Brewing security?

Heineken’s engagement with commercial conflict-dependent actors in the Eastern DRC
BREWING SECURITY?

HEINEKEN’S ENGAGEMENT WITH COMMERCIAL CONFLICT-DEPENDENT ACTORS IN THE EASTERN DRC

PEER SCHOUTEN
THE CCDA PROJECT
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THE AUTHOR
Peer Schouten is a PhD candidate at the School of Global Studies (University of Gothenburg) and an expert on security governance in volatile environments. He has worked in a number of African countries for a variety of non-governmental organizations.

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Executive Summary
Since the end of the Cold War, transnational corporations increasingly operate in volatile environments. This has led to widespread concern with human rights abuses stemming from the impact that commercial activities have on security governance in unstable areas. While attention has hitherto mainly been directed at the activities of extractive industries in volatile environments, corporate presence in volatile environments is not restricted to mineral resource extraction. Transnational consumer goods and services corporations often also operate in similar contexts.

This report has two interrelated goals. First, it aims at shedding light on the risks and challenges that arise when transnational corporations engage security actors in volatile environments. It does so—second—by developing an analytical framework for understanding the resulting dynamics, by examining the impact of transnational corporations on security governance in terms of their interaction with commercial conflict-dependent actors (CCDA’s). CCDA’s are defined as actors that have based their actions or adjusted them to an armed conflict in such a way as to benefit financially from it.

Dealing with conflict actors and influencing local conflicts is not the typical core business of transnational corporations. Yet corporate willingness to operate in volatile environments means transnational corporations are inevitably confronted with CCDA’s. As engaging with CCDA’s entails a serious corporate risk, this study should be seen as a case study that helps corporations identify and avoid CCDA’s.

In order to provide a nuanced understand of the dynamics of transnational corporate engagement with CCDA’s in volatile environments, this reports presents an in-depth case study of Heineken’s subsidiary Bralima in the Eastern Congo. Based on extensive fieldwork, it discusses Bralima’s interaction with three different types of commercial conflict-dependent actors: first, Bralima’s complicity with rebel groups during 2006; second, Bralima’s use of private security companies; and third, Bralima’s engagement with Congolese state security forces—both the police and army. It discusses in detail how each of these actors qualify as commercial conflict-dependent actors within the context of the Democratic Republic of Congo, to subsequently give a systematic overview of how Bralima engages them.

Rather than aberrations, the report shows how these engagements form an intricate part of Bralima’s structures of corporate governance, that are
to a large extent co-determined by the Heineken Group. The report concludes with a summary and recommendations to the Heineken Group regarding the impact they have on security governance through their subsidiary’s engagement with CCDA’s. As this case study forms an example of the more general tendency for transnational corporations to engage commercial conflict-dependent actors, this report is of relevance both to academics and NGO’s concerned with corporate security governance and to transnational corporations operating in volatile environments.

This report has been produced in dialogue with Heineken. Heineken has been invited to provide, and has provided, a written response to an earlier draft of this report. Their responses are mentioned in the text where relevant.
Abbreviations

ANR – Agence Nationale de Renseignements. Government intelligence agency of the DRC

CCDA – Commercial Conflict-dependent Actor

CNDP – Congrès National pour la Défense du Peuple. National Congress for the Defense of the People, political armed militia established by Laurent Nkunda in the Kivus in 2006

CSR – Corporate Social Responsibility

DRC – Democratic Republic of Congo

FARDC – Forces Armées de la République Démocratique du Congo. Congolese armed forces

FDLR – Forces Démocratiques du Libération de Rwanda. Democratic Forces for the Liberation of Rwanda, a rebel movement formed in Congo in 2000 and made up of Rwandan Hutu refugees, some of which were complicit in the Rwandan Genocide

FNI – Front des Nationalistes et Intégrationnistes. Nationalist and Integrationist Front, rebel group composed of ethnic Lendu in the Ituri region of northeast Congo

GESI – Garding Effective Security International Ltd. Private Security Company based in Bukavu, South Kivu Province, DRC

IDP’s – Internally Displaced Persons

M23 – Mouvement du 23 Mars. Rebel group based in North Kivu, composed of former CNDP rebels that had been integrated into the FARDC in 2009.

MONUSCO – United Nations Organization Stabilization Mission in Congo

NGO – Non-Governmental Organization

OECD – Organization of Economic Cooperation and Development

PNC – Police Nationale Congolaise. Congolese National Police

PSC – Private Security Company

RCD-Goma – Rassemblement Congolais pour la Démocratie-Goma. Rally for Congolese Democracy-Goma, rebel group associated to Laurent Nkunda operating in Eastern Congo during the second Congo War: split off in 1999 under Dr. Emile Ilunga from earlier RCD movement

Top S.I.G – Top Société Internationale de Gardiennage. Private Security Company active in the DRC
1. Introduction
Transnational corporations increasingly operate in volatile environments and zones of conflict.\(^1\) In such contexts, corporations run the risk of becoming entangled with actors that are party to the conflict and engage in human rights abuses, or even of being drawn into the conflict themselves. There are numerous ways in which this can happen. For one, corporations run this risk as they often play a crucial role in local security governance through their own security policies, by contracting private security companies and/or national security forces.\(^2\) Additionally, companies can be drawn in as the suppliers of logistics or finances to parties to the conflict.

Public concern with transnational corporations operating in zones of conflict stems firstly from potential human rights abuses that are the direct result of corporate security arrangements. Underpinning these concerns is the ethical point of departure that security provision should be a public good equally available to all citizens of a country. Public concern is also directed towards more indirect forms of corporate complicity that result from operating in areas controlled by rebels and other human rights violators. Of course, intentional and unintentional corporate interaction with CCDA’s might not only influence the local conflict situation, but can also present a substantial danger to the company, to its operation and staff.

International concern with this topic has translated into a range of non-binding regulatory initiatives, including calls for Corporate Social Responsibility;\(^3\) UN Guiding Principles on Business and Human Rights;\(^4\) OECD guidelines for companies operating in weak governance zones;\(^5\) the Global Compact;\(^6\) and such initiatives as the Voluntary Principles on Security and Human Rights.\(^7\) What such initiatives push for is first responsible engagement of security forces—whether public or private—through, second, corporate transparency regarding the way in which corporations interact with security forces in volatile environments and fragile states.\(^8\)
This report looks at one specific instance of a transnational corporation engaging with commercial security actors in a conflict context. Whereas studies on transnational corporations in volatile environments have hitherto predominantly focused on extractive industries, other types of transnational corporations have received little attention—while mobile phone operators, large consumer goods firms, and retail industries often operate in similar contexts.

This report looks specifically at the engagement by Heineken with commercial conflict-dependent actors (CCDA) in the DRC. CCDA's are as actors whose centrality derives from conflict, and who in turn depend on, or have a marked stake in, the prolongation of conflict or volatility. Based on in-depth fieldwork, it argues that Heineken, through its fully owned Congolese subsidiary Bralima, engages commercial conflict-dependent actors, that is, actors emerging out of the conflict in Congo and commercially dependent on sustained insecurity and disorder. This report discusses three kinds of CCDA: Congolese state security forces; private security companies; and rebels. The aim of this report is not to single out and accuse Heineken’s subsidiary Bralima. Rather, this report should be read as a case study presenting an example of general challenges facing transnational corporations in volatile environments. Owing to its sustained presence in the DRC throughout the tumultuous years of Congo’s conflict, Heineken makes an exemplary case. Through this in-depth discussion of Heineken’s experiences, the report hopes to raise questions that transnational corporations operating face in volatile environments.

2. Background of the conflict
The DRC was, at independence, one of Sub-Saharan Africa’s most developed countries. It boasted infrastructures—inherited from the Belgian colonial empire—that filled even South Africans with envy at the time. Yet immediately after independence in 1960, the country sunk into a
turmoil that propelled the first comprehensive UN mission. When colonel Mobutu took power in 1965, calm of sorts returned, at the price of exemplary exploitation—the word ‘kleptocracy’ circulated widely to capture the extent of Mobutu’s pillage, which involved nationalization of foreign companies, and the channeling of most of the countries’ enormous mineral assets to peers.\textsuperscript{10}

Western countries backed Mobutu during the Cold War, but ended support for Mobutu as a strategic ally against communism in Africa with the collapse of the Soviet Union. During Mobutu’s rule, which ended in the first Congo War of 1996–1997, the state apparatus that the Belgians had left, crumbled, and he left behind a nearly completely informalized economy.\textsuperscript{11} From 1997 onwards—propelled by the influx of Rwandan refugees in the aftermath of the Rwandan genocide—Congo formed the stage for two interlocked wars that at their height drew in no less than 7 African countries, militarily supporting different Congolese factions in exchange for private financial gain for the respective countries’ elites.\textsuperscript{12} Eastern Congo was effectively occupied by troops from Rwanda, Uganda and Burundi at different moments during these wars, leading to the \textit{de facto} partitioning of the country.\textsuperscript{13} These wars also further destroyed much of what was left of the state apparatus and economic infrastructure. While the DRC has officially entered a post-conflict phase in 2003, the country remains unstable, democracy is fragile, and the Eastern Congo remains home to protracted conflicts that can be said to amount to outright war.\textsuperscript{14}

2.1 \textit{Understanding the contemporary conflict} 

The current conflict in Eastern Congo is not easy to characterize. It revolves around a series of interlocking and shifting stakes. The UN emphasizes rebels as a fundamental problem; conflict minerals as a stake; and IDP’s and sexual- and gender-based violence as the most visible problems resulting from rebels and illicit mineral trade.\textsuperscript{15}

The rebels involved form a kaleidoscopic patchwork of Rwandese and Congolese, ethnic Hutus Tutsis, backed or not by the political regimes
of neighboring countries; Congolese auto-defense forces-turned-rebels that call themselves Mai Mai\textsuperscript{16} and to complicate things further, some of the—now 16—groups are partially integrated in the official yet badly paid Congolese armed forces (FARDC), so that the Congolese army uniform does not mean that the soldier in question represents the state. Finally, the disorganized and badly paid armed forces are considered mass human rights abusers, and form a prime factor of predation for populations.\textsuperscript{17}

The conflict minerals concerned, in the Kivus, tantalum, tungsten, tin and gold, are largely artisanally extracted in remote mining sites in the forests, to be exported illicitly to Rwanda and other bordering countries.\textsuperscript{18} Control over mining sites and, thus, extraction rents shifts frequently between different armed groups, including the Congolese forces (FARDC).

The human cost of lingering conflict and insecurity is considerable, as is evidenced by the high displacement rates—both internally and in neighboring countries 1.7 million people are currently displaced\textsuperscript{19}—and the frequent use of sexual violence as a weapon of war.\textsuperscript{20} Despite a range of peace agreements, the conflict is far from settled. Since the signing of a series of Peace Agreements in 2002 and 2003, millions of people have lost their lives—mainly in the Eastern Congo—and many thousands of women have been raped.\textsuperscript{21} Whereas Congo as a whole, by now, ranks lowest on most development indexes, the eastern part of the country would probably rank even lower.

Adequately explaining the continuing conflict is beyond the scope of this report, and good efforts increasingly come off press.\textsuperscript{22} It suffices at this point to indicate some core dynamics of relevance to the analytical framework of this study.

3. Commercial Conflict-Dependent Actors in the DRC

One of the largest challenges looming behind the current conflict in the Eastern DRC is that nearly all security actors can be attributed
commercial interests in the conflict. This section gives an overview of the most important commercial conflict-dependent actors (CCDA) in the DRC: rebel movements; private security companies; and Congolese state representatives, including its security forces. For each of these actors, it discusses how they relate to the conflict in the Eastern DRC, as well as how they depend on, or benefit from, the prolongation of conflict or volatility.

3.1 Rebel groups as CCDA’s
Armed rebel movements form an intricate part of the political and security landscape in the contemporary DRC, and, as the following cursory overview shows, rebel occupation of urban centers constitutes a real risk for companies operating in the country. While the first Congo War amongst others revolved around political control and the issue of Rwandese refugees, the stakes in the second Congo War (1998-2002) turned by and large economic—to such an extent that the Rwandese considered their Congolese venture a ‘self-financing war’\(^\text{23}\), with military operations funded directly by mineral resources illicitly exploited from Eastern Congo’s mines.

Economic stakes for rebel movements not only concern mines, but also border posts and self-proclaimed road checkpoints for levying taxes. During a large part of the second Congo War, the east of the DRC was \textit{de facto} occupied by a series of partially overlapping rebel movements with firm ties to Rwanda and Uganda, most notably (factions of) the \textit{Rassemblement Congolais pour la Démocratie} (RCD).\(^\text{24}\) RCD was controlled mainly by Rwandese and Congolese tutsi, some of which would later form the CNDP and most recently M23.\(^\text{25}\)

Other neighboring countries involved, such as Angola or Zimbabwe, also tried to maximize economic gains by acquiring mineral concessions for their military support to parties to the conflict.\(^\text{26}\) For many of the parties, conflict became an important prerequisite for their modes of accumulation: new rebel groups formed around commercial stakes surrounding minerals and border posts. Congo is thus frequently hailed as
a case-in-point of the thesis that ‘greed’—economical motivation—drives contemporary civil war. In a pessimistic interpretation, scholars argue that Congo’s conflict remains protracted because the complex networks of global markets, regional governments, national and subnational elite networks, as well as local actors, all benefit commercially from the instability in the DRC, most notably reaping profits from illicit exports of minerals. While this approach has oversimplified a highly complex conflict by polarizing it into simple conflict motivations, it does help us understand the importance of territorial control over economic resources in the DRC conflict.

In the aftermath of the Congo wars, insecurity continues as a primary mode of governing that allows illicit land control, extortion and resource extraction—both for rebels and representatives of the state. M23—the Rwanda-backed rebel movement formed largely by ex-CNDP soldiers has most recently been active in North Kivu—for instance, partly financed itself through control over the Bunagana border post and checkpoints that tax trucks passing through the parts of Masisi and Rutshuru they occupy.

It is important to note for purposes of this report that transnational corporations have engaged with rebels throughout Congo’s turbulent recent history. Cases of mining companies relying on, or even supporting, rebels have led to global outrage. Exemplary in this regard is the alleged support by AngloGold Ashanti to the rebel group FNI in 2005, but the UN Expert Group reports are littered with other cases. It is important to note, however, that it would have been difficult not to engage with rebels for a transnational corporation that continued operating in the eastern DRC in that period.

### 3.2 Private security companies as CCDA

Private security companies (PSC) are a recent phenomenon in the DRC. Explaining the rise of PSC in general, and in the DRC in particular, isn’t easy. It can be seen at once as a worldwide phenomenon, and as part of local dynamics. From a global perspective, the rise of PSC in the DRC is
embedded in an ongoing worldwide ‘privatization of security’, which appears to be part of the global tendency over the last 20 years towards state liberalization and corporate outsourcing.\textsuperscript{33} By now, private security guards outnumber official police forces globally by at least 2:1.\textsuperscript{34} The rise of private security in Congo is thus part of a broader trend, that is widely seen as worrying by the international community, and that has led to the formation of a UN Expert Group dedicated to the topic.\textsuperscript{35}

Yet the privatization of security in Congo can at the same time be understood as a local and idiosyncratic tendency, tied into the normalization of security measures inherent in the transition from a ‘conflict’ to a ‘post conflict’ situation in Congo. PSC is a phenomenon that emerged out of the two brutal conflicts that the country has experienced. Private security companies appeared sporadically during the progressive demise of Mobutu in the 90s, when his state security apparatus could no longer offer security to foreign commercial interests in the country.\textsuperscript{36} Companies such as DSL (later ArmorGroup), composed largely of South Africans and other foreigners that have gained their expertise in other African conflicts of the 90s, offered anything from close protection to static guarding to select clients.\textsuperscript{37}

But private security only turned into a full-fledged market after the first Congo War. During the Congo Wars, security companies composed of former British, South African and French foreign legion special forces protected several mining investments in the Eastern Congo.\textsuperscript{38} In the subsequent post-conflict period starting in 2003, several of them forces left, but others have grown with, and adapted to, shifts in the Congolese political context, gradually rendering more ‘civil’ services. The trajectory of PSC in the DRC can thus be understood as a gradual professionalization of mercenaries: the very same individuals who were part of outlawed mercenary groups in the African conflicts of the 80s and 90s, now head security companies in DRC and other volatile context in Africa that are considered legitimate, and are employed by NGO’s and the UN alike.\textsuperscript{39}
However, stepping in for a crumbled state, private security does not resemble a common public good evenly accessible to the population. Instead, the contemporary private security sector is concentrated around international actors and the critical economic infrastructure of the DRC economy. By now there are about 30,000 private security guards in the DRC, concentrated largely in Kinshasa and around international actors in the East. As PSC are not allowed to bear arms in the DRC, they provide security for their clients in close cooperation with armed Congolese security forces.

We can thus understand PSCs as fundamentally commercial conflict-dependent actors. The necessity of their services derives from the insecurity perceived by their clients. A list of these clients comprises not solely corporations but also, significantly, NGOs and UN staff, and PSC managers have expressed concerns that the humanitarian community might leave when Congo’s problems would be resolved, because that would rob them of considerable income. As one PSC manager in Goma put it succinctly: ‘if the DRC would be completely secure, with a functioning state security sector, there would be no more work’. This dependency on insecurity and the absence of a working public security sector is problematic because PSC can be expected to ‘oversell’ insecurity of the Eastern Congo—that is, actively stimulate perceptions of insecurity with their clients—in order to retain business. To make this explicit, PSC benefit financially from prolongation of insecurity.

A further concern with using private security companies derives from the fact that private security companies often operate transnationally. While a security company might play a non-controversial role in one context, this does not exclude condemnable behavior in other settings. For example, Global Policy Forum has attacked the UN for using the PSC Saracen in Uganda, because Saracen is linked to controversial—possibly mercenary—activities elsewhere. Another example is that Danish organizations are ending contracts with the global PSC G4S for its involvement in the Israeli occupation of Palestine. These examples serve
to show that PSC—fundamentally CCDA’s—might be controversial for being involved in conflicts in one setting while playing a less controversial role in another.

3.3 The DRC state security forces as CCDA
The DRC is frequently hailed as a failed state, that is, a country with a governmental apparatus unable to perform even the most basic services to its citizens. While it is beyond the scope of this report to appropriately contextualize this historically, it is worth noting that from the outset, the Congolese state itself has been imposed violently by the Belgians, and represents an extractive apparatus fundamentally in conflict with the native population.46 Mobutu further entrenched these patterns under Cold War protection from western powers, 47 using—bearing a striking resemblance to Leopold II in this regard—Congo as one large private commercial resource. The perception of the state as an oppressive institution continues to day. Many throughout the country, and especially in Eastern Congo, consider the government both illegitimate and commercially exploitative.48 This is reflected in the role the Congolese security forces play in many instances.

Despite international efforts to foster security sector reform, the Congolese armed forces (FARDC) and the Congolese police (PNC) continue to engage in systematic extortion of the local populace for purposes of private accumulation, forming the largest source of insecurity for the Congolese population. 49 In order to indicate the extent of the commercialization of insecurity, it is worth noting that a specialized section of the PNC has formed (‘Brigade de Garde’) that is dedicated solely to private guarding.50 For $100 per month, one can hire a PNC agent armed with a Kalashnikov as a personal security guard.51 In Kinshasa alone, 9,000 police agents are believed to be dedicated to this purpose.52 Furthermore, control by PNC and FARDC over mining sites—instead of rebel movements—often only means that state representatives illicitly exploit minerals.53 Finally, according to international observers, the Congolese security forces continue by far the largest human rights
violators in the DRC, something again confirmed in the aftermath of 2011 elections.

Against this background, individual cases of transnational corporations working with Congolese state security forces engaging in abuse have led to widespread outcries. An example is the case of the Kilwa massacre in 2004, with Anvil Mining offering logistical support to the FARDC when the latter killed over 100 civilians. A more recent case is that of the PNC employed by Randgold that shot two artisanal miners amidst protests against resettlement in 2010. While in each of these cases it has been difficult to hold the companies involved accountable, the sheer size of the ensuing controversies points to the challenges inherent in transnational corporate presence in zones of conflict.

In light of the Congolese constitution and relevant Congolese legal dispositions which stipulate that state security forces should be commercially disinterested and provide security for all, this commercialization of security is highly problematic.

4. Heineken in the DRC
Congo would be unthinkable without Bralima and the most popular beer it brews, Primus. Bralima has been established during Belgian colonialism in Léopoldville (Kinshasa) in 1923; ever since, the familiar colors of the Primus logo—which closely resembles the DRC flag—can be seen in even in the most remote areas of the country.

The Dutch Heineken Group, the second largest player in the global beer market, is since 1987 the majority owner (95%) of the brewery Bralima in the DRC, brewing a range of sodas and beers in six breweries throughout the country.
• Kinshasa (1926)
• Bukavu (1950)
• Kisangani (1954)
• Boma (1958)
• Mbandaka (1972)
• Matadi

But Heineken is not just Congo’s major beer supplier. It constitutes a force of significant political, economic, and cultural magnitude in Congo. Its subsidiary Bralima controls nearly 75% of the beer market, with a near monopoly in parts of the country. In Congo, Bralima directly employs around 1,400 employees, excluding thousands of subcontracting personnel. In Kinshasa alone, Bralima has over 50,000 reselling locations. As such, the company represents one of the principal economic centers of activity in the country. Annually, it brews around 3 million hectoliters of beer in Congo, and its tax contributions constitute a pivotal source of revenue for the Congolese political regime. Its marketing strategy comprises, amongst others, the sponsoring of the main music artists—J.B. Mpiana and Werrason—and private events organized by high-placed political and expatriate figures. In 2007, for instance, Bralima intended to sponsor a musical event initiated by the Prime Minister entitled ‘Operation Peace in DRC’ to raise awareness of insecurity in the East. According to a Congolese press report, under the Nous aimons la bière (‘we love beer’) campaign, Bralima employs ‘ambassadors’ since late 2012 that are to promote awareness of the importance of beer and Bralima’s products across a range of settings, including classrooms.
In the failed state that Congo is, Heineken’s subsidiary is also starting to perform functions that are traditionally and normatively the domain of the state. With a promotional budget that far exceeds that of the Congolese Ministry of Education and Information, Bralima reaches more citizens than the government itself.\(^7\) Its CSR program, contrived with international partners, is a veritable force for good, comprising such initiatives as schooling and an AIDS program in collaboration with the German Technical Cooperation (GIZ).\(^7\) This amounts to the positive impacts of private corporations where the Congolese state cannot, or will not, deliver. In 2011, Bralima also has sponsored the 50\(^{\text{th}}\) anniversary of Congo,\(^7\) its logo appearing side by side with the Congolese flag during the whole event; and in the bulk of commemorative merchandise, Congo and Primus are inextricably linked. Because of its importance, Bralima is an intricate part of the Congolese urban landscape, with its logo all over urban walls.

5. Heineken’s engagement with CCDA’s in the DRC

In addition, Heineken is also taking on tasks in Congo that form the core of political sovereignty. It steers a complex security apparatus around its
operations, comprising multiple private security companies and a swath of police agents.

Before we discuss the details of these arrangements, it is important to reiterate that Heineken is not an isolated case: as indicated above, transnational corporations increasingly follow the same pattern in volatile contexts. The following in-depth case study should therefore be seen not as a discussion of intentional wrongdoing by Heinken but rather as exemplary of a broader tendency inherently related to business operations in Eastern Congo.

In order to understand the interplay between Heineken’s security arrangements and local dynamics as well as its potential implications, this report zooms in on the operations of its subsidiary Bralima in one specific region, the Kivu provinces in Eastern Congo. Zooming in on the Bukavu brewery and the distribution depot in Goma that is supplied by the brewery in Bukavu, allows discussing in-depth the dynamics of interaction between Bralima and CCDA’s. The Kivus are an important regional market for Bralima. In Goma alone, Bralima sells an average of 6,000 cases of 12 bottles of 0.72 l each every day. This amounts to $72,000 daily or $2,160,000 a month worth of beer for Goma alone. This flow of beer is essential to Goma: only months ago, the Bukavu brewery was undergoing reparations, and a shortage of beer was noted in Goma, leading to the tripling of beer prices and subsequently, widespread unrest in the city. However, the Kivu provinces are still extremely volatile and home to a wide range of conflict actors. They are considered ‘zones rouges’ (red zones) in local security parlance, a label indicating the high levels of insecurity, derived from the UN’s Security Level System. This makes security a core issue for Bralima in Eastern Congo.

In order to understand Bralima’s security operations, it is necessary to understand beer distribution in the DRC. The beverage industry is characterized by long-term investments, hinges on smooth supply and distribution chains, and involves limited amounts of skilled labor. Whereas beer is distributed through formal channels in Europe, in Congo
(and other African countries) Bralima relies heavily on informal trade networks to bring their product to even the most remote mining sites and villages. This is due to a combination of factors. Firstly, it would be logistically impossible for Bralima to operate logistics according to formal market mechanisms for a country the size of Congo with virtually no infrastructure. In Bukavu, Bralima produces more than 52,000 bottles of beer daily. Shipping beer from its brewery in Bukavu to small mining sites in the jungle, only accessible by foot, would simply be impossible. Secondly, it would be too expensive to do so according to the western standards of operation Heineken wants to adhere to: informal traders are willing to distribute beer for a fraction of formal sector salaries.

Bralima produces beer and distributes it in-house to reselling depots in urban centers across the DRC, but formally stops its engagement with distribution to the end-consumer there. This flow of beer from Bukavu to Goma is, thus, organized through a nearly completely outsourced supply chain. Crates of beer get transported from the Bukavu brewery to Goma by boats operated by subcontractors; they get unloaded onto a dock in Goma’s harbor that is also rented; shipped onto Bralima trucks or trucks that belong to yet other entrepreneurs, to be distributed to resellers. A number of large clients (4 in Goma) redistribute beer to bars, restaurants, and sales outlets in the city and countryside.

5.1 Heineken’s engagement with rebel groups in Eastern Congo
The first engagement of Heineken with conflict actors this report addresses, concerns its engagement with rebels controlling Bralima’s area of operation in Congo’s recent history. During the Second Congo War (1998-2003), RCD-Goma occupied the Eastern Congo, and had territorial control over both Kinsangani and Bukavu, where two of Bralima’s breweries are located. While they occupied the eastern Congo, RCD-Goma’s forces engaged in brutal human rights abuses.
Despite this widely condemned rebel occupation that became part of the International Criminal Court prosecution of Laurent Nkunda as a war criminal, beer never stopped flowing from Bralima’s breweries. As the New York Times reported, ‘[i]n 2004, the plant in Bukavu, with a capacity of 300,000 hectoliters, had a sales volume of 220,000 hectoliters, despite its location in a rebel-controlled area’.\(^80\) The continuation of Bralima’s operations is first of all made possible by the cynical dictum in Congo that ‘you can bomb a hospital, but not Bralima’.\(^81\) One can explain this by the observation that even the most powerful rebels would lose popularity and face severe popular discontent if beer would stop flowing after they capture a given location.\(^82\) Heineken, in a written response to an earlier draft of this report, noted the following about the 2004 situation:

> ‘In 2004 our employees, operations and facilities in the east of DRC were under serious threat due to the war and influx of various rebel groups fighting for territory and power. Our responsibility for the safety of our employees forced us to look at all available options for security assistance as we did not want to abandon our employees and their families, nor give up our business in the region. If we had left the region, this would have ended the single stable economic activity in Goma at that time. There is no doubt in our minds that this would have worsened the already deteriorating local security situation and would have put our employees, distributors and retailers in a very difficult and unsafe position.’\(^83\)

How did Bralima deal with the situation of occupation by RCD-Goma rebels? Interviews in Goma revealed that part of Bralima’s strategy consists of maintaining contact with all actors necessary in Eastern Congo—making sure to be aware of rebels’ intentions before they capture a city in which Bralima operates.\(^84\) This is part of a larger strategy in which Bralima aims at acting upon the conflicts it is confronted with, without—according to the company itself—becoming politically entangled. Bralima, by explicitly shunning engagement with politics, is able to continue operations irrespective of changes in political control over its area of operation.
The report of the Lutundula Commission for the Congolese National Assembly, that was commissioned to investigate fraudulent contracts signed during the Congo Wars, describes in detail the ‘protocol agreements’ that were allegedly drawn up between Bralima and RDC-Goma rebels during the period 1998-2003. According to the report, Bralima received some exceptions and a significant tax reduction from RDC-Goma for its Bukavu operations. A UN-news service however cites Bralima as complaining about the excessive taxes levied by RDC-Goma authorities, and yet another source claims Bralima ‘is in fact one of the RCD’s main tax revenues’. In a written response to an earlier draft of this report, Heineken stated that ‘We checked and we are not aware of any tax advantage that we would have benefited from the RCD Goma rebels as a result for “bottle imports”’. The point is however not whether Bralima received tax reductions or suffered tax increases during RDC-Goma’s occupation; the point is rather that if Bralima indeed paid taxes to RDC-Goma, the company contributed financial resources to a rebel movement that was widely known to engage in mass human rights abuses at the time.

While Bralima explicitly shuns politics and security governance, it did contribute taxes to RDC-Goma’s rebels, simply accepting the replacement of one tax-receiving entity with another—irrespective of the fact that the new tax-levying entity was an internationally condemned rebel group. This constitutes a thorough engagement with conflict actors according to the UN’s Global Compact. The second principle of the Global Compact concerns complicity in human rights abuses, and it considers three kinds of complicity: direct complicity (‘when a company provides goods or services that it knows will be used to carry out the abuse’), beneficial complicity (‘when a company benefits from human rights abuses even if it did not positively assist or cause them’), and silent complicity (‘when the company is silent or inactive in the face of systematic or continuous human rights abuse’). In light of this second principle, if Heineken’s subsidiary indeed knowingly provided funding to RDC-Goma,
this would amount to at least silent complicity with the human rights abuses committed by RCD-Goma’s troops. In a written response to an earlier draft of this report, Heineken stated the following:

‘We totally disagree with the accusation that we have been a silent accomplice in the human rights abuses committed by RCD-Goma troops or that we have been actively “engaged” with rebels. As we have stressed during our conversation, including these words in the report could have legal consequences, and we would urge you not to use them.’\textsuperscript{91}

It is important to emphasize that while this report singles out Heineken’s subsidiary Bralima as a case study, Heineken is certainly not the only transnational corporation finding itself operating under rebel control during the recent history of the DRC conflict. As we have seen, particularly mining companies have continued business during rebel occupation of their areas of operation, leading at times to public outcries regarding corporate complicity. \textsuperscript{92} It is admittedly difficult for transnational corporations to navigate the governance context in the DRC, as in recent history, rebels overtook government (the case of Laurent Kabila) or were integrated into its structures (the case of CNDP in 2009 and other rebel movements), only to break with government later on.

\textbf{5.2 Heineken’s engagement with private security companies in Eastern Congo}

Heineken uses private security companies for all its DRC locations. In a written response to an earlier draft of this report, Heineken explained why as follows:

‘Under normal circumstances, we rely on the police and authorities to safeguard our employees. However in situations where the State is unable to provide adequate security, or is absent from the region, we (like many other large companies) NGOs, and other bodies (including, in this case, the UN) may ask for assistance from third parties to protect our employees and assets.’\textsuperscript{93}
As Bralima is Heineken’s operating company in the DRC, following Heineken’s Group security policy, organizing physical security arrangements is the responsibility of Bralima. More specifically, the priorities for physical security in the DRC are co-determined with and audited by Proseco (see text box) but security arrangements are executed by private security companies subcontracted by, and answering to, Bralima.

‘We brew beer, not security’: Security governance at the Heineken Group

As the Heineken Group sells beer through subsidiaries in over 170 countries, while brewing in over 50, security risks form an intricate part of corporate governance. In order to understand Heineken’s contemporary security arrangements, we need to start at home, in the Netherlands. In 1983, Alfred (‘Freddy’) Heineken and his driver were kidnapped for a ransom. This spurred a security awareness at the company that translated into the founding of Proseco, a security company dedicated solely to the close protection of individuals at the company.94 Yet over the past 25 years, the role of Proseco within Heineken has expanded to providing risk analysis, security trainings for expats, and security management at locations worldwide, in order to ‘introduce the Dutch standard [of security governance, red.] as much as possible’.95

Security for the Heineken group is now managed globally through the fully owned subsidiary Proseco. Proseco’s staff consists to a considerable extent of Dutch ex-armed forces: its managing director a former Military Police, and the manager responsible for French-speaking Africa is former Navy Commander with stints in Bosnia, Afghanistan and Congo. Yet Proseco, and security at Heineken more generally, are hardly visible. René Polfliet, Proseco’s managing director, emphasized in a recent interview that what really requires securing is the brand and its image,96 which is why all these security practices are silenced by the firm and would ideally be completely invisible. None of the security companies it uses even possesses a website. In the words of one of Proseco’s security managers: ‘we brew beer, not security!’97

Proseco can choose to outsource specific specialized security tasks. As such, physical security98 of corporate infrastructure is a responsibility for the local management of the country-specific operating company.99 Physical security usually amounts to a combination of manned guarding and access control, fencing, alarm systems, transport security and cash handling.100 While it is difficult to
estimate the number of private security companies and guards Heineken works with globally\(^1\), everything indicates that private security is an integral part of Heineken’s security strategy. Outsourcing of security is subject to the Group’s Supplier Code.\(^2\)

For the reasons inherent in the distribution system Bralima operates (outlined above), Bralima’s security measures only concentrate around breweries and relay depots, the formal structure of beer production that Bralima directly operates. In the Kivus, Bralima has only one brewery—in Bukavu—and a number of relay depots that are supplied by either the Bukavu brewery—roughly for Goma southwards—and the Kisangani brewery in Province Orientale.

In North and South Kivu, Bralima uses two different security companies.\(^3\) Security arrangements for different locations seem to follow from the brewery they are supplied by. The Kisangani brewery roughly supplies cities from Goma northwards, to depots in urban centers as Butembo and Beni, and also in Bunia in the bordering Province Orientale.\(^4\) Each of these cities is home to a depot supplied by the Kisangani brewery. From Goma downwards, depots are supplied by the Bukavu brewery. There are the depots in Goma and Uvira, with one forthcoming in Kalemie. North of Goma, Bralima uses the private security company Top S.I.G for depots connected to the Kisangani brewery: in Bukavu and its depots, the private security company GESI (Guarding Effective Security International) is responsible for physical security of Bralima.

5.2.1 Top S.I.G
Bralima uses Top S.I.G for various locations in ‘le grand nord’ of North Kivu—mainly for the urban centers Beni and Butembo. Top S.I.G supplies physical security for depots, and security for select transport of Bralima. Top S.I.G developed in Congo in the last decade, as a subsidiary of Saracen International, a South African firm formed from the remnants of mercenary outfit Executive Outcomes.\(^5\) Top S.I.G’s main clients are oil
companies operating on the border between Congo and Uganda, with Saracen Uganda providing security on the Ugandan side of the border. Saracen has recently been involved in controversies surrounding its suspected illicit arms trade in Somalia. One of the problems that this report signaled above with regards to engaging transnational private security companies, is that transnational corporations making use of their services, might unknowingly become associated as paying clients of entities engaging in violations of international law, or human rights abuses, in other settings. As such, Global Policy Forum has recently attacked the UN for using Saracen for physical security at its Ugandan operations. By working with Top S.I.G, Bralima is tied financially to private security networks that stretch across Africa into controversies surrounding mercenaries in Somalia. That the Heineken Group is through its subsidiary’s engagement with Top S.I.G entangled with a CCDA illustrates the risks involved in using transnational PSC.

5.2.2 GESI
GESI—the security company providing security for the Bukavu brewery and its depots—started providing security for Bralima in 2011, replacing the security company GEAC. GEAC was the first PSC Bralima has been using, since around 2001. Before, Bralima hired and trained its own security guards. This makes Bralima one of the front-runners in subcontracting security to private security companies in the DRC for, as has been indicated above, the private security sector—emerging by and large out of the second Congo War—can generally be traced back to 2003.

The private security companies Bralima employs have a commercial interest in perceptions of insecurity, whether the context justifies this or not. This hypothesis is confirmed by GESI, which markets its security services as a necessity given that the context of Congo is characterized by ‘the increasing rise of insecurity on all levels and in every domain’.

GESI—‘Garding Effective Security International Ltd’ (Sic)—is a subsidiary of the Belgian private security company ESI. The private security company is run by a Belgian from Bukavu and employs around
400 guards, most of which are dedicated to Bralima.\textsuperscript{111} Guards are spatially distributed around Bralima’s locations in the following way:\textsuperscript{112}

<table>
<thead>
<tr>
<th>Bralima site</th>
<th>Private security guards</th>
<th>Police agents</th>
<th>Naval forces (army)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bukavu</td>
<td>300</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Goma</td>
<td>29</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Uvira</td>
<td>30</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Kalemie</td>
<td>30*</td>
<td>3*</td>
<td></td>
</tr>
</tbody>
</table>

\*Projection by PSC staff

Agents rotate over day and night shifts. This means that during the day, in Goma, 5 guards are located at the city depot in Goma, while 4 guards are on-duty at the port. During the night, the port is a site of heightened insecurity, which is why 5 guards are present there at night, and four in the city depot.\textsuperscript{113}

Individual security guards are paid $160 per month.\textsuperscript{114} While salaries for PSC are low compared to western standards, they are competitive for Congo—yet they do not compensate for the potential risk the guards run. It was in the Eastern Congo that two of Bralima security guards, and a soldier guarding the corporation, were killed during the first Congo war.\textsuperscript{115} According to GESI guarding personnel, only in 2008, forces of the CNDP rebel group led by Nkunda killed two private security guards working for Bralima when they entered Bukavu.\textsuperscript{116}

\subsection*{5.3 Heineken’s engagement with Congolese state security forces in Eastern Congo}

As the above table reveals, PSC are not the only security actors servicing Bralima. Besides guards, Bralima employs a number of state security forces at each of its locations: both the PNC (police) and the Naval Forces (army).

In Goma, Bralima has two locations: first, the lakeside depot where ships arrive from the brewery in Bukavu; and second, the relay depot in the center of Goma. At the relay depot in Goma and other depots, Bralima
hires armed police agents. The practice of hiring police agents is widespread in the DRC. As PSC are not allowed to carry firearms, different forms of institutionalized cooperation exist with the Congolese police (PNC). The PNC is either directly hired by someone seeking security, or is part of a service package provided by a private security company. In the first case, police agents are hired as static guards providing physical security; in the latter, police agents are part of mobile intervention teams of the private security company that are deployed on alarms.

These arrangements are itself an exponent of the Congolese conflict. During the second Congo War, individuals in the police force created by President Kabila, created a ‘Brigade de Garde’, a special section of the police that would protect businesses in the still conflict-laden Eastern DRC. This proved such a success, that in 2002 this service was converted into an institutionalized for-fee guarding service. Currently, thousands of PNC agents are used as guards for private clients and immense amounts of money circulate inside this for-fee police force.

In the case of Bralima, both private security guards and police agents are stationed inside corporate closures. This is partly for reasons of visibility: The barbed-wired walls of the Bralima compounds are covered with the colorful logo’s of the brands it sells, as Bralima wants to profile its product, not its security measures. This is in sharp contrast with the many privately guarded NGO compounds in Goma, where visibility of security measures—including guards—is part of the security strategy. Besides static guarding and surveillance over the compound walls, security guards at Bralima are responsible for the ‘protocol’, which refers to the procedures linked to access to the security restricted compounds. Police agents are armed with Kalashnikovs and form a measure of last resort against potential hostile intruders.

Police agents receive small amounts (around FC3000, which approximates $3,5) every other day from GESI (an informal yet institutionalized arrangement called ‘la motivation’). These amounts
exclude overhead for GESI management that Bralima pays and the fee that Bralima pays to the Congolese treasury and the Provincial Police Inspectorate.\textsuperscript{121} It also excludes PNC salary, which amounts to a mere $50 (FC42,500) monthly.\textsuperscript{122}

Besides the police, at Bralima’s lakeside locations at Goma and Bukavu, the Naval Forces of the Congolese army (FARDC) are present inside the compounds—two in Goma and at least two in Bukavu. This arrangement is due to the fact that the lake is shared by Rwanda on the other side, and the Congolese law stipulates that only these security forces are present at such sites.\textsuperscript{123} The Congolese Naval Forces—as other FARDC units—have a long track record of human rights abuses.\textsuperscript{124}

In a context where state security forces are prone to human rights abuses, handing over trespassers or thieves to those security forces leads companies to potential corporate complicity in human rights abuses. This is illustrated by one recent event involving Bralima in Bukavu. On November 16 2005, a private security guard for Bralima arrested a civilian suspected of theft, kept him in a trunk before handing him over to the ANR—the Congolese intelligence service. The UN reports that 40 soldiers then took the suspect to the home of the military commander in charge, where the suspect was tortured to make him confess his crime, before being transferred to Goma’s prison.\textsuperscript{125}

**Conclusions & recommendations**
The Heineken Group pursues a global governance policy that aims at shunning engagement with either politics or security governance. Yet as this report has shown, Bralima is directly in charge of an elaborate security apparatus composed of multiple private security companies and different Congolese public security providers. As such, it constitutes a front-runner in Congo playing a structural role in security governance in the Eastern DRC.

*Dealing with rebel occupation*
Corporate complicity is a moral agenda pushed by the international community and has not yet translated in clear legal practice. While it is not the purpose of this report to accuse Heineken of corporate complicity, the lens of the second principle of the Global Compact as detailed above does help to shed light on the intricacies that arise when transnational corporations operate in zones of conflict such as the Eastern Congo. Operating in such areas increases proximity to, and hence the risk of engaging with, conflict actors. As shown, during the occupation of Eastern Congo by RDC-Goma rebels, multiple sources indicate that Bralima was aware of funding rebel groupings engaging in human rights violations—made possible by, but in vivid contrast with, Heineken’s explicit policy not to engage with politics. This historical example thus raises important questions for transnational corporations in similar contexts.

Dealing with private security companies & state security forces
Sometimes the security and human rights situation deters to such an extent that corporate presence in a country—even of the a-political beer brewing industry—is altogether deemed contrary to the risk management strategy, as in 1996 when Heineken pulled out of Myanmar because of the prevalence of forced labor. This means that given enough public pressure, it is an option for transnational corporations such as Heineken to exit a country when confronted with excessive human rights abuses. This has however not affected corporate operations in the African Great Lakes Region.

While Heineken, in reports on its activities in neighboring Rwanda, explicitly rejects the use of private security companies and supports post-conflict reconstruction by calling on the government to supply security, just across the border to the DRC, Heineken both employs private security companies and armed police state security forces for all its locations. Due to a culture of corporate secrecy around its security arrangements, it is not possible to ascertain whether Bralima works with units that have a bad reputation or have been involved in human rights abuses. By extension, as
this case study has shown, Bralima does not fully control—nor disclose—what happens when they hand over alleged trespassers to Congolese state security forces. The Small Arms Survey argues that it is difficult to establish liability in case of abuse of force, when the distinction between public and private security becomes blurred as they operate in integrated arrangements for multinational corporations.\(^{130}\)

In sum, Heineken engages with contested political regimes, armed forces and rebel groups. The Rwandan regime suppresses dissent and curbs human rights at home while funding rebels in Congo. The Congolese armed forces are, as we have seen, the largest sources of insecurity for the population. Heineken structurally engages with these actors. While transnational corporations are increasingly expected to comply with international regulations and actively influence governance host states,\(^{131}\) Heineken shuns ‘political’ engagement with, or responsibility for, its connections to either the Congolese state or private security companies. While this report does not want to suggest that Heineken should withdraw from the DRC, it does hope to have raised sufficient concerns for Heineken to shift its policy of secrecy regarding the challenges of operating in zones of conflict towards a more transparent stance, interaction with relevant stakeholders, and accountable public information policies regarding its security policy. This will benefit Heineken as a broad stakeholder engagement on its security arrangements will lead into higher standards of corporate governance, and, ultimately, improved security for its operations.

This report has tried to address the challenges that arise when transnational corporations operate in zones of conflict, by way of an in-depth study of one such case—Heineken’s subsidiary Bralima in Eastern Congo. It focused on the structural interactions between Bralima and a set of CCDA: rebel groups, private security companies, and state security forces. As this case study has shown, the fact that Bralima operates in a zone of conflict has meant that it is hardly possible to avoid entanglements
with CCDA. Besides posing a risk for corporate operations and investors, such entanglements also impinge on local security dynamics. Therefore, the report urges corporations such as Heineken to implement increased transparency and accountability measures in their corporate governance structures regarding their engagement with security actors in volatile environments. This would allow public scrutiny and dialogue regarding the concerns arising from such—perhaps inevitable—engagements.
Notes & References

Notes

1 (Avant 2007; Bryden & Caparini 2006; Deitelhoff & Wolf 2010: 2)
2 (Deitelhoff & Wolf 2010)
3 (European Commission 2012)
4 (OHCHR 2011)
5 (Hirschland 2006; OECD 2006)
6 http://www.unglobalcompact.org/
7 The first expression of concern from the international community was the focus on ‘the role of the private sector in zones of conflict’ by the UN Global Compact. See http://www.unglobalcompact.org/issues/conflict_prevention/meetings_and_workshops/01_ny_report.html (last visited October 1, 2012). A final relevant initiative is the Montreux Document that stipulates the obligations of states with relation to the use of private military and security companies during armed conflict. The DRC is however not a participating state. See http://www.eda.admin.ch/psc (last visited October 29, 2012).
8 (Small Arms Survey 2011b)
9 A note on methodology: fieldwork has been conducted in Kinshasa and Goma during September 2012. Fieldwork comprises visits to Bralima sites and interviews with multiple stakeholders—both representatives of Bralima, security managers, state security forces, and current and former private security guards working for Bralima. For reasons of safety and confidentiality of interviewees, all interviews for this report have been anonymized.
10 See (Schatzberg 1980)
11 See (MacGaffey 1991; Peemans 1975)
12 (Dietrich 2000)
15 (Autesserre 2012; U.S. Department of State 2011)
16 Also written as ‘Mayi-Mayi’
17 (Kowene 2012; MONUSCO & OHCHR 2012)
18 (Cuvelier 2010; Spittaels 2010)
19 (UNHCR 2012)
20 (Baaz & Stern 2009)
While many figures circulate, it is however very hard to come by clear statistics (cf. Baaz & Stern 2009: 496, note 3).

(Lemarchand 2009; Stearns 2012a, 2012b; Turner 2007)

Formulation of Rwandese president Paul Kagame in 2002, see (Hara 2002)


See (Stearns 2012a, 2012b).

(Hara 2002)

(NDikumana & Emizet 2003; Olsson & Fors 2004).

See (Exenberger & Hartmann 2013). Such views need to nuanced with the observation that while most Congolese conflict actors can be attributed commercial motives at some point during Congo’s conflicts, these motives are not constant for all actors over time.

In short, the ungovernability of the DRC reduces taxes, labor costs, and other restrictions on capital present in other countries. On the other hand, operating ‘above the board’ in the DRC is hardly possible as there is no infrastructure to speak of, corruption is high, and funds a regime that is to say in the least doubtful. Source: interviews with international experts, Kinshasa, September 2012.

Source: interviews with traders in Goma, September 2012. Also see (Bariyo 2012)

(Human Rights Watch 2005)

See (UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo 2002)

(ABrahamsen & Williams 2011)

(Small Arms Survey 2011a)

(UNODC 2011a, 2011b). This Expert Group focuses on ‘civilian’ private security, and a separate UN Working Group focuses on the use of mercenaries (see http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx, last visited August 3, 2012). This analytical separation between mercenaries and civilian PSC can however be considered problematic as they might provide different services across different contexts and at different times.

Source: interviews with PSC managers that were operating in Kinshasa at the time, Kinshasa, September 2012. Also see (Chapleau & Misser 1998)

Source: interview with former DSL security staff, Kinshasa, September 2012.

Source: personal communication with security manager of mining industry, August 2012.

(ABrahamsen & Williams 2011: 124; Spearin 2001)
Source: interview with PSC manager, Goma, September 2012.

Source: interview with PSC manager, Goma, September 2012. While these prevailing perceptions can be contested—as private security is only likely to grow with increasing private sector development—these perceptions structure behavior in important ways.

Source: interviews in Goma, September 2012.

In 2007, for instance, 86% of human rights violations were committed by the Congolese state security forces (both FARDC and PNC), see (OHCHR & MONUC 2007). The armed forces are also notoriously underpaid. See (Baaz & Olsson 2011; Herderschee, Kaiser, & Samba 2012: 45; Nlandu Mayamba 2012)

In neither of the legal documents that frame the PNC’s mandate (Congolese constitution Art. 182-186 & Loi organique No. 11/013 of 11-08-2011), mention is made of the brigade de garde.

Source: interview with PNC, Goma & Kinshasa, September 2012

Source: interviews with PNC in Kinshasa, September 2012.


see (OHCHR & MONUC 2007: 2), for figures.

(Marysse & Reyntjens 2005; MONUSCO & OHCHR 2012)


(Radio Okapi 2010b)


This makes Bralima, together with Gécamines and Marsavco that were created in 1922, one of the oldest still functioning companies in Congo. The name Bralima is abbreviated from ‘Brasseries, Limonaderies et Malteries Africaines’. For more history, see (Byumanine Mucenga 2006; Ndaywel è Nziem 2009: 363-373).


(Heineken 2009; Mukenga 2010)

To give an idea of the importance of subcontracting, Bralima directly employs around 200 people in Bukavu, while employing another 500 indirectly through service contracts. Source: interview with Bralima employee, Goma, September 2012.

Based on a vente en gros price of $1 per bottle. Prices tend to adapt according to production and distribution fluctuations. Furthermore, consumer prices rise as one leaves urban centers due to both infrastructure problems and economic factors of the specific environment. Source: interviews in Goma, September 2012.

These are four large beer entrepreneurs in Goma: Mr. Musancanya; Vie Privée; Maman Eliza; BBK. Source: interviews in Goma, September 2012.

‘On peut bombarder un hospital, mais pas la Bralima’ Source: interviews conducted in Goma, September 2012. According to a Wikileaks Cable, in 2006, Bralima closed its Bukavu brewery to protest a court decision against it, allegedly leading to a reversal of the court order and the replacement of the responsible judge (US Embassy Kinshasa (Democratic Republic of Congo) 2006).
(Laffey & Weldes 1997)
(Willame 1995)
Patrick Villemin. ‘Response to East congo report’ (E-mail correspondence, February 1, 2013)
Patrick Villemin. ‘Response to East congo report’ (E-mail correspondence, February 1, 2013)
For instance, the United Nations Security Council’s Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo published a list of 85 transnational corporations that had not observed OECD guidelines for multinational enterprises. See UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo 2002). Nor is this situation particular to the DRC. Civil war in Sudan did not preclude a Swedish oil company from operating (ECOS 2010); nor does the lack of UN-recognized sovereign authority preclude oil explorations in parts of Somalia (Reuters 2012).
Patrick Villemin. ‘Response to East congo report’ (E-mail correspondence, February 1, 2013)
(Nationaal CrisisCentrum 2011)
(Interseco 2009: 9)
Source: correspondence with author, August 2012.
Note the opposition apparently made between security ‘awareness’ and ‘physical’ security.
(Interseco: 9)
Security is not part of annual reports and subject to secrecy at Heineken.
See http://www.heinekeninternational.com/content/live/sustainability/Policies%202012/Heineken-Supplier-Code.pdf, last visited October 1, 2012
In Kinshasa, Bralima works with the security company ASCO.
Source: interview with PSC manager, Kinshasa, September 2012.
Source: internal Saracen document. Bill Pelser, CEO of Saracen, is also CEO of Top S.I.G.
Erik Prince, a famous EO mercenary, is at the center of this controversy. See (Mazzetti & Schmitt 2011)
(Pingeot 2012: 29)
Source: interview with former Bralima & GEAC guard, Goma, September 2012.

Source: confidential corporate PSC document

Source: confidential corporate PSC document

The other large client in Bukavu is Pharmakina.

Source: approximate estimates by private security staff employed by Bralima, September 2012. In a written response to an earlier draft of this report, Heineken indicated that they consider the disclosure of these detailed descriptions of their security arrangements a potential risk, asking for their removal. After deliberation, the CCDA project chose to continue publication of these descriptions, as we hold that transparency can only lead to better collective security.

Source: interview with PSC guard working for Bralima, Goma, September 2012.

Source: interview with PSC guard working for Bralima, Goma, September 2012.

See http://ospiti.peacelink.it/bukavu/znews040.html (last visited October 1, 2012)

Source: interview with PSC guard working for Bralima, Goma, September 2012.

(De Goede 2008; Schouten 2011)

(Schouten 2011: 69).

North Kivu alone generates over $1,000,000 in fees through this system.

Source: interview with PNC in Goma, September 2012.

A notable exception is corporate HQ in Kinshasa, where Bralima also has a police post exterior to the compound on a road crossing facing its closures. Source: observations by researcher, Kinshasa, September 2012.

Source: interview with PSC guard working for Bralima, Goma, September 2012.

(Cabinet du Président de la République 2006)

Source: interviews and observations in Goma, September 2012.

(ADSAD 2010; Radio Okapi 2010a, 2012)

(MONUC 2006)

(Khan 2006)


Nor at other locations. In 2011, in Mexico alone, its brewer Cuauhtémoc Moctezuma suffered 17 fatalities (Cuauhtémoc Moctezuma 2011: 35). As a result, security and human rights have become a key concern for Heineken in Mexico, and are part of clauses in contracts with subcontractors (ibid.: 59).

(Andersson, Evers, & Sjostedt 2011: 34)

(Small Arms Survey 2011b: 135)

(Deitelhoff & Wolf 2010: 4)
References


Mukenga, Alex. (2010). Étude evolutive de la taille du marché de la bière au Katanga. (Université de Lubumbashi, Lubumbashi).


