

# AFRICA CONFIDENTIAL

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### The government's failure to end the LRA's brutal campaign points to a growing national crisis

After 18 years of the Lord's Resistance Army's murderous attacks on civilians, President **Yoweri Kaguta Museveni** declares on 14 November that the LRA is 'nearly finished' – then the LRA launches another round of attacks to prove him wrong. The President, who has stationed himself in northern Uganda to lead the military campaign against the LRA, had been encouraged by the reported death of LRA commander General **Charles Tabuley**. Museveni had declared that LRA leader **Joseph Kony's** 'incursion into Teso region has been defeated' (AC Vol 44 No 19). Within three days, the LRA was launching a fresh attack on Lira district, north-west of Teso, bludgeoning twelve civilians to death and displacing tens of thousands of local people.

For the 34 members of parliament who represent the northern and eastern constituencies, this was the final straw. Led by Nwoya MP **Zachary Olum** and Oyen MP **Okullo Epak**, they walked out of parliament on 18 November, to protest at what they see as the government's failure to protect its people. What especially triggered their fury was that the attacks happened only some six kilometres from the nearest army post and so might have been repulsed if not entirely prevented. This follows a warning by Museveni that he personally would arrest anyone criticising the government army. A former army captain and now MP, **Charles Byanruhanga**, had criticised Museveni for creating the impression that the Uganda Peoples' Defence Force was his personal army.

Parliamentary boycott leader Olum told *Africa Confidential* that his group would return to parliament 'just as soon as the government can show it is serious about ending this conflict'. The protesters' commitment will be quickly tested: each of the boycotting MPs will forfeit their US\$50 daily attendance allowance. Their protest reflects alarm at the Museveni government's failure to end the LRA rebellion after nearly two decades in power.

### Museveni fails in the north

Sceptics claim Museveni's National Resistance Movement has exploited the LRA's atrocities. Others are puzzled why Museveni's army, once regarded as one of the most effective in the region, has been unable to defeat the LRA decisively. The LRA war has been used to justify Uganda's high spending on defence, long favoured by the military-based NRM, and provide a battleground for troublesome elements of the UPDF and a source of income for corrupt quartermasters and friends in the senior officer corps. Politically, the contrast between the LRA and its tactics of arbitrary civilian slaughter and the government's international *bona fides* work in favour of the latter, especially when faced with civilian political challengers from the north or east.

Whatever the explanation for the UPDF's failures against the LRA, they have now become a political liability, locally and internationally. Museveni's much publicised move up north to lead the campaign against the LRA is a recognition of the damage it's doing.

Last month, the United Nations Under-Secretary General for Humanitarian Affairs, **Jan Egeland**, visited battle zones in northern Uganda calling this 'one of the worst humanitarian crises in the world.' He described it as a war against children: 'They are abducted, abused and violated. A total of 8,500 children abducted just this year!'

With a directness uncharacteristic of UN officials, Egeland said 'the military solution... evidently isn't working', echoing comments from **Netherlands'** Development Minister **Agnes van Ardenne** after her visit in October. Diplomats say Western states, including the European Union, **Britain** and the Scandinavian countries, want to press Museveni to restart serious peace talks with the LRA. Aside from the horror of the LRA's actions, they are irritated by claims by politicians such as Deputy Prime Minister **Moses Ali** that Western criticism of defence spending is hobbling the military effort against the rebels. British aid officials have called for thorough reform of Uganda's military but concede it's untenable to call for swingeing cuts in defence allocations while the LRA rebellion rages.

The other issues vexing Ugandan politicians and Western diplomats alike are the government's continued stifling of opposition party activity and efforts by Museveni's supporters to scrap the

## Colonel Kizza's story

In exile after claiming to have been targeted by government assassins, Colonel **Kizza Besigye** remains the opposition's most credible flagbearer. His strength is that he was for years an insider: a Banyankole like President **Yoweri Museveni**, Besigye fought with the National Resistance Army and endorsed the goals of Museveni's revolutionary regime when it seized power in 1986.

Speaking to *Africa Confidential* from his exile base in Africa, Besigye explained that from the beginning, Museveni's aim was to control politics and stabilise Uganda. To achieve that, the National Resistance Movement needed: its core power base in the military; that business should be rapidly expanded among the NRM's political allies; for the majority rural population and commodity producers to see the NRM as chief protector of their interests; a foreign policy which must cement key alliances with **South Africa, Tanzania, Britain** and the **United States**.

Besigye says Museveni's troubles are due to the NRM's liaison with crooked business interests at home and abroad and its disastrous intervention in **Congo-Kinshasa**, at the cost of Western support and conflict with former regional ally **Rwanda**.

The NRM-business alliance started to raise funds independently of formal state revenues but quickly became more sinister, with revenues from state bodies such as the Coffee Marketing Board or Uganda Commercial Bank being diverted to unaccountable private sub-contractors to finance covert military operations. The corruption was rationalised as 'necessary to support the Movement', Besigye said, but this destroyed the credibility of the NRM itself and its claims of establishing accountable government institutions. A new generation of untouchables at the regime's political-military apex grew up, rivalling the excesses of the **Obote** and **Amin** years.

Museveni's grip on the military has weakened: a division emerged between those officers submitting copious reports of crooked deals in eastern Congo and the government's *nomenklatura*, led by Museveni's brother, General **Salim Saleh**, and Brigadier **James Kazini**. Both men have been accused of grand corruption in successive United Nations' reports on illegal exploitation of mineral resources and in the government-commissioned inquiry by Justice **David Porter**. Kazini was sent to **Nigeria** for military training this year and Saleh has just resigned his parliamentary seat – but neither faces prosecution.

These military divisions, Besigye argues, were worsened by the purges in 2000-01 when officers were told that personal political allegiance to Museveni was the key loyalty issue and consequently, support for Besigye's candidacy in the 2001 elections would be tantamount to treason.

At that stage, several officers peeled off, some like Colonel **Samson Mande** fled to Rwanda. Besigye adamantly denies receiving money directly from the Rwandan government but says his Reform Agenda organisation may have received cash from 'friends' in Kigali.

Besigye's stand against Museveni in the 2001 elections converted him into public enemy number one and is now routinely blamed for everything from Kigali's military posturing against Uganda to **Joseph Kony's** killer rebels in northern Uganda. Yet support in Uganda is doubtless growing for Besigye's political position – multi-party politics, professionalisation of the military and no third term for Museveni – if not for Besigye the candidate. As the anti-third termers gather strength in Kampala, Besigye's ideas may prove more successful than his political career.

constitutional two-term limit on the presidential office (AC Vol 44 No 18). Opposition to the third term continues apace as regular meetings of the 'Malwa Group' have taken place under the chairmanship of a former Inspector General of Government, **Augustine Ruzindana**. A report in the government-owned Kampala daily *New Vision* suggests that Ruzindana, a Banyankole like Museveni, has presidential ambitions, a suggestion he strongly denied to *Africa Confidential*.

### Third term casualties

Meetings are regularly attended by former First Deputy and Foreign Affairs Minister **Eriya Kategaya** – a former schoolmate and once one of Museveni's closest political allies – and the former Minister for Ethics and Integrity, **Miria Matembe**. Both were sacked in May, allegedly because of their opposition to the third term. Another regular member of the group is the MP for Bunyole, **Emmanuel Dombo**. Most worrying for Museveni is that this group has recently been joined by another Movement die-hard, the Secretary General of the East African Community, **Amanya Mushega**, who has spoken out against a third term and has been seen at Malwa Group meetings.

Insiders say Museveni is especially concerned about the loss of Mushega, a prominent international civil servant and, like Kategaya, a long standing NRM supporter, who in the 1980s bankrolled Museveni's guerrilla movement from exile in **Zambia** and has held several top posts, including Education Minister and National Political Commissar. Oddly, External Security Director **David Pulkol** has also been linked to the Malwa Group.

The row over the third term intensified on 18 November after **David Ouma**, Managing Editor of the independent *Monitor* newspaper,

received a court injunction preventing him from publishing a leaked Constitutional Review Commission (CRC) draft report. In the report, Professor **Frederick Ssempebwa's** team had apparently found that Ugandans canvassed over a seven-year period do not want Museveni to run for a third term. *Monitor* journalists question the justification for the injunction: the report is hardly a matter of national security.

All this makes it harder for Kampala's Western friends (Britain, the **United States** and EU) to maintain aid flows and diplomatic support for Museveni's government. The key problem remains Museveni's hostility to multi-party politics or indeed any serious threat to the NRM's political dominance.

At the signing on 26 November of Uganda's budget support agreement with the Netherlands, valued at 23.9 million euros (\$20 mn.), Dutch Ambassador **Mathew Peters** warned Finance Minister **Gerald Ssendaula** that Uganda risks losing aid if the 'space for political parties is opened up at a delay, not allowing sufficient time for the democratic process to run its course'.

Delay has become the Movement's game plan. The government, represented by Attorney General **Francis Ayume**, is still insisting that political parties register under the hotly disputed Political Parties and Organisations Act (PPOA), even though the Constitutional Court upheld Democratic Party leader **Paul Ssemogerere's** petition that the Act places unconstitutional restrictions on party activity. DP activists say the NRM is trying to foster rifts within the opposition parties. That may be a backhanded compliment to the opposition parties, given their weakness under NRM rule.

The spat between Ssemogerere and DP rival **Francis Bwengye**, who claims to have usurped Ssemogerere as party leader, is thought to

be partly an NRM plot. Bwengye is an old ally of Museveni's who, after losing the elections as DP Secretary General in 1980, fled to London to offer chequebook support to the NRM's guerrilla war against **Milton Obote's** ruling Uganda People's Congress (UPC).

Similarly, suspicions were raised last week when a certain **Saddam Nsase**, who was once employed as a messenger at UPC party headquarters but has never been a UPC member, claimed to have formed a splinter group comprising UPC malcontents. Party members suspect the previously unheard-of Nsase of being a Movement stooge.

The Movement's panicky approach to the Reform Agenda, led by the opposition's 2001 presidential candidate, **Kizza Besigye**, is to accuse it of consorting with and encouraging armed rebels. A doctor and former UPDF colonel, Besigye is now in exile and his campaign has become a personal feud with Museveni. Early in November, Museveni wrote a six-page letter to *New Vision* claiming that Kony and the LRA would have given up long ago were it not for the support he enjoyed amongst Uganda's 'political elites', naming the Reform Agenda in particular.

Museveni allies go further to claim Besigye is behind the **Rwandan-backed Peoples' Redemption Army**, which they accuse of planning to attack Uganda from bases in **Congo-Kinshasa**. However, after a flurry of publicity about the discovery of 22 PRA fighters in Congo's north-east Ituri district in March, little has been heard about this mysterious grouping.

The question of whether or not Uganda really is moving towards democratic, accountable government could soon be put to its most vivid test to date. Justice **Julia Sebutinde's** Commission recommended that those involved in the purchase of two broken down helicopters should be prosecuted for causing the loss of \$7 mn. to the government. Sebutinde named the President's brother and comrade-in-arms, **Salim Saleh**, other army officers, and Bank of Uganda and Finance Ministry officials. The report stated that Saleh had taken an \$800,000 bribe from Ugandan car dealer and rally driver **Emmanuel Katto** to buy on behalf of the Defence Ministry two secondhand attack helicopters from **Belarus**. Significantly, a cabinet meeting endorsed Sebutinde's findings and recommendations.

However, few believe senior officials will be prosecuted, especially not Saleh, long regarded by insiders as untouchable. Instead, a political sideshow seems to have started. On 27 November, Saleh resigned his parliamentary seat (he occupies one of the seats statutorily reserved for the army) in response to allegations of corruption and abuse of office. He said he wanted to stand aside until the allegations against him were proved or disproved, and that parliament was a venue for heckling, foot stamping and laughing. 'On the few occasions I have attended an open session of parliament, I get a headache. This is a pain I would like to avoid.' Some MPs at least will miss Saleh, increasingly a target for oppositionists in recent months.

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## **CONGO-KINSHASA**

# **Peace or bust**

### **Congolese desperation – not great leaders or Western generosity – is forcing change**

Two heavily armed factions within Congo's transitional power-sharing government came to blows on the night of 17 November. Officers of President **Joseph Kabila's** *Agence Nationale de Renseignements* (ANR, National Information Agency) arrived at the *Grand Hôtel* and arrested Colonel **Hubert Olanqué** of the **Congo-Brazzaville** army.

The intelligence men suspected him of 'spying' on behalf of Vice-President **Jean-Pierre Bemba**, head of the once-rebel *Mouvement de Libération du Congo* (MLC) and of association with one of Bemba's allies, the well informed **French** businessman, *bon viveur* and sometime advisor to the **South African** government, **Jean-Yves Olivier**.

Bemba swiftly sent along some soldiers from his own *Armée de Libération du Congo*; they freed Olanqué, arrested the ANR men and took them off to the vice-presidential office – which was promptly surrounded by men of Kabila's Presidential Guard. With the President away in Lubumbashi, a shoot-out was expected; Kinshasa has been buzzing with rumours that MLC people were plotting with Congo-B's Président **Denis Sassou-Nguesso**. Yet when Kabila got back, he coolly ordered his troops to negotiate with the surrounded MLC men and by morning, a compromise was fixed. The 'spy' was set free and so were the MLC soldiers, one of whom, the only casualty, had lost part of an ear.

Another upset came on 16 November, with the return to the capital of **Léon Kengo wa Dondo**, former Prime Minister under the old dictator **Mobutu Sese Seko**, after seven years in exile. He was greeted by several hundred supporters. Then, just after it left Ndjili Airport for Gombe district in central Kinshasa, his motorcade was met with volleys of stones. Several vehicles were slightly damaged – and next day each faction within the existing government was busily accusing the others of setting up the incident.

Bemba's MLC blamed **Etienne Tshisekedi wa Malumba's** *Union pour la Démocratie et le Progrès Social* (UDPS). *L'Avenir*, a newspaper that speaks for Vice-President **Abdoulaye Yérodia** and the surviving supporters of the late President **Laurent-Désiré Kabila**, pointed fingers at Bemba's people; Bemba and Kengo wa Dondo have been at odds since 1998, when Kengo refused to subsidise the MLC, which he regarded as hopeless. Kengo told *Africa Confidential* that the behaviour of the police – who did nothing to restrain the young stone-throwers and arrested nobody – made him suspect that the operation was organised by a supporter of Kabila, Interior Minister **Théophile Mbemba**.

### **Pre-election fever**

Kinshasa's factions are feverishly waging an undeclared pre-election campaign. Kabila's *Parti Populaire pour la Reconstruction et le Développement* (PPRD) gets the Ministry of the Interior to hand out presidential photographs in what used to be rebel territory. The PPRD's main rivals are Bemba's MLC and Etienne Tshisekedi's UDPS. Both Kabila's and Bemba's supporters are wary of Kengo, who was promptly visited in his rented house in Gombe by Cardinal **Frédéric Etou**. Kengo also had discussions with Bemba's father, **Jeannot Bemba Saolona** (an old Mobutu-confidant and one of the country's richest men, AC Vol 34 No 8), and several of his own former ministers who have since enrolled in the MLC, such as **Alexis Thambwe** and **José Endundo**, the Public Works Minister. He then lunched with the **United States** Ambassador, veteran diplomat **Aubrey Hooks**.

In mid-November, Kabila's team was at odds with the *Rassemblement Congolais pour la Démocratie-Goma* (RCD-G), about the transfer of about 750 Hutu militiamen from Ilebo and Bandundu, east of Kinshasa, to Kitona, west of the city. There was a local panic when the militias, with two armoured vehicles, machine-guns, rifles and plenty of ammunition, passed through Kikwit *en route* to Bandundu. The RCD-G said these people endangered the security of local people, adding that the United Nations had not been notified that the militiamen were at Ilebo, where they threatened RCD members in Kinshasa.

Many of the so-called militiamen are the women and children of soldiers from **Sudan**, **Burundi** and **Uganda**, according to Information Minister **Vital Kamerhe**, who gave assurances that the weapons would be destroyed by UN peacekeepers, while the fighters had agreed to be

sent home to their countries of origin. Kamerhe acknowledged that local people should have been given notice of the troop movement by the Congolese army and Ministry of Defence – whose head is **Jean-Pierre Ondekane** of the RCD-G.

Last week, President Kabila and **Rwanda's** President **Paul Kagame** met again in **South Africa** after growing claims about their ambivalence towards Congo's fragile peace. Strategies on both sides are changing. Last month 'General' **Paul Rwarakabije**, Commander of the main Hutu rebel group, the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), returned to Rwanda with about a hundred fighters (AC Vol 44 No 23). Organised, if not orchestrated, by Rwandan intelligence, Rwarakabije's return surprised both the Kinshasa government and the UN. The bigger problem, though, is the future of the FDLR – a force of some 15,000, according to the UN or 30,000 according to Kigali.

Perhaps half are young Hutu fighters who might be relatively easily reintegrated into Rwanda under Rwarakabije's auspices. However, many of the remainder, much older, have been linked by the Kigali government to the 1994 genocide and would face trial if they returned. These militants are fighting a rearguard action against pressure to return to Rwanda and against a new alliance between their former *Mai-Mai* allies and RCD-G forces.

The RCD-G itself is under new pressure from internal disputes. **Azarias Ruberwa**, head of the RCD-G and a Vice-President in the transitional government, is suspicious of the ambitious governor of North Kivu, **Eugène Serufuli**, a Congolese Hutu who maintains a 10,000-strong Local Defence militia. As Congo's political climate changes, RCD-G's close ties with Rwanda have become a major liability: Serufuli, and his lieutenants, **Moïse Nyarugabo** and **Bizima Karaha**, were widely seen as Kigali's favourite puppets. Now it seems Serufuli, who did well out of Rwanda's military occupation of eastern Congo, may be striking a more independent or Kivu-nationalist line, opposing both the Kinshasa regime and sceptical about Kigali, too. Kabila's followers prefer Ruberwa to Serufuli because he has proved more flexible than either Serufuli or the Kigali government. Yet nationalist Congolese still regard Ruberwa as Kigali's placeman.

Mutual suspicions among government parties rose on 3 November, when officials from the *Mission d'Observation des Nations Unies en République Démocratique du Congo* (MONUC) protested about government obstruction of an inquiry into a crash at Kamina military airbase. The aircraft concerned was said to be carrying weapons for armed government units in South Kivu. Previously, the RCD had excluded MONUC observers from its Rwamangabo camp.

### Time is on Kabila's side

Kabila's advisors say time is on the young President's side. But some argue that, at 31, Kabila has too much time on his side, given that the minimum age for presidential candidates in many democracies is 40. Even if Kabila strikes a deal over the age qualification issue, his opponents may try to exploit questions over his origins. An unofficial biography circulated by *Agence France Presse* last year claims he is unable to prove he was born in Congo: the current constitution stipulates the president's parents must be Congolese and that all candidates must be born in the country. His ministers talk up his contribution to the peace settlement, when he negotiated away some of his powers. If the project succeeds, he will get credit; if it collapses, he can blame his opponents. Privately, Kengo and some MLC leaders agree. The Kabila clique has built its own security network, partly financed through off-budget spending, which provides for a corps of soldiers, police and intelligence offices loyal to the President and his party. Key to these arrangements are two old military bruisers,

## After the war economy

Kinshasa has high hopes of the World Bank consultative group meeting in Paris on 17-18 December, where eight Congolese ministers will argue for more aid to consolidate the peace. At the top of the agenda is more money for the *Programme Multisectoriel d'Urgence pour la Reconstruction et la Réhabilitation* (PMURR). Initial estimates of US\$1.7 billion covered territory controlled by President **Joseph Kabila's** government; now the Kinshasa power-sharing government wants the PMURR to cover former rebel territories in Equateur Province and the east. Planning Minister **Alexis Thambwe Mwamba** says another \$1.3 bn. at least will be needed.

This year, the World Bank, International Monetary Fund and European Union, egged on by **Belgium** and **France**, have made grand promises of aid and debt relief – but have paid out little so far. A key problem is lack of accountability in public finances and the status of the so-called '*contrats du guerre*' (war contracts) signed in the past five years between foreign business interests and the former Kinshasa government or rebel administrations in the east.

In April 2002, the factions agreed at talks in **South Africa** that these contracts would be scrutinised and, if necessary, renegotiated by an independent commission; many businesses have been strongly criticised by the United Nations Panel of Experts on Illegal Exploitation of the Natural Resources of Congo for diverting public resources to buy arms or for personal enrichment. Fresh concerns are emerging about the Congo Holding Development Company, based in Eastern Congo but with strong links to **Rwanda** and the South African-based **Ischovitz** family, and the Emaxon company, fronted by **Chaim Leibovitz** and **Dan Gertler**, which has an exclusive contract to market diamonds from the state-owned *Minière de Bakwanga* (AC Vol 44 No 21).

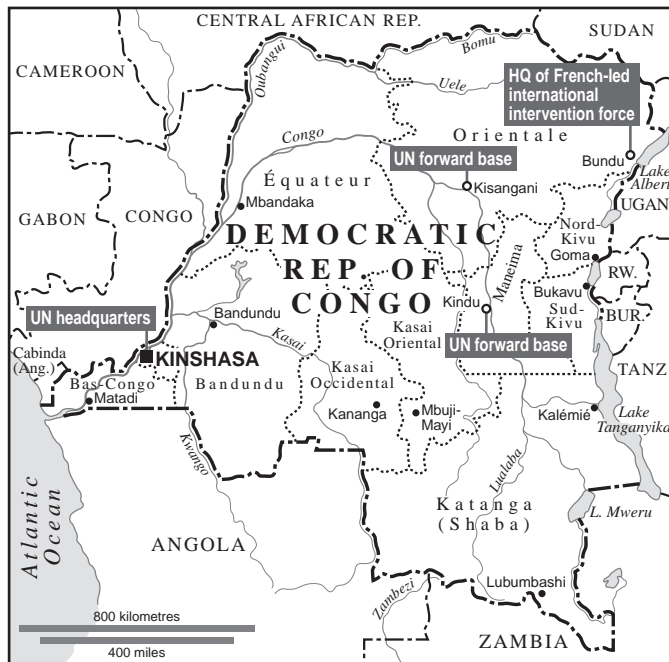
Mining Minister **Eugène Diomi Ndongala** has called for both these operations to be investigated and renegotiated. Other contracts to come under scrutiny are likely to include those criticised in successive UN reports and those where the Congolese government partner argues its interests are being undermined by the commercial partner.

By mid-2004, commissions are to be set up to examine contracts made by public enterprises, especially in mining, and to study the problems of seized or looted property. The contract supervision commission may be headed by **Christophe Lutundula** of the non-armed opposition. Some say all members of the commission ought to come from the non-armed factions; others want to disqualify commission members from considering contracts signed by supporters of their own party.

General **John Numbi** and Gen. **François Olenga**. Other faction leaders in the power-sharing government have made similar arrangements, except for the weakest member, **Arthur N'zidi Ngoma** from the non-armed opposition.

One reason for the pro-Kabila seurocrats' concerns is intelligence reports showing that several of Mobutu's former *Division Spéciale Présidentielle*, based in Brazzaville (where they fought for Sassou-Nguesso), sometimes cross the river to make trouble in Kinshasa. Yet neither Kamerhe nor any other minister believes any sort of coup could succeed. Anyone who tried it would be blamed by Congolese and by outsiders led by the *Comité International d'Appui à la Transition* (CIAT), consisting of the five permanent members of the UN Security Council, plus South Africa, **Zambia**, **Belgium** and **Canada**.

Kamerhe dismisses the rumours about a plot got up by Gen. **Kpama Baramoto**, former boss of Mobutu's *Garde Civile*. When told of Baramoto's presence in Bukavu, Kamerhe said he could not be there since he was seen in Brussels at the same time. Nor does the Minister believe that Sassou would dare to destabilise Kinshasa, since a mass exodus to Brazzaville would be uncontrollable. Kabila's people are



equally sceptical about rumours, circulating in Bukavu, of yet another conflict with Rwanda. Kamerhe believes the new unified army structure militates against coup plotting: the new force is divided into military regions, each commanded by an officer from outside the region and not linked to the dominant political grouping there.

### General Mbuki feeds the troops

The new government has started paying its troops, too. On 18 November, MONUC's *Radio Okapi* announced that *Mai-Mai* fighters had paraded through Kindu town to celebrate their first pay-packets, even though they contained only 7,000 Congo francs (US\$20). Elsewhere, the payout has started amid some confusion, since the Defence Ministry sometimes says there are 243,000 people in the demobilisation camps, sometimes 197,000. The government has so far received no statement of former rebel numbers but Kabila has ordered a payout for soldiers from his old enemies, the RCD. On 22 November, the Chief of Staff of ground forces, Gen. **Sylvain Mbuki** (one of Kabila's men) toured former rebel areas, where he personally helped to deliver soldiers' rations. They were getting hungry.

In territory still under MLC control, in Equateur and at Gemena and Gbadolité, Bemba's men have demonstrated against what they regarded as their commanders' desertion. At Isiro, formerly headquarters of the 'national' faction of the *Rassemblement Congolais pour la Démocratie*, whose former leader, **Roger Lumbala**, is the new Foreign Trade Minister, the residents closed the town down in mid-November, in protest against oppression by Lumbala's troops. In Kinshasa, people have been terrorised by soldiers, apparently allied with criminals.

Some ex-rebel leaders abandoned responsibility for their followers on becoming ministers. In Brussels, Lumbala blamed the Defence Ministry for his followers' problems. The soldiers misbehave mainly because they are poor. Men expelled from military camps have set up squats in containers. Others, with their families, have taken over the windowless flats opposite the *Grand Hôtel*. Presidential Guards in their black uniforms ask for tips from people visiting ministries and the presidency. The gulf now lies not between the leaders of the factions but between those who have power and those who don't. The have-nots include most civil servants, who have not had their back-pay or their symbolic salaries of barely \$10 a month.

**Bertrand Bujiriri**, leader of the *Parti National Mai-Mai* (Panam), complains that most of the jobs allocated to the *Mai-Mai* have gone to

Gen. **Padiri Bulenda**, his brother-in-law the Environment Minister and his cousin, the Social Security Minister. Bujiriri wants extra jobs for his own group, in the regional government, the diplomatic service and state companies. 'If we don't get that, we'll put on the pressure, we know the forest', he warns, hinting at fresh conflicts. **Patrick Masunzu**, head of the Banyamulenge combatants, fought both for and against the RCD-G and the Rwandan army during the war; now he has no troops, and resents it.

**Symphorien Maïbwé**, the Banyamulenge spokesman, says there is also resentment among the former Katangese *gendarmes*, mostly based in Angola, who played their part in the late President **Laurent-Désiré Kabila's** 1997 victory; the authorities fear that Luanda might exploit such discontent to regain its former influence. Kabila's old family allies are losing out. For instance, the *Société Nationale d'Electricité* (Snel) has renegotiated, more favourably, its contract with the **Zimbabwe** Electricity Supply Authority.

### Lost children

Many child soldiers have been demobilised, then abandoned. In mid-November, several of them, on a training course at Kananga in Eastern Kasai, complained that the government had not met its promise to ease their way into civilian life with a payment of \$300. In Ituri, peace is slow coming. The MONUC headquarters in Bunia was attacked in early November both by the *Union des Patriotes Congolais* (UPC), **Thomas Lubanga's** Hema militia, and by the Hemas' Lendu enemies in the *Front des Nationalistes Intégrationnistes*, led by **Floribert Njabu**. In Bunia, the Hema and Lendu are at war; in Kinshasa's *Grand Hôtel*, 2,000 kilometres away, Lubanga and Njabu get together to claim their slices of the government's budget.

Vice-President Ruberwa has expelled seven senior ANR intelligence officers who were trying to take back their old jobs in North and South Kivu, and in Eastern Province, where Ruberwa's RCD-G still holds sway. The security situation in eastern Congo is changing rapidly. On 20 October, representatives of 'General' **Kabambe**, the *Mai-Mai* chieftain at Lokandu, met the new military commanders of the Seventh Region and agreed to accept integration into the national army. Many *Mai-Mai* forces now serve alongside their erstwhile RCD-G foes.

Earlier this year, it seemed a major new conflict would start as RCD-G forces moved northwards towards to the commercial centre and pro-Kinshasa town of Beni. Yet now the rival governors in North Kivu – **Eric Paluku** (Beni) and Eugène Serufuli (Goma) – appear to have reconciled in a ceremony attended by Kinshasa's Interior Minister, with UN Special Representative and former US Ambassador to Kinshasa, **William Swing**.

Frustrations abound, most of them with political intransigence and a lack of cash. Bemba's MLC controls most of the economic ministries and MLC members feel that ministers look at the peace dividend with an accountant's eye, ignoring the social consequences of decades of war. A senior MLC man, **Olivier Kamitatu**, President of the National Assembly, asked in mid-November why the government had not introduced any bills to restore legality and lay the basis for democracy. Parliament has not yet received proposals for a media authority, an independent electoral commission or an amnesty law.

Western and UN officials are pushing for the demobilisation and reintegration of as many former fighters as possible but the Defence Ministry has offered no detailed plan. The transition is lagging and the elections are more likely to be in three years than in the planned two. So far, no deadlines have been set for the draft constitution, for the pre-election census, for electoral registration or for the many logistical arrangements. No surprise there: a year ago, many believed the peace negotiations were about to explode into a third regional war.

## SUDAN

# Armed and angry

**Militias: mediators ignore them, Garang shuns them, the NIF loves them**

Sudan's peace talks are rumbling to a probable conclusion imposed by the 'Troika' of interested Western governments – the **United States**, **Britain** and **Norway** – within a few months or even weeks. The talks process ignores many key issues, notably any need for democracy or accountability for human rights atrocities, north or south (AC Vol 44 Nos 17 & 21; see also *Sudan, Oil, and Human Rights*, Human Rights Watch, 2003). One issue directly threatens any eventual peace agreement immediately – the militias of the Nuer, Sudan's second largest ethnic group. Their role is largely ignored by the Troika pushing the talks and ducked by the talkers, the National Islamic Front government and Sudan People's Liberation Army/Movement.

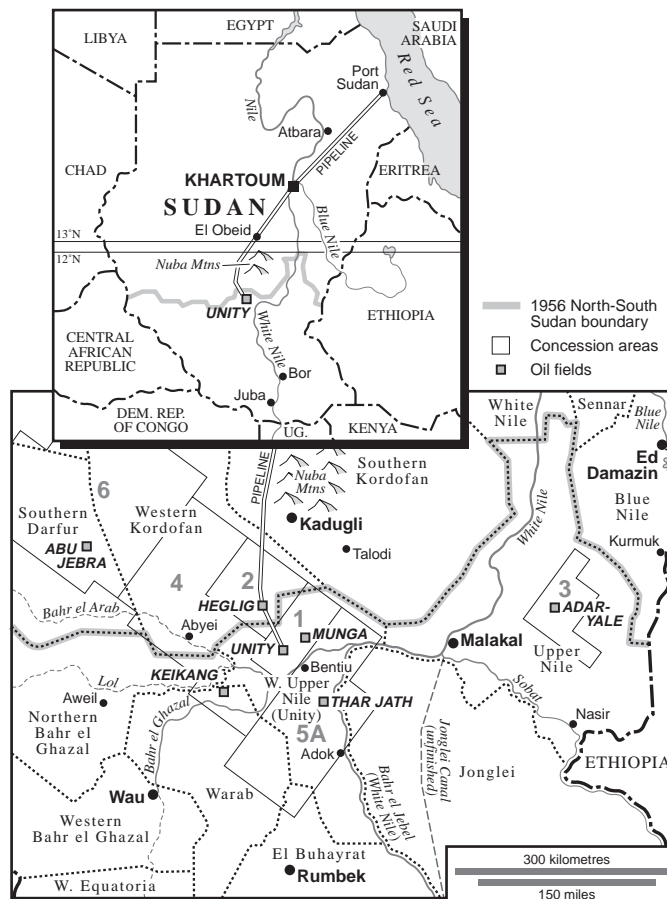
The NIF regime has openly funded the militias since 1997, when they signed a peace agreement with the government, giving it free range in the southern oilfields – and a powerful weapon to threaten southern unity. The government's return on its investment in these groups is magnificent: at least US\$500 million a year in oil revenue since mid-1999, when it exported its first crude. This represents only a fraction of the oil in the south. Most is still inaccessible due to the war, including the vast concession held by **France's** TotalFinaElf.

Yet the same armed groups that facilitated the foreign oil companies' *entrée* to the tip of the oilfield bonanza now pose a clear danger to future oil development and to the prospective peace. The Nuer groups are furious that the government, after enshrining their 1997 accord in the constitution, as the Khartoum Peace Agreement (KPA), are now blithely negotiating a deal for a new constitution with the SPLA/M, without consulting them. The militias, collectively known as the South Sudan Defence Forces (SSDF), include commanders in various Nuer areas such as **Paulino Matiep Nhial**, **Gordon Kong Chuol**, **Tito Biel Chuol**, **Simon Gatwich Dual** and **Peter Gadet Yaka**.

### Overlooked – and over there

While no one, least of all southerners, should be surprised by such central government trickery, these armed groups are determined not to be so easily discarded. They have threatened that any peace agreement reached without them is a declaration of war and have dared all comers to try to disarm them. The Nuer have a long military track record. Nuer in-fighting has been impressive, too, especially since the 1991 split in the SPLA led by **Riek Machar Teny Dhurgon** (a Dok Nuer, now back with Colonel **John Garang de Mabior's** SPLA/M) and **Lam Akol Ajawin** (also back in the fold). Fighting between Nuer in the oilfields (backed by NIF and SPLA/M), plus international human rights pressure, drove out two Western oil companies, Talisman Energy of **Canada** and OMV of **Austria** – and caused **Sweden's** Lundin Oil to sell its active concession, all this year.

Not only the Nuer armed groups were snubbed when the Troika handed out invitations to the peace party. All but two guests were excluded: the Islamist one-party government and the SPLA/M. The northern Islamically-based political parties, which traditionally dominated electoral politics when the army would permit elections, call an agreement negotiated without them the product of 'two minorities' and claim it will establish two dictatorships in Sudan, north and south.



Also excluded and unhappy are the smaller, politically secular northern parties and an increasingly organised body of southerners in civil society and in the coalition called the Southern Sudan Democratic Forum (also confusingly called the SSDF), a motley collection of people who see that democracy requires at least two parties, combined with power-seekers and old enemies of the SPLA/M. One member is **Michael Wal Duany**, who leads the South Sudan Liberation Movement, which also signed the KPA but distinguishes itself from the South Sudan Defence Forces. Among those excluded, only the Nuer militias have the means to make serious trouble, especially for potential oil investors. They and their followers live atop oilfields in Upper Nile, the mother lode of Sudanese oil. They are not going anywhere: they have nowhere to go; they are already at home.

Southern civil society and some Troika officials have pushed the SPLA/M into a belated south-south dialogue. This formally commenced in November, some 18 months after the main peace talks began. Garang prefers separate negotiations between 'the Movement' and multiple slivers of southern Sudan: elders, young people, women, political parties, armed groups, etc. and has been stalling over talking to the militias. He begged off the adjourned meeting date of 20 November saying he must first consult the SPLA/M Leadership Council, a body rarely invoked. The armed groups, and their allies in the Nuer SPLA/M leadership, seek broad south-south negotiations: there is strength in numbers and many government-backed commanders are not literate.

Ordinary southerners, tired of 'killing ourselves', expect a peace agreement to bring peace to the south. The SPLA/M, which expects to be awarded the prize of southern regional government through the peace negotiations, claims to represent the south but has never been subjected to any election or other popular test. The fate of the south-south negotiations is crucial to the establishment of a democratic government in southern Sudan. John Garang's present path leads to a

one-party state; the southern armed groups, together with their political allies, form the nucleus of an opposition political party. It is this possibility that seems to preoccupy Garang.

Meanwhile, on 24 November, the NIF government imposed an 'indefinite' suspension of the daily *Khartoum Monitor*. With its Editor, veteran journalist **Nhial Bol Aken**, having fled to **Kenya** – ironically, the site of the peace process – the three million or more southerners in northern Sudan are again deprived of a voice at a crucial point in the talks.

## **CONGO-BRAZZAVILLE**

# Cleaned out

### As questions are raised about oil production, cash and crude both need a clean up

Congo-Brazzaville is broke, chronically indebted and at odds with the International Monetary Fund, whose technicians say that 57 billion CFA francs (US\$102.3 million) of this year's oil earnings have evaporated (AC Vol 43 No 23). None of this fazes warlord-President **Denis Sassou-Nguesso**, still at work on schemes to enrich his family and that of his son-in-law, **Gabon's** President **Omar Bongo**. A \$1.22 mn. grant by the African Development Bank on 2 December should help a little: \$500,000 are to fight an epidemic of Ebola fever and \$720,000 for 'economic management capacity building'.

Having run Gabon for over three decades and married Sassou-Nguesso's daughter, Bongo is also taking an increasingly big stake in the Brazzaville economy. Sassou and his family now enjoy a new agreement negotiated with TotalFinaElf after years of stalemate over compensation for a botched privatisation.

Sassou has tried to keep the deal secret but some details are circulating within the oil industry. The focus is on the shareholders of Likouala SA, a local oil company created by TotalFinaElf as part of the deal. They are thought to include trusted proxies of Sassou's. We hear the company is essentially a commercial vehicle for sharing revenues from the Likouala oil field, which TotalFinaElf operates.

### Presidential relations

Sassou shot his way back to power in 1997, ousting elected President **Pascal Lissouba**. At first, he kept some distance from Bongo, the French-speaking regional godfather, preferring to deal with **Angola**, whose security service is more secure than anything available from Libreville. Sassou gave Angolan government troops the right of hot pursuit against assorted Angolan rebels using territory south of Brazzaville. In exchange, Luanda provided the military muscle to keep Sassou in power and fight off opposition militias. The agreement has soured. Luanda withdrew most of its troops after the killing in February 2002 of rebel leader **Jonas Savimbi**, whose *União Nacional para a Independência Total de Angola* forces had used Pointe-Noire as an arms and diamonds entrepot. With Savimbi gone, Sassou mattered less to the Luanda securocrats.

More recently, Luanda officials have claimed that Brazzaville was 'unhelpful' about access for Angolan troops to pursue Cabindan secessionists based on Congolese territory. The Angolan government, not famous for probity (AC Vol 44 No 23), was probably growing uneasy about its relationship with Brazzaville and some of the criminal networks operating there. We hear that about half of the diamonds smuggled out of **Congo-Kinshasa** pass through Brazzaville, dodging the Kimberley Process, which is supposed to track conflict diamonds.

Brazzaville's biggest scandals involve oil and the President's endeavours to keep his latest deal with Total out of sight from the public and the IMF. After months of negotiations, Total has pledged to pay the cost of abandoning old oil platforms in Congo, while paying much less than the government had demanded in compensation for the botched privatisation of the state's oil interests in the 1990s.

Total finally backed down on clean-up costs, which are high. The old contract was vague on this issue. Total said it left the state to clear up facilities on exhausted fields. Rather than pay abandonment costs after the event, it agreed to pay into the locally incorporated *fonds de dépôt et de garanties* that will build up over time to meet long-term clean-up costs – although company officials objected that the cash might disappear before the time came to use it.

Total also gave ground on a new *programme général d'accord* (PGA) with the government and the national oil company, the *Société Nationale des Pétroles du Congo* (SNPC). The old PGA gave Total all the advantages from higher oil prices. The other sensitive issue was Lissouba's sale in the 1990s of the state's 25 per cent stake in Elf-Congo, the local joint venture, for just \$50 million. On returning to power, Sassou quarrelled over the deal with Elf-Aquitaine's then *Président Directeur Général*, **Philippe Jaffré** (now Alstom's Financial Director) starting the five-year negotiating process that has now concluded. Elf helped to finance Sassou's return but backed Lissouba's militias in the 1997 civil war. Wondering where Total's royalties lay, Sassou insisted that the stake was worth \$500 mn. Total agreed to relinquish only its stake in the Likouala field, with reserves of around 30 mn. barrels and a market value of just \$160 mn. The sweetener seems to have been the diversion of the equity to the new Sassou-friendly Likouala company, which is said to have paid the state just \$70 mn. for its stake.

The overall package, far better than Total might have feared, leaves intact its Congo operating methods, which rely on close personal relationships with influential political figures. Those officials may benefit and it seems that the state was in any case poorly placed to push Total harder. Congo is one of the world's most heavily indebted countries per head of population and the administration is so strapped for cash that it seeks prefinance packages at ruinous interest rates.

Two banks, **British**-based HSBC (Hong Kong and Shanghai Banking Corporation) and **France's** *Société Générale*, pay for oil cargoes three months in advance; the three months' interest add up to over 20 per cent of the advance. IMF rules ban prefinancing; if the Fund says the arrangement amounts to prefinancing, Congo could disqualify itself for a Fund assistance package. No country gets a debt write-off and concessional credit unless it accepts an IMF programme. Without one, there will no economic recovery for Congo, although its boss might prosper.

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# Pointers

## ZAMBIA

### Chilling out Chiluba

Ex-President **Frederick Chiluba** faces two trials this month, after his lawyers failed to block the charges against him as 'vindictive and unfair' (AC Vol 44 No 19); they now insist that some of the 165 accusations duplicate one another.

In the first case, starting on 9 December, Chiluba and former intelligence chief **Xavier Chungu** are jointly charged with stealing 19 billion kwacha (US\$4 million) from state coffers. In the second case, opening on 16 December, Chiluba, Chungu and five others are charged with stealing K29 bn. The five are the former Permanent Secretary in the Ministry of Finance, **Stella Chibanda**; former government chief economist **Bede Mphande**; former Ambassador to the **United States Atan Shansonga**; and two private businessmen, **Faustin Kabwe** and **Aaron Chungu**.

The money is said to have come from payments for computers and security gadgets by the Zambia Intelligence Security Service to Shansonga's **British**-based company, Systems Innovations.

As President (1991-2001) Chiluba is reputed never to have signed documents or written instructions about money matters. So state prosecutors, who have trouble finding witnesses linking him to corruption, might drop charges against some co-accused if they turn state witness. *Africa Confidential* has details of one such offer.

Recently arrested businessman **Amon Sibanda** is cooperating; so is Zambia National Commercial Bank ex-Managing Director **Samuel Musonda**, discharged for lack of evidence; so might former deputy intelligence chief, **Yotham Zulu**, whose case has been dropped. Corruption charges against former Treasury Secretary **David Diagamo** were dropped after three court appearances and he is another probable state witness.

Chungu pleads immunity for his intelligence work and the state says he can use this claim in his defence. On 1 October, another magistrate acquitted him of stealing government vehicles; he had spent more than a year in gaol, since motor thieves get no bail in Zambia. That court also ruled that Chungu was answerable for his intelligence work only to Chiluba as head of state.

President **Levy Mwanawasa** has just won three parliamentary by-elections and is getting stronger. The opposition is challenging his election. When the President said the case will last longer than his term of office, the opposition wanted him cited for contempt. A serving president may be charged only if parliament lifts his immunity. While he wins those by-elections, it won't.

## MOZAMBIQUE

### Urban guerrillas

As it plots a path beyond President **Joaquim Chissano**'s retirement at 2004's general elections, the ruling *Frente de Libertação de Moçambique* has emerged from November's local elections looking rather more vulnerable than it had hoped.

In a wake-up call from less-than-happy electors, the opposition *Resistência Nacional Moçambicana* succeeded in winning some urban control for the first time, with four of 33 towns: Beira, Nacala, Angoche and Ilha de Moçambique. The most significant win for its alliance, known as *Renamo-União Eleitoral*, was in the depressed second city of Beira, where final results gave its mayoral candidate, **Davis Simango**, 51 per cent of the vote, Frelimo's **Jalmo Lourenço** 41 per cent and 8 per cent to **António Simão** of the *Instituto Democrático para a Paz e Desenvolvimento*.

Ipade is the creation of Renamo's ex-deputy leader **Raul Domingos**, whose ability to split the Renamo vote Frelimo had eagerly awaited. But in its Beira stronghold as elsewhere, Renamo shrugged off these threats and leader **Afonso Dhlakama** is ever determined to keep control.

The smaller parties had little to show for their efforts. With only about 30 per cent of the electorate bothering to vote, Mozambicans' political apathy still works mainly to the benefit of the incumbents, as in so many parts of the continent. However, Renamo has shown that it easily attracts votes across the country, added to which it has now won seats on nearly every municipal council.

Ipade was meant to be the vehicle for Domingos to ride to power in (AC Vol 44 No 12). The man who once put Dhlakama in the shade (and was ejected from Renamo) may have to think again.

## NIGERIA

### Missing airline

Who stole Nigeria Airways? A cabal of managers, ministers and senior officials, said a judicial inquiry report last month. It details how the airline was destroyed by asset stripping and fraud. From a fleet of 30 aircraft in 1983, with many profitable routes, the airline has dwindled to just one passenger plane and no major foreign routes.

Drawing on Justice **Obiora Nwazota**'s inquiry, a draft White Paper has detailed fraud and calls for more than US\$400 million to be recovered from ex-ministers and managers.

President **Olusegun Obasanjo**'s government isn't rushing into action. Political embarrassment might be a factor. Among those named in the report are former Aviation Minister and founding member of Obasanjo's People's Democratic Party

**Alabo Tonye Graham-Douglas**, and a former Permanent Secretary in the Defence Ministry, Major General **Olu Bajowa**. The White Paper holds these two as personally liable for the return of \$6.4 mn. lost in an allegedly corrupt contract. They both deny wrongdoing.

A former Transport Minister, Rear Admiral **Patrick Koshoni**, is called on to make good state losses – of several million dollars – on the purchase of Airbus A310 aircraft. And another former Armed Forces Ruling Council member, Air Vice-Marshal **Anthony Okpere**, is held liable for the loss of a \$300,000 deposit on a new Boeing 737. Now the Federal Executive Council has to decide what action to take on the White Paper. It will be difficult for the government to ignore the report, such is public anger at the fall of Nigeria Airways.

Nwazota's report reads like a fraudster's handbook: officials connived with insurance brokers to inflate premiums; uneconomic routes were flown for the convenience of soldiers and politicians; compensation payments for a DC-10 which crashed in Ilorin have vanished. Fleet aircraft were abandoned overseas when creditors demanded payment; and one sequestered A310 ended up as a restaurant in **Belgium**.

## CÔTE D'IVOIRE

### We interrupt...

Lieutenant **Zadi**'s forcible interruption of state television programmes on 30 November to demand the withdrawal of **French** troops may presage a new offensive by loyalists of President **Laurent Gbagbo** against rebel forces in Bouake. A ceasefire signed on 3 May between Gbagbo and **Guillaume Soro**, head of the *Mouvement Patriotique de la Côte d'Ivoire* (MPCI) and *de facto* ruler of the rebel-held north, is in peril (AC Vol 44 No 18).

Zadi's televised '*faux coup*' was the latest episode in the anti-French campaign. It was quickly followed by street protests outside the French base, designed to keep the troops confined to barracks. Last month, an Abidjan policeman shot dead the veteran *Radio France Internationale* correspondent **Jean Hélène**.

Gbagbo supporters, particularly in the cocoa belt, want a new offensive against northern-owned farms, culminating in the seizure of Bouake from Soro's supporters. With their new shipments of arms from **Israel** and help from **South African** mercenaries, they calculate, they can defeat the rebels. We hear Gbagbo's wife, **Simone**, presided over a meeting last month with several Israeli former military officers and arms salesmen. But the timing of a new offensive is delicate. Gbagbo has a been invited to Paris in mid-December on condition that he attempts to implement the French-brokered Marcoussis peace accord.