THE POLITICAL TRANSITION IN THE DRC BETWEEN ACHIEVEMENTS AND UNENDING PROCESS

Leonardo Baroncelli

Despite its immense natural resources and its potential for growth, the DRC is a fragile state and a young democracy still in quest for peace and stabilization. Democratic consolidation cannot be considered in isolation from the long period of autocratic rule and wars in Congo itself and from the situation in the Great Lakes region, in particular in the eastern regions of DRC bordering Rwanda and Uganda. After holding two general elections the DRC is still seeking a peaceful settlement of the rebellion in the East and the internal reforms much needed to advance the democratization process. Today, cautious hopes are being expressed that the period of rebellions and armed conflicts is finally drawing to an end and that an important momentum has emerged for democratic reform and for an improvement of relations between the country and its eastern neighbours. Nevertheless, the case of DRC shows how the international emphasis put on elections should be mitigated when expressed towards countries lacking accountable institutions and decent socio-economic conditions for the majority of the citizens.

*Leonardo Baroncelli, former ambassador in the DRC.*
Introduction

The Democratic Republic Congo (DRC) is a state with immense natural resources and has the potential to become one of the Africa’s richest country and one of the continent’s powerful engines for growth. However the DRC is a fragile state and a young democracy still in quest for peace and stabilization. The challenge of democratic consolidation cannot be considered in isolation from the long period of autocratic rule and wars in Congo itself and from the situation in the Great Lakes region, in particular in the eastern regions of DRC bordering Rwanda and Uganda. Since 2001 the country has been recovering from a series of armed conflict that occurred during the 1990s. The situation was complicated by the Rwandan genocide and the chronic belligerence in the Great Lakes, a crisis that led to the establishment by the United Nations of the ‘right to protect’ the people that in the DRC lacked any institutional means to self-defence.

After the signing of the Lusaka Accords and the subsequent installation of the Transitional Government in June 2003, the country has made political progress, paving the way for the peaceful holding of presidential elections in 2006.

Prior to the 2006 elections, there was much concern within the country and throughout the international community as whether Congo would be able to run the elections without reverting to widespread violence or to political crisis. Nevertheless the elections were conducted in peaceful and satisfactory manner – despite an attempt by the defeated challenger to contest the results – and marked a milestone in the DRC’s progress toward a more democratic and stable future.

By contrast the second presidential elections, which were held in November 2011, raised concerns about the transparency of the electoral process and the credibility of the final outcome.

After holding two general elections the DRC is still seeking a peaceful settlement of the rebellion in the East and the internal reforms much needed to advance the democratization process and to promote the effective and accountable functioning of the state.

Cautious hopes are being expressed that the period of rebellions and armed conflicts was finally drawing to an end and that an important momentum had emerged for democratic reform and for an improvement of relations between the country and its eastern neighbours that continue to play a role in Congolese affairs.

The paper will analyse the political and constitutional changes which took place since Mobutu’s era, the post transition Constitution, the presidential and parliamentary elections of 2006 and of 2011, the international community role in promoting peace and democracy and the prospects of affirming a democratic governance in the region.
The Mobutu era (1965-1997)

The regime of Marshall Mobutu lasted 32 years and operated as one party-state characterised by harsh repression of any form of political opposition. The regime claimed to be not influenced by Western or Soviet models. Undoubtedly Mobutu renamed the country Zaire and changed the denominations of many institutions, but he tried substantially to apply both systems to the country. This was reflected in the highest institutions of the regime as:

- the Party Central Committee, which had more political authority than a government or a cabinet. It had in practice executive, oversight and legislative powers, as it dictated the party platform and was headed by Mobutu himself;
- the Executive Council, to be assimilated elsewhere to a government or to a cabinet. It was the executive branch of the country, composed of State Commissioners (called elsewhere as ministers). For a long period Mobutu kept himself the leadership of the Executive Council, before appointing First State Commissioners, known elsewhere as Prime Ministers. The last “First Commissioner” was Kengo Wa Dondo, who recently run as candidate at the 2006 presidential elections before becoming since 2007 the President of the Senate and running again as candidate at the controversial presidential elections of November 2011;
- the Supreme Court, which apparently enjoyed a certain degree of independence, although in a position of subordination to the Judicial Council heavily influenced by the Mobutu party.

After the end of Cold War Mobutu’s autocratic regime met a more vocal opposition at home and abroad. In the face of popular pressure, the dictator reintroduced a multiparty system, which was accompanied by many attempts to control and to water down the transition to democracy. This prompted the opposition and civil society to claim the holding of a Sovereign National Conference (CNS), that after a long and difficult duration provided for a two year transition under a government led by a Prime Minister and responsible to a transitional parliament. Both Prime Minister and parliament had to be elected by the CNS, while Mobutu would remain as head of State. The Conference elected as President of the transitional parliament Archbishop Laurent Monsengwo, currently Kinshasa’s Archbishop, and, as Prime Minister, Etienne Tshisekedi, historical leader of the Union for Democracy and Social Progress (UDPS), the main opposition party from Mobutu’s time to present days. After further polarisation of the political life, a Constitutional Act of the Transition was promulgated on April 1994, and a government, led by Leo Kengo Wa Dondo as Prime Minister, was es
The protracted political transition created a permanent crisis in the country, which coincided with the crisis in the Great Lakes region that followed the 1994 genocide in Rwanda. By 1996 the civil war in neighbouring Rwanda had spilled over to Congo. As result of the genocide over a million Hutu refugees fled into eastern Zaire. Among them were the remnants of the former Rwandan army and the extremist Hutu militia group, called the Interhamwe. This imposed a grave burden upon administration and people of Zaire, but it did not pose immediately a major threat to the Mobutu regime itself at least until Rwandan troops crossed in 1996 into East Zaire and dismantled the Hutu refugee camps in North and South Kivu, pursuing those they claimed had been linked to armed groups within the camps. At the same time, with Rwandan and Ugandan support, Laurent-Desiré Kabila formed the Alliance of Democratic Forces for the Liberation of Congo (AFDL) with the aim of removing the Mobutu regime. Kabila had a long track record, although undistinguished, as an insurgent against Mobutu. The AFDL advanced across Zaire rapidly and seized Kinshasa in May 1997. Kabila declared himself President and changed the country’s name to Democratic Republic of Congo.

**The Laurent Kabila era (1997-2001)**

The Mobutu fall however did not bring an end to authoritarian and repressive leadership in DRC. Shortly after taking office Kabila annulled the Transitional Act, abolished all political parties and took the monopoly of executive, legislative and military powers. The President was first head of a 26-member cabinet dominated by the Alliance of Democratic Forces for the Liberation of Congo (AFDL).

Meanwhile Rwanda and Uganda’s alliance with Kabila proved short-lived as Kabila sought to reduce the influence of his sponsors. As result in 1998 Rwanda and Uganda sent troops back across the border into the East and initiated new rebellions with support of Congolese allies. The two invaders also had the implicit support of Burundi. Kabila was saved by the speedy interventions of Angola, Chad, Namibia and Zimbabwe which sent troops into the country to support his government.

Likewise two main rebel groups emerged in DRC: the Congolese Assembly for Democracy (RCD) and the Movements for the Liberation of Congo (MLC). The MLC, led by Jean-Pierre Bemba, was initially formed by a proxy for Uganda, but also had close ties with members of the old Mobutu regime. The RCD was Rwanda’s surrogate, drawing support from the Banyamulenge population of the East, close to the Tutsi communities living in neighbouring states. The DRC government had its own supporters in the Mai-Mai militia, which collaborated with former Interhamwe in fighting the rebel groups.
By the end of 1998 Rwanda and Uganda were themselves falling out over their attitude to the DRC. The RCD began to split into factions, which aligned themselves with either Rwanda or Uganda. These foreign interventions implied a de facto occupation of more than the half of Congolese territory. The stalemate of military positions pushed the belligerents to acknowledge the unlikelihood of a military victory and the related need of solving the conflict by negotiations.

In July 1999 the Lusaka Agreement was signed by all the states parties to the conflict, providing for the withdrawal of all foreign troops, the disarmament of Interhamwe forces in the DRC, the establishment of an inter-Congolese dialogue under the auspices of the Organisation of African Unity (OAU) and the creation of a UN Mission in Congo (MONUC).

Toward the end of the 90s, Laurent Kabila created a transitional parliament in an attempt to foster political union and to legitimize his regime, before being assassinated in 2001 in mysterious circumstances and being replaced by his son Joseph.

The beginning of Joseph Kabila era (2001)

The younger Kabila adopted a more conciliatory approach to the conflict and successfully negotiated the withdrawal of foreign forces occupying the eastern DRC.

In 2002 the Pretoria Peace Agreement, which resulted from the negotiations of the Inter-Congolese Dialogue, was signed by all belligerent parties, political opposition and civil society.

Two founding documents emerged from the accord, namely the Transition Constitution and the Global and All-Inclusive Agreement which created a roadmap for the country transition to a stable, peaceful and democratic state. It put an end to the war and provided that political, military and economic power would be shared by the former belligerents, civil society and political opposition, during a two-year transition period, with two possible six months extension upon recommendations of the Independent Electoral Commission (CEI) and a joint decision of the transitional parliament.

Within this time a referendum on the post-transition Constitution and general elections were to be held. The Pretoria Accord was followed months later by agreements between Rwanda and DRC and between Uganda and DRC to normalise relations. By mid 2003 all foreign forces stationed in DRC had officially left the country. This ended a nearly five-year civil war that had claimed the lives of more than five million people and has put a too heavy burden on the pacification and the reconstruction of DRC.
The transition process to the 2006 elections

The transition process to the elections formally started on June 2003 with the installation of a government composed by the representatives of the five main armed groups. Under the Global Agreement these groups were supposed to formally convert themselves in political parties and to share power in Kinshasa with representatives of the civil society and the non armed opposition. In fact the disarmament of former guerrillas took place slowly and only to a limited extent and was instrumental in creating later on further tension and violence. The compromise reached by the five armed groups introduced a political system known as “1+4”. In this arrangement President Kabila was supported by four vice presidents, each responsible for a particular commission. Legislative power was vested in the transitional parliament, consisting of the 500-seat National Assembly and the 120-seat Senate. Seats in the two chambers were allocated according to a quota agreed upon by all signatories of the Pretoria Accord. The transition, initially scheduled to expire on 30 June 2005, at the request of the CEI was extended by parliament until 30 June 2006. The resulting electoral schedule allowed the CEI to organize a constitutional referendum to be followed by presidential and parliamentary elections before the end of June 2006.

The constitutional referendum and the post-transition Constitution

The first electoral exercise was the constitutional referendum on 18 and 19 December 2005. The vote took place in a relative peaceful manner, despite the call for boycott made by the opposition and the volatile security situation in eastern provinces. Opposition parties, particularly the UDPS of Tshisekedi, had called for a boycott of the referendum and of elections and even of the voter registration process, on the basis of alleged fraud and irregularities. The hard-line approach taken by Tshisekedi deprived all his supporters of the right to vote at the referendum and at the successive elections and contributed to the political isolation of his party.

1 The former government army, Forces Armée Congolaises (FAC), the MLC, the RCD-Goma, the Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-ML), the Rassemblement Congolais pour la Démocratie Nationale (RCD-N) as well as Mai-Mai militias.

2 One from the government, one from the Rassemblement Congolais pour la Démocratie, one from the MLC and one from the civil society.
Despite the magnitude of the task of organizing an electoral process in a country almost vast as Western Europe and lacking of effective logistic facilities, the referendum was successfully conducted and gave an opportunity for the Congolese people to approve with an overwhelming majority (84%) the post-transition Constitution. Despite some technical flaws, it was the first democratic poll held in the last four decades and set the right tone for the subsequent general elections, by giving the CEI and other electoral stakeholders the opportunity to test their capacity to face a major challenge.

The new constitution was promulgated by President Kabila in February 2006 and provided for a decentralized semi-presidential republic, with separation of powers between executive, legislative and judiciary functions, and a distribution of prerogatives between central government and provinces. At the central level the executive power was divided between the President and a Prime Minister, appointed by the President from the party having the majority of seats in Parliament. According to the Constitution, the President appoints the government members (ministers) at the proposal of the Prime Minister. The latter and the government are responsible to the lower house of parliament, the National Assembly. The new Constitution introduced a system in which the President is elected by an absolute majority for a five year term and for no more than two mandates. If no candidates receives such a majority in the first round, a run-off is scheduled between the two candidates.

The 2006 presidential and parliamentary elections

After the constitutional referendum, the huge size of the country, its virtually inexistent infrastructure and its volatile security posed a great challenge also for the 2006 general elections which were the first free multiparty elections in 46 years of independence.

The international community supported the electoral process from the outset through bilateral and multilateral interventions. The financial, logistical and security support was massive and ultimately successful. Donor support for security was critical to the success of elections. MONUC provided security for all the phases of the elections and, for the presidential run-off, there was also an European Union rapid response military force (EUFOR) in Kinshasa. Indeed international efforts were not spared to consolidate the capacity of the Independent Electoral Commission (CEI) and in order to avoid a derailment of the electoral process.

Over 25 million people registered for the elections. The first round of presidential elections was held concomitantly with parliamentary elections on 30 July 2006, with a vote turnout of 80% reported by CEI.
The elections were conducted in a calm and orderly manner and the voting and counting processes were seen to be fair and representative of the general will and determination of the Congolese people. As for presidential elections the poll was inconclusive, with no winner with more than 50% of the votes. A run-off between President Kabila and his main challenger, Vice President and leader of MLC Jean-Pierre Bemba, was held on 28 October 2006. As a result, Joseph Kabila was announced the winner of the presidency with 68% of the vote (around 9.4 million), over Bemba’s 42% (around 6.8 million). Incumbent won the presidential race with the decisive help of Kabila’s supporting platform of political parties, the Alliance de la Majorité Présidentielle, comprising the Unified Lumumbist Party of Antoine Gizenga who eventually became the first Prime Minister of the Third Republic. Kabila won the majority of his votes in the eastern provinces (Katanda, North and South Kivu, Maniema, Province Orientale), while Bemba was successful in the capital and in the western provinces. Gizenga brought to Kabila the votes of his strongholds in the two central Kasai provinces and made the difference. Kabila’s victory was indirectly facilitated by the boycott of the voter registration and of the elections called by Tshisekedi. The boycott ruled out the possibility of dialogue and compromise and contributed ultimately to the weakening of the opposition parties. Jean-Pierre Bemba, the leader of MLC, conceded defeat after several legal challenges to the validity of the results, but didn’t accept the idea of his political marginalisation in the post transition period. His subsequent arrest by the International Criminal Court and his indictment for crimes against humanity was interpreted by MLC’ supporters as the price to pay for having lost the presidential race. Kabila’s election and the establishment of democratically elected assemblies at both the national and provincial levels put a formal end to the transition process initiated after the Inter-Congolese Dialogue but not to the instability of the DRC. Unfortunately hopes that these historical elections could finally bring democracy and peace in DRC and in the all Great Lakes region were rather illusory. Actually from 2007 on there was little progress in the way of a stable and accountable political structure promoting democratic governance, rule of law and human rights. The situation in eastern Congo remained fragile for the recurrent armed rebellions and slid back into war and disorder. Efforts toward national reconciliation, as the 2008 Goma Conference, were ineffective because all sides were preparing more for war than for peace. The accords were not implemented in good faith and failed to force the belligerent parties into a genuine political dialogue. As consequence new bones of contention were created, paving the way for the current re-
bellion of M23, an armed group, backed probably by Rwanda, whose name reflects the date of signature of Goma’s agreements. The socio-economic conditions of the majority of people remained dire in a country indicated by some experts as ‘a geological scandal’ for its impressive amount and variety of mineral wealth.

The 2011 presidential and parliamentary elections

The 2006 elections were organized well ahead of time and successfully achieved with massive political, financial, technical and security support from the international community. Differently from 2006, the 2011 elections were primarily funded and prepared by the DRC itself. Prior to the polling the parliament passed a constitutional change abolishing the second round of presidential elections and providing for a single scrutiny and a simple majority.

The new procedure reflected Kabila’s will to take advantage of Congolese political divisions and his strong reluctance to make a run-off with Tshisekedi, the historical and charismatic leader of the main opposition party (UDPS), who could count on a large popular support.

The constitutional change received a timid international response which was not well promising for the peaceful and fair achievement of the polling and for avoiding abuses of the electoral process as whole.

The presidential and parliamentary elections were held on 28 November under extremely difficult conditions. The polling took place in a pronounced climate of intimidation of the voters and of CEI staff. Many acts of violence and major technical flaws were reported throughout the country. Because of violence and delays in the delivery of ballot boxes elections were extended a second day.

Despite national and international reports of many irregularities, the Supreme Court confirmed the Kabila’s victory with a simple majority of 48.95% and about 8.8 million of votes. Tshisekedi placed second with 32.33% and about 5.8 million of votes. The relative low turnout (58%) of voters did not prevent Kabila’s victory as the incumbent managed to collect more than 94% of the votes obtained in 2006 elections, which had a turnout of 80%.

The President admitted the occurrence of some irregularities but rejected wide concern that the results were not reflecting the will of the people. In the wake of mounting international reactions, the elections were accompanied by a political crisis following Tshisekedi’s decision to declare himself the winner just days after Kabila’s inauguration and the robust reaction of security forces. In fact Joseph Kabila emerged weaker from the discredited poll and eventually his lack of political legitimacy became a central issue in the political platform of the opposition and of rebel groups active in eastern DRC.
Which lessons can be learned from the 2011 elections? The democratic aspirations of people should be met through dialogue, genuine political reform and free, fair and inclusive elections. However, electoral processes should be mechanisms for enabling people to exercise their political rights and for providing orderly procedures towards a peaceful succession and transfer of power. Unfortunately in some transitional countries as the RDC, elections aimed at helping states to move on from conflict and internal strife have run into difficulties for lack of an enabling environment, fair procedures and credibility. Since a weak state cannot deliver social security, politicians fill the role trickling the benefits of patronage down to the masses, struggling for survival in a society of chronic poverty and with a few economic opportunities, especially in rural areas. Sustainability of electoral processes in these conditions appears problematic, as was the case for the 2011 elections, and requires a new international approach.

The role of the international community

The international community played an active role in supporting the Inter-Congolese Dialogue in Sun City, South Africa, in 2002, the Pretoria Accord signed by former belligerents, as well the establishment of transitional institutions and the elections in 2006. The United Nations peacekeeping mission (MONUC) was charged with monitoring and stabilising the electoral process, being the largest and the most expensive ever undertaken by the UN, with an annual budget of approximately 1 billion dollars and over 17,000 peacekeepers. However, as Fritz Nganje points out, the democratic transformation in DRC requires a commitment from regional and global powers to rethink the nature of their engagement in the mineral-rich country and to generate and sustaining sufficient momentum for political reform. The international emphasis put on elections should be mitigated in light of difficulties in establishing democracies in countries lacking accountable institutions and decent socio-economic conditions of the majority of the citizens.

How can the international community promote transformation of conflict states into stable democracies? The creation of one stable and democratic structure is not straight-forward and requires more close engagement with the government to improve the democratic process and strengthen the country’s governance. It is important to reaffirm the intrinsic value of democracy and the contribution that good governance makes toward better socio-economic conditions for individual citizens and the country as whole. As M.H.A Menondji writes, this phase may end in elections only once a durable peace has been established and effective institutions have been created.
Furthermore democratization in the DRC cannot be dissociated from a similar process in the neighbouring countries, as Rwanda and Uganda. There has been extensive debate about the primary causes of long civil war in Congo, which may be associated to following factors:

- the structure of power and the power struggles in the neighbouring countries: Burundi, Rwanda and Uganda. However, the Rwanda/Uganda invasion of eastern Zaire was facilitated by the vacuum created by the collapsing Congolese State;
- the autocratic nature of Laurent Kabila’s guerrilla group (AFDL);
- the ethnic composition in North and South Kivu and the conflicting and competitive relations among the ethnic groups;
- the opportunistic nature of several segments of the Congolese intellectual and political class.

In order to address these causes of conflict and to ensure that sustainable peace takes hold in the country and in the wider region, the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the region was signed by representatives of 11 African countries, the Chair of the African Union, the International Conference on the Great Lakes, the Southern African Development Community and the United Nations Secretary General on February 2013 in Addis Ababa. The agreement calls on the President of the DRC to structurally reform institutions in the country and on countries in the region to abstain from interfering in the internal affairs of neighbouring countries. The next step on the road to regional peace and stability are the implementation in good faith by all signatory States of their commitments and the establishment of an oversight mechanism be involving regional leaders, as well a national mechanism to oversee implementation of reform measures agreed by DRC.

On 28 March 2013, acting in support of the objectives of the Framework agreement, the United Nations Security Council created a specialized intervention brigade to strengthen the peacekeeping operation. It tasked the new brigade, to be composed by troops of African States, with carrying out offensive operations, either unilaterally or jointly with the Congolese armed forces, to disrupt the activities of armed groups in eastern Congo, as the 23 March group (M23), allegedly backed by Rwanda, the Democratic Forces of Liberation of Rwanda (FDLR), which are the remnants of the Hutus fled to Zaire after the Rwandese genocide and the Lord’s Resistance Army.

From its part the World Bank Group announced the allocation of 1 billion dollars in proposed new funding to help countries in the region provide better health and education services, generate more cross-border trade, and fund hydroelectric projects in support of the
Great Lakes Framework Agreement.
The underlying strategy is to obtain donor aid to create two processes, one with Congolese government to make national reforms, including the security sector, decentralization and reconciliation and the other with neighbouring countries, especially Rwanda, to provide financial incentives to promote peace and development in Congo.
DRC, Rwanda and Uganda have progressed towards mutli-party democracy, but have not yet experienced a peaceful transfer of power trough elections. Cautious hopes are being expressed that Kabila and the leaders of Rwanda and Uganda will move quickly to take advantage of the new peace deal and will work together for opening a phase of democratic, social and economic reconstruction in the Great Lakes region.

Looking ahead
In absence of further changes of the Congolese Constitution, Kabila’s last mandated will expire in 2016. He is entering therefore a three year succession period of crucial importance.
Much rests on his political will to build functional and accountable institutions and to prepare a peaceful succession of power through fair and free elections. Democratic rules helped him to legitimize in 2006 the power obtained by the replacement of his assassinated father.
Democratic rules should inspire him not to seek further mandates and to promote the political renewal to which he committed himself in 2002. The Framework Agreement has created a roadmap to deliver on the democratic aspirations of the Congolese people. It is up to Kabila, as well to Kagame and to Museveni, the former guerrilla leaders still in power, to implement the agreement in good faith and to leave a legacy of democratic transition. Popular impatience with the ruling leadership is remarkable due to growing misery, continued violence in East DRC, the shrinking democratic space, political assassinations and violations of human rights. Declining public trust in democratic institutions and processes has resulted from such absences of peace and democracy dividends. Without quick and tangible progress toward genuine democracy and good governance, opposition parties and civil society might finally create an unified front, promote a “Great Lakes spring” and take in their hands the destiny of DRC and of the whole region after too many years of autocratic rule, war and disorder.

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