

“The real question is not whether Kabila will win reelection, but how he has survived for 10 years in the presidency.”

## Kabila's Congo: Hardly “Post-Conflict”

THOMAS TURNER

In 2006, in the first competitive election in the Democratic Republic of Congo (DRC) in more than four decades, Joseph Kabila won reelection to the presidency, a post he had held since the assassination of Laurent Kabila five years earlier. By the end of 2011, the country will again vote (unless elections are postponed, as they were in 2005) and in all likelihood Kabila will be reelected once more—despite his failure to fulfill most promises from his previous campaign.

The opposition will cry foul, as it did in 2006, but key institutions including the national election commission and the courts are under presidential control and probably will confirm the outcome. And the “international community” will endorse Kabila's victory, in part because the bar has been set low for elections in the region.

Election results last year in Rwanda, for example, showed President Paul Kagame winning 93 percent of the vote; this provoked the US National Security Council to express rather mild concern about “disturbing events” surrounding the election campaign. The disturbing events included the suspension of two newspapers, the expulsion of a human rights researcher, the barring of two opposition parties from taking part in the election, and the arrest of journalists.

In Uganda, Yoweri Museveni was reelected in February 2011 (he has been president since 1986) with a reported 68 percent of the vote. *The Economist* noted that Museveni's total was an improvement on the 57 percent he scored in 2006, and “it came without the thuggish treatment of the opposition that made a mockery of that election.” Museveni did not need ghost voters or local officials to fabricate votes, the Brit-

ish magazine continued, but “few doubt those mechanisms were in place.”

### OPPOSITION IN DISARRAY

A Kabila victory is likely also because he has rewritten the electoral law. Instead of an absolute majority, a winning candidate now needs only a plurality. As a result, the divided opposition is unlikely to be able to profit from public discontent with his presidency. Kabila's likely principal opponents in the election—Étienne Tshisekedi, Jean-Pierre Bemba, and Vital Kamerhe—represent three political generations and are not prone to cooperation.

Tshisekedi was a law student in 1960 when Congo gained its independence. He was one of the student leaders given quasi-ministerial responsibilities after Mobutu Sese Seko's first coup d'état overturned the government of Patrice Lumumba. Following Mobutu's second coup, in 1965, Tshisekedi was an important member of a team that drafted the policy platform of Mobutu's single-party regime. But he became a leader of a group of deputies in the National Assembly that demanded an independent inquiry into a massacre of diamond miners by state security forces, and that wrote a 52-page letter to Mobutu demanding political reforms.

By 1982, these deputies had formed the Union for Democracy and Social Progress (UDPS), an initially illegal opposition party, led by Tshisekedi. Briefly prime minister on several occasions after 1990, Tshisekedi was unable to consolidate his position. When the dying Mobutu left the country in 1997, Tshisekedi once again proclaimed himself prime minister, but he was brushed aside when Laurent Kabila became president with the backing of Rwanda and Uganda.

Tshisekedi boycotted the 2006 elections on the grounds that the playing field was not level (as of course it was not). He apparently believes that

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power is rightfully his; 2011 presumably will be his last chance. He remains a hero in his home area in Kasai. Whether he and his party still command the level of support they once enjoyed in Kinshasa, the country's capital and largest city, and in other regions is less clear.

Bemba, like Kabila, emerged out of the long war that began when Rwanda and Uganda invaded the DRC (then called Zaire) in 1996. (In the wake of the 1994 genocide in Rwanda and the establishment of a new Tutsi government there, an estimated 2 million Hutus, some of them perpetrators of the genocide, had taken refuge in eastern Congo. Rwanda and Uganda invaded to fight the Hutus and Ugandan exile fighters based on Congo's soil. They eventually defeated the Congolese army and replaced Mobutu with his long-time opponent, Laurent Kabila.) Bemba was a Uganda-backed warlord who became a vice president of the DRC in the transitional government that emerged from peace negotiations. He lost to Joseph Kabila in the 2006 presidential election.

The International Criminal Court in 2008 indicted Bemba for war crimes committed in the Central African Republic in 2002 and 2003. He continues to direct the Congo Liberation Movement (MLC), a rebel group with a political wing, from his cell in the Hague and claims he will stand against Kabila in 2011. Since it is unlikely that he will be able to campaign effectively, the opposition no longer has a strong candidate in the west of the country, where Bemba remains popular. According to a longtime associate of the MLC leader, this vacuum is leading to a "radicalization" of the grassroots membership of the opposition.

Kamerhe, of South Kivu, is a third potential candidate for president. He was speaker of the National Assembly until 2009, when he broke with Kabila over the latter's rapprochement with Kagame and the joint Rwanda-Congo military campaigns in the Kivu provinces against the Rwandan Hutu movement, the Democratic Forces for the Liberation of Rwanda (FDLR). So far Kamerhe has not convinced many that he is a viable candidate, since he so recently broke with Kabila and has yet to do the grassroots-level work needed to be able to claim that he is an opposition leader.

The proclamation of the election results, whatever they are, could provoke violence, according to

an MLC spokesman, since Kabila has the army and Tshisekedi (arguably) has "the street." In 2006, during his election campaign, Kabila announced an ambitious plan to rebuild Congo through the so-called five worksites (*cinq chantiers*). But little progress has been made on this initiative. In any case, he remains likely to win.

### "ISOLATED ACTS OF VANDALISM"

Kabila has asked the United Nations to withdraw its peacekeeping forces from his country (forces introduced following UN Security Council resolutions passed in 1999 and 2000). His initial effort in this vein led the Security Council to transform MONUC (UN Mission in Congo) into MONUSCO (UN Stabilization Mission in Congo)—a name apparently intended to assuage the feelings of Congolese elites offended by the perennial trusteeship under which their country has been operating.

At a March 2011 meeting, the Kabila administration told the heads of the Congolese state's major institutions that the security situation in the east of the country and in parts of Equateur province had improved appreciably, "apart from some isolated acts of vandalism" by the Lord's Resistance Army (LRA), the FDLR, and other armed groups.

This surprising assessment may have been intended to lay down a common line to be followed by the institutions in their dealings with outsiders. It certainly can have fooled no one in the areas mentioned, victims of the so-called vandalism. In Bas-Uele and Haut-Uele districts, in the northeast corner of the DRC, almost 300,000 people had fled their homes since 2007. Thirty-one LRA attacks were reported in January 2011, as many as in the last three months of the previous year.

The reference to "parts of Equateur" concerns the aftermath of events in March and April 2010, when a local dispute over fishing rights spawned an insurgent attack on the provincial capital, Mbandaka. After several days, the Congolese army retook the city, with the help of MONUSCO. But even after Mbandaka had been retaken, tens of thousands of people remained displaced within the DRC and across the Congo River in Congo Republic and the Central African Republic.

A year after they had attacked Mbandaka, rebels of the curiously named Independent Libera-

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tion Movement and Allies were killing civilians in the Salonga National Park, far to the southeast of Mbandaka. The insecurity caused by these insurgents and by poachers operating in the park has led medical personnel to discontinue vaccination of children in that corner of Equateur province.

In the provinces of Katanga and Bas-Congo, separatist agitation has met with violent repression by state authorities. And Angolan forces have expelled Congolese from Angolan territory—often violently—and crossed into Congolese territory to combat insurgents from Angola's Cabinda “enclave.”

Amid the general insecurity, especially embarrassing was a violent attack in February on Kabila's Kinshasa residence (though he was not at home at the time) and a nearby military base. Reportedly, at least 19 people—11 attackers and 8 members of the Congolese security forces—were killed. The event was described first as an attempted coup d'état, then as a terrorist attack. Police later paraded 126 alleged attackers before journalists. Some of the men apparently were linked to Bemba's MLC, but the leaders of the opposition movement had not approved the plan. In the aftermath of the attack, Kabila reportedly purged his presidential guard and brought in new members from Rwanda.

Given the perennial discontent and insecurity not only in the former war zone of the eastern DRC but across the country from west to east and in the capital itself, the real question is not whether Kabila will win reelection, but how he has survived for 10 years in the presidency.

## THE SECURITY STATE

Joseph Kabila, like Laurent Kabila and Mobutu before him, sits at the hub of multiple security units with overlapping responsibilities. Units under his direct command include the Republican Guard. The nation's multiple secret police services include the National Intelligence Agency and the Office of General Intelligence and Special Services. Various specially trained military units play security roles too.

And the National Police, which includes the Rapid Intervention Police, the Integrated Police Unit, and the paramilitary Simba Battalion, has a broad role in maintenance of security. The Simba Battalion apparently carried out the 2008 repres-

sion of Kongo region secessionists, Bundu dia Kongo (Kingdom of Kongo), which may have entailed the death of more than 100 civilians.

Using the Congolese security forces to maintain order is a problem, since those forces have been a major source of disorder since the country gained its independence in 1960. Mobutu and his successors have managed the security forces in part by playing one against another. When a unit has proved unreliable, the president, rather than disbanding it, has created new units trained by foreign governments.

## TOXIC VIOLENCE

The invasion of the eastern DRC by Rwanda and Uganda in 1996 led to a war of partition and pillage. Various armed groups established control over mines or transportation routes, and financed their access to arms and ammunition by selling minerals. This phenomenon continues to this day, in what some people choose to call the “post-conflict” DRC.

In North Kivu province, the FDLR—the core of which is Hutu *génocidaires* from Rwanda—controls some mines. Other mines are controlled by militias now incorporated into the national army—most notably the formerly Rwandan-backed National Congress

for Defense of the People (CNDP), the core of which is Congolese Tutsi. Some units of the national army that opposed the incorporation of the CNDP men have deserted and allied themselves with the FDLR to fight the Congolese military. This is not merely a fight for “conflict minerals,” nor merely an ethnic struggle, but a toxic mess with elements of both.

Although some have suggested that Congo be dealt with as though the state does not exist, there clearly is a functioning system in the DRC, one capable of acting to defend its interests against outsiders. This was demonstrated in March 2011, when provincial authorities in North Kivu announced the transfer to Kinshasa of an American, a Frenchman, and two Nigerians who had been arrested in Goma after the landing of a small US-registered aircraft. Aboard the plane 400 kilograms of gold and nearly 2 million US dollars were found.

The governor of North Kivu said the case against the four was being dealt with in Kinshasa in order to permit the individuals' countries of origin

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to follow it through their embassies. An alternate explanation is that the governor found the potato too hot to handle, given that the gold was worth nearly \$20 million and that the alleged smugglers reportedly paid millions of dollars in cash to representatives of General Jean Bosco Ntaganda, the head of the military wing of the CNDP, who enjoys Kabila's protection. (The Kinshasa government subsequently released the accused after they paid \$3 million in fines.)

The Kabila administration has declined to hand over Ntaganda to the International Criminal Court in The Hague for the crimes of enlisting child soldiers and deploying them in combat. Ntaganda replaced the warlord Laurent Nkunda, Kabila's *bête noire*, as the CNDP's military chief. The Kagame government in Rwanda in 2009 had arrested and detained Nkunda, apparently as part of a deal whereby Kagame would help Kabila establish some kind of control over eastern Congo while Kabila would allow Kagame to dismantle any forces in the Kivus organized against him. Action against Ntaganda might jeopardize the Kabila-Kagame accord.

## THE RAPE CAPITAL

The DRC has become known as "the rape capital of the world." I do not know how one would demonstrate that. Another of the clichés regarding sexual violence in the DRC (and I have occasionally invoked it myself) is to mention some figure put forward by the UN and to add in the next breath, "but of course the real total probably is much higher, since most victims do not report the crime, because of the stigma attached. . . ."

Let us pause to examine this notion. Is stigma attached to having been a victim of sexual assault? Yes. Is this stigmatization peculiar to the DRC or Central Africa? Clearly it is not. Stressing the stigma associated with rape in effect blames the victim. It also diverts attention from the fear of retribution, which arguably contributes as much as stigma to the failure to report rape. Often the perpetrators are men in uniform, and the victims see them on a frequent or even daily basis.

The International Criminal Court has made a major contribution within the field of international law to the definition of rape and sexual violence. At the beginning of Bemba's trial the prosecutor, Luis Moreno-Ocampo, stated that MLC soldiers under Bemba's command had raped Central African men (as well as their family members) in public so as to destroy their authority and their

capacity to lead. "The message behind these rapes was particularly evident from MLC's targeted and selective raping of men, men in positions of authority, community leaders, and protectors of the communities," he said.

Both the slogans "rape as a weapon of war" and "war against women" capture aspects of the same ongoing phenomenon. Rape as a weapon or tactic is used by an armed faction against civilians associated with another, supposedly "enemy" group (or maybe just a group that the armed faction wishes to terrorize, for purposes that include access to land, ethnic cleansing, and forced labor). The war is not a war against women in general, but against women from the supposed enemy group.

Rape is customarily seen in terms of male perpetrators and female victims, and there can be little doubt that the vast majority of cases in the eastern DRC (as elsewhere) conform to this view. There may be a degree of selective reporting, however, in that the UN seems not to have taken note of the rape of males. Nongovernmental organizations concerned with the rights of women also seem to have looked past these cases, which are not helpful to their argument.

Likewise, while the majority of cases involve male perpetrators, there seems to have been a significant number of female perpetrators. Such cases are nearly incomprehensible if one views rape as a violent form of sexual activity. If one views rape as a sexual form of political action, it would be less surprising to see women take part in harming or humiliating women from an "enemy" group.

Rape on the scale that we are witnessing in the DRC could not exist without some kind of cultural support. Cultural values that accept gender-motivated attacks as normal, or that reflect an economy based on violence and plunder, likely contribute to the phenomenon. Also contributing, certainly, is a "culture of impunity," according to which the behavior of rights-violators reflects a well-founded belief that they will not be held accountable for their actions.

Such lack of accountability is a key element in the widespread theft, killing, and sexual violence in the DRC. The country has relatively few courts. Judges are poorly trained and paid, and the verdict often goes to the higher bidder. Even those offenders who are charged are rarely found guilty. A dysfunctional justice system guarantees a high level of impunity.

However, it is the Congolese armed forces who are most responsible for the sexual violence in the

eastern provinces. The effort to end the war by incorporating militants into the national army has served to perpetuate extreme violence, including sexual violence.

## BLOOD MINERALS

Campaigns led by the Enough Project, Global Witness, and other nongovernmental organizations have targeted the trade in “conflict minerals” from the eastern DRC. US-based Enough focuses on what it calls the “three Ts”—tin, tantalum, and tungsten—as well as gold. The sale of these minerals perpetuates war in the DRC by permitting various armed groups to buy weapons.

Enough argues that, because the three Ts and gold are used in the manufacture of mobile phones and other types of consumer electronics, consumers have the means of putting an end to conflict in the DRC by pressuring electronics manufacturers. This argument was reflected in the Congo Conflict Minerals Act of 2009, which became US law as part of financial-reform legislation in 2010.

Various armed groups, including ex-militia fighters recently integrated into the army, still control most of the major mines, and often viciously exploit mine workers. Trading houses, knowing that their purchases subsidize the ongoing violence, nevertheless pass the minerals along to exporters, who ship the materials to Rwanda, Uganda, and Burundi for sale to metal-processing companies, mostly in East Asia, that refine the minerals before trading them in global markets.

When it comes to tracing supply chains back to their sources, refiners are the critical link. After the mineral ore is refined into metal, it becomes impossible to distinguish Congolese tin or tantalum from metals from other sources; this is why it is essential that these companies take pains to document their suppliers and make their records subject to independent audits.

The electronics industry is the single largest consumer of the minerals from eastern Congo, according to Enough. The processed metals usually go first to circuit-board and computer-chip manufacturers, then to cell-phone and other electronics manufacturers, and finally to the mainstream electronics companies such as Intel, Apple, or Nintendo. Other industries with a significant stake in conflict minerals include tin-can manufacturers; industrial-tool and light-bulb companies, for tungsten; and aerospace and defense contractors, as well as the banking and jewelry industries, in the case of gold.

American legislators chose to intervene in the final stage, mandating that companies under US jurisdiction certify to the Securities and Exchange Commission that their products do not contain conflict minerals from the DRC or adjacent countries (including Uganda, Rwanda, and Burundi). This is “naming and shaming,” since the law specifies no penalty for companies unable to demonstrate that their products are conflict-free. However, manufacturers have treated the requirement as a serious problem, first lobbying Congress in an unsuccessful effort to defeat the bill, then the SEC to water down the requirements.

## LEVERS FOR CHANGE

Student activists continue to lobby American universities to enact measures insuring that they purchase no “conflict minerals.” However, it is not evident that such actions will produce beneficial results on the ground in the eastern DRC, where the human rights violations are occurring. The US State Department will have to carry out its part of the bargain, working with other donor governments to get the DRC to demilitarize the mining zones. As the blogger Jason Stearns has suggested, a good place to start would be the Walikale mining zone in North Kivu, where conflict over tin mining was linked in 2010 to mass rapes of more than 300 women, girls, men, and boys.

Unfortunately, the record of President Obama and Secretary of State Hillary Clinton on such questions is not encouraging. In 2010 they gave Kabila an exemption to a ban on US aid to countries that recruit child soldiers. (Also exempted were Chad, Sudan, and Yemen, leaving only Somalia and Myanmar as countries covered by the ban.)

Over the past decade, the United States has largely achieved its objective of restoring good relations between the DRC and its eastern neighbors—Uganda, Rwanda, and Burundi. Washington has invested considerable time and money in Kabila and his regime, notably by supporting the elections of 2006 and 2011. Yet Kabila remains very weak. In the aftermath of the attack on his Kinshasa residence, he has had to resort to Rwandan bodyguards who presumably will report back to Kigali on his every move.

This puts him back where Laurent Kabila was before he expelled his Rwandan handlers in 1998. Still, with American backing, Joseph Kabila probably will win reelection despite the notable lack of enthusiasm for his presidency among the Congolese population. ■