

## AFRICA RISK CONSULTING

### DRC Monthly Briefing July 2018

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#### DRC Summary 20 July 2018

**The opposition Mouvement de Liberation du Congo (MLC) names Jean-Pierre Bemba as its presidential candidate, after the International Criminal Court (ICC) acquitted Bemba for war crimes in June. The United Nations (UN) special rapporteur on torture, Nils Melzer, warns that the documented killings, rapes and mutilation in the Kasai Region could foreshadow a future genocide. The chief of staff of the DRC's oil ministry, Emmanuel Kayumba, confirms that the ministry is assembling an inter-institutional commission to consider opening up parts of Virunga National Park and Salonga National Park to oil exploration.**

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#### Jean-Pierre Bemba accepts candidacy for presidential election

The opposition **Mouvement de Liberation du Congo (MLC)** named **Jean-Pierre Bemba** as its presidential candidate on 13 July, after the **International Criminal Court (ICC)** acquitted him for war crimes in June (see *ARC Briefing DRC June 2018*).<sup>1</sup> Bemba, who is currently in **Brussels (Belgium)**, accepted the candidacy via telephone but will have to return to the **Democratic Republic of the Congo (DRC)** by 8 August to register his candidacy.<sup>2</sup> The ICC is still prosecuting Bemba in a case that dates from 2017 for reportedly bribing witnesses during his main war crimes trial.<sup>3</sup> The DRC government has said that Bemba can apply for a diplomatic passport once the ICC fully acquits him,<sup>4</sup> but it is unclear when this will happen. According to a **South Africa**-based lawyer,

*“Bemba is likely to be released from this charge, considering it is a one-year jail term and he already spent ten years in jail during the initial trial. However, the sentencing process could drag on past August, and he would be unable to return to the DRC, which means he would not be eligible to run in the December elections.”<sup>5</sup>*

The MLC and other opposition parties have agreed in principle to the idea of having one opposition candidate to run against President **Joseph Kabila's** (2001-present) **Parti du Peuple pour la Reconstruction et la Démocratie (PPRD)**. Like the PPRD, they have not yet determined who the presidential candidate will be.<sup>6</sup> At least two of the potential opposition candidates face impediments to running in the presidential elections, scheduled for 23 December: Bemba's ICC trial must conclude, while **Moïse Katumbi's** supreme court trial in the DRC began on 27 June.<sup>7</sup> Katumbi and six others face charges of harming domestic security for reportedly recruiting and arming mercenaries after a political fallout with Kabila in late 2015.<sup>8</sup> In a speech to the national assembly on 19 July, Kabila stated the importance of legal eligibility for the elections, which may be a message to Katumbi that his trial will be ongoing and he will be disqualified. The other main challenger, **Felix Tshisekedi**, has stayed quiet on whether he would agree to a unified opposition candidate. There were rumours in May that he was going to accept a government post from Kabila, although Tshisekedi has rejected these

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<sup>1</sup> Africanews, 16 Jul 2018.

<sup>2</sup> Al Jazeera, 14 Jul 2018.

<sup>3</sup> Al Jazeera, 14 Jul 2018.

<sup>4</sup> News24, 25 Jun 2018.

<sup>5</sup> Source, lawyer, Cape Town.

<sup>6</sup> Al Jazeera, 14 Jul 2018.

<sup>7</sup> Africanews, 27 Jun 2018.

<sup>8</sup> Africanews, 27 Jun 2018.

rumours.<sup>9</sup> Tshisekedi stated on 18 July that he will boycott the vote if Kabila contests the elections and if electronic voting machines are used.<sup>10</sup> In a speech to the national assembly on 19 July, Kabila reaffirmed that elections would take place on 23 December, but did not state whether he would, or would not, stand for re-election.<sup>11</sup>

Kabila has reason to be concerned about a united opposition. A **Congo Research Group** reported in February that only 17% of respondents polled would vote for someone from the PPRD, while the opposition parties had a combined 56% of support.<sup>12</sup> According to **Institute for Security Studies** analyst **Stephanie Wolters**,

*“As an opposition leader, [Bemba] could do extremely well. He is seen as a victim of Joseph Kabila’s politics and of international politics. If the opposition unites, it would be very hard to see a Kabila victory that was anything but stolen.”<sup>13</sup>*

The likelihood of violence in the lead-up to the December elections remains very high. Kabila does not show any signs of stepping down and may choose more drastic measures to retain power as the election draws nearer. For the opposition, it would be surprising for any party leader to accept a unity candidate other than themselves. This may spur violence among opposition political parties. If major opposition parties choose to boycott the election, this could also threaten the credibility of the elections.

### UN warns of potential genocide as Kabila promotes sanctioned generals

The **United Nations (UN)** special rapporteur on torture, **Nils Melzer**, warned on 4 July that the documented killings, rapes and mutilation in the **Kasaï** region could foreshadow a future genocide.<sup>14</sup> Melzer referred to a UN report outlining the attacks since late 2016 involving both the DRC’s **Forces Armées de la République Démocratique du Congo (FARDC)** and the rebel **Kamuina Nsapu** militia.<sup>15</sup> The Kasaï conflict began in 2016 when President Joseph Kabila refused to leave power as his mandate ended, resulting in a partially ethnic conflict between the FARDC and its allied **Bana Mura** militia against the Kamuina Nsapu militia.<sup>16</sup> The Kamuina Nsapu militia members are largely of **Luba** ethnicity, and have targeted the **Pende** and **Chokwe** ethnic groups. The Bana Mura militia members are largely Chokwe, and have targeted Luba and **Lulua** ethnic groups.<sup>17</sup>

Kabila may be planning to impose a state of emergency if the Kasaï conflict continues. According to a **Kinshasa**-based journalist,

*“[Kabila] has had no intention of stopping this conflict and in fact has done what he can to exacerbate it. Kabila’s original plan may have been to plunge the nation into conflict, which could result in a state of emergency and delayed elections, allowing him to stay in power.”<sup>18</sup>*

Kabila’s appointment of two army chiefs who are under international sanctions may intensify the Kasaï conflict. Kabila appointed General **John Numbi** as FARDC inspector-general and General **Gabriel Amisi** as FARDC deputy chief of staff on 15 July.<sup>19</sup> The **United States, European Union** and **Switzerland** imposed sanctions in 2016 on Numbi and Amisi for alleged killing civilians in the DRC.<sup>20</sup> In addition to potentially aggravating the Kasaï situation, their past history suggests that Numbi and

<sup>9</sup> This is Africa, 2 May 2018.

<sup>10</sup> VOA, 17 Jul 2018.

<sup>11</sup> US News, 19 Jul 2018.

<sup>12</sup> Congo Research Group, Pulse Report #3, March 2018

<sup>13</sup> The Guardian, 23 Jun 2018.

<sup>14</sup> Reuters, 4 Jul 2018.

<sup>15</sup> Reuters, 4 Jul 2018.

<sup>16</sup> Reuters, 4 Jul 2018.

<sup>17</sup> Irin News, 31 Jul 2017.

<sup>18</sup> Source, journalist, Kinshasa.

<sup>19</sup> Reuters, 15 Jul 2018.

<sup>20</sup> Human Rights Watch, 16 Jul 2018.

Amisi may threaten and intimidate opposition groups. Numbi was allegedly involved in the murder of rights activist **Floribert Chebeya** in 2011.<sup>21</sup> Amisi is implicated in the deployment of rebel militia group **Mouvement du 23 mars (M23)** fighters to crack down on protestors in December 2016.<sup>22</sup> Kabila's political moves ahead of the December elections may be a sign that he has no intention of stepping down. This will result in continuing, and larger, conflict, not only in Kasai, but also in other regions of the DRC.

### DRC plans to open protected national parks for oil exploration

Oil ministry chief of staff **Emmanuel Kayumba** confirmed on 29 June that the ministry is assembling an inter-institutional commission to consider opening parts of **Virunga National Park** and **Salonga National Park** to oil exploration.<sup>23</sup> The DRC's council of ministers reportedly adopted a plan proposed on 8 June to rule on the partial decommissioning of the parks.<sup>24</sup> The proposal could open up 21.5% of Virunga National Park, home to the critically endangered mountain gorilla and endangered bonobo ape, for oil drilling.<sup>25</sup> Virunga and Salonga National Parks cover 36,000 square kilometres of the DRC's rainforest and are **Unesco World Heritage Sites**.<sup>26</sup> Environmental activists strongly oppose the move, arguing that the exploration and accompanying drilling would place the fragile ecosystem at risk and contribute to global warming.<sup>27</sup> Activists have in the past been able to stop drilling activities in the parks, including in 2014 when **United Kingdom**-based oil and gas firm **Soco International** withdrew after fierce criticism.<sup>28</sup>

DRC government spokesperson **Lambert Mende** stressed that the study will look at the potential impact of drilling on local communities and the environment and that there is not yet a decision to proceed.<sup>29</sup> If the presidency does give permission to drill, it may find that many exploration companies, particularly **European** and **North America**-based companies, will not be interested in exploring the area due to anticipated strong opposition from environmental and social activist groups.

Anti-corruption organisation **Global Witness** claims the government allocated the oil drilling blocks in the parks to **Compagnies Minières Congolaise (COMICO)** on 1 February.<sup>30</sup> Kabila authorised ordinance 18/010, which granted COMICO the go-ahead to explore in and around the parks, though the oil ministry did not publish the contract within 60 days, as stipulated by the previous oil law.<sup>31</sup> The current ownership structure of COMICO is opaque.<sup>32</sup> However, at its formation in 2006, a former cabinet member of Jean-Pierre Bemba's MLC, **Montfort Konzi**, and controversial **Portuguese** businessman **Idalécio de Oliveira**, controlled the company.<sup>33</sup> According to a lawyer from **Centrale Oil & Gas**, which holds a 40% share in COMICO, the company paid a \$3m signing bonus for a production sharing agreement in 2007,

*"...but no other payment, direct or indirect, have (sic) been made to the DRC government or its officials or its representatives."<sup>34</sup>*

The recent move to open the parks to oil exploration is likely motivated by Kabila's need for short-term cash injections. The parks, particularly Virunga, have been a source of tourist revenue for the

<sup>21</sup> News24, 16 Jul 2018.

<sup>22</sup> Human Rights Watch, 16 Jul 2018.

<sup>23</sup> Reuters, 29 Jun 2018.

<sup>24</sup> Chwezi Traveller, 17 Jul 2018.

<sup>25</sup> BBC, 30 Jun 2018.

<sup>26</sup> BBC, 30 Jun 2018.

<sup>27</sup> BBC, 30 Jun 2018.

<sup>28</sup> National Geographic, 12 Jun 2014.

<sup>29</sup> Chwezi Traveller, 17 Jul 2018.

<sup>30</sup> Global Witness, 3 May 2018.

<sup>31</sup> Global Witness, 3 May 2018.

<sup>32</sup> Global Witness, 29 May 2018.

<sup>33</sup> Global Witness, 29 May 2018.

<sup>34</sup> Global Witness, 3 May 2018.

DRC with visitors paying upwards of \$400 to catch a glimpse of a mountain gorilla.<sup>35</sup> However, the government closed the park to tourists in June after rebels killed 12 rangers and kidnapped two **British** tourists in May.<sup>36</sup> Virunga park director **Emmanuel de Merode** closed the park until 2019 to allow a review of security precautions and reinforcement of park rangers.<sup>37</sup> The closure of this finance avenue may have forced the government to look for other revenue streams on the park, such as oil drilling.

Kabila may determine that COMICO's rights to the blocks are null and void and attempt to sell the blocks to a new company. For Kabila's regime, selling access or rights now is the easiest way to raise funds – either for avenues to remain in power or for Kabila's retirement. Kabila may also see COMICO, and its Bemba connections, as a political threat since Bemba's release and use the exploration blocks as a power play.

### Planner

July 2018 **(DRC)** President **Joseph Kabila** (2001-present) expected to name his preferred successor for December elections

23 Dec 2018 **(DRC)** President, legislative and provincial elections scheduled

9 Jan 2019 **(DRC)** Electoral results published

13 Jan 2019 **(DRC)** President to be sworn into office

### Chronology

15 Jul 2018 **Kinshasa (DRC)** *Reuters*. President **Joseph Kabila** appoints General **John Numbi**, a man under **United States** and **European Union** sanctions, as **Forces armées de la république démocratique du Congo (FARDC)** inspector general;

13 Jul 2018 **(Belgium)(DRC)** *Al Jazeera*. **Jean-Pierre Bemba** accepts his presidential candidacy from the opposition **Mouvement pour la Libération du Congo (MLC)** party after the **International Criminal Court (ICC)** acquits him from war crime charges in an appeal;

11 Jul 2018 **Goma (DRC)** *VOA*. The DRC government accuses **Ugandan** forces of killing 12 fishermen on **Lake Edward**, a lake that straddles the DRC-Uganda border;

9 Jul 2018 **Kinshasa (DRC)** *Reuters*. President **Joseph Kabila** calls off a planned state visit from the **United Nations (UN) Secretary General, Antonio Guterres**, and refuses to meet the **United States'** Ambassador to the UN, **Nikki Haley**;

4 Jul 2018 **Kinshasa (DRC)** *CNBC*. **Switzerland**-based mining conglomerate **Glencore** receives a subpoena from the **United States Department of Justice** requesting documents and records on its activities in **Nigeria** and the **Democratic Republic of the Congo (DRC)** from 2007 to present;

4 Jul 2018 **Kasaï (DRC)** *Reuters*. The **United Nations** special rapporteur on torture, **Nils Melzer**, warns that conflict in Kasaï region may be a prelude to genocide;

2 Jul 2018 **Kinshasa (DRC)** *Business Day*. A DRC-based court suspends a hearing regarding a lawsuit over Glencore's reportedly fraudulent selling of one of its former partner's shares;

2 Jul 2018 **Kinshasa (DRC)** *News24*. A pro-President **Joseph Kabila** campaign group, the **Front Commun pour le Congo**, launches its electoral platform, further increasing fears that

<sup>35</sup> [www.virungaparkcongo.com](http://www.virungaparkcongo.com)

<sup>36</sup> *The Guardian*, 4 Jun 2018.

<sup>37</sup> *The Guardian*, 4 Jun 2018.

Kabila does not plan to step down prior to the 23 December elections;

27 Jun 2018 **Kinshasa (DRC) News24**. The **United Nations** adds the DRC-based **Bana Mura** militia and **Kumina Nsapu** militia, and the **Mali-based Platform** militia to its black list of groups violating children's rights in wartime;

27 Jun 2018 **Kinshasa (DRC) News24**. The **Cour de cassation** postpones opposition leader **Moïse Katumbi's** trial *in absentia* until 10 October on technical grounds, which may make his return for the December elections more difficult;

26 Jun 2018 **Kinshasa (DRC) Business Day**. Oil ministry chief of staff **Emmanuel Kayumba** states the DRC may allow oil exploration in the **Virunga National Park**, home to mountain gorillas and a rainforest reserve;

25 Jun 2018 **Kinshasa (DRC) Reuters**. Opposition leader **Moïse Katumbi** states he is in favour of a coalition which could include former vice-president **Jean-Pierre Bemba**;

23 Jun 2018 **Kinshasa (DRC) News24**. Foreign minister **Leonard She Okitundu** states the DRC will give former vice-president **Jean-Pierre Bemba** a diplomatic passport to allow him to return to the DRC, amid rumours of a Bemba presidential candidacy;

21 Jun 2018 **Kinshasa (DRC) NAN**. The **United States (US)** places **Democratic Republic of the Congo (DRC)** senior officials under sanctions due to their reported involvement in corrupt activities;

21 Jun 2018 **Kinshasa (DRC) News24**. The DRC's electoral commission plans to use the **South Korea**-built electronic voting machines in the December presidential elections despite criticism that it will increase the risk of fraud;

19 Jun 2018 **Kinshasa (DRC) Xinhua**. Foreign minister **Leonard She Okitundu** tells **Angolan** President **João Lourenço** that the DRC elections will be held on 23 December and filing nominations will begin 24 July;

19 Jun 2018 **Johannesburg (South Africa) Daily Maverick**. DRC opposition leader **Felix Tshisekedi** states he would stand down for another opposition candidate if that would better serve the DRC;

19 Jun 2018 **Kinshasa (DRC) MedAfrica Times**. DRC's chief negotiator for the **African Continental Free Trade Area**, **Floribert Kwete Mikobi**, says the DRC will liberalise 90% of imports from other **African** countries by 2020;

18 Jun 2018 **Kinshasa (DRC) africanews**. Foreign minister **Leonard She Okitundu** states that the former vice-president, **Jean-Pierre Bemba**, may return to the **Democratic Republic of the Congo** if he wishes, though did not state whether Bemba would be arrested if he returns;

16 Jun 2018 **Kinshasa (DRC) Reuters**. Parliament plans to consider special legislation to provide legal protection for former presidents, in a sign that President **Joseph Kabila** plans to step down;