

DEMOCRATIC REPUBLIC OF THE CONGO

Outside the Ballot Box: Preconditions for elections in Southern Africa 2004/5

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Hamuli Kabarhuza Baudouin is the Director of the National Centre for People's Development (CENADEP) in Kinshasa in the Democratic Republic of the Congo. He is also the National Coordinator of the Preparatory Committee of the International Conference on Peace, Security, Democracy and Development of the Great Lakes Region and a former Minister of Agriculture and Rural Development in the DRC (1993-2003). He holds a Masters Degree in Education and various other degrees and diplomas. In addition, he has served in many capacities in civil society organisations in the DRC and elsewhere. He has authored various books and papers on conflicts, peace and reconstruction of the DRC.

Towards the 3rd Republic: Preparing for Elections in the Democratic Republic of the Congo

By Hamuli Kabarhuza Baudouin

Overview of recent political events

The Democratic Republic of the Congo (DRC) is the third biggest country in Africa spanning a landmass of about 2 345 000km² with an estimated population of 60 million people. Since independence in 1960, the Congolese have experienced poor political leadership, internal civil conflicts, dictatorship under Mobutu Sese Seko and devastating wars until the end of the 20th century. These factors have resulted in the DRC, potentially one of the richest countries in Africa, becoming one of the poorest in the world. Today the country is in a post-conflict transition. During the 1990's conflicts and wars erupted from the Eastern provinces bordering Rwanda, Burundi and Uganda and spread all over the country destroying social and economic infrastructures. Since 1994, these provinces have been experiencing hardships arising from the prolonged presence of refugees and 'interahamwe' militias that perpetrated genocide in Rwanda.

In 1996, with the support of Rwanda and Uganda, Laurent Kabila staged a rebellion to overthrow the decaying regime of Mobutu. Internal and international conditions were conducive to the success of the rebellion. President Mobutu had lost control of the country, the Congolese population had lost confidence in his leadership and Mobutu had also lost all international support because of his inability to carry out democratic reforms. With the support of the people, Laurent Kabila marched all the way from the Eastern Mountains into the capital, Kinshasa, on the far Western side of the country. He took power in June 1997.

Kabila did not engage in developing democracy and instituting much needed reforms. People felt that the totalitarian methods of the past had not changed. Internal discontent grew further as he reduced political freedoms. Opposition parties and civil society protested. His relationships with his Ugandan and Rwandan partners worsened.

A new rebellion started in September 1998, again with the support of Uganda and Rwanda. This time, there were numerous rebel groups, among them the *Rassemblement Congolais pour la*

Démocratie (RCD-Goma), the *Rassemblement Congolais pour la Démocratie Mouvement de Libération* (RCD-ML), the *Rassemblement Congolais pour la Démocratie National* (RCDN) and the *Mouvement pour la Libération du Congo* (MLC). They fought against the central government of Kabila, which in turn enjoyed the military support of Zimbabwe, Namibia and Angola.

With the support of the African Union, United Nations and the international community, a ceasefire agreement was signed in 1999. However, implementation of the agreement proceeded very slowly.

President Laurent Kabila was assassinated in January 2001. His son, Joseph Kabila, who changed his father's political methods, replaced him. He accelerated the peace process, demanded more deployment of UN peacekeepers and engaged in dialogue with the rebel movements, unarmed opposition and civil society.

The Inter-Congolese Dialogue took place in Sun City, South Africa during April 2003. An agreement was reached to form an inclusive interim government to rule the country for a transitional period of two years. Key agreed objectives of this transition period were the restoration of territorial integrity and security and the organisation of free and fair democratic elections.

The new government was installed in June 2003. Elections are planned for June 2005. They will mark the founding of the 3rd Republic, which the Congolese people are passionately anticipating. The majority of people view these elections as an historical opportunity to end military rule and to halt turmoil, corruption and mismanagement in the country. Elections are the promise of an era of human rights and social and economic progress.

Western involvement in the politics of the DRC has evolved. From active manipulation of politicians on all sides in the 1960's, there is a growing sense of common policies and concerted actions in support of reconstruction of the country. Today the *Comité international de Suivi de la transition* (CIAT), which include major western partners of the DRC such as Belgium, France, the USA and the United Nations, help to coordinate strategies in the transition period and the preparation of the elections.

A short history of elections in the DRC

In view of the slow progress of the present transitional government, there are serious doubts whether elections will take place in a conducive environment, or, for some, whether they will take place at all. Whether they take place on schedule or not, their outcome rests on the political elite's ability to establish a peaceful context in which successful elections can be held.

The Belgian colonial system did not promote intellectual, political and scientific progress in Africans. There were no Congolese university graduates by 1950, when independence movements were organised in many African countries. By 1957, some political leaders emerged from the African elite working in colonial administrative positions. In 1957, the Governor of the Belgian Congo decreed that the Congolese elite should take leading positions in city administration.

Some city mayors therefore had to be elected from local communities. That was the beginning of political participation in the DRC. A few towns were selected on an experimental basis - Leopoldville (Kinshasa), Elisabethville (Lumumbashi) and Jadoville (Likasi). It was assumed that in these cities existing social and cultural organisations would develop into political parties that could compete in a multiparty election of mayors. These elections took place in December 1957. It was clear from these elections that people had voted on ethnic lines. Since the majority of the

populations in Kinshasa were mainly *Bakongo* from the Bas Congo province, the majority voted for a *mukongo* head of ABAKO (Association of Bakongo), which had become a political party.

During the 1950s, the historical context in Africa changed quickly. Colonised nations were struggling for independence and international recognition. In the DRC the emerging elite echoed the African struggle for independence. Political pressure grew in Kinshasa and all the towns. Political parties were created, inspired by the 1957 experience, but also by the Belgian experience itself which some leaders had witnessed while attending the 1959-1960 Universal Exposition in Brussels.

In 1960, the Belgian government agreed to accelerate the independence process. They decided to organise general elections in the country to elect leaders who would determine the destiny of the country after them. People were given the opportunity to elect members of parliament at national level, and members of provincial councils in every province. Elections were held on 22 May 1960.

These were the first countrywide multiparty elections involving about 40 parties. Only one of these was a party of truly national dimensions: the *Mouvement National Congolais* (MNC) led by Patrice Lumumba. Others such as ABAKO and CONAKAT remained essentially ethnic or provincial in scope. The results were announced on 4 June 1960 - 26 days before independence was proclaimed.

Significant features of these elections include that:

- There was very little experience of multiparty elections. Political leaders were brought into power with little experience of constitutional drafting and implementation. The *Loi Fondamentale* – the first constitution, was drafted by Belgians and simply handed to Congolese leaders. Democracy does not only consist of political debate and electoral choice between political parties. It also consists of human rights, communication and information, broad participation of the people and good governance that provides for the social and economic progress of all. These issues enjoyed very little place in the political debates of the emerging independence leadership.
- Voter and civic education was very poor because of the weak communication and information systems in the country, particularly at the level of the population. Very few people could understand the intricacies of a modern political system. Politics took place in Kinshasa and the towns. The majority of people living in the countryside did not have any appreciable understanding of what was taking place.
- The goal of the elections was the immediate attainment of independence rather than long-term political vision and social transformation.

Independence Day was celebrated on June 30, 1960. The newly elected leaders had to take control of a country the size of Western Europe, with very little experience in governance. There were less than 10 university graduates in their ranks! Conflicts of power, fuelled by the absence of any effective mechanisms of mediation, quickly erupted between President Joseph Kasavubu and the Prime Minister Patrice Emery Lumumba. Even the judiciary cannot guarantee settlement of conflicts at those levels of power.

Three major issues created division among the new political elite:

- The division of responsibilities and power of the president and the prime minister;
- Constitutional contestation between lobbies in support of the creation of a unitary or a federal state; and
- Power sharing between the Eastern and Western parts of the country.

The post-independence period was a period of turbulence. Leaders of 'rich' provinces (Katanga, Kasai, Bas Congo) struggled for more autonomy or separation. Rebellions sprang up with manipulation and involvement from various colonial interest groups.

Despite a difficult context, new multiparty elections took place in April 1965. Political parties formed bigger coalitions. The main political issues were not only the form of the state (unitary or federal), but also the balance of power between the East and the West of the country.

This experience of democratic elections was halted by a military coup. In November 1965 General Mobutu, the head of the army, took power. He was complicit in the murder of Patrice Lumumba, crushed all the political parties, reduced political freedoms and installed a military regime. He tried to mobilise the support of the people in 1967 by initiating a change of the constitution through a referendum. He also called on women to participate in the decision about the constitution – the first time that women were called on to participate in the political process.

In 1970, through another constitutional change, Mobutu suppressed all political freedoms and instituted a one party state. He organised elections in which he was the only candidate for presidency. In respect of parliamentary elections, people had the freedom to elect representatives from among many candidates but all these candidates were from the same state party – the *Mouvement Populaire de la Révolution* (MPR). The new constitution reduced the eligible age of voting from 21 to 18.

In 1975, elections were again organised in terms of the one party (MPR) system. In the context of a one party state, results of presidential elections were known even before they were proclaimed. Mobutu always won with 99,9 %! The last one party election, for municipal and parliamentary candidates, was held in 1982.

But things started changing in the 1980's. The regime was worn out with corruption, injustice and repression. A few courageous politicians began denouncing the failures of the system. Thirteen members of parliament lead by Etienne Tshisekedi wrote a letter to Mobutu denouncing dictatorship and asking for a multiparty system and democratic development. They were immediately arrested and banned from the capital city Kinshasa. The struggle for democracy had started.

By 1984, civil society demanded better management of public resources and respect for human rights. At first the Catholic Bishop's Conference spoke out and started mobilising at grassroots level. Human right organisations echoed the demand for respect of human rights. In the early stages they worked underground, but later on they started speaking openly from universities. Development NGOs were created and started organising at the provincial and national level. They demanded more people's participation in decision-making and denounced corruption. As freedom of association was banned, student campuses became the bases for organising political demonstrations.

In February 1989, a student demonstration at the Lumumbashi University ended in bloodshed. This event marked the final collapse of confidence of the Congolese people in Mobutu's regime. Pressure was building in the whole country for change.

The external context was good. The fall of the Berlin wall and the success of Perestroika in Russia brought more hope for change. In February 1990, Mobutu organised national consultations. He travelled to all provinces to 'consult the people' from February to April 1990. On April 24, he announced his conclusions in a national speech:

- The total economic and social failure of the country;
- His decision to re-introduce a multiparty system; and
- His decision to revise the constitution to adapt it to a democratic system.

With external pressure growing, Mobutu agreed to the idea of organising a national sovereign conference to debate the situation of the country and to shape a transitional period that would result in a free and fair election. This transitional period was interrupted by the war that started from the Eastern provinces. Mobutu was ousted from power in June 1997.

The three transitional periods

The Democratic Republic of Congo has experienced three transitional periods. In each one, the ruler made formal promises to the people to organise free and fair elections.

The transitional period of the National Conference (1991–1997)

During this period, the interim government established an electoral commission. It was chaired by Prof. B. Bayona with Prof. Georges Nzongola Ntalaja as vicechairperson. Multilateral partners, government and international NGO's gave it their financial support and expertise, but the process was interrupted by the rebellion.

The transitional period of President Laurent Kabila (1997–2002)

During his 'liberation war', President Laurent Kabila promised to hold democratic elections once he was in power. But, when he came into power in Kinshasa, he halted the functioning of all opposition parties and instead created the *Comité du Pouvoir Populaire* (CPP). He said that democracy had to be shaped within the framework of the CPP. There was a widespread feeling that he had betrayed the struggle against dictatorship and that the Congo had returned to a one party system. Discontent grew and many political leaders joined a new rebellion triggered by Rwanda in 1998.

The present transitional period

This period began after the Inter-Congolese Dialogue in 2003 and continues until the forthcoming elections. Participants in the Inter-Congolese dialogue in Sun City (South Africa) represented all the relevant political forces in the DRC - rebel groups, unarmed opposition, government delegates and representatives of civil society. They all agreed to establish a government of national unity to rule the country during a transitional period with three main objectives. These are to end the war, to reunify the country and to organise free and fair democratic elections.

For most of the participants, elections are aimed at creating the 3rd Republic in which the people can elect their own leaders. Elections are an alternative to the control of power by force. They therefore agreed to build a democratic system by organising free and fair elections at the end of the transitional period in June 2005.

The expectations of the Congolese people in relation to these coming elections are in a sense unrealistic and exaggerated. Many think that these elections will automatically bring into power leaders who will solve their misery. Others believe that they will end all conflicts forever. But this also means that most people are engaged in the process. After having heard of other similar processes in neighbouring countries, no one would like to miss this pivotal event that will hopefully launch the DRC into the democratic era.

Institutional and legal framework

Participants at the Inter-Congolese Dialogue agreed to create institutions that would reinforce democratic development. These include an Electoral Commission, a Media (Regulatory) Authority, a Human Rights Observatory (Commission), a Truth and Reconciliation Commission and a Commission Against Corruption. In June 2002, an Independent Electoral Commission (CEI) was established.

Its main task is to organise free, fair, transparent and democratic elections. The interim constitution has confirmed the existence and mission of the CEI in articles 154-160. It is an autonomous and neutral body and has been provided with a budget that can be supplemented by external partners.

The CEI is chaired by a catholic priest, Rev. Appolinaire Malumalu. Since then, however, conditions on the ground have shown that organising free and fair election in a post-conflict DRC is a very complex endeavour. There are serious doubts whether elections will take place in a favourable political environment. The holding of elections require a complex legal framework. The parliament has to vote in the necessary basic laws. In this respect, the constitution of the 3rd Republic, as well as the electoral law, are essential tools. The constitution of the 3rd Republic has to establish the form of the state – unitary or federal. It has to be determined whether the DRC will follow a presidential, semi-presidential or parliamentary system. Many other questions also need to be resolved including whether there will be one or two chambers in parliament, how many members of parliament will be elected and what their terms of office will be. It is only the constitution, which is being drafted with the support of the international community, and complementary legislation, that will provide answers to these basic questions. A draft constitution and these laws are yet to be debated in the parliament.

The electoral law will stipulate the eligibility criteria of electoral candidates. It also has to clarify the electoral system that will be used. It will describe the voting modalities and procedures up to the publication of final results. Preliminary consultations in respect of the constitution and these laws are still taking place. But in general the preparation process is very slow. Of concern is that the legal framework for the elections has not been completed – less than 6 months before the election is due.

No proper national census has been conducted in the DRC in 20 years. There are no exact figures of the Congolese population. Planners are working from demographic projections from which it is concluded that there are about 60 million people in the country. However, an exact number of voters is to be clearly established beforehand, as stipulated by the law on the identification and registration of voters which has already been adopted by parliament.

Voter registration is a fundamental exercise, not only because it will help guarantee the fairness of the electoral process, but also because it will help to solve the problem of nationals in the Eastern provinces where complaints about illegal immigrants from neighbouring Rwanda have become a national issue.

Since the beginning of January 2005 the Independent Electoral Commission has been deploying its members in the country and establishing its administrative network. It has established platforms for dialogue with political parties and the media. No voter education – which is critically needed - has yet taken place.

Since the electoral system for the country has not yet been decided, it is not yet possible to educate voters in the use of this system. Apart from that, in terms of the budget of the CEI, there are simply no funds available to launch a voter and civic education campaign.

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Compliance with SADC Principles and Guidelines

Will the elections in the DRC meet the criteria established by the SADC Principles and Guidelines Guiding Democratic Elections? These include:

- Full participation of citizens in the political process;
- Political tolerance;
- Freedom of association;
- Equal access to the state media for all parties;
- Equal opportunity to the right to vote and to be voted for;
- Independence of the judiciary and impartiality of the electoral institutions;
- Voter education; and
- Acceptance and respect of the results.

In the present day context of the DRC, all these conditions could be met. Civil society is actively mobilising for full participation of all citizens in the elections. There are no structural or political barriers to this work. The Catholic and Protestant churches have started a civic education campaign. Independent organisations such as the *Ligue nationale pour les Elections indépendante et transparente* (LINELIT), *Ligue de conscientisation des Electeurs* (LICE) and the *Ligue des Electeurs* (LE), whose members were trained in elections procedures, have sought the aid of northern organisations to support them, and are poised to carry out this work once basic electoral decisions have been made. The American NGO, International Foundation for Electoral Systems (IFES), has expanded its office and started support programmes in all the provinces. The Electoral Institute of Southern Africa (EISA) has been working with the DRC senate, political parties and civil society groups in the process of drafting a constitution to ensure that the legal framework is properly secured. Freedom of association is guaranteed in the DRC.

There is growing political tolerance, although local political leaders need to be trained in election procedures, especially in Kinshasa and in other towns. The government and the Independent Electoral Commission should be more actively involved and should support this work. Active competition during the electoral campaigns could, however, be weakened by violence in certain areas. As with all people in the Congo, leaders of political parties have very little experience of a multiparty democratic system, and of free and democratic elections. There are more than 300 political parties registered with the Ministry of the Interior. Among them, about ten are represented in all 11 provinces. The proper functioning of political parties is a challenge in itself. Few have financial resources and are unable to conduct political campaigns in their constituencies by their own means. The larger parties were initially rebel movements whose leaders could still resort to violence.

At present most media in the DRC are interested in the coming elections. Debates are organised on national television about conditions for the elections. Radio stations and newspapers are being trained to cover political parties during their campaigns. The Independent Electoral Commission together with the Media Regulatory Authority (HAM) have set up a media and election network to monitor both public and private media coverage during the elections. Organisations like the Panos Institute in Paris and *Journaliste en Danger* (JED) are planning national training workshops for this purpose. Media pluralism is a reality in the DRC. Radio stations are present in all provinces.

Newspapers enjoy freedom of speech, but a major drawback is that most of the newspapers are based in Kinshasa and do not have national distribution.

The judiciary is constitutionally independent, but it still has to prove its independence from the influence of political parties and rulers in practise. The judicial system in the DRC needs support. There is no guarantee of its ability to efficiently adjudicate cases arising out of the elections.

Providing that international support increases, the political context improves and the Independent Electoral Commission becomes fully operational, there is a reasonable chance that the major stakeholders will accept the election results. Challenges facing the electoral commission

The first problem facing the electoral commission is its independence from political parties. Although it is a neutral body in principle, it is not certain that its members will be able to overcome partisan feelings during the electoral process. Members of the electoral commission were appointed from political groups and organisations that attended the Inter-Congolese Dialogue that are part of the transitional government. Even though its chairperson comes from the ranks of civil society and has no political colouration, the other members are from parties in power.

The second problem is its financial independence. The government and international donors provide the CIE's operational budget. The total budget for the electoral process in the DRC is estimated at US\$350 million. The government has committed only about US\$15 million. The balance has to be raised from the international community. In the first year and a half following its appointment the government released very little money to the commission, which seriously impeded its operations. Even external partners were slow to provide funds. During 2005, some funds were granted by the international community. This has allowed the Electoral Commission to start conducting missions in the provinces. Regarding the time frame, however, it is naturally impossible to organise elections within a 6-month period. The scheduled period of the election, June 2005, will have to be delayed. But there is mounting pressure inside the whole country not to delay the elections. An announcement by the CIE chairperson Reverend Malumal in the national media that the election might have to be delayed as a result of the delays in promulgating the necessary laws and the delivery of the budget, provoked riots in Kinshasa on January 10, 2005.

The third problem is the insecurity in the Eastern part of the country, especially in Ituri in the Kivu province. Ethnic clashes have not ended in the Ituri district bordering Uganda. Militias are still bearing arms and are ready to fight despite the presence of UN peacekeepers. Rwanda recently threatened to invade the DRC to neutralise the 'interahamwe' militias, despite pressure against such a move from the international community. According to a DRC government report, Rwandan soldiers infiltrated the territory in support of a mutiny in North Kivu in December 2004. If relationships with neighbouring Rwanda and Uganda are not improved by re-establishing a durable peace in the Eastern provinces, there is a possibility that all the electoral processes could be interrupted.

The fourth problem concerns the political will of the leaders. The weakness of the present transition is said to lie in the political will of those responsible for the management of the country. Financial resources are not provided to public institutions in time to enable their proper functioning. This is the case in the Independent Electoral Commission and in many others. Some former rebel leaders in the national government have not completely relinquished control over their armed groups. This is the reason why incidents of mutiny and insubordination continue to occur in the army. Efforts to unify the army have not advanced much. Many observers believe it is fundamental to organise elections only after the army has been placed under one command. A democratically elected government would need an army to control the whole country and to keep the peace.

Conclusion

Peace, stability and progress in the DRC are key ingredients of stability in the entire Central African region. This can only be achieved through a democratic and efficient administration that is in command of power in the DRC. The people of the Congo have been struggling for democratic change for years. The current transitional period is characterised by a determination to organise elections, although these preparations are unfolding very slowly. A positive ingredient is the support of the UN and other international partners. Given the destruction of the country through years of dictatorship and neglect, international support is vital. Despite some notable concerns, solid grounds nevertheless exist for a successful election including freedom of association, a dynamic civil society, a vibrant, free and diverse media, and above all, the determination of the Congolese people to enjoy freedom in their lifetime.