Anticipating a new and fragile democracy in Central Africa

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The Democratic Republic of the Congo (DRC) became a constitutional state on 18 December 2005. The feedback on the electoral monitoring of the constitutional referendum by foreign-based organisations was positive, given, first, concerns about the possibility of holding the referendum as the legal and logistical infrastructure was put in place in a rush and, second, the many security uncertainties. Rumours of blockades and local revolts were many, and Etienne Tshisekedi’s party...

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(the Union for Democracy and Social Progress, UDPS), now out of the government, but not out of the political landscape, was pointed out as a potential troublemaker.

After the successful constitutional referendum in December, it is now believed in diplomatic circles that organising the final elections – the legislative and presidential ones – scheduled for June will not be as difficult as originally expected. Nevertheless, one cannot ignore the fact that the referendum was far from perfect and that, even if the final elections happen on time, they only mark the beginning of the road to democracy.

**The referendum ... now what?**

The work that was done for the referendum is of great value and provides an administrative framework for the upcoming vote. The technical foundations for the next election are in place with a voters’ roll having been set up, updated and tested, and the population having received its electoral cards, flowing from the December referendum.

In a country as huge and rural as the DRC, this in itself is a remarkable achievement. In this regard, the referendum was a technical test for the Independent Electoral Commission (IEC) led by Abbé Appolinaire Malu Malu. The IEC demonstrated to the donor community that it can run an effective election when it is asked and financed to do so. However, two imperfections are noticeable: there was no wide-reaching political education campaign before the vote; and the IEC has not yet published detailed results by polling stations. According to the Europian Union (EU) election monitoring report, the education campaign had a limited impact and some observers think that only the urban and peri-urban population voted. The urban/rural turnout split is not yet known. Furthermore, given high levels of illiteracy, together with an inadequate education campaign, the people who voted ‘yes’ (84 per cent) were not necessarily voting yes to the constitutional system, but were definitely voting for the end of the transition. In the DRC, as in other countries, the referendum vote is more than just the acceptance or rejection of a legal text, especially when there is a bit of confusion about the text itself. Indeed, at this stage, the constitution adopted by parliament differs from that published in the *Government Gazette*. The differences are not just about details: one of them is about the appointment of the prime minister. In one text, his or her appointment must be validated by parliament; in the other the president is absolutely free to choose whoever he or she wants. As a result, the DRC has a constitution, but we do not know exactly which one!

In terms of security, the vote proceeded quietly in most of the country, except for some well-known hot spots. There were localised incidents and sabotage in Eastern Kasai (the UPDS stronghold), in Northern Kivu (some electoral agents were taken hostage by the rebellious forces of Laurent Nkunda) and in Kinshasa (some electoral material was burnt the night before the vote).
The way ahead

The two main steps preceding the national elections are the passing of the electoral law and the advancement of the security agenda. In February parliament was many months behind schedule in passing the electoral law which will decide on crucial issues such as the form of representation (proportional or majority) and the demarcation of electoral districts. Unlike the legislative process, the security agenda set up by the United Nations (UN) and the International Committee for Support of the Transition (CIAT) is far from being achieved or even being achievable before the June 2006 deadline for elections.

Securing the democratic election is a difficult business because it implies the achievement of many tasks that have been well known since 2004:

- Starting the demobilisation and reintegration process of former militiamen (mainly Mayi-Mayi): In the DRC, the demobilisation, demilitarisation and reintegration (DDR) programme has started in Ituri where 15,000 militiamen were demobilised, but has not really started in other troubled areas (the Kivus, northern Katanga). And, given the operational delays for the DDR process, there is little chance that the programme funded by the donors can make a difference now.

- Establishing an integrated national army (Forces Armées de la République Démocratique du Congo, FARDC) and police force:

  The strategic plan for army integration that was released in May 2005 had three stages: the creation of light infantry brigades before the elections; the creation of a rapid reaction unit able to secure the election; and the establishment of a true defence force by 2010. Setting up ten integration centres revealed itself as too ambitious, with the result that only six of them were established with great difficulties (inadequate buildings, inadequate food supplies for the fighters, refusal to join the integration centres for political reasons, and so on). So far seven brigades have been created, but the creation of an adequate national military force has been marred by a serious financial problem: the South African and European military census made it clear that the government announced three times more combatants than they actually have. As a result, the CIAT complained publicly last November about financial mismanagement in the army. This problem of ghost soldiers is making foreign support for the future reconstruction of the Congolese army doubtful. As a result, the deployment plan is behind schedule.

- In comparison with attempts to integrate the army, the creation of a national police force proved a bit easier. South Africa, Angola, France, the UN and the EU are involved in training the ‘new’ police force, but their activities have been largely located in Kinshasa. As a result, the other Congolese cities are still under-policed or policed by ambiguous and untrained forces.
Neutralising the ‘negative forces’ in eastern Congo (Forces Démocratiques de Libération du Rwanda, FDLR; National Army for the Liberation of Uganda, NALU; Rastas, etc) and securing the borders:

After the killing of nine peacekeepers in Ituri and given that the Hutu rebels (FDLR) did not disarm and demobilise as announced in March 2005, it was decided to use tougher tactics to secure peace. Last year, both the UN forces and the Congolese army exerted military pressure on the ‘negative forces’ in eastern Congo. The first Congolese brigade was deployed in Ituri and chased away the local militias, while several operations were organised in the Kivus against the FDLR, NALU and more informal armed groups (such as the Rastas). With the support of the UN forces, the Congolese forces were also sent against the Lord Resistance Army (LRA) when some elements of this Ugandan rebellion crossed the border in the Eastern Province last October. In all these operations (except for the anti-LRA operation in last February when eight UN soldiers were killed) the Congolese forces took the lead while the UN forces played a supportive role (logistics and airforce backup). These military operations proved difficult for the FARDC as they are quickly reaching their operational limits, and are not paid regularly or provided with the necessary resources to fight (the combination of these negative elements led to the disintegration of the 5th Battalion). As a result, some have gone back to their old behaviour of deserting, harassing the local population and raising illegal taxes. Their lack of discipline is obvious and, because of ethnic cleavage, some troops have been fighting against one another since 2004 in the northern Kivu region. Moreover, it is doubtful whether the current strategy against the negative forces in the Kivus (pushing them back into the forest) and the hunt for Gedeon, the Mayi-Mayi chief in northern Katanga, will produce a long-term peace even if they prove successful.

Unlike the referendum, national and local power is at stake with the next two elections. Given the slow progress in securing the Congolese territory, the next two elections may be less peaceful than the referendum, and real political competition may lead to violence and human rights abuses. The security threat remains high in the Kivus and Katanga and in the main cities (Kinshasa, Goma, Bukavu, Mbuji-Mayi and Lubumbashi). As a result, the international community is at present working on an ‘emergency plan’ for securing the elections. In February, the Department of Peacekeeping Operations of the UN requested the military support of the EU for the electoral period.

**Thinking beyond the transition**

At this stage, all energies are very much focused on ending the transition phase and organising the national elections before July. June 30th is the deadline for the transition process: after this date, the Secretary-General of the UN has highlighted that there will be no legal basis for the current
regime. But the focus on the election deadline must not hide the challenges that will face the DRC the ‘day after’ the elections.

Paradoxically, the day after the final election the DRC will be even more fragile than before. The 16 parties operating in mineral-rich Katanga support the establishment of a federalist political system; the Union of Congolese Federalists (*Union des fédéralistes congolais*, UNAFEC), the main student movement in the province, has already been very vocal against the non-natives, that is to say the Kasaians; and according to the government, there was a secession attempt in April 2005. In the Kivus and Maniema, the position of the Banyamulenge in Congolese society will remain a problem and the predatory mining system benefiting many political actors, including the Rwandan government, will be left intact. Moreover, a lot of local land and trade conflicts are still pending and could easily be manipulated by external spoilers. As none of the security problems listed above will be solved before the elections, the new democratic government will have to deal with a legacy of security threats stemming from unsuccessful attempts at demobilising the militia, uncontrolled armed groups, disgruntled politicians and hostile neighbours. Once again Ituri is a case in point: it is here that the UN peacemaking strategy has been the most coherent and effective (militiamen have been demobilised, local commanders have been arrested, and Ugandan interference has been kept to a minimum). Yet the militia threat is still there (‘lost’ soldiers have merged and formed a new rebellion called *Mouvement révolutionnaire congolais*), the gold, arms and wood trafficking carries on despite government control, and governance has not really changed in the district as the FARDC have just replaced the militiamen as the forces harassing the civilians.

But the most worrisome element is probably the way Kabila’s government has acted during the transition. It has shown a minimal commitment to democracy, rule of law and good governance. During the past three years, the CIAT and the UN had to pressurise the government in order to get the laws passed, the army restructuring process started, and the electoral process put on track. The transition government missed the first deadline (June 2005) to organise the national elections. Even getting a warrant against well-known militia leaders involved in infamous killings was difficult because domestic politics and corruption undermined the rule of law. Several attempted coups happened during the transition period, and weapons and militias are available even in the capital (the last clash happened on 3 March between *Mouvement pour la Libération du Congo* bodyguards and presidential guards who discovered weapons in a house belonging to the MLC). Furthermore, the Congolese political class is composed of many people whose unique background is their position as former militia commanders (for instance Thomas Luhaka, who on 2 March unsuccessfully appointed himself Speaker of Parliament). The governance record of the transition government demonstrates very weak ownership of the state-building process and not much commitment to democracy and the rule of law. For example, parallel chains of command are put in place in the ‘restructured’ FARDC by the political parties. Owing to their position of dominance, the political actors running the transition process will probably be the leaders of the new democracy. But the
difference between today and the day after the elections is that the international community will no longer be able to exert as much leverage on the democratically elected government. That is why it is urgent to think beyond the elections.

Haiti, Sierra Leone, Liberia, Afghanistan and the Balkans have shown that, in many war-torn countries, problems persist after internationally sponsored elections. Elections are not an end in themselves, especially when they are organised under the pressure of the international community. The organisations and countries that have played a key role in supporting the peace agreement and the political transition in the DRC should elaborate post-elections scenarios in order to anticipate possible future outcomes so as to find a common and appropriate democratic support strategy. Will it be reasonable to leave the newly elected government to face possible internal and external security threats alone? Should the UN forces be withdrawn as soon as possible, or much later, as in Liberia where it was decided to leave the UN troops as a stabilising force for three years in the country in spite of the democratic election of the new government? Must they be replaced by forces from the AU or the Southern African Development Community (SADC) that would only focus on the ‘hot spots’ in the DRC? Must there be some sort of diplomatic monitoring tool of the new Congolese democracy as the CIAT is? Must the CIAT be dismantled or restructured to become the coordination mechanism of the main donors? Of course, the answers to these questions depend on the most likely scenarios post-elections.

At this stage, the international community is helping to prepare for the final elections (the EU has agreed to send a stabilising military mission for the electoral period in order to reinforce the UN peacekeepers) but, given the legacy of many unsolved problems that the next Congolese government will inherit, this important step must not be regarded as the end of the road: after the elections, the job will be to consolidate democracy and, in the DRC, at this stage it cannot be done without a stabilising force. Just as the signing of the Sun City peace agreement in 2002 was not the end of violence, the presidential elections may not be the end of the political turmoil.

Notes

1 Etienne Tshisekedi, former prime minister of Mobutu Sese Seko, is running the main opposition party, which is composed of Kasaians.
2 Laurent Nkunda is a dissident commander operating in Northern Kivu.
3 For instance, the Rassemblement pour la Démocratie au Congo-Goma refused to release soldiers for deployment to the Kitona integration centre for training.
5 The FDLR announced in March 2005 that they were renouncing their armed struggle, but the hardliners rejected the peace agreement and the ‘European’ leadership of the movement was contested by the local commanders.
6 The behaviour of the FARDC in Ituri is a case in point: several demonstrations were organised by the local population to protest against their harassment, the army auditor of the brigade was discharged for theft, and the officers are exploiting the gold mines as the militias used to do.
7 In November, the editor in chief of the newspaper *La Référence Plus* (Franck Ngyke Kangundu) and his wife were killed in an execution-style murder in Kinshasa.

8 In 1992 the Katangans killed over 5,000 Kasaians in a wave of ethnic cleansing.