

# **CONGO: FOUR PRIORITIES FOR SUSTAINABLE PEACE IN ITURI**

Africa Report N°140 – 13 May 2008

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## CONGO: FOUR PRIORITIES FOR SUSTAINABLE PEACE IN ITURI

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The risk of renewed violence in Ituri is limited today by the presence of the UN Mission in the Congo (MONUC), the dismantling of the majority of armed groups and the local population's war weariness after years of suffering and destruction. To ensure lasting stabilisation, however, it is essential to tackle simultaneously the conflict's root causes and abandon purely reactive or short-term approaches. Those root causes persist, including unequal access to land and unfair sharing of revenues from exploitation of natural resources. As local elections in 2009 approach, the absence of inter-community reconciliation and persistence of impunity for the majority of crimes committed during the war are also extremely worrying. To prevent new violence, which would affect women particularly, an integrated peacebuilding strategy has to be implemented, involving national and provincial institutions and with the active support of MONUC and donors.

Disarmament of the remaining armed groups and the recovery of the many weapons held in the different communities will not be achieved by force or by simply co-opting community leaders into national institutions. It has to be accompanied by establishing at least minimal trust between the local communities and the administration through sensitisation efforts and sustained investment in building better local governance capacity in advance of the district's elevation to province status in 2009. Another key element in creating this trust is the replacement in pacified zones of the Democratic Republic of the Congo Armed Forces (FARDC), which continues to be responsible for numerous human rights violations, by the national police force.

Beyond the issue of disarmament and restoration of state authority, and in view of the risk that the local elections could trigger renewed violence, three further major challenges have to be addressed simultaneously in the district. Land-related tensions that were at the origin of the conflict have not been eased and constantly threaten to lead to new inter-ethnic confrontations. With the return of refugees and internally displaced persons (IDPs) to their homes and the resumption of economic activity, a resurgence of those

tensions seems inevitable. It is, therefore, indispensable to take preventive measures on the ground and to clarify the judicial muddle linked to land law and the status of chieftainships.

Another risk for the district is the absence of transparency and justice in the management of natural resources and mining. While nepotism continues to plague local politics, the uneven, opaque distribution of revenues from exploitation of gold, collection of customs fees and, even more so, extraction of oil at Lake Albert risks causing renewed tensions. It is critical to the peace process to establish a framework for transparent management of Ituri's resources, to dismantle local mafia networks that extract resources from mining and forestry and to manage the expectations raised by the discovery of oil at Lake Albert.

Finally, inter-community reconciliation remains superficial, and local justice mechanisms are incapable of combating impunity effectively. If Ituri is to have a real chance of turning the page from a devastating war that has lasted for almost a decade, it is essential, therefore, that the International Criminal Court (ICC) continues its investigations, mixed (international/national) judicial chambers are established and a truth and reconciliation commission created.

The international community has worked hard to achieve the disarmament of armed groups and has to a large extent taken the lead in the political and military process that has allowed for their progressive surrender during the transition process. Today, the success of Congo's reconstruction hinges on Ituri, a district that has too often been ignored by Kinshasa. A voluntary and integrated approach is required that reunites national and regional institutions and international partners in order to consolidate peace there. Otherwise, the return of chaos is likely, which would signify the failure of a peace process that has so far mostly been to the advantage of warlords and has failed to bring true benefit to the victims of the conflict.

## RECOMMENDATIONS

*Completing the disarmament process and restoring state authority*

### **To the Government of the Democratic Republic of Congo:**

1. Concentrate the deployment of FARDC in the strongholds of the Front for National Integration (FNI) and the Patriotic Force of Resistance in Ituri (FRPI) militias and systematically replace it in the rest of the district with national police force officers including residents of Ituri.
2. Order the military prosecutor to initiate official investigations into the alleged complicity of FARDC officers in the illegal exploitation of natural resources and mining in Ituri.
3. Initiate a disciplinary investigation into Governor Médard Autsai's administration of Province Orientale.

### **To the UN Mission in Congo (MONUC):**

4. Increase tactical and operational support to FARDC in order to facilitate the encirclement of the FRPI militia, limit its capacity for movement and restrict its access to external support.
5. Create a civilian-military task force, mandated to implement an integrated strategy for finalising the disarmament of the FNI and FRPI militias that combines sensitisation and pressure and enjoys the backing of local community leaders.

### **To the United Nations Development Programme (UNDP) and Donors:**

6. Strengthen sensitisation projects that promote communal disarmament, accompanied by programs for reintegration of ex-combatants into agriculture, fishing, cattle raising and the rehabilitation of agricultural services and design a plan for the specific retraining of traditional miners, some of whom are ex-combatants, before they leave the mining concessions.
7. Revive programs to strengthen the administrative capacities of the district in anticipation of its elevation to province status in 2009 and provide the district with sufficient human resources to manage reintegration and reconstruction programs.

*Preventing land conflicts*

### **To the Government of the Democratic Republic of Congo:**

8. Initiate a process of consultations with the aim to present to parliament before the end of 2008 a revised draft of the land laws that clarifies the status of traditional chiefs.
9. Set up a research mission in collaboration with the provincial assembly of Province Orientale with the objective of proposing a new administrative division of Ituri.

### **To the UN High Commissioner for Refugees (UNHCR):**

10. Launch pilot projects for the resettlement of refugees and displaced persons based on dialogue and the sensitisation of local communities.

### **To Donors:**

11. Ensure the regular financing of Ituri's land commission by harmonising the efforts of national and international partners involved in sensitisation efforts to prevent the eruption of land-related conflicts in the district.

*Improving the management of resources and revenues, in particular with respect to customs, forestry, mining and oil exploitation*

### **To the Government of the Democratic Republic of Congo:**

12. Initiate a judicial investigation into illegal forestry in order to dismantle transnational mafia networks involved in the illegal exploitation of wood.
13. Ensure strict application of the mining code; follow up the recommendations of the commission for review of mining contracts regarding OKIMO (the Congolese state-owned gold mining company); institute a moratorium on new mining and forestry concessions until a framework regulation for effective control of the sector has been put into place; and increase controls of warehouses and aircraft used for the exploitation of gold resources in order to limit the risk of illegal exports.
14. Make public the contractual relationship between the Congolese state and mining and oil companies, and ensure the transparency of payments made by these companies to state agencies.

15. Create mechanisms for the certification and tracking of minerals and other natural resources extracted in Ituri.

*Promoting inter-communal reconciliation and fighting impunity*

**To the Government of the Democratic Republic of Congo:**

16. Present to the parliament legislation in conformity with the 2006 constitution to establish a truth and reconciliation commission, including a special chapter on Ituri.
17. Present legislation that incorporates the Rome Statute into the domestic legal system, including granting jurisdiction for war crimes and crimes against humanity to civilian courts, and that permits the creation of mixed (international/national) judicial chambers within the Congolese judicial system.

18. Propose the establishment of mixed (international/national) judicial chambers within the Congolese judicial system in Ituri authorised to try perpetrators of war crimes and crimes against humanity, and engage in consultations with national actors and international partners to determine how these chambers should function and implement them without delay.

**To the International Criminal Court:**

19. Confirm publicly that the office of the prosecutor will continue to investigate atrocity crimes committed in Ituri; ensure that this includes the principal militia chiefs who have not been arrested (Jérôme Kakwavu, Peter Karim, Cobra Matata, Floribert Kisembo Bahemuka), those responsible for the massacre at Nyakunde as well as senior Congolese, Rwandan and Ugandan officials who armed and supported the militias active in Ituri; and bring charges where criminal responsibility can be established.

**Nairobi/Brussels, 13 May 2008**

## CONGO: FOUR PRIORITIES FOR SUSTAINABLE PEACE IN ITURI

### I. INTRODUCTION

In June 2003, on the eve of the establishment of a transitional government, Ituri<sup>1</sup> was on the verge of genocide. As a result of the disappearance of the State, the economic crisis, the manipulation of inter-community tensions by the occupying Ugandan forces and the growing rivalry between Kampala, Kinshasa and Kigali for control of the region, violence over land disputes and increasingly marked divisions between communities degenerated into open inter-ethnic war between the Lendu and Hema populations. In four years the conflict killed more than 50,000 people and forced more than 500,000 to leave their homes.<sup>2</sup> More structured militia groups were created within the Lendu and Hema communities (themselves divided into several sub-groups), each claiming that they were fighting for the survival of “their” people. In 2003 Ituri had no fewer than six armed groups<sup>3</sup> and a total number of militia members estimated to be between 20,000 and 25,000.<sup>4</sup>

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<sup>1</sup> Ituri (capital: Bunia) is a district in the Eastern Province of the DRC bordering Uganda and Sudan. It covers an area measuring 65,658 sq. km and has nearly 4 million inhabitants with a population density of approximately 30 inhabitants per square kilometre. Ituri is divided into five territories (Aru, Mahagi, Djugu, Irumu, Mambasa), 45 chieftainships and five towns.

<sup>2</sup> These are the figures advanced by most of the organisations working on the ground at the time. See in particular “Ituri: Covered in Blood. Ethnically targeted violence in north-eastern DR of Congo”, Human Rights Watch, July 2003.

<sup>3</sup> The Union of Congolese Patriots (UPC), the Front for National Integration (FNI), the Patriotic Force of Resistance in Ituri (FRPI), the People’s Armed Forces of Congo (FAPC), the Party for Unity and Safeguarding of the Integrity of Congo (PUSIC) and the Popular Force for Democracy in Congo (FPDC). See Appendix C.

<sup>4</sup> For more comprehensive information on the situation in Ituri before 2003 see Crisis Group Africa Report N°64, *Congo Crisis: Military Intervention in Ituri*, 13 June 2003; and the Special Report on Events in Ituri (January 2002-December 2003), a letter dated 16 July 2004 to the President of the Security Council from the Secretary-General, S/2004/573, available at <http://daccessdds.un.org/doc/UNDOC/GEN/N04/430/64/IMG/N0443064.pdf?OpenElement>.

Since then significant progress has been made, mainly thanks to international community’s determined commitment to disarming local armed groups. Military and sensitisation operations by MONUC, and investigations by the International Criminal Court (ICC) have progressively reduced these groups’ margin for manoeuvre and a process of disarmament has begun. Coupled with the dialogue initiated by the Congolese authorities late in the day with the remaining militia chiefs and a rapprochement between Kinshasa and Kampala, there has been a significant drop in violence and the number of combatants in Ituri’s various militias.

As Ituri’s armed groups had not signed the Sun City Agreement,<sup>5</sup> the district did not follow the peace process used in the rest of the country. Although some attempts were made to initiate dialogue with the armed groups and various communities, there has never been a real long-term comprehensive political strategy to return peace to this peripheral region of the DRC. Rather, a series of initiatives have progressively led to a return of calm but without properly resolving the problem of insecurity in the region or the inherent causes of the conflict. Nearly five years after disarmament began, militia groups are still active in certain areas of the district and neither the Democratic Republic of the Congo Armed Forces (FARDC) nor MONUC troops (some of whom have been redeployed in North Kivu province) seem able today to force these groups to put down their weapons. The disarming of communities has still not been seriously considered.

However, as the local elections and the withdrawal of MONUC approach, and in anticipation of the district’s transformation into a province by 2009, these achievements must be consolidated by applying an integrated strategy. Ituri’s stability is still fragile. The

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<sup>5</sup> As stipulated by the Sun City Agreement of March 2003, the transitional government which took office on 30 June 2003 brought together the three main warring parties (President Kabila’s Government, Jean-Pierre Bemba’s Movement for Liberation of the Congo (MLC) and Azarias Ruberwa’s Congolese Rally for Democracy as well as several armed groups affiliated to the government (RCD-KML, the Mayi Mayi groups) and representatives from civil society and the unarmed political opposition.

problems underlying the escalating violence have still not been resolved and disarmament cannot be concluded successfully if it is not combined with resolution of land disputes, improved management of natural and mining resources, and resolute support for combating impunity. The Congo is still struggling to establish a new system of governance which benefits its people rather than its politicians. This report analyses the four priorities that must be examined by national and international players to establish sustainable peace in the district and definitively end the killing which has covered the country in blood for nearly ten years.

## **II. COMPLETE DISARMAMENT AND RESTORE STATE AUTHORITY**

The peace process in Ituri has unfolded in four broad stages. After an initial, purely military phase which aimed to take back control of Bunia from the UPC, MONUC, the International Committee to Support Transition (CIAT) and the transition authorities launched a wide-ranging initiative to restore the rule of law in the district. This approach had some success but it quickly ran up against a problem: ensuring that the various actors involved in the process advanced at the same rate and finding the right balance between dialogue, co-optation, incentive and coercive action.

After the death of nine Bangladeshi peacekeepers in Ndoki on 25 February 2005, the military option had been favoured. This furthered the disarmament programme but did not end the phenomenon of militia. A year later, after seven peacekeepers were taken hostage by Udaga Peter Karim's FNI in May 2006, MONUC and the Congolese authorities had to review their strategy. Although they did not abandon military pressure, they tried to reopen dialogue with the armed groups. In a pre-election context marked by an obsession with garnering votes for the 2006 legislative and presidential elections, this dialogue quickly turned into a co-optation operation.

### **A. THE LIMITED SUCCESS OF THE THIRD PHASE OF DDR**

In the end, after more than four years of repeated initiatives, the main Hema militias in Ituri have been disarmed and only two wings of the FNI (Lendu) and most of the FRPI (Ngiti) are still resisting the process. At the beginning of 2008, confrontations broke out between the FNI, the FRPI and FARDC, provoking new waves of displaced people. Although there are probably no more than 1,500 combatants still active on the ground in Ituri following the surrender of several FNI combatants, they are unlikely to surrender quickly in the absence of a strategy directly combining dialogue and military pressure. Further, the launch of a new stage of disarmament, demobilisation and reintegration (DDR) focused on disarming communities is also proving to be unavoidable. If it is to succeed this new phase of DDR must form part of action aiming to reestablish the state's authority in a security environment which has again deteriorated over the last six months.

## 1. The disappearance of the MRC, the dismantling of the FNI and the resistance of the FRPI

On 9 April 2007, after signing a disarmament agreement in December 2006<sup>6</sup> and a few additional ups and downs, the leader of the FNI, Peter Karim, finally left the bush with a small group of combatants. He hoped that his presence in Bunia would allow him to act as a leading interlocutor to raise awareness and disarm all wings of the FNI (which was still very fragmented), and secure his personal interests.<sup>7</sup> He also anticipated being able to renegotiate how the FNI would be integrated into FARDC, taking particular inspiration from the mixed operations in North Kivu between FARDC and Laurent Nkunda's National Congress for the Defence of the People (CNDP).<sup>8</sup> The ideal situation for Nkunda would be to obtain the creation of a new military region in Ituri led by indigenous officers, something demanded by all Ituri's militiamen and Nkunda himself.<sup>9</sup>

This demand demonstrated Karim's desire to stay in a region where he had connections and interests, and his wish to be able to continue to be seen as protecting his community in the face of extortion by FARDC troops and the police. It was also a sign of his fear of having to return to Kinshasa to be arrested like other militia chiefs before him.<sup>10</sup>

Mathieu Ngudjolo, leader of the Congolese Revolutionary Movement (MRC), also decided to end his armed struggle as he could not hope to obtain more than what he had already negotiated. Trying to relaunch the MRC by moving closer to Laurent Nkunda again did not seem to be a realistic option, even for the Hema combatants who felt close to the CNDP.<sup>11</sup>

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<sup>6</sup> See Appendix D for details.

<sup>7</sup> Peter Karim (alias Peter Udaga) possesses several lumbering operations, Crisis Group interview, former Ituri combatants, Bunia, December 2007.

<sup>8</sup> On this point see Crisis Group Africa Report N°133, *Congo: Bringing Peace to North Kivu*, 31 October 2007.

<sup>9</sup> See the demands made by the Congolese Revolutionary Movement (MRC) in reference 170 below.

<sup>10</sup> Crisis Group interviews, former Ituri combatants, Bunia, November 2007.

<sup>11</sup> Several MRC combatants of Hema origin left between 2005 and 2006 for the Masisi to join their old companion in arms and current chief of staff of the CNDP, Bosco Ntaganda. Most (including Innocent Kayna, "India Queen", a former UPC commander who has since been arrested and transferred to Kinshasa) finally returned to Ituri. According to their own accounts, most of the CNDP meetings were held in Kinyarwanda and the Ituri issue was never seriously considered. They quickly realised that the CNDP battle was not really theirs. Crisis Group interview, former Ituri combatants, Bunia, November 2007.

However, discussions about how to integrate armed groups into FARDC came to sudden end. On the direct instructions of the presidency in Kinshasa, the commander of the Ituri operational zone, General Vainqueur Mayala, categorically rejected the demand to create a new military region. In order to sustain the momentum Mayala decided to force as many militiamen as possible to leave Ituri for retraining and integration, and to reinforce the sensitisation campaigns.<sup>12</sup> This strategy proved to be effective. In May 2007 disarmament of the FNI accelerated; more than 1,000 militiamen and 1,500 associated children disarmed.

On 5 July, in the presence of the Deputy Defence Minister Yvonne Iyamulenge Kabano and the Deputy Special Representative of the Secretary General (SRSG) Ross Mountain, the third phase of DDR was officially launched for a 60-day period. On the basis of the lists submitted by the militia chiefs, UNDP aimed to disarm 4,665 combatants. It also worked on the assumption that 70 per cent of former combatants would opt to return to civilian life and 30 per cent would choose to join FARDC. Peter Karim and Mathieu Ngudjolo, who attended the ceremony launching the third phase of DDR, repeated their support for the process while demanding respect for the commitments made by the government as regards an amnesty,<sup>13</sup> the release of prisoners and the recognition of military ranks. For the FRPI, the situation was more complicated. Cobra Matata criticised the fact that the defence minister only intended to recognise one post of Colonel for the FRPI while he had promised thirteen for the FNI and seven for the MRC.

Disarmament operations therefore began on 5 August without the FRPI. The MRC disarmed on mass and most combatants proved to be eligible for the process. However, these encouraging figures concealed a more complicated picture: the list of 568 combatants Ngudjolo gave to the UNDP included 140 false female former

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<sup>12</sup> On 25 April two FRPI officers and an MRC officer were sent to Kinshasa to follow a training course. Between the end of April and the beginning of May 741 former combatants (464 FNI, 146 MRC and 131 FRPI) were sent to the Lukusa mixing centre in Kisangani. However, when this transfer was announced hundreds preferred to escape from the camp rather than leave the Ituri district, *ibid*.

<sup>13</sup> At the end of 2006 Peter Karim, Mathieu Ngudjolo and Cobra Matata had received a letter from the then defence minister, via the military prosecutor, guaranteeing that no legal proceedings would be opened against them, Crisis Group interview, former Ituri combatants, Bunia, December 2007.



combatants recruited by Ngudjolo in the villages around Kambutso to artificially inflate the numbers.<sup>14</sup>

The situation as regards the FNI was quite different because of the movement's fragmentation. Peter Karim's FNI militia attended several sites but they often did not have weapons to hand in, despite being included on the list of 602 combatants drawn up by Peter Karim.<sup>15</sup> A dissident wing appeared in the Lalo and Dhera regions in the north west of the Djugu territory, home of the Lendu Pitsi people. Between August and November 2007 it attacked FARDC on several occasions and raided their stock of weapons and munitions. These confrontations provoked the displacement of more than 5,000 civilians. In the region of Loga in the south of the Djugu territory, home of the Lendu Djatsi people, the local FNI wing, led by Floribert Burombi with approximately 300 combatants, also refused to support the process.<sup>16</sup>

The FRPI were even more resistant to DDR. At the end of August 2007 barely 10 per cent of the 3,495 combatants included on the list provided by Cobra Matata had disarmed. Faced with this situation, the UN and the defence ministry decided to extend the operation for one month and revise downwards the artificially inflated list of combatants.<sup>17</sup> On 6 October, capitulating under pressure, the defence minister granted the FRPI two posts of colonel in FARDC as well as the one already attributed to Cobra Matata.<sup>18</sup> However, neither this late concession nor the threats to renew military operations made by the new FARDC commander in Ituri, General Kinkela, were enough to make most of the members of the Ngiti armed group leave the bush.

When the transit sites closed, the results were therefore conflicting. In three months 1,858 combatants had been disarmed and 1,611 weapons recovered, mainly in the Irumu (1,053 militia members) and Djugu (596 militia members) territories. Contrary to initial estimates, 95% of former combatants finally opted to return to civilian life. The MRC disarmed 100 per cent of its declared combatants and the FNI 50 per cent. As for the FRPI, the percentage of demobilised combatants was approximately 15 per cent of declared members or approximately 300 combatants. However, the 193 false FRPI combatants from Aveba to whom FARDC sold true/false registration certificates should be deducted from this figure.<sup>19</sup>

## 2. Local economic agendas

The resistance of certain sections of the FNI and FRPI to DDR operations can be explained in several ways. The motivations of the FNI wing in the Loga region were connected to a local community agenda. Loga's FNI was still behaving like a community self-defence militia encouraged by the local chief, Eudes Dyogo Masumbuku, who was hostile to the return of FARDC in the region and whose priority was the defence of the Walendu Tatsi people in Loga, Jili, Anu and Klutsoko. This wing, which did not operate in Peter Karim's operational area but the area of the MRC, always resisted pressure from Mathieu Ngudjolo to join that movement and even more so to put down their weapons in the framework of DDR.<sup>20</sup> Although its number of combatants was relatively reduced, this local militia kept all its weapons and, because of its strong presence in the community, could mobilise a large number of demobilised combatants.<sup>21</sup>

Similarly, the preservation of a small FNI group between Arua in Uganda and Musekere under the command of Sheriff Ndjadza was more due to economic reasons and the regional context than any political agenda.<sup>22</sup> Sheriff, a Lendu Pitsi with a long history in the FNI, was one of the founding members of the

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<sup>14</sup> Most of these young women arrived with walkie-talkies and UHF/VHF communication equipment. When they left the discharge site they returned more than half the amount given to them by the UNDP to Ngudjolo. Crisis Group interview, MRC officers, Kinshasa, February 2008 and Bunia, March 2008.

<sup>15</sup> The UNDP has confirmed that it had introduced very strict inspection measures to expose false militia members. The abuses observed during the previous program piloted by the National Commission for Disarmament, Demobilization and Reinsertion (CONADER) do not therefore seem to have been repeated.

<sup>16</sup> This FNI wing was notably established in Loga, Jili, Anu, Klutsoko and Masumbuku. Several observers claim that Burombi attended the disarmament site at the start of 2007.

<sup>17</sup> The original deadline for the end of Phase III of DDR was 13 September 2007. After review, the list of FRPI militia to be disarmed was revised from 3,495 to 2,000 combatants.

<sup>18</sup> The FRPI obtained two additional posts of colonel for the president of the FRPI, Muhito Akobi, and Oudo Mbafale, four posts of lieutenant colonel and seven posts of major.

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<sup>19</sup> According to the coordinator of CONADER for Ituri, Colonel Duku, of the 193 cases of fraud, allegedly only 70 were proved. The 123 others were allegedly real combatants who had handed in their weapons just before the launch of phase III and who then requested the benefits of the reinsertion programs through the delivery of these certificates. Crisis Group interviews, the coordinator of CONADER for Ituri, Bunia, March 2008.

<sup>20</sup> During phase III of DDR Ngudjolo had gone to raise awareness among this radical branch of the FNI without success.

<sup>21</sup> Crisis Group interview, former MRC officers, Bunia, March 2008.

<sup>22</sup> Crisis Group interview, former Ituri combatants, Bunia, December 2007.

MRC. In this regard, he was the MRC's liaison officer with the Ugandan army for a long time and maintained close ties with its leaders Kakolele and Bosco Ntaganda even after they left Ituri and joined Laurent Nkunda's CNDP.

Sheriff allegedly controlled a group of approximately 100 militia members, including several former FAPC members (Walendu, Alur, Lugbara, Kakwa). The movement was heavily involved in lumbering operations in Zeu. As well as the financial interest, this group was allegedly used by the Ugandan army to receive information about the movement of combatants in the areas located near the camps of the LRA rebels where FARDC's presence was still weak.

FRPI's resistance to DDR can be explained by the same combination of factors but against an even more specific community background. In the area they controlled in the Irumu territory (Balanzana, Tcheyi and Mount Omi) FRPI controlled important lucrative operations (such as wood trafficking near Mambasa and the operation of several gold mines<sup>23</sup>) which gave combatants an income incomparable with what they could earn if they joined FARDC or returned to civilian life. The movement also had very strong roots in the south Lendu community, the Ngiti people. They fiercely rebelled against central authority. The delay before recognising military ranks, the transfer on 17 October 2007 to the ICC of their former leader, Germain Katanga, and then the arrest in August of their spiritual leader, Kakado, only confirmed their defiance towards the central government.

### 3. The illusion of a military solution

Faced with the persistence of the militia phenomenon after the end of the third phase of DDR and the departure for training on 1 November 2007 of Peter Karim, Mathieu Ngudjolo and Cobra Matata for the Senior Military Centre in Kinshasa, the government decided to resume forced disarmament operations to finally bring an end to the militia movement. Between December 2007 and February 2008 FARDC therefore launched several attacks against FNI and FRPI positions. These operations had some success. At the beginning of March 2008 Lalo's FNI therefore appeared to have been totally dismantled.

The situation proved to be even more complicated with regard to the FRPI: on 26 January FARDC and

MONUC came together in the framework of operation Iron Stone to take the FRPI bastion in Tcheyi. However, in the weeks that followed FARDC found it very difficult to remain in control of the area. The FRPI fell back into the surrounding forests and Mount Oyo. On 6 February they launched a heavy armoured attack near Kamatsi which injured more than a dozen FARDC troops. The latter finally prevented the FRPI from retaking Tcheyi but the situation on the ground hung in the balance. At the end of February MONUC tried to open negotiations with the militia leaders but the latter first demanded the withdrawal of FARDC from Tcheyi and the release of Kakado. Faced with refusal from the deputy commander of the area, Colonel Nyembo, the FRPI launched a new surprise attack on 25 February on FARDC's 13th Brigade which operated in the region. The brigade fled and military operations were immediately halted in the area.

MONUC is currently trying to use this pause in operations to reopen negotiations and increase awareness among the FRPI that it was in their interests to put down their weapons. These negotiations are making slow progress because the FRPI's agenda is confused and its leadership continues to demand the departure of FARDC from Tcheyi before negotiations can begin. MONUC soldiers are confident of an imminent surrender and are said to be ready to launch an ambitious operation against the FRPI with FARDC in the event of prolonged resistance.

However, it is unlikely that a purely military solution would succeed quickly. Following the redeployment in North Kivu of members of the 4th and 6th Brigades, FARDC's military capabilities in Ituri have been considerably reduced.<sup>24</sup> Badly supported by high command, morale among the troops is very low and discipline continues to rule in the ranks. A number of soldiers are more interested in gold and wood trafficking than real military operations and are not motivated to unseat a community militia like the FRPI which has taken refuge in its sanctuary, supported by its com-

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<sup>23</sup> Information points to the presence of a small group of miners who were allegedly exploiting iron beds at Mount Omi following an agreement made with the FRPI when Cobra Matata was leader of the movement, *ibid*.

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<sup>24</sup> According to sources close to High Command in Kinshasa, the Commander of the operational zone in Ituri, General Kinkela, had decided to withdraw troops from certain FARDC positions, claiming that the residual militias in the Irumu territory were under control. FARDC had about 12,000 men on the ground from Colonel Bonane's 4th Brigade, the 1st Brigade, support units and Colonel Akilimani's 13th Brigade.

munity<sup>25</sup> and able to count on outside support, including Sheriff Ndjadza's group, or even the CNDP.<sup>26</sup>

Many observers doubt that the FRPI could have led the recent action against FARDC and MONUC without the presence of outside advisers (probably CNDP officers) as their operational level is generally much weaker. It seems that the CNDP, which has always wanted to open a front in Ituri without success, has opportunistically chosen to help the FRPI (historically hostile to the Tutsis) as they share the same enemy, FARDC.<sup>27</sup>

Finally, extending operations against the FRPI has certain advantages for FARDC. The continuation of military operations allows some leaders in Kinshasa to continue to make money from the wood, gold and coltan trafficking in which their brigades are involved. With nearly 200 people still at their side, good knowledge of the terrain and a powerful ability to mobilise young discharged combatants who have not yet been properly integrated into civilian life, the FRPI could therefore be in a position to resist for several months yet.<sup>28</sup>

## **B. LOCAL COMMUNITIES AND CIVILIAN ADMINISTRATIVE CAPABILITIES**

Be it the FNI wing in Loga or FRPI, the involvement of communities in the disarmament process is crucial. In both cases the MONUC office in Bunia has a special role to play. Given the defiance of the FRPI Ngiti people and the Loga FNI Walendu Pitsi people as regards FARDC and Congo's discredited civilian authorities after not respecting their commitments as regards the armed groups, MONUC should establish a task force combining military pressure, political pressure and dialogue, with the particular help of local community leaders.

### **1. Invest in sensitisation and reinsertion**

As regards the FRPI, the support of the MONUC brigade for FARDC in the framework of joint operations

should be strengthened to compensate for their reduced numbers and a lack of logistical means on terrain which is difficult to access. It would be less a question of leading a direct offensive against the FRPI than surrounding them and therefore limiting their ability to receive support from outside. More direct commitment from the brigade would also strengthen the credibility of the dialogue opened between FRPI management and the MONUC office in Bunia. In parallel, the MONUC offices in Bunia and Kampala should investigate the possible outside support which FRPI appears to be receiving and the activities of Sheriff Ndjadza's group. With the support of the MONUC office in Kinshasa it would also be a question of discovering which senior figures, particularly within high command, benefit from persisting problems in Ituri and therefore seek to justify maintaining operational contingents there and eventually recovering a share of the revenue from the wood and gold trafficking in which these contingents are involved.<sup>29</sup>

However, if sustainable peace is to be achieved, the next stage of DDR, directly focused on community disarmament, needs to be prepared. Although many civilians have handed in their weapons, community disarmament was the weak point of previous DDR programs. This war has not just involved militias but has pitted one community against another. Until now neither the defence committees established within the Lendu population nor the self-defence forces among the Hema people have been disarmed. In the Anu and Klutsoko regions the Lendu self-defence committees of Chief Eudes Dyogo Masumbuku still possess many weapons and continue to be active and mix with the FNI wing in Loga.

Disarming communities will take time and requires significant sensitisation work with village communities. Against a background of weak state institutions and a national army which communities see as a source of insecurity, persuasion and dialogue rather than new ultimatums are the only way to move forward.<sup>30</sup> The community DDR program should therefore ensure that village dwellers become involved in the process. If this is to be achieved, funding for sustainable projects such as micro-cooperatives in agriculture, breeding, fishing and agricultural desert maintenance involving former combatants and reinsertion communities need to be increased.

In this context the reinsertion of former combatants is crucial. If this is successful in a variety of ways (economic, community and psychological) Ituri could in-

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<sup>25</sup> The FRPI can count on the sympathy of the Ngiti community which has not forgotten the acts of extortion committed against it by FARDC, particularly the massacre in Bavi.

<sup>26</sup> Crisis Group interviews, MONUC, FARDC and former Ituri combatants, Bunia, March 2008.

<sup>27</sup> Ibid.

<sup>28</sup> The FRPI might have recently received new weapons and a connection with ADF-NALU cannot be excluded. Two FRPI combatants were arrested in March 2008 in Komanda in possession of new weapons. Crisis Group interviews, Bunia, March 2008.

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<sup>29</sup> Ibid.

<sup>30</sup> Crisis Group interview, former leader of an armed group, Bunia, November 2007.

deed move on from armed conflict. If not, further violence appears inevitable. It is still too early to assess the results of the sustainable reinsertion programs launched in January and February 2008 by UNDP<sup>31</sup> in the framework of Phase III with the support of Sweden, Norway, Ireland, Japan, Spain and the U.S. The success of this program is essential if the residual groups are to be prevented from recruiting combatants who have failed to be reinserted into civilian life, something which occurred during previous DDR programs.<sup>32</sup> If sustainable peace is to be achieved these efforts must be part of an overall strategy aiming to restore state authority in the province.

## 2. Restore the capabilities of the local police and administration

The district may have moved on from the state of total anarchy of 2003 but the situation remains fragile and banditry is developing, often initiated by uncontrolled members of FARDC, including in the town of Bunia. Rightly or wrongly, murders in Bunia are considered locally to be revenge by soldiers and police officers against former combatants, particularly those of Hema origin.

The latter, who now work in the motorbike taxi industry, consider that they are being targeted and tension continues to increase in the town. On 30 March, following the murder of the sixth Hema motorbike taxi driver since the start of the year, motorbike taxi drivers organised demonstrations in the town during which former combatants claimed that they regretted handing over their weapons. On 31 March, after a student was killed, hit by a MONUC Pakistani peace-keeping vehicle, students joined the motorbike taxis in attacking the MONUC building with stones and fire bombs.

Generally speaking, if MONUC leaves the region it is feared that the progress observed over the last few years will be quickly called into doubt. The support programs implemented since 2003 in the fields of se-

curity,<sup>33</sup> justice<sup>34</sup> and strengthening the capabilities of local administration<sup>35</sup> have stabilised the situation but progress is still fragile and reversible. On the ground, despite the efforts made by the military procuracy to punish those who committed acts of extortion and a marked drop in cases of sexual violence attributed to the security forces, people continue to accuse soldiers of being hostile to Iturians and trying to seek revenge for the deaths of their comrades by armed groups. Faced with this problem, some chieftainship leaders are proposing that at least one third of the military staff deployed in Ituri be made up of citizens from each local community.<sup>36</sup>

Such an option would probably reassure the communities but it would also call into doubt the national and unified nature of an already very fragile institution. It could also further amplify the drop in moral observed within FARDC, particularly among the officers, following the integration of several unqualified former militiamen into ranks above theirs. In the long term, improving security in Ituri will involve the progressive replacement of armed forces by members of a restructured national police force, integrating people from the province more widely, on condition however that the latter are not former combatants.

In the framework of its draft strategy for the security and stabilisation of eastern DRC, MONUC planned to contribute to equipping and deploying police units, judges and justice agents for the state authority element of its programme, with priority given to the territories of Djugu, Irumu, Mahagi and Aru. It also plans to strengthen the presence of police on the borders and state administration representatives in the

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<sup>31</sup> The Sustainable Reinsertion Program, which costs \$3 million, affects a total of 2,415 people. In practice, however, as the members of the reinsertion communities are only recruited for one month, the number of beneficiaries of the transitory reinsertion program could exceed 3,500. Crisis Group interview, UNDP office, Bunia, November 2007.

<sup>32</sup> In May 2007 UNDP and MONUC organised a seminar on the subject in the presence of the district commissioner and the administrators of the territories. In addition to awareness raising actions on the ground, the participants requested the urgent launch of development projects targeting the population to encourage it to hand over its weapons.

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<sup>33</sup> The European Union (EU) advice and assistance mission for security sector reform in the Democratic Republic of Congo (EUSEC) has introduced officers into the brigades who oversee respect for the payment chain. MONUC trains and mentors FARDC brigades.

<sup>34</sup> In the framework of the Programme for the Restoration of the Judicial System in Eastern Congo to support the establishment of the rule of law (REJUSCO) launched in 2006, the EU, British Cooperation (DFID) and the Dutch Cooperation are contributing to the return of judges to the district, particularly through the payment of special bonuses, reestablishing civil and military courts and prisons, organising training for practitioners and raising awareness about the law among the people. REJUSCO also supplies technical support to ensure respect for penal procedures and follows up trials.

<sup>35</sup> Since 2003 the EU has been working to strengthen the capabilities of the district commissioner with the aim of restoring the administrative chain between Bunia and the territories and chieftainships.

<sup>36</sup> Crisis Group interviews, chieftainship leaders, Bunia, November 2007.

same territories. UNDP is currently drawing up an action plan for stabilisation and community reinsertion for 2008-2010, in cooperation with the base and the local and provincial authorities<sup>37</sup> to strengthen the coherence of the action programs of the various agencies operating on the ground.

Thus far the plan includes five priority sectors: security, education, agriculture, transport and health. Unfortunately, nothing is specifically foreseen in these plans to sustainably strengthen the capabilities of local institutions – which from 2009 will be called upon to exercise the responsibilities of a full-fledged province. The only existing support in this area is the programme implemented by the EU. It was suspended on 19 April 2008 when the EU office in Bunia closed.<sup>38</sup> Under these conditions, it is feared that Ituri will quickly be quite simply institutionally unable to take full advantage of the aid programs envisaged by other donors.

For now the administrative chain of command remains weak outside Bunia. Following the decision taken on 20 October by the governor of the province, Mr Autsai, to suspend Pétronille Vaweka, the district has not had a proper district commissioner for nearly six months.<sup>39</sup> There are too many administrative staff and they are elderly and badly trained. Beyond retraining, significant reform of local administration is required. Unfortunately, according to the main partners in the DRC, this can only take place once the district becomes a province. The administrative obstacles to be overcome in either Kinshasa or Kisangani are still too great to hope to have an impact in the district when operated from the national or provincial capital.

However, it is feared that it will be difficult to rectify the situation after 2009 with Governor Autsai's current management. His action has been unanimously criticised by both local and international observers. During 2007 he increased appointments to management posts in local administration, favouring ethnicity and political affiliation over competence.<sup>40</sup> Corruption

and nepotism<sup>41</sup> are the basis for a bad model of governance which is now being consolidated. Ituri risks not being able to satisfactorily manage before 2010 the three issues on whose evolution the consolidation of peace largely depends: the return of refugees and displaced people against a background of unresolved land disputes, the management of resources, and community justice and reconciliation.

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<sup>37</sup> A seminar was held from 11 to 12 March 2008 in Bunia to present the plan. The UNDP anticipates that the plan will be adopted by the Provincial Assembly in Kisangani in May 2008.

<sup>38</sup> Crisis Group interviews, EU office, Bunia, March 2008

<sup>39</sup> Germain Okumu finally took office as District Commissioner on 18 April 2008. An ethnic Alur, like Ms Vaweka, in the past he was administrator of the Mahagi territory and coordinator of the electoral commission in the same region. Crisis Group telephone interviews, MONUC, May 2008.

<sup>40</sup> Crisis Group interviews, non-governmental organisations (NGOs) and local politicians, Bunia, November 2007.

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<sup>41</sup> Governor Autsai's son was appointed to the position of Head of Customs in Aru in March 2008. His nephew, Mokili, is the Head of Environmental Services in Bunia, an important position for control of the wood sector. Undiro controls tourism, Mawa the Administrative and National Revenue Department (DGRAD), Ezowa is head of Youth and Sports and Adru the civil service. Several Lugbaras now occupy managerial posts at the top of departments in charge of collecting taxes for the district and the province.

### III. PREVENT FURTHER LAND DISPUTES

Land disputes are not a result of a shortage of land as such or one community massively expropriating land from another. Paradoxically some areas with high population density such as Djukot and Angal in the Mahagi territory have not witnessed the violence observed in the Aru, Djugu and Irumu territories. At the heart of the dispute over land is the value given to legal property deeds compared to communities' ancestral rights to the land. The most frequently observed example of conflict pits members of the Hema community, who have acquired title deeds from the land cadastre department, against Lendu traditional leaders who consider that the land belongs to them by right in accordance with traditional customs.

When the Hema owners try to take possession of their property and involve the police to force possible occupants to leave, the Lendu community defends itself and a cycle of violence and reprisals begins. Some land disputes also set livestock breeders against crop farmers. In some cases a problem arises when breeders' livestock destroy crops and farmers decide to strike certain animals in revenge. In other cases farmers and breeders accuse one another of moving the boundary markers of their property. The problem in Ituri, as elsewhere in the DRC, is that the justice system and the state in general are not able to resolve these disputes. This situation stems from the State's limited means, as described above, but also more particularly from the longstanding legal chaos in the country with regard to this issue.

#### A. THE LEGAL IMBROGLIO

The Land Law of 20 July 1973<sup>42</sup> and jurisprudence defined a legal framework and relatively precise procedures. The Land Law abolished private ownership of land and set down the principle of the inalienable ownership of the Congolese state. Article 385 set forth that land occupied by local communities in accordance with traditional customs or for local use would become state land. Article 387 added that the acquisition and transfer of rights of tenure which have been regularly acquired for state land by an individual following the concession by the state of part of the nation's land would be regulated by a subsequent

presidential act. This presidential act, which was supposed to have provided a framework for the transition from traditional law to land law on state land, never materialised. A large amount of land in the DRC has therefore never been precisely attributed or managed, and the cadastre department and traditional leaders both consider themselves to be the only ones authorised to allow individuals to occupy state land.

Added to this are problems connected to endemic corruption in Congolese administration and a lack of training for many cadastre agents.<sup>43</sup> Too often investigations into vacancies or compensation for people who have lost out, provided for by Article 193 of the Land Law, are not opened or are carried out complacently in exchange for bribes benefiting the cadastre department. In such cases Congolese jurisprudence tends to be particularly formalist as it only allows the illegal nature of the procedure to be contested during the two years following issuance of the certificate. After this deadline the title deeds are considered to be legal simply because the authority which issued them was authorised to do so.

However, applying this kind of reasoning on the ground risks provoking further violence. Investigations on the ground and sensitisation seminars on the Land Law have shown that people are not aware of this law, think that the traditional leaders are still authorised to issue land deeds and that judges do not have the authority to interfere in this kind of dispute. Faced with such an impasse, several sensitisation and mediation programs have been launched over the last two years with the help of donors.<sup>44</sup>

The Belgian NGO RCN – Justice et Démocratie has organised seminars on the Land Law, while the Haki na Amani Network (RHA) and Africa Initiative Programme (AIP) have established local land dispute identification committees and peace committees. These programs have targeted local representatives from administration and the ministry of justice, as well as the communities themselves, and have had some success. They have enabled a more precise map of land litigations in the district to be drawn up and,

<sup>42</sup> Law No. 73/021 of 20 July 1973 on the property system, the land and real estate system and the security system, as modified and supplemented by Law No. 80-008 of 18 July 1980.

<sup>43</sup> Similar to the country's other land districts, Ituri is administered by a land registrar responsible for a log recording the inscription of registration certificates, a register of certificates and an alphabetical list of people issued with certificates. The procedure for obtaining a registration certificate has three stages: a request for land, the rental or provisional occupation contract and the concession contract. Crisis Group interviews, RCN NGO, Bunia, November 2007.

<sup>44</sup> Crisis Group interviews, RCN, Haki na Amani and Africa Initiative Program NGOs, Bunia, November 2007.

through a variety of meetings, limited the amount of violence directly linked to this kind of dispute.

However, sensitisation is far from resolving all the problems. Workshop participants often seem more interested in receiving the daily allowance provided by the organiser than looking for solutions to land disputes. Even once informed of the law, the local communities, and particularly the traditional leaders, often still contest its validity. They consider that these texts, which have not been properly applied for decades, are invalid. They also point out that they may not conform to the constitution,<sup>45</sup> and given the absence of state authority in a large part of the country and the corruption of judges, the traditional leaders claim that by removing their right to issue land deeds one of the pillars of their authority is being attacked, and they are being deprived of an important source of revenue for their entity.<sup>46</sup> They would prefer to take part in preparing a new draft law to supplement the 1973 Land Law.<sup>47</sup>

As the problem is very complicated legally speaking and sensitive politically speaking, particularly in the run-up to the local elections planned for 2009, such a draft law has not yet been debated by the national parliament and it is unlikely that this dispute will be resolved legally very quickly. This situation is even more regrettable because time is short as many refugees and displaced people intend to return home to benefit from a certain amount of renewed calm.

## B. THE PROBLEMATIC RESETTLEMENT OF REFUGEES AND DISPLACED PEOPLE

Just before the elections the district experienced a wave of more than 150,000 displaced people return-

ing.<sup>48</sup> In many cases the land had been occupied after their departure and their return risked provoking new tensions. Many displaced people were actually installed on land left vacant by refugees or displaced people from other communities who may now wish to recover it. Further, population density is increasing in certain areas because of such displacement, leading to a scarcity of resources available for both crop farming and livestock breeding which could create serious tension in the months to come.<sup>49</sup> According to UNDP, there are still nearly 170,000 internal displaced people in the province while 50,000 Iturians live as refugees outside the DRC.

For now, sources of tension can be found in every territory in the district. In Djugu territory<sup>50</sup> land disputes mainly set the Walendu Tatsi, Djatsi and Pitsi peoples against the Bahema. The former accuse the latter of letting their livestock graze all over the place and corrupting administration to illegally acquire land ownership deeds. The Bahema people claim that the Lendu community simply wanted to benefit from their work<sup>51</sup> by trying to contest their rights in the name of traditional customs.<sup>52</sup> However, in reality the territory is a true mosaic of ethnicities<sup>53</sup> with several villages from one community hemmed in by an area peopled by a different ethnic group. As the territory administrator, Tshatshy Lilo, himself recognises, the return of displaced people and refugees is a very sensitive problem.<sup>54</sup> The Hema traders who want to return to Kobu cannot because much of their property was destroyed during the war.

The same problem arises for the Fataki Lendu people whose land and homes are today occupied by the Hema group. Although the Hema community recognises that Fataki is located on Lendu territory, it claims to have been established in Fataki for several dozen years as

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<sup>45</sup> The constitution of 18 February 2006 sets out in Article 9 that "the State exercises permanent sovereignty, particularly over land, sub-soil, waters and forests in Congolese air, fluvial, lake and maritime space, and on the territorial Congolese sea and the continental plateau." This notion of permanent sovereignty has been interpreted as a potential source of confusion and a step backwards compared to the notion of property in the Land Law of 1973 where sovereignty was associated with the idea of authority rather than possession.

<sup>46</sup> "They hold seminars to say that disputes should no longer be resolved by traditional leaders but by judges. The problem is that their justice system is corrupt; this country has been ruined by money. Land is sold without informing the communities who live on that land or respect for procedures", Crisis Group interviews, traditional leaders, Bunia, November 2007.

<sup>47</sup> Ibid.

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<sup>48</sup> 125,000 in the territory of Djugu, 10,000 in Irumu, 25,255 in Aru and 12,392 in the territory of Mambasa.

<sup>49</sup> Crisis Group interviews, Africa Initiative Program, Bunia, November 2007.

<sup>50</sup> In Kparnganza (30km from Bunia) the territory administrator decided to ban new construction in 2007 to avoid further disputes between the North Bahema and Walendu Tatsi communities.

<sup>51</sup> Crisis Group interviews, head of the Lendu chieftainship in the Djugu territory, Bunia, November 2007.

<sup>52</sup> Crisis Group interviews, head of the Hema chieftainship in the Irumu territory, Bunia, November 2007.

<sup>53</sup> The population of the Djugu territory is composed of: Bahema Badjere, Bahema Banwagi, Bagegere, Bahema Nord, Baniali, Ndo Okebo, Walendu Djatsi, Walendu Pitsi, Walendu Tatsi and Mambisa.

<sup>54</sup> Crisis Group interview, the administrator of the territory of Djugu, Bunia, July 2007.

teachers, traders and nurses, and does not see why it should leave the town to let the Lendu population who left during the war return.<sup>55</sup> In Jiba the Walendu Pitsi group has refused to let the Magbo family (Hema) access their farm and is threatening to declare war if the family insists on returning to the property.

In the Aru territory, land disputes and conflicts about territorial boundaries are numerous among the Aluru chieftainship<sup>56</sup> and the Zaki chieftainship.<sup>57</sup> In the latter area the Gawa and Nyaya populations regularly confront one another. In 2007 several hundred dwellings were destroyed, provoking the displacement of 562 families.<sup>58</sup> In the Mahagi territory, the robust population density (more than 500 inhabitants/km<sup>2</sup>) also creates land conflicts and strong resistance to the return of displaced people in the Mokambo (specifically in Musongwa) and Walendu Watsi (vis-à-vis the displaced people from Dzeba) chieftainships.

Further, movement towards so-called reserve land such as Anghal II and Djukoth II by people seeking land for agriculture can be observed.<sup>59</sup> Tensions are also recurrent in Magurugu in the War Palara chieftainship and in Ngote in the Pandoro chieftainship, and they can provoke violent incidents such as occurred in October 2007 when the Pashua population and the Djupabot people confronted one another over a piece of land occupied by the inhabitants of Pashua for five years.<sup>60</sup>

Despite a much lower population density, land problems are also very numerous in the Irumu territory. In the villages of Bogoro, Burgama, Kyamukaka, Lakpa, Nyakunde, Nombe and Buguge (Mount Omi), the Lendu Bindi (Ngiti) community occupies land belonging to the Hema population.<sup>61</sup> In the chieftainship of Kasenyi the return of South Hema breeders and

their 20,000<sup>62</sup> animals from Uganda provoked serious over-grazing problems. Several Hema returnees were not originally from Kasenyi but from Nyakunde, 45km from Bunia. However, they cannot return to Nyakunde because the town is occupied by the Lendu people. In the Tcheyi area, occupied for years by the FRPI's Lendu Bindi population, the return of the Bumbikasa Bunyagwa communities, who were chased off many years ago, also risks provoking great tension.

Faced with this situation, the response of the authorities (both national and local) has not been good enough. Most leaders are afraid of dealing with this problem. Before his suspension, the district commissioner, Pétronille Vaweke, certainly tried to raise awareness to assuage land disputes, particularly in the Mahagi territory. Administrators have taken preventative measures to contain the risk of violence. The administrative departments of the district have demonstrated their interest in working actively to prevent land disputes. However, at provincial level the action of Governor Autsai confused the authorities' message and gave the impression that those who carried out acts of violence would enjoy total impunity in the event of a land dispute.<sup>63</sup>

### C. STRENGTHEN PREVENTION AND REVISE THE LAND LAW

During 2007, the EU proposed, with the support of most of the non-governmental organisations (NGOs) working in the sector, MONUC and the district commissioner, that a land commission be implemented in Ituri charged with carrying out prevention and sensitisation activities over land disputes. Established on 26 February 2008, this commission brings together political leaders, leaders from civil society, FARDC, the police and representatives from the international community, under the presidency of Major Kayembe. It intends to make regular visits to the area to establish local peace committees, or support and strengthen those already existing, in each chieftainship and pro-

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<sup>55</sup> Crisis Group interview, Hema administrative manager of the province, Bunia, July 2007.

<sup>56</sup> In the Aluru group, the conflicts identified set the Awudje and Nguru against Olu, Yira against Zaki, Ndo against Olo, Aluru against Ndo, and Azumba against Awuko.

<sup>57</sup> In the Zaki group the conflicts set the Labho and Appa against Lamina, Angiria against Angonda, and Cité d'Aru against Otso.

<sup>58</sup> See the report by the United Nations Office for Coordination of Humanitarian Affairs (OCHA) of 7 March 2008.

<sup>59</sup> See the land conflict at village level in Luu and the fragmented conflict at village level in Umoyo in the Djukoth chieftainship.

<sup>60</sup> According to MONUC a dozen people were injured during these confrontations.

<sup>61</sup> The head of the Hema group in Bogoro was reestablished during 2007 when he returned from exile in Uganda. However, many of his people have still not returned because of the occupation of the village by the Walendu Bindi group.

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<sup>62</sup> Crisis Group interview, South Bahema local authorities, Kasenyi and Bumia, March 2008.

<sup>63</sup> In June 2007 Governor Autsai released 60 people sentenced for burning down several dwellings following a land dispute in Ndéri, 300km north of Bunia in the Aru territory. On 30 July the Governor of the Eastern Province released 90 prisoners sentenced for destroying about 100 houses in the Ariwara region, Aru territory. Each time the province's justice authorities protested against these decisions, which also constituted a flagrant violation of the constitution, without success. The governor claimed that he had acted on the instructions of President Kabila. Crisis Group interviews, district legal authorities, Bunia, November 2007.



pose mediation action. The current problem is that the commission has still not received a budget and the first mission to Aru in March had to be cancelled.

However, these initiatives should be encouraged and supported in the long term, by both donors and local and national political leaders. They should be accompanied by pilot projects to prepare for the return of refugees and displaced people<sup>64</sup> to areas that have already been affected by land disputes and initiatives aiming to modernise agricultural and livestock-breeding production techniques. The introduction of agro-pastoral cooperatives and the use of methods requiring less space could assuage much of the tension and strengthen solidarity between the various ethnic groups.<sup>65</sup>

If nothing is done, the situation may quickly provoke further tension, condemning the community disarmament plan to failure and inciting some discharged combatants to join village and community militias again. The local elections planned for 2009 could serve to reveal and set off new waves of violence over land disputes. It is even more probable that the circumscriptions for these elections will be based on groupings and there are many problems at precisely this level: some groupings have disappeared, others have seen the make-up of their population disrupted by a war for which they were often unable to be recruited.

In the chieftainship of Kasenyi for example, the chief is from the South Hema ethnic group, 65 per cent of the population is now Alur, only 30 per cent are South Hema and 10 per cent Lendu Tatsi, Djatsi and Bindi. In the Musezo, Mbisa, Tali, Lonyo and Kparangandza groupings, the Lendu community now occupies the area and the original Hema and Bira communities have little chance of being able to come home, vote and be elected.

The government must urgently launch a consultation process in order to present a text on revising the current Land Law and the status of the traditional leaders to parliament before the end of 2008. In cooperation with the provincial assembly of the Eastern Province, the interior minister should launch a research mission into the district's current administrative map, taking into account the disappearance of some groups and population movement.

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<sup>64</sup> Within the framework of the implementation of the Ngurdoto agreements, the ministerial follow-up meeting between the DRC and Uganda, which was held from 12 to 15 December 2007, forecast the imminent signature of a tripartite agreement with the UNHCR for the repatriation of refugees.

<sup>65</sup> In the era of Zaire, the largest research station for livestock breeding in the country was in Nioka in the Mahagi territory.

## IV. EXPLOITATION OF NATURAL AND MINING RESOURCES

If Ituri is to rebuild itself and provide a future for its inhabitants, it must have a transparent and fair management framework for its resources. The district's recent history, like the history of the Congo in general, does not call for much optimism in this area. The situation is not as critical as a few years ago when the management of customs and gold, wood and coffee operations had in practice fallen under the control of armed groups. However it is still too early to conclude that normal practice has returned, particularly because of the involvement of FARDC troops in numerous trafficking operations and more generally the weakness of the state in the region.

The possibility of launching oil operations at Lake Albert is raising new expectations and risks quickly aggravating the issue of sharing resources in the region, be it with the capital Kinshasa or between natives and non-natives and Iturians themselves. It therefore seems important to open a debate on the management of this oil manna and all natural resources in general if they are to contribute to reviving the economy rather than the creation of new pockets of violence in the region.

### A. CUSTOMS, WOOD AND GOLD

For many years Ituri was one of the most striking examples of the pillaging of the DRC's natural resources.<sup>66</sup> From 1999 to 2003 pillaging was widespread in the wood,<sup>67</sup> coffee<sup>68</sup> and gold<sup>69</sup> sectors. The

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<sup>66</sup> Final report from a group of experts on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of Congo, UN Security Council S/2002/1146, 16 October 2002, paras. 97-38.

<sup>67</sup> Every year the DRC exports nearly 50,000m<sup>3</sup> of wood, 80 per cent of which comes from forests in Ituri located in the Mambasa territory and, to a lesser degree, in the Irumu territory. Most production comes from Biakato, Lwemab, Teturi and "km 26", a production junction located on the Béni-Mambasa route. "Timber Trade and Poverty Alleviation in the Upper Great Lakes region", report by Forest Monitor, June 2007, p. 18.

<sup>68</sup> Coffee plantations in the Mahagi territory have been devastated by armed groups. In 2003 the company marketing local coffee was destroyed and armed groups had to sell its product to Ugandan economic operators on the basis of tariffs imposed by armed groups. Crisis Group interviews, economic operators, Bunia, March 2008.

<sup>69</sup> Gold-bearing concessions in Ituri belong to the Kilomoto Gold Mine Office (OKIMO) which in total has exclusive rights over nearly 83,000 sq. km in the Eastern Province. In

Ugandan army, Mbusa Nyamwisi's Congolese Popular Army (APC) and the various armed groups in Ituri controlled the main mining sites, the immigration departments and customs posts.<sup>70</sup> The armed groups applied a pre-financing system which consisted of obtaining direct payment of a fixed amount from a trader in exchange for exemption from the customs duties due to the state. According to a panel of UN experts, in 2004 officially declared customs revenue in Ituri did not exceed \$14,000.<sup>71</sup>

### 1. Trafficking at the borders and illegal lumbering operations

Since the Congolese authorities regained control of all customs posts and the main gold and forestry exploitation zones, the situation has improved slightly. As regards customs, development has been slow because the agents introduced by the militias stayed for a long time and some have continued to financially help these militias after they lost control of the area. Others simply continued appropriating funds to increase their own personal wealth in cooperation with some import/export networks present locally.<sup>72</sup>

In 2007 the governor introduced significant changes within the customs department in Aru. A special investigation commission from the provincial assembly went to Ituri in April 2007 to investigate the practices of the National Revenue Department (DGRAD), the Congolese Tax and Customs Office (OFIDA) and the Local Tax Department (DGI).<sup>73</sup> Following these inquiries, the provincial assembly concluded that fraud

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Ituri OKIMO controls Concession 39, which encompasses Aru, Faradje and Mahagi, around Djalasiga, and Concession 40, which consists of the Adidi and Makala mines around Mongwalu. On the pillaging of gold from Ituri during the war see "Ituri: covered in blood", Human Rights Watch, op. cit., p. 13-14; and Jeroen Cuvelier and Stefaan Marysse, « Les enjeux économiques du conflit en Ituri », *l'Afrique des Grands Lacs, 2003-2004 Annual*, pp. 183-190.

<sup>70</sup> Report from a group of experts created by Resolution 1533 (2004) on the Democratic Republic of Congo, UN Security Council S/2005/30, 25 January 2005, paras. 116-126.

<sup>71</sup> Report from a group of experts created by Resolution 1533 (2004) on the Democratic Republic of Congo, UN Security Council S/2006/53, 27 January 2006, para. 51.

<sup>72</sup> In the first ten months of 2005 the officially declared customs revenue in Ituri more than doubled compared to 2004. It was still less than \$30,000 and probably did not represent more than 10 per cent of the tax revenue actually collected from the district's six customs posts. Report from a group of experts created by Resolution 1533 (2004) on the Democratic Republic of Congo, *ibid.*, para. 51.

<sup>73</sup> Report from the Economic and Financial Inspection Mission in the district of Ituri from 18 April to 12 May 2007, Provincial Assembly of the Eastern Province.

existed on a massive scale and recommended a number of suspensions, rotations and legal proceedings.<sup>74</sup>

However the situation is far from satisfactory. The changes in customs have not led to an end of corruption or the illegal export of the district's raw materials.<sup>75</sup> The high rate of legal taxes and the presence on the borders of a collection department which should not be there do not encourage operators to work legally.<sup>76</sup> A significant share of customs revenue still escapes the control of the Congolese state. Despite some recently introduced changes in OFIDA, fraud continues and only the beneficiaries seem to have changed. For several months OFIDA has been under the direct control of a new network introduced by Governor Autsai himself, dominated by the Lugbara ethnic group, including the governor's own son, recently named as head of OFIDA in Aru.<sup>77</sup> The introduction of a credible inspection mechanism for customs activities at a decentralised level is therefore more essential than ever.

In the wood sector the 2002 moratorium on attributing forestry concessions is not respected and no reforestation policy is in place.<sup>78</sup> Soldiers have taken over from militias in the illegal trade of wood in the Mahagi and Aru territories<sup>79</sup> and the state receives

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<sup>74</sup> Without waiting for the results of this commission, Governor Autsai replaced Vianney Malipta, Head of the Bunia DGRAD, by Mawa Leneki.

<sup>75</sup> According to the report by a UN group of experts, until 2006 the leader of the FNI, Peter Udaga alias Peter Karim, illegally exported large quantities of wood and coffee to Uganda in exchange for weapons and munitions. Customs officers did not dare intercept the loads out of fear of reprisals. These activities were pre-financed by Uganda business people, particularly a Ugandan soldier and wood entrepreneur in Paidha, again responding to the name of Peter Karim. Report from the group of experts created by Resolution 1533 (2004) on the Democratic Republic of Congo, UN Security Council S/2006/525, 18 July 2006, paras. 179-182.

<sup>76</sup> Presidential Decree of 28 March 2002 only authorises OFIDA, OCC, DGM and healthcare services to be present on the border. In practice, however, the DGRAD and the DGI also collect taxes at this level.

<sup>77</sup> Crisis Group interviews, economic and political leaders, Bunia, March 2008.

<sup>78</sup> Exploitation authorisations were allegedly given to nationals who were working for Ugandan, Kenyan and Sudanese business people in the wood sector in the west of the Aru territory in the chieftainships of Kaliko and Ndo. Members of the DMIAP were allegedly also involved in trafficking wood in the Aru region in the villages of Rumu, Rogale, Pabiri and Vis-à-Vis. Lorries would cross the border at night undercover thanks to their complicity. *Ibid.*

<sup>79</sup> In the Mahagi territory for example wood is fraudulently exported at night through the small border posts of Rona, Simbi, Pono, Sis, Boda and Kudikoka, mostly for FARDC

almost no benefit from these operations.<sup>80</sup> According to the NGO Pax Christi, of the 102 lumbering operations created since 2002 in Ituri, barely thirty have been officially declared. In total 175,000m<sup>3</sup> of wood was allegedly exported from Mambasa in 2007.<sup>81</sup> The latter continue to sell thousands of hectares of forest to forestry operators for derisory prices<sup>82</sup> and in violation of the forestry code, often with the complicity of government departments.

The jobs created in the district and the benefits for local communities, particularly the Mbuti communities who are employed for logging, are still extremely limited.<sup>83</sup> Integral control of the forestry sector is therefore more urgent than ever. The provincial authority and national parliament must pledge to ensure that the forestry code and the moratorium on attributing concessions are respected. The bank account opened in Beni must be closed to strengthen transparency in managing the revenue collected and an inquiry commission must be established to dismantle the mafia network involving civilian and military nationals as well as the foreigners who currently control wood operations in Ituri.

## 2. Lawless gold exploitation

With regard to the management of the mining commissions belonging to the Kilomoto Gold Mines Office (OKIMO) there are three important problems. As the Lutundula Commission,<sup>84</sup> and the governmental commission charged with reviewing mining contracts established on 20 April 2007 both observed, the invest-

ments promised by the companies working in partnership with OKIMO came late. Moreover, the contracts signed by OKIMO generally underestimated the value of the capital supplied by the Congolese party. Reviving mining operations in Ituri therefore risks not providing sufficient profit for the Congolese state, depriving it of the financial means it needs to rebuild and develop the region.

From 2003 OKIMO, which was almost bankrupt at that point,<sup>85</sup> tried to put itself back on a sound financial footing by signing several lease agreements with industrial mining groups such as Mwana Africa PLC<sup>86</sup> and the Orgaman<sup>87</sup>/Moto Goldmines Ltd<sup>88</sup> joint venture, as well as sub-contracting agreements with agencies to exploit the beds of the rivers in the region. Finally, Anglo Ashanti Goldfield (AGA) launched exploration operations on the Mongwalu site.<sup>89</sup> Follow-

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<sup>85</sup> Created during the colonial era, OKIMO owned three underground mines and a processing factory in Mongwalu. After the war the factory was destroyed and the mines occupied by amateur prospectors.

<sup>86</sup> Mwana Africa is a consortium registered in the UK bringing together businesses in Zimbabwe, the DRC, Zambia, Kenya, Ghana and South Africa. Mwana Africa mainly operates in the mining sector in Zimbabwe, the DRC and Ghana. The company was created in 2003 and is directed by Mr Kalaa Mpinga from the DRC. In 2006 it set up in Nzani in the Mahagi territory. For more details see the company's website: [www.mwanaafrica.com](http://www.mwanaafrica.com).

<sup>87</sup> The Orgaman Group (Organisation, Participation and Management) is a company created in 1931 by the Belgian Damseaux family and originally specialising in food distribution. The Group is established in the transport, livestock breeding, agriculture and real estate sectors. It has been working with OKIMO in the mining sector since 1987. In 2003 Orgaman created a new company, Borgakim, which itself created several subsidiaries in partnership with the Australian/Canadian company Moto Goldmines, and carried out prospecting operations on several beds on the basis of lease agreements with OKIMO. On 31 December 2007 Orgaman ceded its shares in the joint venture created with Moto Goldmines. "Moto Goldmines acquires Additional Interest in the Moto Gold Project and Completes Placement to Sam Jona", press release from Perth, Western Australia, 31 January 2008, available at [www.motogoldmines.com/aurora/assets/user\\_content/File/Moto%20Announcement%20-%2031%20January%202008%20-20additional%20interest.pdf](http://www.motogoldmines.com/aurora/assets/user_content/File/Moto%20Announcement%20-%2031%20January%202008%20-20additional%20interest.pdf).

<sup>88</sup> Moto Goldmines is an Australian/Canadian company operating mainly in Australia and the DRC. It is led by Sir Sam Jonah, a former CEO of Anglo Ashanti Goldfield. Its board includes in particular Louis Watum and the former American Secretary of State for African Affairs from 2001 to 2003, Walter Kansteiner, who acts as a consultant director. For more details see the company's website: [www.motogoldmines.com/board\\_of\\_directors.9.html](http://www.motogoldmines.com/board_of_directors.9.html).

<sup>89</sup> In 1996 Ashanti Goldfields inherited a lease agreement concluded in 1991 between OKIMO and Kilomoto Mining

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soldiers with business connections to Ugandan and Kenyan business people. Crisis Group interviews, local traders, Mahagi, March 2008.

<sup>80</sup> As the report by the Provincial Assembly of the Eastern Province of 2007 underlined, the fact that the bank account through which taxes generated by the forestry operations in the territory of Mambasa transit is located in Beni in the province of North Kivu makes any control of the use of these resources by the district of Ituri or the administration of the Eastern Province based in Kisangani practically impossible. Crisis Group interviews, provincial politicians, Bunia, March 2008.

<sup>81</sup> "Les chefs coutumiers de l'Ituri bradent les forêts contre quelques cadeaux", *Le Potentiel*, March 2008.

<sup>82</sup> Several cases have been highlighted where traditional leaders ceded concessions of 100 hectares in exchange for two goats or a cow and \$100, Crisis Group interviews, economic operators and administrative agents, Bunia, March 2008.

<sup>83</sup> "Wood Trade", op. cit.

<sup>84</sup> Report by the Special Commission from the National Assembly charged with examining the validity of the economic and financial conventions concluded during the wars of 1996-1997 and 1998, pp. 196-200.

ing inquiries made by Human Rights Watch<sup>90</sup> and the report by the panel of experts for the embargo on weapons destined for the DRC,<sup>91</sup> the industrial mining groups attempted to establish procedures to avoid being accused of indirectly financing perpetrators of human rights violations on the ground, be they linked to militias or the national army. They also tried to involve the local communities more in their activities and promised to create infrastructure to their benefit (roads, schools, healthcare centres).<sup>92</sup>

In 2006, at the end of a difficult battle between the director of OKIMO and the Orgaman/Moto Goldmines Ltd. joint venture, several lease agreements passed with its subsidiaries and manifestly unfavourable for OKIMO were cancelled or modified.<sup>93</sup> On 29

March 2007 the Security Council's sanctions committee added Doctor Kisoni and four entities involved in supporting armed groups already subject to sanctions to the list of travel prohibitions and asset freezes.<sup>94</sup> Finally, in April 2007 an Ituri civil society cooperation framework on extraction industries was established.

In its conclusions, made public on 20 March 2008, the Mining Contracts Review Commission requested that the government open negotiations with OKIMO's three main partners (Anglo Ashanti Goldfield (AAG), the Moto Goldmines/Orgaman joint venture and Mwana Africa) to obtain substantial changes to the partnership contracts.<sup>95</sup> The recommendation with the

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International (KIMIN) concerning 2,000 sq. km of Concession 40 near Mongwalu. Ashanti lost its rights in 1997 after Laurent Désiré Kabila came to power in Kinshasa. However, Kabila returned these rights to the company in November 1999 and a legal convention was signed on 23 June 2000 between OKIMO and Ashanti Goldfield whereby the OKIMO share in the company capital of the joint venture dropped from 51 per cent to 13.78 per cent, compared to 86.22 per cent for Anglo Ashanti Goldfield. In September 2001 an amendment to the convention extended the rights of Ashanti Goldfield over Concession 40, the contract now concerning more than 8,000 sq. km. In its report of June 2005, the Lutundula Commission considered that the convention binding OKIMO and Ashanti Goldfields, which had since become Anglo Gold Ashanti, was excessively unfavourable for the Congolese state's interests and should be renegotiated to rebalance the partnership. Report from the Special Commission from the National Assembly charged with examining the validity of the economic and financial conventions concluded during the wars of 1996-1997 and 1998, pp. 196-200.

<sup>90</sup> "The curse of gold", Human Rights Watch, June 2005.

<sup>91</sup> Report from the group of experts, 25 January 2005, *op. cit.*, paras. 131-134.

<sup>92</sup> From 28 to 29 April 2007 AngloGold Ashanti (AGA) organised a meeting in Mongwalu with civil society, amateur prospectors and international NGOs. During that meeting AGA pledged to launch research on the future of amateur miners. In April 2007 one of Moto Goldmines/Orgaman Borgakim's subsidiaries pledged to carry out repair work on the 180km which separate Watsa from Aru, and announced the desire to devote nearly \$100 million to investment in the social sector.

<sup>93</sup> In November 2006 the Moto Goldmines/Orgaman joint venture and OKIMO therefore signed an agreement cancelling the lease agreements signed with its subsidiaries Amani Gold and Tangold, and modifying the agreement concluded with its subsidiary Rambli Mining. The governmental commission charged with reviewing mining contracts requested that the three contracts be entirely cancelled and that the outstanding rent and the surface rights due since 2003 be paid. See the report by the Mining Contract Review Commission volume 1, p. 162, available on the site of the DRC's Mines

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Ministry, [www.miningcongo.cd/pdf/TOME%201%20 RAPPORT %20CRCM%20VERSION%20FINALE%20270208%20&\\_ h  .pdf](http://www.miningcongo.cd/pdf/TOME%201%20RAPPORT%20CRCM%20VERSION%20FINALE%20270208%20&_h  .pdf).

<sup>94</sup> Kambale Kisoni and his airline Butembo Airlines and Uganda Commercial IMPEX, MACHANGA and the Butembo agency specialising in gold, Congocom Trading House, were targeted by the measures imposed in paragraphs 13 and 15 of Resolution 1596 (2005). Kisoni was assassinated on 5 July 2007 in Butembo and was therefore withdrawn from the list. Another businessman from Ituri, Dieu-donn   Ozia Mazio, President of the Federation of Businesses in Congo in the Aru territory, was added to the sanctions committee's list for his involvement in contraband activities, to the particular benefit of the FAPC. In 2005 the group of experts had observed that Kambale Kisoni and Ozia Mazio were illegally exporting to Kampala respectively 50kg and 15 to 20kg of gold every ten days. Report from the group of experts created by Resolution 1533 (2004) on the Democratic Republic of Congo, UN Security Council S/2005/436, 26 July 2005, para. 80.

<sup>95</sup> The governmental commission charged with reviewing the mining contracts particularly requested that the government obtain from these three partners renegotiation of the rent, regularisation of payment for the surface rights due since the contract had been signed, registration of the precise geographical coordinates of the beds, a diagram of the execution of work, and transmission of the feasibility studies provided for by the Mining Code. These studies must enable the real contribution of each party to be precisely assessed in the event of the creation of new joint ventures to equally distribute company shares. The Commission also requested that OKIMO's partners settle payment of royalties and key money in the event of creating the joint venture. As regards the Technical and Financial Assistance Contract, signed on 30 December 2003 by the Moto Goldmines/Olgaman subsidiary, Borgakim Mining, and OKIMO, the Commission requested that Borgakim respect its commitments in terms of restoring mining, metallurgic and energy infrastructure. It would also like the service contract to be separated from the lease agreement and OKIMO's debt situation with regard to Burgakim to be rapidly clarified. See the report by the Mining Contract Review Commission of the DRC, [www.miningcongo.cd/pdf/TOME](http://www.miningcongo.cd/pdf/TOME)

most serious consequences for Ituri was the request to review the partnership between OKIMO and AAG, AngloGold Kilo (AGK). The commission proposed that OKIMO's corporate shares in AGK be increased from 13.78 per cent to 45 per cent and that AGK return 6,040 sq. km of the concession to OKIMO.

The second problem concerns the anarchy which seems to be ongoing in the field of gold exploitation. As well as the large contracts, the authorities in Kinshasa surreptitiously granted exploitation licences to a few modestly sized operators. These operators seem to have received the necessary authorisation to export directly recovered gold by small jet to Tanzania, without having to navigate the state's declaration and taxation systems. On the ground persistent rumours indicate that several mining operators who are not currently operating have also already allegedly exported gold by plane to Tanzania, thanks to the authorisation provided by the presidency in Kinshasa.<sup>96</sup>

A final unresolved problem concerns the future of amateur miners in the district. There are no fewer than 100,000 amateur miners in Ituri, mainly gold washers, who have been operating at OKIMO's Concession 40 for many years. Not only must their employment conditions be urgently improved,<sup>97</sup> but placements for those who will have to leave concessions attributed to industrial operators must be prepared.

If action is not taken in this area, amateur miners may themselves organise violent demonstrations or demonstrate following encouragement from local politicians. This has already occurred in Katanga. These revolts could have much more serious consequences than those already observed in Kolwezi and Likasi.<sup>98</sup>

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<sup>96</sup> Crisis Group interviews, economic operators and agents from administrative departments, Bunia, March 2008.

<sup>97</sup> In November 2007 the district ordered that the Adidi mine, where nearly 15,000 amateur miners worked and which threatened to collapse, be closed.

<sup>98</sup> On 25-26 June and 27 September 2007 several hundred amateur diggers demonstrated in Kolwezi against their eviction from mining concessions ceded to Anvil Mining and Chemaf. In September demonstrations degenerated into open confrontations with the police, leading to the death of two diggers and more than a dozen injured police officers. On 6 March 2008 thousands of amateur miners confronted the police in Likasi to oppose eviction measures from the Kamatanda mine which may be entrusted to a Chinese company. The confrontations led to one death and injured 32. "Kolwezi : affrontements sanglants entre creuseurs et policiers", Radio Okapi, 27 September 2007, on www.radio.okapi.net; and Katanga (RDC): violents heurts entre police et mineurs (ONU)", Agence France-Presse, 7 March 2008.

Tension may also ignite between amateur miners themselves as the district becomes increasingly hostile to the employment of nationals from other provinces in Ituri companies. This bad feeling is particularly directed at the Nande population who are well established in the gold sector and trade.<sup>99</sup>

Before this situation degenerates even further during the local elections or MONUC withdraws its troops from the Mongwalu area,<sup>100</sup> a retraining plan for amateur miners, including many former militiamen whose medium-term reaction may be feared if they are moved on by force, should be prepared. More generally, in the mining field state agents must be able to search the depots and aircraft used by operating companies to limit the risk of illegal export of raw materials. The provincial and national assemblies must require that contracts binding the Congolese state to all mining operators be published and obtain clarification on the taxes paid to the government. Finally, the government and overseas partners must work, in cooperation with neighbouring countries, to establish a certification and traceability mechanism for raw materials leaving Ituri to verify a product's origin.

## **B. NEW TENSIONS BETWEEN KAMPALA AND KINSHASA OVER LAKE ALBERT'S OIL**

The announcement that extraction of oil at Lake Albert is to begin has also led to concerns over the province's future. The problem is twofold: regional and purely local with risks for Ituri's stability. At regional level, Lake Albert's oil<sup>101</sup> has been the backdrop to relations between Uganda and the DRC in Ituri for very many years.<sup>102</sup> During the war Kampala often changed its alliances with the local armed groups on the basis of three issues: keeping Kigali at bay, limiting Kinshasa's influence and securing the operations

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<sup>99</sup> Crisis Group interviews, Nande businessmen and Iturian intellectuals, Bunia, March 2008.

<sup>100</sup> Crisis Group interviews, MONUC officers, Kinshasa, February 2008.

<sup>101</sup> The oil exploration area at Lake Albert is divided into five blocks, three of which are in Uganda (Blocks 1, 2 and 3A) and two in the Congo (Blocks I and II). In 1987 the area in the south of the lake on the Congolese side had been explored by AMOCO but the initial surveys of these blocks known as III and IV proved to be disappointing and the exploration campaign quickly came to an end. Jeroen Cuvelier, Stefaan Marysse, "Les enjeux économiques du conflit en Ituri", *l'Afrique des Grands Lacs, 2003-2004 Annual*, p. 196.

<sup>102</sup> Dominique Johnson, "Shifting Sands: Oil Exploration in the Rift Valley and the Congo Conflict", report by the Pole Institute, Goma, 13 March 2003.

carried out by Heritage Oil and Tullow Oil, the partners chosen by Kampala to perform the exploration.<sup>103</sup>

From 2002, and following the rapprochement between Kampala and Kinshasa, Heritage Oil began discussions with the Congolese presidency to obtain exploration licences in Ituri. On 2 June 2002 Heritage Oil signed a memorandum of understanding with the Congolese presidency to develop the potential production of oil in the Semiliki valley over an area measuring 30,000km<sup>2</sup>. After Heritage Oil decided to join forces with Tullow Oil to explore the blocks on Lake Albert, negotiations were opened in Kinshasa with that company. They ended in July 2006 with the signature between the Congolese government and Tullow Oil of a production sharing contract for Blocks I and II.<sup>104</sup>

However, as the transition period has ended and exploitation of reserves on the Ugandan side has become imminent, the oil issue at Lake Albert has again become a source of tension between Kinshasa and Kampala. As the issue of border demarcation (on which the distribution of anticipated profits from oil production on Lake Albert depends) has never been resolved, several violent incidents took place between July and September 2007 on the Heritage Oil barges and the island of Rukwanzi on the lake.<sup>105</sup> Following

these incidents, the two countries increased consultations, signed the Ngurdoto agreement on 8 September 2007<sup>106</sup> and established a permanent joint commission to assuage the tension.<sup>107</sup> With the assistance of the former colonial powers (Belgium and the UK) which signed the 1915 border convention, the two countries have created a mixed commission charged with recreating the common border. This commission began its work on 15 March 2008.

However, marking-out the waters of Lake Albert and the mouths of the River Semiliki is still far from resolved. It could lead to further tension in the months to come if the two countries cannot agree on the route of their common border, the future of the island of Rukwanzi and the establishment of a “common interests zone” to produce oil. On this last point, the compromise announced upon signature of the Ngurdoto agreement<sup>108</sup> and confirmed in Kampala on 25 January

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<sup>103</sup> Heritage Oil is a company listed on the London and Toronto stock exchanges. Created in 1992 by its current CEO Tony Buckingham, it has been established in Uganda since 1997. It began its first drilling on the Ugandan side in 2002 in partnership with the South African company Energy Africa, with which it created a subsidiary, Eagle Drill. From 2005 Heritage Oil became associated with Tullow Oil, an Irish company which has the technical know-how in terms of surveying oil layers. Tullow Oil is the operator of Blocks 1 and A3 for which it holds 50 per cent of shares of the exploration licence, equal with Heritage Oil. Tullow Oil holds 100 per cent of the exploration licence for Block 2 for which it is the operator. Crisis Group interviews, Heritage Oil, Kampala, March 2008.

<sup>104</sup> The agreement provides for profits taken from production of Blocks I and II on the Congolese side to be distributed as follows: 48.5 per cent for Tullow Oil, 39.5 per cent for Heritage Oil and 12 per cent for the Congolese government hydrocarbons company, COHDRO. Ibid.

<sup>105</sup> On 29 July 2007 a first border incident occurred at Lake Albert when four soldiers from the Ugandan army (UPDF) were intercepted by the Congolese army after travelling through Congolese territorial waters for several hours. The four Ugandan soldiers were taken prisoner before finally being released on 6 August 2007. On 3 August 2007 an incident between FARDC and the Ugandan army on the border of the two countries at Lake Albert caused the death of an FARDC officer and a British engineer from Heritage Oil. Finally on 24 September UPDF opened fire on a craft occupied by a Congolese group, killing six people and wounding

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five others. See in particular Marie France Cros, “Congo-Ouganda: nouvel incident frontalier meurtrier”, *La Libre Belgique*, 26 September 2007.

<sup>106</sup> In the fields of defence and security, the Ngurdoto agreement provides for: the establishment of a liaison officer between the two countries’ armies to avoid border incidents; the creation of a joint commission to verify the demilitarisation of the island of Rukwanzi, the establishment of a joint surveillance team and provisional joint local administration on the island; the establishment of an ad hoc commission charged with recreating the border; and the creation of a committee charged with immigration issues. The two countries have also pledged to conclude disarmament and repatriation of the negative forces on their territory and move refugee camps to more than 150km from the border and continue sensitisation in view of their return in the framework of a tripartite agreement with the UNHCR. The agreement also envisages normalising diplomatic relations and exchanging ambassadors in 2008, as well as establishing a commission charged with studying the practical aspects of executing the decision passed on 19 December 2005 by the ICC requiring Uganda to correct the consequences of its invasion of the DRC. See the joint press release on the Ngurdoto meeting available at: [http://congoplanet.net/download/arusha\\_080907.pdf](http://congoplanet.net/download/arusha_080907.pdf).

<sup>107</sup> On 9 October 2007 the two countries established three joint commissions (military, security and economic). The commissions have met every two months since then. Crisis Group interviews, MONUC, Bunia, March 2008.

<sup>108</sup> The Ngurdoto agreement provides in Article 4 for shared management of trans-border trade of mining products and oil between the two countries. During the meeting in Kampala on 28 January 2008 the two countries signed an amendment to modify the hydrocarbon cooperation agreement dating from 1990 and providing for the establishment of a group of experts charged with assessing the state of oil exploration at Lake Albert. In particular they agreed to designate an expert from the Hydrocarbons Ministry at the DRC Embassy in Kampala charged with following exploration activities on the Ugandan side. “Hydrocarbures : La RDC et l’Ouganda

2008 is still, in reality, uncertain, particularly because of the ongoing uncertainties as regards the contracts between Kinshasa, Tullow Oil and Heritage Oil.

Border demarcation and sharing the island of Rukwanzi also pose a problem. For the chieftainship leaders on the Congolese side, this problem is without foundation because the route of the border has been known forever. As far as they are concerned 30 to 40 per cent of the area of the island of Rukwanzi is in the Congo. The current debate can only be explained by the fact that the bed of the River Semiliki which had been chosen by the colonialists as a reference point to draw the border, had moved since 1914. Previously it passed through Kianza and Riarahobo but today is found 3.5km to the west on the Congolese side.<sup>109</sup> It has been forbidden to live on the island permanently since the colonial era but a group of people living on the margins of society progressively established themselves there from the 1990s and began to fish and operate small-scale trade, beyond the control of the Ugandan or Congolese States.

However, since 2005 state departments from the DR Congo and Uganda have been progressively re-established. Following the Ngurdoto agreement of 8 September 2007 the DRC and Uganda decided to demilitarise the island and administer it together. Uganda and the DRC therefore each deployed police officers on the island and Kampala nominated an administrator. Kinshasa will probably nominate a co-administrator soon.

Resolving this issue takes time because two camps are clashing over the oil issue in Kinshasa. The first would like the contract prepared in 2006 by Tullow Oil to be confirmed and honoured by the Congolese. This was the line of the former special adviser for security at the presidency, Sambo Kaputo. It is still the line supported by his political allies such as the Mines Minister and the President of the Social Movement for Renewal (MSR), Pierre Lumbi, or Senator MSR John Tibasima who covets the post of governor in the future Province of Ituri.<sup>110</sup> The minister for foreign affairs, Mbusa Nyamwisi, allegedly also takes this line for diplomatic reasons. It would be a question of

considering the relations in force between the two countries and not reopening a sensitive issue.

On the contrary, the second camp, including Hydrocarbon Minister Lambert Mende, Interior Minister Kalume Numbi and the Governor of the Eastern Province Médard Autsai would like other operators, not Heritage Oil and Tullow Oil, to be retained to exploit Congolese oil.

Some fear that if the two companies are retained by Kinshasa, they would systematically prioritise their activities in Uganda to the detriment of those in Congo and would decide not to build a refinery on DRC territory. During their visits on the ground in December 2007, Congolese members of the delegation accused Heritage Oil and Tullow Oil in veiled terms of preparing to exploit oil on the Congolese side through the Kingfisher and Ngassa fields on the Ugandan side.<sup>111</sup> Some, including the deputy district commissioner for Ituri, have requested that Heritage Oil and Tullow Oil refrain from beginning exploitation on the Ugandan side before they have launched the planned exploration campaign on the Congolese side.<sup>112</sup>

As a sign of this tension the hydrocarbons minister, Mende, therefore announced on 17 October 2007, without the cooperation with the Irish company, that Tullow Oil's rights to Block I had been cancelled and demanded that the terms of the shared production contract on Block II be modified. In December 2007 the Congolese hydrocarbons ministry proposed that President Kabila grant Block I to the Franco-Spanish company H-Oil. However this decision, which Tullow Oil judged to be illegal, was blocked by the first camp and negotiations are ongoing. For now the company best placed to recover Block I seems to be the South African oil company SaCOil.<sup>113</sup> On 7 Feb-

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s'accordent sur la revisitation de l'accord de coopération signé en 1990", *Digital Congo.net*, 5 February 2008.

<sup>109</sup> Crisis Group interview, South Bahema officers, Kampala, November 2007.

<sup>110</sup> Jon Tibasima is a South Hema, former RCD and a supporter of the MSR during the 2006 elections. Tibasima apparently kept close ties with the Ugandan side and particularly with the Ugandan Defence Minister, General Krispas Kiongo, a Konjo from Uganda who follows the affairs of Ituri very closely. Crisis Group interviews, Bunia, March 2008.

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<sup>111</sup> However, these fears seem to have been dissipated among the Congolese as Tullow Oil showed the Congolese members of the delegation that what they took for pumping pipes directed towards Congolese territory were only cables for prospecting operations. Crisis Group interviews, representatives from the Hydrocarbon Ministry, Bunia, March 2008.

<sup>112</sup> "Uganda, DR Congo Move Against Oil Curse", *The Monitor*, 17 December 2007.

<sup>113</sup> The South African company South Africa Congo Oil (SaCOil) home of the Divine Inspiration Group, had already acquired three exploration licences on the west coast of the DRC in 2007. It is probably also best placed to take Block III. *Africa Energy Intelligence*, no. 457, 6-19 February 2008 and no. 458, 20 February-March 2008. According to other sources, Kinshasa would like to grant Block I to New African Global Energy – New Age – the junior company controlled by the governor of the South African province of Gauteng, Tokyo Sexwale, and directed by Steve Lowden.

ruary 2008 Mende threatened to call into doubt the rights of Heritage Oil and Tullow Oil to Block II if these two companies did not agree to sign a new agreement on sharing profits.

The successive changes of heart and internal indecision by the Congolese on this issue could have consequences for the stability of Ituri. According to some sources, one of the secret clauses in the Ngurdoto agreement, finalised at Mountain Lodge near Arusha in Tanzania on 8 September 2007, stipulated precisely that the status quo favouring Heritage Oil and Tullow Oil should not be called into doubt and that the island of Rukwanzi would be ceded to Uganda. If its interests are called into doubt, it is therefore unlikely that Uganda will not react because President Museveni has made this issue a national priority.<sup>114</sup> Uganda has allegedly already decided to act unilaterally on the oil issue and the issue of building the refinery. Further tension may be provoked on the ground by the opposing camps competing over this issue, particularly during future local elections.<sup>115</sup>

At strictly local level, the issue of Lake Albert oil also risks creating several problems. Similar to other natural resources such as gold, and given the aforementioned stakes, management of the issue is far from clear. In July 2007 the hydrocarbons minister went to Ituri as the head of a delegation of representatives from central and provincial government and Tullow Oil. He tried to reassure people as to the benefits that they would receive from the imminent exploitation of oil. He also assured them that a refinery would be built in Bunia and not in Béni<sup>116</sup> as some of those hos-

tile to the economic stranglehold of the North Kivu Nande population in Ituri had claimed.<sup>117</sup>

Nonetheless, local communities are not reassured. They would like to be consulted further on how this issue is managed and be guaranteed real benefits from oil exploitation in the district.<sup>118</sup> The people and chieftainship leaders living on the island of Rukwanzi are wondering whether the discovery of oil risks reviving inter-community tension over the division of local income. Some are already accusing President Kabila of sacrificing them by accepting that the island of Rukwanzi should come under Ugandan sovereignty. Others are more alarmed at the rapid erosion of their environment which could compromise the future of the fishing industry on Lake Albert, which is essential for the survival of the population.<sup>119</sup>

The ongoing uncertainties about the contents of the various contracts and the choice of oil operators retained by Congo are contributing to feeding fearful speculation.<sup>120</sup> A wait-and-see attitude currently pre-

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<sup>114</sup> Uganda's discourse about Ituri is still ambiguous. During the border crisis of July/August 2007, the Ugandan Defence Minister Krispas Kiongo let it be understood that UPDF would not hesitate to intervene in Ituri in the event of a problem. During the summit of the African Union in Ghana in July 2007 President Museveni recalled that the East African Community (EAC), which is a Swahili-speaking area, should include eastern DRC and that Ituri had been part of Uganda before (actually part of the Kingdom of Bunyoro of King Kabalega). Crisis Group interviews, South Hema dignitaries, Kampala, November 2007.

<sup>115</sup> Crisis Group interviews, MONUC and political players from Ituri, Bunia, March 2008.

<sup>116</sup> On 20 June 2007 the governor of the Eastern Province published a press release in which he confirmed that Ituri's oil would be exploited and refined in Bunia and not in North Kivu. In reality, it seems more probable that this refinery will be built in Ugandan territory. It will refine oil to make diesel and kerosene, not petrol. Crisis Group interviews, office of the EU, Bunia, November 2007.

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<sup>117</sup> See in particular the letter sent on the eve of the visit by the hydrocarbons minister by the UPC faction directed by Faustin Dz'bo Kalogi. Apart from the UPC Dz'bo, the MSR, civil society and many members of the Hema community are actively calling for the construction of the refinery in Bunia. Document passed to Crisis Group by local dignitaries in November 2007.

<sup>118</sup> During the visit to Kasenyi (60km from Bunia) by the delegation of the hydrocarbons minister, the chieftainship leaders requested that jobs be created locally and that 40 per cent of revenue from the Lake Albert oil operations be put back into the district of Ituri, without waiting for it to become a fully-fledged province. The traditional leaders say that they do not understand why the Territorial Assembly is not in charge of this issue when, in their opinion, the soil and sub-soil constitutionally belong to the local communities through their assemblies. Crisis Group interviews, traditional leaders, November 2007.

<sup>119</sup> According to the leaders of the region's chieftainships, Rukwanzi is occupied almost exclusively by Congolese people but only 30 per cent of the land belongs to the DRC. Uganda's desire to place the entire island under its direct sovereignty can allegedly be explained by the fact that the drilling operations carried out from Rukwanzi at Lake Albert are among the most promising. Other sources claim that Rukwanzi is not particularly important in terms of exploitation but it does enable boats to come ashore more easily. Crisis Group interview, chieftainship leaders, Bunia and Kampala, November 2007.

<sup>120</sup> The contents of the various contracts (between Heritage Oil and subsequently Tullow Oil and the Congolese Government signed in 2006) and the provisions of the agreement signed between Kabila and Museveni in September 2007 have never been transmitted to the Congolese parliament for approval. Some claim that President Kabila has pledged not to change anything in the agreements with Heritage Oil passed



vails, in the hope that the dividends of this discovery will rapidly transform the economy of the Irumu and Djugu territories. Nevertheless, the share to be reserved for communities and local authorities is dominating everyone's thoughts. The risk of seeing further violence break out in territories such as Irumu and Djugu, which are currently only just peaceful, must therefore not be underestimated. Increased transparency in the management of contracts and oil resources is required to avoid aggravating the situation. Finally, the last challenge to sustainable peace in Ituri is the justice system and community reconciliation.

## V. JUSTICE AND RECONCILIATION

In terms of justice and reconciliation the situation in Ituri is particularly complicated. With regard to legal consequences for the perpetrators of atrocity crimes committed in the district since the end of the 1990s, the ICC must be given credit for sending the armed groups a very strong signal. The military prosecutor has also taken action locally to punish some of the perpetrators of serious crimes, particularly soldiers. However, impunity remains the rule and many militia members who had been involved in massacres are today part of the official security forces.

More serious still, several militia chiefs and political leaders involved in crimes have not been prosecuted, either under the local justice system or by the ICC. This situation has led local people (communities and human rights activists) to think that the ICC's management of cases is politicised. This perception tends to undermine the credit due to the justice process and strengthens a feeling of victimisation, initially within each community and subsequently throughout Ituri. This in turn becomes a further obstacle to the process of inter-community reconciliation.

Progress observed thus far in this area remains superficial. Although many seminars and workshops have been organised and local peace committees established in the territories, their impact on a return to peaceful coexistence remains limited. Inter-community tension remains widespread, fed by unresolved land disputes and, above all, a lack of in-depth work on the traumas and injustices experienced by individuals and communities during the war.

### A. COMBATING IMPUNITY CREDIBLY AND EFFECTIVELY

Ituri was the first investigation opened by the ICC, following a request from the Congolese government in March 2004.<sup>121</sup> The transfer of the leader of the UPC, Thomas Lubanga, to The Hague on 17 March 2006, with trial scheduled to begin on 23 June 2008, sent a strong signal to all perpetrators of war crimes and crimes against humanity. Germain Katanga, a Ngiti chief of staff for the FRPI, and Mathieu Ngudjolo, a Lendu chief of staff for the FNI and subse-

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during the war. Crisis Group interviews, Kampala, March 2008.

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<sup>121</sup> In a letter dated 3 March, President Kabila officially requested that the ICC investigate crimes committed throughout the DR Congo since 1 July 2002. On 23 June 2004 the prosecutor announced the opening of an inquiry into the case of Ituri.

quently a colonel in the FARDC, were charged and transferred on 18 October 2007 and 7 February 2008 respectively.<sup>122</sup> With those cases, the ICC has therefore managed to silence the overwhelming feeling in Ituri that the leaders of communities allied to the government would not have to answer for their crimes and that only the Hema people, given Lubanga, should be investigated.

With regard to the local justice system, efforts have also been made to punish the most serious crimes committed by soldiers. On 18 June 2007 Bunia's military tribunal passed judgment on seventeen soldiers from the 1st Integrated Brigade prosecuted for pillaging the town of Bunia in January of the same year. All seventeen were expelled from the army and fourteen were sentenced to ten years in prison. The three who managed to escape were judged in their absence and each sentenced to twenty years. After the trial of the nine FARDC officers involved in the Bavi massacres between August and November 2006, all of them were expelled from the army and sentenced to twelve to fifteen years in prison. The Congolese government will have to pay approximately \$480,000 to the victims' families in damages.

Nonetheless, great frustration can be observed both among communities and human rights activists regarding the fight against impunity in Ituri. The action of the justice, national and international, has been the object of many criticisms. It is true that at the local level action to combat impunity for crimes committed by militia chiefs and army leaders is often biased and incomplete. But in the absence of a national law implementing appropriate modalities to prosecute the crimes defined in the Rome Statute, perpetrators of atrocity crimes can be tried only before military courts.

Such courts can never provide the same levels of impartiality and equality as civil courts, even though both suffer from the endemic corruption that infects the DRC's entire legal system. As most of Ituri's criminals have joined the army, the military hierarchy is unlikely to instruct the military prosecutor to open proceedings against these new recruits. A vote on a law to implement the Rome Statute would at least allow the civil courts to conduct trials for mass crimes,

therefore increasing the chances of seeing progress in the fight against impunity in the country.

The ICC's work to combat impunity has also been much criticised on the ground. Communities continue to ask themselves what this distant justice system means; it is perceived as being unconnected from the local reality. Observers on the ground struggle to understand the ICC's reasons for prosecuting Lubanga for his involvement in recruiting children into his militia but not for the atrocities committed by UPC troops. This decision should be better explained, particularly to members of the Hema community, many of whom continue to display sympathy for Lubanga and would probably be prepared to give him their children again if a new community war broke out.

Missions on the ground and radio sensitisation campaigns about the Court's work, supported by its registry through liaison offices in Kinshasa and Bunia, cannot be a substitute for a proper integrated strategy for combating impunity. This strategy must combine civil and legal education, explanations of the Court's action, awareness raising among political leaders, support for the entire penal chain (prosecutors' office, the courts of first instance, appeal courts, etc.) and mobilisation of funds from donors, beginning with States Parties to the Rome Statute.

The argument that the Court cannot be part of efforts to strengthen national legal capabilities because its action in the DR Congo was based on an evaluation of the incapacity of these jurisdictions does not stand up, particularly seven years after the opening of investigations.<sup>123</sup> The incapacity of the Congolese justice system has been established for a long time. The Prosecutor's Office often refers to the concept of "positive complementarity", which openly encourages national proceedings and calls for greater cooperation between international and local justice systems. With the support of States Parties to the Rome Statute and interested institutions, the Prosecutor's Office should now actively support reinforcement of the penal system and the fight against impunity in the country.

The greatest difficulty facing the ICC in the context of the trials it plans to conduct on crimes perpetrated in Ituri is changing the overwhelming feeling in the district that the ICC's management of these cases is politically influenced. People suspect the ICC of avoiding opening certain investigations against national or foreign leaders who sponsored crimes in Ituri, instead only targeting militia chiefs who dared to defy the

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<sup>122</sup> Like Germain Katanga, Ngudjolo is accused of crimes against humanity and war crimes allegedly perpetrated in the town of Bogoro in February 2003. In April 2008 the Court made public the arrest warrant issued on 22 August 2006 against Bosco Ntaganda, a Congolese Tutsi and former deputy chief of staff for the UPC. Ntaganda, who is currently chief of staff for Laurent Nkunda's CNDP in North Kivu, is, like Lubanga, accused of recruiting and using child soldiers in combat in Ituri between July 2002 and December 2003.

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<sup>123</sup> Crisis Group telephone interview, representative of the ICC, 5 May 2008.

government in Kinshasa. This perception of bias risks calling into doubt the Court's credibility.<sup>124</sup>

This feeling is stronger today after it was announced in February 2008 that, with the transfer of Mathieu Ngudjolo to The Hague, the Court had closed the first phase of its investigations in the DRC, focusing on crimes committed by the leaders and groups active in Ituri. Although the Prosecutor's Office has indicated that it was going to begin a new phase of investigations,<sup>125</sup> focusing on all of the crimes committed in eastern DRC, its explicit reference to the situation in the Kivu provinces was interpreted in Ituri as a decision by the Court not to take its investigations in the district further.

Active collaboration between the Congolese government and the Court on the transfers of Lubanga, Katanga and Ngudjolo to The Hague, and cooperation between the ICC and the Ugandan government are also calling into doubt the willingness of the Court to investigate higher up the chain of responsibility and of national or foreign complicity in crimes committed in Ituri.

The crimes attributed to the former leader of the FAPC, Jérôme Kakwavu (currently G5 at Military High Command in Kinshasa), Cobra Matata from the FRPI and Peter Karim from the FNI are just as serious as those attributed to Lubanga, Katanga and Ngudjolo.<sup>126</sup> Moreover, a recurring topic of discussion in Ituri is the question of what will become of the first ICC investigation opened in the district, specifically concerning the massacre of Nyakunde in September 2002. Thus far, it has not led to an international arrest warrant.<sup>127</sup> For local observers, this situation is explained by the involvement not only of the FRPI and the FNI but also and above all of the APC (the army

of the RCD-ML of Mbusa Nyamwisi,<sup>128</sup> currently foreign affairs minister in Kinshasa).<sup>129</sup>

On the ground the absence of proceedings concerning the outside support the leaders of armed groups received gives the impression that the ICC only goes after easy prey and exercises justice of the strong against the weak. The financial and military support from senior officials in Kinshasa, Kampala and Kigali for the militias that perpetrated massacres in Ituri have already been widely documented.<sup>130</sup> In a letter dated 11 November 2006, the former president of the FNI, currently in detention, described in detail how the FNI received the support of several senior Congolese and Ugandan decision-makers. The presence of Rwandan military advisers in the UPC and the support given to the MRC by Kigali from 2005 have also been highlighted on many occasions.<sup>131</sup>

Taken together, all these elements are helping to feed suspicions in Ituri as to the partiality of the ICC. In the medium term, this sentiment risks overshadowing the positive role played by the Court in the region and, above all, undermining its ability to dissuade people from committing further atrocity crimes. In the face of these risks the Court should publicly reaffirm that the Prosecutor's Office is going to continue investigations in Ituri and that it will prosecute perpetrators of atrocity crimes, regardless of their nationality or the official posts they hold today. To the extent that their responsibility for these crimes can be established, investigations should focus first on the main militia chiefs from Ituri who are still at liberty (Jérôme Kakwavu, Peter Karim, Cobra Matata and Floribert Kisembo Bahemuka), the people responsible for the Nyakunde massacre, and the Congolese, Rwandan and Ugandan leaders who armed and supported the militias active in Ituri. To the extent those concerned are protected by immunity in the DRC or overseas, the ICC is the only recourse for the victims of the crimes committed in Ituri.

However, in other cases, it is important that the investigations and trials take place in the DRC so that Iturians can really play a part in the process and become involved in combating impunity. As Article 1 of the

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<sup>124</sup> "In Ituri the ICC is only interested in the people who were carrying out orders and has left the sponsors alone", Crisis Group interviews, human rights activist, Bunia, November 2007.

<sup>125</sup> "Statement from the Prosecutor's Office following the transfer of Mathieu Ngudjolo Chui to The Hague", 7 February 2008, available on: [www.icc-cpi.int/press/pressreleases/330.html&l=fr](http://www.icc-cpi.int/press/pressreleases/330.html&l=fr).

<sup>126</sup> See "ICC/DRC: New War Crimes Suspect Arrested: ICC Should Investigate Senior Officials Linked to Local Warlords", Human Rights Watch press release, 7 February 2008.

<sup>127</sup> Crisis Group interviews, human rights NGOs, The Hague, March 2008.

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<sup>128</sup> Crisis Group interviews, human rights NGOs, Bunia, March 2008.

<sup>129</sup> See "Ituri: Covered in Blood", Human Rights Watch, op. cit., p. 33. See also the public letter from the President of the FNI, Floribert Njabu, "quelques vérités sur les implications dans la tragédie de l'Ituri", written on 11 November 2006 from Makala prison/CPRK in Kinshasa to the ICC Prosecutor, Luis Moreno-Ocampo, p. 5, section 2.1, "Implications du R.C.D / K-ML".

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

Rome Statute underlines, the ICC is a complementary justice system. Given the current realities of the justice system in the DRC and Ituri in particular, this can only be envisaged if mixed judicial chambers (where foreign and Congolese judges, prosecutors, investigators and lawyers work together) are created within the Congolese justice system.

To institute such a mechanism, the government must take the initiative and propose the establishment of mixed judicial chambers within the Congolese legal system to try war crimes and crimes against humanity committed in Ituri. In order for an effective structure to be established quickly, the government should consult with the magistracy, the bar and Congolese civil society, as well as with the DRC's partners. The latter must make a break from the logic of emergency support and make a long-term commitment to rebuild the Congolese justice system and reestablish the rule of law in the DRC.<sup>132</sup> Moving the justice system closer to the people in this way – as long as the process is subject to substantial support from the DRC's international partners – will be crucial for helping victims recover from the trauma inflicted on them and lead to real reconciliation. However, given the scope of the crimes committed, it is essential both to establish a truth and reconciliation commission and launch support programs for victims and former combatants, in addition to dealing with the judicial aspect.

## B. RECONCILING ITURIANS

Ituri's peace process has ended a wave of inter-community violence which plunged the district into mourning. However, little progress has been made in terms of reconciliation. Communities rub elbows with one another but do not socialise, and distrust and prejudice between them are still very deeply entrenched. This situation risks leading to new violence over new land disputes or bones of contention over sharing natural resources.

There have been few announcements in this area thus far. Several seminars and workshops have been organised and peace committees have assuaged the tension locally. But this has only affected a minority and the majority tend to withdraw back into their original

communities. The feeling of victimisation within the Lendu/Ngiti and Hema communities is still very strong. The marginalisation of the Lendu group during the colonial period, both in terms of education and later access to senior posts, continues to feed a feeling of resentment against the privileged Hema group.

The Lendu community therefore finds it difficult to admit its share of responsibility for the violence, claiming they were provoked by the Hema community. They maintain that they reacted impulsively without considering the consequences of their actions. This feeling of victimisation is also very widespread among the Hema group and recognition of crimes committed or encouraged by members of the community is not forthcoming. Moreover, the Hema community sees itself as the target of an international plot involving Kinshasa, former Far Interhamwe and "negative forces" in general. There are some in both communities who are calling for a separation of the two groups, but this has little support at the moment.

After several years of relative calm, further inter-ethnic violence may well erupt over new land disputes, conflict over access to and sharing of resources or during future local elections if the scale of this inter-community hostility continues to be underestimated. Rather than wait for this to materialise, the best preventative action would probably be to establish a specific program for Ituri in the framework of the truth and reconciliation commission.

As stipulated in the 2006 constitution, this commission could be created through a simple organic law but it has still not been introduced more than a year after the Gizenga Government took office. Learning from the operational failures of the Commission established during the transition period (whose impact was completely insignificant), several NGOs have suggested creating a new commission as well as small local commissions based on traditional reconciliation ceremonies for the perpetrators of minor crimes.<sup>133</sup>

Psychological follow-up for victims should accompany such a step. It should particularly target women and combatants to allow them to come to terms with the trauma they endured during the war and become involved on a day-to-day basis in safeguarding sustainable peace in the district.<sup>134</sup>

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<sup>132</sup> The mixed judicial chamber formula, which is an effective and economic alternative to creating an international criminal court for the DRC, has already been used in Sierra Leone, East Timor, Bosnia-Herzegovina, Cambodia and Kosovo. See "Rule-of-law Tools for Post-conflict States: Maximizing the legacy of hybrid courts", UN Office of the High Commissioner for Human Rights, 2008.

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<sup>133</sup> Crisis Group interview, human rights NGO Justice Plus, Bunia, March 2008.

<sup>134</sup> Crisis Group interview, Professor Lobho, one of the intellectuals who inspired the creation of the UPC, Kinshasa, November 2007.

## **VI. CONCLUSION**

Ituri is without a doubt the region of the Congo where, in the absence of the state and intent on the part of the transitional government to reestablish its authority there, the international community has been most involved since June 2003 to try to prevent a repeat of the Rwandan crisis and to disarm the militias. Some of its efforts have been successful and, despite significant problems in establishing minimum security conditions, the 2006 general election took place under very satisfactory conditions. Today, in the run up to the local elections and as the transformation of the district into a province in 2009 draws closer, the challenge for Ituri is to stabilise and rebuild.

The actors who can achieve these two aims no longer come from the outside. Rebuilding Ituri will be a significant test of the Congolese government's desire to change the system of bad governance which has prevailed in the country since independence and bring the population the dividends of peace. Like the Kivus, only a comprehensive approach will be successful. It is only by simultaneously attacking the district's problems on four fronts – disarmament, the land issue, fair distribution of resources and impunity – that Ituri will be stabilised in the long term and further violence prevented.

**Nairobi/Brussels, 13 May 2008**

## APPENDIX A

### MAP OF ITURI



Courtesy of GIS Unit, MONUC. This map is exclusive property of United Nations MONUC. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.



## APPENDIX B

### MAP OF THE DEMOCRATIC REPUBLIC OF CONGO



## APPENDIX C

### THE MAIN ARMED GROUPS IN ITURI

**The UPC (Union of Congolese Patriots)**, led by Thomas Lubanga, was the district's oldest and best organised militia. Created in 2000 by Lubanga, John Tibasima and Chief Kawa Panga Mandro with the support of Uganda following a scission in Mbusa Nyanwisis's RCD-KML, the UPC was a militia defending the Hema community. It was originally established in the areas of the Irumu, Djugu, Aru and Mahagi territories occupied by the Hema group and the Mambasa territory where the Bira and Walese ethnic groups live. In 2001, following rebellion in the FAPC encouraged by Kinshasa and Kampala, the UPC lost control of the Aru and Mahagi territories. In 2002 the UPC was at war with the RCD-KML and its armed wing, the APC. The latter plundered the Mambasa territory but the UPC managed to take control of the district's capital, Bunia, with the help of the Ugandan army in a particularly bloody battle.

The same year the UPC carried out several massacres of civilian populations in Lendu villages which were reputed to be hostile. This was particularly so in Zumbe in the Djugu territory on 15 October 2002. In February 2003, with Kinshasa's help, Chief Kawa Langa Mandro, UPC defence minister, rebelled to form the PUSIC in the part of the Irumu territory occupied by the South Hema populations (Bahema Banyawagi from Mandro, Tchomia and the South Hema group on the Kaseny-Sota axis). After breaking away from Kampala and moving closer to the RCD and Rwanda, the UPC was expelled from Bunia by the Ugandan army and Lendu militia (FNI, FRPI) on 6 March 2003. The Lendu militia massacred the Hema civilian populations considered to be pro-UPC. Two months later, following the departure of the UPDF, the UPC besieged Bunia again in fierce battles and committed revenge massacres against the Lendu populations.

**The FNI (Front for National Integration)** was created in January 2002 with the help of the Ugandans under the presidency of Floribert Njabu. This Lendu militia was actually a federation of small self-defence groups of combatants organised in reaction to the creation of the UPC. The group was always structurally weak with a strongly decentralised command only established in the Djugu territory among the Lendu Pitsi, Lendu Tatsi, Lendu

Watsi and Lendu Djatsi populations. Njabu only controlled the FNI in Kpandroma. The FNI in the Zumbe area (Lendu Tatsi population) was led by Mathieu Ngudjolo Chui, Mbau by Godas Sukpa, Loga by Floribert Burombi and the Mongwalu-Kilo-Kobu axis by Dragon Masasi and Kung Fu).

The FNI operated in collaboration with the FRPI which were allegedly its armed wing. After the UPC broke away from Kampala, branches of the FNI regularly received weapons from the Ugandan army but were mainly aligned with Kinshasa and the RCD-KML which supplied their weapons and provided military training. At the end of 2002 the FNI carried out several massacres on civilian populations in Hema Gegere villages such as Nizi on 11 October 2002, and Largu and Blukwa in October 2002. The FNI helped the UPDF take Bunia in March 2003 before being expelled by the UPC in May 2003.

**The FRPI (Patriotic Force of Resistance in Ituri):** a Lendu militia created in 2002 by the Lendu Bindi and Ngiti populations in the Irumu territory. It evolved in alliance with the FNI for which it claimed to be the armed wing. Led by Germain Katanga and Cobra Matata, weapons were supplied by Kinshasa. It carried out particularly bloody attacks on Hema and Bira civilian populations (because the Secretary General of the UPC, John Tinanzabo, was a member of the Bira ethnic group). The FRPI were therefore involved in the Nyakunde massacres on 5 and 15 September 2002, Bogoro on 24 February 2003, Songolo on 31 August 2002 and Tchomia on 31 May and 15 July 2003.

**The PUSIC (Party for Unity and Safeguarding of the Integrity of Congo):** this militia was created in February 2003 by Chief Khawa Panga Mandro, UPC defence minister, with the support of Kinshasa. PUSIC procured the UPC's main South Hema commanders and occupied the Mandro area where the UPC had its main military training centre. It chiefly benefited from the support of weapons from Uganda in exchange for securing the port of Kasenyi on Lake Albert and the Kasenyi-Bunia axis for the UPDF and Ugandan traders. However, the PUSIC carried out few offensives and mainly protected the Banyawagi Hema and South Hema populations from attacks from the FNI, FRPI and UPC.



**The FAPC (People's Armed Forces of Congo):** this militia was created in the Aru and Mahagi territories in 2001 by Jérôme Kakwavu Bukande, a Tutsi originally from the Masisi territory in the North Kivu province. Kakwavu was a former UPC member who broke away from Luganda with the support of Kinshasa. In contrast to the other armed groups in the district, this is a multi-ethnic militia and most of the commanders are Tutsis from North-Kivu. On the ground the FAPC carried out few offensives and, thanks to its control of the customs

post in Aru and the Ariwara market, it created a tax-free zone used by Kampala and the Nande and South Sudan trading networks.

**FPDC (Popular Force for Democracy in Congo):** this militia was created in 2002 and was chiefly composed of combatants from Alur. It operated mainly in the Mahagi territory in Mahagi town, Gonyeri and Kulikoka. It was created by the Alur community to counter the action of the UPC and the FNI in the Mahagi territory. Led by a former MP, Thomas Unencan, it was a small, non-aggressive militia.

## APPENDIX D

### THE SUCCESSES AND LIMITATIONS OF DISARMAMENT DURING THE TRANSITION PERIOD (2003-2006)

The process of disarming Ituri's armed groups began in Bunia in September 2003 following the robust intervention of the EU through Operation Artemis. Placed under the command of the EU, the Interim Emergency Multinational Force (IEMF) was deployed on 6 June 2003. The force was requested by the UN Security Council<sup>135</sup> to facilitate the deployment of an additional MONUC brigade and stop the escalating violence which had marked the withdrawal of Ugandan troops from Ituri and the capture of Bunia by the UPC on 12 May 2003.<sup>136</sup> It very quickly came into conflict with Thomas Lubanga's militia which controlled the town.<sup>137</sup> Faced with militia members who sought to oppose Operation Bunia Without Weapons, the force's commander adopted an aggressive approach.<sup>138</sup>

When the mission left Ituri at the end of August 2003 the UPC no longer controlled Bunia but insecurity remained and the town was still ethnically divided.<sup>139</sup> Outside Bunia combat and violence against civilians continued as the FNI and FRPI militias sought to profit from the weakened UPC to attack Hema areas which were subsequently less well protected.

#### 1. The elusive integrated political strategy

Given the brevity of its mandate and the limits of the operational perimeter,<sup>140</sup> the Multinational Force was not involved in establishing a framework of dialogue with the militia chiefs. Instead, MONUC was charged with establishing this framework from September 2003 through the Ituri Armed Groups Cooperation Committee (CCGA).<sup>141</sup> On 17 December 2003 at the end of long negotiations, all the armed groups agreed in principle to launch a disarmament process. In order to consolidate this agreement, MONUC and ICST increased the number of initiatives: in January 2004 MONUC obtained preparation of a pilot disarmament program specifically for Ituri, the Disarmament and Community Reinsertion Programme (DCR), from the UNDP, UNICEF and the transition government.<sup>142</sup>

With the help of ICST, MONUC put significant pressure on the Kinshasa government to involve Ituri in the transition process and restore the State's authority, appointing magistrates and replacing Ituri's interim administration with direct representatives. Finally, from 10 to 14 May 2004 MONUC and ICST sponsored a meeting of Ituri militia chiefs in Kinshasa in the presence of President Kabila. At the end of this meeting, the leaders of the armed groups signed a binding commitment to participate unreservedly in the DCR process from 1 September 2004 in return for integrating their troops into the national army and recognising the military ranks of their officers.

<sup>135</sup> Resolution 1484, UN Security Council, S/RES/1484, 31 May 2003.

<sup>136</sup> On 23 April 2003 MONUC had deployed 200 of the 700 Uruguay peacekeepers forecast to provide security in Bunia. However, they were unable to prevent the UPC from taking control of Bunia. On 18 May 2003 two MONUC military observers were assassinated in Mongbwalu, 65km north of Bunia.

<sup>137</sup> The most violent clashes took place on 11 July 2003 in the UPC camp situated in Miala, north of Bunia.

<sup>138</sup> "I had given instructions to be aggressive and determined: hit hard at the first opportunity. On 21 June I met Lubanga, leader of the UPC, the militia which controlled Bunia with approximately 2,500 men, and ordered him to leave the town within 72 hours". See General Thonier's account in "Les moyens de l'autonomie stratégique française, Acte de la journée d'étude du 14 janvier 2004", *Fondation pour la recherche stratégique*, pp. 56-58, available at [www.frstrategie.org/barreFRS/publications/colloques/20040114/20040114.doc](http://www.frstrategie.org/barreFRS/publications/colloques/20040114/20040114.doc).

<sup>139</sup> The southern part of the town, occupied by Lendu populations, was practically inaccessible for the Hema community. As for the Lendus, they did not venture into the north and centre of the town (Mudzipela, Lembabo, Sayo and Nyakasanza) which were dominated by the Hema community.

<sup>140</sup> In conformity with Resolution 1484, the operational area of the IEMF was restricted to the town of Bunia. In practice however, the IEMF had mapped out an enlarged so-called "area of interest" which allowed it to carry out reconnaissance missions beyond Bunia. Its aircraft also carried out flyover missions over several areas of the district to dissuade armed groups from attacking some villages left without protection.

<sup>141</sup> The first meeting of the CCGA took place in Kinshasa from 16 to 17 August 2003. Subsequent meetings took place in Bunia, presided over by the local MONUC office.

<sup>142</sup> The UNDP piloted the DCR and was charged with organising and maintaining the transit sites, and designing reinsertion projects for discharged combatants. MONUC was mainly charged with securing the transit camps but in practice also helped transport former combatants to and from the transit sites. The DCR assumed responsibility for combatants over eighteen who agreed to hand in their weapons on a theoretical basis of one weapon per combatant.

On the ground the situation was not developing so positively. The peacekeepers managed to progressively deploy beyond Bunia but in the summer of 2004 they still did not control Nizi, Fataki (in the hands of the UPC-L), Aru (under the control of Jérôme Kakwavu Bukande's FAPC) or Mahagi (still in the hands of the FNI and the FAPC). Although the UPC-K, PUSIC, FPDC<sup>143</sup> and FNI wing based in the south of Mahagi seemed ready to commit to the DCR<sup>144</sup>, most members of the FRPI, the FAPC<sup>145</sup> and the UPC/L,<sup>146</sup> as well as most of the FNI wings,<sup>147</sup> still contested the very principle of the ceasefire. While their leaders signed the binding commitment in Kinshasa, these groups recruited, received weapons, increased road blocks, kept control of certain mines and attacked the civilian population<sup>148</sup> and peacekeepers.<sup>149</sup> At the end of 2004 therefore only just over 1,500 combatants adhered to the DCR.<sup>150</sup>

The relative failure of the disarmament operation negotiated in 2003/2004 was a result of several factors. The lack of sincerity among the militia chiefs and ongoing trade links between the armed groups and certain soldiers and foreign business people naturally played an

important role.<sup>151</sup> The different approaches followed by the main players in the UN system and the attitude of the transition government were also determinant.

Within the UN the head of the Bunia office, Dominique MacAdams, defended a voluntary line and an overall political strategy which combined "the carrot and the stick". For the soldiers of the Ituri brigade, use of the stick was still premature. They required reinforcements, the securing of Lake Albert by the resident naval unit of the Uruguay battalion (Urbatt) and the deployment of FARDC brigades before being able to punish the militia members who were violating their commitments, take control of their mines and customs posts and protect the combatants who had agreed to disarm.<sup>152</sup> The UNDP considered that it did not have the means to establish the DCR in such a short time. Although it managed to open five transit centres in September 2004 to welcome combatants<sup>153</sup>, it was unable to launch credible reinsertion programs in time.<sup>154</sup>

The attitude of the transition government was just as problematic because Ituri was clearly not its priority. The establishment of new local authorities was therefore delayed.<sup>155</sup> President Kabila only signed the decree provided for by the binding commitment appointing the militia chiefs to the post of FARDC generals on 11 December 2004.<sup>156</sup> Finally, when the FARDC troops ar-

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<sup>143</sup> The Popular Force for Democracy in Congo.

<sup>144</sup> Particularly true of the UPC-K, PUSIC, FPDC and the FNI based in the south of Mahagi.

<sup>145</sup> The FAPC continued to control the very lucrative customs post in Aru and the Ariwara market where they organised all kinds of trafficking between Uganda, the DRC and South Sudan.

<sup>146</sup> On 8 December the former chief of staff for UPC, Floribert Kisembo, left the movement to found the UPC-K. He was replaced at the head of the UPC-Lubanga by his former deputy, Bosco Ntaganda. The UPC-L adopted a more radical line on the ground than the UPC-K.

<sup>147</sup> The increased tension between the FNI and the FAPC in the Djalasiga and Kpandroma areas, where they regularly confronted one another for control of the gold mines in Djalasiga, gave the Walendu Pitsi and Watsi wings an excuse not to disarm.

<sup>148</sup> On 19 September 2004 members of the FRPI attacked Bira civilians in Lengabo (10km east of Bunia), killing fourteen people and burning about 100 dwellings. On 30 December 2004 members of the UPC-L from Joo and Nyamamba attacked the Lendu village of Datule. In reaction, the FNI attacked the UPC/L in Mbavi, Mubkva, Mangala, Wasa and Mutanga, obliging it to fall back to Joo, 10km north of Nyamamba. On 4 January 2005 the Lendu community attacked UPC/L positions in Nyamamba, Mbogi 1 and 2, and Kawa, destroying an UPC/L military camp. On 19 January 2005 an attack attributed to members of the FNI took place in Tche (a North Hema chieftainship situated 40km north east of Bunia in the Djugu territory) and led to nearly twenty deaths among civilians.

<sup>149</sup> On 2 September 2004 a Moroccan peacekeeper was kidnapped by members of the UPC/L to the north of Bunia in the Mudzipela area. He was released after five days.

<sup>150</sup> 16th report of the Secretary-General on the United Nations Mission in the Democratic Republic of Congo, Security Council UN S/2004/1034, 31 December 2004, p. 4.

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<sup>151</sup> Report by a group of experts, 25 January 2005, op. cit., paras 94-134.

<sup>152</sup> However, at the end of 2004 MONUC retaliated against the FAPC and FNI armed groups which were disputing the Ndrele and Maahgi area. These operations precipitated the surrender of several militia members.

<sup>153</sup> Kpandroma, Nizi, Mahagi, Kasenyi and Aveba. At the start of 2005 the UNDP also opened transit sites in Bunia and Mount Awa.

<sup>154</sup> The directors of the transit sites did not arrive until March 2005. For several months former combatants were left to themselves. Several combatants confined to the Kpandroma and Mahagi camps lost patience and went back underground. Crisis Group interviews, former combatants, Bunia, November 2007.

<sup>155</sup> The president of the interim assembly in Ituri, Pétronille Vaweke, only took office at the end of August 2004, two months after she was appointed to the post of district commissioner.

<sup>156</sup> The decree appointed Germain Katanga for the FRPI, Jérôme Kakwavu for the FAPC, Goda Sukpa for the FNI and Kyaligonza Nduru for the PUSIC, Floribert Kisembo Bahemuka from the UPC/K and Bosco Ntaganda from the UPC/L to the post of general in FARDC. Apart from Ntaganda who justified his absence in Kinshasa by his alleged injury, all took office in Kinshasa in January 2005. These appointments were perceived as a denial of justice because several of these militia chiefs had committed war crimes. However, for MONUC and the Congolese authorities the priority was to distance these men from Ituri, isolate them from their bases and force the process to move forward - even if it meant beginning proceed-

rived in Ituri at the end of August 2004, they made the process more fragile rather than consolidating it. Given the alliance forged during the war between Kinshasa and the Lendu armed groups, the UPC and PUSIC combatants and the Hema population thought that the soldiers of the 1st Integrated Brigade<sup>157</sup>, and particularly those of the second contingent<sup>158</sup> deployed in October 2004, had come to “kill the Hema people”.

The efforts of the commander of the 1st Integrated Brigade, Colonel Marcel Ekuba Mondo, to reassure the population had little impact<sup>159</sup> and were quickly frustrated by acts of extortion committed by his troops, against both the civilian population and recently discharged combatants. Far from creating a security framework favourable for implementing the DCR, the arrival of FARDC actually contributed to moving these last local armed groups even closer together.

Faced with this impasse, MONUC tried to react at the beginning of 2005 by increasing pressure on the armed groups.<sup>160</sup> After the death of nine Bangladeshi peacekeepers, taken during an ambush by the FNI militia on 25 February, the various players in the process decided to totally review their strategy. This incident (for which all the militias were held responsible, not only the FNI)

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ings against them at a later date. Currently, Jérôme Kakwavu is working at G5 at High Command in Kinshasa. After being Second Commander in the military region of Bas Congo, Floribert Kisembo is currently Deputy Commander of the Kitona base. See “DRC: Army Should Not Appoint War Criminals”, Human Rights Watch press release, 10 January 2005.

<sup>157</sup> Members of the 1<sup>st</sup> Brigade, trained by Belgium with the help of France, Germany and Luxembourg, were deployed in Bunia from the end of August 2004.

<sup>158</sup> This second contingent consisted of many former APC members, the army of the RCD-KML which fought alongside the Lendu militias against the Hema community from 2002. This contingent maintained excellent relations with the FAPC, probably on the basis of an agreement for sharing mining revenue in the region. MONUC unsuccessfully tried to oppose their deployment.

<sup>159</sup> Before 2003 Colonel Marcel Ekuba had been part of the group of officers dispatched by General Kisempia from President Kabila’s household cavalry to supply more weapons to the Lendu FNI and FRPI militias. Weapons passed through Mbusa Nyamwisi’s APC and arrived in Beni. Doctor Kisoni’s Butembo Airline planes then provided transport for the weapons to Mahagi and Kpandroma. Colonel Ekuba was also directly involved in training the FNI and FRPI militias at the Nyaleke centre. The Hema militias therefore saw his arrival at the head of the 1<sup>st</sup> Integrated Brigade as a provocation and a direct threat.

<sup>160</sup> On 24 February MONUC led a search and weapon seizing operation in Ariware and managed to disarm 116 FAPC. On the same day it stopped 30 FNI combatants during a similar operation in Datule.

also led to an immediate end of dialogue with the armed groups and a move to purely security-based management of the problem of Ituri’s armed groups.<sup>161</sup>

## 2. Disarmament by force

In the days following the death of the peacekeepers in Ndoki, MONUC and FARDC, who had received reinforcements, launched several robust operations against the FNI.<sup>162</sup> The militia chiefs present in Kinshasa were placed in supervised residences and then finally arrested on the demand of the Security Council. ICST through its president, SRSNG Swing, gave the militias an ultimatum that they put down their weapons before the end of March. Finally, on 7 April ICST requested that the transition government immediately issue national and international arrest warrants against the military hierarchy of the UPC/L, beginning with its chief of staff, Bosco Ntaganda, and the deputy chief of staff, Jonvith Linganga Mandro, whom it held responsible for acts of torture and violence against discharged combatants. Between March and April 2005 most of the leaders of the armed groups in Ituri were therefore neutralised: Thomas Lunbanga, leader the UPC/L, Floribert Njabu, leader of the FNI, Germain Katanga from the FRPI and Chief Yves Kahwa Panga Mandro from the PUSIC.<sup>163</sup>

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<sup>161</sup> According to the official version presented by MONUC, nineteen peacekeepers and their interpreter allegedly fell in an ambush during a patrol in Ndoki, 5km west of the village of Kafe or Kawa. In fact, the foot patrol, which numbered nineteen soldiers divided into two groups and a Congolese interpreter, were led by young officers recently deployed in the area. The latter were carrying out reconnaissance operations in the area whilst the FARDC was launching forced disarmament operations. When the patrol arrived at a hill located near the FNI camp, it opened fire which was interpreted as a hostile move by the FNI. Contrary to typical non-hostile MONUC patrols entering an area occupied by the militias, the detachment of peacekeepers did not have the white flag with them. The militias fired into the air and then panic took over on both sides. Battle erupted, leading to the death of nine peacekeepers.

<sup>162</sup> On 1 March 2005 a task force composed of Pakistani, South African and Nepalese soldiers, supported by MONUC’s Indian helicopters, led an operation in Loga during which they destroyed the FNI headquarters with significant collateral damage. Loga was the bastion of the fiercest members of the FNI directed by Commanders Floribert Burombi and Abeli and charged with operations in that militia. Until that point Burombi allegedly had a group of militias working between Loga, Anu and Klutsogu.

<sup>163</sup> Other militia leaders joined them in prison: John Tinanzabo Zeremani, Secretary General of the UPC/L in Bunia, Djokaba Lambi, ad interim President of the UPC, Goda Sukpa, Pitchu Iribi, Georges Masudi and Philémon Manono, all from the FNI at the CPRK in Kinshasa.

Despite persistent serious logistical problems<sup>164</sup> and a lack of coordination between MONUC and FARDC commands during joint operations, this repressive approach initially gave the disarmament process a significant boost. When the program ended on 25 June 2005, 15,941 had joined the disarmament process, including 4,395 associated children who had been discharged. Even before the ultimatum expired the FAPC was the first group to disarm its 3,322 combatants at the Aru and Mount Awa sites.<sup>165</sup> The UPC/K<sup>166</sup> and the FPDC followed suit and also ceased to exist. The second group to disarm was the FNI, mainly at the Kpandroma and Mahagi sites, with 2,958 combatants; it was followed by the PUSIC at the Kasenyi and Bunia sites (1,862) and the UPC/L at Nizi and Bunia (1,374).

However, the process's limitations were quickly apparent: the number of weapons collected (6,200) was still relatively low and 70 per cent of them no longer worked.<sup>167</sup> The initial goal of eradicating the armed groups was not achieved because the UPC/L,<sup>168</sup> most of

the FRPI and several wings of the FNI<sup>169</sup> rejected the process and conserved a strong ability to cause problems. In June 2005 a new alliance, the Congolese Revolutionary Movement (MRC), supported by most of these armed groups, was created.<sup>170</sup> Without ever managing to absorb the FNI and the FRPI,<sup>171</sup> the MRC managed to align up to 300 combatants from the three armed groups who were still active in the district. It asserted itself by attacking FARDC to claim their weapons and chase them out of certain strategic axes.

Finally, the persistent problems observed in implementing the UNDP disarmament program,<sup>172</sup> further civilian massacres,<sup>173</sup> regular aggression by FARDC against the

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<sup>164</sup> Many combatants encountered problems reaching the disarmament sites given the distances they had to travel in a still unsecured environment. They were sometimes refused access because of a lack of space. Crisis Group interviews, former combatants, Bunia, November 2007.

<sup>165</sup> The leader of the FAPC and several of its officers were not originally from Ituri but Masisi and were not defending any particular community. The movement had emerged in 2002 from the UPC thanks to the support of President Museveni and President Kabila who wanted to weaken the UPC, and subsequently supported by Rwanda. Jérôme Kakwavu therefore frequently went to Kampala with his armed escort. He finally disarmed when he understood that, without real local roots, his movement risked not being able to tackle mounting international pressure. Before disarming he managed to negotiate an interesting agreement with the Congolese Government: in exchange for handing over his large stock of weapons, he joined FARDC as a general (G5 at Head Command) and obtained the signature of a technical forces agreement for his troops (including several former Zaire armed forces), an amnesty for war and insurrection offences, and the safeguarding of his financial interests such as his network of transport lorries, his hotel in Ariwara and several houses in Goma. Crisis Group interviews, former combatants, Bunia, November 2007.

<sup>166</sup> The UPC/K never included more than 100 combatants.

<sup>167</sup> 18th report of the Secretary-General on the United Nations Mission in the Democratic Republic of Congo", UN Security Council S/2005/506, p. 5.

<sup>168</sup> Some members of the UPC/L supported the process but most, under the influence of officers such as Jonvith Linganga and Bosco Ntaganda, preferred to join the MRC. Bosco Ntaganda handed over one part of his heavy weapons supply to MONUC and later another to Cobra Matata from the FRPI. Under the pretext of going to an MRC meeting with Cobra Matata, Ntaganda left Ituri. After crossing the Semiliki river in a pirogue he reached Rwabisengo in Uganda and then went to Bunagana and finally joined Laurent Nkunda's armed insur-

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rection in the Masisi. Crisis Group interviews, former MRC combatants, Bunia, November 2007.

<sup>169</sup> In reality, the operation provoked a growing fragmentation in the FNI between wings supporting Njabu and those following Peter Karim. Those from Zumbe supported the disarmament process. However, the Walendu Pitsi and Watsi wings, as well as the Loga FNI, refused to disarm.

<sup>170</sup> The idea of creating an alliance bringing together the Ituri militias which were still active was allegedly launched by Mathieu Ngudjolo and Kakolele Bwambale when they were both still in Makala prison in Kinshasa. The project apparently received the support of Laurent Nkunda. After he escaped from Makala prison, Kakolele joined up with Ngudjolo in Kampala. The two men then went to Kigali to Nkunda's home and engaged in discussions with John Tibasima from the PUSIC, Justin Lobho of the Zumbe FNI, Didi Manyihora, Sheriff Ddjadza from the Kpandroma FNI, Sambi from the FRPI and Dieudonné Mbuna from the UPC. They agreed on the common terms of the MRC and then went to Uganda to officially announce the creation of the movement in Kampala on 15 June 2005. Under the terms, the MRC demanded that Ituri be granted a military region led by an MRC officer, its armed members be integrated into FARDC and its officers into political posts, an amnesty, the withdrawal of the warrants issued against its members and the release of all the movement's detainees in Bunia, Kisangani and Kinshasa.

<sup>171</sup> The FRPI was allied with the MRC but still independent. As for the FNI, the Ngudjolo wing joined the MRC but Peter Karim's wing only formed an occasional relationship with the movement. Peter Karim only wanted to be able to use MRC weapons to launch attacks on Kudikoka in the Mahagi territory where the presence of FARDC disrupted his gold and wood trafficking to Uganda. Once this had been achieved, Peter Karim confiscated the MRC weapons and forced the movement's commanders to leave. The MRC then established its High Command in the village of Ngudjolo in Kambutso, a Bedu Ezekere grouping in the Zumbe region.

<sup>172</sup> "Safety net" payments were paid irregularly and reinsertion aid with several months delay. The programs were often badly targeted and did not convince former combatants that it was possible to be reinserted into civilian life. Crisis Group interviews, former combatants, Bunia, November 2007.

<sup>173</sup> "Nothing New in Ituri: The Violence Continues", Médecins sans Frontières, August 2005, available at [www.msf.ch/filead-](http://www.msf.ch/filead-)

people and discharged combatants<sup>174</sup> and more generally the ongoing absence of the state's authority outside Bunia and a few small urban areas very quickly demonstrated the urgency of launching a new action plan to consolidate the return of peace in the district.

Unfortunately, after Ms MacAdams left Bunia in August 2005 and, a month later, the DCR ended, the transition government and MONUC did not give Ituri the same degree of importance and no comprehensive political strategy to achieve disarmament was adopted. Consultations carried out by the UNDP to draw up a joint action plan with MONUC did not lead to any significant initiatives.

Priority was clearly given to dealing with Ituri's security problems and the number of joint MONUC/FARDC operations increased.<sup>175</sup> These operations had a number of goals: they aimed to punish the militias which had not supported the DCR, remove the MRC from the lakeside of Lake Albert,<sup>176</sup> and also ensure that the armed groups could not disrupt electoral operations. At the same time diplomatic pressure was used<sup>177</sup> to deprive the militias of outside help. The ICC made the arrest warrant against Thomas Lubanga public on 17 March 2006 and he was immediately transferred to The Hague.

In the end, the joint operations managed to keep the militias under pressure and cause the MRC's attempts to

expand to fail.<sup>178</sup> However, it was not enough to force the militias to disarm in large numbers and recover the weapons detained by the communities. The militias' and people's mistrust of FARDC was still very strong.<sup>179</sup> The National Demobilisation and Reinsertion Commission (CONADER), which was charged with introducing a new disarmament program within the framework of the National Disarmament, Demobilisation and Reinsertion Programme (PNDDR), did not inspire more confidence, particularly among the Hema militias, which accused it of being pro-Lendu. It is true that before 2003 the CONADER coordinator, Colonel Duku, former G2 in charge of intelligence at Integrated Operational Head Command<sup>180</sup> (EMOI) had also been one of the officers charged by President Kabila with supplying weapons and training the Lendu militias in the Nyaleke camps in North Kivu.

As in February 2005, it was eventually the death of a peacekeeper and the kidnapping of seven others in Tsupu<sup>181</sup> by Peter Karim Udaga's FNI on 28 May 2006 that forced MONUC and FARDC to reconsider the approach they had favoured for more than a year. In order to protect the lives of the hostages they suspended military operations against the FNI and engaged in secret negotiations.<sup>182</sup> However a few weeks before the first round of the presidential elections, the Congolese authorities realised that it would be in their interests to use these discussions to initiate dialogue with the local communities and see how they could satisfy certain demands from the armed groups that had remained relatively popular in each of their respective communities. It was a question not only of obtaining a ceasefire to avoid the voting being disrupted but also ensuring as many votes as possible for Kabila in the first round.

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min/user\_upload/uploads/rapports/congo\_rdc/violences/Rap\_ituri\_FINAL\_FR.pdf.

<sup>174</sup> Several former combatants were victims of attacks by FARDC because they had allegedly participated in the massacre of soldiers. Others had their reinsertion kits or money paid in the framework of the safety net system stolen by soldiers frustrated at seeing former combatants assisted by the UNDP while they felt abandoned by the Kinshasa government. Crisis Group interviews, former combatants, Bunia, November 2007.

<sup>175</sup> In October 2005 MONUC and FARDC were deployed in the gold areas of Kilo and Mongwalu, therefore depriving the armed groups of important sources of income. In November FARDC and MONUC led a joint operation against the MRC in the Irumu territory. During the first quarter of 2006 FARDC and MONUC led several similar operations in the Djugu territory and the Fataki region to contain the activities of the FNI and the FRPI.

<sup>176</sup> In mid-2005 the MRC attacked FARDC's least well defended positions in this region called the Blue Mountains and took back control of the lakeside of Lake Albert.

<sup>177</sup> On 23 August 2005 the Ugandan government declared that the six leaders of the MRC (Dieudonné Mbuna, Mathieu Ngu-djolo, Kakolele, Dido Manihora, Sheriff Ndjadza and Sambi) were persona non grata on its territory.

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<sup>178</sup> Beyond the impact of these operations, the MRC was still faced with a lack of mutual confidence between the Lendu and Hema militias.

<sup>179</sup> In October 2005 soldiers from the FARDC 4th Brigade based in Awi killed five children they had taken hostage to transport property pillaged in the village of Chekele. At the beginning of 2006 FARDC soldiers directly attacked communities suspected of helping armed groups. They massacred more than 60 civilians and raped many.

<sup>180</sup> EMOI was charged with providing military training to the Lendu FNI and FRPI militia. It transferred weapons and munitions to Aveba and planned and supervised the Nyakunde and Tchomnia operations.

<sup>181</sup> Tsupu is located next to Libi between Fataki and Niodha in the territory of Djugu.

<sup>182</sup> The Department of Peacekeeping Operations in New York sent very clear instructions to that effect to avoid putting the hostages' lives in danger. Crisis Group interviews, a former MONUC leader, Kinshasa, June 2007.

Secret negotiations to free the hostages therefore quickly turned into real negotiations. After the FRPI took back their former bastion in Tcheyi on 29 June, which had fallen into the hands of the FARDC and MONUC a month earlier, joint forced disarmament operations<sup>183</sup> were definitively abandoned, opening the way for real peace negotiations with the armed groups.<sup>184</sup>

### 3. Disarmament by co-option

After 35 days of discussion and the mediation of a few Lendu MPs from the region (Pitsi dignitaries), the seven peacekeepers were finally freed safe and sound.<sup>185</sup> On 10 July 2006 Peter Karim and the Congolese government signed a memorandum of understanding on how the FNI would be integrated into FARDC.<sup>186</sup> Several promises were made to him and money distributed so that his Walendu Pitsi community supported Kabila and his party, the PPRD, at the elections.

In the same spirit, on 26 July 2006 MONUC organised a meeting between Mathieu Ngudjolo's MRC and Colonel Mukuntu, representing the presidency. In a press release the two parties stated that they agreed in principle to integrate the MRC into FARDC and a general amnesty for the militia members. They also pledged that there would be maximal security conditions during the elections on 30 July. In parallel, from 5 June 2006 CONADER launched its DDR disarmament program. Despite the absence of the FRPI in these negotiations and limited freedom of movement for the candidates, these agreements effectively allowed the elections to take place peacefully.

However, the result in terms of disarming the militias was much more disappointing. Officially, between June and September 2006, 6,728 combatants were indeed disarmed and 2,332 weapons recovered. However, it was quickly apparent that the armed groups had kept their operational capacity relatively intact and that the number of discharged combatants supplied by CONADER

had been artificially inflated. Profiting from an imprecise process of identifying the combatants, several "false militia members", attracted by the money promised to discharge combatants, registered when they were not included on any list and could not hand over a single weapon. The ratio of one to three between the number of weapons collected and the number of discharged combatants was in fact very low.

Further, in the months following the operation the lack of follow-up in terms of the reinsertion work proposed by CONADER led to large numbers of officially discharged combatants rejoining their original armed group as soon as they left the transit camp and had received payment of the "safety net".<sup>187</sup>

In reality, before putting down their weapons the leaders of the armed groups were waiting for a solemn commitment from the government in terms of an amnesty, recognition of military ranks and official confirmation of victory for President Kabila who had sent his representatives to negotiate with them. However in August President Kabila's relatively poor performance in the first round called into doubt the outcome of the unanticipated second round. To avoid losing momentum and the security situation on the ground worsening under the effect of the actions of extortion carried out by FARDC and the FRPI<sup>188</sup>, the deputy RSSG, Hailé Menkerios, put pressure on the presidency's special security adviser, Samba Kaputo,<sup>189</sup> for a high level delegation to return to the district and quickly finalise the agreements.

As soon as President Kabila's victory was officially announced by the Independent Electoral Commission on 15 November 2006, discussions advanced at a rapid pace. On 16 November a delegation of Congolese authorities and MONUC met Mathieu Ngudjolo's MRC

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<sup>183</sup> MONUC was then happy just to provide logistical support and train the FARDC brigades.

<sup>184</sup> After Tcheyi was retaken the FRPI launched operations in Aveba and its region, leading to a number of population displacements. On 6 July 2006 shots from AK-47s from an FRPI area attacked a MONUC helicopter.

<sup>185</sup> Two on 27 June and the other five on 8 July 2006.

<sup>186</sup> The Congolese authorities were very generous with Peter Karim to ensure calm and the support of the Walendu Pitsi community. Several of the people close to him were elected to posts, such as Bura Pulinion to the post of National MP and Ferdinand Ngbadhego to that of Provincial MP. MONUC and the agencies evoked the construction of roads and schools for his community. Crisis Group interviews, former militias, Bunia, June 2007.

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<sup>187</sup> Crisis Group interview, former combatants, Bunia, November 2007.

<sup>188</sup> According to MONUC, between August and November 2006 the Ituri 1st Integrated Brigade committed no fewer than 32 summary executions of civilians, including two agents of the CEI on 29 October in Fataki. On 7 October 2006 the FRPI launched an attack against the FARDC 6th Brigade on Mount Omi. During this operation several militiamen, including three FRPI commanders (Mukiro alias Yuda, Soleil and Moise Oudo) were killed. On 10 October 2006 the men of the 13th Integrated Brigade coming from the Nyalekek retraining and integration centre in the territory of Béni, were deployed on the ground to replace the 811th Battalion which had never been retrained and proved to be very undisciplined. On 18 November confrontations occurred between this brigade and the FRPI in Auva in the Boloma grouping.

<sup>189</sup> The Director of Samba Kaputo's Office, Pierre Lumbi, the adviser to the Mwarabu Presidency, Colonel Mukuntu, and Major Tumba were most involved in this issue.

in Kambutso.<sup>190</sup> At the end of the meeting the two parties signed an agreement whereby all the MRC troops would be sent for retraining and integration at the latest on 31 December 2006, and granting a general amnesty.<sup>191</sup> The government also promised Ngudjolo a post of colonel in FARDC and the rank of lieutenant colonel for four of his officers. On 17 November Ngudjolo went to Bunia to meet the new commander of the FARDC operational area in Ituri, General Vainqueur Mayala. He also spoke on the radio to confirm that the war had ended and announce that the MRC was to be integrated into FARDC.<sup>192</sup>

On 18 November a delegation from the Congolese defence ministry and MONUC went to Doi in the territory of Djugu to negotiate with Peter Karim. Peter Karim promised to send his first armed members to the transit centre in Kpandroma on 27 November. Finally, on 28 November Cobra Matata also signed a peace agreement with the government.<sup>193</sup> The following day a meeting took place in Bunia between the leaders of the FRPI and the deputy defence minister. On 29 November the MRC and the FRPI finally signed an agreement framework with the government providing for the launch of a third phase of disarmament, in conformity with the principles of the PNDDR. On 14 December Peter Karim's FNI also gave its support to the agreement.

Although it was initially thought that this was a major step forward and the last stage in definitively disarming the armed groups in Ituri, this agreement actually proved difficult to implement. Confrontations took place between the FNI and FARDC on 24 December. In March 2007 only about 100 FNI had actually gone to the retraining and integration sites; the FRPI had only sent a dozen or so militia members and about 40 associated children. More than six months were needed before the militia leaders left the bush. The third phase of disarmament was introduced on 4 August 2007 and led to 1,840 militias being disarmed.

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<sup>190</sup> This decision was confirmed during the MRC Congress from 25 to 27 November which decided to send 200 MRC members with 185 weapons to Rwampara on 4 December 2006.

<sup>191</sup> Article 6 of the agreement signed on 16 November 2006 between Colonel Mukuntu for the DRC Government and Mathieu Ngudjolo provides for an amnesty, particularly via the withdrawal of international arrest warrants against members of the MRC engaged in the process.

<sup>192</sup> From 25 to 27 November the MRC organised a congress in the village of Kambutso during which it decided to split into a political and armed wing. The movement's presidency was entrusted to Justin Ngabu and the secretariat to Mbuna Dieudonné. Crisis Group interviews, former MRC combatants, Bunia, June 2007.

<sup>193</sup> The agreement retained the date of 11 December for the arrival of 300 FRPI members at the transit centre in Aveba. Cobra Matata had already been appointed to the rank of colonel in FARDC in January 2005.



## APPENDIX E

### LIST OF ACRONYMS

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AAG	Anglo Ashanti Goldfield
APC	Congolese Popular Army (Armée Populaire Congolaise)
CCGA	Committee for the cooperation of the Armed Groups of Ituri (Comité de concertation des groupes armés de l'Ituri)
CIAT	International Committee to Support Transition (Comité international d'appui à la transition)
CNDP	National Congress for the Defence of the People (Congrès national pour la défense du peuple)
CONADER	The National Demobilisation and Reinsertion Commission (Commission nationale de démobilisation et de réinsertion)
DDR	Disarmament, demobilisation and reintegration program
DGI	Local Tax Department (Direction générale des impôts)
DGM	Congolese Department of Migration (Direction générale des migrations congolaise)
DGRAD	National Revenue Department (Direction générale des recettes administratives domaniales)
DCR	Disarmament and Community Reinsertion programme
DRC	Democratic Republic of Congo
EAC	East African Community
EU	European Union
EUSEC	EU security sector reform mission in the Democratic Republic of the Congo
FAPC	People's Armed Forces of Congo (Forces Armées Populaires du Congo)
FARDC	Armed Forces of the Democratic Republic of the Congo (Forces Armées de la République Démocratique du Congo)
FNI	Front for National Integration (Front Nationaliste et Intégrationniste), an Ituri armed group
FPDC	Popular Force for Democracy in Congo (Force Populaire pour la Démocratie du Congo),
FRPI	Patriotic Force of Resistance in Ituri (Force des Résistance Patriotique d'Ituri)
ICC	International Criminal Court
IEMF	Interim Emergency Multinational Force
LRA	Lord's Resistance Army (L'Armée de résistance du Seigneur), a rebel movement against the government of Uganda
MLC	Movement for Liberation of the Congo (Mouvement Pour la Libération du Congo),
MONUC	United Nations Mission in the Democratic Republic of Congo
MRC	Congolese Revolutionnary Movement (Mouvement révolutionnaire congolais)
MSR	Social Movement for Renewal (Mouvement social pour le Renouveau (parti congolais))
OCC	Congolese Office of Control (public institution with technical and commercial functions and a legal status under the Ministry of Commerce) Office Congolais de Contrôle (établissement public à caractère technique et commercial doté de la personnalité juridique et placé sous la tutelle du Ministère du commerce)
OCHA	United Nations Office for Coordination of Humanitarian Affairs
OFIDA	Congolese Tax and Customs Office (Office congolais des douanes)
OIHC	Integrated Operational Command
OKIMO	The Kilomoto Gold Mines Office (Office des mines d'or de Kilomoto)
PNDDR	National Program for Disarmament, Demobilisation and Reintegration (Programme national de désarmement, démobilisation et réinsertion)
PPRD	People's Party for Reconstruction and Democracy (Parti du peuple pour la reconstruction et la démocratie)
PUSIC	Party for Unity and Safeguarding of the Integrity of Congo, an Ituri armed group (Parti pour l'unité et la sauvegarde de l'intégrité du Congo)

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RCD-ML	Congolese Rally for Democracy-Liberation Movement (Rassemblement Congolais pour la Démocratie-Mouvement de Libération)
RCN	Réseau de citoyens, justice et démocratie, a Belgian NGO working to promote the law and an independent justice system
RHA	The HAKI NA AMANI network (Réseau HAKI NA AMANI (Justice et Paix)), composed of secular and religious NGOs working on peace issues, conflict management and human rights
SRSR	Special Representative of the United Nations Secretary-General
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	The United Nations Children's Fund
UPC	Union of Congolese Patriots (Union des Patriotes Congolais)
UPDF	Ugandan People's Defence Forces, the Ugandan army

## APPENDIX F

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