



# Situation Report

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## Future Scenarios for the Democratic Republic of Congo

### Introduction

The Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed by the Congolese parties on 17 December 2002, outlined a transitional process culminating in national elections to be held two years after the inauguration of the Transitional Government in June 2003. The Agreement also stipulated that the transition could be extended for two six-month periods if technical preparations for elections were delayed. The Transition Government has encountered significant difficulties in the past two years. Nonetheless, the basic objectives of the peace agreement – such as the drafting of a constitution, the elaboration of key laws and the embryonic reintegration of the Congolese armed forces – have been realised, and the Congolese people are now increasingly focused on the elections.

The holding of elections is the key element in the move from a post-conflict transition to a democratic, unified and stable state. It will therefore be essential that the upcoming elections are sufficiently credible in the eyes of the Congolese electorate and the political parties to produce broad acceptance of the process and its results. In order to ensure this credibility, insecurity will have to be kept to a minimum to make sure that a maximum number of people will be able to participate in the process and all parties participating in the process must be guaranteed equal access to election resources.

In April, the chairman of the Independent Electoral Commission (IEC), Apollinaire Malu Malu, made an official request to Parliament to extend the transition period for a further year in order to allow the IEC properly to prepare the country for local, provincial and national elections. By then it had become clear that the IEC was running severely behind schedule: among other things, the Commission had yet to establish its provincial offices, hire and train staff and distribute equipment necessary for voter registration. Parliament had no choice but to grant the extension, which it did in June. Elections are now scheduled to take place by June 2006. A national referendum on the draft constitution, which was adopted by Parliament in June this year, is scheduled to be held at the end of November. Voter registration has already been completed in the capital Kinshasa and is currently under way in the rest of the country.

This situation report will look at the current situation, and at factors that could destabilise the transition and progress towards elections. It will also examine several short-to-medium-term scenarios for the remainder of the transition.

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To be able to understand the current situation in the DRC, one has to take in consideration what has been done by the Transition Government (TG), the United Nations Mission in the Democratic Republic of Congo (MONUC) and the international community to ensure the completion of the transition. This includes the legislative process, the electoral process, security sector reform, restoring peace in the Ituri area and the issue of the *Forces démocratique de libération du Rwanda* (FDLR).

### *The Legislative Process*

One of the most important functions of the TG was to enact legislation as stipulated in the Global All Inclusive Agreement signed on 17 December 2002. Initially the TG showed little sense of urgency, but since June 2004 the process has accelerated as a result of pressure from the international community, which had already recognised that the 30 June 2005 election date was being threatened by delays. In order to support the TG in implementing key legislation, MONUC established a Joint Commission on Essential Legislation, composed of MONUC personnel and representatives of the TG and the international community. In spite of considerable hold-ups, important elements of the legislative framework for the holding of elections are now in place, including the laws on nationality and voter registration. However, crucial laws such as the amnesty and electoral laws have yet to be adopted. The National Assembly adopted the draft of a post-transition Constitution on 13 May, which will be submitted to a national referendum at the end of November this year.

The new Constitution will play a critical role in the establishment of post-election stability. The draft provides for a unitary state with a substantial degree of decentralisation and autonomy for the provinces. It also foresees a semi-presidential system in which the President will be elected by universal and direct suffrage by an absolute majority of votes. The President will appoint a Prime Minister either from the party holding the majority in Parliament or from a coalition of smaller parties constituting a majority. The Constitution provides for a balance of powers between the executive, legislative and judiciary.<sup>2</sup>

The adoption of the electoral law that provides the basis for an electoral process that meets international standards of fairness and transparency is crucial. In particular, the electoral law must contain inclusive and equitable provisions on the eligibility of candidates, mechanisms for the adjudication of disputes, provisions to deter electoral malpractices, and minimum guarantees for participation. It should clearly spell out the modalities for promulgating regulations in those areas in which it does not itself provide all required detail. Considering the time pressures facing the transition, the law should also contain sufficient flexibility to allow the Independent Electoral Commission to deal with situations not explicitly provided for in the law.<sup>3</sup> On 25 July, the Joint Commission on Essential Legislation provided the draft electoral law to the Parliament, which transmitted it to the Transitional Government. The Joint Commission and the International Committee for Support to the Transition (CIAT) have encouraged the Government expeditiously to review, adopt and forward the draft law to the Parliament. The International Committee has also called for an extraordinary parliamentary session to review the draft; it appears, however, that the session will not be held until October 2005. The adoption by Parliament of the electoral law would enable the Independent Electoral Commission to establish the electoral calendar and proceed with the organisation of the elections.<sup>4</sup> See Diagram 1: The status of Constitutional Legislation.<sup>5</sup>

### *The Electoral Process*

The IEC was not established until June 2004. Over the past year it has done its best to make up for lost time in preparing for elections; it has established a national base in Kinshasa, 11 provincial offices and most of the planned 64 liaison offices, which act as its operational structure to cover the 145 territories<sup>6</sup> and 21 cities that comprise the local administration of the Democratic Republic of the Congo. The IEC also made available a provisional calendar for the elections.<sup>7</sup>

Diagram 1: The Status of Constitutional Legislation.

In Government	In Senate	Promulgated
Electoral Law	Law on Amnesty	Law on Voter Registration
	Law on Magistrates	Law on Political Parties
	Law on Decentralisation	Law on the IEC
		Law on TRC
		Law on the High Media Authority
		Law on National Human Rights
		Law on Ethics and Anti-Corruption Commission
		Law on Nationality
		Law on Army and Defence
		Budget 2005
		Draft Constitution
		Electoral Law

Diagram 2: Election Calendar<sup>8</sup>

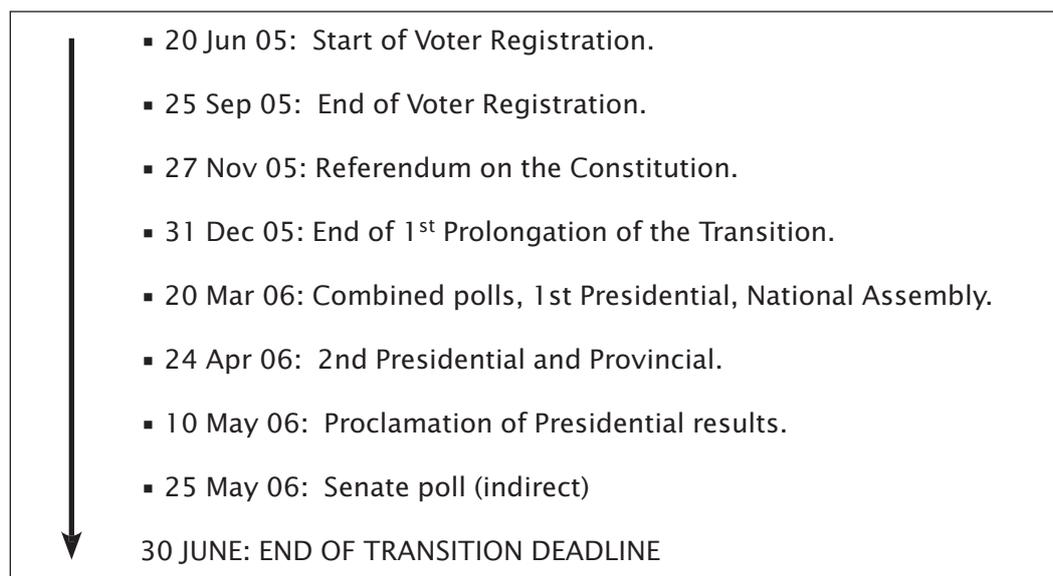


Diagram 3: Voter Registration Calendar<sup>10</sup>

Area	Province	Begin	End
1	Kinshasa	21 June 05	31 July 05
2	Province Orientale Bas - Congo	25 July 05	14 August 05
3	Katanga Kasai Oriental Kasai Occidental	7 August 05	25 August 05
4	North - Kivu South - Kivu Maniema	21 August 05	11 September 05
5	Bandundu Equateur	4 September 05	25 September 05

The IEC started work in the four significant areas of its operations: voter registration, the distribution of voter registration materials and personnel, public outreach, and the training of short-term electoral staff. As concerns voter registration, tests of registration equipment were conducted from 25 April to 1 May, and the first batch of voter registration machines arrived in the country in early June. To register the estimated 28 million voters, the electoral plan calls for the establishment of 9,000 registration centres throughout the country, with registration carried out on a progressive basis in order to make the maximum use of resources.<sup>9</sup> Voter registration commenced on 20 June 2005, beginning with Kinshasa. Registration was extended by a week in Kinshasa, and was terminated in early-August with more than 3.5 million voters registered.

Planning for the actual polling phase of the process will be done only after the electoral law has been adopted after the referendum. The electoral law will determine the number of polling days and the sequence of the elections. For the voting phase of the process – both for the referendum and elections – the IEC plans to split each registration site into three to five polling stations, providing up to 40,000 polling stations operating in some 10,000 locations. According to the United Nations assessment mission and in the estimation of IEC, the referendum, which will be preceded by a public information campaign, could be held shortly after the publication of the voters list: the provisional date is set for 27 November 2005. The time between the referendum and the national elections will then be determined primarily by the operational requirements of withdrawing, inventorying and redeploying any reusable materials from the referendum, in addition to procurement procedures for new materials. International assistance to the electoral process is coordinated through two principal complementary forums. The Technical Committee of the Joint Commission on Elections, chaired jointly by MONUC and IEC, is the principal coordinating body for all international actors supporting the electoral process. A Steering Committee, composed of donors to the UNDP fund for the IEC, has also been established to provide strategic guidance and validate all major disbursement decisions.<sup>11</sup> Under the best of circumstances, the actual elections will begin in March 2006.

The total budget of elections is now estimated at \$422 million, \$270 million of which is support for the IEC's operations. Following the EU donor meeting in Brussels in July, an additional \$100 million was pledged, raising the total to \$272 million. On 29 August an additional \$103 million for MONUC to support the logistics for the election was informally approved by the Japanese Ambassador to the UN, Kenzo Oshima, who was the Security Council President in August.<sup>12</sup> In his 18<sup>th</sup> report on MONUC, published in early August, UN Secretary-General Kofi Annan expressed concern that failure to approve the funds could delay the election schedule considerably.

The high cost of organising elections in the DRC is attributable primarily to the country's size and lack of infrastructure. These factors, and the challenges noted above, affect the work of IEC at all levels. While the IEC's provincial offices can be described broadly as operational, their work has been impeded by sub-standard premises and a lack of basic office equipment. While some office equipment is expected to be supplied shortly, the full establishment of the 64 liaison offices has been delayed by difficulties in identifying suitable premises and, in a few cases, lack of cooperation from local authorities. The delay in the establishment of the liaison offices has meant that the identification of centres for the forthcoming registration of voters has had to be accomplished with the direct involvement of IEC officials at the national level and with the support of MONUC field electoral officers.<sup>13</sup>

While the electoral budget covers the cost of transporting equipment and material to the DRC, and of further surface transportation from the 145 *territoires* and 21 cities to the registration and polling stations, it does not include the bulk transportation of electoral materials from Kinshasa to the *territoires* and major cities. Given the size of the country and the lack of roads, this will require a mix of air and river transport assets that are not available locally. For this reason the

IEC has asked MONUC to take on this responsibility. To achieve economies of scale it will be essential, in this connection, that logistics planning and execution are closely coordinated between the IEC and MONUC

### *Political situation*

To date several hundred political parties have applied to register in the election campaign, as required by the law on the organisation and operations of political parties promulgated on 15 March 2004. In addition, 196 political parties have signed the IEC's code of conduct, committing themselves to refraining from violence. Of the country's main political parties, only the *Union pour la démocratie et le progrès social* (UDPS), the country's main opposition party and the *Parti du peuple pour la reconstruction et le développement* (PPRD), the President's party, have so far refused to sign the code of conduct. According to Joseph Mukendi, a political councillor to the leader of the UDPS, his party has refused to sign the code of conduct because the IEC has recognised two other parties also using the name of the UDPS. Mr Mukendi argues that the IEC must first resolve the situation before the UDPS, which participated in the elaboration of the electoral code of conduct, would be willing to sign. Meanwhile PPRD secretary-general Vital Kamerhe explained that the PPRD's failure to sign the document was merely an oversight on the part of his overstretched services and promised that the PPRD would sign as soon as possible.<sup>14</sup>

The country's major political parties include the three main belligerent in the war, all of whom are now in government: the PPRD, the President's party; the *Rassemblement congolais pour la démocratie-Goma* (RCD-Goma), the former Rwandan-backed rebel movement led by Vice-President Azarias Ruberwa; and the *Mouvement pour la libération du Congo* (MLC), the former Ugandan-backed rebel group led by Vice-President Jean-Pierre Bemba. Other key political parties are: the *Union pour la démocratie et le progrès social* (UDPS), the country's oldest, and arguably most well-known, political party, led by Etienne Tshisekedi; the *Parti lumumbiste unifié* (Palu) led by Antoine Gizenga; and several smaller and newer parties such as the *Forces novatrices pour l'union et la solidarité* (FONUS) led by former transport minister Joseph Olenghankoy.

The Congolese political parties are divided into two camps. One consists of political parties actively participating in the transition, such as the PPRD, MLC, RCD-G and FONUS. Many of these parties have been co-opted by the presidential party or other former rebel groups, and have supported the extension of the transition. The second camp has criticised the slow pace at which the government has been implementing the peace agreement since late-2003 and has also actively opposed the extension of the transition and the maintenance of the status quo. This camp is composed of parties in government, such as the MMRD led by Christophe Lutundula, as well as parties that have chosen to boycott the transition process, such as the UDPS. This group – which is by no means unified – argues that the transition government has proven itself incompetent and that its composition must be reviewed before elections can take place. The most vocal proponent of a change in the composition of the transition government is the UDPS and its leader, Etienne Tshisekedi.

The Democratic Republic of the Congo has little experience of peaceful political debate, and credible elections will require a free and fair campaign and secure access for the population to registration and polling, without fear of intimidation. There is concern that tensions generated during the electoral period could result in increased violations of civil and political rights. MONUC has already registered and documented violations of freedom of the press, association and expression, and recorded instances of arrests and harassment of politicians or sympathisers of political parties.

It should be noted that the present components of the government will participate in the electoral process as political parties. It will be necessary that, in their dual

role as members of the government and electoral candidates, they take steps to ensure that the electoral process is free and fair for all concerned, and that it is perceived as such by the population. While strides have been made in unifying the country and integrating the security forces, there is concern that members of the Transitional Government at all levels may attempt to use their influence over the military, police, media and government finances to manipulate the campaign process

### *Security Situation*

There are a number of potential threats to the security of the transition process. A major source of concern is the continued presence in the DRC of armed groups of uncertain allegiance and intentions, particularly in Ituri, North and South Kivu, central and northern Katanga and, to a lesser extent, Maniema. Domestic and international spoilers opposed to elections and to the peace process, who might manipulate these groups, could seriously affect the climate in which elections are held, including the delaying or disruption of preparations. These groups could also pose a threat to the deployment of national and international electoral personnel and the population's participation in voter registration and the polling process. Although at least two police officers have been deployed to guard each voter registration site, they are ill-trained and equipped and could be easily outnumbered by any of the remaining militias armed groups operating in the country.

In combination with newly integrated military units of the FARDC, MONUC has said that its military personnel will assist in maintaining an overall security presence in Ituri and North and South Kivu provinces throughout the electoral process. This will certainly go a long way towards providing a minimum of security necessary for the holding of elections in these volatile areas, although just how stable the situation can remain will depend on the level of the reaction of the armed groups who do not have a stake in the process.

Concern has been raised about security for the elections in northern and central Katanga, where state administration is largely absent, the FARDC has yet to show the capacity to address security threats caused by the presence of Mai-Mai groups operating in those areas, and MONUC has not yet established a presence. If the integration of the Mai-Mai in Katanga is not addressed urgently by the government, adequate participation of voters in this region could be at risk.

The success of the electoral process will be linked closely to progress in convincing recalcitrant armed groups to participate in the disarmament, demobilisation and reintegration process. In any case, this will have to be done at some stage and ideally it would be accomplished prior to the holding of national elections. Unfortunately, given the current time constraints and the fact that the FARDC is already overstretched and needs to focus on completing the integration of the fifteen brigades deemed necessary to secure the elections, a more likely scenario is that the elections will have to go ahead in spite of the presence of these armed groups. Hopefully, the FARDC will use the limited time remaining to ensure that the reintegrated brigades are as well-trained as possible. Equally crucial will be that the government ensures that military salaries are not being siphoned off by the top echelons of the FARDC, as has been the case for much of the transition period. Only a national army operating under a single chain of command and which is properly paid, equipped and regularly supplied, can act as a deterrent against violent challenges to the electoral process.

A second category of security threat relates to law and order and, in particular, to tensions between political parties in large population centres such as Kinshasa, Mbuji-Mayi, Lubumbashi and, to a lesser extent, Kisangani. There is a concern that dominant political parties in such areas — possibly in conjunction with local government if it is in opposition to major political parties in the area — could threaten the activities of smaller parties, possibly through the manipulation of local

police forces, armed groups and street children, or the creation of civic disorder and direct threats to political personalities. Competing political parties are likely to vigorously protest and demonstrate against any perceived manipulation or misuse of authority by local government officials. If such protests become violent, there are real fears of human rights abuses by security forces. MONUC has already documented a certain number of cases related to the electoral process in which human rights abuses have been committed. In an attempt to minimise the number of such incidents, MONUC has established a special human rights investigative unit to report on such abuses.<sup>15</sup>

In addition, any type of crackdown on legitimate protests and freedom of expression or association will undermine significantly the confidence of the population that, after decades of political repression, is already sceptical that the elections will be free and fair. There is also some danger that smaller political parties which have little hope of winning representation, or larger parties attempting to discredit their opponents, may take advantage of the public's cynicism in order to attract attention by staging incidents of repression.

A related issue of concern is how prevailing tensions between ethnic groups could affect the dynamics of local politics in some areas. The expected return of up to 8,000 Banyamulenge refugees from Rwanda and Burundi, who fled as a result of violence during the Bukavu crisis of June 2004, and the return of as many as 40,000 Banyarwanda refugees from Rwanda to North Kivu, could pose considerable security risks during the registration and polling stages of the process.

#### *Security Sector Reform*

The six-month extension of the transition in the DRC has given the government and the military another opportunity to implement the National Demobilisation, Disarmament and Reintegration Plan (PNDDR). It has also, once again, highlighted the importance of the reform of the military, as inadequate security is one of the reasons the elections have been postponed. Since January 2005, there have been favourable developments in the area of security sector reform, including donor support for the integration (*brassage*) process by which the various Congolese armed groups and forces are mixed into brigades in the FARDC.

The current *brassage* process is a combination of the two-track integration and demobilisation process, also called "*tronc commun*", and the South African emergency plan. According to the emergency plan all armed groups would regroup under the command of the Chief of the General Staff. Activities in the regrouping centres would include identification, leading to the separation of eligible and ineligible elements, and initial selection and orientation. Combatants would then be moved to *Centres de Brassage* (CBRs) according to a plan drawn up by the SMI, where intermixing and retraining would take place.<sup>16</sup> The FARDC, in coordination with all the role-players, identified six CBRs to be used for the intermixing of 15 brigades before the elections in March 2006: at Kitona, Kamina, Kisangani, Mushaki, Nyaleke and Luberizi.

The international community has established a Contact Group to coordinate the donor community support for Security Sector Reform (SSR) in the DRC. This group has met several times and is working closely with the United Nations Mission in the DRC (MONUC) and the TG. A visit to the *Centres de Brassage* (CBRs) by the Minister of Defence of the DRC and members of the international Community in April 2005 was a significant event. The European Union Special Representative for the DRC, Ambassador Ajello, immediately pushed for the deployment of European Union (EU) military and police advisory teams to the DRC. Recently, both teams have been deployed as envisaged.

In May 2005, the FARDC produced a strategic plan, explaining for the first time how it intends to integrate and establish the new defence force. This plan has been studied in detail by MONUC, the Contact Group and the EU Counsel and

Assistance Mission (EUSEC) and discussed with the FARDC High Command. Amendments suggested to the FARDC seem likely to be implemented. The plan includes the following:

#### *Aim and Objectives*

The proposed plan envisages three stages of military reform:

- creation of light infantry brigades before the election;
- formation of a rapid reaction unit; and
- establishment of the main defence force by 2010

The initial phase of creating light infantry brigades is planned as a five-step process:

- conducting a census of all FARDC forces;
- gathering troops at assembly points, disarming them and transporting them to orientation centres;
- at orientation centres, allowing troops to choose whether they want to integrate into the new military or be demobilised;
- integrating, mixing and training forces at six CBRs with a standard brigade size of 4,200 troops, at the following locations:
  - Kisangani, supported by Belgium;
  - Kitona, supported by Angola;
  - Kamina, supported by Belgium and South Africa;
  - Nyaleke, supported by the DRC, the Netherlands and South Africa;
  - Mushake (Rumangabo), supported by the DRC, the Netherlands and South Africa; and
  - Luberizi, supported by DRC and the EU.
- Deploying integrated brigades with the initial nine brigades to
  - Ituri, three brigades;
  - North Kivu, three brigades; and
  - South Kivu, three brigades.<sup>17</sup>

The Contact Group, EUSEC and MONUC have indicated that DDR must be carried out during the transition, particularly before elections. Without well-advanced reform of the security sector it will be extremely difficult to conduct the various polls in a secure environment. The objective is not to use the military to secure the elections, but rather to restructure it so that its current organisation and undisciplined structure do not hinder the election campaign and the poll. The first election—the constitutional referendum—will take place on 27 November 2005. Considerable progress on the reform of the security sector will be needed to keep up with this calendar.<sup>18</sup> The possibility that the 9 brigades planned be deployed before the March 2006 election depends upon the donor community providing these troops with equipment. During the last Contact Group meeting in Cape Town there were no new pledges except for those of the Belgians and Dutch. If these brigades are not equipped they will not leave the CBR's and the process will come to a standstill. This will endanger the electoral process in the East.

#### *Disarmament and Repatriation of the FDLR*

On 31 March 2005 the FDLR announced in Rome that they were renouncing their armed struggle. They also publicly denounced the Rwandan genocide for the first time and indicated that they were prepared to join the Disarmament, Demobilisation, Repatriation, and Reintegration and Rehabilitation (DDRRR) process, aimed at foreign armed group operating in the DRC. In response to this announcement, MONUC immediately started preparing six temporary assembly areas in North and South Kivu, at Lubero, Kanyabayonga, Sake, Hombe, Sange and Walungu. These sites were intended to accommodate the estimated 15,000 FDLR combatants and their 25,000 dependents during the disarmament and demobilisation phase of the DDRRR process. It was soon clear that the problem would not be solved quickly. Hardliners in the FDLR rejected Ignace

Murwanashyaka's initiative and the process came to a standstill, MONUC stopped the preparations of the temporary assembly areas.

On 1 July 2005, MONUC, supported by the FARDC, initiated military operations against the FDLR in South Kivu in an attempt to convince FDLR combatants to return to Rwanda. Subsequent attacks on various villages in the area were blamed on the FDLR who largely control the area. The FDLR have denied the allegations, and a three-week MONUC investigation ultimately found that there was no evidence that one massacre, alleged to have taken place at Kigalama, actually occurred. Meanwhile, it has yet to be established who orchestrated the massacre at Ntulumamba in which 37 people were burned alive.

In January 2005, the African Union (AU) said that it would deploy an African force forcefully to disarm and repatriate the FDLR. In July 2005 the South African Development Community (SADC) also stated that they would be willing to send a brigade to the Kivus to disarm and repatriate the FDLR. There has been little further progress on this, and it remains to be seen how serious the AU and SADC are and whether their plans can actually be executed. The AU military planning cell did a needs assessment for the forceful disarmament and repatriation of the FDLR which concluded that even with a force of 35,000 troops and funds from the international community it would be difficult to disarm the FDLR.

The ultimatum of MONUC to the FDLR to disarm and repatriate to Rwanda by 30 September had no impact on the FDLR. Domestic political developments inside Rwanda have also acted as a deterrent.

The issue has been referred to the UN Security Council for possible sanctions, the impact of which is also questionable.

#### *A Robust MONUC*

To address the security situation in the east MONUC established an Eastern Divisional Headquarters in Kisangani to command and control and oversee tactical operations in the East. This HQ became operational on the 24 February 2005 and is responsible for the Ituri operations as well as MONUC operations in the provinces of Orientale, Maniema, Katanga, and North and South Kivu. The Divisional HQ has deployed a brigade size force to Ituri, North Kivu and South Kivu. The FARDC operations in the west were placed under a brigade with its headquarters collocated with MONUC's HQ in Kinshasa.

The new Eastern Division campaign plan is focused on two phases: Phase 1 – Ituri; Phase 2 – Shifting of the main effort to the Kivus. MONUC was instrumental in the forceful demobilisation of the Ituri groups during April 2005 after the killing of the nine Bangladeshi peacekeepers. The MONUC operation was aimed at disarming the Ituri militias. The operation was carried out in cooperation with the integrated brigade of the FDLR in Bunia. By June 2005 more than 15,000 militiamen were demobilised. This phase is still continuing with the emphasis on stability and securing the electoral process. On 1 July 2005 MONUC, supported by the FARDC started Phase 2 in the North and South Kivus. The aim of the operation is to put pressure on the FDLR to return to Rwanda. This operation is still in progress.

#### *Factors affecting the Transition Process*

There are certain issues that impact either positively or negatively on the transitional process. Most of these have been discussed above, but they also provide a useful guide when speculating about future scenarios.

#### *Possible Scenarios*

The current situation in the Democratic Republic of the Congo (DRC) suggests three possible broad scenarios for the future. The first of these is the continuation

Map 1: MONUC deployment<sup>19</sup>

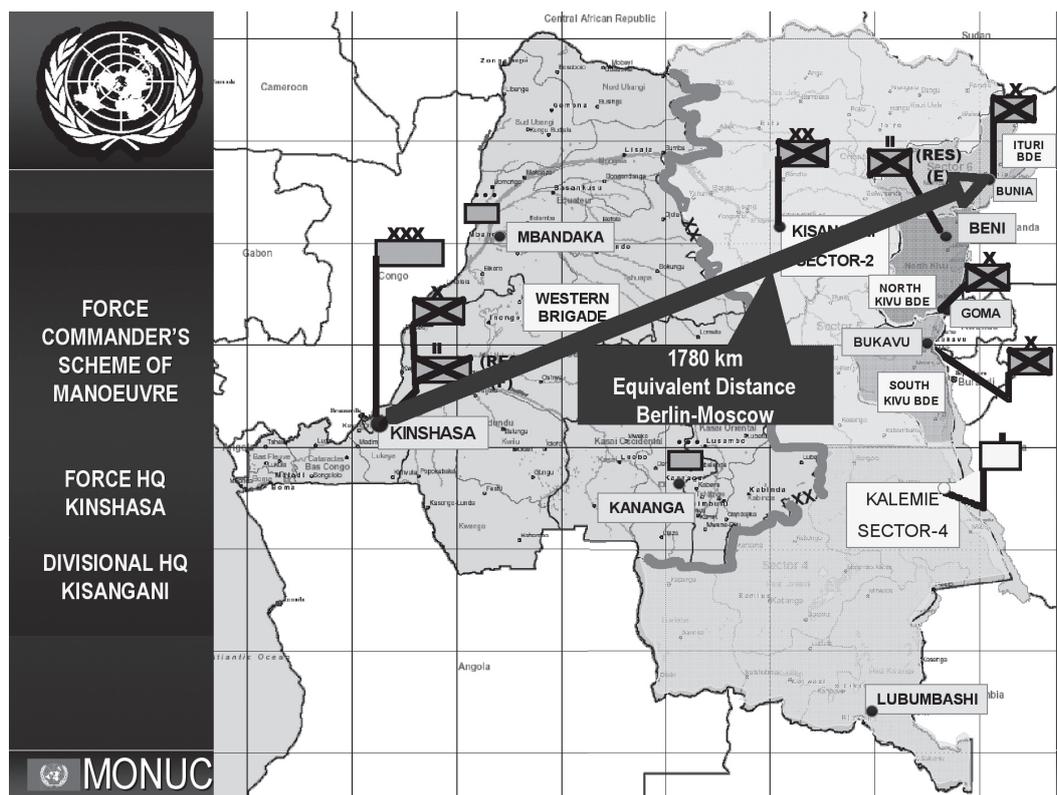


Diagram 4: Factors affecting the transition process

Positive Indicators	Negative Indicators
The start of the voter registration process	Slow pace of security sector reform
The extension of the transition without major violence protest	Failure of the DDR if FARDC cannot support the process
The start of the DDR of the FARDC	Uncertain influence of regional players
	Continued violence in Ituri
More robust MONUC engagement in Ituri district and North and South Kivu provinces	FDLR violence in the Kivus
	Conflict in Kivus between FARDC elements not participating in the DDR process
	Katanga/Kasai conflict
	Failure of the registration process
	The Referendum and Election not taking place before June 2006

of the current 1 + 4 arrangement in the presidency; the second, the continuation of the transition but with a new leadership; and the third, a breakdown of the transition and total chaos.

*First Scenario: Continuation of 1+4 and the Successful Transition to Elections*

This scenario is based on that sketched by Vice-President Azarias Ruberwa, in which a referendum on the new constitution will take place in November, followed by local, provincial and legislative elections between March and April 2006.

In this scenario successful implementation of the transition relies on a combination of the continued political will of the participants in the government to move forward, and on making key strides in the reform of the FARDC. Much of this will also depend on the ability of MONUC and the international community to manage the transition process, and to keep potential spoilers inside the government and the military under control. To do so, it must use the considerable financial leverage it has over everything from government finances to military salaries. An encouraging development in this direction was the establishment in August of a military oversight committee, led by the European Union, whose task it is to make sure that the \$8 million monthly military pay package reaches FARDC troops rather than lining the pockets of senior government and military officials. The committee was set up in response to reports of massive fraud within the military and evidence of increasing indiscipline amongst unpaid troops.

It also depends upon the successful completion of the military reintegration and retraining process, which will culminate in the formation of at least fifteen integrated FARDC brigades, which are to secure the elections. After many long delays, the process is now steadily moving forwards thanks in part to the financial assistance provided by the EU, South Africa, Belgium, Angola and the Netherlands to improve conditions at the six existing reintegration centres.

Fifteen integrated, trained and regularly paid brigades properly supplied and supported are deemed sufficient to ensure security during the elections. This calculation is based on the fact that in the most volatile parts of the country, they will have support from MONUC troops. It is also based in part on the assumption that any attacks from armed groups will be small in scale.

In order to minimise the possibility that foreign-backed armed groups operating in the DRC will attempt to destabilise elections there completely, both the Congolese government and the international community will have to deal firmly with those countries suspected of supporting armed, anti-government groups. In spite of overwhelming evidence in the past that senior officials in both the Rwandan and Ugandan governments have played active roles in destabilising the eastern DRC, efforts to dissuade them from continuing to do so have so far been relatively low-key.

Dialogue between Rwanda, Uganda and the DRC is continuing, and the three countries signed a tri-partite extradition treaty in late August in which they committed themselves to extraditing criminals, terrorists and rebel leaders.<sup>20</sup> Groups and individuals immediately affected by this treaty are the FDLR in eastern DRC, rogue Congolese army commander Jules Mutebutsi who led anti-government rebels against regular Congolese armed forces last year and who has applied for asylum in Rwanda, Ituri rebel leaders who have been operating out of Uganda with the knowledge of the Ugandan government, and long-standing rebel groups such as the Allied Defence Forces (ADF) and the National Army for the Liberation of Uganda (NALU), both small anti-Ugandan government rebel groups with bases in eastern DRC. Following a host of other agreements that have never been fully respected, this is by far the most concrete step towards cooperation on security matters which the three countries have taken since the Congolese transition government was inaugurated. However, it remains to be seen whether any of the parties are really committed to respecting it.

If MONUC and the FARDC are able to disarm a significant number of the estimated 15,000 FDLR militia operating in eastern DRC before the holding of a national referendum in late-November, instability in North and South Kivu will be significantly reduced. In addition, a significant disarmament of the FDLR would go a long way towards diffusing Rwanda's perpetual threat to redeploy its troops to eastern DRC on the basis that its national security is threatened by their presence there. Finally, anti-transition hardliners such as North Kivu governor Eugene Serufuli would no longer be able to manipulate ethnic tensions between Kinyarwanda-speaking

Congolese, and Banyamulenge, and the rest of the people living in North Kivu. In the past he has intimidated the Kinyarwanda-speaking population – Hutu and Tusti alike – by suggesting that FARDC troops are infiltrated by FDLR militia who are out to kill them. This same rhetoric has also allowed him to maintain a strong ideological grip on troops in North Kivu province who last year abandoned their posts to attack the South Kivu capital of Bukavu. The disarmament of the FDLR could go a long way towards diffusing tensions in the province.

For the election schedule to remain on track, the voter registration process was supposed to have been completed by 25 September. Subsequently the deadline has been postponed to late October. The transition will be extended on 31 December 2005 for another six months until 30 June 2006. The final elections will start on 20 March 2006 with combined polls, 1<sup>st</sup> Presidential, National Assembly elections, 24 April 2006 with 2<sup>nd</sup> Presidential and Provincial elections, 10 May 2006 with the Proclamation of Presidential results and on 25 May 2006 with Senate poll (indirect). This will end the transitional process

### *Second Scenario: Continuation of the Transition with New Leadership*

This scenario was first mooted by the Congolese opposition. Although its most vocal and well-known proponent is veteran opposition leader Etienne Tshisekedi, several other opposition parties such as the MMRD, the *Mouvement des 17* and FONUS have also called for a change in the transition's leadership. Earlier this year, as it became obvious that election preparations were too far behind schedule to meet the 30 June deadline, calls for changes in the leadership of the transition gathered momentum. Opposition politicians made the rounds of embassies in Kinshasa, hoping to convince the international community – and the members of the *Comité international d'accompagnement à la transition* (CIAT) in particular – that the transition government had amply proven its incompetence and should not be allowed to continue to lead the transition process.<sup>21</sup> Ultimately the various proposals were rejected, as the international community seems to have felt that a change in leadership at this stage would have caused too much turmoil.<sup>22</sup> It is certainly accurate that any review of the existing set-up – one president and four vice-presidents representing the three main belligerent groups and the political opposition – would have required endless negotiations and would probably only have further delayed elections. In addition, neither the peace agreement nor the transition constitution make provision for a total review of the composition of the transition government. In spite of all this however, there does seem to be some consensus that allowing some official role to Tshisekedi and other key politicians outside of government would have been a positive development.<sup>23</sup> For a while there were even suggestions that Tshisekedi should join the government as a prime minister, an idea to which certain quarters seemed amenable.

Now that the elections have been officially postponed and the heightened tensions in the lead-up to June 30 have passed, however, the probability of this scenario seems to have declined. It would now seem that those who had been willing to entertain such a development did so in the hopes that it could reduce tensions within the opposition parties themselves as well as amongst the wider general public, which largely agrees that the transition government has failed.

Some of the wind was taken out of Tshisekedi's sails when his calls for a week-long civil disobedience campaign including stay-ways and a protest march on 30 June went largely unheeded. Although there were UDPS demonstrators in the streets on 30 June, there were not many of them, and the general public did not adhere to calls for a march at all. Not too much should be read into this, however, concerning either Tshisekedi's or the UDPS's mass appeal. Prior to the planned march, the government had made it abundantly clear that its security forces would be out in full force and would take robust action against demonstrators, arguing that the protest was unauthorised. The Congolese population is well-acquainted with the security forces' tendency to react disproportionately to peaceful demonstrations and most will have made the simple calculation that it

was safer to stay at home. Meanwhile, although stay-aways do not necessarily present a security threat, few people have the financial means to skip a day's work or more. A subsequent UDPS rally, for which the government granted permission, took place at a stadium in Kinshasa on Saturday, 9 July and was attended by more than 10,000 people.<sup>24</sup>

Meanwhile Tshisekedi persists, and demanded in early June that the UDPS be given the justice and interior portfolios,<sup>25</sup> both of which are currently held by the PPRD, the presidential party. Tshisekedi argued that the UDPS should be allowed to have these posts so that it could ensure that elections would be properly and fairly prepared. However, the PPRD will not relinquish these important portfolios and it is likely that Tshisekedi's demands will fade into the background for now.

This is unfortunate, for the UDPS participation in this phase of the transition process would lend it much-needed credibility. In spite of his difficult personal image and advanced age, Etienne Tshisekedi remains one of the country's few viable and relatively popular politicians. Should there be any new and significant delays in the election timetable, or obvious blockages by the transition government Tshisekedi is likely to object forcefully and his demands may yet have to be met. If, however, things run rather smoothly, his demands will fade into the background.

### *Third Scenario: Breakdown of Order during the Electoral Process*

There are three timeframes for possible total chaos scenarios: one is that things begin to unravel during voter registration and the referendum process; one is that this occurs during the actual rounds of polling; and the third that there is a combination of both. However this plays out, low levels of violence are expected to represent continuing threats to the peace process.

### *Ituri*

In spite of the disarmament of 15,607 militia and the collection of more than 6,000 weapons –70% of which are unserviceable<sup>26</sup> – the security situation in Ituri district remains volatile. MONUC estimates that between 1,500 and 2,000 armed militiamen operating under the command of 50 recalcitrant leaders, are still involved in armed activities in the district. The number of collected weapons that are unserviceable also suggests that many of those who did participate in the disarmament and community reinsertion process (DRC) in Ituri chose to keep their working weapons, however sincere they may be about wanting the conflict there to end. Together, these two factors indicate that the security situation in the district continues to have the potential to erupt into full-scale conflict.

Over the past few months, these rump forces have formed a loose alliance which groups together the faction of the *Union des patriotes congolaise* loyal to Thomas Lubanga (UPC-L), the *Front nationaliste et intégrationniste* (FNI), the *Force des résistance patriotique de l'Ituri* (FRPI), and the *Parti pour l'unité et la sauvegarde de l'intégrité du Congo* (PUSIC). Like past alliances in the district, this one is multi-ethnic and largely opportunistic in nature, and there is no reason to believe that it is based on ideological beliefs. The leadership of the coalition is composed of a group of around 50 die-hard military leaders, such as Bosco Taganda and Bosco Liganga of the UPC-L, Commandant Kolingba of the FNI, and Peter Karim, a former officer of the Ugandan army, who commands a group of bandits.

Little is known about the structure or cohesion of the coalition, but its various components are believed to be supported by Uganda, which has important economic interests in Ituri. For the moment, there does not seem to be any popular support for the coalition, which has had little success in recruiting demobilised militiamen and has instead resorted to forced recruitment. This could however change, if the resources that the UN and other agencies have promised to the demobilised combatants do not materialise soon.

Meanwhile in late-July it emerged that a group of militia leaders had formed a new movement in Kampala in mid-June. Calling itself the *Mouvement Révolutionnaire Congolais* (MRC), the new group has stated that its platform is Ituri for Iturians and that it is opposed to the extension of state power to the Ituri district. It is hardly a coincidence that the MRC was born on Ugandan territory, where Ituri militia leaders have been seeking refuge and support for the past six years. Uganda has denied any involvement in the movement and in late August it expelled the MRC's leaders.<sup>27</sup> The MRC's leaders subsequently left Uganda and some have returned to eastern DRC where they appear to be moving around freely.

Although this is the first time that the Ugandan authorities have taken tough action against Congolese rebel leaders, there is no reason to believe that this reflects a wholesale change in attitude towards the Ituri district. Uganda has considerable economic interests – especially gold – in the area, which it has been heavily involved in cultivating and protecting through the use of proxy rebel groups and the manipulation of ethnic tensions.<sup>28</sup> Although it may have given the Congolese government a nod with the expulsion of the MRC's leaders, there is no reason to believe that it will not find alternative ways of supporting the movement as well as other armed groups continuing to operate in Ituri. State structures in the district are extremely weak, with only a few appointed officials. The border between Uganda and Ituri remains extremely porous as neither MONUC nor the FARDC have sufficient forces properly to monitor it, while customs and tax officials also do not have the resources to properly exercise their responsibilities.<sup>29</sup> This means that there is currently very little preventing Uganda from continuing to cause instability in the area for its own economic benefit.

As long as such external support is available for the Ituri militia groups, there is little chance that the violence will taper off, even if MONUC and the FARDC carry on with regular cordon and search operations. How far these groups are willing to go to maintain instability in the area remains to be seen; however, as the prospect of elections and the possible extension of state authority nears, the more there is to lose for those whose prosperity is tied to instability and chaos.

Already there have been incidents of violence during the voter registration procedure in the district. In mid-August, militia identified as belonging to the UPC-L attacked a voter registration centre in Bule, 120 kilometres north of the district capital of Bunia. One election official and a civilian were killed in the attack. The attack was condemned by the international community and MONUC has reinforced its presence in the area with a view to preventing repeat attacks. Meanwhile, the local population, eager to continue the registration process, has started to register at Komanda instead, in spite of the fact that this involves travelling long distances through dangerous territory.<sup>30</sup>

The deployment of the fourth brigade – the second integrated brigade to be deployed to the district – started in late August, but has been hampered by a massive cholera outbreak which had already killed 21 FARDC soldiers by the end of the month. Once deployed, this brigade will work in conjunction with the Ituri brigade and MONUC forces in their operations aimed at capturing remaining militias. The additional force will take some of the pressure off the over-stretched military forces in Ituri, and will open up new areas to which the FARDC had not yet been deployed. This will certainly contribute to restricting the movement of the remaining militias, but the balance of military power will depend on whether the fourth brigade receives regular supplies, and on how much support the rump forces and the MRC will continue to receive. Even if the activities of the remaining militias do not escalate, the FARDC and MONUC will have a challenging time trying to keep them from derailing the electoral process.

#### *North Kivu*

For a variety of reasons, the situation in North Kivu represents the greatest challenge to the upcoming elections, and has the greatest capacity to derail, or

at least seriously damage, the national electoral process. Although the extension of the transition government's civilian and military authority beyond the capital has been virtually non-existent, North Kivu is the province which, more than any other, has been able to keep intact the power structure left behind by the belligerent group which controlled the area during the war: the RCD-G. This has been achieved both through the RCD-G's insistence during negotiations that its members be allowed to pick both the most senior civilian and the most senior military official in the province, and through its subsequent maintenance of a tight grip on the largely mono-ethnic troops in the province.

Eugene Serufuli, the current governor of North Kivu province, is a Rwandophone Hutu and a known RCD-G hardliner who opposes a successful transition in the DRC. Although he has denied this, his non-governmental organisation *Tous pour la paix et le développement* (TPD) is known to have assisted dissident RCD-G commander Laurent Nkunda in his May-June 2004 attack on Bukavu.<sup>31</sup> Serufuli has long been a key architect of the strategy of uniting Rwandophone Hutu and Tutsi in North Kivu against the remaining population, and has been a prominent figure in the campaign to manipulate ethnic tensions in the province.<sup>32</sup> In addition to playing an influential role as governor of North Kivu, Serufuli maintains control over several thousand Local Defence Forces (LDF) an existing community defence militia which he revived and turned into a Hutu-dominated force.<sup>33</sup> Their strength has been estimated at ranging between 10,000 – 15,000, most of whom were incorporated into the RCD-G's army in 2003.<sup>34</sup>

In the aftermath of Nkunda's attack on Bukavu in May-June 2004<sup>35</sup> Serufuli maintained that he had not been involved in the campaign while simultaneously defending Nkunda's reasons for attacking the city. While relations between the FARDC in South Kivu and RCD-G loyalists in North Kivu remained tense, Serufuli ratcheted up his campaign to create a divide between Hutu and Tutsi and the remaining population in the province in part by heightening fears of ethnically-motivated attacks by FARDC forces from the 10<sup>th</sup> Military Region.<sup>36</sup> Although Serufuli has made an effort to move closer to the transition government since the events of June 2004,<sup>37</sup> there is little doubt that he continues to pursue his own agenda. He is openly at odds with the RCD-G's secretary general and Congolese Vice-President Azarias Ruberwa, and some have suggested that Rwanda would like him to replace Ruberwa as the head of the party.<sup>38</sup>

General Rwibasira Obedi was the commander of the 8<sup>th</sup> Military Region – which encompasses North Kivu province – when thousands of his troops joined Nkunda's campaign to capture Bukavu. Like Serufuli, he too denied any direct involvement in the campaign, although he also defended Nkunda's actions. After months in which the 8<sup>th</sup> and 10<sup>th</sup> (South Kivu) Military Regions remained in a tense stand-off, Obedi was replaced in late 2004 by General Gabriel Amisi, another RCD-G hardliner who has been criticised for his role in massive human rights violations following a 2002 mutiny in Kisangani.

Although the situation between the two military regions has improved since then, as the latest crisis indicates, the internal dynamics in North Kivu have not changed much. On 26 August, an estimated 1,000 troops from two FARDC battalions from the 8<sup>th</sup> military region defected. All of the deserters are reported to be Rwandophone and do not want to be integrated into the Congolese army.<sup>39</sup> Radio Okapi, MONUC's national radio network, reported on 29 August that military sources indicated that the deserters had disarmed their colleagues who did not want to join them before heading in the direction of Luofu, in Masisi territory.

At the same time, Nkunda, who has kept an extremely low profile for the past year and whose whereabouts have been unknown for most of that time, resurfaced, threatening in a letter addressed to the government to attack the eastern DRC in a bid to restore peace to the region. Accusing the transition government of promoting ethnic hatred, Nkunda also said that the government was to blame for the fact that an estimated 200,000 Congolese refugees living in neighbouring

countries would not be able to return home in time to register for elections;<sup>40</sup> many, although not the majority of these refugees, are Banyamulenge. In fact it is not the government, but the United Nations High Commission for Refugees (UNHCR) that has said that it is impossible to repatriate these refugees due to logistical constraints.<sup>41</sup>

It remains to be seen what will happen next and whether or not Nkunda will act on his threats this time around or wait until a later date. Either way, considerable damage has already been done by the desertion of the estimated 1,000 troops. This is in addition to a further 2,000 troops who are known to have deserted earlier this year from the Mushaki reintegration centre, apparently because of poor conditions at the centre, and whose whereabouts are unclear.<sup>42</sup>

The fact that the majority of those who deserted are Rwandophones indicates that there is still a very strong link between the rank and file troops and dissident commanders such as General Nkunda, and that much of troop loyalty is to ethnic rather than national ties. It also indicates that Nkunda, who has been avoiding the public eye for over a year, still has significant influence over these troops, and that he may even have been in contact with them over the same time period.

Nkunda's military threat and the soldiers' desertion comes as no surprise, and does not bode well for the electoral process in North Kivu. The timing of the threat and the desertions is clearly intended to derail the voter registration process and cause as much fear and trepidation amongst the population as possible. There is a very real risk that this is part of a well-planned campaign and that the recent deserters will link up with other dissatisfied military elements in the eighth military region and plunge the entire province into chaos, making it impossible to execute the electoral process. Even if those soldiers who have left their battalions wanted to, they now have little incentive to return as, unless the transition government decides to grant them amnesty in order to entice them back to the regular army, they will face disciplinary action.

#### *Northern Katanga*

Mitwaba territory in northern Katanga is an area of the country which remains extremely isolated, and where there is only a very limited presence of the transition government. The military forces in the region are composed of troops from the *Forces armées congolaises*, the Congolese army which fought for the side of President Kabila and his late father, and which have not yet been through the reintegration process. They are fighting an ongoing war with Mai-Mai elements commanded by their leader, known as Gideon. Although these troops are meant to be under the command of the commander of the 6<sup>th</sup> Military Region, it has become clear that between 750 and 1,000 troops are now following the orders of General John Numbi,<sup>43</sup> whose official role is the commander of the Congolese air force, but who is also a close and powerful associate of President Kabila, with his own agenda in his native Katanga province.

In the battle against the Mai-Mai, General Numbi has also enlisted the assistance of the Katangan Tigers – Angolan troops who have fought on and off in the DRC for many years.<sup>44</sup> According to recent reports from the region, this part of the country has been left largely abandoned since the inauguration of the transition government. In addition to the insecurity caused by the continuing fighting between the Mai-Mai and the government troops and their allies, the undisciplined and ill-paid Congolese army also acts as a predator on the impoverished population.

Many of the people in northern Katanga have been chased from their villages and are living in makeshift camps for displaced persons. The landscape is littered with burnt-out villages which have been attacked and then looted by one party or another. Social services in Mitwaba territory are virtually non-existent, with one doctor serving 200,000 people. The roads in the territory are almost impassable,

and in the whole area there are only two vehicles – belonging to the international NGO *Medecin sans Frontieres* (MSF) – one motorbike belonging to the doctor and a tractor which has been commandeered by the military.

It is not clear what Gideon and the Mai-Mai are fighting for, nor how the transition government plans to bring them into the electoral process. For the moment it would seem that it is pursuing a military solution, but the cost of this campaign is extremely high for the local population, and is not proving very effective. Observers indicate that there is no chance at all that this area will be able to participate in the electoral process; neither the instability nor the difficult logistics will permit it.

For all the difficulties still facing the transition process it is still possible to regard the first scenario as approximating to the most likely outcome. This, however, assumes the continued commitment of the international diplomatic community and its readiness to take robust measures to discourage or punish would-be spoilers.

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- 1 Henri Boshoff is a Military Analyst in the African Security Analysis Programme at the ISS. Stephanie Wolters is a freelance journalist and currently writes the Economist Intelligence Units's DRC Quarterly Country Report; she was previously Chief News Editor of MONUC's Radio Okapi in the DRC.
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  - 3 Ibid.
  - 4 Nineteenth Report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of Congo, 26 September 2005, p 2.
  - 5 Briefing by Ambassador Swing, 1 August 2005, Cape Town.
  - 6 The country is divided into 11 provinces, and 121 territories.
  - 7 Special Report of the Secretary-General, op cit.
  - 8 Briefing by Ambassador Swing, op cit.
  - 9 Eighteenth Report of the Secretary-General in the United Nations Organisation Mission in the Democratic Republic of Congo, 2 August 2005
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  - 11 Special Report of the Secretary-General, op cit.
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  - 17 Plan Stratégique National pour l'Intégration des Forces Armées, Kinshasa, July 2005
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  - 21 Interview in Kinshasa, July 2005.
  - 22 Ibid
  - 23 Ibid.
  - 24 Various media reports, July 9-10, 2005.
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  - 26 Eighteenth Report of the Secretary-General, op cit, p 5.
  - 27 Expelled DR Congo rebels leave Uganda under threat of prosecution, Agence France Presse, Kampala, 26 August 2005.
  - 28 For a full account of Ugandan involvement and its economic interests in Ituri, see Human Rights Watch, *The Curse of Gold*, June 2005.
  - 29 Report of the Group of Experts on the Democratic Republic of the Congo, 26 July 2005, S/2005/436.
  - 30 Radio Okapi, French news, 27 August 2005.
  - 31 Stephanie Wolters, "Continuing Instability in the Kivus", Institute for Security Studies, Pretoria, October 2004, p 3.
  - 32 Ibid.
  - 33 *The Congo's Transition Is Failing: Crisis in the Kivus*, Crisis Group Africa report no 91, 30 March 2005, p 10.
  - 34 Ibid.
  - 35 Nkunda captured the city for several days in early June, ousting FARDC forces from the town and going on a looting spree. Nkunda claims that he attacked the city in order to prevent a genocide of the Banyamulenge

population in the town. Although there were isolated incidents in which Banyamulenge were killed, subsequent investigations by MONUC and Human Rights Watch indicate that a genocide was not being planned, nor had there been widespread ethnic killings. For a full account of events, see "War Crimes in Bukavu", Human Rights Watch Briefing Paper, June 2004; Stephanie Wolters, op cit.

36 Ibid, p 3.

37 Ibid.

38 Congolese newspapers, interviews in Kinshasa, July 2005.

39 Radio Okapi, Nord Kivu : des militaires d'expression kinyarwanda desertent l'armée, 29 August 2005 ; BBC News, DR Congo rebel threatens invasion, 29 August 2005.

40 BBC News, op cit.

41 News reports

42 Radio Okapi, French news, 21 August 2005.

43 Telephone interview with foreign journalist in Kinshasa, 30 August 2005.

44 Ibid.