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President Joseph Kabila (2001-present) names former Union pour la Démocratie et le Progrès Social (UDPS) politician Bruno Tshibala as prime minister of the transitional government. The UDPS expelled Tshibala in March for opposing the appointment of Felix Tshisekedi as president of opposition group Rassemblement. DRC is looking to import electricity from South Africa to attempt to mitigate a projected 50% power generation deficit from May to September. The United Nations (UN) calls for an International Criminal Court (ICC) investigation into 40 mass graves its investigators uncovered in Kasai Central province.

Kabila appoints Bruno Tshibala prime minister as opposition fractures

President **Joseph Kabila** (2001-present) named former **Union pour la Démocratie et le Progrès Social (UDPS)** politician **Bruno Tshibala** as prime minister of the transitional government on 7 April.¹ The move has effectively divided the opposition as Tshibala is an outspoken critic of **Felix Tshisekedi**, the new leader of the UDPS and opposition bloc **Rassemblement**.² It also puts in doubt the process agreed in the December accord – for Kabila to hold an election in 2017 and not stand as a candidate.

“Kabila just had to wait for the opposition alliances to implode and then carry on as before, there will be no stopping him now.”³

Kabila appointed Tshibala in a written statement after negotiations with Rassemblement to put the transition government in place collapsed in late March.⁴ Kabila went against the December deal he had struck with Rassemblement that he would select a prime minister from a shortlist of their choosing (see *ARC Briefing DRC January - March 2017*). The method of appointing the prime minister was one of the key points of contention in the talks, as were disagreements between opposition party members over Tshisekedi’s role as president-elect of the **Conseil National de Suivi de l’Accord et du Processus Electoral (CNSA)** (national council for the monitoring of the accord and electoral process).⁵ The CNSA is responsible for overseeing the organisation of an election in 2017. The **Conférence Episcopale Nationale du Congo (CENCO)** (Congolese national episcopal conference), which had mediated talks between the opposition and Kabila’s **Majorité Présidentielle (MP)** coalition since October 2016, withdrew on 27 March.⁶

The UDPS expelled Tshibala in March after he criticised Felix Tshisekedi’s appointment as leader of Rassemblement and the UDPS (see *ARC Briefing DRC March 2017*). Felix is the son of the late **Etienne Tshisekedi** who died on 1 February this year (see *ARC Briefing DRC February 2017*). Felix has relatively little experience in government and his appointment reflects the legacy of his father’s influence more than anything else. Tshibala publicly criticised the decision saying that the UDPS

¹ Radio Okapi, 7 Apr 2017.

² Radio Okapi, 7 Apr 2017.

³ Source, journalist, Kinshasa

⁴ FT, 27 Mar 2017.

⁵ FT, 27 Mar 2017.

⁶ FT, 27 Mar 2017.

should have considered experienced opposition politicians.⁷ Kabila's appointment of Tshibala as prime minister has infuriated the UDPS, and Felix Tshisekedi has accused Kabila of breaking the December accord.⁸

"Bruno (Tshibala) is a long serving opposition figure, he has served the UDPS well and stood up to the government many times. But by accepting this appointment he shows that he can be bought by the president."⁹

However, Tshibala and other critics of Tshisekedi may be correct in their assessment of waning public support for Rassemblement. The movement organised a general strike on 3 April, during which they shuttered shops and closed businesses in capital **Kinshasa**, major economic hub **Lubumbashi** and the eastern city of **Goma**.¹⁰ However, a call for protests against the end of the talks and Tshibala's appointment in Kinsaha on 10 April fell flat as fewer than 100 people turned up to protest.¹¹ Felix Tshisekedi did not attend the march as he flew to **Addis Ababa (Ethiopia)** at the invitation of the **African Union (AU)** on 9 March.¹² His father was able to draw crowds of tens of thousands to opposition rallies.¹³

"The momentum is going from Rassemblement, people have seen so many strikes, protests, days of action, days of anger and nothing changes. They are bored of going out again and again and seeing no protest... this is a big danger for the elections."¹⁴

Kabila has survived as president since 2001 by effectively dividing opposition through co-opting them into his government. The appointment of Tshibala fits this pattern. Tshibala is an experienced and senior enough politician to be a credible choice as prime minister. However, had he not publicly criticised Felix Tshisekedi, he would not be a contender for the position. Encouraging rifts in the opposition will give Kabila the space he needs to secure his own political future. The opposition believes that he will organise a referendum to allow him to stand for a third term in office, as his counterparts in neighbouring **Rwanda** and **Republic of Congo** have done. This would be considerably more difficult with a united opposition leading the transitional government. Tshibala's lack of a constituency means that he will owe his position to Kabila alone – a difficult position to prevent the president extending his term in office further. Divisions in the opposition cost them electoral ground in the 2005 and 2011 elections and may do so again in 2017 – if the election happens.

DRC looks to South Africa for power as 50% power shortfall looms

DRC is looking to import electricity from **South Africa** to attempt to reduce the increasing power production deficit, according to a statement from the **Fédération des entreprises du Congo (FEC)** (DRC federation of companies) on 12 April.¹⁵ Rainfall shortfalls in DRC are threatening power supply, which is primarily generated by hydro-electric stations along the **Congo River**. FEC **Katanga** branch president **Eric Monga** said that low rainfall across 2016 and the first months of 2017 could reduce power supply by up to 50% during the May to September dry season.¹⁶ The FEC led a delegation to South Africa's state-owned power utility **Eskom** from 12-14 April to negotiate a deal to import

⁷ Reuters, 18 Mar 2017.

⁸ Radio Okapi, 7 Apr 2017.

⁹ Source, UDPS organiser, Kinshasa

¹⁰ Radio Okapi, 3 Apr 2017.

¹¹ Radio Okapi, 10 Apr 2017.

¹² Radio Okapi, 10 Apr 2017.

¹³ Radio Okapi, 10 Apr 2017.

¹⁴ Source, journalist, Kinshasa

¹⁵ La Phare, 12 Apr 2017.

¹⁶ La Phare, 12 Apr 2017.

power.¹⁷ Monga, who represents businesses in the mining province of Katanga, said that the need to get reliable power supply was worth the high cost of importing from South Africa:

"It's clearly more expensive...but the economic interest is so great that we are obliged to go hear them (Eskom) out."¹⁸

DRC has 2,500 megawatts (MW) of installed generation capacity, 99% of which comes from hydropower dams.¹⁹ The majority comes from the **Inga Dam 1** and **Inga Dam 2** which produce 1,775MW of this.²⁰ The result is that DRC has very poor rates of electrification, with just 9% access across the country and only 1% in rural areas.²¹ The **Société Nationale d'Electricité (SNEL)**, the state-owned power utility, is unable to provide enough electricity to power Kinshasa – just 400MW out of 800MW, or the vital copper mining industry which operates at a 300MW average shortfall.²²

"We cannot power ourselves at full capacity, there will be basically no power this year if they don't find another source."²³

In order to make up for some of this shortfall, DRC imports electricity from neighbouring **Zambia**.²⁴ This primarily goes to power copper projects in Katanga, however Zambia itself is experiencing power shortages which make this supply both expensive and unreliable.²⁵ If DRC were to import electricity from South Africa, it would travel through grids in both Zambia and Zimbabwe to get there.²⁶ Monga said that each mining company would negotiate its own rates and demands with Eskom, but that this would help maintain copper output if DRC capacity falls rapidly.²⁷

"One of the primary difficulties of maintaining output in DRC is power; nobody who mines in country believes the government will manage to build more power plants any time soon...so we balance the costs and the more places we can import from the better."²⁸

The government has failed to develop further generation capacity. It has been developing the 4,800 MW \$14 billion **Grand Inga Hydropower Project 3** since 1999 but has yet to select a subcontractor to deliver the project.²⁹ The latest development was an announcement that the government planned to select two **China**-based companies, **China Three Gorges Corp** and **Sinohydro Corp**, to carry out the work in September 2016.³⁰ However, there were reportedly no developments in the last six months. The government has promised 2,500MW of electricity from the project for export to South Africa.³¹

DRC's infrastructure deficit is so large that in order for mining companies to successfully operate, many build their own power stations, or power line extensions, to ensure regularity of supply. The country's economy is able to function with relatively little power, but is held back by the lack of it. If supply does fall by 50% across the dry season it will hit the mining sector, which may be able to import at a higher cost. However, it will hit smaller businesses that rely on electricity harder,

¹⁷ La Phare, 12 Apr 2017.

¹⁸ La Phare, 12 Apr 2017.

¹⁹ USAID, 29 Sep 2016.

²⁰ USAID, 29 Sep 2016.

²¹ USAID, 29 Sep 2016.

²² Modern Mining, 27 Apr 2017.

²³ Source, journalist, Kinshasa

²⁴ Modern Mining, 27 Apr 2017.

²⁵ Modern Mining, 27 Apr 2017.

²⁶ Modern Mining, 27 Apr 2017.

²⁷ La Phare, 12 Apr 2017.

²⁸ Source, mine owner in DRC, London

²⁹ La Phare, 12 Apr 2017.

³⁰ La Phare, 12 Apr 2017.

³¹ Modern Mining, 27 Apr 2017.

especially in major cities. The large informal sector, which does not rely on electricity, will be unaffected.

UN calls for investigation over mass graves

The **United Nations (UN)** has called for an **International Criminal Court (ICC)** investigation into 17 new mass graves its investigators uncovered in **Kasai Central** province on 19 April.³² UN investigations into rights breaches in DRC are commonplace, but the discovery of a large number of mass graves brings the ongoing conflict in Kasai Central to global attention. There have been clashes between the **Kwamina Nsapu** militia and the **Forces Armées de la République Démocratique du Congo (FARDC)** in the province since August 2016 after FARDC forces shot traditional leader Kwamina Nsapu (see *ARC Briefing DRC February 2017*). The government is unable to control the uprising and it is currently the most violent active conflict in the country. The government returned Nsapu's body to the village on 11 April to satisfy one of the key demands of the militia.³³

UN human rights chief **Zeid Ra'ad Al Hussein** said that FARDC soldiers dug the grave sites after clashing with the militia in March 2017, and after raiding numerous homes in provincial capital **Kananga** looking for militia members.³⁴ According to the UN, FARDC soldiers killed at least 74 people, including 30 children, in the March incident and a further 40 in Kananga later in the month.³⁵ The UN reports that it has uncovered 40 mass grave sites and the bodies of over 400 people since the conflict began.³⁶ Hussein said in a statement that if the government did not start an effective investigation he would refer the matter to the ICC.

*"Should there be no effective national investigation, I will not hesitate to urge ... an investigation by an international mechanism, including the International Criminal Court."*³⁷

However, government spokesperson **Lambert Mende** said the government would only start investigations after the UN handed evidence over to the government. Tensions are high between the UN and DRC following the murder of two UN investigators, **United States (US)** national **Michael Sharp** and **Swedish** national **Zaida Catalan**, in Kasai Central on 27 March.³⁸ The UN and other international actors have accused the DRC government of attempting to prevent their investigations. The FARDC arrested two suspects on 4 April, but one escaped from custody.³⁹ However, the DRC government has released a video of the killings showing figures they allege are from the militia shooting Sharp and Catalan.⁴⁰ Mende told the press briefing that:

*"Our police and soldiers are accused of being implicated in the assassination of the two U.N. experts. That is not the case...The images speak for themselves. It is not our soldiers that we see in the video executing the two U.N. workers but the terrorists of the Kwamina Nsapu militia."*⁴¹

The government of DRC has little regard for pressure from the international community. Many senior figures in the FARDC and police force are the subject of international sanctions due to police brutality. The ICC has some track record of successfully prosecuting war crimes from DRC, but only with the cooperation of the DRC authorities. The reality of conflicts in DRC is that both the FARDC and Kwamina Nsapu are likely to be responsible for war crimes and crimes against humanity. However,

³² Reuters, 19 Apr 2017.

³³ Reuters, 19 Apr 2017.

³⁴ Reuters, 19 Apr 2017.

³⁵ Reuters, 19 Apr 2017.

³⁶ Reuters, 19 Apr 2017.

³⁷ Reuters, 19 Apr 2017.

³⁸ Radio Okapi, 28 Mar 2017.

³⁹ Radio Okapi, 22 Apr 2017.

⁴⁰ Radio Okapi, 22 Apr 2017.

⁴¹ Reuters, 24 Apr 2017.

the international community has little leverage to prevent further violence or hold the perpetrators to account.

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