : en 1989, la Gécamines avait produit 442 000 tonnes de cuivre, 9 300 tonnes de cobalt et 54 000 tonnes de zinc. Six ans plus tard, ces productions avaient respectivement chuté à 33 900 tonnes, 4 500 tonnes et 3 900 tonnes. Parallèlement, la production diamantifère s'était accrue de 17,5 à 21,9 millions de carats. À la différence de la Gécamines, propriété intégrale de l'État, pour le compte de qui elle entretenait les éléments de la Division Spéciale Présidentielle au Katanga, la Minière de Bakwanga (Miba) - qui a succédé à la Forminière et dans laquelle Sibeka, filiale de l'Union Minière détient toujours 20 % des parts -, ne s'est pas laissée dépouiller de cette manière, du moins sous le régime Mobutu.

Aux deux facteurs mentionnés s'en ajoutent d'autres : les pillages de 1991 et de 1993, en contraignant quantité de sociétés à fermer leurs portes ou à réduire leur activité, ont poussé nombre de leurs employés à se lancer dans l'aventure de l'exploitation artisanale, comme ultime recours pour assurer leur subsistance. La remarque vaut également pour les étudiants, les enseignants et les fonctionnaires qui, soit pour payer leurs bourses et leurs frais de scolarité, soit simplement pour subvenir à leur existence, ont été astreints à se livrer à ce genre d'activités avec tous les risques que cela comportait, notamment le racket systématique de la part des militaires de Mobutu. Les dévaluations en cascades du zaïre monnaie et du franc congolais comme la dollarisation de l'économie ont aussi induit une chasse urbaine au diamant. Il constitue une des dernières voies d'accès aux devises fortes comme le dollar.

Qu'il s'agisse de l'activité formelle ou informelle, artisanale ou industrielle, le diamant a en tout cas joué un rôle croissant dans l'économie de l'ex-Zaïre, et partant dans la stratégie des acteurs politiques, en tant que nerf de la guerre ou en tant qu'enjeu de celle-ci.

D'où l'émergence d'une caste de « gemmocrates », dans laquelle figurent aussi bien les opérateurs (Mukamba), que les bénéficiaires (le clan Mobutu et les prétoriens) et les intermédiaires (libanais, sud-africains). Lapsus peut-être, le diamant a d'ailleurs failli, à un moment donné, devenir le symbole du parti

Adam Hochschild, "Congo's Many Plunderers", *Economic & Political Weekly*, Vol. 36, No. 4 (27 Jan.- 2 Feb. 2001)

Economic & Political WEEKLY

Congo's Many Plunderers Author(s): Adam Hochschild Source: *Economic and Political Weekly*, Vol. 36, No. 4, Money, Banking & Finance (Jan. 27 – Feb. 2, 2001), pp. 287–288 Published by: Economic and Political Weekly Stable URL: http://www.jstor.org/stable/4410222 Accessed: 01-09-2017 20:33 UTC

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Congo's Many Plunderers

Some of the rebels in Congo who turned against Laurent Kabila are principled people who did so because Kabila did not live up to his democratic promises. But for many rebels gold and diamonds matter more and the civil war is less about ideology than about who is going to continue the plundering. The country is in effect split in several pieces and half a dozen neighbouring countries are backing one faction or another.

ADAM HOCHSCHILD

any people today often seem surprised that Africa is in such bad shape. The old Soviet gulag is no more; in eastern Europe they've opened the secret police files; in Latin America military dictators are almost all gone. Why does Africa lag so far behind? Many of its states haven't bothered to stage an election, much less an honest one, in years. Its economy is largely a wreck. And now, ominously, Congo, the vast, mineral-rich country that is one-thirteenth of the continent's land mass, is embroiled in what has been called "Africa's first world war". The country is in effect split in several pieces, and half a dozen nearby nations are backing one faction or another.

Given Africa's history, however, its current troubles should be no surprise. For the last four hundred years, to be an African - and especially to be a Congolese - has meant, above all, to be plundered. First came the slave-traders, who shipped millions of Africans across the North Atlantic in chains to the New World. We think of slaves as coming from west Africa, as indeed was the case with most of those brought to the American colonies. But central Africa fell victim as well: traders captured millions more Africans from the Congo River basin and surrounding territories and took them on the shorter trip across the South Atlantic to Brazil, to be worked to death on coffee plantations. And the slavers didn't just raid the central African coast; they ranged hundreds of miles into the interior.

Responsibility for this plundering was not that of Europeans and Americans alone. Pre-colonial Africa was no paradise of democracy, and much of the continent had indigenous slavery to begin with. This meant that when a sea captain from Liverpool or Lisbon or Charleston showed up looking for slaves, African chiefs were ready to sell them.

Then came colonialism. Thanks to the steamship, the machine gun and the repeating rifle, it swept over the continent in an astoundingly short time. In 1870 roughly 80 per cent of sub-Saharan Africa was living under indigenous rulers; by 1910 virtually all of it was European colonies or white settler regimes. It was the fastest land grab in history.

We tend to forget how deadly this system was, because the colonial countries, such as Britain, France, and Belgium, were mostly themselves budding democracies at home. But their relation to Africa was one of theft. Take the Congo. For several decades around the turn of the century, misnamed the Congo Free State, it was the personal, privately-owned colony of King Leopold II of Belgium. During that time, Leopold made a profit from the territory equal to at least \$ 1.1 billion in today's US dollars. Between 1880 and 1920, demographers estimate, the Congo's population was slashed in half, a loss of ten million people.

Rubber Boom

The main spark for this holocaust was the invention of the inflatable bicycle tire, in 1887. Followed rapidly by the automobile, this set off a worldwide rubber boom. The central African rain forest was rich in wild rubber vines, and Leopold essentially set up a slave labour regime. His soldiers would hold the women of each village hostage, until the men had gone into the forest - often for weeks at a time - to gather a monthly quota of wild rubber. This went on for nearly two decades. With the women as prisoners and the men as forced labourers, there were few people left to plant and harvest food or to hunt and fish. Famines raged, rebellions flared and were brutally shot down, and diseases that people would otherwise have survived took a huge toll among the traumatised, half-starving population.

In later decades, under Belgian colonial rule, the plunder was less murderous and more orderly – in part because colonial officials realised that if they didn't change the system, they'd soon have no labour force left. "We run the risk of someday seeing our native population collapse and disappear", declared the permanent committee of the National Colonial Congress of Belgium in 1924, "So that we will find ourselves confronted with a kind of desert".

The Belgians then began to build schools, hospitals, and the like. As in most African colonies before second world war, some forced labour remained, then was gradually replaced by taxes that forced men to leave their villages and find work in mines, in factories and on plantations. And, despite the schools and hospitals, the Congo was still run for profit, which flowed increasingly to multinational mining companies. As the century went on, rail-roads and machinery allowed the exploitation of the territory's unbelievable wealth in gold, diamonds, copper, cobalt and much more. Most of the uranium for the Hiroshima and Nagasaki bombs came from the Congo.

In the late 1950s, Africa was swept by fervour for independence. The Congo, like much of the rest of the continent, was granted freedom. But the European countries had in mind political independence only. They wanted to keep the profits from the mines and plantations flowing to Europe. The Congo was one of the few countries that challenged that hope. When it received independence from Belgium in 1960, the Congo was headed by a coalition-government prime minister, Patrice Lumumba - chosen in the first, and last, democratic national election the territory has ever had. Lumumba believed that Africa should be independent of Europe economically as well as politically. To western governments and business, the idea was anathema. Two months after he took power, a sub-committee of the US National Security Council authorised his assassination. The CIA and the Belgians sent help to anti-Lumumba factions in the government, and in early 1961 he was killed. Africans learned to be sceptical when American presidents talked about democracy.

Even before Lumumba's death, Washington's man in the Congo was a young army officer named Joseph Désiré Mobutu. President Kennedy received him at the White House in 1963. With CIA encouragement, he seized power in a coup

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This content downloaded from 38.111.59.10 on Fri, 01 Sep 2017 20:33:06 UTC All use subject to http://about.jstor.org/terms two years later. Soon after, he renamed himself Mobutu Sese Seko and his country Zaire, and then proceeded to plunder it on an even vaster scale than King Leopold II. European and American mines and businesses in the Congo gave Mobutu a share of the take, and in 32 years of rule, he stashed away a fortune estimated at \$ 4 billion in Swiss banks and European real estate. The US encouraged him at every step of the way. President Reagan called him "a voice of good sense and good will". President George Bush called him "one of our most valued friends". The US gave him more than \$ 1 billion in civilian and military aid.

After the cold war ended, Mobutu's usefulness to the US as an anti-communist came to an end. His kleptocratic regime was an increasing embarrassment, and Washington began suggesting that he hold elections. But after receiving so much US money for so many years while stifling all opposition, Mobutu didn't feel like changing course. He was finally overthrown by forces under Laurent Kabila in 1997 and died of cancer in exile a few months later. Kabila restored the name Congo (without the 'the').

Mobutu's decades of plundering had left the country without a functioning government. Uncollected garbage was piled in the streets; public schools had largely ceased to operate; and erratically-paid police and soldiers supported themselves by looting shops and holding foreign journalists for cash ransoms. Few of the essential river steamboats were still operating, and the jungle had taken back most inter-city roads. Most educated Congolese able to do so had left for the US, Canada, and Europe. Even if Kabila had been an administrative genius and a grass roots democrat - and he was neither - it would have been a job of decades to build a coherent society out of the shambles he found. His death will not change this. It's so long since a real census has been taken that no one even knows how many people live in Congo today is it 50 million? 55 million?

Some of the rebels who turned against Kabila in the last two or three years are principled people who did so because Kabila did not live up to his democratic promises. This is particularly true of the leadership of the faction of the Congolese Rally for Democracy that is based in Bunia, in the far north-east. But for many of rebels, gold and diamonds matter more. The rebel movement itself is now deeply fractured. The current civil war is less about ideology than about who is going

to continue the plundering. We read mostly about which African governments are backing which side in this struggle; what journalists on the scene virtually never examine is which multinationals are also placing their bets on one faction or another, or on several of them simultaneously. Newspapers all over the world reported that when Kabila arrived in the capital, Kinshasa, to take power in 1997, he landed in a corporate jet. Hardly anyone asked who had loaned it to him. (It was an American minerals corporation, based in ex-president Bill Clinton's home town of Hope, Arkansas.)

There is no simple answer about what should be done about the war. The proposal to send some 5,000 UN troops to police a ceasefire could be a very small step in the right direction. But many times that number of soldiers are having trouble keeping order among a vastly smaller number of people in Kosovo. And how many officers does it take to police 50 or 55 million people living in an area as large as the US east of the Mississippi, that has not had a functioning police force in years?

There is one more piece of historical background to the current troubles of this long-suffering country, and that is the madness of the international arms trade. Since 1990 alone, the US has supplied \$ 227 million worth of arms and training to Africa; military forces in 34 of the continent's 53 nations have received US training. Just during the 1990s, the US supplied more than \$ 125 million in arms and training to six of the seven states who have had troops fighting - on several sides - in Congo's civil war. It will not be easy to help heal Africa's wounds, but one good place to start would be to stop pouring weaponry into a continent the West has already done so much to ravage.

Perils of Putin's Russia

Russian president Vladimir Putin faces the mind-boggling imperative of having to integrate Russia's economy with that of the world economy. At the same time, it involves a shedding of old mindsets and long-held notions of the Soviet economy. Russia now has to work towards a three-pronged approach – ensure its territorial integrity; create favourable conditions for economic recovery and growth and yet preserve the civil society and the rights and freedoms that all Russians have come to enjoy.

P L DASH

ussia in post-Soviet years provides a ready case for a study in contrast. Look at tiny Japan! It has no natural resources; yet it is rich. For a contrast, look at huge Russia! You name anything; Russia has it; yet it is poor. Through the post-Soviet decade, it has passed through a tumultuous journey from superpower status to dilapidation. Even as many countries of Europe unite together in the European Union, forgetting their national barriers and currencies, the Soviet successor states are on the other hand trying to erect visa and tariff barriers among themselves, build up their national armies and have often inched on the brink of mutual hostility on the basis of ethno-national differences. Such paradoxes as these jitter Putin's Russia on the advent of the millennium when the country is deeply engaged in the process of an extraordinary transition. All mineral, natural and human resources at her disposal do not make Russia rich in any sense, primarily because the country as a whole lacks advanced technology and a sense of proper management.

Bad economics combined with worse politics remain the bane of post-Soviet Russian development which politicians, Putin or no Putin, find tough to handle and extricate their country from the present morass. The second drawback is the lethal combination of dictatorial tendencies of a strong state with emerging liberal democratic ethos of modern Russia. While better management methods have begun penetrating into the area of economic development, the Russians, willy-nilly, avoid to emulate the western style of management, let alone capitalism. Instead, they continue to vituperate it, and almost always find a national analogy from their past history to

Economic and Political Weekly January 27, 2001

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K. Hillman Smith, "Status of Northern White Rhinos and Elephants in Garamba National Park, Democratic Republic of Congo, During the Wars", *Pachyderm* No. 31 (July-Dec. 2001)

Status of northern white rhinos and elephants in Garamba National Park, Democratic Republic of Congo, during the wars

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Since early 1997, Garamba National Park in the northeast of the Democratic Republic of Congo (DRC-previously Zaire) has been subjected to the effects of two wars within the country. The park is home to the last known wild population of northern white rhinos (Ceratotherium simum cottoni) and the densest elephant population in DRC. Figure 1 shows how poaching levels have increased during the two recent wars, as indicated by the number of contacts for patrol effort. The poaching there in recent years has been primarily for meat. Patrol monitoring indicates that 70-80% of the poaching gangs' members are Sudanese, usually 'SPLA deserters', using weapons from the ongoing war in adjacent southern Sudan. The others are local Congolese. The increase in poaching during the active phases of the two DRC wars, however, was not caused by influxes of Congolese poachers or the occupying military. The same poachers were there throughout, but the anti-poaching effort of guards was temporarily stopped or reduced and the general breakdown of law and order was exploited.

Figure 1 shows how the poaching increase was greatest during the first war in 1997. For several months when the military forces arrived, guards were disarmed and no efforts could be made to control poaching. Without resistance, poachers were able to move south through the park to areas where elephant, rhino and hippo were concentrated. The second war in 1999-2000 had an initial active phase that included a two-month occupation of park headquarters by the Ugandan-backed rebel forces when project personnel and conservateurs were moved out. During this phase, there was little reduction in anti-poaching effort, because park guards continued their anti-poaching efforts and monitoring. The Ugandan forces acted positively towards conservation efforts and prevented the sale of bushmeat; a small increase in poaching was checked. The current phase of the second war largely involves a jostling for power and resource exploitation rather than open combat. Peace talks are under way.

The effect of increased poaching and military actions on wildlife was measured by systematic aerial sample counts of large mammals. These counts were carried out over the park after the first war in May– June 1998 and after the main phase of the second war in June 2000. Estimate count results for elephants from systematic aerial surveys before, between and after the active phases of the two wars in DRC are 11,175 in 1995 (standard error 3679), 5874 in 1998 (standard error 1339) and 6022 in 2000 (standard error 1046).

Half of the elephants were lost during the first war, but there was no significant change during the initial phase of the second war. These elephants have now further gained in value by their genetic significance. It has long been noted that they appear morphologically and behaviourally as an intergrade between forest (*Loxodonta africana cyclotis*) and savannah (*L. a. africana*) types, and now genetic studies show that they are intermediate and cannot be clearly classified as either forest or savannah subspecies.

The rhinos are monitored by means of systematic block counts using individual recognition, backed by ongoing standard recording of rhino observations. This means that the population present can be found cumulatively where an individual missed in one survey is seen in a subsequent survey. Table 1 summarizes the cumulative results of surveys and reconnaissance flights before, between and after the wars.

An intensive aerial rhino survey was carried out in April 2000 using the stratified block count method, but it was curtailed at the end when the plane developed an engine problem. Twenty-four animals were found, including seven new calves, one of which was probably less than a week old. The other five, which were among the minimum number seen in 1998, were subadult

	Surveys in 1996	War	Surveys in 1998	War	Surveys in 2000
Min (-max.) population est.	29		26 (–31)		30 (–36)
Births		+4		+7	
Known poached		-2		-2	
Previously known animals not seen (missing or dead)			5		1

Table 1. Population dynamics of northern white rhinos between surveys over war periods (combined totals of different individuals seen over a series of surveys during the preceding six months)

males, three of which would recently have left their mothers on the birth of her new calf. At this stage they are their most nervous and secretive, hiding in long grass and very difficult to see. During the systematic sample count of large mammals over the whole park and other reconnaissance flights in June of the same year, another individual not seen in April was observed, bringing the total to 25. In August during reconnaissance flights, two of the young males that had been missed in April were found, and purely by chance two more of the younger ones were found outside the park. This brought the total seen in 2000 to 30. Of the new calves, all born between the end of 1999 and April 2000, four were male, one was female and the sex of the other two could not be determined.

The age and sex structure of the population at the end of 2000 was

Total confirmed individuals				
Male adults	6			
Female adults	6			
Male subadults	5			
Female subadults	4			
Male juveniles	5			
Female juvenile	1			
Male infant	1			
Unsexed infants	2			
Total	30	confirmed August 2000		
sex ratio	17ơ	$11^{\circ} + 2$ unknown		
adult : subadult + juvenile ratio 12 : 18				

It has not been possible to do a survey in 2001. There are no reports of major poaching, but it has been reported that guards found a rhino carcass in April and a rhino horn was offered for sale to a consultant across the border in Sudan in May.

Distribution was mapped on each of the surveys and was each time associated with the central protected areas and the long-short grass mosaics. The burning programme at each period of unrest had been designed to ensure that substantial areas of long grass remain in the most protected central southern area to afford maximum protection for the rhinos while creating mosaics with short grass patches so that they could alternate rapidly between grazing and cover. These areas were found each time to be favoured by the rhinos.

Factors that have been key in maintaining the rhino population relatively stable despite the circumstances have been that the guards have maintained their patrolling and protection as much as possible during each period of unrest and that the supporting partners with the National Congolese Parks Institute have maintained their ongoing commitment to protect the park. The International Rhino Foundation is currently the main supporting partner for Garamba, along with the US Fish and Wildlife Service. A larger umbrella programme has been developed by the main supporting partners with the Congolese National Parks Institute and UNESCO and UN Foundation to support the five World Heritage Sites in DRC, one of which is Garamba, throughout the armed conflict and in the future. Garamba personnel were key in developing the programme in which rhinos, elephants, gorillas and other key species of the park were central to its World Heritage status.

The umbrella programme aims to provide financial support and capacity building for field staff. The economy of the country had declined well before the wars started, which meant that the government could not financially support the parastatal agency to which the park belonged. The UN Foundation is the core funding agency, operating through UNESCO with NGO partners implementing the programme in the field. These NGO partners are also committed to continuing their own support. The UNESCO umbrella is key to providing active diplomatic support, which will facilitate the essentially neutral field operation of conservation staff even within a somewhat insecure and politically unstable region.

L. Mubalama, J. J. Mapilanga, "Less Elephant Slaughter in the Okapi Faunal Reserve, Democratic Republic of Congo, with Operation Tango", *Pachyderm*, No. 31 (July-Dec. 2001)

Less elephant slaughter in the Okapi Faunal Reserve, Democratic Republic of Congo, with Operation Tango

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Abstract

The Okapi Faunal Reserve in the Democratic Republic of Congo is one of the most biologically rich of the World Heritage Sites. Yet it is seriously threatened by the effects of war and armed conflict. Support from conservation non-governmental organizations has proved critical given the urgency these crises have caused. In addition, it has been proved through Operation Tango with impetus from these organizations that collaborative action between the local authority for the management of protected areas and the Uganda People's Defence Forces and Congolese military was effective in reducing heavy elephant poaching and coltanore exploitation within the reserve. Difficult choices must be made in attempts to balance the needs of still-fragile wildlife populations with urgent demands of the rural poor. Still, the experience of the Okapi Faunal Reserve gives hope to those working in neighbouring protected areas in Congo. Even as the forest has begun to regenerate, so too the elephant population has survived recent poaching ordeals and has started to show remarkable capability for recovery under today's difficult constraints.

Résumé

La Réserve de faune à Okapi (RFO) figure parmi les plus riches sites de patrimoine mondial en danger en République Démocratique du Congo. A ce jour, ce site est sérieusement menacé par les effets de la guerre et de conflit armé. L'appui des ONGs de conservation a été critiques étant donné l'urgence de besoins de conservation pendant la période de crise. Aussi, il a été démontré à travers l'Opération Tango et ce, avec l'impulsion desdites ONGs que la collaboration entre l'institution nationale de conservation au niveau local et l'UPDF et l'armée congolaise fut effective en réduisant le braconnage intense d'éléphants ainsi que l'exploitation du coltan dans la Réserve. Le processus de rétablissement est au prise avec le choix tragique opéré visant à balancer les besoins de la faune sauvage et ceux urgents de la population rurale démunie. Toujours est-il que l'expérience de la RFO donne espoir aux autres aires protégées en RD Congo. A l'instar de la forêt, la population d'éléphants a survécu l'épreuve du braconnage et a commencé à montrer une capacité remarquable de rétablissement en dépit de contraintes difficiles en cours.

Introduction

Situated in the eastern part of the Democratic Republic of Congo (DRC), the Okapi Faunal Reserve (OFR) was created in May 1992 and proclaimed a World Heritage Site in December 1996 in recognition of its biological significance and in response to the increasing threats to its integrity. The reserve occupies about 20% of the Ituri Forest (60,000 km²) (fig. 1), which in turn is a small part of the vast Congo Basin forest. The reserve provides a refuge for one of the largest populations of elephants in the Congo. J.A. Hart (pers. comm. 1998) estimated that OFR had 7375 elephants.

Like many African elephant range states, cannot protect its elephant populations under the current political and economic conditions. The high cost of protection is the single most important factor in the failserve. A concerted effort was made to enforce laws at every level of the trade, and on the strength of intelligence network records, patrol teams were deployed in hot-spot hunting zones. The patrol teams were armed and supplied with adequate ammunition to ensure that they were on an equal footing with the heavily armed poachers or were even more powerful.

By 18 October 2000, after several contacts between a wildlife management team and RCD/ML authorities in Bunia, it was possible to initiate the intensive military–wildlife guard anti-poaching operation called Tango (akin in sound to *tembo*, 'elephant' in Swahili) in an attempt to wipe out elephant and bushmeat poaching and illegal coltan mining. (Columbite/tantalite is one of the ores from which tantalum powder is made. It is used in the manufacture of tiny tantalum capacitors, which withstand the heat of ever-faster computers and ever-smaller mobile phones.) Baseline data were provided by the findings of the MIKE monitoring teams.

Large-scale poaching activities were evident, with 17 new or recent poaching camps reported. Twenty poachers were caught red-handed and 111 kg of raw ivory and 215 kg of elephant meat were recovered. Three months before the launch of Operation Tango the area under control of the wildlife management authorities was less than 10% of the reserve (fig. 1). Importantly, 17 weapons, most of them small machineguns, along with 331 rounds of ammunition were confiscated by a joint 34-man team of UPDF (Uganda People's Defence Forces) and APC (Armée Populaire Congolaise) personnel.

Because of poor communication, it was decided that all active law enforcement be vested in a closely supervised rapid-deployment strike force based at headquarters in Epulu. The strike force mounted regular armed patrols on an unpredictable basis throughout the reserve. Patrols also manned semi-permanent observation posts at strategic vantage points. The force responded rapidly on short notice to intelligence reports or calls for assistance forwarded by the various outposts.

After five months of Operation Tango, no new signs of poaching were found, which correlates with information gained from law-enforcement monitoring of poaching levels during the latter part of 2000.

Results

Although we cannot say that the operation has led to

an absolute cessation of elephant poaching, the hope has been that the protection levels gained would be consolidated with the deployment in May 2001 of a new group of 28 park guards trained by joint UPDF and APC forces. Armed OFR personnel are recruited among individuals in the local population who demonstrate qualities of leadership and commitment; they then receive regular hands-on training that empowers them to take responsibility for managing their natural resources-the formula proved to sustain long-term conservation efforts under today's difficult conditions (Adams and McShane 1992). The idea of investment in joint patrol forces with locally based conservation institutions is not new. What is clear, however, is that such site-based initiatives must be tied to an international structure that endures through cycles of civil strife (Hart and Hart 1997).

Results from Operation Tango are far better than had been hoped, and the relative lull in poaching gives time to build up other types of support for OFR. Elsewhere, publicity on the plight of elephants has proved effective in reducing the demand for elephant products; therefore, production and dissemination of written information materials in local languages should be intensified. The lessons from these recent operations indicate that a greater level of support, collaborative effort with more partners, and innovative, sustainable means of funding are necessary for the longterm future of OFR. Unless the substantial levels of funding that will be required to run this operation effectively are regularly and reliably forthcoming, the whole strategy will collapse.

We believe Operation Tango has been a success. However, there is still much to do to consolidate these results. Although the operation did not bring poaching to a complete end, it is obvious that the joint military and strike force's basic patrol strategy brought increased protection to the reserve, and international community support helped to boost the morale of reserve staff. Optimized law-enforcement operations have led to optimizing the level of deterrence and hence reducing illegal off-take to earlier levels (Jachmann 1998). Combined with an improved regime of foot patrols carried out from headquarters, and existing and planned outposts, OFR will provide appropriate protection for the elephant population and other wildlife. Nevertheless, as formal armed forces are being withdrawn from the region, exploitation is again a threat; conservation personnel have been attacked and robbed, as have many others. Much of this current increased instability seems

Dennis Farrell, Associated Press, Billings Gazette, African animal auction draws 2,000 (22 June 2002)

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African animal auction draws 2,000

Jun 22, 2002



DENIS FARRELL

Associated Press Potential buyers view a white rhino prior to the wildlife auctions at the Umfolozi G June 22, 2002. A crowd of nearly 2,000 private game reserve owners attended Africa's largest wild a board of South Africa's KwaZulu-Natal province Saturday.

Associated Press

UMFOLOZI, South Africa (AP) - The hippos snorted, the rhinos dozed and the giraffes darted about nervously as the hammer fell Saturday at Africa's largest wild animal auction.

A crowd of nearly 2,000 private game reserve owners, tourists with children and the odd Texas millionaire wandered among the huge pens, inspecting the hundreds of animals up for fierce bid at the annual auction held by the parks board of South Africa's KwaZulu-Natal province.

A few minutes later in a nearby tent, auctioneer Mike Killassy stood in front of a bank of television screens showing videos of the animals and goaded potential buyers with his rolling patter.

"Elevenfive, elevenfive, there's a big bull there don't miss this one do I hear 12? 12? I've got 12," he said before eventually selling a trio of giraffes for \$1,300 each.

African animal auction draws 2,000 | World | billingsgazette.com

The one-day auction event started 14 years ago as an effort to get rid of some of the surplus animals in the province's 110 protected areas.

Its importance has grown as more South Africans begin turning former farms and cattle ranches into private game reserves, hoping to make more money from tourism or game breeding.

The government used to kill the excess animals that it could not donate to conservation programs elsewhere, said Jeff Gaisford, a spokesman for the parks board.

Culled antelope, for example, would then be turned into biltong, a snack of cured meat, and sold for maybe \$3 each, he said. Live antelope can easily sell for 10 times that amount.

Saturday's auction pulled in \$1.1 million, all of which goes to the parks board.

"It's certainly a lot more productive," Gaisford said.

Most of the 416 live animals at the auction were captured in the past few months by rangers armed with tranquilizer guns. The animals were taken to the Umfolozi park, 45 miles north of Durban, for auction. About 1,600 animals not yet captured were bid on as well.

Hours before the bidding, groups of agitated giraffes cantered around their 20-foot-high cages of tall logs. Shelves of grass were built into the inside wall about halfway up so the long-necked animals could easily reach them.

Nearby, wildebeest, nyala antelope and zebras milled about their cages and enormous white rhinos rested on their sides in long pens.

But the showpiece was the group of five hippos. The hippo is one of the most dangerous animals in Africa as well as one of the hardest to capture. The animals, used to hiding in lakes, grunted and huddled together in the shade at the back of their pen. This particular group was marked for auction after one attacked and severely injured a man.

Hippos cannot be captured with tranquilizer guns, because they might run into the water, fall asleep and drown. They have to be starved out of their habitat, then lured into cages baited with food.

Behind the pens a fleet of shiny green trucks waited to transport the animals to their new homes.

Anton Swardt, 35, kneeled before a young male rhino, taking notes approvingly in his auction book. "They're beautiful creatures, eh?" he said. "What's nice about this one is its ears are all clean." He was referring to the absence of holes used by rangers to mark the beasts. African animal auction draws 2,000 | World | billingsgazette.com

6/1/17, 12:37 AM

Swardt, who owned a farm near Warmbaths, was also impressed the rhino was eating right in front of him, and he admired its large horn.

Most of the rhinos sold for between \$20,000 and \$30,000 each. The five hippos sold for \$4,100, a South African record. Previously the most paid was \$2,700.

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Thierry Vircoulon, "L'Ituri ou La Guerre Au Pluriel", *Afrique Contemporaine*, Vol. 2005/3, No. 215 (2005)



L'ITURI OU LA GUERRE AU PLURIEL Thierry Vircoulon

De Boeck Supérieur | « Afrique contemporaine »

2005/3 n° 215 | pages 129 à 146

ISSN 0002-0478 ISBN 2-8041-4929-3

Article disponible en ligne à l'adresse :

http://www.cairn.info/revue-afrique-contemporaine-2005-3-page-129.htm

Pour citer cet article :

Thierry Vircoulon, « L'Ituri ou la guerre au pluriel *», Afrique contemporaine* 2005/3 (n° 215), p. 129-146. DOI 10.3917/afco.215.0129

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L'Ituri ou la guerre au pluriel

Thierry Vircoulon¹

De 1999 à 2004, le lointain district de l'Ituri, bordant les frontières ougandaise et soudanaise, a connu ce que les Ituriens eux-mêmes appellent une « guerre tribale » opposant Lendu et Hema, avec l'appui et l'interférence de forces étrangères plus ou moins visibles. Ressemblant plus à un « système de guerres » qu'à une guerre unique, le conflit iturien est un « entrelacs » de luttes qui ont fait environ 50 000 morts de 1999 à 2003 et environ dix fois plus de déplacés. Cet article n'a pas la prétention de démêler cet « entrelacs » de luttes mais, plus modestement, son objectif vise à retracer succinctement l'événementiel de la violence à l'œuvre dans cette zone congolaise depuis six ans et de mettre en évidence la sédimentation des conflictualités locales qui rend illusoire toute paix imposée.

CHRONOLOGIE D'UN CONFLIT OUBLIÉ

Le district de l'Ituri ², qui compte entre 3,5 et 5,5 millions d'habitants, ne s'est pas embrasé brutalement mais progressivement, presque méthodiquement selon les témoignages des populations locales. Tout a débuté par un conflit ultra-local, dans un des cinq territoires du district. Le territoire de Djugu était, au plan agricole, le plus riche du district et, au plan ethnique, le plus complexe. La géo-ethnie des Hema ³ et des Lendu ⁴ y était tellement

^{1.} Auteur d'un ouvrage sur l'Afrique du Sud, Thierry Vircoulon a écrit plusieurs articles sur la transition congolaise et a travaillé en RDC pour une organisation internationale.

^{2.} Circonscription administrative de la province orientale, l'Ituri est divisée en cinq territoires qui sont également des circonscriptions administratives (Djugu, Irumu, Mambasa, Aru et Mahagi), elles-mêmes subdivisées en collectivités.

Éleveurs, les Hema sont assimilés aux peuples nilotiques et se seraient installés de l'autre côté du lac Albert à partir du XVIII^e siècle.

^{4.} D'origine bantoue, les Lendu sont des agriculteurs qui vivaient dans un système de chefferies peu formalisé jusqu'au début du XX^{e} siècle.

imbriquée qu'il était quasiment impossible de différencier leurs territoires : des collectivités hema comportaient des populations lendu et vice-versa. À l'époque coloniale, les Belges avaient créé, dans cette zone d'altitude et donc bien arrosée, de nombreuses fermes ainsi que la plus grande des missions catholiques du district, la mission de Fataki.

Lors de la « zaïrianisation» de l'économie, les propriétaires belges conservant des intérêts dans l'ancien Congo devenu Zaïre ont confié leurs exploitations agricoles à des gérants hema dans l'espoir d'en reprendre possession une fois cette lubie mobutiste passée de mode. Or, la « zaïrianisation » a duré et les Hema ont fait enregistrer ces propriétés – dont les ouvriers agricoles étaient le plus souvent des Lendu – en leur nom. Les concessionnaires hema ont mené une politique d'accaparement des terres en soudoyant les autorités locales. En effet, selon la législation congolaise, un titre de propriété non contestée pendant deux ans devient incontestable. Le service du cadastre et le tribunal de grande instance de Bunia étant au service du plus offrant, de nombreuses malversations foncières ont eu lieu dans les années 1990, permettant aux concessionnaires hema d'agrandir leurs propriétés aux dépens des Lendu Pitsi du territoire de Djugu.

Cet accaparement était, du reste, facilité par le fait que la plupart des paysans lendu étaient illettrés et n'avaient les moyens ni financiers ni intellectuels de contester les titres fonciers qui leur étaient opposés. La police et le reste de l'administration dominées par les Hema n'ont pas joué le rôle d'arbitre impartial qui aurait dû être le leur et les quelques contestations foncières parvenues devant le tribunal local ont tourné à l'avantage des propriétaires. Structurelle en RDC, la corruption de l'administration et de la justice locales a permis aux tensions entre ces deux tribus de « gonfler » au point d'aboutir à un conflit ouvert (dans la mémoire locale, le premier « fait de guerre » fut le massacre d'un groupe de Hema se rendant à un mariage).

Epicentre de la guerre tribale, le conflit foncier du territoire de Djugu a vite révélé son potentiel de contagion en gagnant la zone d'Irumu où vivaient des Hema et Lendu méridionaux. Dans ce territoire, les zones hema et lendu sont plus homogènes que dans le Djugu, au point qu'il est possible de distinguer de véritables « blocs géo-ethniques ». L'arrivée des réfugiés lendu et de leurs récits de combats ont vite ravivé les anciennes plaies et conduit les deux groupes à épouser les causes de leurs cousins du nord.

Selon un processus dont l'histoire reste à faire, quatre milices ethniques (voir tableau 1, page 132) se sont structurées en fonction des affiliations claniques traditionnelles (l'UPC pour les Hema nord et le PUSIC pour les

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Les mémoires locales dépeignent une relation inégalitaire dès ses débuts au XVIII^e siècle entre les pasteurs hema et les agriculteurs lendu, mais cette inégalité était tempérée par un système d'échanges mutuellement bénéfiques. Si les Hema qui avaient des « rois » ont subsumé les Lendu sans chefferie centralisée sous leur autorité, ils dépendaient d'eux pour une bonne partie de leur approvisionnement et des traces d'acculturation dans les deux groupes témoignent de l'intensité des échanges (Boga, dans le territoire d'Irumu, est une localité de Hema méridionaux cultivateurs tandis qu'on trouve des Lendu pasteurs). La coexistence des deux groupes aux territoires étroitement imbriqués s'était traduite, dans le passé, par plusieurs vagues d'affrontements en 1911, 1921, 1969, 1971, 1981 et 1992-1993. Ces moments de tension avaient donné lieu à des tueries de part et d'autre, tueries qui hantent encore la mémoire collective.

En général, ces affrontements ponctuels ne s'étaient arrêtés qu'avec l'intervention militaire ou civile du pouvoir central. En 1911, quand les Lendus-Bindi avaient tué le chef hema Bomere dans l'actuel territoire d'Irumu, les autorités coloniales belges avaient séparé les belligérants en définissant des territoires respectifs et en « libérant » ainsi les Lendu sud de la tutelle des Hema. Dans l'histoire locale, ce meurtre d'un chef hema représente le « crime primordial », celui d'où tout découle : c'est le moment de la rupture de la coexistence pacifique et le début d'une séparation contestée des deux groupes en collectivités administratives hema et lendu, au moins au sud de l'Ituri.

Ensuite, l'histoire prend la forme de l'engrenage de la vengeance et les heurts s'enchaînent. Près d'un siècle après le premier affrontement, en 1992-1993, le pouvoir mobutiste n'a pas hésité à envoyer ses « paracommandos » donner la chasse aux Ngiti (Lendu sud) qui s'étaient emparés du bétail des Hema. Ce fut le dernier incident avant le déclenchement de la « guerre tribale » contemporaine qui prit la forme d'attaques et de *razzia* de villages.

Selon des témoignages locaux, l'objectif de ces attaques était souvent de s'emparer d'un terroir longtemps convoité, comme Bogoro qui connut plusieurs attaques lendu ou Loga dans le territoire de Djugu. Dans le premier cas, il s'agit d'un village à la frontière des territoires hemas et lendus qui permet de contrôler l'axe commercial liant Bunia au lac Albert et qui fut attaqué à trois reprises (janvier 2001, août 2002 et février 2003). Les Lendu contestaient depuis longtemps l'appartenance de ce village aux Hema qui, cartes coloniales à l'appui, prétendent l'avoir obtenu des autorités belges. Dans le cas de Loga, les Hema ont chassé, en février 2002, les Lendu du

Johan Pottier, "Representations of Ethnicity in the Search for Peace: Ituri, Democratic Republic of Congo", *African Affairs* Vol. 109, No. 434 (27 Nov. 2009)

African Affairs, 109/434, 23–50 doi: 10.1093/afraf/adp071 © The Author 2009. Published by Oxford University Press on behalf of Royal African Society. All rights reserved Advance Access Publication 27 November 2009

REPRESENTATIONS OF ETHNICITY IN THE SEARCH FOR PEACE: ITURI, DEMOCRATIC REPUBLIC OF CONGO

JOHAN POTTIER^{*}

ABSTRACT

This article scrutinizes writings on ethnicity with reference to Hema and Lendu, the main protagonists in the Ituri conflict (1999–2007). First, it reviews representations during the conflict: Hema leaders portray Lendu as 'wild and untameable', 'génocidaires', and 'incapable of governance'; Lendu leaders portray Hema as driven by an innate desire for political and economic control, a self-appointed elite whose legitimacy must be questioned. Next, the article turns to the origins of these (mis)representations by considering how Hema and Lendu have been viewed over the course of the twentieth century – by anthropologists, colonial administrators, missionaries, and explorers. This review challenges received wisdom about pre-colonial and early colonial interactions between Hema and Lendu, thus shedding light on a critical phase of history that remains insufficiently understood, and supporting the argument that a re-crafting of the dominant discourse on history is a challenge that is central to the current peace process.

IN ITURI TODAY, THE ISSUES THAT IGNITED OR SUSTAINED the recent conflict (1999–2007) have yet to be removed; fear of the ethnic other, coupled with suspicion and rumour, runs as deep as ever. The UN Plan of Action for Ituri (2008–10) identifies the issues that stand stubbornly in the way of peace: 'the illegal timber loggings in the forests of Mambassa, the thorny problem of anti-personnel mines, the violence against women and young girls, intra- and inter-community problems over land, and the insecurity around the gold mines towards which former militias awaiting re-integration continue to gravitate'.¹ The Plan also highlights, especially for Bunia, growing problems with youth unemployment, criminal activity, and (a new phenomenon) street children. Worryingly, though not surprisingly, the programme for DDR (Disarmament, Demobilization, and Reintegra-

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^{1.} PNUD, 'Plan d'actions prioritaires visant la stabilisation et le relèvement communautaire de l'Ituri' (Plan of Action, United Nations Development Programme, Bunia, 2008), pp. 19–20.

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tion), launched nationwide in 2005, has done little to defuse struggles over natural resources. The UNDP list of persistent concerns, especially the unregulated control of agricultural land and gold mines, suggests that the inter-ethnic tensions expressed during the conflict have yet to be dissolved. Personal messages I have received from Ituri confirm this. In many parts of the district, community leaders remain at a loss – or hold contradictory opinions – as to how tensions expressed in terms of ethnicity should be tackled.

While this article does not propose solutions, it does throw light on two distinct aspects of the concern about ethnicity. Through reviewing local statements about ethnicity issued during the conflict, and by trawling the colonial literature on the subject of ethnic (mis)representations of the Hema and Lendu identities, the article aims to highlight the persistent emotive power of racist discourses, and to trace their origin to the early decades of Belgian colonial rule. Concretely, it is shown how the widespread notion of a superior Hema and a yet-to-be-civilized Lendu population springs from the way early colonial administrators perceived Ituri's natural and social environments. Responding to a need for making these complex worlds 'legible', and hence fit for intervention,² these pioneer representatives of the state constructed a discourse of tribal/racial difference quite out of sync with the intricate realities which surrounded them. Their 'selective viewing', which gave rise to the social stereotypes still in force today, is exposed in particular in reports from the 1920s and 1930s.

In addition, this article draws attention to how some early administrators challenged the official/dominant discourse of difference. Their challenge included an attack on the emerging consensus about Ituri's then most recent history – which spoke of the subjugation (slavery) of Lendu by Hema. Such a view, they argued, could not be supported empirically. Their counternarrative – which spoke of complex interactions and greater autonomy for Lendu at the time the Belgian administration was set up – has lain dormant in the archives for almost a century. It deserves scholarly attention not only because of what it tells us about the development of policy discourses under conditions of early colonialism, but also because Lendu community leaders today claim that 'their history' is yet to be written.

My aim then is to map out contemporary essentialist portrayals and trace their origins through an exploration of early colonial archives and some academic publications. In doing so, I am guided by Mark Leopold's perspective that interpretations of the past are at the core of social reconstruction. I also adopt his technique of reading history backwards, which enables us better to

2. James Scott, Seeing Like A State: How certain schemes to improve the human condition have failed (Yale University Press, New Haven, CT and London, 1998).

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that the challenge to negative stereotyping becomes stronger the closer we get to 1920. Remarkably, almost a century ago, Hackars demanded a radical overhaul of history as handed down within the administration. Following the completion of a major relocation programme, Hackars turned the 'legible' world upside down:

... some Bahema . . . are finding it difficult to contemplate life without the Walendu, who, contrary to general opinion, have never lived in a state of slavery. Rather the opposite holds: before the European arrived, it was the [Mu]hema who was at the mercy of the [Mu]lendu, who mockingly called him 'his wife' or even 'his antelope' – thus indicating the cattle keeper's cowardice and the price he would pay when refusing to adequately compensate Walendu for services rendered or food items obtained. It is only since the arrival of the European that the Bahema, always ambitious and deceitful, has tried to dominate the Walendu in order to better exploit him. It is the [Belgian] administration which has furthered the Bahema vision, which goes to say that *every military operation [we mounted] against the Walendu regrettably aimed to subjugate these toilers of the soil to the cattle keeper's authority.* That is the reason why Walendu [who still live with Hema] are stubbornly resisting our presence, and why they have so little confidence in our agents. . . . Before the Belgian conquest, the Walendu had a tribal organization that we [Belgians] should have respected.⁸³

Hackars's perspective that colonial military operations had caused Lendu to become dependent on Hema is extraordinary, as is his plea that the social world-made-legible be undone and reversed.

One particularly catastrophic example of blatant disrespect toward Lendu had been the appointment of South Hema chief Bomera, who was assassinated in 1911 just months after the Belgian Chef de Zone had made him 'king' (roi). According to CDD Siffer, South Hema had recognized a single chief/king until 1897. Following the death of the then incumbent, candidates to the throne, Bomera among them, declared their own independent chieftainships. Finding such political fragmentation unacceptable, the Chef de Zone then intervened to re-create the single chieftaincy and to crown Bomera king - but this happened against the advice of CDD Engh. The result: 'Bomera's appointment was resented by most South Hema, while Lendu refused to submit to his rule. A few months [later], refusing to meet the tribute that Hema now demanded of them, Lendu killed Bomera along with 200 Hema.'84 Persisting with the idea that South Hema needed a single head, the Chef de Zone then appointed Bomera's son, Ridjumba, and sent an officer and 50 soldiers to Gety to ensure Lendu acceptance of Hema domination. Protection notwithstanding, Ridjumba fled at the earliest opportunity.

So, who needed liberating? In his 1920 reports, CDD Hackars clarifies that Lendu who live independent of Hema maintain that they were never en-

^{83.} Rapport sur la Situation Générale de l'Ituri, 1920, 2ème trimestre. AA, RA/AIMO 95, emphasis added.

^{84.} Rapport sur la Situation Générale de l'Ituri, 1914, 1er trimestre. AA, RA/AIMO 1759.

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saw Lendu as 'a treacherous and also a warlike people, constantly fighting amongst themselves and with their neighbours the Aluro [Alur]'.¹⁰⁰

While it is doubtful that Major Bright ever had any direct contact with Lendu (Bale), as indeed he could not find anyone who understood their language, his second-hand portrayal of them is similar to that of Belgian Lieutenant Demuenynck.¹⁰¹ Demuenynck too had learned about Lendu from a distance – from their South Alur neighbours. Demuenynck complained that Lendu had had a bad influence on certain South Alur groupings, whom he described as 'more unsociable and more pugnacious' than other Alur. But he noted with interest that Alur were not cannibalistic, which seemed remarkable to him given that they were 'surrounded, to the south and west, by cannibals: the Walendu and the Momvu'.¹⁰²

Bright did not write about Hema chiefs, but he met royal Hima in Ankole (Uganda) whom he described as handsome and superior to the Bantu race. He wrote that were it not for their fascinating hair – which was 'tightly curled and growing in tufts' – the Muhema might be mistaken for a dark Egyptian, someone close to the European in evolutionary terms and a cut above the 'negroid and inferior' Bantu race.¹⁰³ By now, Europeans were well familiar with the image of the handsome Hima/Hema, who had featured so prominently in Stanley's dispatches. For Stanley, 'good looks' and 'intelligence' were one. Of the Hema he met near Nyankunde in April 1888, Stanley wrote: 'the purest of their kind resemble old ivory in colour, and their skins have a beautifully soft feel, as of the finest satin'. Similarly, he described Kavalli, chief of the Babiassi branch of South Hema, as 'a handsome young man, with regular features, tall, slender and wonderfully composed in manner'.¹⁰⁴

The appearance of Hema impressed. *In Darkest Africa*, Stanley wrote he had become engrossed with 'the Caucasian faces under the negro hair'.¹⁰⁵ South Hema (Babiassi) chiefs were Stanley's closest allies. His cordial encounters, and the material support he received, destined the 'superior' Hema to become close to the European colonizer. It was to them that he owed the success of his Emin Pasha expedition; it was through other Hema

^{100.} Major R. G. T. Bright, 'An exploration in Central Equatorial Africa', African Affairs 9, 35 (1910), p. 231.

^{101.} Bright, 'Survey and exploration', p. 141.

^{102.} A. Demuenynck, 'Au pays de Mahagi. Moeurs et coutumes des Alulus', *Bulletin société royale belge de géographie* **32**, 1–2 (1908), pp. 51, 69.

^{103.} Bright, 'Survey and exploration', p. 145.

^{104.} Henry Morton Stanley, In Darkest Africa: Or the quest, rescue and retreat of Emin, Governor of Equatoria, Volume 1 (Sampson, Marston, Searle and Rivington, London, 1890), pp. 362, 366. Thiry regards Babiassi Hema as a sub-group of the South Hema.

^{105.} Henry Morton Stanley, In Darkest Africa: Or the quest, rescue and retreat of Emin, Governor of Equatoria, Volume 2 (Sampson, Marston, Searle and Rivington, London, 1890), p. 355.

E. Kisangani & F. Scott Bob, *Historical Dictionary of the Democratic Republic of the Congo* (2010)

Historical Dictionary of the Democratic Republic of the Congo Third Edition

Emizet François Kisangani and F. Scott Bobb

Historical Dictionaries of Africa, No. 112



The Scarecrow Press, Inc. Lanham • Toronto • Plymouth, UK 2010 Published by Scarecrow Press, Inc. A wholly owned subsidiary of The Rowman & Littlefield Publishing Group, Inc. 4501 Forbes Boulevard, Suite 200, Lanham, Maryland 20706 http://www.scarecrowpress.com

Estover Road, Plymouth PL6 7PY, United Kingdom

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British Library Cataloguing in Publication Information Available

Library of Congress Cataloging-in-Publication Data Kisangani, Emizet F.

Kisangani, Emizet F.
Historical dictionary of the Democratic Republic of the Congo / by Emizet
François Kisangani and F. Scott Bobb. — 3rd ed.
p. cm. — (Historical dictionaries of Africa ; no. 112)
Previous ed. written by F. Scott Bobb.
ISBN 978-0-8108-5761-2 (hardcover) — ISBN 978-0-8108-6325-5 (ebook)
1. Congo (Democratic Republic)—History—Dictionaries. I. Bobb, F. Scott, 1950- II. Bobb, F. Scott, 1950- Historical dictionary of Democratic Republic of Congo (Zaire) III. Title.
DT650.17.B63 2009
967.51003--dc22

TM The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992.

Printed in the United States of America

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during this period to quell civil disturbances, it also came to be known for its excesses. For example, on 23 September 1991, forces based at the aeronautics school at Ndjili Airport rampaged over late pay and launched several days of intense "**pillages**" or looting in which other soldiers and members of the general population eventually joined. Officially, 30 people were killed. Most factories and major businesses were stripped of their stock and equipment. Many small businesses and private residences were also looted. French and Belgian paratroopers landed and evacuated 10,000 expatriates. In October, similar incidents occurred in Lubumbashi, **Mbuji-Mayi**, and several other cities.

An antigovernment demonstration in Kinshasa on 16 February 1992 was attacked by the military and resulted in 46 deaths. **Human rights** organizations frequently accused the military of preying on the populace, in general, and targeting members of the opposition, in particular, while being incapable of defending national borders.

On 23 January 1993, soldiers angry because merchants refused to accept a new 5 million zaire note, which the opposition had called on the populace to boycott, rampaged and killed several of these merchants. The incident degenerated into another round of "pillages," this time focused in working-class neighborhoods in central Kinshasa. It led to another evacuation of expatriates and seriously damaged the country's economic production. Some 80 percent of industrial productive capacity was destroyed or crippled. Employment and economic activity was reduced by 80 percent.

By the mid-1990s, the Congolese military was viewed by the populace as the main cause of criminality and violence in the country. Armed groups in uniform set up barricades and extorted money or valuables from motorists. Businesses were obliged to "donate" goods or money to soldiers, often at gunpoint. Many citizens sympathized with the plight of the soldiers who, like themselves, were rarely paid, and they tended to blame their behavior on the government and the political paralysis caused by bickering within the **Alliance des Forces Démocratiques pour la Libération du Congo** (AFDL), which began in October 1996. As a result, casualties were light except in a few early battles.

The leader of the AFDL, Kabila, was sworn in as president in late May 1997. His first act was to disband the DSP. A number of its

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MINING. Congo is one of the richest countries in Africa in terms of mineral resources. The most important minerals are **copper**, **diamonds**, **cobalt**, and **zinc**. There are also deposits of **gold**, cassiterite, manganese, cadmium, germanium, silver, wolframite, and **columbium-tantalum** (**coltan**). Copper, cobalt, zinc, manganese, and germanium are found in the southeastern Congo, mainly in **Haut-Katanga** and **Lualaba Provinces**. Diamonds are located mainly in the former **Kasai** Province, particularly around the towns of **Mbuji-Mayi** and **Tshikapa**, although some mining activities are conducted in **Kwango** and **Tshopo** Provinces. Gold is exploited in **Ituri**, **Nord-Kivu**, and **Sud-Kivu** Provinces, while cassiterite, wolframite, and coltan are mainly exploited in the two **Kivu** provinces.

Tales of distant kingdoms resplendent with copper, gold, and diamonds motivated **Afro-Arabs** and later European **explorers** to venture into **Katanga** in the 1800s. According to a number of historians, Africans knew of copper ore deposits long before the arrival of European explorers in Katanga in the 1890s. Reports reaching the coast of great mineral wealth are credited with encouraging some of the first explorations into the interior. The deposits found in Katanga initially were judged to be too small for commercial exploitation until the late 1880s, when **Leopold II** established the **Comité Spécial du Katanga** in 1890, one of the first of several powerful "trusts" that were given virtual monopolies over tracts of territory in exchange for royalties.

Ore discoveries in 1901 led to the construction of a **railway** and, in 1908, to the creation of the **Union Minière du Haut-Katanga** (UMHK). The first smelting plant began operation in 1911, producing 1,000 tons of copper. Production reached 100,000 tons in 1928. Diamond and gold mining began in the early 1920s. Earnings from the **Belgian Congo's** minerals supplemented the Belgian government's foreign exchange reserves during the colonial era, supported the **government** during the two world wars, and provided the **uranium** used to build the first atomic bomb.

Since the early 1900s, mining has been a source of a great deal of Congo's wealth. Historically, the mining sector contributed an average of one-third of its **gross domestic product** (GDP), more than three-fourths of its **export** revenues, and one-half of its government

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revenues. For example, during the first decades after **independence**, mineral exports provided the Congolese government with two-thirds of its foreign exchange. The **Bakajika Law** of June 1966 granted all mineral rights to the state, and the large mining companies were **nationalized**, beginning with the UMHK, which became the **Générale des Carrières et des Mines** (GECAMINES). Private companies were contracted to operate the companies in return for a portion of revenues.

The rapid rise in mineral prices, particularly for copper and cobalt, in the mid-1970s created an economic boom. This was followed by a series of recessions, when prices fell in the late 1970s. The decline of export revenues as the result of falling prices was compounded by prohibitive transportation costs. Evacuation of Congolese minerals has always been a problem: the **National Way** is a tortuous route via rail and **river** to the **port** of **Matadi**, but it lies completely within national territory. The most economical route, the **Benguela Railway** that links Katanga to the **Angolan** port of **Lobito**, was closed in 1975 by the Angolan civil war. Other routes, to the **Tanzanian** port of Dar es Salaam, the Mozambican port of Beira, and the **South African** port of Durban, were disrupted by railway inefficiencies, port congestions, and political issues.

In the late 1970s, the government entered into a number of joint mining ventures with private foreign companies and also allowed private traders to participate in the marketing of gold and diamonds. Nevertheless, government participation in the mining sector remained limited, and production was dominated by a few companies. GECAMINES, the country's largest company, dominated the mining of copper, cobalt, and most minerals in Katanga Province, and the **Société Minière de Bakwanga** (MIBA), the country's second-largest company, dominated the formal diamond mining industry. In addition to its major mineral products such as copper, cobalt, diamonds, uranium, **tin**, and gold, Congo has also produced **petroleum**, lithium, monazite, and iron ore.

Congo contains deposits of coal estimated at 60 million metric tons. However, many of the deposits are of relatively poor quality and are located in isolated areas where **transportation** costs are prohibitive. The country produced 126,000 tons of low-grade coal in the late 1980s, primarily in Katanga. High-quality coke and coal used

for mineral processing is imported from **Zimbabwe**. Imports averaged 130,000 tons per year in the 1980s, but declined significantly in the 1990s with falling production by the large mining companies. Following the completion of the **Inga Hydroelectric Complex** and **Inga–Shaba power line, electrical power** has become the preferred form of industrial power.

As the mining infrastructure deteriorated in the 1980s because of poor maintenance and a lack of new investments, copper was supplanted first by cobalt and subsequently by diamonds as the major foreign exchange earner. With the economic crisis of the late 1980s and early 1990s, production of all minerals except for diamonds declined dramatically. The state-owned mining companies, beset by falling production, decaying equipment, and a lack of new investment, were considered insolvent by the mid-1990s. By 1995, **agriculture** had become an equal contributor to GDP. Thus, the mining industry had declined to such an extent that agriculture replaced mining as the country's top exporting sector for the first time since independence.

Intense international pressure to privatize GECAMINES prompted the government to reduce operating costs by merging the different branches of the company in 1995. However, subsequent negotiations regarding this privatization were abandoned. Following the fall of Mobutu Sese Seko in 1997, the government of Laurent Kabila negotiated a number of new joint ventures with foreign companies to rebuild the mining industry. In early 1998, the government decided to cancel more than 15 mining contracts, owing to the failure of foreign enterprises to invest in these projects. Moreover, the civil war against Kabila, which began in August 1998, acted as a deterrent to most foreign investors as the northeastern mining sector came under the control of rebel groups and their foreign allies, Rwanda and Uganda, and the southern mining area (southern Katanga and Kasai) was controlled by the government and its major ally, Zimbabwe. Three United Nations reports published in 2001-2002 accused rebel groups, as well as foreign countries fighting in Congo, of illegal exploitation of mineral resources during the war.

Despite the promulgation of a new mining code to attract foreign investors, the Congolese mining sector is being exploited erratically, and artisanal mining remains quite predominant across the vast

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Congolese territory since the **Second Congo War** started in August 1998. In late 2006, the legislature recommended that no further partnership agreements be signed between the GECAMINES and foreign mining companies, on the grounds that the joint ventures resulted in a reduction in profits for the loss-making GECAMINES. In short, good governance in the mining sector increasingly remains a major concern of foreign investors, aid donors, and the Congolese legislature. *See also* ALUMINUM.

- **MINISTRIES.** In early Congolese **governments**, the executive branch was divided into ministries, but these were renamed "**departments**," headed by "state commissioners," on 5 January 1973 as part of a gradual process of introducing an authentic Congolese form of government. Departments were renamed ministries again in 1997, after the installation of the **Laurent Kabila** government.
- MISSION DE L'ORGANISATION DES NATIONS UNIES AU CONGO (MONUC) [MISSION OF THE UNITED NATIONS IN CONGO]. In January 2009, the MONUC had 19,815 military personnel, 760 military observers, 391 police, and 1,050 personnel of formed police units (representing 58 countries), with an annual budget of \$1.2 billion. The MONUC had its headquarters (HQ) in Kinshasa (main HQ and Western Brigade), Kisangani (Eastern Division), Bunia (Ituri Brigade), Bukavu (Kivu Brigade South), and Goma (Kivu Brigade North). It also had a number of field offices mostly located in eastern Congo.

The UN Security Council Resolution 1291 of 24 February 2000 established MONUC to facilitate the implementation of the **Lusaka Peace Accord**, signed on 10 July 1999 to end the **civil war** against **Laurent Kabila**, a conflict that many commentators called "Africa's First World War." The civil war against Laurent Kabila resulted in a process of severe militarization of Congolese society with the increased presence of foreign armed groups, the massive recruitment of children, and the creation of self-defense militias, along with an increase in the illicit traffic of light weapons. The UN Security Council, in collaboration with the **African Union** (AU), was thus called upon by the peace accord to constitute, facilitate, and deploy peacekeeping forces in Congo to ensure the

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discovery of a new field was expected to raise production by 5,900 barrels per day, leading the company to announce a \$500 million exploration program in 1995. Zaïrep, which operated onshore with Belgian participation, announced an \$80 million exploration program for 1995.

A refinery, built with Italian participation in 1968 to process imported oil, refines some domestic crude oil. Called the **Société Congo-Italienne de Raffinage** (SOCIR), the plant has a refining capacity of 17,000 barrels per day. However, because of the high sulfur content of domestic petroleum, very little local crude can be refined by SOCIR. As a result, locally produced crude is exported and lighter crude, primarily from Nigeria, is imported for refining.

Two above-ground pipelines, the first built in the 1920s and the second completed in the 1950s, carry oil from **Matadi** to **Kinshasa**. A government agency, Petro-Zaïre, now **Petro-Congo**, distributed refined petroleum products through private dealers until 1985, when it lost its import monopoly. In the early 1990s, **inflation** and a collapsing **currency** caused severe fuel shortages, leading the government of then **Prime Minister Étienne Tshisekedi** to seize the assets of oil companies. However, they were returned a few months later. Since then, multinational petroleum corporations dominate the market in Congo.

Meanwhile, production of crude oil has slightly increased over the years from 25,347 barrels a day in 1994 to its highest level ever of 29,334 barrels a day in 1996, according to U.S. Bureau of Mines data. From 1997 to 1999, production averaged 25,690 barrels a day. Production declined in the 2000s, from 23,288 barrels a day in 2000 to 23,014 barrels in 2002. The discovery of a number of wells had slightly increased production from 25,025 barrels a day in 2003 to almost 28,000 barrels a day in 2005, the last year for which data are available.

"PILLAGES." Literally translated, "lootings," *les pillages* is the name by which Congolese refer to the incidents of looting and violence that occurred in major Congolese cities on several occasions, beginning on 23–24 September 1991 in Kinshasa and spreading throughout the country. Another massive *pillage* occurred on 28 January 1993, when 100 people died, including the French ambassador. The

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incidents caused the evacuation of 10,000 expatriates and serious damage to commercial and industrial installations throughout the country. The *pillages* were a major factor in the 25 percent decline in **gross domestic product** the following two years. The culture of *pillages* has remained part of armed groups and the national army since January 1993, especially during the **civil wars** against **Mobutu Sese Seko** by the **Alliance des Forces Démocratiques pour la Libération du Congo** in 1996–97, and against **Laurent Kabila** in 1998–2003.

- PINZI, ARTHUR. A Congolese politician prominent in the pro-independence movement, Pinzi participated in the drafting of the *Conscience Africaine* manifesto in 1956. He helped found the Mouvement National Congolais (MNC) in 1958 but split away before independence to form his own party. Elected mayor of Kalamu commune in 1958, Pinzi joined the Alliance des Bakongo (ABAKO) and was elected to the parliament on its ticket in 1960. He served as finance minister in the Cyrille Adoula government from 2 August 1961 to 10 July 1962.
- PLANTATIONS. Large commercial plantations began in the 1800s in Congo and were considered to be the primary source of its wealth after the end of the slave trade and before the beginning of mining operations in Katanga. During the colonial era, hundreds of plantations were established, usually on land grants, for the cultivation of rubber, timber, sugar cane, palm oil, coffee, tea, and cocoa and for the raising of **livestock**. Following **independence**, many plantations fell into disuse. Others slowly declined because of transportation problems, lack of government incentives, and a shortage of foreign exchange for inputs. Government statistics indicate that more than 1,500 single-crop plantations of 100 to 1,000 hectares were operating in 1970. By 1980, the number of commercial operations had declined by half. However, in 1983, new government policies and a liberalization of domestic prices for agricultural products had encouraged a modest upturn, particularly in western Congo and in the former Shaba Region. The decline of the mining sector in the 1990s had added further impetus to the sector, although poor infrastructure

Alex Veit, Intervention as Indirect Rule: Civil War and Statebuilding in the Democratic Republic of the Congo (2010)

Alex Veit

Intervention as Indirect Rule

Civil War and Statebuilding in the Democratic Republic of Congo

Campus Verlag Frankfurt/New York

Bibliographic Information published by the Deutsche Nationalbibliothek. Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie, Detailed bibliographic data are available in the Internet at http://dnb.d-nb.de. ISBN 978-3-593-39311-7

Zugl.: Dissertation, Humboldt-Universität zu Berlin, Philosophische Fakultät III, 2010.

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Printed on acid free paper. Printed in the United States of America

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INTERVENTION AS INDIRECT RULE

It remains unclear which side actually initiated the assaults. One report maintains that Lendu groups instigated conflict in May 1999, as attacks "were preceded by written warnings sent out in May from chiefs from the Pitsi locality that Hema should vacate the land and leave their livestock and crops behind." (Irin 2000, part one) Another account holds that in the same area in territoire Djugu, Hema landholders made efforts to exploit the absence of credible state authority to expand their territories. "Hema landholders allegedly presented land titles falsified with the help of local officials: this, at least, was the perception of the local Lendu communities involved." (HRW 2001; cf. UNSG 2004, 9-10) While such conflicts had in earlier decades frequently led to localized fighting, the new circumstances triggered violence of a previously unknown scale. By the year 2000, an estimated 7,000 lives were lost and 150,000 people displaced (Irin 2000, part one). The commodification of land was now supplemented with the commercialization of violence. The Hema concessionaires enlisted Ugandan army units to violently expel Lendu farmers. The latter, meanwhile, defended their communal claims with communalized violence, targeting not only Hema elites, but nearby Hema villagers as well.

The escalation of land conflicts coincided with Ugandan attempts to strengthen control over local administration. In June 1999, the head of the "Ugandan People's Defence Forces" (UPDF) in the Congo decreed the formation of a new province of Kibali-Ituri and appointed the former teacher turned politician and businesswoman Adèle Lotsove as governor.⁴⁷ Lotsove, ethnically a Hema-Gegere, had been employed in administrations under Mobutu and Kabila and had also been a member of the AFDL, the RCD, and the RCD-ML. Her appointment was widely seen as proof that the UPDF favored Hema-Gegere elites. Her subsequent handling of land conflicts was widely condemned as partial and inflammatory (Asadho 1999; Irin 2000; HRW 2001; UNSG 2001, 14; Vlassenroot and Raeymaekers 2004, 406–407; Vlassenroot and Huggins 2005, 168–169).

Localization of Armed Groups

Faced with escalating violence, in December 1999 Ugandan president Museveni invited representatives of the Hema, Lendu, and other Iturian

⁴⁷ A province of the same name, uniting the districts of Ituri and Haut-Uèle, had already briefly existed during the Congo Crisis in the 1960s.

ethnic groups to Kampala. Some Ugandan army officers were replaced, more UPDF troops were deployed, and Adèle Lotsove was deposed. Her successor was an ethnic Alur, a group considered as neutral. The violence subsided temporarily. Yet, at the same time, Uganda supported the RCD-ML's effort to build up its forces and trained hundreds of Congolese recruits in Ugandan military schools. Thousands more trained in RCD-ML camps in Nyaleke in North Kivu and in Rwampara, former premises of the Zaïrian army a few kilometers outside of Bunia. Many small-caliber firearms were imported into the region. Reportedly, recruits at Rwampara were of predominately Hema origin, while in Nyaleke about 2,000 Lendu from Ituri trained (HRW 2001, 16–17, 42–42; Irin 2000, part two). All the necessary ingredients for a more intensified civil war were thus prepared, while at the same time, cracks in the RCD-ML leadership appeared.

The nominal president of the group, Wamba dia Wamba, found himself again embattled by men of less national prominence but with strong links to local power figurations (Tull 2005, 115–117). Mbusa Nyamwisi, his prime minister and member of an influential Nande family in North Kivu, teamed up with RCD-ML's minister of finance, John Tibasima, an Iturian Hema and former head of gold-parastatal Okimo. Both engaged in the recruitment and training of new soldiers. Nyamwisi is thought to have supervised the training in his home base, North Kivu, while Tibasima engaged Hema recruits in Ituri. They tried to violently overthrow Wamba, but were initially hindered by Ugandan intervention. The chaos allowed Lendu recruits trained in North Kivu to defect from the rebel movement and return to their villages, now as trained soldiers. In November 2000, the battle for the leadership culminated in a siege of Wamba's residence in Bunia. Nyamwisi proclaimed himself the new RCD-ML president, with Tibasima as his deputy (HRW 2001, 13-22; Balencie and de La Grange 2005, 235). The Ugandan government tried to bring the RCD-ML under control by uniting it with the MLC headed by Jean-Pierre Bemba. The merger would be named "Front de Libération du Congo" (FLC) and headed by Bemba. Wamba was finally sidelined, and Nyamwisi and Tibasima were assigned to high posts in the new group (HRW 2001, 26-30).

Bemba himself brought troops to Bunia in an attempt to arrange the merger and mediate the local civil war.⁴⁸ Lendu groups, however, again

⁴⁸ In the northern region controlled by the MLC there were relatively few natural resources in comparison to the region occupied by the RCD-ML and other RCD factions, which held

feared preferential treatment of their Hema enemies. At the beginning of 2001, they attacked Bunia for the first time, especially targeting UPDF headquarters at the airport. Following was a new round of inter-communal fighting, now closer to Bunia, on a more sophisticated level and involving many more firearms than before. Bemba, meanwhile, failed to agree with Nyamwisi and Tibasima on the share of income from resource trade and taxes. The question of who should attend the imminent Inter-Congolese Dialogue peace talks seemed even more important. National aspirations regained importance, following several years during which the various rebel groups had concentrated on their respective areas of control. After a series of violent confrontations between RCD-ML and MLC, Bemba withdrew from Ituri in November 2001 (HRW 2001, 26–30; ICG 2003, 5; Balancie and de La Grange 2005, 238–239).⁴⁹

The Nyamwisi-Tibasima triumph in Ituri, however, remained temporary. Again, double interdependencies with external allies and the local basis of an armed group proved decisive for success and failure. During the Inter-Congolese Dialogue in South Africa from February to April 2002, a power-sharing agreement between the Congo's main forces was supposed to be negotiated. Yet, the RCD-ML unilaterally entered an alliance with Congo's President Joseph Kabila, thereby cutting ties with its erstwhile Ugandan allies.⁵⁰ The Ugandan government reacted by instigating defections. The choice for a new Ugandan intermediary fell on Thomas Lubanga, a nephew of former governor Adèle Lotsove. The Hema-Gegere Lubanga had served as the Minster of Defense in the RCD-ML. He assumed the presidency of a new militia, the "Union des Patriotes Congolais" (UPC), in June 2002, being able to attract mostly Hema troops to join him.⁵¹

gold, diamonds and other resources. Also the control of border posts in Ituri provided significant income.

⁴⁹ The MLC made a futile return to Ituri, when it clashed with the RCD-ML from October 2002 to January 2003 in *territoire* Mambasa, the western part of Ituri not specifically covered in this study (Minority Rights Group International 2004, 12–16).

⁵⁰ Joseph Kabila took over his father Laurent's post after the latter's assassination in January 2001 (Balencie and de La Grange 2005, 235).

⁵¹ It is not entirely clear precisely when the UPC was founded. Some sources explained that the UPC existed as a non-ethnical political party since the early 1990s (Civil servant 1, Human rights activist 1, businessman 1, Catholic peace activist 1, Ndrele, 13 May 2006), the International Criminal Court sets the date in 2000 (ICC 2006, 3). Other authors treat the founding date as June or July 2002 (Vlassenroot and Racymaekers 2004, 396; Balencie and de La Grange 2005, 239).

After its secession, the UPC leadership demanded recognition in the national dialogue. The other parties, as well as international mediators, however, were unwilling to seat another faction at the overcrowded negotiation table. Nyamwisi, faced with Hema opposition, turned to the Lendu troops he had trained in his North Kivu base. To facilitate the RCD-ML's turn to the Lendu, he appointed Jean-Pierre Mulondo Lopondo as the new head of Ituri's administration. Lopondo was perceived by many Hema as intent on exterminating their group, very much as his predecessor Adèle Lotsove has been seen as anti-Lendu. The split of the RCD-ML thus translated into local ethnico-political terms. While the UPC purported to represent Hema interests, the RCD-ML defended Nande trading and Lendu communal interests (cf. van Woudenberg 2003, 195–196).⁵²

The creation of the UPC signaled a new quality of the local civil war in Ituri, and it also constituted a new type of non-state armed group in the district. The UPC was the first Iturian armed group with a distinguishable name and leadership, and which straddled local interests with a national outlook. To be recognized in internationally mediated national peace talks, it was necessary to dispose of a recognizable leadership. A three-tier pattern of action emerged. The UPC leadership, as well as other emerging local militia, strived first for a stake in national politics of the Congo. Hence, their new self-identifications arose as unitarist, patriotic, integrationist, or nationalist forces. Such love for the Congolese nation, however, would not, secondly, restrain fierce fights regarding local issues and, third, the seeking of foreign support.

Proliferation of Local Formations

Initially, the UPC was successful, but its pursuit of an ethnic agenda contributed to another escalation of violence. As massacres and killings of civilians became frequent and claimed ever more victims, Lendu and Hema forces began to accuse each other of committing genocide. With the help of the UPDF, the UPC pushed the RCD-ML out of Bunia in August 2002

Officially the UPC was a political party comprising an armed wing called "Forces Patriotiques pour la Libération du Congo". Many other armed groups in the Congo also used this separation. To minimize the alphabet soup, only party names are used for both the political and military wings of armed groups.

⁵² FNI ex-member 1, Bunia, 4 Nov 2005; UPC members 1 and 2, Bunia, 5 Nov 2005; Pusic exmember 1, Bunia, 2 May 2006;

and expanded further north along the main roads in *territoire* Djugu. The UPC also arranged with the RCD-ML commander in the *territoires* Aru and Mahagi, Jétôme Kakwavu, to defect to its side. In addition, the militia was able to expand southwards into the rural areas of *territoire* Irumu. There, by late 2001, land conflicts similar to those in *territoire* Djugu had already contributed to the formation of self-defense groups (UNSG 2004, 10, 17). At the end of 2002, the UPC controlled much of Ituri, except for Lendu *secteurs* and the important RCD-ML controlled road between Beni, Komanda, and Kisangani (AI 2003, 17–18; UNSG 2004, 10–12; HRW 2003, 30–35; Johnson 2003, 22–23; Vlassenrooot and Raeymaekers 2004, 397).

The initial successes of the UPC, however, soon foundered, as relations between the militia and their allies in Kampala soured. During late 2002, Lubanga began to accuse Ugandan forces of colonialist practices.⁵³ In January 2003, he signed a formal agreement with the Rwandan allied RCD in Goma (North Kivu). Kampala, unwilling to lose its influence in Ituri to a Rwandan partner, again sowed the seed of defection. In early 2003 Jérôme Kakwavu, who as RCD-ML-cum-UPC commander controlled *territoires* Mahagi and Aru, defected and formed the "Forces Armées du Peuple Congolais" (FAPC). UPC defense minister Chief Yves Kahwa Mandro seceded to found the "Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo" (Pusic), while UPC chief of staff Floribert Kisembo staged a coup, which however failed. Kisembo then headed a small faction known as UPC-Kisembo (UPC-K) (Vlassenroot and Raeymaekers 2004, 397–8; Johnson 2003, 23–24; UNSG 2004, 13; ICG 2003, 5; HRW 2003, 17).

On the Lendu side, two new groups emerged out of former, strongly localized self-defense groups. While they never achieved acknowledgement, the formalization of these groups can also be interpreted as an attempt to gain recognition at the Inter-Congolese Dialogue. The "Forces de Résistance Patriotique en Ituri" (FRPI) under Germain Katanga and Cobra Matata operated from *territoire* Irumu and was dominated by the Lendu sub-clan Ngiti. The "Front des Nationalistes et Intégrationnistes" (FNI) under Floribert Njabu was based at the northern border of *territoire* Djugu, and a faction of the FNI dominated by Mathieu Ngudjolo operated east of Bunia. These Lendu groups enjoyed the support of the RCD-ML under Nyamwisi and, by extension, of the RCD-ML's new allies in the Kinshasa

⁵³ At this point, erstwhile allies Rwanda and Uganda developed a severe mutual animosity over various issues, with both sides occasionally threatening outright warfare.

government. Existing ties to Ugandan army officers were also maintained. FRPI and FNI for some time professed unity but did not establish joint hierarchies (UNSG 2004, 12; ICG 2003, 8–9).⁵⁴

Escalation of Militia Warfare

The intersecting logics of local military power as a ticket into national politics and local conflicts about land further reinforced military clashes and anti-civilian violence in 2002 and 2003. Still, the militarily most important force in Ituri was the Ugandan army. Its soldiers were stationed at strategic routes, international borders, and the towns of the district. While in these areas, local armed groups could hardly compete. Ituri's militias controlled rural areas. Fighting took place throughout Irumu and Djugu. Some areas, however, were conspicuous in their intensity of violence. Mongbwalu, the center of gold exploitation, faced particularly intense fighting, mainly between the UPC and FNI. After having changed hands several times, the FNI there finally prevailed as the dominant force (HRW 2005, 23–57).

In late 2002 the governments in Kampala and Kinshasa were busy negotiating the retreat of the UPDF as the last foreign occupation force. In September they reached an agreement which foresaw the Ugandan withdrawal within three months and the installation of a "Pacification Commission" for Ituri involving Kinshasa, Kampala, and local actors such as militias and civil society groups. This agreement between Kinshasa and Kampala was detrimental for the UPC, which was still the dominant local military formation in Ituri and had no interest in a power-sharing agreement. With help from Rwanda, it even successfully confronted its retreating former Ugandan allies in Bunia (ICG 2003, 9–11; UNSG 2004, 12–13; Balencie and de La Grange 2005, 239).

The UPDF, on several occasions, ignored deadlines set for its complete withdrawal. In March 2003, remaining forces at the airport set out to retake Bunia from the UPC. Together with a makeshift coalition of FAPC, FNI, FRPI, and Pusic, it conquered the town. In due course, Ugandan mediators facilitated an agreement between Ituri's militias, with the exception of the UPC, which led to the opening of the Ituri Pacification Com-

⁵⁴ FNI ex-member 1, Bunia, 4 Nov 2005; Catholic clergy 1, Catholic peace activist 1, Mahagi, 28 Nov 2005; civil servant 1, human Rights Activist 1, businessman 1, Catholic peace activist 1, Ndrele, 13 May 2006.

ernment actually possessed the political strength to pursue a consistent strategy can be plausibly doubted. Indeed, the Ugandan army and its superiors in the government did not seem to form a centralized hierarchy. This claim is made most apparent by the contradictory actions Ugandan officers pursued in parallel. While the occupation has been extremely injurious to Ituri's society, neither its actions appear to have been centrally planned, nor its effect – the local civil war – anticipated (UNSG 2001, 2002; International Court Of Justice 2005; Perrot 1999; Prunier 1999; Clark 2002; Vlassenroot and Raeymaekers 2004, 400–410).

As with any intervention force, the UPDF faced the challenge of the local space. Its agenda may have been more limited than the Congolese colonial and postcolonial state, as Uganda had certainly no *projét de société*, of regulating the daily life of Iturians. For Ituri's population, the Ugandan forces were mostly distant interventionists, except for occasional patrols and roadblocks. A university teacher in Bunia explained Iturian-Ugandan interactions as follows:

"The politicians as local competitors had necessarily to rely on them, to attain stability of power. For the population, in general they have handled relations with the population very well. There have never been problems, say torture. If you met them in the evening, there have been some isolated cases of extortion, but one can say they have behaved in a disciplined manner."⁵⁷

In most rural areas, the UPDF did not station troops, leaving ample political space for the formation and regulation of public affairs by local militia groups.⁵⁸

But despite their governmental indifference, the Ugandan forces in Ituri had to develop relationships with local actors, as otherwise neither economic nor security agendas could be fulfilled. There existed a need to govern. The unwieldiness of the local setting forced Ugandan actors to look for intermediaries able to extend their influence into Ituri's society. Regarding the control of violence, rebel groups and militias were built up to fulfill the task. Yet, as detailed above, the armed groups, as a result of infighting, regularly deteriorated and turned towards Kampala's enemies in

^{57 &}quot;Pour les politiciens, comme c'était les concurrents du milieu il fallait nécessairement s'appuyer sur eux, pour que vous ayez la stabilité de votre pouvoir. Avec la population, généralement ils ont très bien géré les relations avec la population. Ils n'ont jamais de problèmes, dire torturer, ou le soir, vous les rencontré, ils peuvent rançonner, des cas isolés existaient, mais dire que ils se sont comportés discipliné," Academic in Ituri 1, Bunia, 5 Nov 2005.

⁵⁸ FNI ex-member 1, Bunia, 4 Nov 2005.

François Ngolet, Crisis in the Congo (2011)

Crisis in the Congo

The Rise and Fall of Laurent Kabila

François Ngolet





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ISBN: 978-1-4039-7575-1

Library of Congress Cataloging-in-Publication Data

Ngolet, François.

Crisis in the Congo : the rise and fall of Laurent Kabila / François Ngolet. p. cm. Includes bibliographical references. ISBN 978–1–4039–7575–1 (hbk.) 1. Congo (Democratic Republic)—History—1997– 2. Congo (Democratic Republic)—Politics and government—1997– 3. Kabila, Joseph. 4. Alliance des forces démocratiques pour la libération du Congo Kinshasa. 5. Political violence—Congo (Democratic Republic)—History—20th century. 6. Ethnic conflict— Congo (Democratic Republic)—History—20th century. I. Title. DT658.26.N465 2010

967.5103′4—dc22

2010019024

A catalogue record of the book is available from the British Library.

Design by Newgen Imaging Systems (P) Ltd., Chennai, India.

First edition: January 2011

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

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demand. But when the UN team led by Koffi Amega effectively began its work on November 11, 1997, the Kabila regime found other ways to stall. DRC officials refused to name a representative to the mission to Mbandaka, thereby postponing it. International organizations grew frustrated with the Kabila regime. On December 3, 1997, when the Friends of the Congo Conference (Conférence des Amis du Congo) sponsored by the World Bank (WB) opened in Brussels, Human Rights Watch and the International Federation of Human Rights pressured donors to link financial aid to the Congo with human rights progress. The UN team finally departed for Mbandaka on December 10 but encountered a group of protesters, most likely organized by the government. The same situation occurred when the team reached the site of Wendji, fifteen miles from Mbandaka. Local elders alleged that the site was a secret religious shrine and prevented investigators from entering it. The elders were later willing to allow the investigation to proceed if money was given to them. Because of security concerns, the UN was forced to evacuate its team from Mbandaka on the December 14. Despite these difficulties, the team managed to conduct some interviews in Mbandaka.¹⁰ Interviewees were later arrested and imprisoned by the police. The work of the UN team was so deeply hampered that Kofi Annan was forced to withdraw the mission team definitively on April 17, 1998. The final report, which was presented to the UN secretary general, stated that all the deliberately created harassments and obstacles prevented the UN mission from pursuing its mandate. It is fair to conclude that the DRC government never had any intention of accepting the secretary general's mission of investigation. It faked acceptance to create the illusion of cooperation.¹¹

The refugee problem had tarnished Kabila's regime from the very start. It was widely used by Kabila's detractors to discredit his rule.¹² This situation was aggravated by Kabila's unwillingness to continue to implement democratic reforms despite pressure from the international community.¹³ On March 22, 1997, Kabila announced in Kisangani that all political parties were forbidden until the end of the "war of liberation." He also declared that the Alliance would form a "transition government" that would stay in power for one year. This government would include only those people who never worked with Mobutu's regime, which automatically excluded Étienne Tshisekedi, the leader of the foremost opposition party, the Union for Democracy and Social Progress (UDPS).¹⁴ In taking control of the state, the ADFL would bring into power only those individuals who had no ties to the old order.¹⁵ For example, the Front Patriotique, a radical-left party untainted by association with Mobutu and led by the lawyer Kinkela Vinkansi and former director of the Kinshasa Hospital Dr. Jean-Baptiste Sondji, joined the ADFL; Sondji became minister of health and Vinkansi became minister

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of posts and telecommunications. Kabila utilized this distinction among UDPS members vis-à-vis the new situation to great political advantage. Longtime UDPS members who entered his government included Omer N'Kamba, who became a provincial governor, and Justine M'poyo Kasa-Vubu, appointed minister for the public service. Joseph Olenghankoy, a leader of the Forces for Renovation for Union and Solidarity (FONUS), a political formation close to the UDPS, also called for a dialogue with the new authorities. As one of the most radical opponents to Mobutu, he actively prepared the ADFL troops' entry into Kinshasa. This co-optation tactic was also pursued with the Parti Lumumbiste Unifié (PALU), which, despite its radical stand, also maintained a degree of dialogue with the new regime. François Lumumba, Patrice Lumumba's son, eventually attempted to transform the Alliance into a full-fledged Lumumbist party, but he failed. Individual Lumumbists, such as Anicet Kashamura, Mulopwe (Emperor) Kalondji, and Emmanuel Dungia, ended up joining the ADFL. Kabila also reached out to businessmen such as Cyprien Rwakabula Shinga, an important business and political leader of North Kivu.¹⁶ Business magnate Jeannot Bemba Saolona—who helped finance the ADFL war effort to protect his interests in North Kivu-called for negotiations with the Alliance. In the southernmost province of Katanga, political figures such as Nguz a Karl I Bond and the governor Kyangu wa Kumwanza also succumbed to the ADFL appeals. The Catholic Church was divided, because Msgr. Christophe Munzihirwa, archbishop of Bukavu, was murdered for speaking up against the Rwando-Ugandan invasion and in favor of Hutu refugees, but Msgr. Jérôme Gapangwa, bishop of Uvira, was sympathetic to the Tutsi cause and the ADFL. It seemed as if only journalists, NGO officials, human rights activists, and those who remained in the UDPS resisted Kabila's co-optation tactics. Indeed, NGOs who were engaged in the democratic transition clashed with the Alliance when Kabila decided to suspend the democratization process. In response, Minister of Reconstruction Etienne Richard Mbaya created a national commission to "coordinate actions of the NGOs" in order to better control them.

Generally speaking, Kabila sought to undercut the credibility of the internal opposition, accusing it of having accepted Mobutu as head of state during the transition period. After achieving power, the suspension of political activities of opposition parties was prolonged for two years. Kabila's government justified this act by stating that there could be no opposition to the Alliance because the ADFL was not a party, but a movement opened to all Congolese. According to Minister of Interior Mwenze Kongolo, private and public demonstrations by opposition parties were declared illegal. But the new regime announced that it would respect the freedom of expression (*liberté d'opinion*), allowing newspapers to openly criticize the authorities. Several newspapers did not hesitate

Sarah C. P. Williams, "The Elephant in the Womb", Science (19 June 2012)

The Elephant in the Womb | Science | AAAS



The Elephant in the Womb

By Sarah C. P. Williams | Jun. 19, 2012 , 7:01 PM

Nothing about elephants is small, and their pregnancies are no exception. Before giving birth to a 110-kilogram calf, mothers carry the fetus for 22 months, the longest gestation period of any mammal. And whereas most mammals have only one corpus luteum—a temporary gland that controls hormone levels during pregnancy— elephants have as many as 11. Now, by giving 17 elephants blood tests and ultrasound scans throughout their pregnancies, researchers have discovered a key to this remarkable form of motherhood.

"The study is exciting, surprising, and very pleasing," says veterinary researcher Twink Allen of the University of Cambridge in the United Kingdom, who was not involved in the work. "It's a very unusual strategy the elephant seems to have adopted, and it has puzzled people for 30 or 40 years."

In most mammals, one corpus luteum forms from a single egg follicle in the ovary during each menstrual cycle. The temporary gland produces progesterone, which in turn promotes thickening of the endometrium and, if an egg is fertilized, maintains the correct balance of hormones throughout a pregnancy to ensure that a female's body remains geared toward supporting her growing baby. If fertilization doesn't occur, the corpus luteum dies, only to reform during the next reproductive cycle. From dissected animals, scientists have known for more than 50 years that elephant ovaries contain multiple corpora lutea. But they didn't know how these structures formed or what roles they played in elephant pregnancies. And they'd never studied the corpus lutea in real-time during an elephant's life or pregnancy.

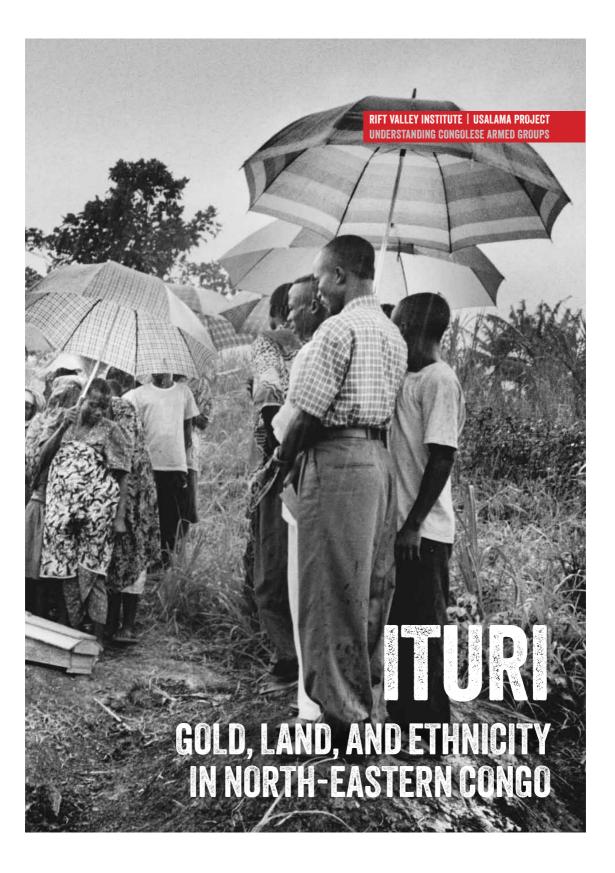
"There were all sorts of theories put forth," says Imke Lueders of the Leibniz Institute for Zoo and Wildlife Research in Berlin. "Some people thought that elephants accumulated the corpora lutea over many cycles, for example. Nobody could really prove any of the theories because elephants are so hard to study."

Hoping to change this, Lueders developed a method to follow elephant pregnancies using protocols originally designed for horses. She collaborated with researchers and zoos around the world to study 15 female Asian elephants and two female African elephants over a 5-year period. During normal menstrual cycles before pregnancies, as well as throughout the entire course of each female's pregnancy, the scientists took blood samples and performed ultrasounds. They used rectally inserted ultrasound probes on the elephants, which had to be specially trained not to kick and rear up during the uncomfortable exams.

The researchers found that the animals formed, on average, five corpora lutea during each menstrual cycle. And surprisingly, whereas one corpus luteum was derived from an egg-generating follicle, as happens in mammals such as humans, the rest of the structures formed from separate follicles at a different point in the reproductive cycle.

Over the course of each pregnancy, each gland slowly decreased its progesterone production. Having many

Dan Fahey, Rift Valley Institute, "Ituri: Gold, Land, and Ethnicity in North-eastern Congo", Usalama Project: Understanding Congolese Armed Groups (2013)



RIFT VALLEY INSTITUTE | USALAMA PROJECT

Ituri Gold, land, and ethnicity in north-eastern Congo

DAN FAHEY



Published in 2013 by the Rift Valley Institute 1 St Luke's Mews, London W11 1DF, United Kingdom PO Box 30710 GPO, 0100 Nairobi, Kenya

THE USALAMA PROJECT

The Rift Valley Institute's Usalama Project documents armed groups in the Democratic Republic of the Congo. The project is supported by Humanity United and Open Square, and undertaken in collaboration with the Catholic University of Bukavu.

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RVI EXECUTIVE DIRECTOR: John Ryle RVI PROGRAMME DIRECTOR: Christopher Kidner RVI USALAMA PROJECT DIRECTOR: Jason Stearns RVI GREAT LAKES PROGRAMME MANAGER: Michel Thill RVI PUBLICATIONS MANAGER: Fergus Nicoll RVI INFORMATION OFFICER: Tymon Kiepe REPORT DESIGN: Lindsay Nash MAPS: Jillian Luff, *MAPgrafix* PRINTING: Intype Libra Ltd., 3/4 Elm Grove Industrial Estate, London sw19 4HE ISBN 978-1-907431-12-8

COVER: Mourners gather to bury the eight-month-old daughter of an artisanal gold miner, Mongbwalu, Ituri (2004).

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attack Stanley's expedition, Hema warriors helped to defend Stanley and defeat the Ngiti.¹⁵

Such racialized views about the Hema and Ngiti have left an enduring legacy in Ituri. Disseminated internationally through his best-selling books, Stanley's depictions of the two communities influenced the opinions and policies of the Belgian colonists who arrived in Ituri during the following decades. Indeed, today's Lendu leaders identify Stanley as the creator of an ideology of Hema superiority that was embraced and institutionalized under Belgian rule, and which continues to affect Hema-Lendu relations today.¹⁶

The Congo Free State, the private dominion owned by King Leopold II, finally established a presence in Ituri around 1894. Leopold's initial interests in Ituri were to procure ivory and to extend his authority toward the Nile River. Soldiers of the king's private militia, the *Force Publique* ('Public Army'), were the first state agents to arrive in Ituri, their mission being to 'combat and disperse' anyone engaged in the slave trade and to establish new outposts of the state.¹⁷ The Free State established small military outposts at Mahagi and in the village of the Banyali chief, Kr'lo, which the Belgians dubbed 'Kilo'.

In 1897, Batetela soldiers from Kasaï, to the far south-west of Ituri, mutinied against their Belgian officers in the *Force Publique*, disrupting the expansion of the colonial presence in Ituri.¹⁸ The Belgian military commander in the area, Baron Francis Dhanis, evacuated the outpost at Kilo before fighting and losing a decisive battle against the mutineers on the Ituri River at the village of Ekwanga (present-day Salambongo). Less

¹⁵ Stanley, In Darkest Africa, vol. 2, p. 114.

¹⁶ Interviews with Lendu politicians and leaders, Ituri, June 2009 and February 2012.

¹⁷ Edmond Thiry, *Elements de l'ethnohistoire des Nyali* (Tervuren: Musée royal de L'Afrique centrale, 2002), p. 88.

¹⁸ Hochschild, *King Leopold's Ghost*, pp. 128-9, says the Batetela soldiers rebelled because they were treated poorly and subjected to harsh conditions, while Meesen, who worked for the Belgian government, said the Batetela were notorious for their indiscipline; Meesen, *Monographie de l'Ituri*, p. 56.

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than two years later, the *Force Publique* succeeded in re-establishing its base at Kilo—but by 1901 the colonial presence was still limited to three locations in Ituri: Irumu, Kilo, and Mahagi.

Over the next decade, however, the colonial authorities increased their presence in Ituri and carved the region into administrative zones, projecting in their maps an authority they did not possess on the ground.

Gold and the new Ituri

The colonial exploitation of gold marked the beginning of a new era in Ituri. Royal decrees in 1888 and 1893 reserved all mineral resources for the Congo Free State, thus establishing Leopold's property rights over mining areas.¹⁹ In 1903, geologists working for King Leopold confirmed the existence of gold deposits in Ituri on the Agola River, near the colonial outpost at Kilo; production began in 1905.

In 1911—three years after Leopold was forced to hand Congo's administration over to the Belgian state—the colonial government also started gold mining farther north in present-day Haut-Uele district, in the valley of the Moto River. The entire gold mining area in north-east Congo consequently became known as 'Kilo-Moto'; companies created to exploit gold reserves in this area have also borne the same name.

From 1905 until the 1930s, the colonial enterprise in Ituri was focused on extracting gold. The primary obstacle to obtaining the gold was a shortage of the labour needed to build transportation routes to the mines, to carry and pull supplies along those routes, to work the mines, and to produce food for both colonial agents and local mine workers. These agents bribed or bullied local chiefs to provide this labour, but such coercive measures led to social discontent and active resistance, requiring an ever greater exercise of government control over the people of Ituri.

¹⁹ Agayo Bakonzi, 'The Gold Mines of Kilo-Moto in Northeastern Zaire: 1905–1960' (PhD thesis, University of Wisconsin, 1982), p. 111.

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The Kilo goldfields were located in a relatively remote and sparsely populated area in what is now western Djugu territory. In the early 1900s, the easiest way to transport equipment and people to Ituri and the Kilo mines was from the east, through the port of Mombasa in Kenya, overland through Kenya and Uganda to Lake Albert, by boat to the port at Kasindi in Ituri, and then overland to Kilo.

The Kasindi-Kilo section of the route cut through areas inhabited by Ngiti and Hema. In 1911, to control the populations along this route, the colonial *chef de zone* ('district commissioner') appointed a Hema chief named Bomera as *grand chef* ('paramount chief') over all the populations in present-day Irumu territory south of Bunia. Bomera's nomination was immediately controversial. After his arrival in around 1900 from western Uganda, he had stolen cattle, seized land, and killed people—particularly Ngiti—thereby creating enemies and increasing tensions in the area. Indeed, less than a year before his appointment as *grand chef*, the Belgian authorities had even arrested Bomera because of his abuses—so his sudden elevation was a strange reversal of fortune prompted in part by the personal recommendation of a Canadian missionary.²⁰

Bomera was not popular among Hema clans in southern Ituri, who had their own chiefs, but his selection was even more problematic for Ngiti.²¹ After his appointment, Bomera exacted revenge upon Ngiti villagers with whom he had previously had disputes. Ngiti clans revolted and, on 4 December 1911, killed Bomera along with 200 Hema villagers. The colonial authorities reacted swiftly and brutally, and with the help of a chief from the Bira clan, confiscated cattle from the Ngiti and handed them to Hema populations. In 1914, the Belgian authorities abandoned the effort to establish paramount one chief, creating instead nine chief-taincies based on pre-existing communities: six under Ngiti chiefs and three under Hema chiefs.²²

- 20 Thiry, Introduction à l'ethnohistoire des Hema, pp. 223–9.
- 21 Pottier, 'Representations of Ethnicity', p. 43.
- 22 Thiry, Introduction à l'ethnohistoire des Hema, pp. 230-7.

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The appointment and death of Bomera illustrate the way that early colonial policy, based on the extraction of Ituri's gold, produced local conflict, particularly between Hema and Ngiti. Some recent analyses of the conflict in Ituri, indeed, have cited the death of Bomera as the first instance of Lendu resistance to Hema dominance.²³ Such narratives, however, fall into the trap of blaming groups for the actions of individuals, and show how today's ethnic conflict is projected onto the past.²⁴ For it was not the actions of Ituri's Hema populations but those of colonial agents and Bomera himself that were responsible for fomenting Lendu resistance.

The expansion of colonial authority during the second decade of the twentieth century caused further social upheaval in Ituri. An account from 1912-13 describes the Lendu as 'unruly and bellicose', fighting among themselves and against the representatives of colonial authority.²⁵ An article from the same period by the British explorer and elephant hunter Cuthbert Christy mentions an incident in which the 'warlike' Lendu, 'who frequently try to assert their independence by raids on neighbouring tribes and by defying the Government forces', were threatening further attacks on colonial outposts.²⁶ The Hema, who were generally favoured by colonial authorities over the Lendu, were also criticized, as in this account from 1920: 'It is only since the arrival of the European that the Bahema, always ambitious and deceitful, has tried to dominate the Walendu in order to better exploit him.'²⁷

²³ Koen Vlassenroot and Timothy Raeymaekers, 'The Politics of Rebellion and Intervention in Ituri: The Emergence of a New Political Context?' *African Affairs* 103/412 (2004), p. 390; cf. ASADHO (Association Africaine de défense des droits de l'homme), *Rapport de l'ASADHO sur le conflit inter-ethnique Hema-Lendu en territoire de Djugu dans la Province Orientale*, Kinshasa, December 1999.

²⁴ Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), p. 391.

²⁵ Thiry, Introduction à l'ethnohistoire des Hema, p. 30.

²⁶ Cuthbert Christy, 'The Ituri River, Forest and Pygmies', *The Geographical Journal* 46/3 (1915) p. 207.

²⁷ Pottier, 'Representations of Ethnicity', p. 43.

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To control the local populations better, and to expand gold mining in the Kilo belt, the Belgian colonial authorities created new tribal and administrative units in Ituri. During 1917–18, they started to organize the Lendu into several autonomous chiefdoms, thereby separating them from the Hema and Alur chiefs who previously ruled over them. As a consequence of this colonial intervention, which continued into the 1930s, there were numerous power struggles among Lendu leaders and increased tension between the Hema and Lendu, both of which the authorities suppressed by deploying the *Force Publique*.²⁸ By attempting to separate the Hema and Lendu, and by favouring Hema in the areas of education and administration—in short by suggesting that the two communities were incapable of peaceful coexistence—Belgian colonial agents established a new narrative that still has echoes in community relations within Ituri today.

The colonial authorities' response to food shortages at the mines added to these tensions: they invited white settlers to set up farms and businesses in Ituri. Between 1910 and 1930, a mélange of British (mainly from Kenya), Afrikaaners, Belgians, and Greeks arrived in Ituri to raise cattle, grow food crops, and plant coffee for export.²⁹ The authorities allocated additional lands to white settlers and companies for farming, ranching, forestry, fishing, and mining, leading to the creation of many substantial landholdings in Ituri during the 1930s and 1940s—a diversification of the regional economy into the agricultural sector that required still greater colonial control over both land and people.

Gold mining, however, remained at the core of the colonial enterprise. In 1928, the government changed the district boundaries to bring the Kilo and Moto goldmines together in a single district, called Kibali-Ituri. It also created new economic zones throughout the Congo that restricted population movements. In Ituri, this measure prevented migration and

28 Thiry, Introduction à l'ethnohistoire des Hema, pp. 30-32.

²⁹ Bakonzi, 'The Gold Mines of Kilo-Moto', pp. 113, 138, and 178.

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helped to ensure sufficient labour for the mines and farms run by white settlers and companies.³⁰

There are two enduring legacies of the colonial era that help explain the origins and actions of the armed groups that have emerged in Ituri since 1999. First, the colony gave preferential treatment to Hema over Lendu in education, administration, and business, contributing to the formation of a Hema elite. This class was well placed to take advantage of the new opportunities afforded by the end of colonialism, establishing themselves as important hubs in President Mobutu's patronage networks in what became north-eastern Zaire. Secondly, the colonial enterprise exacerbated inequalities and latent tensions between Hema and Lendu communities, and created myths about superiority, inferiority, and incompatibility that persist in today's discourse.

30 Bakonzi, 'The Gold Mines of Kilo-Moto', pp. 267–9.

3. Post-independence

The post-independence period in Ituri was characterized by economic decline and transformation, as well as increasing social and political tension. Industrial gold mining—which had been the core of Ituri's economy—went into a steady decline, even as artisanal mining steadily increased. Agriculture remained important in Ituri but changes in national land policy led to the redistribution of prime concessions to politically connected elites. As a result, many Hema businessmen acquired ranches and plantations in Lendu areas, which provoked resentment among Lendu elites.

Gold mining and trade

After 1960, industrial gold mining in Ituri went into serious decline as the European engineers who ran the Kilo mines left their jobs. Due to colonial education policy, there were few Congolese staff with the qualifications or ability to take over the operation. In 1966, Mobutu nationalized the company controlling the gold mines in north-east Congo, creating the *Office des mines d'or de Kilo-Moto* (OKIMO, Office of the Gold Mines of Kilo-Moto).

When nationalization failed to halt the plunge in gold production, Mobutu attempted to attract foreign investment, but this effort also foundered. During the 1970s, the failure to maintain infrastructure such as roads and bridges led the Kilo-Moto mines in Ituri to become isolated, further discouraging foreign investment. As a result, the mine apparatus and equipment deteriorated badly, diminishing yields. Exploitation of so-called 'reserve areas' also declined, due to insufficient investment in research and prospecting.³¹

³¹ Louis Bedidjo, 'Situation Preoccupante a l'Office des Mines d'Or de Kilo-Moto', Centrale Congolaise du travail, Bunia, 5 January 2007, p. 1.

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As industrial mining declined, many miners in the Kilo belt turned to artisanal mining. This activity was initially illegal but local mining officials turned a blind eye, not least because they obtained money from taxes and fees. In 1981, Mobutu restructured the mining sector, formally legalizing—and taxing—artisanal mining in the Kilo belt and other goldproducing regions. This made artisanal mining a viable livelihood at a time when poverty was endemic and the Ituri economy, like that of Zaire generally, was in rapid decline. During the 1980s and early 1990s, tens of thousands of local people, joined by Congolese from across the nation, became involved in artisanal mining in Ituri.

When the mining sector was liberalized in 1981, local businessmen in the eastern DRC had an opportunity to enter the gold business. The Kilo-Moto company had previously controlled all the gold coming out of Ituri's Kilo belt, but the growth of artisanal mining and the erosion of government control in the mining areas made room for a pivotal new entrepreneurial activity: that of the gold trader. Businessmen from Ituri and North Kivu entered the trade, using gold as hard currency to purchase consumer goods from neighbouring Uganda, Rwanda, and Burundi.

By the early 1990s, two factors combined to make Kampala the primary destination for Ituri's gold. The first was civil war and political instability in Burundi, Rwanda, and the Kivus. During the 1980s, Kambale Kisoni based in Butembo, North Kivu—emerged as one of the main traders in Ituri's gold. Kisoni sold most of his gold to the Belgian businessman Antoine 'Tony' Goetz, who operated from the Burundian capital, Bujumbura. During 1993–94, another round of violent conflict in the Kivus, Rwanda, and Burundi made it difficult to transport gold to Bujumbura, and Kisoni started to shift his gold business towards Uganda. In addition, the Burundian government terminated Goetz's free trade status in May 1995, giving Kisoni and other traders further reason to switch to Kampala.

Kisoni's own story is a microcosm of the wider conflict in the eastern DRC, involving the pursuit of natural resources, alliances of convenience with armed groups, and the involvement of both neighbouring states and the wider international community. To secure the acquisition of gold from the Kilo area, he subsequently collaborated with two militias—the

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Rassemblement congolais pour la démocratie-Mouvement de libération (RCD-ML, Congolese Rally for Democracy-Liberation Movement) and the FNI—at times when both armed groups were allied to the Ugandan government.³² Kisoni continued to trade his gold in Kampala, but in 2005 the UN Security Council placed him on its sanctions list for violating the Council's arms embargo. In 2007, several men entered the DRC from Uganda and killed Kisoni in his office in Butembo.³³

The second factor related to changes in Ugandan government policy. During the early 1990s, as Uganda started to recover from decades of misrule and conflict, the government liberalized the economy in accordance with prescriptions from the World Bank and the International Monetary Fund. In 1993, the government of President Yoweri Museveni embraced an initiative to promote regional trade, and started to pursue export-driven economic growth.³⁴ A year later, as part of its restructuring programme, the government abolished the Bank of Uganda's monopoly on the purchase of gold, revoked the gold export tax, and relaxed administrative burdens imposed on trading companies.³⁵

These changes in Ugandan policy helped to redirect Ituri's gold trade towards Kampala. In the first quarter of 1995, Uganda exported only 1 kg of gold; by the third quarter of 1996, exports had increased to 1,099 kg.³⁶ Uganda's own gold production was negligible during these two years— 2 kg and 3 kg respectively—and its vastly increased exports were simply a re-export of Congolese gold, much of it from Ituri. By the eve of the

³² Stearns, North Kivu, pp. 32–3.

³³ Dan Fahey, '*Le Fleuve d'Or*: The Production and Trade of Gold from Mongbwalu, DRC', in S. Marysse et al., *L'Afrique des Grands Lacs, Annuaire 2007-2008* (Paris: L'Harmattan, 2008), pp. 373–5.

³⁴ Paul Collier and Ritva Reinikka, 'Reconstruction and Liberalization: An Overview,' in Ritva Reinikka and Paul Collier, *Uganda's Recovery: The Role of Farms, Firms, and Government* (Washington, DC: The World Bank, 2001), pp. 31–9.

³⁵ P.M. Mobbs, *The Mineral Industry of Uganda* (Washington, DC: US Geological Survey, 1997), p. 221.

³⁶ Bank of Uganda, Annual Report 1998/99 (Kampala: Bank of Uganda, 1999), p. 81.

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First Congo War in 1997, Kampala had already become a major transit point for gold produced in Ituri.

By January 2013, Ituri's political economy was poised for further changes with the potential to have an impact on conflict dynamics. These changes included the possible resumption—perhaps during 2013—of industrial gold mining in Ituri by AngloGold Ashanti and the start of oil exploration by Total near the Lake Albert shoreline, should security conditions allow.

Land disputes

The concept of land in Ituri is complex and multi-dimensional. As in the eastern DRC more generally, various aspects of land ownership economic, political, social, and even spiritual—continuously interact, informing narratives about land rights.

In the post-independence era, land emerged as an important element in power struggles among local political and economic elites. One source of conflict was the redistribution of colonial-era concessions in Ituri, which happened as a result of two changes in government policy. On 7 June 1966, President Mobutu approved the so-called Bakajika Law, which annulled all land titles granted before independence and required prior titleholders to reapply to the Zairean government.³⁷ Then, on 30 November 1973, President Mobutu unveiled his 'Zaireanization' programme, which nationalized 'farms, ranches, plantations, concessions, commerce, and real estate agencies'.³⁸

Even prior to Mobutu's laws, some businessmen and customary authorities acquired concessions from the government and from expatriate owners, but the Zaireanization plan resulted in a large-scale reallocation of concessions—indeed, whole industries—into the hands of those with political connections. In Ituri, Hema businessmen benefited

³⁷ Stearns, North Kivu, p. 24.

³⁸ Crawford Young and Thomas Turner, *The Rise and Decline of the Zairian State* (Madison: The University of Wisconsin Press, 1985), p. 326.

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most from this process due to their political ties to the Mobutu regime. One prominent Hema politician, D'zbo Kalogi, served as national Vice-Minister of Agriculture from 1970–1974, Minister of Mines from 1974–77, and Minister of Agriculture and Rural Development from 1986–87. It remains unclear how many concessions were obtained by such leading personalities, but various sources suggest they acquired a majority of the concessions in Ituri's Irumu and Djugu territories.³⁹

In the mid-1970s, Lendu political leaders became more active in expressing opposition to Hema dominance in Ituri, partly in response to Hema acquisition of large tracts of land in predominantly Lendu areas. In 1974, a Lendu leader, Soma Mastaki, created the *Parti de libération des Walendu* (PLW, Walendu Liberation Party) to advance the political demands of the Lendu community—but it soon degenerated into a violent anti-Hema militia. Following several confrontations, the provincial governor organized talks that led to a 1975 pact of reconciliation between the Lendu and Hema communities.

During the political tumult that marked Mobutu's decline and the lead-up to multiparty democracy in the 1990s, latent tensions between Lendu and Hema leaders re-emerged. One source of tension derived from so-called 'cultural associations' created by Lendu and Hema leaders, similar to the *mutuelles* in the Kivus. The Lendu had the *Association culturelle pour la libération des opprimés et rejetés de l'Ituri* (ACL, Cultural Association for the Liberation of Ituri's Oppressed and Rejected—known locally by the second part of the French acronym, LORI), while the Hema created ENTE. These ostensibly cultural organizations, however, only increased mutual suspicion, with Hema leaders accusing their Lendu counterparts of promoting an active political and economic agenda, and vice versa.

39 Dan Fahey, 'Rethinking the Resource Curse: Natural Resources and Polywar in the Ituri District, Democratic Republic of the Congo' (PhD thesis, University of California, Berkeley, 2011), p. 67.

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In Djugu territory, land conflicts were particularly intense in Walendu Pitsi *collectivité*, where Lendu leaders claimed customary rights over concessions acquired by Hema businessmen after independence. In 1995, the LORI branch in Walendu Pitsi reportedly had a plan to 'expropriate the concessions and fields of non-Lendu, particularly of the Hema'.⁴⁰ Around the same time, several Hema landowners in Walendu Pitsi acquired—allegedly through political connections—rights to expand their concessions, often by annexing land from neighbouring Lendu villages.⁴¹

Simultaneously, a long-standing boundary dispute in Irumu territory also reignited Hema-Lendu hostility. The dispute centred on whether three villages (Nombe, Lakpa, and Lagabo) were part of Walendu Bindi *collectivité* (ruled by Ngiti) or Bahema Sud *collectivité* (ruled by Hema). The disagreement dated back to the 1910s, when colonial administrators appointed the controversial Hema chief Bomera to rule this part of Irumu. During the remainder of the colonial era, administrators changed the Walendu Bindi–Bahema Sud boundary several times. By independence, the three villages were officially part of Bahema Sud, although Walendu Bindi authorities continued to claim authority.

In 1966, violence had erupted over rightful administration of the three disputed villages. Walendu Bindi authorities organized Ngiti demonstrations but they were crushed by Mobutu's soldiers. There were additional protests over the rightful administrative control of the enclave during the 1970s and 1980s, similarly suppressed by Mobutu's security and political apparatus. In addition, Walendu Bindi leaders sought to extend their control to the southwest shore of Lake Albert, claiming that the colonial authorities had wrongfully given Ngiti lakeshore lands to Hema chiefs.

⁴⁰ Service national d'intelligence et de protection, République du Zaïre, 'Note d'Information au Commissaire S/Regional de L'Ituri a Bunia; Concerne: Cas de l'association culturelle "LORI" dans la Collectivite des Walendu/Pitsi' (No. 05/00/451/ SNIP/DI/462/95), 30 November 1995.

⁴¹ Dan Fahey, 'This Land is My Land: Land Grabbing in Ituri,' in Land Grabbing in the Great Lakes Region of Africa (ed. An Ansoms) (forthcoming).

Annex 89

David Van Reybrouck, Congo: The Epic History of a People (2015)

CONGO

The Epic History of a People

DAVID VAN REYBROUCK

Translated from the Dutch by Sam Garrett

FOURTH ESTATE • London

Fourth Estate An imprint of HarperCollinsPublishers 1 London Bridge Street London SE1 9GF 4thestate.co.uk

This Fourth Estate paperback edition published in 2015 1

First published in Great Britain by Fourth Estate in 2014 First published as *Congo: Een Geschiedenis* by De Bezige Bij, Amsterdam, in 2010

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The translation of this book is funded by the Flemish Literature Fund (Vlaams Fonds voor de Letteren, www.flemishliterature.be).

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A catalogue record for this book is available from the British Library

ISBN 978-0-00-756293-0

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Printed and bound in Great Britain by Clays Ltd, St Ives plc



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CHAPTER 2

DIABOLICAL FILTH"

Congo Under Leopold II

1885-1908

O N JUNE 1, 1885, KING LEOPOLD II AWOKE IN HIS PALACE AT Laeken a different man: in addition to being king of Belgium, from that day on he was also sovereign of a new state, the Congo Free State. That latter entity would continue to exist for precisely twenty-three years, five months, and fifteen days: on November 15, 1908, it was transformed into a Belgian colony. Congo began, in other words, not as a colony, but as a state, and one of the most peculiar ever seen in sub-Saharan Africa.

To start with, its head of state lived more than six thousand kilometers (about 3,700 miles) to the north, a four-week journey by ship from his empire—a journey that he himself, by the way, never undertook. From his investiture in 1885 to his death in 1909, Leopold II never set foot in his Congo. In view of the inherent risks to personal health engendered by such a journey at the time, that is hardly surprising. The heads of state of other European powers did not travel to their recently acquired holdings in Central Africa either. The more curious fact is that the Belgian king, unlike his colleagues, was the complete and absolute ruler over his overseas territory. Kaiser William I, Queen Victoria, and Jules Grévy, president of France's Third Republic, also ruled over vast stretches of Africa in 1885, but none of them owned those areas personally. Their colonial policies were not a private matter but a government affair, watched over by parliament (chamber of deputies) and cabinet. But the Belgian king ruled over the new state in a personal capacity.

Officially, the Kingdom of Belgium at that point still had nothing to

do with Congo; it only happened to share a head of state with that remote tropical backwater. In Belgium, Leopold was a constitutional monarch with limited powers; in Congo he was an absolute ruler. This extremely personalized regime made him more closely resemble a fifteenth-century king of the Kongo Empire than a modern European monarch. And he acted as though he truly did *own* this empire of his.

Leopold's acquisition of so much power, incidentally, took place almost by sleight of hand. The European superpowers had not recognized him, but his Association Internationale du Congo, as sovereign administrator over the Congo basin. Yet when he abandoned that paper tiger for what it was after the Berlin Conference and began behaving ostentatiously as ruler of the Congo Free State, no one seemed to protest. People saw him as a great philanthropist with a great many ideals and even more means at his disposal.

On the ground, however, things went quite differently. His ideals turned out to be rather pecuniary, his means often extremely shaky. At first, the Congo Free State existed only on paper. Even by the end of the nineteenth century, Leopold had no more than fifty stations, each of which ruled—in theory, at least—over a territory the size of the Netherlands. In actual practice, large parts of the territory eluded his effective occupation. Katanga was still largely in the hands of Msiri, Tippo Tip was still lord and master to the east, and various native leaders refused to bow to his authority. Until the very end of the Free State itself, the number of representatives of his government remained limited. By 1906 there were only fifteen hundred European state officials among a total of three thousand whites (the rest were missionaries and traders) in the country.¹

Indicative of the sketchy state of affairs was that no one knew exactly where the borders of Leopold's empire lay. Least of all Leopold himself. When it came to those borders, he had a tendency to change his mind. Before the Berlin Conference that, of course, was understandable: nothing had as yet been fixed. On August 7, 1884, he, along with Stanley, had drawn up a preliminary sketch of the future territory at the royal villa in Oostende. Stanley unfolded the very tenuous map he had made after his African crossing, a large blank roll showing only the Congo River and its hundreds of shoreline villages. It was to this sheet of paper that the king and Stanley added a few hastily penciled lines. It could almost not have been more arbitrary. There was no natural entity, no historical inevitabil-

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ity, no metaphysical fate that predestined the inhabitants of this area to become compatriots. There were only two white men, one with a mustache, the other with a beard, meeting on a summer afternoon somewhere along the North Sea coast to connect in red pencil a few lines on a big piece of paper. Nevertheless, it was that map that Bismarck would approve a few weeks later and that would set in motion the process of international recognition.

On December 24, 1884, the king pulled out his pencil once again. He was on the verge of losing to the French the area to the north of the Congo's mouth, a region for which he had entertained great hopes and that he would surrender only with pain in his heart. As compensation, on that dark day before Christmas, he set about annexing another area: Katanga. Quite literally, annexation in this case meant poring over a map and thinking, like that mythical first landowner of Jean-Jacques Rousseau's: "Ceci est à moi" (This belongs to me). Not a single soldier was involved. It was a game of Risk, not of Blitz. So Katanga it was, Katanga it would have to be. Leopold was not particularly delighted. Katanga consisted of savanna, with less ivory to be found than in the rain forest. Only decades later would it become clear that the earth there abounded in ores and minerals. But Leopold simply doodled it into the picture.

In 1885 France and England approved the new borders. Which is not at all to say, however, that they would be incontestable from then on. During the twenty years that followed, a great many territorial disputes would arise: with France about Ubangi, with England about Katanga, and with Portugal about Luanda, the area that bordered on Angola. And as though that were not enough, during the first years of the Free State, Leopold tried to press on to the headwaters of the Zambezi River, to Lake Malawi, Lake Victoria, and the headwaters of the Nile, in fact to the whole area to the east of his holdings. His lust for land was insatiable. Why all the hurry? His African state was still extremely shaky. Wouldn't it have been better for him to clean up his own internal backyard before thinking about moving on to something else? After all, his means were considerable but they were not inexhaustible, were they? All true enough, but Leopold realized that soon there would no more opportunities for new acquisitions in Central Africa. An understandable concern. As easily as he had swept together hundreds of thousands of square kilometers before 1885, as ploddingly did that go afterward. Until 1900 he kept alive the hope of further expansion, but none of

my *pagne* and stuffed clay into my genitals. That was very painful."⁵⁹ Cruelty had a function.

The village chieftain Isekifusa was killed in his hut. Two of his wives were murdered at the same time. A child was cut in two. One of the women was then disemboweled. . . . Boeringa's people, who had come along with the sentries, ate the bodies. Then they killed ten men who had fled into the forest. When they left Bolima, they left a part of Lombutu's behind, chopped into pieces and mixed with banana and manioc, in plain sight, to frighten the villagers. The child's intestines were hung up around the village huts. The child's body parts were impaled on sticks.⁶⁰

HAD THE SYSTEM OF PREMIUMS applied during the construction of the railroad in Bas-Congo been introduced here as well, a very different set of dynamics would have been set in motion. People would have been rewarded for their efforts and motivated to continue producing. The Congolese, after all, were anxious for such rewards, but the authorities ignored this: "When we ask for *mitakos* [copper currency ingots], we get the *chicotte* [strop made of hippopotamus hide] instead," someone said.⁶¹ The rubber had to flow freely to the state, at no cost. This was about taxation, not remuneration: in fact, what it boiled down to was pillaging.

The dirty work of collecting these revenues was left to subordinates with rifles. Because their white bosses wanted to be sure that they did not misuse their weapons to hunt for game, they had to account for every round of ammunition. At various places, therefore, there arose the custom of cutting off the right hand of those they had shot and taking it along as proof of what the bullet had been used for. To keep the hands from rotting they were smoked over an open fire, in the same way that food is preserved to this day. The tax collector, after all, saw his boss only once every few weeks. During the debriefing he was expected to present the hands as *pièces justificatives*, as "receipts" for expenses incurred.

Beginning in 1900 voices began to be raised in Europe against this Belgian ruler who had his employees cut off people's hands. A few photographs of Congolese with stumps for arms made their way around the world. This resulted in the widespread misconception that living persons were having

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their hands cut off in Congo on a major scale. That did happen, but much less systematically than most people thought. The greatest ignominy of Leopold's rubber policies was not that dead people's hands were cut off, but that the murdering took place so casually. The mutilation of corpses was a secondary effect. That does nothing, however, to detract from the fact that, in a number of cases, the atrocities truly knew no bounds. "When I was still a child," said Matuli, a fifteen-year-old female student at the Ikoko mission, "the sentries shot at the people in my village because of the rubber. My father was murdered: they tied him to a tree and shot and killed him, and when the sentries untied him they gave him to their boys, who ate him. My mother and I were taken prisoner. The sentries cut off my mother's hands while she was still alive. Two days later, they cut off her head. There were no white men present."⁶²

By severing the limbs of living victims, the sentries not only saved on bullets, but were also able to steal the broad copper bracelets that women often had forged around their wrists or ankles. Boali's story is quite telling in that regard: "One day, when my husband was in the forest tapping rubber, the sentry Ikelonda came to my hut and asked me to give myself to him. I refused. Enraged, he shot me with his rifle; you can still see the wound. I fell to the ground and Ikelonda thought I was dead. To get the copper ring I wore around my ankle, he chopped off my right foot."⁶³ Had Boali shown any sign of life at that point, she would have been killed immediately.

But violence by Africans against other Africans was not the whole story: it was not only at the base of the pyramid of power that blood flowed. Many Belgians also took part in this. Physical violence was more widely tolerated in those days—Belgian cafés were the scene of weekly brawls, free-for-alls were a part of youth culture, corporal punishment was the standard at schools yet some of the offences in Congo far exceeded the boundaries of custom. Floggings with the *chicotte* were an official disciplinary measure. The Belgian civil servant in charge established the number of lashes to be administered, his black aide-de-camp dealt them out during the morning or evening roll call, while the flag of the Free State waved over the proceedings. The strop had to be flat, the number of lashes was not to exceed fifty (to be administered in two series of twenty-five each), only the buttocks and lower back were to be lashed, and the whipping was to cease at the first show of blood. Some white people, however, did not abide so closely by the rules: they preferred a nonregulation strop, which was twisted and angular and therefore much more painful. They

good time, that was the motto. It was not until 1938 that a hesitant start was made with general secondary schools, and not until 1954 (only six years before independence, but no one knew that yet) that the first university, Lovanium, was set up, an auxiliary branch of the Catholic University of Louvain. During its first year, the new university had thirty-three students and seven professors. You could study natural sciences, social and administrative sciences, education, and agronomy. A law school was started only in 1958.⁷³ No big hurry, in other words. Was it then really necessary to recognize a privileged caste?

In 1948 the Belgian administration found a provisional solution: the évolué could apply for a "certificate of civil merit." Anyone without a criminal record and who had never been deported, who had sworn off polygamy and sorcery, and who could read, write, and do arithmetic was eligible. Those who held such a certificate could no longer be administered corporal punishment and would, in the case of a trial, be tried before a European judge. They had access to separate wards in hospitals and were allowed to walk through the white neighborhoods after 6 P.M.⁷⁴ This made a great impression on the average Congolese. In Boma, Camille Mananga, a man who was thirteen when the certificate of merit was introduced, told me: "That was reserved for the truly prominent. They were allowed to go shopping and drink along with the whites. That was a very great distinction. I was still much too young. The sky was more within my reach than a certificate like that!"75 But for people who had been working their way up the ladder for years, it represented fairly minimal privileges that stood in no proportion to their efforts. Structural wage inequality still existed. As a former évolué, Victor Masunda, another inhabitant of Boma, could still get wound up about that: "Of course I didn't apply for that card. It really didn't mean any higher wages. A lot of people groveled, but I refused to lower myself. Applying for the certificate of merit was degrading. Was I supposed to become their little brother? No. I could get hold of my red wine and whisky on my own."76

It was for this reason that, in 1952, the *carte d'immatriculation* (registration card) was introduced. This new document gave the *évolué* the same rights in public life and in the eyes of the law as the European population. The most important advantage was that the *évolué* could now send his children to European schools, an exceptional social promotion that also guaranteed a decent education. But the skepticism among large parts of the colonial elite was so great that extremely stringent requirements were posed for

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Their "countermanifesto" appeared in August 1956. It was intended to surpass the first text and preferably to pulverize it. The tone was much more radical and the content unequivocally revolutionary. With regard, for example, to the thirty-year plan advanced by Van Bilsen and *Conscience Africaine?* "We, for our part, we do not wish to participate in carrying out this plan, but only in doing away with it; its execution would lead to only more delays for Congo. In essence, it is nothing but that same old lullaby. Our patience is more than exhausted. The time is ripe, and therefore they must grant us that emancipation this very day rather than postpone it for another thirty years. History knows no belated emancipations, for when the hour has come the people will no longer wait."⁸

That part about "the people" was, of course, exaggerated. Kasavubu did not have the Congolese people behind him, and even large sections of "his" Bas-Congo had never heard of him. He spoke, at best, on behalf of the Kikongo-speaking *évolués* of the capital. In colonial circles, however, this text exploded like a bomb. It was the first time that a group of Congolese had so openly called for more rapid emancipation. A federation of states obviously did not appeal to them at all. And the colony's unity did not seem particularly sacred to them either: they seemed only to be standing up for Bas-Congo. Many colonials went into a tizzy. They spoke of "madness," of "a race toward suicide" and a "racism worse than that which they claim to be combating."⁹ Jef Van Bilsen became the whipping boy. It was he who had opened Pandora's box, they felt.

For the colonials this call for independence came like a shot out of the blue, which says a great deal about the closed world they inhabited. Following World War II, after all, a first wave of decolonization had already swept Asia. Within the space of only three years, between 1946 and 1949, the Philippines, India, Pakistan, Burma, Ceylon, and Indonesia had become independent. That same spark jumped the gap to North Africa, where Egypt threw off the British yoke, and Morocco, Tunisia, and Algeria began agitating for greater political autonomy. Figures such as Nehru, Sukarno, and Nasser maintained close contact. In 1955 that relationship had culminated in the seminal Bandung Conference on Java, an Afro-Asian summit where new countries and countries longing for independence unanimously relegated colonialism to the scrapheap of history. "Colonialism in all its forms is an evil which should speedily be brought to an end," the closing statement read.¹⁰ No Congolese delegation was present at Bandung, but there was one

from neighboring Sudan, which became independent a few months later. In addition, after the conference, radio stations on Egyptian and Indian soil began broadcasting the message of anti-imperialism. On the shortwave frequencies, people in Congo could listen to La Voix de l'Afrique from Egypt and All India Radio, which even featured broadcasts in Swahili.¹¹ The message was spread by means of a technical innovation: the transistor radio. The introduction of this tiny, affordable piece of equipment had major consequences. From now on, people no longer needed to stand on market squares and street corners to listen to the official bulletins from Radio Congo Belge, but could remain in their living rooms, secretly enjoying banned foreign broadcasts that kept repeating that Africa was for the Africans.

TO DEAL WITH THE GROWING UNREST, Brussels decided at last to introduce a nascent form of participation. For ten years politicians had been squabbling over possible forms of native involvement in the cities, but in 1957 a law to that effect was finally passed. The native boroughs of a few large cities were to have their own mayors and city councils. On the lowest administrative rung, therefore, actual power was being granted to the Congolese for the first time. From experience the administrators had already seen that informal neighborhood councils could be effective in solving local problems, particularly when their members were chosen by the community.¹² From now on those members would be chosen in formal elections, although the borough mayors continued to be answerable to a Belgian "first mayor." The first elections in the history of the Belgian Congo were held in late 1957, but were limited to Léopoldville, Elisabethville, and Jadotville. Only adult males were allowed to vote.

Congo, at that point, was one of the most urbanized, proletarianized, and well-educated colonies in Africa. No less than 22 percent of the population lived in the cities, 40 percent of the active male population worked for an employer, and 60 percent of the children attended primary school.¹³ This situation was both new and precarious. Wages had risen spectacularly during the early 1950s, but from 1956 on, that growth had stagnated; there had even been a major reversion. The fall of raw material prices on the international market (due to, among other things, the end of the Korean War) put a brake on the economy. Unemployment began to appear in the cities.¹⁴ Soon there were some twenty thousand jobless people in Kinshasa.¹⁵ Those who had lost their jobs moved in with family members who still had an income.

of the Congo in the 1870s, when Stanley and his men first sailed by in their **metal boat**. The throb of the war drum, the thousands of enraged voices, the dancing that grows wilder all the time, the eyes of the warrior. In the catacombs of the stadium the players tighten their shoelaces and slide shin guards into their socks. Elsewhere in the city, at the governor's residence, the champagne bottles have been removed from the cooler and are lined up, sweating in the sun.

It is still January 4, 1959, and on Avenue Prince Baudouin, close to the YMCA, Kasavubu tells the drummed-up crowd that the meeting, unfortunately, has been canceled. There are loud murmurs and protest, pushing and shoving. As a pacifist and admirer of Gandhi, he urges his supporters to remain calm. That seems to work, even without a microphone. He is the leader, he is the chief, he is the mayor. Relieved and reassured, he returns home.

But it is January 4, 1959, the day that everything changes, although you wouldn't say so yet. Congo is going along with the times, it seems. Léopoldville is the second city in the world with a gyrobus, an electric bus with antennae on the roof that charges its motor at the stops. The first city with such futuristic public transport was in Switzerland, but now these buses zoom around the cité too.45 A few thousand Abako supporters remain moping around the spot where their meeting was to have been held. A white gyrobus driver gets into an argument with one of them and raises his fist. Futurism meets racism. Right away, the blows rain down on him. The genie has left the bottle. There are fistfights, there is shoving. The police arrive, black constables, white commissioners. It's because of New Year's, the police think, the people are still drunk or already broke, one of the two. Two commissioners deal out punches. That is not a good idea. "Dipenda!" the cry goes up. "Attaquons les blancs! Let's get the white men!" Panic breaks out. The police fire warning shots in the air. Farther along, one of their jeeps is overturned and set on fire. At that moment the soccer stadium empties out-commotion, ecstasy, frustration, sweat-and the supporters join in with those who had been waiting to attend the Abako meeting. Soccer is gunpowder. In 1830 Belgium became independent after an opera performance; in 1959 Congo demands independence after a soccer match. A scooter comes racing up, with two young men on it. They can't believe their eyes. In the last few years, both of them have worked their way up by educating themselves, but now they see the rage of the masses from which they have withdrawn. They no longer look down on them, as évolués are wont to

Soon to Be Ours

do, but feel a sense of solidarity. The elite and the masses have found each other at last.

Léopoldville at that moment has four hundred thousand inhabitants, twenty-five thousand of whom are Europeans. There is a bare-bones police force of only 1,380 officers.⁴⁶ There is no national guard. The very next level of law enforcement is the army. The city's barracks house some twentyfive hundred troops, but they have been trained to wage war abroad, not to repress uprisings among their own people. The police do their best to handle things, but within a few hours the entire cité is in an uproar. Cars belonging to white people are covered by a downpour of stones. Windows shatter. Fires break out everywhere. The police turn their guns on the demonstrators. Puddles of dark blood gather on the asphalt, reflecting the flames. Thousands and thousands of young people begin looting. All things Belgian become their targets. Catholic churches and mission schools are vandalized; neighborhood centers where sewing classes are held are stripped. Around five o'clock, a few youth gangs descend on the shops belonging to the Greeks and the Portuguese, places where the people otherwise do their shopping. The looters strike ruthlessly and run off with meters of floral fabrics, bicycles, radios, salt, and dried fish.

At the governor general's New Year's reception, the telephone rings. "Ça tourne mal dans la cité. Things are getting ugly down in the *cité*." Heavy rioting has broken out in a zone ten or twelve kilometers (about 6.2 to 7.5 miles) long. The city's European district has been locked down. The army moves in, first with tear gas, then with guns. Demonstrators are being mowed down. "That was like using a hammer to kill a mosquito," people realized afterward.⁴⁷ Some of the colonials, however, are so furious that they take their hunting rifles down off the wall to go out and "help." Years of piled-up contempt and fear, especially the latter, burst loose. At around six, when darkness falls, relative calm descends on the city. The fires smolder on. At the European hospital, dozens of white people show up for treatment. Outside, before the door, their elegant cars are parked in the darkness, dented, scratched, and ruined. At the villas, for the first time in years, the women have to do their own cooking: the boy has disappeared completely.

The next day, many of the Belgians feel more resigned than outraged. "We completely lost face," they tell each other on Monday morning.⁴⁸ Some of them begin stocking up on canned sardines and vegetable oil, others

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book one-way tickets with Sabena for Brussels. The army takes three or four days to get the city back under control. The final toll is unbearable: forty-seven fatalities and 241 wounded on the Congolese side, according to the official figures at least. Eyewitnesses speak of two hundred, perhaps even three hundred people killed.

It was January 4, 1959, and things would never be right again.

"A FEW DAYS LATER I flew to Brussels aboard a DC-6," Jean Cordy told me in the fall of 2009 at his service flat in Louvain-la-Neuve. In 1959 he had been the principal private secretary to Governor General Cornelis. "My directives were clear: I was to convince the Belgian government to include the word *independence* in their long-awaited policy paper. The governor general had said this was an opportunity we should absolutely not miss. I also visited the king and told him that Belgium had to refer to independence."⁴⁹

On January 13, 1959, more than a week after the riots, both the policy paper and a royal statement were publicized. The ministerial text was fuzzy, technical and incoherent, but Baudouin's speech was both apt and crystal clear. A tape recording of his message was sent to Congo and immediately broadcast on the radio. Fishermen on the beach at Moanda, farmers amid the sugarcane, workers covered in the dust of the cement factory, seminarians immersed in their books, nurses washing their hands, village chieftains in the interior, helmsmen on the riverboats, nuns weeding their gardens, the elderly, and the adolescent listened to their transistor radios and heard their beloved king pronounce the historic words: "Our decision today is lead the people of Congo in prosperity and peace, without harmful procrastination but also without undue haste, toward independence."⁵⁰

People could hardly believe it. This was too good to be true! As they drove through the villages of Bas-Congo, the truck drivers honked their horns and sang loudly out the window:

Independence is coming. Independence will soon be ours. Mwana Kitoko [Baudouin] has said so himself. The white chiefs have said so too. Independence is coming. Independence will soon be ours.⁵¹

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Congo

tensions had risen too far. The first elections had been organized in 1957, **in the hope** that that would placate the men of *Conscience Africaine* and the Abako. But it had the opposite effect. After the January 1959 riots, the Belgians promised independence, but not even that could smooth the feathers that had been ruffled. The colonizer thought it was doing the right thing, but struck out each time. That resulted in 1959 in the loss of a great deal of valuable time and goodwill; assets that could have been used to prepare well for independence. Rather than try to slap together an improvised, wellintentioned policy, perhaps the time had come to finally ask the Congolese themselves what they wanted.

ON JANUARY 20, 1960, a group of some 150 men in winter coats gathered at the Palais des Congrès in Brussels-about sixty Belgians and some ninety Congolese. The idea was to spend one month discussing, frankly and on an equal basis, a number of touchy issues. Hence the name: it was to be a "round table conference" (even though the tables were actually arranged in a rectangle). The Belgian Socialist Party, part of the parliamentary opposition at the time, was pleased with the initiative. The Belgians were represented by six cabinet ministers, five members of parliament, and five senators, accompanied by a few dozen advisers and observers. The politicians had little on-the-ground knowledge of the colony; "dry-season pilgrims" was how the Belgians in Congo itself referred to them mockingly. But many of them were rather smitten with the United Nations' new-fangled ideology of decolonization. The Congolese delegates came from the major political parties (Kasavubu, Tshombe, Kamitatu among them) and included a dozen tribal elders to represent the traditional authorities. Just before the conference began, the Congolese delegates gathered to form a common front that would bridge the interparty rivalries, ethnic tensions, and ideological fault lines. They did not want this conference to turn into a messy game of Ping-Pong; they wanted to act as a single player. L'union fait la force---united we stand, divided we fall: Belgium had at least taught them that much. This sudden coalition came as a great surprise to the Belgian politicians, divided as they were between Catholic, Liberal, and Socialist sociopolitical blocs, between cabinet and parliament. Many of them were ill-prepared. There was no agenda, no government standpoint. After all, this meeting was not meant to decide anything, was it?

During the first five days of the round-table conference, however,

Soon to Be Ours

stayed in bed; the memories were becoming washed out. "The round-table ball was held at the Plaza, yeah.... The joy, the euphoria ... Kabasele called the politicians by their first names. They all loved him. ... A man with class, in his powder-blue tuxedo with black piping. Very chic . . . He loved women and he loved making jokes.... One time I even hid his pajamas!"65 Besides all the fooling around, at the Plaza the band made a start composing the song that would soon become the biggest hit in Congolese music: "Indépendance Cha-Cha." The lyrics, in Lingala and Kikongo, celebrated the newly won autonomy, praised the cooperation between the various parties and sang of the great names in the struggle for independence: "Independence, cha-cha, we took it / Oh! Autonomy, cha-cha, we got it! / Oh! Round table, cha-cha, we won it!" After 1960 Congo would adopt a number of national anthems, under Kasavubu, under Mobutu, under Kabila: pompous compositions with pathetic lyrics, but throughout the past half-century there has been only one true Congolese anthem, one single tune that right up until today makes all of Central Africa shake its hips: that playful, light-footed and moving "Indépendance Cha-Cha."

JUNE 30 IT WAS. The round-table conference ended on February 20, 1960, with only four months left in which to knock together a country. The to-do list was impressive. A transitional government had to be formed, a constitution written, a parliament and senate established, ministries expanded, a diplomatic corps appointed, provincial and national elections organized, a cabinet put together, a head of state chosen . . . and that was only the country's political institutions. A national currency also had to be created, and a national bank, in addition to postage stamps, driver's licenses, license plates, and a land registry office.

A great many Belgians in the colony were leery of this mad rush. They were afraid that the colony, which had been worked on so carefully for seventy-five years, would go down the tubes in a few months' time. Many of them began sending their savings, their belongings, their families home. Others migrated to Rhodesia or South Africa. During the first two weeks of June, four times as many passengers left from the airport at Ndjili than in the same period the year before. Sabena had to organize seventy extra flights, the boats to Antwerp were brimming over.⁶⁶

The run-of-the-mill Congolese, on the other hand, was enjoying it immensely. He believed that a golden age was on its way, that Congo would

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mercenaries, and native rebels. Four of those names, however, dominated the field: Joseph Kasavubu, Lumumba, Tshombe, and Mobutu. In terms of complexity and intensity, the ensuing power struggle between them was like one of Shakespeare's history plays. The history of the First Republic is the story of a relentless knockout race between four men who were asked to play the game of democracy for the first time. An impossible mission, all the more so when one considers that each of them was hemmed in by foreign players with interests to protect. Kasavubu and Mobutu were being courted by the CIA, Tshombe at moments was the plaything of his Belgian advisers, and Lumumba was under enormous pressure from the United States, the Soviet Union, and the United Nations. The power struggle among the four politicians was greatly amplified and complicated by the ideological tug of war taking place within the international community. It is hard to serve democracy when powerful players are constantly, and often frantically, pulling on the strings from above.

What's more, none of these men had ever lived under a democracy in their own country. The Belgian Congo had had no parliament, no culture of institutionalized opposition, of deliberation, of searching for consensus, of learning to live with compromise. All decisions had come from Brussels. The colonial regime itself was an executive administration. Differences of opinion were kept hidden from the native population, for they could only undermine the colonizer's prestige. In his seemingly unassailable omnipotence, the highest authority, the governor general with his white helmet decked out with vulture feathers, seemed more like the chieftain of a feudal African kingdom than a top official within a democratic regime. Is it any wonder then that this first generation of Congolese politicians had to struggle with democratic principles? Is it strange that they acted more like pretenders to the throne, constantly at each other's throats, than like elected officials? Among the historical kingdoms of the savanna, succession to the throne had always been marked by a grim power struggle. In 1960 things were no different.

And in fact, wasn't it all about who was going to take over from King Baudouin? Kasavubu was the first and only president of the First Republic. The dress uniform he had designed for himself was an exact copy of Baudouin's. Léopoldville and Bas-Congo supported him en masse. Only rarely was his position as head of state openly called into question, but in 1965, Mobutu—whose own ceremonial uniform later proved to be a copy of Baudouin's as well—shoved him aside.

gence personnel drove a wedge between them. Each and every one of them chose Kasavubu's side and recommended that he drop Lumumba. In August 1960 Lumumba was a lonely man, supported only by the Soviets.

What's more, his wrath had only grown. On two occasions the UN Security Council had called upon Belgium to withdraw from Congo (on July 22 that was to happen "quickly," on August 8 even "immediately"), but Belgium refused to budge as long as the blue helmets could not guarantee its subjects' safety.³⁸ It was not until late August, none too early, that all ten thousand Belgian soldiers had left Congo. In Lumumba's eyes the United Nations was toothless, at best. Perhaps even pro-Western.

On August 8, to top it all off, the southern part of Kasai province declared independence as well. After Katanga, the diamond province was Congo's most important mining area. Albert Kalonji had himself crowned king. A former supporter of Lumumba, with whom he'd had a falling-out before the elections, he had missed out on a ministerial post in the new national government. His secession, however, was ethnically motivated as well. Kalonji stood up for the Baluba, the inhabitants of Kasai who had gone to work in the mines of Katanga in great numbers and were hated there as immigrants and fortune hunters. In Kasai itself, the Baluba faced off against the Lulua; violent clashes had become commonplace. By proclaiming a new nation, Kalonji hoped to create a homeland for the Baluba. Tshombe supported the initiative and he and Kalonji even decided to establish a confederation.

Together with Katanga, newly seceded South Kasai accounted for onequarter of Congo's territory, and the wealthiest quarter at that. For a unitarian like Lumumba, that was unacceptable. What's more, Jean Bolikango was also thinking about withdrawing Équateur from the republic. That was no coincidence: Tshombe, Kalonji, and Bolikango considered themselves the ones duped most badly during the government's formation, because they had not received a ministerial post. Lumumba wanted to act but could not count on the UN emergency forces, seeing as they had done nothing to stop Katangan independence. As defense minister, therefore, he sent the renovated Congolese army to the rebellious diamond province. But the government army was broke and led by officers who had been promoted two months earlier without any preparation.

The results were horrific. Kasai in late August of that year was the scene of senseless confrontations that led not to victories, but to massacres that claimed thousands of civilian lives. During an attack on a Catholic

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country's planned economy. "The peril is more white than yellow," he said upon his return. "Politically we are a free people, culturally we are becoming that, but in economic terms we are not at all the masters of our fate."⁵⁷ Mobutu began a process of "Zaïrianization": those small- and medium-sized businesses, plantations, and trading companies still in the hands of foreigners, a few thousand enterprises in all, were expropriated and given to his faithful followers.⁵⁸ From one day to the next, Portuguese restaurant owners, Greek shopkeepers, Pakistani TV repairmen, or Belgian coffee growers saw the work of a lifetime disappear. At the head of their company came a Zaïrian from the president's circles who usually had no sense of how to run a business. In the best of cases he allowed the original owner to work on as manager and came by each month to collect the profits. In the worst cases, he immediately emptied the till and sold all the stocks on hand.

The consequences were grotesque. An elegant lady who never left the capital might suddenly be running a quinine plantation on the other side of the country. Gentlemen who couldn't tell a cow from a bull became heads of a cattle company. Generals were allowed to run fisheries, and diplomats soft-drink factories. Minister of Information Sakombi became the owner of a series of newsstands and movie theaters, but also of a few sawmills. Bisengimana received the Prince de Ligne plantations on Idjwi, which comprised one-third of the island itself.⁵⁹ Our friend Jamais Kolonga, a small fish in the network around the president, became head of a lumberyard in his native district. The party animal from the capital was now suddenly required to manage a stock of tropical hardwood. Some made a mess of it, others rose to the occasion. In one fell swoop, pop star Franco became the new owner of Willy Pelgrim's recording empire, a sector with which he was indeed familiar.60 Thanks to Zaïrianization, Jeannot Bemba became the country's wealthiest businessman. He was made chairman of the employers' association and even started his own airline, Scibe Zaïre. Finally, Mobutu treated himself to fourteen plantations spread all over the country. He controlled a quarter of the production of cacao and rubber, had twenty-five thousand people on the payroll, and so became the nation's third biggest employer. Thanks in part to the mining revenues, he was now estimated to be the world's eighth richest man.61

But Mobutu saw his country, and it was not good. In late 1974 he switched to "radicalization." Ailing companies were now taken over by the state. That way they could continue to yield revenue and with those yields he could

describing the curve the rocket had made.¹² A parabola of soot. It looked like a graphic representation of Mobutu's regime: after the steep rise of the first years, his Zaïre toppled inexorably and plunged straight into the abyss.

AND THERE WERE MORE THINGS TO COME DOWN out of the blue in those years. Between 1974 and 1980, two of the Zaïrian army's C-130 transport planes, two Macchi fighters, three Alouette helicopters, and four Puma helicopters went down.¹³ Not a single one of those crashes took place during combat. The reason for so much bad luck? The soldiers were so badly paid that they had started selling the spare parts for their aircraft. Pierre Yambuya, a helicopter pilot in the national army, saw it all happen. His testimony provides a unique glimpse of the state the armed forces were in at the time. "Anyone with a private plane knew that Kinshasa was the world's cheapest market for spare parts. The soldiers sold them for twenty times less than the factory price."14 Mobutu showed off with his prestigious projects, but began neglecting the institution that had made his coup possible: the army. Air force pilots supplemented their incomes by selling, wherever they landed, a part of their kerosene to the local population, who used it as lantern fuel. It became such a common custom that children would run with their yellow jerrycans to the landing strip as soon as a government plane arrived. Yambuya knew what he was talking about: "A sergeant-major earned 280 zaïres, a bag of rice cost 1,200 zaïres back then. An adjutant got 430 zaïres. But a school uniform cost 850 zaïres, and with the 5 zaïre allowance he received for each child, you couldn't even buy a pencil." That suddenly makes corruption much more understandable. The soldiers did not protest "up through the ranks," for that could cost them their jobs or even their lives, but repeated at lower levels that which went on over their heads. "To lead a reasonable life, for example, I sold the fuel from my helicopter. My superior stuck the funding intended for my mission in his own pocket and said: 'If you land somewhere, just sell some fuel. After all, what you do is your own business.""15

Zaïre became sick. The deeper cause was a shortage of revenues (due to the copper crisis, the oil crisis, failed Zaïrianization, and grotesque public spending), and the worst symptoms were the withdrawal of the state and the spread of corruption. It was in the army that that first became visible. Soldiers took military vehicles away from the base and used them to run their own taxi services. Radios and record players disappeared from the mess halls, bulldozers and trucks from the garages. Officers even took their subordinates

Toujours Servir

home with them and used them as servants. Absenteeism in the barracks was high, sometimes more than 50 percent. The few soldiers who did show up for roll call were not highly motivated. Discipline was something from long, long ago. An internal document, the "Mémorandum du Réflexion," did not shrink from self-criticism when it came to a concise summary of the troops' morale: "Everyone wants to command, but no one wants to obey."¹⁶

Meanwhile, on the other side of the Angolan border, Moïse Tshombe's troops—the veterans of the Katangan secession—were increasingly active. Many of them belonged to the Lunda tribe, a people whose traditional territory reached into Angola. Mobutu had driven them into exile many years ago, after they had defeated the Simba rebels. But now, along with their sons and new recruits, they were out for revenge. These notorious Katangan guardsmen had followed a remarkable course. During the Katangan secession (1960–63) they had fought for a rightist, European-run Katanga, but in Angola they had taken sides since 1975 with the Marxist MPLA, the Movimento Popular de Libertação de Angola. The reason for the ideological turnaround was simple enough: the MPLA, like them, held a grudge against Mobutu.

After the Carnation Revolution in Portugal, Angola started in 1975 a violent struggle for decolonization. As in Congo the contest was one for the throne, but in Angola the conflict was far bloodier. There were three factions. Agostinho Neto's left-wing MPLA faced off against the FNLA of Holden Roberto and Jonas Savimbi's UNITA. The superpowers got involved. Angola was the spot where the Cold War experienced its most heated African episode. The MPLA received massive support from Russia and Cuba; the two other militias had American backing. The U.S. support went by way of South Africa and Zaïre: Pretoria backed Savimbi in the south; Kinshasa supported Roberto in the north. Because Roberto also happened to be Mobutu's brother-in-law, the former Katangan guardsmen chose to join up with the MPLA. Their leader's name was Nathanaël Mbumba, their new nom de guerre the FLNC (Front pour la Libération Nationale du Congo), their nickname *les Tigres Katangais* (the Katangan Tigers).

The rebels invaded Zaïre on two occasions. In 1977 and again in 1978 they crossed the border and seized a large part of western Shaba (the so-called Shaba I and Shaba II wars). In numbers and logistics they were far inferior to the national army, but the local population received them joyfully; not only were they fellow Lundas, but the people were also tiring of Mobutu. The rebels won ground easily and in 1978 even took the important mining town

well. Paul Kagame, the current president of Rwanda, became their military leader. Starting in 1990, the RPF began crossing the Rwandan border and initiated a civil war with the Hutu regime. An estimated twenty thousand people were killed in that war between 1990 and 1994, and 1.5 million civilians became displaced. The attacks created so much bad blood among the Hutu population that the hatred toward anything Tutsi grew even further, even toward those Tutsis who had remained in Rwanda and behaved as good citizens. "Cockroaches" is what people called them.

On April 6, 1994, when Hutu president Juvénal Habyarimana's plane was shot down, all hell broke loose. Kagame's RPF had to be behind the attack, the Hutus reasoned, and they began murdering Tutsi citizens on a massive scale. This was no battle fought by soldiers with firearms, but by civilians with machetes. Civilian militias had been trained beforehand by the Hutu regime and equipped with machetes. These militias often consisted of teenage boys weaned on racial hatred, the infamous Interahamwe. They set about the business of genocide, egged on by the broadcasts of hate-radio Mille Collines, which kept repeating that the graves were not yet full and that there were still cockroaches scuttling around. Within three months, eight hundred thousand to one million Tutsis and moderate Hutus had been slaughtered. Meanwhile, from the north, Kagame's RPF continued to press on toward Kigali, the capital.

The international community was not on the ground. At the start of the genocide, the Rwandan government army had murdered ten Belgian blue helmets in order to chase the United Nations out of the country and clear the way for ethnic cleansing. Reporters and foreign journalists fled the country's violence. The eyes of the world in those weeks were turned much more on South Africa, where Nelson Mandela was elected president. Few people knew exactly what was going on and France's President François Mitterand was no exception. He saw the Hutus as victims of the Tutsi invasion and sent French troops to Rwanda to help them. The French support was unconsciously prompted in part by the fact that the Hutus were Francophone while the Tutsis in Uganda spoke English. What Mitterand did not know was that he was in fact protecting the perpetrators of the genocide. Under the name Opération Turqoise, the French troops established a safe haven to which Hutus could flee in the southwest of the country, away from Kagame's advancing RPF, away from the reprisals that were sure to follow.

The genocide was intended to make Rwanda Tutsi-free, but those same

THE DEATH THROES

Tutsis were now coming in to conquer it from the neighboring countries. The RPF's military might had been sorely underestimated. The French soldiers took in hundreds of thousands of Hutu refugees and helped them across the border. Here it was not only a people fleeing, but also a regime: the government army, the country's ordnance, the administrative apparatus, and even the state treasury left the country. Some 270,000 people fled to Burundi and 570,000 to Tanzania, but the lion's share of the refugees—approximately 1.5 million—ended up in eastern Zaïre.³⁸ Mobutu had put his airports at the disposal of the French offensive and granted permission to lodge the refugees in his country. Most of them arrived in North Kivu, in and around the city of Goma (850,000 refugees), and to a lesser extent at Bukavu in South Kivu (650,000).

Along with Pierrot Bushala, the man who had lost his Tutsi girlfriend, I drove in December 2008 to Mugunga, west of Goma, the biggest of the former Hutu camps. It was still being used as a refugee center; since 1994, calm has never returned to Kivu. In the 1990s, under the auspices of the UNHCR, the United Nations' refugee organization, Bushala had been involved in trying to maintain hygiene in the camps. "Can you picture it? This whole area was full of refugees, and there was nothing at all," he said as his jeep bounced through a sinister lunar landscape overrun with garish green vegetation. The earth's surface in this place consisted of black lava from the imposing Nyiragongo volcano a little farther along, and suddenly 850,000 people had been dropped here. Bushala was responsible for the sanitary conditions in one of the camps. "At first the people relieved themselves wherever they could. But then the UNHCR and the Red Cross brought in tents, and quicklime to sprinkle around. It was only later that toilets were built, over a hole in the ground." As we walked around Mugunga itself, I realized how grim a task it must have been to dig toilet holes in that volcanic rock. Pierrot looked out over the desolate landscape of clotted lava covered with little huts and tents. "We combated flies, mosquitoes, we walked around with spray guns, we had teams to empty the toilets, we collected garbage." But it was to no avail. Cholera and dysentery broke out in the camps. At least forty thousand people died. Their bodies were piled along the road. The stench was unbearable. The clouds of flies were so thick that drivers could barely see through their windshields.

The misery that came after the genocide restored Mobutu's international respectability. The French were grateful to him for his assistance and

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bridge over the Ruzizi. There weren't even any customs formalities, no guards, no immigration service, nothing. We drove on until we got to an airfield. Wait here, Déogratias said, and he left. We didn't know exactly where we were, we were just schoolboys. It was already five thirty in the evening and it was getting dark. We were afraid the headmaster at the boarding school would punish us, and we started crying. At seven o'clock a big truck came by and we had [to] climb in. The drive took five hours. "What's the headmaster going to say?" we asked each other. That was our biggest worry. Finally, we arrived at the military training camp at Gabiro. We didn't get soccer shoes, but they gave us rubber boots, not leather boots like the ones at home. There were a lot of children at that camp, all of them kidnapped from Goma and Uvira. There were also a few Bunyamulenge, but they were there as volunteers. They cut off our hair right away. It was one o'clock in the morning, and as a sort of hazing we had to crawl through the mud. You have to rid yourselves of Mobutu, they screamed, you are the new liberators of your country.39

Young Ruffin's testimony is very important, not only because it describes the fate of what was then a relatively new phenomenon, the child soldier under duress, but also because it shows how Rwanda was preparing to invade Zaïre. The Tutsi regime that came to power in Kigali after the genocide was extremely wary of those 1.5 million Hutu refugees in Zaïre. Contrary to international directives, they were not a few dozen kilometers from the border, but bunched up almost right against it. In those camps, the recently routed Hutu regime was busy regrouping. They had money and weapons and were determined to retake Rwanda. Just as the Tutsis in exile had awaited their chance in Uganda from 1962 to 1994, the Hutus in eastern Zaïre were now waiting their turn. Most of the refugees, some 85 to 90 percent, however, did not belong to the national army in exile, had not taken part in the genocide, and had never belonged to Interahamwe.⁴⁰ They were innocent civilians who simply wanted to go home again, but who feared for a genocidal countercampaign.

An invasion was being planned in the refugee camps. The international community was aware of the problem, but did not seem inclined to do much. After the debacle in Somalia, America had no desire to once again see the corpses of GIs dragged through the dust. Belgium did not feel like losing

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François Emizet Kisangani, Guerres Civiles dans la République Démocratique du Congo 1960-2010 (2015)

François EMIZET KISANGANI

GUERRES CIVILES DANS LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO 1960-2010



La version anglaise a été originellement publiée par Lynne Rienner Publishers en 2012 et la version française traduite par Mathieu Mulenga avec la collaboration de Claire Dehon

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ISBN : 978-2-343-02198-0 EAN : 9782343021980 Le territoire de Djugu, la zone la plus peuplée de l'Ituri et riche en plantations de café, se trouve au centre du conflit entre les Hema et les Lendu. D'autres sources de revenu comprennent l'élevage et la pêche dans le lac Albert. On devrait ajouter l'or à cette richesse. Le centre principal d'exploitation aurifère se trouve à Mongbwalu et à Kilo Moto contrôlé par OKIMO avec son quartier général à Bambumines/Camp Yalala dans le territoire de Djugu. Parce qu'il longe la frontière de l'Ouganda, l'Ituri a depuis longtemps servi de centre commercial transfrontalier qui présente des occasions lucratives pour le transport et la taxation des marchandises. En outre, la découverte du coltan, de bois rares et de réserves de pétrole signifie que les Hema et les Lendu occupent la zone la plus fertile et la plus riche dans la région des Grands Lacs. Cette section commence par un bref contexte historique pour évaluer les antécédents critiques du conflit entre les Hema et les Lendu.

Bref contexte politique

Les communautés Hema et Lendu résident principalement dans les territoires de Djugu et d'Irumu. La carte 6.2 montre les autres groupes ethniques majeurs en Ituri : Alur, Bira, Lese, Logo, Kakwa, Lugbara et Nyari. En dehors de ces autochtones, d'autres groupes avaient migré dans la région, y compris les Nande du Nord-Kivu, qui vivent essentiellement à Bunia et à Mongbwalu. En 2002, la population de l'Ituri s'approchait de 4,5 millions (Integrated Regional Information Networks, 2002). Les Lendu constituent presque 17 pour cent, alors que les Hema représentent 3,5 pour cent. Le deuxième groupe le plus large en Ituri est celui des Alur avec 11 pour cent. Les deux communautés antagonistes, les Lendu et les Hema, peuvent chacune être subdivisées en deux groupes. Les Lendu comprennent un groupe du sud, appelé Lendu-Bindi ou Ngiti, et un groupe du nord, constitué des clans Pitsi, Djatsi et Tatsi. Les Lendu sont essentiellement agriculteurs et ils se déclarent premiers occupants des terres dans le territoire de Djugu. Les Hema ont aussi un groupe du sud, les Nyoro, et un autre du nord, les Gegere. Les Gegere se marièrent aux Lendu et ils parlent le Kilendu. Dans ce sens, ils présentent des similarités avec les Tutsi vivant à Rutshuru et à Masisi qui parlent le hutu ou le kinyarwanda. Les Hema du sud sont essentiellement pasteurs, mais, parmi ceux du nord, il y a aussi bien des commerçants.

Historiquement, ni les Hema ni les Lendu ne sont originaires de l'Ituri. Selon les contes historiques des migrations en Ituri, les pygmées mbuti furent les premiers occupants d'une zone allant de l'Ituri au Nord-Kivu (Ndaywel, 1997). La première vague de migrations vers l'Ituri commença peut-être entre le seizième et le dix-septième siècles avec des groupes lese et nyari qui repoussèrent les pygmées mbuti. Au dix-huitième siècle, des migrations lendu refoulèrent les Lese et les Nyari. Le dernier mouvement de populations dans la région consista en de petites vagues de Hema vers la fin du dix-huitième siècle et au début du dix-neuvième siècle, avec leur bétail, partis à la recherche de pâturage (Thiry 2004). Ils se relocalisèrent le long de la rive occidentale du lac Albert et ils s'associèrent aux Lendu. Ce mélange entre les Hema et les Lendu ne créa aucun problème parce que les premiers adoptèrent la langue lendu. Un autre groupe de Hema, les Nyoro, repoussèrent les Lendu plus loin au nord, délimitant ainsi leur propre terre sans se mêler aux Lendu. Ces mouvements de population ne s'arretèrent pas puisque même vers la fin du dix-neuvième siècle, d'autres migrations de petits groupes continuèrent.

Les agents du roi Léopold II pénétrèrent dans la zone pendant la révolte de l'expédition de Dhanis, ou la mutinerie des Batetela, au cours des années 1890 (Flamant et al, 1952 ; Moulaert, 1950). Le peuple d'Ituri fut de la sorte parmi les premiers à l'est du Congo à tomber sous le règne de l'EIC. En 1895, la zone d'Ituri faisait partie du district de Stanley Falls qui comprenait aussi le Maniema actuel, le Nord-Kivu, le Sud-Kivu et le Tanganyika. Ce n'est qu'après la réforme administrative du Congo belge en 1912 que l'Ituri devint un district et, en 1926, fit partie de la province Orientale. Quoique la situation fut politiquement satisfaisante en Ituri dans les premières années du règne colonial, les Lendu restèrent difficiles à assujettir. Par exemple, en 1911, les Lendu-Bindi d'Irumu se révoltèrent et tuèrent un chef Hema, Bomera, à cause d'un problème de terres (Johnson, 2003). Et, en 1919, selon les archives coloniales, les « autochtones de la zone de Kilo refusèrent d'exercer n'importe quel type d'emploi ; des mouvements séditieux apparurent parmi les Lendu et les Lese » en 1919 (Belgique 1920, p. 12). Pour rétablir l'ordre, l'autorité coloniale dut mener des opérations de police dans la zone.

Le 8 novembre 1920, l'administration coloniale introduisit des secteurs sur base ethnique, et le décret du 5 décembre 1933 créa de nouvelles chefferies (Magotte 1934). Les deux lois institutionnalisèrent la gouvernance indirecte et elles furent couramment appliquées dans les Kivu et dans l'Ituri (Bucyalimwe 2005). Le décret de 1920 imposa un chef Hema sur les Lendu,

créant une situation semblable à ce qui se passa à Masisi et à Rutshuru au Nord-Kivu. Toutefois, les Lendu se révoltèrent et tuèrent une fois encore le chef hema. Parce que le territoire de Djugu restait insoumis, le commissaire de district de l'Ituri suggéra la mise de la zone sous occupation militaire pour arrêter la révolte lendu. Il basa sa proposition sur le fait que l'occupation n'aiderait pas seulement la compagnie minière aurifère de Kilo Moto à recruter la main d'œuvre parmi les Lendu, mais qu'elle pouvait aussi aider l'administration coloniale à contrôler les Lendu (Moulaert 1950, p. 96 et pp. 225-257). Ainsi, l'administration coloniale exploita massivement les territoires de Djugu et d'Irumu, surtout après la découverte des gisements d'or de Kilo Moto.

Les Belges encouragèrent une économie basée sur des plantations tenues par des colons européens. Cette exploitation conduisit à des déplacements de populations ainsi qu'à l'aliénation des terres et des droits de pâturage, comme cela se passa dans le Kivu. En 1923, l'administration coloniale décida de séparer les Hema et les Lendu en limitant les collectivités de Djugu au nord et d'Irumu au sud pour éviter une future confrontation ethnique. Cependant, la politique de subjuguer les Lendu n'eut pas de succès. En effet, six ans plus tard, l'administration coloniale envoya une autre occupation militaire pour contrôler les Lendu dans la zone de Geti parce qu'ils refusaient de payer leurs impôts (Belgique 1930, p. 104). L'administration introduisit aussi un droit privé sur la terre et un système d'enregistrement de titres fonciers, les déclarant des terres vacantes et donc une propriété d'Etat ; ce qui aboutit à l'aliénation de milliers d'hectares de terre des communautés locales lendu.

En outre, l'Etat colonial mit en place des politiques sociales qui désavantagèrent les Lendu. Parce que les Hema coopéraient avec les colons en Ituri, l'Etat ouvrit des écoles pour enfants hema. Cette politique se basa sur un mythe colonial de supériorité selon lequel les « Hema avaient plus de qualités de leadership et étaient plus intelligents que les Lendu » (Moulaert 1950, pp. 255-256). L'éducation des Hema leur permit plus tard d'occuper plus de postes d'auxiliaires dans l'administration coloniale, dans la compagnie minière de Kilo Moto et dans les plantations. L'unique alternative laissée aux Lendu fut de rester au village pour cultiver la terre ou devenir ouvrier manuel dans l'industrie minière ou dans les plantations. Cette situation créa une nouvelle stratification sociale qui associa l'ethnicité à la classe ; les Hema

perception de l'inégalité accrût les chances de conflit entre les Hema et les Lendu, l'administration coloniale réussit à subjuguer les Lendu grâce à des opérations militaires ou de police dans le district de l'Ituri, de la sorte évitant toute sorte de révolte.

En 1960, quand le Congo devint indépendant, le district de l'Ituri vota massivement pour le MNC/L. Des vingt sièges alloués à l'Ituri, dix-neuf furent pris par le MNC/L (Gérard-Libois et Verhaegen 1961, p. 183). L'idéologie nationaliste et unitariste du MNC/L donna à la population du district de l'Ituri un forum pour exprimer leurs demandes dans le cadre du programme national. Le 14 août 1962, Kibali-Ituri devint une province, avec Jean Foster Manzikala comme président. Les forces centrifuges qui avaient fissuré plusieurs provinces suivant des lignes ethniques ne dérangèrent pas les relations ethniques entre les Hema et les Lendu à ce moment-là. Parce que la province soutenait en majorité le MNC/L, la politique ethnique ne posa pas de problème malgré le fait que la plupart des postes politico-administratifs en Ituri restaient dans les mains des Hema, une conséquence du système colonial. Ce n'est qu'après 1966 que les Lendu se révoltèrent et qu'ils refusèrent de payer les impôts à ce qu'ils considéraient comme une administration hema. L'autorité provinciale réprima le mouvement qui se solda par de lourdes pertes en vies humaines (ICG, 2003).

En 1973, Mobutu promulgua la loi foncière qui donna aux Hema un accès facile à la terre au détriment des Lendu. Cette loi fut suivie par la politique de nationalisation en novembre 1973. Les deux lois bénéficièrent plus aux Hema qu'à tout autre groupe ethnique en Ituri parce qu'ils dominaient dans l'appareil politique d'Etat. Une année plus tard, un dirigeant Lendu, Soma Mastaki, créa un pseudo-parti appelé le Parti de Libération des Walendu (PLW) qui avait pour but de servir de forum par lequel les Lendu pourraient exprimer leurs demandes pour une meilleure représentation dans les institutions d'Etat d'où ils avaient été marginalisés et exclus par les Hema, en dépit du fait qu'ils représentent 17 pour cent de la population de l'Ituri (ICG, 2003). Malheureusement, le mouvement tourna rapidement au terrorisme, à tendre des embuscades et à tuer de civils hema. Des rapports des administrateurs du district indiquèrent que le mouvement utilisait du poison pour tuer des enfants hema en âge de scolarité. L'accusation se répandit à tel point que les lettres PLW devinrent synonymes de poison en Ituri. La conséquence de ces actes fut si dévastatrice pour les Hema qu'ils exigèrent une trêve entre les deux communautés. En 1975, les dirigeants communautaires des deux groupes signèrent le pacte de réconciliation sous le gouverneur Assumani Busanya Lukili. Le pacte rétablit la paix entre les deux groupes pendant dix ans, de 1975 à 1984 (ICG, 2003). Quoiqu'il y eut de nouveau des tensions en 1985, la situation resta calme sans aucun incident majeur.

La relation entre les deux groupes changea après que le président Mobutu annonça la libéralisation de son régime politique en 1990. Comme au Nord-Kivu, les élites de l'Ituri créèrent des organisations pour promouvoir les intérêts de leurs groupes. Les Hema furent les premiers lorsqu'ils fondèrent l'ETE. Le mot signifie « bétail » dans la langue hema et il représente un symbole de noblesse pour se distinguer des autres, bien que les Hema ne fissent jamais partie de n'importe quel type de noblesse dans l'Ituri précolonial. En tout cas, l'ETE avait pour but de renforcer la solidarité ethnique et d'établir un objectif commun en renforçant l'unité du groupe contre la menace des Lendu.

Les Lendu suivirent à leur tour et créèrent le LORI, mot qui signifie « sous l'arbre à palabre ». Cependant, le LORI représentait réellement le mouvement de Libération de la Race Opprimée en Ituri. L'organisation avait pour but d'élever la conscience politique du groupe lendu et de combattre contre le pouvoir dominant des Hema perçus comme une force d'occupation qui s'était accaparée de la terre lendu. Comme partout ailleurs à l'est du Congo, les groupes d'entraide, tels que le LORI et l'ETE, essayèrent de mobiliser les circonscriptions ethniques au cas où les élections auraient lieu. Ils fournissaient même un véhicule intellectuel pour mobiliser les jeunes et pour justifier la violence.

Ce n'est qu'après 1993 que les Lendu-Ngiti et les Hema s'affrontèrent à Irumu, faisant plus de 270 morts (ICG, 2003). Mobutu envoya un bataillon de son armée en Ituri, mais le bataillon devint incontrôlable et il utilisa même de l'artillerie lourde contre les Lendu, tuant délibérément plus de 300 civils. Même la guerre contre Mobutu vers la fin de l'année 1996, qui se termina en mai 1997 avec l'accession au pouvoir de Laurent Kabila comme président, ne changea pas les relations ethniques en Ituri. En août 1997, cependant, les Lendu-Pitsi dans la localité de Tsunde, à Djugu, commencèrent à protester contre les activités d'un propriétaire de ranch hema, Magbo Mugenyi, qui élargissait ses pâturages dans les champs des fermiers lendu. Un dirigeant lendu, Ngbadhengo Gobba, intercéda avant que la protestation ne tourna en conflit armé (ICG, 2003). Gobba organisa une réunion avec le propriétaire de ranch hema. La rencontre non seulement diffusa la tension, puisque le propriétaire de ranch hema revint sur sa position, mais elle réunit aussi la plupart des chefs traditionnels pour discuter ensemble les questions des terres. Il en résulta une sorte de réconciliation vers le milieu de 1998 entre les chefs traditionnels. La réunion prit fin avec la création du Conseil Consultatif des Chefs Coutumiers de l'Ituri. Elle avait pour but de prévenir tout conflit armé et de résoudre les problèmes en matière des terres sans recourir à la violence. Le Conseil Consultatif apporta ainsi un semblant de paix jusqu'à ce que la guerre anti-Kabila éclata le 2 août 1998 et que l'armée ougandaise occupa le district de l'Ituri.

Au début de 1999, il y eut des échauffourées dans le territoire de Djugu quand les forces ougandaises commencèrent à évacuer les fermiers lendu de leur terre adjacente au ranch de l'homme d'affaires hema, Singa Kodjo, en échange de paiements comptants (ICG, 2003). La plupart des officiels lendu et des conseillers locaux qui intervinrent pour arrêter le mouvement furent arrêtés et emprisonnés pour avoir troublé l'ordre public. Ces arrestations envenimèrent un environnement déjà tendu en Ituri. Vers la fin du mois de mai 1999, des menaces écrites des chefs lendu dans la collectivité de Pitsi demandaient que les Hema, considérés comme des « visiteurs vivant ici sur ces collines », évacuent les zones de Blukua, dans le territoire de Djugu (ICG 2003, p. 4). Les Hema perçurent ceci comme un avant-goût prémédité d'un « nettoyage ethnique ». L'administrateur de Djugu dut intervenir pour diffuser la situation et convoqua une réunion urgente de tous les dirigeants communautaires le 19 juin 1999 dans le territoire de Djugu. Cependant, la rencontre se termina en queue de poisson. Dans l'entretemps, des groupes d'entraide dominés par des jeunes gens sans emploi commencèrent à inciter l'animosité et à faire circuler des tracts haineux. Le même jour à Djugu, il y eut des affrontements violents entre les Hema et les Lendu qui se répandirent rapidement. Quelque 700 personnes furent tuées le 19 juin 1999 uniquement, le premier jour du conflit.

Le 18 octobre, seulement trois mois après l'éclatement du conflit, quelque 5 000 à 7 000 personnes avaient été tuées et plus de 100 000 personnes étaient déplacées (U.S. Committee for Refugees, 2000). A la mi-2000, le conflit s'était répandu à d'autres territoires, entraînant d'autres groupes ethniques. Par exemple, il atteignit Mongbwalu, le centre d'OKIMO, en 2002 et, en l'espace d'une année, les batailles pour le contrôle de la ville aboutirent à plus de 2 000 décès (Human Rights Watch 2005, p. 23). Malgré des tentatives de paix, le conflit entre les Hema et les Lendu continua et, en juillet 2005, quand il prit fin officiellement, 80 000 à 100 000 personnes avaient été tuées et une moyenne de 46 000 personnes étaient déplacées internes chaque année de 1999 à 2005. Au moment du conflit, l'Ituri comptait au moins onze groupes armés avec une moyenne estimée à 12 000 hommes chacun (ICG, 2008). Les plus importants étaient l'Union des Patriotes Congolais (UPC), créée en 2000 par Thomas Lubanga, et un groupe établi en 2002 par les Lendu Bindi, les Forces de Résistance Patriotique des Lendu en Ituri, en tant que groupe armé du Front National Intégrationniste (FNI).

Bien qu'il y eut des confrontations entre les Hema et les Lendu dans le passé, les autorités étaient rapidement intervenues et elles avaient rapidement arrêté la violence en ayant recours à des mécanismes traditionnels d'arbitration et de médiation. L'impuissance des autorités traditionnelles en juin 1999 fournit une perspective différente de la violence qui apparut au milieu de la guerre contre Kabila et qui impliqua aussi les Forces de Défense du Peuple Ougandais (FDPO). Des généraux ougandais soutinrent et remplacèrent des dirigeants rebelles comme ils le désiraient. Wamba dia Wamba, Mbusa Nyamwisi, John Tibassima, Jean-Pierre Bemba, Thomas Lubanga, le chef Kahwa et beaucoup d'autres régnèrent dans l'Ituri en tant que protégés des généraux ougandais.

Les causes du conflit Hema-Lendu

Au début de l'année 1998, quand les autorités traditionnelles créèrent le Conseil Consultatif, la plupart des observateurs espéraient que l'Ituri se trouverait sur le bon chemin et que sa richesse naturelle aiderait à reconstruire le district. Toutefois, la présence de l'armée ougandaise changea la situation en Ituri. Un point de jonction critique du conflit hema-lendu fut le rôle de l'armée ougandaise opérant dans l'Ituri pour préserver la sphère d'influence du président Museveni dans la guerre anti-Kabila. Avant juin 1999, les officiers ougandais avaient donné une formation militaire à la fois aux Hema et aux Lendu. Cette formation avait pour but d'augmenter la taille de l'aile armée du RCD-Mouvement de Libération (ML), le groupe rebelle soutenu par l'Ouganda qui théoriquement contrôlait le district de l'Ituri. Toutefois, une grande partie des officiers ougandais favorisèrent les Hema en leur donnant un traitement préférentiel et en les promouvant pour qu'ils puissent diriger des groupes de milices, excluant ainsi les Lendu. Le conflit dans l'Ituri qui commença à Djugu le 19 juin 1999, ne fut pas un acte spontané d'un groupe de jeunes gens sans emploi. Un mois avant l'incident, certains chefs lendu demandèrent aux propriétaires hema de ranchs de faire leurs bagages et de quitter les terres lendu ou sinon de faire face à des conséquences désastreuses. Craignant une telle attaque, la plupart des propriétaires hema de ranchs engagèrent des soldats ougandais pour protéger leurs propriétés vers la fin du mois de mai 1999. Aux yeux des Lendu, les troupes ougandaises devinrent des complices en prenant les terres lendu. Bien que le rôle des troupes ougandaises fût critique, le sens d'exclusion des Lendu n'était pas nouveau, mais il devint aigu vers la fin des années 1960. Depuis lors, leurs élites essayaient de se positionner dans le processus politique de l'Ituri. Ils finirent par découvrir que l'obstacle principal à leurs aspirations politiques provenait de la domination hema à tous les niveaux de l'appareil politico-administratif.

En plus de cette politique d'exclusion, un certain nombre d'antécédents critiques aident aussi à expliquer le conflit dans l'Ituri. Le premier antécédent critique est un élément de continuité. Le conflit en Ituri commença lorsque le système colonial troubla les arrangements institutionnels traditionnels en nommant des Hema à la tête des chefferies lendu. En fait, les haines précoloniales entre les Lendu et les Hema ne sont pas reprises dans les annales historiques (Ndaywel, 1997). Avant l'arrivée des Européens, les deux groupes cohabitaient pacifiquement. Ainsi, la tension entre les Hema essentiellement pasteurs et les Lendu essentiellement agriculteurs commença au début des années 1910, tournant occasionnellement à la violence suite à la politique coloniale. Le gouvernement belge accentua les divisions et les inégalités sociales entre les deux communautés et les autres groupes ethniques de la région. Les Hema avaient accès à l'éducation et aux emplois dans l'administration coloniale parce qu'ils coopéraient avec le système colonial. Des situations similaires apparurent à travers le Congo, comme au Kasaï entre les Luba et les Lulua (voir le chapitre deuxième). Cette politique coloniale de « diviser pour régner » causa un climat d'animosité et de haine et la période postcoloniale renforça l'inégalité croissante entre les Hema et les Lendu. Une élite hema prit la relève et elle devint un grand groupe propriétaire foncière, une classe d'hommes d'affaires et un noyau administratif, avec un plus grand accès à la richesse, à l'éducation et au pouvoir politique. Ce fait se reflète dans la proéminence des Hema à des postes influents dans le gouvernement provincial et central. Malgré ces différences, les communautés hema et lendu coexistèrent généralement pacifiquement, surtout dans les zones rurales et d'autant plus que l'endogamie était fréquente, surtout entre les Lendu du nord et les Hema du nord.

Le deuxième antécédent critique, ou élément de changement, fut la promulgation de la loi foncière de 1973. Comme mentionné précédemment, la loi modifia les droits de propriété foncière et elle fit de toutes les terres une propriété de l'Etat, abrogeant les contraintes du droit coutumier dans l'octroi des droits d'usage des terres. Comme au Nord-Kivu, les bureaucrates chargés de l'application de la loi foncière en Ituri se transformèrent en distributeurs de terres. En les allouant, ils firent complètement fi de la loi foncière de 1973 et ainsi que du droit coutumier. Les propriétaires des ranchs hema purent s'acheter des terres dans tout l'Ituri beaucoup plus facilement que les Lendu ne pouvaient le faire parce que les Hema dominaient l'appareil politico-administratif de l'Ituri et parce qu'ils facilitaient les transactions entre eux. En outre, la loi sur la nationalisation de 1973 donna plus d'avantage aux Hema qui devinrent propriétaires de la plus grande partie des entreprises et des plantations nationalisées.

Le conflit de l'Ituri tourna ainsi autour de l'utilisation sans scrupules de la loi foncière de 1973 qui força beaucoup de familles lendu à quitter leurs maisons parce que leurs terres pouvaient être et, effectivement, avaient été achetées par quelqu'un d'autre, probablement par un propriétaire de ranch hema. Essentiellement, la plupart des marchés des terres que les administrateurs avaient conclus étaient illégaux. Néanmoins, les Hema continuèrent à augmenter leurs terres et à déplacer les Lendu de leurs villages. Tout cela ressemble au conflit au Nord-Kivu entre les Tutsi et les Hunde dans le territoire de Masisi où le droit foncier coutumier fut ignoré par ceux qui avaient le pouvoir. Comme indiqué par Vlassenroot et Raeymaekers (2003, p. 210), l'éclatement du conflit de l'Ituri doit se comprendre comme le résultat de l'utilisation des acteurs locaux et régionaux dans un conflit politique local profondément enraciné dans l'accès à la terre, à des ressources économiques disponibles et au pouvoir politique.

Le troisième antécédent critique du conflit dans l'Ituri, comme au Nord-Kivu, impliqua le mode de production agricole : l'agriculture contre l'élevage ou le soc contre le bétail. L'unique différence entre le Nord-Kivu et l'Ituri était que les pasteurs avaient migré dans l'Ituri durant la période précoloniale, alors que les Tutsi avaient introduit le bétail à Masisi dans les années 1930. L'expansion des pâturages résultant de la loi foncière de 1973 sapa aussi l'autorité traditionnelle lendu. Inévitablement, les Lendu répliquèrent.

Le dernier facteur est l'interaction entre l'ethnicité et le processus de démocratisation. Le processus commença en avril 1990 et il déclencha l'ethnicité comme une voie principale pour mobiliser les bases électorales. Toutefois, l'ethnicité en elle-même ne cause pas de violence, mais « lorsque l'ethnicité est liée avec l'incertitude sociale aiguë, une histoire du conflit et, en fait, la crainte de ce que le future pourrait apporter, elle apparaît comme l'une des failles majeures le long desquelles les sociétés se fracturent » (Newland 1993, p. 16). Les élites hema et lendu recherchèrent le soutien de leurs propres groupes ethniques parce qu'elles n'avaient pas de politique à idéologie nationaliste et unitaire tel que le MNC/L au début des années 1960. Le langage ethnique plutôt qu'un langage idéologique national devint l'appel politique des élites. Elles créèrent des organisations d'entraide comme premier pas vers un conflit. Grâce à des discours politiques incendiaires, les élites mobilisèrent des jeunes sans emploi qui devinrent des instruments de terreur et de mort.

Quoique l'ethnicité fût critique lors de la mobilisation des jeunes gens, des sentiments primordiaux expliquent à peine le conflit ethnique en Ituri. Une perception d'exclusion à la modernité, créée pendant la période coloniale, a été perpétuée dans l'ère postcoloniale. Cette perception fut le premier facteur à susciter l'animosité. Des symboles ethniques devinrent immensément puissants dans le conflit en Ituri parce qu'ils permettaient habituellement aux politiciens de réinterpréter un conflit d'intérêt et la politique d'exclusion comme une lutte pour la sécurité, la survie, le statut et l'avenir de leur groupe. Se servir de ce symbole pour évoquer des émotions telles que la peur et la haine, c'est la manière par laquelle les politiciens motivent leurs partisans. Une pré-condition de guerre ethnique est l'occasion politique qui consiste en deux éléments. Premierèment, il devrait d'abord y avoir assez d'espace politique suite à la faiblesse de l'Etat pour mobiliser sans la possibilité de faire face à une répression possible ; l'accès aux institutions d'Etat augmente évidement cette occasion. Deuxièmement, il faut une base territoriale parce que les rebelles ne peuvent pas se mobiliser à moins qu'ils ne se concentrent territorialement dans des régions spécifiques (Toft, 2003).

chargée de sécuriser l'aéroport et de protéger les personnes déplacées à Bunia. Cette force, appelée Opération Artemis, comptait 1 800 soldats français et un petit groupe des Forces Spéciales Suédoises de quatre-vingts hommes. L'opération fut lancée le 12 juin alors que les soldats ougandais avaient terminé leur retrait du Congo.

La mission française, sous le général Jean-Paul Thonier, resta à Bunia jusqu'au 1^{er} septembre 2003. Elle agit de manière décisive et avec force contre les milices locales qui refusaient de se conformer à l'Accord de Luanda. Elle étendit aussi son influence au-delà de Bunia en interrompant le flux d'armes aux groupes des milices. Le 28 juillet 2003, le Conseil de Sécurité des NU vota la résolution 1493 qui définit les tâches des 10 800 soldats de la MONUC (UN, 2003). Appelées MONUC II sous le chapitre VII, ces troupes avaient pour mission de protéger le personnel des NU, les équipements et les installations ainsi qu'assurer la sécurité et la liberté de mouvement de son personnel impliqué dans différentes missions au Congo. En outre, elle avait le mandat de protéger les civils et les travailleurs humanitaires sous menace de violence physique imminente et de contribuer à l'amélioration de la sécurité pour l'assistance humanitaire.

Malgré un personnel militaire suffisant pour établir la sécurité, la brigade des NU dans l'Ituri ne fit pas preuve d'initiative dans ses relations avec les groupes des milices en Ituri qui se multipliaient toujours. Elle resta plus faible que prévu à Bunia selon beaucoup d'observateurs (Nest, Grignon et Kisangani, 2006 ; ICG, 2004). La brigade avait aussi beaucoup de faiblesses qui sapèrent son rôle et retardèrent le processus de paix à Bunia. Les soldats des NU furent incapables de reproduire le succès de l'opération Artemis parce qu'ils n'avaient pas la capacité de contrôler les mouvements des milices et leurs moyens de communication. Par exemple, le 25 février 2005, un certain nombre de milices tuèrent neuf soldats bangladais de maintien de la paix des NU près de la ville de Kafe (ICG, 2008). En réplique, les forces des NU attaquèrent une forteresse de l'une d'entre elles, tuant cinquante personnes. En conséquence, d'autres conflits éclatèrent qui conduisirent au kidnapping d'un certain nombre de casques bleus par des groupes de milices.

Trois évènements changèrent la gestion du conflit dans l'Ituri et ils préparèrent un chemin vers un semblant de paix. Premièrement, le CIAT exigea que le gouvernement émette des mandats d'arrêts national et

Sebastian Gatimu, Institute for Security Studies, *The true cost of mineral smuggling in the DRC* (11 Jan. 2016)





The true cost of mineral smuggling in the DRC

Illegal mineral outflows rob the DRC of much-needed revenue that should go to its development.

11 JAN 2016 / BY SEBASTIAN GATIMU

There has been a soaring demand for commodities from Africa in recent years, which created a unique opportunity for the continent to plough this windfall into socio-economic development. However, a great portion of the resources that leave Africa's shores each year is not reflected in government revenue books.

Africa loses far more money through illicit financial flows every year <u>than it receives in aid</u> and foreign direct investment. Global Financial Integrity (GFI) estimated that Africa loses a total of US\$38.4 billion annually through trade mispricing, and <u>US\$25 billion through other illicit flows</u>.

According to a joint report by the African Development Bank and GFI, <u>the illicit haemorrhaging of resources</u> <u>from Africa</u> is about four times that of Africa's current external debt. Unethical commercial transactions by multinational companies make up a massive <u>60% to 65% of the illicit outflow of the continent's wealth</u>.

Indeed, the scramble for Africa's resources has continued unabated, and is arguably worse than during the era of colonialism. Emerging industrial powers in the East have joined those of the West in exploiting Africa's mineral wealth 'at all costs'. In some cases, they collaborate with illicit networks and militias. The result is that many prospects and opportunities for the development of the continent suffer a slow death.

Many prospects for Africa's development suffer a slow death due to mineral smuggling



1/18/2018

The true cost of mineral smuggling in the DRC - ISS Africa

The resource-rich Democratic Republic of Congo (DRC) is a clear case in point. The Institute for Security Studies (ISS) is currently researching illicit smuggling networks in eastern DRC to better understand and respond to this challenge that continues to undermine the stability and development of the region.

Since the late 1800s, the Congolese people have suffered at the hands of foreign and local businessmen and political leaders intent on exploiting resources such as rubber, ivory, diamonds, gold, copper, cobalt and timber. The potential prosperity of the DRC is complicated by its history of violence and fragility. The country gained independence in 1960, but a period of instability ensued after the assassination of Congolese independence leader Patrice Lumumba in 1961. Belgium and the United States of America <u>were implicated in this crime</u>.

In 1965, Joseph Mobutu was brought to power via a coup. The influx of refugees from Rwanda following the 1994 genocide further weakened the state, leading to overthrow of Mobutu in 1997. The rebel force installed Laurent Kabila as president of the renamed DRC. Civil war continued, causing the deaths of millions of people and leading to the president's assassination in 2001.

Laurent's son, Joseph Kabila, was officially elected the DRC president in 2006, but the fighting continued. Throughout the country's fragile history, external actors from the region and abroad have contributed to destabilising the DRC.

As much as 98% of the gold produced in the DRC is smuggled out

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The roots of the country's mineral smuggling scourge can be traced back to 1981, when Mobutu legalised artisanal mining, thereby liberalising mineral trade in the country. The artisanal mining sector expanded as locals started exploiting minerals and selling them wherever they could find a market.

Neighbouring countries took advantage and provided free, unregulated cross-border trade that created an ideal environment for mineral smuggling. This saw the formation of regional illicit mineral trade networks.

The ISS research found that smuggling networks are well coordinated between and within states, driven by the demands of international markets and comprised of a web of dangerous, intertwined groups that link the market chain from the mine to jewellery stores. These networks often operate in the formal and open sector as well as the illicit underworld; making them both invisible and opaque.

Networks are made up of decentralised components that enjoy significant autonomy, but which ultimately answer to political elites and business moguls. The latter parties facilitate illicit trade by compromising formal state structures, state security measures and other trade regulations. For the networks, the control of flows and routes – including cross-border channels – is more important than control of territories.

To what extent, however, does illicit mineral trade harm the DRC? The United Nations Security Council Group of Experts on the DRC estimated in a 2014 report that a staggering <u>98% of the gold produced in the country is smuggled out</u>. According to the United States Geological Survey, artisanal miners produce an estimated <u>10 000</u> kg of gold per vear. However, between January and October 2013, official export records show that only 180.76 kg had legally left the country.

1/18/2018

The true cost of mineral smuggling in the DRC - ISS Africa

The main trading towns in eastern DRC for gold smuggling are Bukavu, Butembo, Bunia, Ariwara and Kisangani. The vast majority of the gold traded in these towns leaves the country illegally. Most illicit minerals from eastern DRC are exported <u>through companies based in Europe, China, Russia, South Africa, the United Arab Emirates,</u> <u>Lebanon and other Asian markets</u>.

Terrorist organisations are also involved in mineral smuggling networks

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Since 1997, Kampala has been a major trading location and transit hub for Congolese gold. Nearly all of the gold traded in Uganda and Kenya is illegally exported from the DRC.

<u>Burundi is also major transit country for gold originating in eastern DRC</u>, as is Tanzania, itself a major gold producer.

In addition to gold, the eastern DRC has large deposits of tin, tungsten and tantalum (3Ts), mostly used in manufacturing electronics like mobile phones and laptops. It has been alleged that <u>Rwanda is a transit point for</u> the exportation of smuggled 3Ts from the DRC.

Terrorist organisations have also become involved in these networks, according to an interview with Remy Kasindi, Director of Research at CRESA, a think tank based in Bukavu. Kasindi explained that groups such as al-Shabaab and the Allied Democratic Forces-National Army for the Liberation of Uganda have joined hands in smuggling minerals from North Kivu, and are financing their activities by using gold and other natural resources stolen from eastern DRC.

Many local and international initiatives have aimed to curb the menace of illegal mineral trade. These include the Kimberly process, Extractive Industries Transparency Initiative, and the International Conference on Great Lakes Region (ICGLR) initiative against the illegal exploitation of natural resources – but so far they have attained limited success. The future development of Africa requires a fundamental change. An effective solution must start with member states in the Great Lakes Region, who must prioritise the implementation of the ICGLR initiative.

Together with regional economic communities and under the umbrella of the African Union, cross-border trafficking in the region must be investigated and addressed with practical measures. This must happen in a way that reinforces transparency and accountability, and ensures inclusivity <u>in line with the African Mining Vision</u>.

Given the eastern DRC's vast wealth of resources, it is incomprehensible that the area remains fraught with development issues. It is time for this to end.

Sebastian Gatimu, Researcher, Governance, Crime and Justice Division, ISS Nairobi

IRIN, Special Report on the Ituri Clashes Part II: The Ugandan position (3 Mar. 2000)

- http://www.irinnews.org/report/12700/drc-irin-special-report-ituri-clashes-part-two

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IRIN Special Report on the Ituri clashes [Part Two]

NAIROBI, 3 March 2000

The Ugandan position

The Ugandan army (UPDF) has occupied the fluri district of the Democratic Republic of Congo since November 1998. Rwandan troops supported the occupation until May 1999, when units of Ugandan and Rwandan soldiers clashed in Kisangani and precipitated a parting of the former allies.

The Ugandan government claims its only interests in the Congo are to protect vulnerable borders used by the Ugandan armed opposition. However, it is accused of economic and political exploitation and has come under increasing internal and international pressure to account for actions in northeastern Congo.

The RCD-ML is a client movement, whose leader Ernest Wamba dia Wamba justifies the present occupation as a necessary security measure for a neighbouring country. Wamba also said he welcomed the presence of the Uganda anny in its capacity to train Congolese soldiers, including a directive that no guns should be carried. Congolese soldiers guarding RCD members are restricted to compounds. There is some disaffection with Ugandan hegemony, however, within the RCD-ML. Some prominent RCD-ML representatives complain that Ugandan soldiers are pursuing their own agenda, taking sides in the present conflict, "exporting" domestic military corruption and "trying to undermine RCD".

Initially the UPDF had no directive on the Ituri conflict, and, as a result, was accused of acting as bystanders to massacres. Later, incidents of "mercenary behaviour" led to accusations of it taking an active part in the clashes.

By November, Ugand took direct measures to control the conflict. In late December, Ugandan President Yoweri Museveni flew representatives of the local peace talks to Kampala. The group comprised 18 delegates composed of Lendu, Hema, Alur, Ndo Okebo and Mambias representatives. According to a participant in the Kampala talks, President Museveni loki the communities that the conflict had to stop, and there was abundant land in Congo to co-habit peacefully. Representatives say the talks resulted in changes in the RCD-ML administration, including the immediate removal of the controversial governor, Adele Lotsove. Representatives said they also told President Museveni that he should take responsibility for the area he controlled as he was effectively its 'foreign president'.

Individual soldiers have been investigated for exploiting interests in timber, gold, diamonds and coffee as well as being hired by some Hema to act as mercenaries in the conflict. Recent alegations focus on a former colonel, Peter Karim, who was dismissed from the UPDF in 1998 for misconduct, and now operates with the reserve force. In turi, he is accused of taking coffee and limber for export, and supplying guns. Complaints of mercenary behaviour and opportunism in the UPDF resulted in the removal and investigation of Commander Kyakabale in November, and a new leadership under Commander. Many of the troops were replaced by December, and more deployed in January.

Redeployment of troops in January increased the profile of the UPDF in villages, but still only consisted of very few soldiers. According to the present commander at Djugu, its difficult for the UPDF to keep track of groups of fighters in the wast, urfamiliar terrain. The confusion and opportunism of the UPDF in turi is well illustrated by an incident between two Ugandan units that took place in September. A southerm unit, led by Kyakabale, had been mobilised by a Hema group to attack Kpandrona, described as the headquarters of the Lendu in Rehty. Aware of the advance, the Lendu alerted a northern unit of Ugandans to come to protect the village. There was an exchange of fre and casualities when the northern unit successfully ambushed the southern unit. This was the catalyst for subsequent investigations.

Despite the Ugandan relationship with the Hema, UPDF soldiers have acted on an ad hoc basis since the start of the conflict to protect other victims of mass attacks, including Lendwis, Nolo Okebo, and Aur. As a result, units of Ugandan soldiers are generally accepted as viable security. Up to now, the UPDF has not suffered the sort of resentment the Rwandan army has in other areas of Congo: there is more popular distrust of Congolese soldiers.



In February, a Ugandan commander arrived in Bunia to set up a training school for Congolese recruits.

Crackdown on the Lendu

Although not the official line of the Ugandan government, UPDF soldiers in turi use 'insurgency' to describe the conflict. There are indicators that a military operation has been focused on the Rethy area, northeast of Burina, purportedly the headquarters of externist Lendu groups. Representatives of the UPDF say security 'cannot be guaranteed' in this area. Since the start of the conflict. Ugandan soldiers have been killed and, according to UPDF members, disarmed bylarge groups Lendu fighters. A source in the RCD-ML calimed heavy weapons were being used by Ugandan soldiers to 'disloge' the Lendu.

Since January, security operations against Lendu communities have increased, In the second week of February, all 55 detainees in Buria prison were Lendu, and one died of wounds. Based at Buria airfield, the UPDF also uses a container next to the airstinp to hold prisoners who are taken out periodically and beaten. The six cases of bullet wounds in Buria hospital, all Lendu, date from January. An urknown number of villagers have been killed in security sweeps described by survivors in hospital:

"There were soldiers who arrived at the village with Hema. We were running lowards the mountains, they were shooting and killing. I was separated from my daughter. The next day people brought me her child. My daughter had been killed, shot in the back." (Adeline Kpakay, a grandmother of bullet-wounded two year-old, interviewed Bunia hospital.

Displaced people attest to the fact that Ugandan soldiers co-opt Hema civilians in attacks against the Lendu, including handing over suspects. In February, three young Lendu boys aged 12, 15 and 21 were released to the hospital after two weeks' detention in Buria prison. Caught by soldiers, they had been handed over to Hema civilians in Ega Barriel for "interrogation". One had a deep wound on the buttocks where he had been put in a fire, the smallest had been stabbed with arrows in his back and cut on the scalp, and the eldest had rope wounds where his wrists and elbows had been tide behind his back. Asked to comment on the case, Ugandan Minister of State for Defence Stephen Kauma told IRN that because of "consistent reports [of abuses] ... we are investigating the whole thing, and if there is such a case, it will be part of that investionation".

Peace talks

Ad hoc talks between the warring communities began in September under District Governor Adele Lotsove, who was removed from her post by President Museveni in December. She was roundly criticised for having an "inflammatory influence", and accused of favouring her own Hema people. A Peace Commission was established by the RCD-ML under the leadership of Jacques Depelchin, its minister of internal affairs. Depelchin told RIN a reduced Commission now continued the work on a permanent basis, but that he was extending contacts to other groups - religious, youth, women and intellectuals. He said he had travelled to affected areas in Djugu during November and December and addressed both Lendu and Hema communities. Killings, however, escalated in December and January.

Peace talks have failed to reach a settlement. RCD-ML leader Ernest Wamba dia Wamba said in February his administration had tried to get both sides to see there was no benefit in fighting 'but with not much success''. He appealed for help in resolving the conflict.

Displaced communities and the humanitarian agencies

An estimated 150,000 people have been displaced by the conflict. Humanitarian assistance is minimal, with a little basic medicine and food channelled through local church organisations and vomers' organisations. Christian Billind Mission (CBM) and Medair provide some assistance in rural areas, otherwise international organisations any extremist sentiments in both communities block humanitarian access. ICRC is carrying out hospital and prison visits in Buria and some towns, and has established a house for some 15 conflict-affected children. MSF Holland worked out of Buria, providing medicine in rural areas, until twas forced to leave in January. Its car was stoned and workers accused of being "pro-Lendu". Oxfam has successfully maintained water development projects in Bamburnines, but agrees the conflict has affected humanitarian access and the working environment.

Local representatives of the Red Cross have remained active in affected villages, but, they say, without any logistical support. In Blukwa, Njargo Lombu, who has worked for the Red Cross since 1978, said he had helped organise mass burials, and transportation and collection of bodies. Drodro hospital is being run by two doctors and 15 nurses. Dr Tahulo Ngandju told IRN the hospital was desperate for orthopaedic specialists, k-ray materials and transport to cope with the number of traumatic machete amputations in the surrounding area. His team - without salary other than community contributions - has managed to save people with injuries so severe they were initially believed dead.

A meeting of some 200 local and international delegates met in Bunia on 11 February to discuss the crisis and humanitarian access. The need for cooperation from all affected communities was stressed, and Lendu and Hema leaders were asked to commit to a written agreement for humanitarian access. United Nations agencies and international NGOs have sent exploratory missions to the area since the meeting.

The displaced are concentrated in isolated bush areas, major trading centres, around

hospitals and in Bunia town

Bunia's population has significantly increased with villagers seeking refuge with relatives and friends. Every Friday, about 400 people are given two kg of food rations donated by MediAri, through a local women's organisation, Association des Mamars Antibwaki, in Bunia hospital grounds. Numbers increased in February, with over 100 new cases. The organisation estimates some 75 percent come from displaced villages to collect the rations, and about 25 percent live in Bunia with relatives. Workers say resources are 'very limited' and many people have to be sent away. One recipient said she moved near Bunia at the beginning of January when 'Lendu fighters' attacked Ngongo village. After reuniting her scattered family, she came to stay with a relative in a one-roomed house that now thes to support 21 adults and children.

In Djugu, the displaced have congregated around the trading centre from different affected communities - Lendu, Hema and Ndo Okebo. Many of the women interviewed said they had to resort to "stealing" from the fields, and were brewing alcohol for soldiers to earn a small amount of cash. Although the Ugandam soldiers and the local administration have directed people to return to their villages, many houses and possessions were completely destroyed, including seeds and tools. Seasonal planting has been affected, which has long-term implications for food supplies and reserves. Some returnees have been attacked as they attempt to repossess their villages and fields, which makes the majority reluctant to leave Djugu. Attacks have also forzen trading between villages, and movement to markets.

In Drodro, a large group of displaced people occupies two church buildings and a secondary school. Some have been three since the early months of the conflict, and are in pliftid confliction - infected skin diseases, marasnic and mahourished children, chronic diarthoeal diseases, vitamin deficiencies, as well as hepatitis and cholera cases. The displaced say there are dealths "every day". A seven month-old baby was found dead, ingred yellow and sulfering from chronic diarthoeat her morning RNN visited the group. Survival of these long-term displaced people has depended on finding plecemeal work. One Hema man said he cleaned houses for "about 250 Congolese francs, which will buy a cup of tera". Work in the field and carring cassava loads pays about 200 Congo francs. Displaced Lendu people said it was getting harder for Lendu to find work because of "resentment" - fields and farms are owned by the Hema in the Drodro area.

To date, many displaced Lendu and Hema co-exist successfully together in towns and trading centres. But there are rural areas where the conflict has caused extreme polarisation, especially around the Rethy area, and in previously mixed villages. Polarisation and hostilities are likely to increase if attacks continue and no settlement is reached, escalating an already acute humanitarian crisis and further complicating humanitarian access.

[Exclusive maps and photos available on IRN website. For previous IRN reporting on the lturi conflict, click here: http://umva.ocha.unon.org/]

IRIN, 15,312 foreign forces withdrawn so far, says U.N. (2 Oct. 2002)





KINSHASA, 2 octobre 2002

So far, 15,312 foreign troops have withdrawn from the Democratic Republic of the Congo (DRC), Maj-Gen Mountaga Diallo, force commander of the UN Mission in the DRC, said on Wednesday.

He told reporters at a news conference in the Congolese capital, Kinshasa, that the departed troops numbered 10,233 Rwandans, 2,287 Ugandans, 2,092 Zimbabweans and 700 Burundians.

The UN mission, known as MONUC, reported that there had been about 23,400 Rwandan troops in DRC. Zimbabwe had the second-largest contingent of forces in the DRC, with some 12,000, followed by Angola with about 8,000.

Meanwhile, as MONUC was announcing that the withdrawal of foreign troops from the DRC was nearing its conclusion, the Association Africaine de Defense des Droits de l'Homme (ASADHO), a national human rights NGO, reported the redeployment of Rwandan troops in South Kiw Province of eastern DRC. In a communiqué issued on Wednesday, ASADHO cited witnesses who reported that between 16 and 20 September, some 250 well-armed Rwandan soldiers re-entered the DRC via the city of Bukavu, and headed inland toward Walungu and Kalehe in South Kivu.

"We saw new units cross the border at Rizizi 2 [a river] to enter South Kivu via Bukavu," ASADHO quoted one witness as saying.

MONUC did not confirm this information, but instead noted its satisfaction with the orgoing withdrawal of al foreign forces. "Our observers are everywhere and have verified the withdrawal. In any event, we will revisit al locations occupied by various forces to verify the status of pull-outs," Diallo said in response to the ASADHO account.

For his part, the MONUC head and Special Representative of UN Secretary-General Kofi Annan, Amos Namanga Ngongi, said he had confidence in all parties to the withdrawal process. "Now is not the time to make accusations against any part, as the process is progressing and the parties are respecting and honouring their commitments" Naonoi said.

He added that the Rwandan withdrawal could be completed before the end of next week, ahead of the agreed deadline. Rwanda has announced that the final stage of its withdrawal from the DRC was under way, from South Kivu Province. Zimbabwe made a similar declaration, announcing that the final withdrawal of its troops would begin on Friday, from the southeastern DRC city of Lubumbashi.

War in the DRC erupted more than four years ago when Rwanda and Uganda sent forces into the DRC to back Congolese rebels seeking to topple the government of President Laurent-Desire Kabila - who received the backing of forces from Angola, Namibia and Zimbabwe to halt the offensive.

After Kabila's assassination in January 2001, his son Joseph became president and entered into negotiations with Rwanda and Uganda. The withdrawal of their forces has come in the wake of recent bilateral agreements Kabila reached with the two countries.

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M. Mutuli, ed. V. Tan, U.N.H.C.R., Uganda counts close to 20,000 new Congolese refugees from Ituri region (19 May 2003)

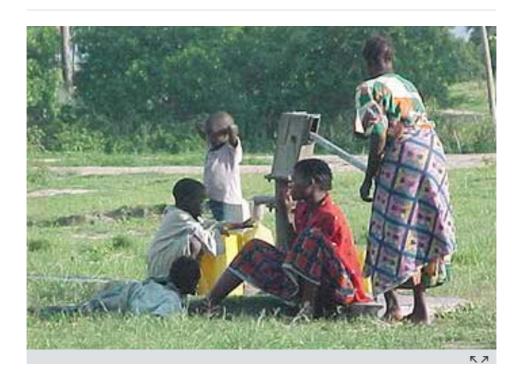
UNHCR - Uganda counts close to 20,000 new Congolese refugees from Ituri region



Uganda counts close to 20,000 new Congolese refugees from Ituri region

Assessment teams have found another 10,000 Congolese refugees in areas north of Lake Albert, bringing to nearly 20,000 the total number of people fleeing the Democratic Republic of the Congo's volatile Ituri region. Many are living with relatives and may not want to move to government-allocated camps.

By Millicent Mutuli, ed. Vivian Tan | 19 May 2003



http://www.unhcr.org/en-us/news/latest/2003/5/3ec7977f4/uganda-counts-close-20000-new-congolese-refugees-ituri-region.html [1/22/2018 5:12:08 PM] and the second second

UNHCR - Uganda counts close to 20,000 new Congolese refugees from Ituri region

Congolese refugees collecting water in Rwebisengu village, south-western Uganda, where they are living outdoors despite torrential rains. \bigcirc UNHCR/M.Mutuli

KAMPALA, Uganda, May 19 (UNHCR) - An additional 10,000 Congolese refugees have been found encamped near Lake Albert, bringing to nearly 20,000 the total number of people who have arrived in Uganda after fleeing recent fighting in the Ituri region of the Democratic Republic of the Congo (DRC). There are fears that more refugees could follow.

Over the weekend, two assessment teams comprising Ugandan government officials and staff from the UN refugee agency and the World Food Programme (WFP) visited six sub-counties in western Uganda's Nebbi district, which is close to Ituri district. More than 10,000 refugees have been registered by local authorities in these areas north of Lake Albert, which separates western Uganda from northeastern DRC.

There are growing fears that more refugees could be on their way to Uganda behind the last group of Uganda People's Defence Forces (UPDF), who are withdrawing from Ituri. Some of these troops reportedly arrived in Nebbi district on Monday, followed by hundreds of new refugees.

Many of the recent arrivals in Nebbi district are ethnic Hema and Alur. Local authorities said many of them have come from Mahagi, Bunia and Beni, less than 300 km across the border in north-eastern DRC. Significant numbers are living with friends and relatives and are unwilling to consider relocation to refugee settlements.

The Ugandan government, however, would like all refugees arriving in Nebbi district to be assisted in the nearby Imvepi settlement, some 65 km from Arua in north-western Uganda. Imvepi is already hosting 15,000 Sudanese refugees.

In some of the sub-counties visited over the weekend, the refugees had mingled with the local community and were difficult to trace. Local authorities were unable to locate them to speak with the assessment team.

In Jang Okoro, the local councillor said many of the 3,000 Congolese refugees in his sub-county were women, children and elderly men. He recounted reports that younger men were being prevented from leaving Ituri. In one incident, he said, Congolese rebels of the Union Patriotique du Congo (UPC) had forcefully conscripted young men from a market in the DRC.

To survive, many of the refugees in Jang Okoro are working on farms, making 2,000-3,000 Ugandan shillings (just over \$1) for a day's work. Other refugees have rented small parcels of the agriculturally-rich farmland and are living off the land.

The Ugandan Red Cross has made a one-time distribution of domestic supplies

UNHCR - Uganda counts close to 20,000 new Congolese refugees from Ituri region

including tarpaulins for shelter, kitchen sets and blankets to particularly vulnerable refugee families in Nebbi district.

Local authorities said that while there continued to be local goodwill towards the refugees, rapidly-dwindling resources could raise tensions within the community. They called for the transfer of refugees to settlements and advised local officials to resume the registration of those willing to relocate, although there is little optimism that many will come forward.

Last week, a 10-person team consisting of government officials, WFP and UNHCR staff visited four other locations - mainly fishing villages - on the southern shores of Lake Albert and confirmed the presence of nearly 9,000 Congolese refugees. Registration of those willing to be relocated to the existing Kyaka II camp in Kyenjojo district, west of Kampala, is expected to begin soon.

The assessment team found many of the refugees living in very difficult conditions. In Ntoroko, the mainly Hema refugees were living outdoors. Many were sleeping on the bare floor of shop verandas and restaurants in a small trading centre. Local authorities have identified some land for the temporary settlement of the nearly 5,000 refugees registered there, but refugees said they lacked shelter material and implements to construct the shelters. Many said they fished for food.

UNHCR officials remain extremely worried about the sanitation conditions, particularly as one refugee in Ntoroko has died of cholera while two others have been hospitalised.

Meanwhile, large parts of Kamuga and Ruhangara villages remain submerged after torrential rains, cutting off the road from Ntoroko and forcing the assessment team to travel by boat. There, they found both the local community and refugees living in squalid conditions. Scores of refugees were sleeping in two churches in Kamuga, while children were wading through the stagnant, greenish water.

In Rwebisengu village, some 30 recently-arrived families were cooking and sleeping under trees close to the local administrative office. Local officials raised concerns over the large number of cows brought in by the cattle-keeping Hema community, fearing the spread of animal diseases and pressure on pastures.

M. Mutuli, ed. V. Tan, U.N.H.C.R., Congolese march to Uganda: "Soldiers before us, death behind us" (21 May 2003)

UNHCR - Congolese march to Uganda: "Soldiers before us, death behind us"



Congolese march to Uganda: "Soldiers before us, death behind us"

More than 20,000 refugees have fled recent ethnic clashes in northeastern Congo. Some of them marched behind retreating Ugandan troops and arrived along Uganda's Lake Albert, where many are sleeping rough in hope of returning home as soon as the situation stabilises.

By Millicent Mutuli, ed. Vivian Tan | 21 May 2003



http://www.unhcr.org/en-us/news/latest/2003/5/3ecb770f9/congolese-march-uganda-soldiers-death-behind.html [1/22/2018 4:19:17 PM] and the soldiers-death-behind.html [1/22/2018 4:19:17 PM] and the soldiers-death-behind [1/22/2018 4:19:17 PM] and the soldiers-death-behind [1/22/2018 4:19:17 PM] and the sol

UNHCR - Congolese march to Uganda: "Soldiers before us, death behind us"

Congolese refugee Sylvain Yusuf (in green) and family building a shelter in Ntoroko, Uganda. © UNHCR/M. Mutuli

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NTOROKO, Uganda, May 21 (UNHCR) - As the last of the Uganda People's Defence Forces left the Congolese town of Bunia, Sylvain Yusuf and his family joined the human tide of frightened Congolese who fled the besieged town as fear and panic gripped the town's residents. They formed a long column behind the withdrawing troops who slowly made their way towards Kasenyi, a Congolese fishing village on the south-western shore of Lake Albert.

Many of the fleeing Congolese were afraid to face the aftermath of Uganda's troop withdrawal from the Ituri region of the Democratic Republic of the Congo (DRC) after nearly six years. Others were shaken by the gruesome massacres in the recurrent conflict that has pitted the minority cattle-keeping Hema community against the majority Lendu cultivators.

"People were being killed by the Lendu. They killed anyone they met, they did not choose," says Yusuf, a 17-year-old Hema schoolboy. "We could not stay in Bunia."

His cousin, Kodjo Bahati, 20, says he saw people killed before his own eyes. "They used machetes, spears and arrows. It was bad," says the Congolese youth who was set to finish his secondary school education next year. It was then that Bahati decided to leave Nyakunde, a village some 45 km from Bunia.

As they walked from Bunia to Kasenyi, 88 km away, Yusuf's family and many more like them stayed close behind the soldiers they had grown used to. When darkness fell during their three-day journey from Bunia, they camped with the soldiers on the outskirts of the troops' tented camp.

"Sometimes they gave us some of their food because they knew us and we knew them," recalls Yusuf. "It was not a difficult journey because we had the courage. The soldiers were in front of us and we knew there was death behind us."

Since the beginning of May, more than 20,000 refugees, mainly Hema and Alur, have been registered by authorities in villages in two western Uganda districts - Nebbi and Bundibugyo. In Nebbi - north of Lake Albert, which divides western Uganda and north-eastern DRC - many have joined relatives and friends as they wait for the situation at home to improve. In Bundibugyo, south of the lake, many of those arriving have remained in lakeside villages, too accustomed to life by the water to relocate to inland camps.

More are expected to arrive behind the last troops entering Uganda through Nebbi in the coming days.

Yusuf and his family arrived in Uganda in mid-May. They are now in Ntoroko, a

UNHCR - Congolese march to Uganda: "Soldiers before us, death behind us"

bustling lakeside trading centre. Before the refugee influx, Ntoroko had a population of some 2,500 people. The new refugee influx has swelled the numbers nearly three-fold to 7,400, straining scarce resources in the small port. Local authorities say deteriorating sanitary conditions have caused one refugee to die from cholera and two others to be hospitalised.

Yusuf's parents have moved on to Karugutu, a Ugandan village several kilometres inland from Ntoroko. But the teenager prefers to remain close to the lake, where he and his cousins have been fishing for food and sleeping on the bare floor of shop verandas. Days have blended into nights and back into day, he says, digging holes for a shelter where he hopes to spend the night.

Local officials have set aside some parcels of land for refugees to construct temporary shelters. But Yusuf and his cousins complain that there are no shelter materials or tools to work with. They have asked for help but say that they do not want to leave the crowded village of Ntoroko for Kyaka II, an existing refugee settlement in south-western Kyenjojo district proposed by the government.

"When I stand here, I look to that side and I see Congo," says Yusuf, pointing towards the hills overlooking Lake Albert. "I will remain here until we can go back home."

World Health Organization, Verbal Autopsy Standards: 2012 WHO Verbal Autopsy Instrument (2012)

Verbal autopsy standards:

The 2012 WHO verbal autopsy instrument Release Candidate 1







WHO Library Cataloguing-in-Publication Data

Verbal Autopsy Standards: 2012 WHO Verbal Autopsy Instrument

Contents: v. 1. Manual

1.Autopsy – methods. 2.Cause of death. 3.Questionnaires - standards. 4.Interviews - standards. 5.Data collection – methods. I.World Health Organization. II.Health Metric Network. III.INDEPTH Network

ISBN 978 92 4 154847 2 (NLM classification: QZ 35)

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Release candidate 1

2 Introduction to verbal autopsy

Reliable data on the levels and causes of mortality are cornerstones for building a solid evidence base for health policy, planning, monitoring and evaluation. In settings where the majority of deaths occur at home and where civil registration systems do not function, there is little chance that deaths occurring away from health facilities will be recorded and certified as to the cause or causes of death. As a partial solution to this problem, VA has become a primary source of information about causes of death in populations lacking vital registration and medical certification. VA has become an essential public health tool for obtaining a reasonable direct estimation of the cause structure of mortality at a community or population level, although it may not be an accurate method for attributing causes of death at the individual level.

Verbal autopsy is a method used to ascertain the cause of a death based on an interview with next of kin or other caregivers. This is done using a standardized questionnaire that elicits information on signs, symptoms, medical history and circumstances preceding death. The cause of death, or the sequence of causes that led to death, are assigned based on the data collected by a questionnaire and any other available information. Rules and guidelines, algorithms or computer programs, may assist in evaluating the information to determine the cause of death¹¹. The main objective of VA is to describe the causes of death at the community level or population level where civil registration and death certification systems are weak and where most people die at home without having had contact with the health system.

A standard VA instrument comprises a VA questionnaire, a list of causes of death or mortality classification system, and sets of diagnostic criteria (either expert or data derived algorithms) for assigning causes of death. The VA process consists of several steps, and many factors can influence the cause specific mortality fractions estimated through this process.⁵

2.1 Historical background

In Europe, before the 19th century when modern systems of death registration were implemented, designated death searchers visited the households of deceased people to assess the nature of deaths. The need for lay reporting of causes of death remained in developing countries where there was a lack of medical capacity to produce death certificates for the population. As an alternative, in the 1950s and 60s in Asia and Africa, systematic interviews by physicians were used to determine causes of death. Workers at the Narangwal project in India labelled this new technique "verbal autopsy"^{6,7}.

The interest of WHO in VA (formerly "lay reporting") of health data was first demonstrated in a publication by Dr. Yves Biraud in 1956. During the 1970s, WHO encouraged the use of lay reporting of health information by people with no medical information, leading to development in 1975 of lay reporting forms. Since the late 1970s and early 80s when the

World Health Organization, Life expectancy, Data by country (6 June 2016)

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OECD Insights, Debate the Issues, *Statistical Insights: What does GDP per capita tell us about households' material well-being?* (6 Oct. 2016)



Statistical Insights: What does GDP per capita tell us about households' material well-being?

6 OCTOBER 2016

by Guest author

OECD Statistics Directorate



Although GDP per capita is often used as a broad measure of average living standards, high levels of GDP per capita do not necessarily mean high levels of household disposable income, a key measure of average material well-being of people. For example, in 2014 Norway had the highest GDP per capita in the OECD (162% of the OECD average[1]), but only 115% of the OECD average for household disposable income[2]. And in Ireland, GDP per capita was 24% above the OECD average, while household disposable income per capita was 22% below the OECD

average. Conversely, in the United States GDP per capita was 34% above the OECD average while household disposable income was 46% above the OECD average. These differences between GDP per capita and household disposable income per capita reflect two important factors. First, not all income generated by production (GDP) necessarily remains in the country; some of it may be appropriated by non-residents, for example by foreign-owned firms repatriating profits to their parents. Secondly, some parts may be retained by corporations and government and not accrue to households.

International rankings of household disposable income per capita and GDP per capita can differ significantly

GDP per capita, by design an indicator of the total income generated by economic activity in a country, is often used as a measure of people's material well-being. However, not all of this income necessarily ends up in the purse of households. Some may be appropriated by government to build up sovereign wealth funds or to pay off debts, some may be appropriated by firms to build up balance sheets, and yet some may be appropriated by parent companies abroad repatriating profits from their affiliates. At the same time, households can also receive income from abroad for example from dividends and interest receipts through investments abroad.

As such, a preferred measure of people's material well-being is household disposable income per capita, which represents the maximum amount a household can consume without having to reduce its assets or to increase its liabilities.

The above-mentioned factors can create significant differences between measures of household disposable income per capita and GDP per capita. The United States for example see its position relative to the OECD average jump by more than 10 percentage points (46% above the OECD-

Tim Callen, International Monetary Fund, Gross Domestic product: An Economy's All (29 July 2017)



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Gross Domestic Product: An Economy's All

FINANCE & DEVELOPMENT

Tim Caller

When it is growing, especially if inflation is not a problem, workers and businesses are generally better off than when it is not

Many professions commonly use abbreviations. To doctors, accountants, and baseball players, the letters MRI (magnetic resonance imaging), GAAP (generally accepted accounting principles), and ERA (earned run average), respectively, need no explanation. To someone unfamiliar with these fields, however, without an explanation these initialisms are a stumbling block to a better understanding of the subject at hand.



Economics is no different. Economists use many abbreviations. One of the most common is GDP, which stands for gross domestic product. It is often cited in

Stack them up (photo: Monty Rakusen/Corbis)

newspapers, on the television news, and in reports by governments, central banks, and the business community. It has become widely used as a reference point for the health of national and global economies. When GDP is growing, especially if inflation is not a problem, workers and businesses are generally better off than when it is not.

Measuring GDP

GDP measures the monetary value of final goods and services—that is, those that are bought by the final user—produced in a country in a given period of time (say a quarter or a year). It counts all of the output generated within the borders of a country. GDP is composed of goods and services produced for sale in the market and also includes some nonmarket production, such as defense or education services provided by the government. An alternative concept, gross national product, or GNP, counts all the output of the residents of a country. So if a German-owned company has a factory in the United States, the output of this factory would be included in U.S. GDP, but in German GNP.

Not all productive activity is included in GDP. For example, unpaid work (such as that performed in the home or by volunteers) and black-market activities are not included because they are difficult to measure and value accurately. That means, for example, that a baker who produces a loaf of bread for a customer would contribute to GDP, but would not contribute to GDP if he baked the same loaf for his family (although the ingredients he purchased would be counted).

Moreover, "gross" domestic product takes no account of the "wear and tear" on the machinery, buildings, and so on (the so-called capital stock) that are used in producing the output. If this depletion of the capital stock, called depreciation, is subtracted from GDP we get net domestic product.

Theoretically, GDP can be viewed in three different ways:

 The production approach sums the "value-added" at each stage of production, where valueadded is defined as total sales less the value of intermediate inputs into the production process.
 For example, flour would be an intermediate input and bread the final product; or an architect's services would be an intermediate input and the building the final product.

 The expenditure approach adds up the value of purchases made by final users—for example, the consumption of food, televisions, and medical services by households; the investments in machinery by companies; and the purchases of goods and services by the government and foreigners.

• The *income approach* sums the incomes generated by production—for example, the compensation employees receive and the operating surplus of companies (roughly sales less costs).

GDP in a country is usually calculated by the national statistical agency, which compiles the information from a large number of sources. In making the calculations, however, most countries follow established international standards. The international standard for measuring GDP is contained in the *System of National Accounts*, 1993, compiled by the International Monetary Fund, the European Commission, the Organization for Economic Cooperation and Development, the United Nations, and the World Bank.

Real GDP

One thing people want to know about an economy is whether its total output of goods and services is growing or shrinking. But because GDP is collected at current, or nominal, prices, one cannot compare two periods without making adjustments for inflation. To determine "real" GDP, its nominal value must be adjusted to take into account price changes to allow us to see whether the value of output has gone up because more is being produced or simply because prices have increased. A statistical tool called the price deflator is used to adjust GDP from nominal to constant prices.

GDP is important because it gives information about the size of the economy and how an economy is performing. The growth rate of real GDP is often used as an indicator of the general health of the economy. In broad terms, an increase in real GDP is interpreted as a sign that the

1/26/2018

Gross Domestic Product (GDP): An Economy's All - Back to Basics: GDP Definition

economy is doing well. When real GDP is growing strongly, employment is likely to be increasing as companies hire more workers for their factories and people have more money in their pockets. When GDP is shrinking, as it did in many countries during the recent global economic crisis, employment often declines. In some cases, GDP may be growing, but not fast enough to create a sufficient number of jobs for those seeking them. But real GDP growth does move in cycles over time. Economies are sometimes in periods of boom, and sometimes in periods of slow growth or even recession (with the latter often defined as two consecutive quarters during which output declines). In the United States, for example, there were six recessions of varying length and severity between 1950 and 2011. The National Bureau of Economic Research makes the call on the dates of U.S. business cycles.

Comparing GDPs of two countries

GDP is measured in the currency of the country in question. That requires adjustment when trying to compare the value of output in two countries using different currencies. The usual method is to convert the value of GDP of each country into U.S. dollars and then compare them. Conversion to dollars can be done either using market exchange rates—those that prevail in the foreign exchange market—or purchasing power parity (PPP) exchange rates. The PPP exchange rate is the rate at which the currency of one country would have to be converted into that of another to purchase the same amount of goods and services in each country. There is a large gap between market and PPP-based exchange rates in emerging market and developing countries. For most emerging market and developing countries, the ratio of the market and PPP. U.S. dollar exchange rates is between 2 and 4. This is because nontraded goods and services tend to be cheaper in low-income than in high-income countries—for example, a haircut in New York is more expensive than in Bishkek—even when the cost of making tradable goods, such as machinery, across two countries is the same. For advanced economies, market and developing countries have a higher estimated dollar GDP when the PPP exchange rate is used.

The IMF publishes an array of GDP data on its website (www.imf.org). International institutions such as the IMF also calculate global and regional real GDP growth. These give an idea of how quickly or slowly the world economy or the economies in a particular region of the world are growing. The aggregates are constructed as weighted averages of the GDP in individual countries, with weights reflecting each country's share of GDP in the group (with PPP exchange rates used to determine the appropriate weights).

What GDP does not reveal

It is also important to understand what GDP cannot tell us. GDP is not a measure of the overall standard of living or well-being of a country. Although changes in the output of goods and services per person (GDP per capita) are often used as a measure of whether the average citizen in a country is better or worse off, it does not capture things that may be deemed important to general well-being. So, for example, increased output may come at the cost of environmental damage or other external costs such as noise. Or it might involve the reduction of leisure time or the depletion of norrenewable natural resources. The quality of life may also depend on the distribution of GDP among the residents of a country, not just the overall level. To try to account for such factors, the United Nations computes a Human Development Index, which ranks countries not only based on GDP per capita, but on other factors, such as life expectancy, literacy, and school enrollment. Other attempts have been made to account for some of the shortcomings of GDP, such as the Genuine Progress Indicator and the Gross National Happiness Index, but these too have their critics.

Tim Callen is an Assistant Director in the IMF's External Relations Department.

Updated: July 29, 2017

Laurent Oussou, M.O.N.U.S.C.O., *La Force de la MONUSCO Invite les Communautés en Ituri à Dialoguer pour la Paix* (11 Aug. 2017)



Published on MONUSCO (https://monusco.unmissions.org)

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La Force de la Monusco invite les communautés en Ituri à dialoguer pour la paix m

11 aoû 2017

La Force de la Monusco invite les communautés en Ituri à dialoguer pour la paix

Bunia, le 11 août 2017 – Le commandant adjoint de la Force de la Monusco, le général Major Bernard Commins, invite les communautés de la province de l'Ituri à dialoguer pour la paix.

«Il faut que le dialogue existe et qu'il ne s'arrête jamais. Il faut que les uns et les autres aient le courage, parfois la volonté de pouvoir se parler, de pouvoir prendre le temps de s'écouter, de vouloir prendre le temps d'écouter quelles sont les différences, quelles sont les difficultés que les uns et les autres perçoivent. Que les uns et les autres aient la volonté d'identifier ensemble quels sont les voies et les moyens à utiliser pour arriver à résoudre ensemble les difficultés», a affirmé le numéro 2 de la force onusienne, en visite de travail du 8 au 10 août 2017 dans cette province de l'est de la RDC.

La mission de Bernard Commins en Ituri consistait à dire aux acteurs locaux ce que la Force de la Monusco fait et continuera à faire dans cette province.

«Notamment, aider les populations, les protéger et aussi essayer de voir comment nous pouvons mieux développer ces mécanismes qui existent déjà, à savoir, les mécanismes d'alerte rapide, de dialogue qui vont aider à créer plus de stabilité et aussi de voir avec les acteurs sur le terrain comment nous pouvons aider, mais surtout déterminer le niveau d'implication de ses acteurs», a-t-il souligné.

Ainsi, Commins a rencontré tour à tour le Gouverneur de la province, le commandement des FARDC, ses collègues de la Monusco, les chefs des congrégations religieuses et les délégués de la société civile.

La question majeure soulevée au cours de ces rencontres est l'insécurité causée par le groupe armé Force de résistance patriotique de l'Ituri (FRPI) dans le sud du territoire d'Irumu et la recrudescence des groupes armés en général.

Face aux différentes interrogations sur la stratégie de la Monusco en soutien aux FARDC pour mettre fin à ces phénomènes récurrents, le générale major Commins a rappelé le mandat de protection des civils de la Monusco dans le contexte de la revue stratégique de cette mission qui fait qu'elle intervient selon les moyens que lui accorde le conseil de sécurité de l'ONU.

Sur la question de la FRPI Commins soutient «qu'il n'y a pas d'avenir dans la violence. Ce n'est pas avec la violence qu'on construit un pays et qu'on aide une communauté à se développer. Ce n'est pas à travers la violence que des jeunes filles et des jeunes garçons iront à l'école pour s'éduquer et s'instruire pour construire ce pays, leur communauté, leur ville, leur village, leur province. C'est plutôt en apportant chacun un peu de paix.»

Laurent Sam Oussou

Source URL: https://monusco.unmissions.org/la-force-de-la-monusco-invite-les-communaut%C3%A9s-en-ituri-%C3%A0-dialoguer-pour-la-paix

Liens

[1] https://monusco.unmissions.org/la-force-de-la-monusco-invite-les-communaut%C3%A9s-en-ituri-%C3% A0-dialoguer-pour-la-paix

[2] https://monusco.unmissions.org/la-une

[3] https://monusco.unmissions.org/le-bcnudh-beni-sensibilise-la-soci%C3%A9t%C3%A9-civile-sur-les-

violences-sexuelles-surtout-en-temps-de-conflit

[4] https://monusco.unmissions.org/la-monusco-exp%C3%A9rimente-un-nouveau-dispositif-militaire-aunord-kivu-apr%C3%A8s-la-fermeture-de-ses-bases

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Case Study: Congo

BELGIAN CONGO)

(FORMERLY ZAIRE, BEFORE THAT,

Independence for Congo followed a strange

of Africa. The Belgian Congo was huge and

underdeveloped. After the war, new cultural

Bakongo and the Lulua-Freres, emerged in the

But it was the attitude of the Belgians which bred a new

drive towards independence in the early 1950's. De-

colonisation was first discussed in 1956, but seen as

Western Europe, bordering on nine other African

political consciousness in the 1950's. In the first place, the

something that would happen thirty years into the future.

African army officers, only three African managers in the

entire civil service, and only 30 university graduates. Yet Western investments in Congo's mineral resources (copper,

keep control over the country beyond independence.

gold, tin, cobalt, diamonds, manganese, zinc) were colossal.

And these investments meant that the West was determined to

Belgians like the Portuguese, were resolutely untouched by the

On the eve of independence, the Congo, a territory larger than

colonies/states, was seriously underdeveloped. There were no

organisations like ABAKO, Association des

course of events unlike anything else in the rest

DR CONGO

1950's.

Following widespread rioting in 1959, the Belgians to the surprise of all the nationalist leaders said elections for independence could go ahead in May 1960. This in itself caused confusion and a rush to form parties. In the event 120 different parties took part, most of them regionally based. Only one, Mouvement National Congolais or the MNC, led by Patrice Lumumba, favoured a centralised government and had support in four of six provinces.

The actual independence day was a mixture of huge excitement and bad temper on the part of the former colonial power. King Baudouin of Belgian made a patronising speech; and Patrice Lumumba's speech was spirited.

Listen to Patrice Lumumba's announcing Belgian Congo's independence followed by an Independence cha-cha-cha

Within days things fell apart. The army mutinied against Belgian officers. The main mining area, Katanga, declared itself a separate state under Moise Tshombe, but with strategic support and encouragement from Belgian mining interests. Belgian troops then intervened unasked; Lumumba invited UN peacekeeping forces to help but they steered clear of fighting Tshombe's Katanga regime



French &

British Colonial Styles

From Gold Coast To Ghana

The Nation State

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The Story of Africa BBC World Service

DEATH OF LUMUMBA

Americans followed events closely. Lumumba's great speechmaking skills and his contacts with the Soviet Union all conspired to turn the Americans against him. He was described by Alan Dulles, chief of American Central Intelligence Agency (CIA), as a "mad dog" and President Dwight Eisenhower authorised his assassination. This was carried out through Lumumba's opponents in the Congo. In November 1960 he was kidnapped and taken to Katanga. In January 1961 he was shot in Elizabethville; his body was then dumped by a CIA agent. Tshombe eventually became Prime Minister, but not for long.

In 1965 Joseph Mobutu seized power with American backing in a bloodless coup. He had waited in the shadows for his opportunity since the late 1950's, all the while cultivating his pro-West image for the Americans. Once in power he began a 32-year reign of greed and corruption, indulged by America and the West in return for a solidly anti-Soviet pro-western stance.

© B B C

Uppsala University, Department of Peace and Research, Definitions: Battle Related Deaths

Definitions - Department of Peace and Conflict Research - Uppsala University, Sweden

Arms

(state-based, non-state, one-sided)

Any material means, e.g. manufactured weapons but also sticks, stones, fire, water, etc.

Comment

'Arms' includes anything material, i.e. other than corporal strength and/or psychological power. Nuclear weapons, biological weapons as well as chemical weapons are included as bombs or other explosives regardless of how they have been constructed. The use of airplanes on 11 September also qualifies as use of <u>armed force</u>.

Battle-related deaths

(state-based, non-state)

Counted as battle-related deaths is the use of armed force between warring parties in a conflict <u>dyad</u>, be it state-based or non-state, resulting in deaths.

Comment

Typically, battle-related deaths occur in what can be described as "normal" warfare involving the armed forces of the <u>warring parties</u>. This includes traditional battlefield fighting, guerrilla activities (e.g. hit-and-run attacks / ambushes) and all kinds of bombardments of military units, cities and villages etc. The targets are usually the military itself and its installations, or state institutions and state representatives, but there is often substantial collateral damage in the form of civilians killed in crossfire, indiscriminate bombings etc. All deaths - military as well as civilian - incurred in such situations, are counted as battle-related deaths.

The general rule for counting battle-related deaths is moderation. All battle-related deaths are based on each coder's analysis of the particular conflict. Each battle-related death has to be verified in one way or another. All figures are disaggregated as much as possible. All figures that are not trustworthy are disregarded as much as possible in the coding process. Sometimes there are situations when there is lack of information on disaggregated battle-related deaths. When this occurs, the coder may rely on sources that provide already calculated figures either for some particular incidents, or for total number of deaths in the conflict. The UCDP incorporates such death figures for

Definitions - Department of Peace and Conflict Research - Uppsala University, Sweden

particular incidents and for an entire armed conflict if they are coherent with the definition. If they are not, or if there is no independent verification of the figure, it cannot be accepted.

Best estimate, of deaths

(state-based, non-state, one-sided, actors, dyads)

The best estimate consists of the aggregated most reliable number of deaths.

Comment

If different reports provide different estimates, an examination is made as to what source is most reliable.

Ceasefire agreements

(state-based)

A ceasefire agreement is an agreement that regulates the conflict behaviour of <u>warring</u> <u>parties</u> in a state-based conflict, but which does not address the <u>incompatibility</u>.

Comment

A so-called ceasefire agreement that de facto addresses the incompatibility is considered to be a <u>peace agreement</u> in the UCDP Conflict Encyclopedia (UCDP database).

Conflict, armed

(state-based)

An armed conflict is a contested **incompatibility** that concerns **government** and/or territory where the use of **armed force** between two parties, of which at least one is the government of a **state**, results in at least 25 **battle-related deaths** in one calendar year.

Comment

"Armed conflict" is also referred to as "state-based conflict", as opposed to "non-state

FocusEconomics, What is GDP per capita?

What is GDP per capita?



Home > Indicators > What is GDP per capita?



What is GDP per capita?

GDP per capita stands for Gross Domestic Product (GDP) per capita (per person). It is derived from a straightforward division of total GDP (see <u>definition of GDP</u>) by the population. Per capita GDP is typically expressed in local current currency, local constant currency or a standard unit of currency in international markets, such as the U.S. dollar (USD).

GDP per capita is an important indicator of economic performance and a useful unit to make cross-county comparisons of average living standards and economic wellbeing. However, GDP per capita is not a measure of personal income and using it for cross-country comparisons also has some known weaknesses. In particular, GDP per capita does not take into account income distribution in a country. In addition, cross-country comparisons based on the U.S. dollar can be distorted by exchange rate fluctuations and often don't reflect the purchasing power in the countries being compared.

The table below shows the GDP per capita in current U.S. dollars (USD) by country for the last five years.

GDP per capita Economic News

Philippines: Growth remains buoyant in Q4

January 24, 2018

The economy recorded another period of robust, albeit moderating, growth in the last quarter of 2017, supported by strong private and government consumption, as well as strengthening external demand.

Read more 🕨

China: Economy continues to fire on all cylinders in Q4

January 18, 2018

Uppsala University, Department of Peace and Research, About UCDP



About UCDP

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The Uppsala Conflict Data Program (UCDP) is the world's main provider of data on organized violence and the oldest ongoing data collection project for civil war, with a history of almost 40 years. Its definition of armed conflict has become the global standard of how conflicts are systematically defined and studied. UCDP produces high-quality data, which are systematically collected, have global coverage, are comparable across cases and countries, and have long time series which are updated annually. Furthermore, the program is a unique source of information for practitioners and policymakers.

UCDP also operates and continuously updates its online database (UCDP Conflict Encyclopedia) on armed conflicts and organised violence, in which information on several aspects of armed conflict such as conflict dynamics and conflict resolution is available. This interactive database offers a web-based system for visualizing, handling and downloading data, including ready-made datasets on organized violence and peacemaking, all free of charge.

Data on armed conflicts have been published yearly in the Journal of Peace Research since 1993, in the Human Security Reports since 2005, in the SIPRI Yearbook since 1988, and in the report series States in Armed Conflict (1987-2012). In addition, UCDP researchers regularly publish research on organized violence, its causes, escalation, spread, prevention and resolution, in top scientific journals and books.

For questions regarding UCDP and our data please contact us by e-mail: ucdp@pcr.uu.se

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Uppsala University, Department of Peace and Research, One-sided Violence

Definitions - Department of Peace and Conflict Research - Uppsala University, Sweden

The use of **armed force** between two organised armed groups, neither of which is the **government** of a **state**, which results in at least 25 **battle-related deaths** in a year.

One-sided violence

(one-sided)

The use of **armed force** by the **government** of a **state** or by a formally organised group against civilians which results in at least 25 deaths in a year.

Comment

Extrajudicial killings in government facilities are excluded.

Opposition organisation

(state-based)

Any non-governmental formally organised group of people having announced a name for their group and using <u>armed force</u> to influence the outcome of the stated <u>incompatibility</u>.

Comment

The UCDP only deals with organised opposition. The focus is on armed conflict involving consciously conducted and planned political campaigns rather than spontaneous violence. Organisations of this kind are, in a sense, state-like entities and usually pose a very different threat to those in power than unorganised opposition. In the case of several levels of organisation, such as that of individual organisations that also operate in alliance as part of an umbrella organisation, the simple rule is to look for which organisation "calls the shots". If the umbrella organisation is only an organisation in the nominal sense, and the individual organisations take their own political decisions and conduct military action on their own, the individual organisations are treated as the warring parties. If the umbrella organisation commands the individual organisations, then it is the relevant unit.

Other, concerning termination of the use of armed force

Uppsala University, Department of Peace and Research, FAQ, How Are UCDP Data Collected?

FAQ - Department of Peace and Conflict Research - Uppsala University, Sweden

- Cameroon (government)
- Cameroon (territory: Islamic State)
- Congo (government)
- Eritrea Ethiopia (territory)
- Ethiopia (territory: Ogaden)
- Ethiopia (territory: Oromiya)
- Kenya (Northeastern Province and Coast)
- Libya (territory: Islamic State)
- Mali (government)
- Mozambique (government)
- Niger (territory: Islamic State)
- Nigeria (government)
- Nigeria (territory: Islamic State)
- Rwanda (government)
- Somalia (government)
- South Sudan (government)
- Sudan (government)
- Uganda (government)

Americas

- Colombia (government)
- USA (government)

See the <u>UCDP Conflict Encyclopedia (UCDP database</u>) for more information on all of these conflicts.

How are UCDP data collected?

UCDP datasets on organized violence are updated and published on the website at least once a year, usually in June or July. If you wish to receive an e-mail that informs you of one updates are released, please join our mailing list.

Data collection is carried out in four stages:

 The first stage of data collection is carried out by keying in a specific string of search words related to organized violence into the online Factiva Global News Database.
 Factiva carries over 30 000 different newswires, newspapers and other sources and has global coverage. For each country around the globe a specified set of sources is

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selected to provide the best coverage of news events possible. These sources always include at least one of the major newswires (Reuters, AFP, Xinhua, EFE) and BBC Monitoring; the latter source picking up local newspapers, and television and radio broadcasts. This exercise produces a number of news articles (commonly between 50 000 and 80 000) that are then downloaded by human coders and manually sorted. The information gathered is then coded according to the UCDP's criteria for the different types of organized violence, taking heed to possible biases in reporting and any other aspects that may affect the reliability of the sources.

2. In the second stage the coders turn to other types of material available. This stage includes reading through newly published books and case studies, journals such as the Africa Research Bulletin and Africa Confidential, NGO publications (Human Rights Watch, Amnesty etc.) as well as available online databases within the sphere of organized violence. This information is then manually coded in the same way as in stage one, with for example estimates of deaths and considerations regarding incompatibilities being updated according to the new input.

3. If something still remains unclear in regard to which actors are fighting, the number of deaths, or if any other unclear factors are present, the UCDP makes use of its extensive network of regional experts. These are contacted with queries regarding any unclear matters and asked to weigh in with their expertise regarding specific groups, countries, regions, or any other aspect.

4. Lastly, the data that has been collected is scrutinized and checked by the UCDP's project managers and the program's directors, who have the final say in what data will enter the database and the datasets.

How does terrorism fit into the UCDP's categories of organized violence?

The UCDP does not make use of the term 'terrorism' to classify any type of violence. Each act of organized violence (meaning that it is carried out by a group that is organized according to certain criteria) is instead viewed through the lens of targets; are the targets other states, representatives of other organized groups or civilians?

In terms of the targeting of civilians the UCDP's category of 'one-sided violence' often overlaps with definitions of terrorism with a lethal outcome. Any actor directly targeting and killing civilians are perpetrating one-sided violence. This also includes governments

World Wildlife Fund, African elephants

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CONTENTS

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- Social structure
- Population & distribution
- Threats
- What WWF is doing
- What you can do



Physical description

African elephants are the world's largest land animals. The biggest can be up to 7.5m long, 3.3m high at the shoulder, and 6 tonnes in weight.

The trunk is an extension of the upper lip and nose and is used for communication and handling objects, including food. African elephants have two opposing extensions at the end of their trunks, in contrast to the Asian elephant, which only has one.

Tusks, which are large modified incisors that grow throughout an

African elephants | WWF

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elephant's lifetime, occur in both males and females and are used in fights and for marking, feeding, and digging.

The other notable feature of African elephants is their very large ears, which allow them to radiate excess heat.

Two subspecies, two homes

There are two subspecies – the larger savannah elephant (*Loxodonta africana africana*), which roams grassy plains and woodlands, and the smaller forest elephant (*Loxodonta africana cyclotis*), which lives in the equatorial forests of central and western Africa.

Savannah elephants are larger than forest elephants, and their tusks curve outwards. In addition to being smaller, forest elephants are darker and their tusks are straighter and downward pointing.

Social structure

The complex social structure of elephants is organized around a system of herds composed of related females and their calves. Males usually live alone but sometimes form small groups with other males.

In the savannah subspecies, each family unit usually contains about 10 individuals, although several family units may join together to form a 'clan' consisting of up to 70 members led by a female. Forest elephants live in smaller family units.

Life cycle

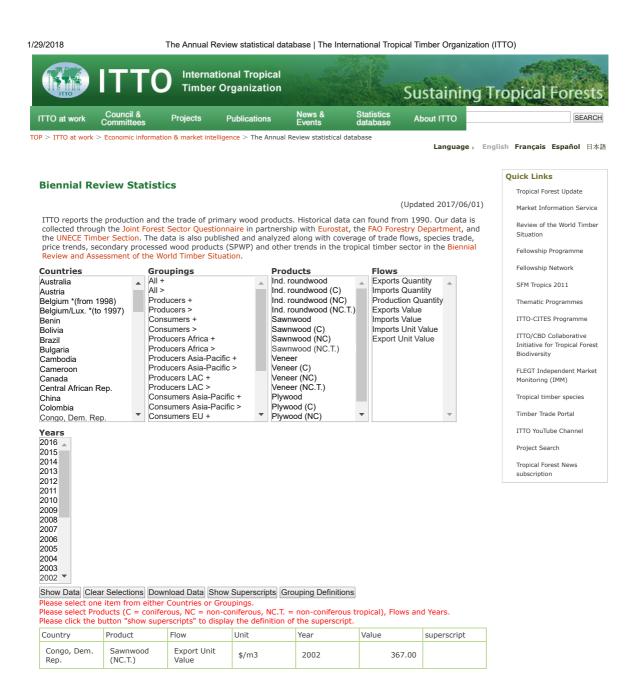
Usually, a single calf is born after a gestation period of 22 months. Young elephants wean after 6 to 18 months, although they may continue nursing for over 6 years.

Male elephants leave their natal group at puberty and tend to form much more fluid alliances with other males.

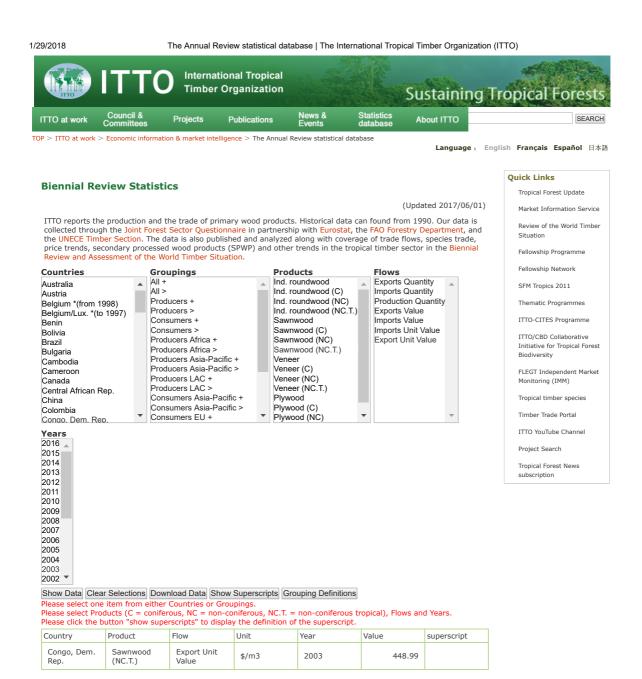
Elephants live up to around 70 years, with females mostly fertile between 25 and 45. Males need to reach 20 years of age in order to successfully compete for mating.

African elephants mainly eat leaves and branches of bushes and trees,

International Tropical Timber Organization, Biennial Review Statistics



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Professor Sir Paul Collier and Dr Anke Hoeffler, Oxford University, Assessment of the Impact of the Ugandan Military Involvement in the Democratic Republic of the Congo (20 Oct. 2017)

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Assessment of the Impact of the Ugandan Military Involvement in the Democratic Republic of the Congo

11

Professor Sir Paul Collier and Dr Anke Hoeffler Oxford University

20th October, 2017

1.

1. Introduction

In this document we provide a response to the "Assessment of Macroeconomic Damages" by Lebun and Lubu (2016). Citing our work as the foundation for their approach, they conclude that the Ugandan army's aggression caused macroeconomic damages to the Democratic Republic of the Congo (DRC) of \$12.7bn.

We find that their study is a misguided use of our approach, that the concept on which the authors base their estimation is flawed, and that their technical analysis is incorrect. Consequently, in our view their results and conclusions should be disregarded.

This document is structured as follows. Section 2 presents a periodization of the economy of the DRC, meaning a description of the period DRC history relevant for an economic analysis. In Section 3 we provide a discussion of the concept of war losses and whether counterfactual analysis can be used to assess these losses. In Section 4 we consider the statistical analysis in Lebun and Lubu (2016) and show that their analysis falls short of the standards of the literature. Section 5 provides a brief conclusion and assessment of what the court can reliably conclude about these tragic events.

2. Periodization of Economic History of DRC

The Economy under President Mobutu

The economy of the DRC has always been heavily dependent upon natural resource extraction. This makes it highly exposed to two influences: global commodity prices, and the quality of governance. The growth and decline of the economy over the post-1965 period is a complex interaction of these two variables. Commodity prices – and associated discoveries – changed considerably, and the quality of governance changed more modestly.

In 1965 Joseph Mobutu, supported by Belgium and the USA, staged a coup d'état and came to power in the DRC. This marked the beginning of deterioration in the quality of governance of catastrophic proportions. Throughout his governance, corruption was endemic and Mobutu and his associates embezzled vast sums of government funds. In 1965, national income per capita was \$972 (aggregate GDP of per capita income times population being \$16.9 bn). By the time he was ousted in 1997, it had *shrunk by nearly two-thirds* to only \$333 (aggregate GDP being \$14.8 bn)¹. The extent of economic mismanagement was so enormous that the

¹ Source: World Development Indicators. All figures in 2010 constant USD.

DRC became one^{*} of the poorest societies: in 1997, it was the eighth poorest country in the world. However, throughout Mobutu's autocratic leadership, any opposition was brutally suppressed and the country was relatively stable. Mobutu's time in office was not only marked by catastrophic economic decline, but also by gross human rights violations.

The Overthrow of President Mobutu and the Descent into Violent Conflict

In 1997, a coalition of Zairians, Ugandans and Rwandans (the Alliance of Democratic Forces for the Liberation of Congo (AFDL)) swept from the East to the West of the country. While it could not have been predicted, there was relatively little resistance from the DRC army and there were few battle fatalities; the capital Kinshasa fell without a fight. The AFDL leader, Laurent-Désiré Kabila, declared himself president after marching into Kinshasa and Mobutu fled. In August 1998, President Kabila asked the foreign forces to withdraw, but they allied themselves with local non-state groups in the East of the country and continued to fight the DRC army. Angolan, Zimbabwean and Namibian militaries entered the hostilities on the side of the new government. The Ugandan government agreed to withdraw its forces in 2001, the process being completed by 2003.

This new wave of armed conflict caused human suffering on a large scale. Meanwhile, the economy continued to decline. By 2001, per capita income had fallen to only \$257 (aggregate GDP being only \$12.7bn).

In 2001, the political situation further deteriorated: Laurent-Désiré Kabila was assassinated by a member of his own entourage and hastily replaced by his young son, Joseph Kabila.

The Recovery: 2001-2015

In response to the political deterioration, UN peacekeepers were deployed. Rwanda, Uganda and the DRC rebels agreed to a UN pull-out plan; Uganda and Rwanda began pulling troops back from the frontline. In May 2003, the last Ugandan troops left the eastern DRC.² While peace was gradually restored, albeit with significant interruptions around disputed elections and postponed elections, the quality of economic governance remained poor. For example, in the 2017 Resource Governance Index, DRC is ranked 75th out of 89 countries.

Coincident with the gradual withdrawal of external forces, the global commodity prices on which DRC has long been heavily dependent began to rise and continued to do so until 2013 in a historically unprecedented boom that became known as

² http://www.bbc.co.uk/news/world-africa-13286306, accessed 25 June 2017

the 'super-cycle'. This switch from declining prices to strongly rising prices will have shaped the course of GDP to a substantial extent.

From 2001, the economy began to recover from its nadir of \$257 per capita. By 2015 (the end point for our data), per capita income had risen to \$385, (aggregate GDP being \$29.7bn), surpassing its level at the end of the Mobutu regime of \$333.

3. Assessment Derived from a Counterfactual

Quantifying the costs of complex actions like interventions in civil wars are very difficult. The most reliable recent expert on this process is Smith (2014), who considers the methodological issues in the quantification of the costs of armed conflict. He states:

"The cost of a war reflects the difference between the observed wartime outcomes and a hypothetical no-war counterfactual. Thus the cost estimate is very dependent on the specification of the counterfactual. While the construction of a counterfactual is essential, some care should be put into justifying its plausibility."

We agree with Smith (2014) that in any assessment of military action the most critical step is the correct specification of the *counterfactual*.

A counterfactual can be constructed in a number of different ways. Popular methods include the use of large-n data (e.g. Collier 1999; Collier and Hoeffler 2004) where data from across countries and across time are used in regression analysis to establish an average growth path. The economies at war contract during wartime while the peace economies continue along the average growth trajectory. The cost of the war is measured by the distance between the income stream in the war economy *vis*–*à*-*vis* the average. This average does not exist in reality and is thus a constructed economy that serves as a counterfactual.

Another popular method is the use of time-series data for one country. This is the method used by Lebun and Lubu (2016). When using this method, one needs to establish pre-conflict trends or relationships to provide a credible counterfactual.

While the actual course of the economy can be observed from descriptive statistics (subject to measurement error), the counterfactual traces a hypothetical evolution of the economy had the intervention being evaluated not occurred.

By their nature, counterfactuals are not observed events, but conjectures that can only be judged by their inherent plausibility. The assessment of the economic consequences of an earlier date for the withdrawal of the Ugandan military presence is hence the difference between the actual course of events, as observed, and this conjecture as to how that course would have unfolded had this unobservable counterfactual occurred.

To postulate a plausible counterfactual course of events, it is essential to be able to estimate the contribution of each different component of the growth process, so that the consequences of the hypothesized change in one feature (the date of Ugandan military withdrawal) can be correctly measured. This is a difficult undertaking which unfortunately Lebun and Lubu (2016) have not succeeded in doing.

Lebun and Lubu (2016) use time series regression analysis to try to establish by how much the armed conflict during the period 1998-2003 reduced GDP in the DRC. The regression analysis generates a counterfactual, i.e. what would economic growth and output have been in the absence of armed conflict. They then take the difference between this hypothetical constructed path of the economy and what actually happened and sum the differences.

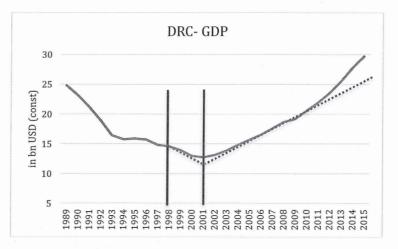
Their analysis is deeply flawed. We detail some of the technical flaws in the following section, but the overall flaw is more fundamental. Specifically, they calculate the losses by *using a counterfactual of positive GDP growth from 1998 onwards* (Lebun and Lubu, Graph 2, p 20). Given that the economy of DRC had been in almost continual decline for the 30 years prior to 1998, no times series methodology could plausibly generate such a counterfactual. Indeed, the most plausible path based on any such time series would have been a forecast of further decline, which is indeed what actually happened for the following three years.

Beginning in 2001, the economy started to recover. Lebun and Lubu (2016:18) acknowledge this turnaround but leave it unexplained. *The most plausible explanation for this turnaround is the onset of the global commodity boom*, or commodity super cycle, which Lebun and Lubu fail to take properly into account. For example, the initial upturn in GDP in 2001 is most plausibly explained by the short, sharp, coltan boom of 2000/2001 which pumped income into the DRC economy. More importantly, there was an unprecedented rise in global non-fuel commodity prices from their trough in mid-2001 to their peak in 2011. To indicate the scale of this change, the IMF index of non-fuel primary commodity prices tripled between mid-2001 and 2011.

In order to illustrate the implications of both the 30+ year prior decline in the economy, and the post-2001 commodity super-cycle, consider Figure 1. Here, we postulate a simple counterfactual in which, in the absence of the unauthorised Ugandan military presence 1998-2001, this decline would have continued *at its*

previous long term rate, until the onset of the global commodity super-cycle in 2001 began to lift the economy upwards. This straightforward counterfactual path of the economy is shown by the downward sloping dashed line. Using this counterfactual, there are no identifiable economic costs associated with the military intervention. Actual GDP always exceeds the counterfactual GDP.





This is not meant to imply that the overstay of Ugandan forces was in fact costless. It is plausible that it incurred some costs. Rather, it has two implications. First, the estimate by Lebun and Lubu (2016) is highly implausible, and liable to exaggerate the true costs by a very large factor. Second, given the very large effects of the continued decline prior to 1998, and the massive global boom post-2001; and recognizing the terrible state of observable economic data on DRC; the attempt to quantify the impact of three unauthorised years of Ugandan military presence 1998-2001 is entirely infeasible.

4. Model and Estimation Problems with Lebun and Lubu

The starting point of the analysis in Lebun and Lubu (2016) is a presentation of the data and a theoretical model. As it is common in the literature, they then test this model using statistical analysis.

One of the major problems with their implementation of this research method is that they do not actually test the model they specify. Furthermore, they use estimation methods for large-n samples but only use data from one country, the DRC. Given that African data are generally of poor quality (Jerven 2013) and that many of the data points are estimates themselves, the quality of the data should receive some discussion. However, the data quality receives no debate. Lastly, some of the text describing the methods used make it very difficult for the reader to follow what the authors have done and they do not cite other research correctly. We now discuss some of these methodological issues in more detail.

The authors start with a standard Solow growth model which has been used in large-n studies to examine African countries' growth experience (Hoeffler 2002). However, they then augment the model in a non-standard way without discussing this extension of the model (p.8). They then proceed to estimate this extended model using data from the DRC. They start off with an Ordinary Least Squares (OLS) estimation which is not a suitable method for estimating these time series *models*, primarily because the error terms are serially correlated, and not taking this correlation into account will produce biased estimates. They do not explain this problem with the OLS method, but do present estimations based on the use of a Generalized Method of Moments (GMM) estimator. They justify the use of this method because "it makes it possible to evaluate the model's coefficient in the form of elasticities". This is factually incorrect. The logarithmic transformation of the model makes it possible to interpret the coefficients as elasticities. The GMM estimation technique is used in growth regressions in order to account for unobserved country effects and to address endogeneity issues. GMM is also not a time-series method and it is completely unclear how the authors implemented this panel data estimation method using data from only one country. The authors then continue with parametric and non-parametric validation (p.10). This part is very confusing and given that the previous GMM estimation cannot have produced sensible results, we do not further comment on these validation attempts. The coefficients from this unconvincing analysis are then used to calculate the damages on p.18. Given that the previous estimations are not convincing, we do not trust these further calculations.

We are aware that African researchers often have restricted access to recent publications, but the work cited by them is well established and available through open access sources by now. *They quote old working papers rather than the published versions in scientific journals, suggesting that they did not check on whether the research is published in a peer reviewed journal.*

5. Conclusion

In principle, the costs of conflict can be quantified. However, whether such estimates can be made to a degree of plausibility necessary for a court of law depends upon the situation being investigated. This particular conflict in the DRC is characterised by circumstances that make any quantification implausible. There were simply too many other factors that powerfully influenced the economy during the relevant period, and the data on the DRC are exceptionally weak. Any application of quantitative techniques to this particular problem would therefore be liable to produce estimates that would be subject to powerful challenges as to credibility. In the event, the estimate by Lebun and Lubu (2016) are so seriously methodologically flawed that they cannot be taken seriously and should be disregarded.

All that can reasonably be concluded about these tragic events is that the unauthorised Ugandan overstay may have incurred some costs but they cannot be quantified.

6. Expert Declaration

We confirm that the conclusions and opinions expressed herein are true and our own.

Dated this 20th day of October, 2017

Respectfully submitted,

We EHM.

Professor Sir Paul Collier and Dr Anke Hoeffler Oxford University

References:

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Collier, P., 1999. On the economic consequences of civil war. *Oxford economic papers*, *51*(1), pp.168-183.

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Collier, P. and A. Hoeffler. 2004. *Conflicts* in: Lomborg, B. (ed) Global Crises, Global Solutions. Cambridge University Press: pp. 129–174.

Hoeffler, A. 2002. The Augmented Solow Model and the African Growth Debate, *Oxford Bulletin of Economics & Statistics* 64(2): 135-158.

Lebun, O. N. and L. Lubu. 2016. Assessment of Macroeconomic Damages Following the Armed Aggression against the DRC by Uganda. University of Kinshasa. Expert Report. September 2016.

Jerven, M., 2013. *Poor numbers: how we are misled by African development statistics and what to do about it.* Cornell University Press.

Smith, R.P., 2014. The economic costs of military conflict. *Journal of Peace Research*, *51*(2), pp.245-256.

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Employment

2012- Professor of Economics and Public Policy, Blavatnik School of Government, Oxford University.
1993-2012 Professor of Economics, Department of Economics, Oxford University, and Director, CSAE, (Centre for the Study of African Economies),
2008-, Co-Director, International Growth Centre (LSE/Oxford)
1998-2003, Director of Research Department, World Bank
1992-96 Professor, (offer of Named Chair), Kennedy School of Government, Harvard.
1989-93, Reader in Economics, Oxford University
1986- Fellow of St. Antony's College, Oxford (tenured)
1976-86 Fellow, Keble College Oxford, (tenured)
1985-89, University Lecturer in Economics, Oxford University (tenured)
1973-85, Research Officer, Institute of Economics and Statistics, Oxford University
1972-75, Lecturer, Oriel College, Oxford

Education

1975, D.Phil.,Oxford University
1970-72, Nuffield College, Oxford.
1970, BA(MA), PPE, Oxford
1967-70, Trinity College, Oxford.
1960-66, King Edward VII Grammar School, Sheffield.

Honours

Honorary Doctorates :Universite d'Auvergne (2007) University of Sheffield (2008) University of Antwerp (2014) CBE, June 2008 ('for services to scholarship and development'). Thompson 'Current Classic' Award, 2010 for the most cited article. Arthur Ross Prize, 2008. Lionel Gelber Prize, 2008. Corine Prize, 2008. Estoril Prize, 2009. A.SK Prize in Social Science, 2013 Knighthood, 2014 President's Medal, British Academy, 2014 Richardson Lifetime Achievement Award, 2016

Public Lectures

Royal Economic Society, Annual Public Lecture, 2006. Arrow Lecture, Stanford University, 2009. IADB 50th Anniversary Keynote, 2009. Jackson Hole Central Bank Symposium, Keynote, 2011

First Pan-Government Symposium, Nigeria, Keynote, 2011 (in presence of President Jonathan)
Kenya: Policies for Prosperity, Keynote, 2011 (in presence of President Kibake)
Foreign Ministry of France, Annual Keynote to Diplomats, 2012
Annual Pan-Government Retreat, Rwanda, keynote (in presence of President Kagame)
Central Bank of Uganda Annual Public Lecture, 2012
University of Botswana Annual Public Lecture, 2013
First Pan-African Parliamentary Assembly, Abuja, 2013
Foreign Ministry of Mexico, Annual Keynote to Diplomats, 2014
European Public Choice Society, Keynote, 2014
Foreign Ministry of Germany, Presentation to ambassadors, 2014
Peace Research Institute, Oslo, Annual Peace Lecture, 2014
Wincott Lecture (*Financial Times*), 2014
IMF Spring Meetings, Investment in Africa, 2016
Heidelberg Public Lecture, 2016

2006:

(with Stefan Dercon) The Complementarities between Poverty Reduction and Income Redistribution, *Economic Development and Cultural Change*.

Is Aid Oil? World Development.

Why Africa Needs a Big Push, Journal of African Economies.

Why the WTO is Deadlocked and What Can be Done About it, The World Economy.

Using Aid Instruments More Coherently: Grants and Loans, in I Kaul and P. Conceicao (eds) *The New Public Finance*, Oxford University Press.

2007

(with Anke Hoeffler) Unintended Consequences: Does Aid Promote Arms Races? Oxford Bulletin of Economics and Statistics.

(With Anthony Venables), Trade Preferences and African Export Diversification, *The World Economy*.

(With Benedikt Goderis) Prospects for Commodity Exporters: Hunky Dory or Humpty Dumpty? *World Economics*.

(with Anke Hoeffler) Civil War, in Hartley and Sandler, (eds.) Handbook of Defense Economics, North Holland.

The Bottom Billion: why the poorest countries are failing and what can be done about it, OUP.

2008

(with Dominic Rohner) Democracy, Development and Violence, *Journal of the European Economic Association*.

(with A. Hoeffler and M. Soderbom) Post-Conflict Risks, Journal of Peace Research.

(with L. Chauvet) What are the preconditions for turnarounds in failing states? *Journal of Conflict Management and Peace Science*.

(with D. Conway and A. Venables) Climate Change: Implications for Africa, Oxford Review of Economic Policy.

Poverty in Africa, Proceedings of the National Academy of Sciences.

(with Chris Adam and Victor Davies) Post-Conflict Monetary Reconstruction, World Bank Economic Review.

International Political Economy: Some African Applications, Journal of African Economies.

(with Charles Soludo and Cathy Pattillo, eds) *Nigeria: Policies for Prosperity*, Palgrave. The Food Crisis: The Politics of Hunger, *Foreign Affairs*.

(with Jan Gunning, eds) Critical Readings in Globalization and Poverty, Sage Publications, 3 volumes.

(with B. Ndulu, R. Bates and S. O'Connell) *The Political Economy of Economic Growth* in Africa, 1960-2000. Cambridge University Press.

2009

(with A. Hoeffler) Testing the Neo-Con Agenda: Democracy, Growth and Resource Rents, *European Economic Review*.

(with Lisa Chauvet) Elections and Economic Policy in Developing Countries, *Economic Policy*.

(with Benedikt Goderis) Does Aid Mitigate Commodity Shocks? *Review of Development Economics*.

(with Anke Hoeffler and Dominic Rohner) Beyond Greed and Grievance: Feasibility and Civil War, *Oxford Economic Papers*.

(with Benedikt Goderis) Structural Policies for Shock-Prone Commodity Exporters, *Oxford Economic Papers*.

(with Michael Spence, Tony Venables and Rick van der Ploeg) Managing Resource Revenues in Developing Countries, *IMF Staff Papers*.

The Political Economy of Failing States, Oxford Review of Economic Policy.

Wars, Guns and Votes: Democracy in Dangerous Places, HarperCollins/Random House. (with Tony Venables) Trade and Economic Performance: Does Economic Fragmentation Matter? in Lin and Plescovik (eds) Annual World Bank Conference of Development Economics, 2008, World Bank.

Post-Conflict Recovery: How should policies be distinctive? Journal of African Economies.

2010

The Plundered Planet: How to Reconcile Nature with Prosperity, OUP and Penguin.

(With Lisa Chauvet and Anke Hoeffler) Paradise Lost: Failing States in the Pacific, *Journal of Development Studies*.

(with Tony Venables) Illusory Revenues: Trade Policies in Resource-Rich Countries, *Journal of Development Economics*.

(with Tony Venables) International Rules for Trade in Natural Resources, *Globalization* and *Development*.

Conflict, Political Accountability and Aid, Routledge.

2011

(with Pedro Vicente) Violence, Bribery, and Fraud: The Political Economy of Elections in Sub-Saharan Africa, *Public Choice*.

(with Tony Venables, ed.) Plundered Nations? Country Experiences with Managing Natural Resources, Palgrave.

(with Chris Adam and Njuguna Ndungu, eds) Kenya: Economic Policies for Prosperity, OUP.

(with N. Ndungu), Strategies for Growth, in C.Adam, P. Collier and N. Ndungu (eds) *Kenya: Economic Policies for Prosperity*, OUP.

(with R. Gutierrez-Romero and M. Kimenyi) Democracy and Prosperity, in C.Adam, P. Collier and N. Ndungu (eds) *Kenya: Economic Policies for Prosperity*, OUP.

2012

(with B. Goderis) Growth, Governance and Natural Resources, *European Economic Review*

(with Tony Venables) Land Grabs? Speculation versus Pioneer Investment, *Globalization and Development*.

2013

Exodus: How Migration is Changing our World, Oxford University Press.

(with S. Bhattacharyya), Public capital in resource rich economies: Is there a curse? *Oxford Economic Papers* 66 (1).

(with M. Duponchel) The Economic Legacy of Civil War: Firm-level Evidence from Sierra Leone, *Journal of Conflict Resolution*, 57: 65-88

Épargner les revenus tirés des ressources naturelles dans les pays en développement : principes et règles de politiques, *Revue d'économie du développement*, 2013/4 Vol. 27. Under Pressure: How governments can manage expectations when oil is discovered, *Finance and Development*.

2014

(with P. Vicente), Votes and violence: Evidence from a field experiment in Nigeria. *Economic Journal*

(with S. Dercon) African Agriculture in 50 Years: Smallholders in a Rapidly Changing World, *World Development*

(with A. Venables), Closing Coal: Economic and Moral Incentives, *Oxford Review of Economic Policy*, 30(3), 492-512.

The Ethics of Natural Resources, Global Ethics

Scottish Oil and Global Justice, International Energy Law Review.

Zambian Macroeconomic Policy: a Time for Tough Decisions, in Adam, et al, Zambia: Policies for Prosperity, Oxford University Press

Africa's New Economic Opportunities, *Oxford Handbooks Online*, DOI: 10.1093/oxfordhb/9780199687114.013.2

2015

(with J. Cust) Investing in Africa's Infrastructure: Financing and Policy Options, *Annual Review of Resource Economics*

(with Anke Hoeffler) Do Elections Matter for Economic Performance? Oxford Bulletin of Economics and Statistics, 77(1), 1-21

(with T. Venables), Urbanization and Housing in Africa, in J. Hannigan and G. Richards (eds), *Handbook of New Urban Studies*, Sage.

(with A. Venables), Closing coal: Economic and Moral Incentives. Oxford Review of Economic Policy

Attracting International Private Finance for African Infrastructure, Journal of African Trade.

(with M. Kirchberger and M. Soderbom), The Cost of Transport Infrastructure in Developing Countries, *World Bank Economic Review* (in press).

(with O.Sterck and R. Manning), The Moral and Fiscal Implications of Anti-Retroviral Therapies for HIV in Africa, *CSAE Working Paper*, WPS/2015-05

Development Economics in Retrospect and Prospect, Oxford Review of Economic Policy. Attracting International Private Finance for African Infrastructure, Journal of African Trade

(with A. Betts) Help Refugees Help Themselves, Foreign Affairs

Vers une Politique du Climat Réaliste et Efficace. *Economica, 2015. Chapter 29.* Réduire les émissions de carbone sans freiner le développement.

(with A. Venables), Housing and Urbanization in Africa: Unleashing a Formal Housing Process, in E.Glaeser and A. Joshi-Ghani, (eds.), *The Urban Imperative*, Oxford University Press.

(with T. Venables), Urbanization and Housing in Africa, in J. Hannigan and G. Richards (eds), *Handbook of New Urban Studies*, Sage.

2016 and forthcoming

The Institutional and Psychological Foundations of Natural Resource Policies, *Journal of Development Studies* (May 2016) Page 1-12

The Cultural Foundations of Economic Failure: a Conceptual Toolkit, *Journal of Economic Behavior and Organization* (2016), pp. 5-24

(with A. Hoeffler), Africa and the World: Sovereignty, Dependency and Extraversion. On the incidence of civil war in Africa, in N. Cheesman (ed.), *African Politics, Critical Concepts in Political Science, Vol 1*, Routledge, Taylor and Francis Group.

Culture, Politics and Economic Development, Annual Review of Political Science

The Ethical Foundations of Aid: Two Duties of Rescue, in R. Eckersley and C. Brown (eds) *Oxford Handbook of International Political Theory*.

Resource Revenue Management: Three Policy Clocks, in R. Caputo and R. Chang (eds.) *Commodity Prices and Macroeconomic Policy*, Central Bank of Chile.

(with J. Aker and P. Vicente), Is Information Power? Using Mobile Phones and Free Newspapers during an Election in Mozambique, *Review of Economics and Statistics*(with T. Venables) Urban Infrastructure for Development, *Oxford Review of Economic Policy*

(with P. Jones), Transforming Dar es Salaam into a city that works, in Adam et al., (eds.) *Tanzania: Policies for Prosperity*, Oxford University Press.

The Bottom Billion, in G. Ritzer (ed), Wiley Blackwell Encyclopedia of Sociology.

The Moral and Fiscal Implications of Anti-Retroviral Therapies for HIV in Africa (under review)

Shared-Use Mining Infrastructure: Why it Matters, and How to Achieve it (with Glenn Ireland and Richard Manning). *Development Policy Review*.

Betts, A. and Collier, P. (2017) *Refuge: Transforming a Broken Refugee System.* Harmondsworth: Penguin.

Curriculum Vitae

Dr Anke Elisabeth Hoeffler, Diplom Volkswirtin, MSc Econ, DPhil Econ

Summary

Stemming from my doctorate I have been conducting frontier research for the past 17 years. This is evidenced by:

- I am ranked among the top three per cent of European economists; h-index: 37
- 30 peer reviewed published articles and 13 book chapters
- including "Greed and Grievance in Civil Wars" (co-authored with Paul Collier) which was the most cited economics paper in Q1 2010
- Due to my academic publications, media discussions and meetings with policy makers my work has had an impact on the current thinking on development issues, in particular civil war and violence
- I have continuously funded my research position for the past 17 years, attracting funding from the EC, ESRC, DFID, World Bank, OECD, BMZ, OSI, Norwegian Research Council
- My work has been widely featured in the media for example on Reuters, The Wall Street Journal, the Economist, the Huffington Post, the Guardian, India Today and on CNN News
- I have been invited to present my research to international policy shapers, for example The World Bank, the UN, the OECD, the EC, DFID and BMZ

Contact Details

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	Tel: +44 1865 351 229, mobile +44 7584 660140
web:	http://users.ox.ac.uk/~ball0144/
	https://scholar.google.com/citations?user=ZBYsHdsAAAAJ&hl=en

Education

09.94 - 10.98	D.Phil. in Economics: "Econometric Studies of Growth, Convergence and		
	Conflicts", University of Oxford, Balliol College		
09.92 - 06.93	MSc in Economics, University of London, Birkbeck College,		
03.87 – 11.91	Diplom in Volkswirtschaftlehre (degree in economics), University of Würzburg		

Employment

10.99 – present	Research Officer, Centre for the Study of African Economies, Oxford
10.96 - 07.99	Part-time Lecturer in Economics, Balliol College, Oxford
10.93 - 09.94	Consultant, TechnEcon ltd, Economic&Transport Consultants, London
01.92 - 07.92	Research Assistant for Prof. Peter Bofinger, University of Würzburg

Ongoing and Recent Research

09.15 – present	"The Global Cost of Violence" book contract with Princeton University Press,
	co-author: James Fearon
09.16 - 11.17	"Violence Against Children: A Critical Issue for Development" editor special
	issue, European Journal for Development Research
10.16 – present	"Growth in Fragile and Conflict Affected States", editor special issue Review
	for Development Economics
10.17 – present	"An Investigation of the Security Situation of Syrian Refugees"

Research Grants

10.17 – 06.19	"An Investigation of the Security Situation of Syrian Refugees in Jordan", World Bank: \$200,000
01.12 – 09.17	"Enhancing Knowledge for Renewed Policies against Poverty", Work
	Package Leader 'States and political Systems', EC CORDIS 7 th Framework
	Programme: total budget € 8m, Oxford funding £275,000
09.14 – 08.15	"An Analysis of Post-conflict Stabilization", co-PI Richard Caplan, DFID and
	the Folke Bernadotte Academy: £46,300
11.14 – 03.15	"Violence Against Children", Fell Fund: £4,890
09.09 - 12.10	"Democracy and income: A time series analysis with special reference to
	Africa", International Growth Centre: £10,150
01.08 – 12.10	"Illegitimate regime change and managing macroeconomic policy, joint with
	Benedict Goderis, Open Society Institute: £109,366
07.05 - 06.07	"Reducing the security risk in low-income countries", joint with Paul Collier,
	ESRC: £143,226
10.03 - 09.04	"Civil wars and global security challenges: a quantitative economic
	perspective", joint with Paul Collier, ESRC: £40,206
10.00 - 03.03	"Aid, policy and conflict", Research Council of Norway: £123,148
09.99 - 09.00	"Economics of conflict", World Bank: \$45,000

Teaching

2001 – present	Supervision: 17 MSc&MPhil students, six DPhil students (four completed, two current students) in Economics, Politics&IR, Development Studies, Area Studies		
2006 – 2015	Biannual MSc lectures, Security Sector Management, Cranfield University,		
	UK Defence Academy		
May 13&14&15	Lecture series on 'New Wars', convenors: Royal Danish Defence College and		
	the Centre for Africa Studies, Copenhagen		
Oct - Dec 2014 Visiting scholar in Germany, seminars in the economics and politics			
	departments at the University of Heidelberg and the University of Mannheim		
Dec 2013	Two day doctoral seminar on quantitative methods, German Institute of		
	Global and Area Studies		
2005 – 2007	Data project, lectures&computer lab sessions, PPE students Oxford		
1996 -1999	PPE undergraduate tutorials, Balliol College Oxford		

Commissioned Work

04.16 – 06.17	"Growth in Fragile States in Africa", Project Coordinator for the African	
	Economic Research Consortium, output: edited volume	
12.16 – 05.17	"An Evaluation of Interventions Designed to Prevent Intimate Partner	
	Violence in Haiti", Copenhagen Consensus Center	
01.14 - 06.14	"Cost of Violence" (with James Fearon), Copenhagen Consensus Center	
11.11 – 11.12	"Global Factors that increase the Risk of Conflict and Fragility", for	
	OECD/INCAF, three research papers	
11.09 – 04.10	"Post-conflict Recovery and Peace Building" (with Sarah von Billerbeck and	
	Syeda ShahBano Ijaz), background paper for the World Bank's World	
	Development Report 2011	
05.07 – 09.07	"Dealing with the Consequences of Violent Conflicts in Africa", Background	
	Paper for the African Development Bank Report 2008	
05.98 – 09.07	"Challenges of Infrastructure Rehabilitation and Reconstruction in War-	
	Affected Economies", Background Paper for the African Development Bank	
	Report 1998	
04.03 - 11.03	"Conflicts" (with Paul Collier), Copenhagen Consensus Center	

Wider Academic Participation

2015 – present	Co-editor for the Review of Development Economics
2014 – present	External Examiner, SOAS
2003 – present	Resource Person (Reviewer) for the African Economic Research Consortium,
	biannual meetings, aim: capacity building for young African scholars
2014 – present	Steering Committee for 'Point Sud', an African research initiative by the German
	Research Foundation, DFG, to fund interdisciplinary research on Africa
2014 – present	Advisory Board for the charity 'Giving What We Can'
2005 – 2012	Policy Advisory Board for the German Institute for Global and Area Studies
2014 – present	elected member of the German Economic Association (Verein für Socialpolitik)

Publications

Journal Articles

Migration, Diasporas and Culture: an Empirical Investigation (with Paul Collier) 2018, Kyklos. Accepted.

Violence against Children: A Critical Issue for Development. 2017, European Journal of Development Research 29:945-963.

What are the Costs of Violence? 2017, Politics, Philosophy & Economics 16(4): 422 - 445.

The Ethics of Security Research. An Ethics Framework for Contemporary Security Studies (with Stephane Baele, Nils-Christian Bormann, David Lewis, Thibault Slingeneyer and Olivier Sterck) 2017, International Studies Perspectives. https://doi.org/10.1093/isp/ekx003

Why Peace Endures: An Analysis of Post-Conflict Stabilization (with Richard Caplan) 2017, European Journal of International Security 2(2):133-152.

Free and Fair Elections – A new database (with Sylvia Bishop) 2016, Journal of Peace Research 53: 608-616.

Do elections matter for economic performance? (with Paul Collier) 2015, Oxford Bulletin of Economics and Statistics 77: 1-21.

Can International Interventions Secure the Peace? 2014, International Area Studies Review 17: 75–94.

The New Institutionalism and Africa (with Robert Bates, Stephen Block and Ghada Fayad) 2013, Journal of African Economies 22(4): 499-522.

The State of Democracy in Africa (with Robert Bates and Ghada Fayad) 2012, International Area Studies Review 15: 323-338.

Need, Merit or Self-Interest – What Determines the Allocation of Aid? (with Verity Outram) 2011, Review of Development Economics 15(2): 237-250.

'Greed' versus 'Grievance': A Useful Conceptual Distinction in the Study of Civil War? 2011, Studies in Ethnicity and Nationalism 11(2): 274–285.

Paradise Lost: The Cost of State Failure in the Pacific (with Lisa Chauvet and Paul Collier) 2010, Journal of Development Studies 46(5): 961-980.

Testing the Neocon Agenda: Democracy in Resource-Rich Societies (with Paul Collier) 2009, European Economic Review 53(3):293-308.

Beyond Greed and Grievance: Feasibility and Civil War (with Paul Collier and Dominic Rohner) 2009, Oxford Economic Papers 61: 1-27.

Post-Conflict Risks (with Paul Collier and Måns Söderbom) 2008, Journal of Peace Research 45(4): 461-478.

Unintended Consequences: Does Aid Promote Arms Races? (with Paul Collier) 2007, Oxford Bulletin of Economics and Statistics 69: 1-28.

Military Expenditure in Post-Conflict Societies (with Paul Collier) 2006, Economics of Governance 7(1): 89-107.

Institutions, Governance and Economic Development in Africa: An Overview (with Augustin Fosu and Robert H Bates) 2006, Journal of African Economies 15: 1-9.

Resource Rents, Governance, and Conflict (with Paul Collier) 2005, Journal of Conflict Resolution 49: 625-633.

Greed and Grievance in Civil Wars (with Paul Collier), 2004, Oxford Economic Papers 56: 563-595.

Aid, Policy and Growth in Post-Conflict Countries (with Paul Collier) 2004, The European Economic Review 48: 1125-1145.

On the Duration of Civil War (with Paul Collier and Måns Söderbom) 2004, Journal of Peace Research 41(3): 253-273.

Africa's Exodus: Capital Flight and the Brain Drain as Portfolio Decisions (with Paul Collier and Catherine Pattillo) 2004, Journal of African Economies 13: ii15 - ii54.

On the Incidence of Civil War in Africa (with Paul Collier) 2002, Journal of Conflict Resolution 46:13-28.

Aid, Policy and Peace (with Paul Collier) 2002, Defence and Peace Economics 13(6):435-450.

Violence against Civilians in Civil Wars: Looting or Terror? (with Jean-Paul Azam) 2002, Journal of Peace Research 39: 461-485.

Flight Capital as a Portfolio Choice (with Paul Collier and Catherine Pattillo) 2001, The World Bank Economic Review 15: 55-80.

The Augmented Solow Model and the African Growth Debate, 2002, Oxford Bulletin of Economics & Statistics 64(2): 135-158.

Openness, Investment and Growth, 2001, Journal of African Economies 10 (4): 470-497.

On Economic Causes of Civil War (with Paul Collier) 1998, Oxford Economic Papers 50: 563-573.

Book Chapters

Beyond civil war: the costs of interpersonal violence (with James Fearon) 2017 in: Prioritizing Development: A cost benefit analysis of the United Nations Global Goals (Björn Lomborg ed). Cambridge University Press.

Development and the Risk of Mass Atrocities. 2016. in: Economic Aspects of Genocide, Mass Killing, and Their Prevention. (Charles Anderton and Jürgen Brauer, eds) Oxford University Press, 230-250.

The Economics of Violent Conflict and War in Africa. 2014. Chapter 38 in The Oxford Handbook of Africa and Economics: Context and Concepts (Célestin Monga and Justin Yifu Lin, eds). Oxford University Press.

Armed Conflict, Perspective Paper for the Copenhagen Consensus Project 2012. Chapter in 'Global Problems - Smart Solutions' Bjørn Lomborg (ed) pp 54-61. Cambridge University Press.

On the Causes of Civil War, 2012, Chapter 9 in The Oxford Handbook of the Economics of Peace and Conflict (Michelle Garfinkel and Stergios Skaperdas, eds). Oxford University Press.

High-Value Natural Resources, Development and Conflict: Channels of Causation (with Paul Collier) 2011, in: Strengthening Post-conflict Peacebuilding through Natural Resource Management, volume 1, ELI and the United Nations Environment Programme (UNEP).

The Cost of State Failure and the Limits to Sovereignty (with Lisa Chauvet and Paul Collier) 2011, in: Fragile States: Causes, Costs, and Responses. (Willem A Naudé, Amelia U Santos-Paulino and Mark McGillivray, eds). Oxford University Press.

Fragile States and Conflict Recurrence, 2010, Chapter 7 in: Peace and Conflict 2010, J.Joseph Hewitt, Jonathan Wilkenfield and Ted Robert Gurr, eds): 65-78.

Civil War (with Paul Collier), 2007, Chapter 23 in Handbook of Defense Economics T. Sandler and K. Hartley (eds), Volume 2, Elsevier.

Economic Causes and Consequences of Civil War: A Discussion of the Possible Policy Interventions (with Paul Collier) 2006, in Michael Dauderstädt and Arne Schildberg (eds) Dead Ends of Transition: Rentier Economies and Protectorates, 151-158. Campus.

The Political Economy of Secession (with Paul Collier) 2006, in Hurst Hannum and Eileen F Babbitt: Negotiating Self-Determination, 37-59. Lexington Books.

The Economic Cost of Corruption in Infrastructure (with Paul Collier) 2005 in: Transparency International. 'Global Corruption Report', London: Pluto Press.

Conflicts (with Paul Collier) 2004 in: Global Crises, Global Solutions (Björn Lomborg , ed), 129-156. Cambridge University Press.

Über die Ökonomischen Ursachen von Bürgerkriegen (with Paul Collier) 2003 in: Kriminalität, Ökonomie und Europäischer Sozialstaat (Hans-Jörg Albrecht and Horst Entorf, eds), Physica Verlag.

Books

Breaking the Conflict Trap: Civil War and Development Policy, 2003 (with Paul Collier, Lance Elliot, Håvard Hegre, Marta Reynal-Querol and Nicholas Sambanis) World Bank Policy Research Report. Oxford University Press.

Other

Domestic Violence in Haiti (with Jean-Guy Honoré and Anastasia Gage) 2017. Copenhagen Consensus Center.

Benefits and Costs of the Conflict and Violence Targets for the Post-2015 Development Agenda (with James Fearon) 2014. Copenhagen Consensus Center.

Income and Democracy: Lipset's Law Revisited (with Ghada Fayad and Robert H. Bates) 2012. IMF Working Paper 12/295.

Three thematic papers supporting the OECD DAC INCAF project 'Global Factors Influencing the Risk of Conflict and Fragility':

Growth, aid and policies in countries recovering from war. 2012. Out of the Frying Pan into the Fire? Migration from fragile states to fragile states. 2012. Exporting from fragile states: Challenges and opportunities. 2012.

Post-conflict Recovery and Peace Building (with Syeda ShahBano Ijaz and Sarah von Billerbeck) 2011, Background Paper for the World Development Report 2011.

Dealing with the Consequences of Violent Conflicts in Africa, Background Paper for the African Development Bank Report 2008.

Panel Data Estimators and Cross-Country Growth Regressions (with Stephen Bond and Jonathan Temple), 2001, CEPR Working Paper No 3048.

Challenges of Infrastructure Rehabilitation and Reconstruction in War-Affected Economies, 1998, CSAE Discussion Paper 98/26.

Econometric Studies of Growth, Convergence and Conflicts, 1998, D.Phil thesis, University of Oxford.

Work in Progress

The Global Cost of Violence. Book Draft (with James Fearon). Princeton University Press.

Finance for Development: Are Sovereign Bond Issues in Sub-Saharan Africa Supporting Sustainable Development? (with James Gichuki). 2017. Mimeo.

Post-Conflict Stabilization in Africa. 2016. Mimeo.

Democracy's Achilles Heel: Structural Causes of Flawed Elections and their Consequences for Citizen Trust (with Maddalena Agnoli, Lisa Chauvet, Paul Collier, Anke Hoeffler and Sultan Mehmood) 2016. Mimeo. Dr Anke Hoeffler is a Research Officer at the Centre for the Study of African Economies (CSAE) at the University of Oxford. She holds a Diplom in Volkswirschaftslehre from the University of Würzburg and an MSc in economics from Birkbeck College, University of London. She received her DPhil in economics from the University of Oxford in 1999. Anke's research interests are wide ranging and often interdisciplinary. Broadly she is interested in the macroeconomics of developing countries and political economy issues, but has a specific interest in the economics of violence. Most recent publications include work on elections in the Journal of Peace Research and the Oxford Bulletin of Economics and Statistics. Anke has also contributed to the Oxford Handbook of Africa and Economics: Context and Concepts as well as to Economic Aspects of Genocide, Mass Killing, and Their Prevention, both published by Oxford University Press. She is currently working on a book manuscript entitled "The Global Costs of Violence" (with James Fearon).

Dr Anke Hoeffler is an economist and works as a Research Officer at the Centre for the Study of African Economies (CSAE) at the University of Oxford. Her research focuses on the economics of violence.

Annex 110

Calculated Number of Civilian Deaths between 7 August 1998 and 2 June 2003 (Source: U.N. Mapping Report)

Annex 110

CALCULATED NUMBER OF CIVILIAN DEATHS BETWEEN 7 AUGUST 1998 AND 2 JUNE 2003

Democratic Republic of the Congo, 1993–2003 Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003 August 2010

Paragraph Number	Date	Reported Number of Deaths	Number of Deaths (as derived by Uganda)
	Beni and Lubero	Regions (Grand-Nord)	
¶346	25 and 26 August 2000	17 civilians and 7 Mayi-Mayi prisoners	24
¶347	1 November 2000	Between 7 and 11 people	9
¶348	9 November 2000	36 people	36
¶349	March 2000	4 civilians	4
¶443	2001	Unknown number of people	25
	Orienta	le Province	
¶361 (Kisangani)	14 to 17 August 1999	Over 30 civilians	40
¶362 (Kisangani)	5 May 2000	Over 24 civilians	30
¶363 (Kisangani)	5 to 10 June 2000	Between 244 and 760 civilians	502
¶402	Between January 2001 and January 2003	Unknown number of civilians	100

Ituri			
20 June 1999	At least 25 people	25	
1 December 1999	Over 200 members of the civilian population	250	
26 April 2000	Around 10 deaths	10	
Between January and February 2001	Around 100 people	100	
Between January and February 2001	Unknown number	25	
3 February 2001	105 people	105	
19 January 2001	Between 200 and 250 civilians	225	
26 April 2001	6 members of the ICRC	6	
January 2002	35 Lendu civilians	35	
Between February and April 2002	Several hundred Lendu civilians	400	
Early June 2002	At least 27	27	
Between 9 and 11 August 2002	80 Lendu, Nande and Bira civilians	80	
Months following August 2002	Numerous civilians	50	
20 November 2002	At least 50 Lendu civilians	50	
6 March 2003	Between 17 and 52 civilians	35	
	20 June 19991 December 199926 April 200026 April 2000Between January and February 2001Between January and February 20013 February 200119 January 200126 April 200119 January 2002Between February and April 2002Early June 2002Between 9 and 11 August 2002Months following August 200220 November 2002	20 June 1999At least 25 people1 December 1999Over 200 members of the civilian population26 April 2000Around 10 deathsBetween January and February 2001Around 100 peopleBetween January and February 2001Unknown number3 February 2001105 people19 January 2001Between 200 and 250 civilians26 April 20016 members of the ICRCJanuary 200235 Lendu civiliansBetween February and April 2002Several hundred Lendu civiliansBetween 9 and 11 August 200280 Lendu, Nande and Bira civiliansMonths following August 2002Numerous civilians20 November 2002At least 50 Lendu civilians20 November 2002At least 50 Lendu civilians20 November 2002At least 50 Lendu 	

Équateur			
¶381	22 December 1998	7 civilians	7
¶381	25 December 1998	At least 27 civilians	27
¶383	Between 24 and 26 February 1999	At least 15 civilians	15
¶385	28 May 1999	1 ALiR member	1
¶392	9 August 2000	Several dozen soldiers	48
Total: 2,291			