CONGO: THE ELECTORAL DILEMMA

Africa Report N°175 – 5 May 2011

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

After four years of electoral inertia and in a stalled democratic process, the Democratic Republic of Congo (DRC) is preparing its second set of democratic elections in a hurry and on a rolling calendar. Opposition parties are trying to unite, thus far without success, and the international community is not in charge, as in effect it was the first time, in 2006. The Congolese authorities face a dilemma: respect the constitutional deadline and organise botched elections, or ignore that deadline and slide into a situation of unconstitutional power. In both cases, the government's legitimacy would be seriously questioned. The only way out of this Catch-22 situation is to both speed up preparations and negotiate a contingency electoral calendar and political agreement to manage an almost certainly necessary transition period. More attention must also be paid to putting in place essential measures for transparency and inclusiveness, as well as a security system that will ultimately require important UN help. If these steps are not taken, foreign partners should disengage lest they lend undeserved credibility to a fundamentally flawed process.

Instead of signalling consolidation of democracy, the coming elections present at best a logistical problem and at worst a new cause of destabilisation for a country that has still not recovered from the long wars that marked the end of the Mobutu era and its denouement. President Joseph Kabila's ruling party has already launched its campaign, even before the official start of the electoral season, while the opposition is trying to find its "champion" for the presidential contest. More than logistical difficulties give reason for concern. At the start of the year, a constitutional review removed the presidential election's run-off round, making it a single winner-takes-all round to the incumbent's benefit, other electoral law changes favouring the ruling party may happen soon, as the draft bill is still being discussed. Within what is a general climate of insecurity, intimidation of Kabila's opponents has already become apparent. Despite last-minute integration of some armed groups into the Congolese army, insecurity is still rife in the Kivus, while unexplained security incidents, including an attempted coup, have occurred in the west.

Technical preparations are lagging. Neither the new electoral law, the voters list, nor the budget are ready. Set up a year late, the National Independent Electoral Commission (NIEC) is in a race against time. Registration is already controversial, funding of the electoral cycle is incomplete, and the electoral calendar published on 30 March, though it partially respects constitutional deadlines, is problematic.

The international community's role is far more limited than in 2006, when it organised, financed and secured all aspects of the elections. However, it still provides 40 per cent of the funding, gives technical assistance and maintains about 17,000 UN troops in country. Given the risks of electoral illegitimacy, bias and violence, it should not stay in the background but instead make clear to the Congolese politicians that a postponed election would be better than a botched one.

The international community, including through the UN Security Council and an inclusive donors forum, should make clear the need for the Congolese authorities to include essential measures in the electoral system and apply the same standards as in 2006. In this respect, stepped-up political engagement is required, and new Special Envoys for the U.S., France and EU should be appointed; the Special Representative of the Secretary-General of the United Nations (SRSG) has an equally significant role to play. In order not to become trapped in a biased process that could all too easily become as violent as that which Côte d'Ivoire recently experienced, technical and financial assistance should be contingent on constant and precise monitoring of the freedom to campaign, respect for political pluralism, political violence, access to state media, dialogue with the Congolese authorities and state funding for the NIEC, as well as the opportunity for civil society groups to do their own monitoring of the process.

Congolese politicians and the international community should anticipate now the very real possibility that the 5 December constitutional deadline cannot be met. Negotiating a transition agreement with the opposition, setting a new deadline for organising the elections and limiting the business of government to routine matters during the transition would not yet guarantee a free and fair election, but it would avoid having a likely unconstitutional postponement of the elections become a crisis of legitimacy.

RECOMMENDATIONS

To the Congolese Government:

1. Administer an oath of neutrality to all civil servants and respect it.
2. Release funding for the NIEC immediately.
3. Pay the police.

To the Majority and the Opposition:

4. Negotiate a new electoral calendar for the likely contingency that postponement of the elections cannot be avoided and a transition agreement that sets a new deadline for the elections and provides that government would limit itself to routine business during the transition.
5. Sign in a public ceremony an electoral code that emphasises respect of political freedoms, bans hate speech and stresses the obligation to challenge electoral results by legal channels only and that there will be no retaliation against defeated candidates and their supporters.
6. Create a committee composed of representatives of political parties, civil society organisations, embassies and the UN mission in the DRC that will monitor and report on adherence to the code of conduct.
7. Create an inter-party committee to maintain dialogue during the electoral process.

To the National Independent Electoral Commission (NIEC):

8. Ensure the transparency of the electoral process and the NIEC's accountability by:
   a) publishing the voters list on the internet and in the constituencies, auditing it and making the challenge procedure public;
   b) ensuring freedom of access for international observers, civil society and party representatives to the registration centres, the polling stations and the counting centres;
   c) displaying the results after counting in the voting stations and on the internet;
   d) creating a permanent consultation committee for the NIEC and the political parties;
   e) punishing acts of corruption systematically;
   f) accepting a financial audit by a competent foreign company after the elections; and
   g) establishing a standard method for those who want to challenge the results, extending the time within which such challenges can be made and publishing the results by voting stations.

To Parliament:

9. Ensure the inclusiveness of the electoral process by:
   a) giving the vote to the diaspora;
   b) limiting the deposit for candidates to an amount not exceeding twice the required bond in 2006 and making the bond redeemable for candidates who receive more than 10 per cent of the vote;
   c) establishing no new criteria for presidential candidates; and
   d) making compulsory the publication of electoral campaign funding.

To Civil Society:

10. Monitor the entire electoral process and increase citizens' involvement by:
    a) organising provincial civil society platforms;
    b) setting up a civil society counting centre; and
    c) conducting civic education campaigns before the vote and a subsequent satisfaction survey of voters, with the technical and financial support of foreign partners.

To the International Community, in particular the UN, the African Union, the European Union and the countries funding the electoral process:

11. Make clear to the Congolese authorities that essential measures to ensure transparency and inclusiveness must be implemented and that if this is not done, they will disengage from the electoral process.
12. Support technically and financially a civic education campaign and political party training.
13. Assess the electoral process by:
    a) sending long-term election observation missions;
    b) taking part in the code of conduct monitoring committee;
    c) auditing the UNDP-managed basket fund after the elections; and
    d) appointing special envoys for the Great Lakes region.
14. Reinforce the UN role in the electoral process and support electoral security by:

a) giving a clear mandate to the UN mission in the DRC to play a good offices role in event of pre- and post-election challenges. To do so, a team of experts in electoral monitoring should assist the SRSG and be deployed in the UN mission offices across the country;

b) giving a clear mandate to the UN mission in the DRC to provide early warning on electoral tensions and to plan security scenarios;

c) increasing the training of the Congolese police personnel in crowd management; and

d) deploying UN troops to the western part of the country.

Kinshasa/Nairobi/Brussels, 5 May 2011

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CONGO: THE ELECTORAL DILEMMA

I. INTRODUCTION

The general elections (presidential, legislative and provincial) of 2006 ended a decade of conflict and democratic transition by transforming the clashes between armed groups into a political competition played out at the ballot box.[1] They were unanimously – and sometimes excessively – celebrated as a success to the credit of the Congolese people and the international community. After the constitutional referendum of 2005, these elections offered the Congolese, for the second time since independence, a chance to vote freely and they were made possible by the considerable political, military and financial investment of the European Union (EU), the United Nations (UN) and the countries that contributed to the Congolese peace process. This international consortium funded (to the tune of 90 per cent), organised (with major international technical assistance), guided (through a steering committee led by Joaquim Chissano) and made secure (thanks to the blue helmets, a European military mission and intensive training of the Congolese police) the electoral process.

However, violence came to the fore on several occasions,[2] pitting the troops and militants of the two main candidates, Joseph Kabila and Jean-Pierre Bemba against each other.[3] The electoral process eventually ended with the victory of the former and his political organisation against a backdrop of division between East and West of the Democratic Republic of Congo (DRC). A few months later, the loser was brutally ousted from Congolese political life.[4] The Kabila presidency has seen five successive governments (two governments led by Antoine Gizenga and three by Adolphe Muzito) and the young Constitution of the Third Republic has been amended once at the beginning of this year. These constitutional changes, introduced without consultation on 15 January were intended to make the Third Republic a presidential system of government with a simple majority voting system.[5] This constitutional revision was the unofficial starting signal for the electoral campaign. The opposition boycotted the vote in parliament in protest and accused the presidency of bribing his own camp to impose these changes.[6]

[1] See Crisis Group Africa Report N°91, *The Congo's Transition Is Failing: Crisis in the Kivus*, 30 March 2005.

[2] There were incidents in Kinshasa after each round of the presidential election (around Jean-Pierre Bemba's residence on 20-22 August 2006; clashes between the police and Jean-Pierre Bemba's troops on 11 November 2006; and the sacking of the Supreme Court on 21 November 2006 by his supporters). For the electoral process of 2006, see the reports "Elections présidentielles et législatives en République démocratique du Congo", Election Observation Mission of the Southern African Development Community (SADC) Parliamentary Forum, 2006; and "Elections 2006", Electoral Observation Mission of the European Union in the DRC.

[3] Joseph Kabila was president and Jean-Pierre Bemba vice-president in the transition government. The latter represented the Movement for the Liberation of Congo (Mouvement de libération du Congo – MLC), a political-military movement created in 1999 that controlled the province of Equateur. See Appendix C.

[4] Following the refusal of Jean-Pierre Bemba's militia to join the Congolese Army on 15 March 2007, fighting erupted between the DRC's Armed Forces (FARDC) and Bemba's guard on 22 March 2007. On 23 March 2007, a warrant for the arrest of Jean-Pierre Bemba was issued on charges of high treason. He took refuge in the South African embassy and left the DRC on 11 April 2007 for Portugal. He was arrested in Belgium on 24 May 2008 and charged with war crimes committed by his militias in Central Africa in 2003. Since then, he has been on trial at the International Criminal Court in The Hague.

[5] See Crisis Group Africa Briefing N°73, *Congo: A Stalled Democratic Agenda*, 8 April 2010 for more on this trend towards presidentialism. Out of the eight articles targeted by the constitutional changes, three amendments directly increased the power of the executive, especially the power of the president. If provincial assemblies are seriously malfunctioning, the president may now dissolve them after a simple consultation and he may dismiss provincial governors at his discretion (article 1 of Act 11/02 of 20 January 2011 amending articles of the Constitution of the Democratic Republic of Congo of 18 February 2006). The amendment to article 218 made the president the only one able to ratify proposals for constitutional changes and annulled the obligation to call a referendum set out in the Constitution of 2006. The amendment to article 149 of the Constitution places the prosecution service under the authority of the Ministry of Justice and ended the dispute with the Supreme Judicial Council.

[6] Initially, the idea of changing the Constitution was not unanimous within the Alliance for the Presidential Majority (Alliance pour la majorité présidentielle – AMP). Olivier Kamitatu, the minister of planning took exception to the initiative in 2010 before lining up behind Joseph Kabila. "On ne change pas les règles en cours de match", *Jeune Afrique*, 3 March 2010.

It was in this controversial context of increasing executive power in general and presidential power in particular that the electoral year of 2011 began. Presidential and legislative elections should take place on 28 November 2011 if the constitutional calendar is followed – President Kabila took the oath on 6 December 2006.

This new report from Crisis Group assesses the first steps of an electoral process that is a long way behind schedule and that is organised on an emergency basis. It examines the political situation and the threats related to the present electoral dilemma, before suggesting concrete actions to stop this dilemma turning into an open political crisis at the end of 2011.

II. OPPOSITION AND MAJORITY GETTING READY FOR THE BATTLE

The electoral campaign has already unofficially begun. The majority has restructured and deployed its strategy to combine a charm offensive with moves to control the electorate. It is already well ahead of an opposition that has barely been able to organise a common front. Confronted with growing disaffection, including within his own strongholds, Joseph Kabila launched a campaign to reconquer the electorate, occupy the electoral space and reorganise the majority parties in order to strengthen his influence. Meanwhile, the opposition found fresh impetus in extra-parliamentary opposition but must still deal with strong internal dissension.

A. THE MAJORITY ON THE CAMPAIGN TRAIL

During the elections of 2006, in order to win both presidential and legislative elections, the People's Party for Reconstruction and Democracy (Parti du peuple pour la reconstruction et la démocratie – PPRD) and its candidates were forced to build a large coalition. Despite achieving results above 70 per cent in both rounds in the eastern provinces (South and North Kivu, Maniema, Katanga and Province Orientale), Kabila had to find allies in the western provinces where the electorate was hostile. In Equateur, Nzanga Mobutu (son of Mobutu Sese Seko and leader of the Union of Mobutu Democrats, Union des démocrates mobutistes – UDEMO) did not manage to capture the electorate for the PPRD in this province, where Kabila only received 33.48 per cent of the votes in the second round,[7] and in Bandundu, Antoine Gizenga, historic leader of the Unified Lumumbiste Party (Parti lumumbiste unifié – PALU) "gave" him the province in the second round in exchange for the post of prime minister.

A large coalition was also needed for the legislative elections. In 2006, the PPRD only obtained 111 seats out of a possible 500. It was therefore thanks to the political consortium of the Alliance for the Presidential Majority (Alliance pour la majorité présidentielle – AMP)[8] – which

[7] Figures from Thierry Coosemans, *Radioscopie des urnes congolaises* (Paris, 2008).

[8] The main political groups in the AMP, led by Joseph Kabila, were the PPRD (general secretary, Evariste Boshab), the Social Movement for Renewal (Mouvement social pour le renouveau – MSR), the Party of the National Alliance for Unity (Parti de l'alliance nationale pour l'unité – PANU), the Alliance for the Renewal of the Congo (Alliance pour le renouveau du Congo – ARC), the Convention of United Congolese (Convention des Congolais unis – CCU) and the Union of Congo Nationalists and Federalists (Union des nationalistes et fédéralistes du Congo – UNAFEC).

included 34 parties, the alliances with PALU (34 seats) and UDEMO (nine seats) and support from some independents that the present government is in place. The strategy of forming a broad coalition had a cost for the PPRD, which could not govern alone and had to constantly negotiate with micro-parties that had less than five seats in Parliament. The presidential majority therefore launched its pre-electoral campaign before the opposition, combining a charm offensive with moves to control the electorate and reorganising in such a way as to make the PPRD its centre of command.

1. A strategy combining a charm offensive and taking control

The head of state's popularity fell sharply between 2006 2011, especially in the provinces that brought him to power, such as North and South Kivu. First, he did not keep his election promise of bringing peace. Second, the secret agreement with Kigali in November 2008[9] and its consequences in North and South Kivu were not well received. The entry of Rwandan forces into Congolese territory as part of the joint operation against the Democratic Forces for the Liberation of Rwanda (Forces démocratique de libération du Rwanda – FDLR) provoked a major crisis of confidence between Joseph Kabila and the non-Tutsi populations of the Kivus as well as a political crisis within the PPRD. Third, Kabila's announcement on 10 September 2010 in Walikale in the territory of Masisi, of a ban on exploiting and exporting all minerals in North and South Kivu and Maniema was immediately unpopular.[10]

Although in North Kivu, especially in the "Petit Nord",[11] the integration of the National Congress for the Defence of the People (Congrès national pour la défense du peuple – CNDP) into the DRC Armed Forces (FARDC) and the return of the Tutsi populations allowed him to retain his popularity in Rutshuru territory and part of Masisi, this was not the case in the "Grand Nord", especially in Lubero and the rural areas of Masisi that were still under the FDLR's control.[12]

The non-Tutsi Kivu communities were dissatisfied with the presence of Rwandan troops during the Umoja Wetu (January and February 2009) and Kimia II (May to December 2009) operations and the CNDP's redeployment during Operation Amani Leo (launched in January 2010 and still under way)[13] as well as the spontaneous return of refugees from Uganda and Rwanda.[14] Demographic pressure on agricultural land meant that local people and local administrations did not look kindly on the return of these refugees and they criticised the United Nations High Commission for Refugees for not consulting them.[15]

In the "Grand Nord", the representatives of the influential Nandé community criticised Joseph Kabila for having done no more than repairing the main roads and for ignoring their specific demands, such as the construction of an electric power station in Butembo.[16] Meanwhile, President Kabila criticised the communities for having created ethnic militias and supporting the Allied Democratic Forces (Forces démocratiques alliées – ADF).[17] In South Kivu, the arrival of CNDP troops, integrated into the FARDC, outside their "natural sphere of influence", as well as the integration of the Republican Federalist Forces (Forces républicaines fédéralistes – FRF)[18] fed the resentment of other communities. The arrival of government troops was all the less well received because the FARDC erected roadblocks and levied illegal taxes (the army erected fourteen

[9] See Crisis Group Africa Report N°165, *Congo: No Stability in Kivu Despite Rapprochement with Rwanda*, 16 November 2010.
[10] "Kivu: la fermeture des mines ruine l'économie locale", *La Libre Belgique*, 26 October 2010.
[11] The territories of Rutshuru, Masisi, Walikale, and around Goma, are mainly inhabited by Hutus and Tutsis and are commonly known as "Petit Nord". The other territories of North Kivu, around Beni and Butembo, make up the "Grand Nord", which is mainly inhabited by the Nandé.
[12] Crisis Group interviews, humanitarian actors, Goma, January and April 2011.
[13] See Crisis Group Report, *Congo: No Stability in Kivu*, op. cit.
[14] "Inquiétude à Rutshuru sur le retour des réfugiés congolais de l'Ouganda", Radio Okapi, 24 March 2010.
[15] On the problem of refugees returning to North Kivu, see Crisis Group Africa Report, *Congo: No Stability in Kivu*, op. cit. Crisis Group interviews, humanitarian actors, Paris, January 2011.
[16] "Butembo: face-à-face, Joseph Kabila et les forces vives", Radio Okapi, 15 September 2010.
[17] The ADF are opposed to the Museveni regime in Uganda and established themselves on the Uganda-DRC border in the 1990s. In 1996, Uganda's participation in Laurent-Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo (Alliance des forces démocratiques pour la libération du Congo – AFDL) was mainly motivated by the struggle against the ADF, which was supported by Mobutu. See John F. Clark, *The African Stake of the Congo War* (New York, 2001). During the second Congo war, between 1998 and 2002, Laurent-Désiré Kabila allied himself with the ADF against Uganda. See Crisis Group Africa Briefing N°4, *Disarmament in the Congo: Investing in Conflict Prevention*, 12 June 2001. Since 2010, the FARDC, with Kampala's support, launched Operation Ruwenzori against the ADF which is estimated to have between 600 and 800 men, without being able to neutralise it. Crisis Group interview, MONUSCO official, Goma, April 2011. "Opération Ruwenzori: les FARDC subissent la force de frappe des ADF-NALU", Human Rescue DRC, April 2011.
[18] "Des cadres de FRF à Bukavu pour intégrer l'armée congolaise", Radio Okapi, 1 February 2011. The FRF is a Banyamulenge militia in South Kivu led by Michel Rukunda. For more details, see Crisis Group Report, *Congo: No Stability in Kivu*, op. cit., p. 14.

roadblocks on the Mwenga-Kamituga-Kitutu road in South Kivu during March). [19]

In response to this fall in popularity, the government made an effort to fulfil its promise to bring peace and, in March 2011, it lifted the ban on mining activities. The governors of North and South Kivu and Maniema were given the task of starting a dialogue with mine operators to overcome the negative impression created by the ban on the exploitation of minerals. Then, in order to fulfil its electoral promise to bring peace, the government opted for a second wave of integration of armed groups into the security forces.[20] Since the beginning of 2011, there has been a regular stream of announcements of groups rallying to the government forces, especially in South Kivu: the FRF in January, Colonel Safari of the Congolese Patriotic Front (Front patriotique congolais – FPC) in March[21], and many Maï-Maï groups.[22]

Moreover, following witness reports by Médecins Sans Frontières about mass rapes perpetrated on the night of 31 December 2010 and 1 January 2011 in the territory of Fizi, an unprecedented trial was immediately organised to try the FARDC soldiers who had perpetrated these atrocities.[23] This trial received a lot of international media coverage and was also used by the local authorities to show the government's willingness to protect the population.[24] Finally, in this electoral year, the governors are listening to the grievances of their local communities. On 19 February 2011, a delegation of Nandé community representatives complained to the governor of North Kivu about the "invasion" of south Lubero by the "Hutu-Nandé".[25] The governor immediately responded on 21 February by asking the provincial assembly to create an ad hoc commission of inquiry.[26]

In the traditionally hostile western provinces, the government has tried to exert its control over the governors and replaced AMP governors that had become too unpopular. In Equateur, the ex-governor and former right hand man of Jean-Pierre Bemba, José Makila of the Movement for the Liberation of Congo (Mouvement de libération du Congo – MLC) has just defected to create the Labour Alliance for Development (Alliance des travaillistes pour le développement – ATD).[27] Although he denied announcements that he had joined the PPRD, he did not totally deny his inclination to support Joseph Kabila. José Makila's defection followed disagreements with François Muamba, ex-MLC general secretary[28] and was an attempt to win the electorate of the Equateur, which supported Jean-Pierre Bemba in 2006. In Kasai Occidental and Bandundu, the governors were dismissed at the beginning of this year by provincial assemblies under the control of the presidential majority.[29]

The PPRD has already brought forward the launch of its electoral campaign.[30] Its general secretary is making frequent trips all over the country to praise the government's achievements on the pretext of inaugurating new construction projects. [31] For example, in Kinshasa, the head of state

[19] Crisis Group email correspondence, civil society representatives, February and March 2011.

[20] In 2009, following the arrest of Laurent Nkunda, CNDP forces had been integrated into the FARDC. This first integration was followed by failed attempts to integrate 21 armed groups. See Crisis Group Report, *Congo: No Stability in Kivu*, op. cit., p. 18.

[21] The FPC is an armed group affiliated to the Patriotic Front for Change (Front des patriotes pour le changement), commanded by General Lafontaine of the former Maï-Maï Lafontaine group that refused to be integrated into the FARDC in 2009 and is close to the FDLR. Ibid, p. 14.

[22] These are the Maï-Maï Shikito, Kapopo, Kifuafua, Cheka and Saddam. "RDC: une centaine de combattants Maï-Maï au Sud Kivu sollicitent leur intégration dans les FARDC", Afriscoop, 27 February 2011, www.afriscoop.net/journal/spip.php?breve 6205. "Opération Amani Leo: un chef Maï-Maï réintègre les FARDC avec plus de 300 de ses combattants à Mwenga", Radio Okapi, 22 March 2011. "Sud Kivu: plus de 1 500 ex-combattants prêts pour intégrer les FARDC", Radio Okapi, 28 January 2011.

[23] "Sud Kivu: début du procès des présumés violeurs du nouvel an à Fizi", Radio Okapi, 10 February 2011; "Condamnation de neuf militaires FARDC pour viol et exactions commis à Fizi", *L'Observateur*, 24 February 2011.

[24] "Le nouvel ambassadeur des Etats-Unis James Entwistle reçu à Nyamoma par le gouverneur de province", Province du Sud Kivu, 22 February 2011, www.sudkivu.cd/index.php?option=com_content&task=view&id=146&Itemid=47.

[25] "Audience de la Communauté Nandé avec le gouverneur du Nord Kivu", Beni-Lubero online, 19 February 2011, www.benilubero.com.

[26] "Le gouverneur du N/Kivu écrit aux députés au sujet des 'Hutu-Nandé' au Sud-Lubero", ibid, 21 February 2011.

[27] "José Makila annonce la création de son parti, l'ATD", Radio Okapi, 6 April 2011.

[28] "José Makila prépare son lit", *Congo News*, 2 February 2011.

[29] "Le gangster gouverneur Trésor Kapuku est déchu", *Congo News*, 30 March 2011; "Le gouverneur du Bandundu Richard Ndambu Walong déchu de ses fonctions", Radio Okapi, 11 March 2001. Following negotiations between the PALU and the MP, the governor of Bandundu was reinstated by the Supreme Court, which ruled that the motion of no confidence by the PPRD was unconstitutional. "Bandundu: la Cour suprême réhabilite le gouverneur Richard Ndambu", Radio Okapi, 27 April 2011.

[30] Crisis Group interview, PPRD official, Kinshasa, March 2011.

[31] The five priorities (infrastructure, health and education, water and electricity, housing and employment) were the basis of Joseph Kabila's electoral program in 2006 and are currently the central pillar of his communication strategy. See "Cinq chantiers de la RDC-Program du président de la République", www.cinqchantiers-rdc.com/home.php. Crisis Group interviews, political party representative, Kinshasa, March 2011.

is counting on the impact of major projects undertaken as part of a five pillars reconstruction and development program aimed at rallying public opinion, hostile in 2006. An effort has also been made to simultaneously carry out as many repairs as possible, particularly on Boulevard du 30 June, Avenue de la Libération and Avenue des Poids Lourds, although some of this work has been planned since 2009.[32]

Although Joseph Kabila is trying to convince the country that he is the only guarantor of their security and prosperity, his fall in popularity, including with youth,[33] has led the AMP government to also play the intimidation card. In Katanga, the Union of Congo Nationalists and Federalists (Union des nationalistes et fédéralistes du Congo – UNAFEC)[34] uses young militants known as "Zulus"[35] to intimidate opposition party militants, especially those of the Union for Democracy and Social Progress (Union pour la démocratie et le progrès social – UDPS). At electoral registration centres and during public demonstrations, the Zulus threaten "non-natives" for wanting to rob Joseph Kabila of another election victory.[36] In the Kivus and Maniema, Vital Kamerhe's Union for the Congolese Nation (Union pour la nation congolaise – UNC)[37] faces intimidation from the local administrative authorities.[38] Some UDPS militants were harassed and arrested before the major public rally of 24 April in Kinshasa.[39]

The police arbitrarily arrested journalists and stopped radio broadcasts of interviews with members of the opposition in Kasaï Occidental and North Kivu.[40] In addition, senior officials of the Congolese authorities suggested including in the new electoral law clauses restricting voting rights on the grounds of age and duration of residence, which would have excluded Etienne Tshisekedi and other potential candidates. However, several ministries opposed such a measure.[41] The representative of the Bill Clinton Foundation was arrested by officers of the National Information Agency (Agence nationale de renseignement – ANR) in Kinshasa after a press conference regarding a political opinion poll.[42] These first signs of tension in the government accompanied the first opposition attempts to begin their campaign.

2. Internal reorganisation of the majority

On 18 March 2011, the AMP very symbolically dropped the "A" and became the Presidential Majority (MP).[43] This reorganisation followed the dismissal of Nzanga Mobutu from the government on 8 March 2011, then his departure to the UDEMO on 18 March 2011.[44] When the

[32] Crisis Group interviews, development agency representatives, Kinshasa, March 2011.
[33] According to a 2008 opinion poll at Kinshasa and Lubumbashi universities, 61 per cent of students were dissatisfied or very dissatisfied with the state of democracy in the country. Yolanda Sadie, "La perception de la démocratie et de la gouvernance par les étudiants en République démocratique du Congo", IFAS Recherche newsletter, n°12, March 2011, pp. 3-7.
[34] UNAFEC is a member of the AMP and is known for its virulent stance against "non-natives", mainly the Kasaïens, who they criticise for despoiling Katangans of their wealth. UNAFEC adopted the theories of the Union of Independent Federalists and Republicans (Union des fédéralistes et des républicains indépendants – UFERI), a political party created in 1990, which drew attention to itself by the violent expulsion of Kasaï's Baluba people from Katanga in 1993 by its youth wing, JUFERI. Emmanuel Kabongo Malu, *Epurations ethniques en RDCongo (1991-1995: la question Luba-Kasaï)* (Paris, 2007).
[35] The "Zulus" are used for shows of strength. Crisis Group interview, MONUSCO official, Lubumbashi, April 2011.
[36] Statements and observations obtained by Crisis Group, MONUSCO, Katanga, April 2011.
[37] Vital Kamerhe says he began his political career with the UDPS. He was president of the youth wing of the Sacred Union of the Radical Opposition and Allies (Union sacrée de l'opposition radicale et alliés – JUSORAL) from 1990 to 1995 and was close to Léon Kengo Wa Dondo. During the same period, he was also an adviser in several of Mobutu's governments. In 1997, he joined Laurent-Désiré Kabila's government. In 2000, he became deputy commissioner-general at the government's General Commission responsible for MONUC affairs. He was minister for the press and information in 2003-2004. On 1 July 2004, he became general secretary of the PPRD and director of Joseph Kabila's 2006 election campaign. Elected deputy for South Kivu in the National Assembly in 2006, he was president of the assembly until 26 March 2009, when he resigned under pressure from Joseph Kabila. The differences between the two men concern the entry of Rwandan troops on to Congolese territory on 20 January 2009. He then created the UNC, which was officially registered on 19 June 2010. See Appendix C.
[38] In North and South Kivu, Vital Kamerhe was prevented from holding public meetings during his visit in December 2010. "Meeting interdit à Goma – Fabrique de billets pour Kamerhe", *Africa News*, 17 December 2010. The governor of Maniema also prohibited the broadcast of a radio interview with Vital Kamerhe and prevented the visit of a UNC delegation to Kindu. The home of a UNC official was burned down in March. "Kindu: incendies des maisons du chargé de la jeunesse de l'UNC", Radio Okapi, 3 March 2011.
[39] "Meeting du 24 April: l'UDPS dénonce l'arrestation de ses militants à Limete", Radio Okapi, 21 April 2011.
[40] "JED s'inquiète de la montée de l'intolérance politique, prélude à des graves atteintes à la liberté de la presse à quelques mois des élections", Journaliste en danger, 15 April 2011.
[41] Crisis Group interviews, diplomats, Kinshasa, March, 2011.
[42] "Emmanuel Cole arrêté après avoir arrêté Joseph Kabila et Etienne Tshisekedi", *Le Phare*, 14 April 2011.
[43] "Quelques secrets de Kingakati transpirent: l'AMP se délesterait des alliés douteux pour une meilleure stratégie électorale!", *Le Soft*, 18 March 2011.
[44] The president dismissed the vice-prime minister, Nzanga Mobutu, for abandonment of post. "Révocation du vice-premier ministre Nzanga Mobutu du gouvernement congolais", Radio Okapi, 14 March 2011; "Mobutu Nzanga se désengage de l'UDEMO", *Le Potentiel*, 18 March 2011.

AMP was created in 2006, the objective was to form the broadest possible coalition to compete with Jean-Pierre Bemba's National Union (Union nationale – UN) in a context where it was impossible to assess the real political weight of each party.

In 2011, after many parties seemed to be no more than empty shells, the PPRD seems to be following a different strategy. While the AMP was an alliance of parties on a more or less equal basis, the MP is structured around the PPRD and only political parties with national representation are allowed to join. The MP has a political bureau, chaired by Joseph Kabila, which is composed only of PPRD government and parliamentary representatives and representatives of member parties that have more than five elected representatives in the National Assembly and a group of individuals appointed by Joseph Kabila. The PPRD is therefore assured of majority representation in the MP and is encouraging small minority parties to get integrated into the PPRD. This is all the more significant in that the proposed change to the electoral system for the legislative elections submitted to parliament will work to the advantage of the large parties.

The electoral bill submitted to the National Assembly on 11 March 2011 proposes the replacement of proportional representation with a majority voting list system for legislative elections, which means that a political party wins all the seats in a constituency if it receives 51 per cent of the votes.[45] Proportional representation is more representative and particularly well-adapted to multi-ethnic constituencies.

By limiting membership of the MP's political bureau to parties with a "significant" presence in the Assembly and by sidelining the micro-parties, the PPRD wants to strengthen its control over the platform supporting Joseph Kabila. When the MP was created, PALU, UDEMO and the Alliance for the Renewal of the Congo (Alliance pour le renouveau du Congo – ARC) were moreover absent. The time of the broad alliance incarnated by the AMP seems to have been replaced by an attempt to form a coalition that is easier to "control".[46]

B. A Pluralist Opposition in Search of Unity

The election year is set to transform the landscape of the Congolese opposition.[47] After the 2006 elections, this landscape was dominated by the MLC because of the election boycott by Etienne Tshisekedi's UDPS. Of the two armed groups that formed part of the transitional government, only the MLC was able to transform its military weight into parliamentary representation; Azarias Ruberwa's Congolese Rally for Democracy (Rassemblement congolais pour la démocratie – RCD) was too tainted by its proximity to Rwanda and was unable to make an impression at the ballot box.[48] In 2011, the opposition landscape has radically changed. The parliamentary opposition seems worn out and much weaker than the extra-parliamentary opposition. The MLC seems to be in decline and faces competition from the emerging challenge of Vital Kamerhe at the head of the UNC and the historic opposition figure, Etienne Tshisekedi of the UDPS, who returned to the country on 8 December 2010. His return simultaneously precipitated the beginning of the pre-campaign and the constitutional changes made in January 2011.

At the outset, the adoption of the simple majority system for the presidential election poses the issue of opposition unity. The UNC, UDPS and MLC, which currently appear to be the three main opposition movements, must unite to form a credible electoral counterweight to the MP but leadership struggles, internal dissension and the fact that they draw support from the same geographical areas makes such a project difficult. For the moment, conscious of the need to form a common front, opposition groups have formed two alliances and are deep in talks. However, they seem to be only focusing on the presidential election and neglecting the other elections.

1. Dialogue and regrouping

The regional base of these three opposition groups and their lack of financial resources militates in favour of the creation of a common front, which, for the moment, takes the form of the Tshisekedi President Dynamic (Dynamique Tshisekedi président – DTP)[49] and the Sacred Union for Alternation (Union sacrée pour l'alternance – USA).[50]

[45] Article 119 of the bill on the organisation of the presidential, legislative, provincial, urban, municipal and local elections, submitted to the secretariat of the cabinet of the president of the National Assembly on 11 March as N°0856 and the Speaker on 14 March under N°015. The small parties' reaction was to reject the proposed bill. "Loi électorale: Azarias Ruberwa s'oppose au système majoritaire", Radio Okapi, 11 April 2011.

[46] "La machine électorale de Kabila est lancée", *Le Potentiel*, 6 April 2011.

[47] For a description of the main Congolese opposition groups, see Appendix C.

[48] Azarias Ruberwa obtained 1.93 per cent of votes in the presidential election of 2006 and his party, the RCD, has fifteen representatives in the National Assembly (Azarias Ruberwa is not one of them).

[49] "Elections 2011: naissance de la Dynamique Tshisekedi président", *Le Potentiel*, 17 February 2011.

[50] "Avec la création de l'Union sacrée pour l'alternance Opposition: la confusion", *Le Potentiel*, 20 August 2010.

On 24 August 2010, the USA became the first opposition platform. It is a breakaway from the UN, the platform created by Jean-Pierre Bemba in 2006. The USA groups some small parties[51] and does not have any real political weight outside Bas Congo and Kasaï Occidental. Following the arrest of its leader, Eugène Diomi,[52] the USA has been conspicuous by its absence in the Congolese media. Meanwhile, Eugène Diomi went on to join the DTP, which unites a dozen opposition parties, including the Progressive Lumumbiste Movement (Mouvement lumumbiste progressiste – MLP), the Labour Party (Parti travailliste – PT), the Rally for Conciliatory Democrats (Rassemblement des démocrates conciliants – RADECO), the National Alliance of Congolese Liberals (Alliance nationale de libéraux du Congo – ANALCO), the Rally of Democrats for a New Start and Renewal (Rassemblement des démocrates pour la rupture et le renouveau – RADER) and the Commitment to Citizenship and Development (Engagement pour la citoyenneté et le développement – Ecidé).

Meanwhile, Vital Kamerhe – whose only electoral base is in the province of his birth, South Kivu – is trying to attract as many opposition figures as possible into a broad coalition. On 15 February 2011, he made an alliance with Thomas Lubanga's Congolese Patriotic Union (Union patriotique congolaise – UPC), who is on trial at the International Criminal Court (ICC).[53] This alliance with a small party with a strong ethnic base is dictated by local politics.[54] In Ituri, the conflict between the Lendus and the Hemas did not end with the satisfaction of the latter's main demand, namely, greater autonomy for this district. Ituri was not among the 26 new provinces created by the Constitution,[55] Vital Kamerhe courts an electorate that supports the opposition and that would allow him to consolidate his position as champion of the East. He followed the same tactic of making an alliance with discontented local groups when meting Ne Mwanda Nsemi, leader of the Bundu dia Mayata, political wing of the Bundu dia Kongo sect.[56]

Vital Kamerhe also contacted Charles Bofassa Djema, president of UN, former opposition platform from which the USA emerged.[57] The UN was the platform created by Jean-Pierre Bemba for the legislative and provincial elections of 2006. With 28 seats in the National Assembly, the UN, even without the MLC, is undoubtedly the opposition platform that currently has the largest pool of voters. It could provide support for the UNC in the Kasaï, Kinshasa, Bas Congo and Bandundu and therefore give it national stature.

2. Leadership struggles, internal dissension and local competition

The opposition's vague attempts at unity has so far come up against leadership struggles, internal dissension issues, and the fact that opposition forces are competing for the same local electorates. When the three opposition leaders visited MONUSCO on 18 January 2011, Vital Kamerhe said that the changes to the constitution had created an opportunity for the opposition to "unite".[58] However, despite all attempts to dissuade him, a few days later, Etienne Tshisekedi declared himself to be the opposition's "natural candidate" and that other candidates should rally behind him.[59] These discordant opposition voices were toned down at the workshop on "Participation in politics in the DRC", organised on 15 March 2011 in Pretoria.[60] Despite Etienne Tshisekedi's claim to be the opposition's "natural candidate", and the absence of a formal alliance, Vital Kamerhe meets him regularly.[61] On the other hand, the MLC has made known its refusal to line up behind the UDPS – a refusal partly motivated by the enmity between

[51] Notably the Congolese Christian Movement (Mouvement chrétien congolais – MCC), the Congolese Party for Good Governance (Parti des Congolais pour la bonne gouvernance – PCBC), the Divine Order of Traditional Authority (Parti de l'Ordre divin de l'autorité traditionnelle – ODAT), the Congolese Party for National Alliance, and the Socialist Party (PS).

[52] Eugène Diomi is a politician from Bas Congo. He was a member of parliament and minister of the economy and finance in 1994 in Mobutu's last government and minister of mines in 2003 in the transition government. "Diomi Ndongala arrêté", *Le Phare*, 14 January 2011.

[53] Charged with war crimes by the International Criminal Court on 29 August 2006 for the enlistment of children under the age of fifteen, Thomas Lubanga was leader of the UPC, created in 2001 and was one of the main belligerents in the Ituri conflict. The UPC is accused of having perpetrated many and massive human rights violations in that conflict between September 2002 and August 2003. For more details, see Crisis Group Africa Report N°64, *Congo Crisis: Military Intervention in Ituri*, 13 June 2003.

[54] "Soubresaut d'un politique égaré – Vital Kamerhe embrasse Thomas Lubanga", *La République*, 21 February 2011.

[55] Article 2 of the Constitution of the Democratic Republic of Congo, Daily Gazette, 18 February 2006.

[56] For more details on the Bundu dia Kongo, see Crisis Group Africa Briefing N°73, *Congo: A Stalled Democratic Agenda*, 8 April 2010. "Après Tshisekedi – Kamerhe et Ne Muanda Nsemi d'accord pour un front university", *All Africa*, 25 February 2011.

[57] "Vital Kamerhe chez Bofassa Djema", *Le Phare*, 2 March 2011.

[58] "Muamba, Kamerhe et Shabani prennent la communauté internationale à témoin!", *La Prospérité*, 18 January 2011.

[59] "Etienne Tshisekedi s'autoproclame candidat unique de l'opposition", *Congo Virtuel*, 16 February 2011.

[60] "L'opposition a acquis la cohésion pour faire chorus", *Congo News*, 19 March 2011.

[61] Vital Kamerhe and Etienne Tshisekedi met on 31 January 2011, 20 February 2011 and 23 February 2011.

François Muamba,[62] MLC general secretary and former defector from the UDPS, and Etienne Tshisekedi.[63]

The union of the opposition parties is all the more problematic because they are themselves riven with internal dissension and even dissidence. The UDPS revealed its internal dissensions between the Tshisekedi and Beltchika wing [64] when it registered its party statutes in January 2011[65] and at the party congress during which Etienne Tshisekedi was momentarily relieved of his position as head of the party and expelled from the UDPS.[66] The breakaway group led by François-Xavier Beltchika[67] criticises Etienne Tshisekedi for nepotism in the UDPS and wants to take over the party.[68] Neither is the MLC spared from internal struggles. Its leader tries to manage the party from The Hague, which his lieutenants in the DRC are unhappy about because they want a greater margin of manoeuvre. They want to disassociate the party's image from his own and to know who will be leading the MLC in the forthcoming elections.[69] José Makila's recent defection and the exclusion of François Muamba show how the party is drifting in the absence of its charismatic leader and suffering electorally from a lack of leadership and image.

In addition to personal rivalries, this union of opposition forces is faced with some issues of electoral geography. Sometimes the parties complement each other at the local level but sometimes they are in competition. For example, the UDPS and the MLC to a large extent "hunt" on the same electoral grounds in the western provinces, and the UNC and the RCD do the same in the eastern provinces. In 2006, the MLC greatly benefited from the support of UDPS voters, who, despite orders to boycott the election, preferred to vote for Jean-Pierre Bemba. Kasaï Occidental and Kinshasa, whose people mainly voted for Jean-Pierre Bemba,[70] is the electoral territory of the UDPS. In the forthcoming elections, the transfer of votes should be inverted to the advantage of the UDPS, and the MLC is threatened with being relegated to a very secondary role. Having reconquered its status as a heavyweight contender in the Congolese political landscape,[71] it may be tempted to go it alone and impose itself in a government alliance if its popularity is reflected in the results of the legislative elections, a possibility that cannot be excluded.

Although it is possible to identify the contours of the UDPS electorates, it is impossible to say the same of Vital Kamerhe other than to refer to the votes he received in the 2006 elections. Moreover, in South Kivu, representatives of a range of ethnic groups are waiting and observing the struggles for influence within the Shi clans before taking an open position.[72] Inversely, in 2006, the RCD benefited from an electoral base in North and South Kivu and Maniema, which allowed it to win fifteen seats in the National Assembly. Like the MLC with regard to the UDPS, the RCD will face stiff competition from the UNC in its eastern strongholds. There is therefore a weakening of the parliamentary opposition formed by the armed groups after the transition and a growth of extra-parliamentary opposition, to the extent that the vacant position of leader of the opposition is virtually occupied by Etienne Tshisekedi. As very often happens, unity is an arithmetical necessity for the opposition (whose candidates have yet to be revealed) but a political impossibility.

[62] François Muamba Tshishimbi was the UDPS representative in France from 1982-1989. In 1990, he published "Le Zaïre peut-il sortir de l'impasse" in which he developed the thesis of collective responsibility for the failure of Zaïre, allocating some of the blame to Etienne Tshisekedi. This earned him a call from Mobutu and the post of minister of the economy and industry in Mobutu's "fighting" government, then as adviser to the presidency from 1991-1997. He joined the MLC in 1999 and became minister for the budget in 2003 in the transition government. In 2006, he was elected National Assembly deputy for Kasaï Occidental and took on the presidency of the MLC group.

[63] Crisis Group interviews, MLC and UDPS members, Kinshasa, March 2011.

[64] The Beltchika wing groups the UDPS activists that remained in the DRC during Etienne Tshisekedi's convalescence in Belgium, while the Tshisekedi wing groups those who accompanied him.

[65] "Confusion à l'UDPS", *Le Potentiel*, 4 February 2011.

[66] UDPS Resolution of 3 February 2011.

[67] Francois-Xavier Beltchika-Kalubye was permanent secretary and spokesman for the UPDS National Council. During Etienne Tshisekedi's absence, he acted as interim UDPS national president until the extraordinary congress called to elect the party's national president and endorse UDPS candidates in the 2011 elections.

[68] Crisis Group interviews, UDPS members, Kinshasa, March 2011.

[69] Crisis Group interviews, MLC member, Kinshasa, March 2011. See "Mémorandum des députés et sénateurs au secrétariat général" (30 March 2011), which calls a meeting to address "the unforeseen difficulty of the current president". In addition, the expulsion of François Muamba had an ethnic resonance: the latter is Kasaïen and most MLC militants are from the Equateur.

[70] In the second round of the 2006 presidential election, Jean-Pierre Bemba won 68 per cent of the vote in Kinshasa and 75.7 per cent in Kasaï Occidental. See Thierry Coosemans, *Radioscopie des urnes congolaises*, op. cit.

[71] The UDPS launched its campaign with a major rally on 24 April at the Tata Raphaël Stadium in Kinshasa. This date was not chosen by chance, it was on 24 April 1990 that Marshall Mobutu ended the single party system. Attended by between 50,000 and 80,000 participants, the rally was a success and showed that the UDPS was, for the moment, the only opposition party capable of mobilising so many people.

[72] Crisis Group email correspondence, civil society representative, South Kivu, March 2011.

III. THE ELECTIONS IN 2011: A VERY RISKY RACE AGAINST TIME

Far from being prepared calmly, the elections are being organised on an emergency basis with the support of the international community essentially channelled through the United Nations. As there has been almost no institutional capitalisation of the experience acquired during the elections in 2006, the accumulated delays in preparing the electoral register, establishing the new CENI, adopting a new electoral law, etc, carries with it a number of threats that puts the process itself at risk. The calendar keeps changing, funding is incomplete, some essential institutional and legal safeguards are lacking and security problems are being neglected. In these conditions, the credibility of the electoral process is at risk while there is no guarantee that constitutional deadlines will be honoured, as already indicated by DRC bishops, who have expressed their fear of seeing the country once again sink into a process leading "to the return of a single party system, the end of democracy and the establishment of a new dictatorship".[73]

A. RISK OF UNCONSTITUTIONALITY

The first constraint on the electoral calendar is time. The president's mandate expires on 5 December 2011. However, the delays are accumulating at all levels and have already rendered the electoral calendar announced in August 2010 null and void.[74] A second calendar setting the elections for 28 November and the announcement of provisional results on 6 December has just been announced but it remains unclear whether this new timetable is feasible.[75] First of all, parliament has been continually postponing consideration of the legislation creating the new electoral commission. In addition, the appointment of the members of this commission has been delayed: the list of opposition members was made and approved by the head of state on 29 September 2010[76] but CENI members only took office on 28 February 2011.

Even though the preceding commission began preparing the electoral register, this essential operation has been doubly delayed. First, the authorities decided to begin a completely new register of voters instead of updating the current electoral register[77] and, second, a design error forced the authorities to start registration of electors from scratch in Kinshasa, a city of between eight and ten million inhabitants.[78] Another basic element of the election that is missing is the electoral law, which is still being examined by parliament after it was rejected a first time in April.[79]

According to the electoral calendar published on 9 August 2010, revision of the electoral register was to take place between 2 September 2010 and 27 February 2011, in order to allow the first round of presidential and legislative elections to take place on 27 November 2011.[80] However, on 27 February 2011, the revision of the electoral register had only been completed in the provinces of Bas Congo and Maniema. In Katanga and Kasaï Occidental, it only began on 9 March 2011[81] and was very quickly subject to delays.[82] In the provinces of the two Kivus, Equateur, Province Orientale, Kasaï Oriental and Bandundu, the revision was to take place simultaneously between 2 April and 1 July 2011.[83] The delay in the revision of the electoral register is mainly due to the government's delay in paying its share of the election budget.[84]

The start of the revision of the electoral register on 2 April 2011 in the six provinces listed above was accompanied by an order for 3,000 additional election kits to "make good deficiencies".[85] However, it seems difficult for the CENI to conduct the simultaneous revision of electoral registers in six provinces with 9,000 kits, when the Independent Electoral Commission (CEI) needed 6,000 kits to conduct this operation simultaneously in two provinces. Registration is very slow, geographical coverage is still

[73] "Année électorale: que devons-nous faire?", Permanent Committee of the Congolese Episcopal Conference (CENCO), paragraph 8, p. 2, 25 February 2011.
[74] See Appendix E.
[75] "RDC: la présidentielle fixée au 28 November", Agence France-Presse, 30 April 2011.
[76] "Trois cadres de l'opposition désignés", *La Prospérité*, 29 September 2010.
[77] See Crisis Group Briefing, *Congo: A Stalled Democratic Agenda*, op. cit., pp. 16-18.
[78] The polling cards provided in Kinshasa did not conform to the new design because they did not mention the elector's commune and polling station. The electoral commission therefore decided to start voter registration in the capital from the beginning. Crisis Group interview, MONUSCO official, March 2011. In April, registration had not yet started.
[79] "30 April: date butoir", *Le Potentiel*, 7 April 2011; and "Loi électorale: les dispositions qui fâchent", *Le Potentiel*, 21 April 2011.
[80] "Calendrier du processus électoral 2010-2013", Independent Electoral Commission (CEI), Kinshasa, 9 August 2010.
[81] "Démarrage le 9 mars prochain de l'opération de révision du fichier électoral dans deux provinces", Xinhua, 28 February 2011.
[82] "L'actualisation du fichier électoral connaît des difficultés à Kasenga et Kongolo", Radio Okapi, 18 March 2011.
[83] "Révision du fichier électoral, vitesse de croisière: Du 2 avril au 1er juillet 2011 dans toutes les provinces à la fois", *L'Avenir*, 25 March 2011.
[84] At the beginning of 2011, CEI employees had not been paid for ten months. Crisis Group interview, CEI official, Kinshasa, March 2011.
[85] "Trois mille (3,000) kits électoraux supplémentaires attendus à la CENI", Agence Congolaise de Presse, 22 March 2011.

limited and attempts to commercialise registration by electoral agents threatens to penalise poor voters. In fact, registration is so slow in some towns that electoral agents are selling tokens for places in the queue.[86]

In order to speed up registration, the government announced the purchase of 1,500 additional kits. With regard to the CENI, Ngoy Mulunda signed a cooperation agreement with the Togolese Ministry of Administration and obtained a loan of 1,250 kits.[87] The Russian Federation is studying the possibility of providing logistical support in the form of kits and vehicles within the framework of a partnership between CENI and the Central Electoral Commission of Russia.[88]

There are serious concerns about the current acceleration of registration. The operation is coming up against logistical problems and is being conducted at a speed that prejudices its quality. The CEI had already arrived at the conclusion that it would not be able to complete revision of the electoral registers because of "technical" delays and had therefore decided to open only one registration centre per *groupement*.[89] In a country of 2.3 million sq km, where more than 60 per cent of the population lives in rural areas, that means excluding many of these communities from the election. In fact, even though polling cards can be used as identity cards and although the CENI is managing to deploy some mobile registration centres, there is still a strong chance that the rural poor are going to be ignored by an electoral registration operation conducted at too fast a pace.

Since the beginning of the simultaneous registration operations in six provinces, local and national elected representatives and political parties have made a number of complaints. In Province Orientale, the Hema communities of Irumu Territory complained about the lack of registration centres in the area while in Wamba Territory, around a third of these centres have not been opened.[90] In South Kivu, a national deputy pointed out the absence of centres in rural areas of Shabunda Territory.[91] In Kasaï Oriental, CENI teams are experiencing problems of deployment,[92] while in Bandundu and Equateur, logistical difficulties are slowing down registration in rural areas.[93]

Registration of voters also risks suffering as a result of security conditions in some areas. For example, in Kasaï Occidental, where the electoral registration campaign was launched, it was announced that the registration centres will be open everywhere except in Mweka Territory,[94] because of the land conflicts between the two ethnic groups in this territory. In Béni in North Kivu, the lack of security is also delaying registration operations.[95] In addition, in the Kivu, there is the problem of registering people originally from neighbouring countries (Burundi and Rwanda) whose Congolese nationality is often disputed.[96] Polling cards are sought after because they allow the holders to cross the borders within the Economic Community of the Great Lakes Countries.[97]

In response, the UDPS has already criticised the registration operation, notably in Kasaï Occidental.[98] Congolese civil society fears that the electoral registers for 2011 will be less reliable than those compiled in 2006 and recalled that the revision should have been done for the local elections that never took place.[99]

However, even if government funding now becomes regular and even if MONUSCO (which uses its aircraft to transport electoral materials within the country, at an estimated cost of $80 million) were to obtain additional funds to increase its logistical capacity,[100] certain delays to the electoral calendar are unavoidable for logistical and legal reasons. In order to give the appearance of meeting the constitutional obligation to organise the presidential election 90 days before the end of the mandate of the president

[86] Crisis Group interviews, members of civil society, Goma, Bukavu and Lubumbashi, April 2011.
[87] "Processus électoral: L'opération de la révision du fichier électoral se poursuit normalement", *L'Avenir*, 21 April 2011.
[88] "Moscou pour une élection en temps réel en RDC", Digital Congo, 15 April 2011.
[89] *Groupement* is a unit of local administration in the DRC.
[90] "Révision du fichier électoral: la population de Bahema éprouve des difficultés pour s'enrôler", Radio Okapi, 8 April 2011; "Province Orientale: plus de 50 centres d'enrôlement toujours pas ouverts à Wamba", Radio Okapi, 25 April 2011.
[91] "Shabunda: un député déplore le déficit de centres d'enrôlement des électeurs", Radio Okapi, 17 April 2011.
[92] Notably in the territory of Lodja and the rural zones of Sankuru district. "Toujours pas d'enrôlement des électeurs dans trois territoires du Sankuru", Radio Okapi, 19 April 2011; "Perturbation de la révision du fichier électoral, l'administrateur de Lodja suspendu", Radio Okapi, 25 April 2011.
[93] "Popokabaka: 14 centres d'enrôlement opérationnels sur les 25 déployés", Radio Okapi, 13 April 2011; "Sud-Ubangi: fichier électoral, le commissaire du district relève des anomalies", Radio Okapi, 19 April 2011.
[94] "Début de la révision du fichier électoral au Katanga et au Kasaï occidental", Radio Okapi, 3 March 2011.
[95] "Béni: la révision du fichier électoral ajournée dans deux localités à cause de l'insécurité", Radio Okapi, 3 April 2011.
[96] "Elections 2011 Eugène Diomi: Il faut d'abord identifier les nationaux", *Le Phare*, 11 April 2011.
[97] Crisis Group interviews, members of civil society, Goma and Bukavu, April 2011.
[98] "L'UDPS Jacquemain Shabani crie à la tricherie", *Congo News*, 25 March 2011.
[99] Crisis Group interviews, members of civil society, Kinshasa, March 2011.
[100] "Meece sollicite à New York un ajustement du budget en prélude de la prochaine présidentielle congolaise", Radio Okapi, 8 February 2011.

currently in office,[101] registration of candidates for the presidential and legislative elections would need to be completed by 4 August 2011, the publication of provisional lists of candidates compiled by 7 September 2011 and the provisional election results promulgated on 6 December in time for the new president to take the oath of office on 20 December. The CENI had wanted the calendar to be consensual but it is now controversial within both the majority and the opposition. The CENI bases itself on the principle of continuity of power as the legal justification for any failure to meet the deadlines of administering the oath on 20 December,[102] while the opposition has a more radical position.[103]

However, the constraints related to printing ballot papers, holding the electoral campaign (which should be a minimum of 30 days[104]), establishing voting centres and deploying the security forces remain and make it difficult, if not impossible, to observe the electoral calendar.

In this context, the accumulated delays carry a clear threat of making the current government unconstitutional.[105] In response to this problem and to the UDPS leader's threat to organise public demonstrations, the president has already raised the possibility of cancelling the elections if the security situation does not allow peaceful elections.[106]

B. Risk of Bias

The National Independent Electoral Commission (Electoral commission nationale indépendante – CENI) and the fragmented nature of the institutional and legal provisions necessary for a free and transparent election raise doubts about the risk of bias in the process as a whole. When taking their oath on 26 February 2011, CENI members replaced the members of the Independent Electoral Commission (Electoral commission indépendante – CEI), the final legacy of the transition. Although the United Nations continues to support CENI, it is now the commission that has the task of organising the entire electoral process and of ensuring the election is free and transparent.[107]

While in 2006, the 70 international experts of the Electoral Process Support Project (Projet d'appui au processus electoral – PACE) were at the forefront and the CEI was in the background, the situation is now inverted. PACE's international experts, managed by the United Nations Development Program (UNDP),[108] now have an advice and support role to the CENI and are restricted to implementation tasks. Similarly, MONUSCO's Electoral Division is composed of 90 international experts (compared to 250 in 2006) and is deployed in all provinces to coordinate the logistic resources made available to CENI. This role reversal signals a return to normal, but the CENI, which is the keystone of the process, presents a risk of bias because of its composition and it has unfortunately not learned enough from the previous electoral experience.

While the CEI had 21 members so that it was able to represent the diversity of Congolese society,[109] the CENI only has seven, all of them parliamentary politicians, "because of efficiency concerns" (sic).[110] Civil society has been sidelined by the CENI without the least protest from international partners and in contradiction with electoral practice in the region.[111] Moreover, CENI is now politically unbalanced: four of CENI's members are appointed by the majority as opposed to three by the opposition.[112]

[101] Article 73 of the Constitution of the Democratic Republic of Congo, 18 February 2006.
[102] "Halte à la polémique sur le calendrier électoral: 'Il n'y a pas de vide juridique après le 6 décembre', selon le pasteur Ngoy Mulunda", Digital Congo, 2 May 2011.
[103] "Publication par la CENI du calendrier des élections générales en RDC", Radio Okapi, 3 May 2011.
[104] Article 28 of Act n°06/006 of 9 March 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections, Daily Gazette, 10 March 2006.
[105] Several recent elections in Central Africa have suffered significant delays. In Chad, the presidential election was delayed by five months. In the Central African Republic, the elections scheduled for 2010 were postponed several times until finally taking place at the beginning of 2011. The government had to ask parliament to vote to extend its mandate beyond the constitutional deadline in order to manage current business and organise the elections.
[106] "RD Congo: l'élection présidentielle fixée au 28 novembre 2011", Radio Okapi, 30 April 2011.
[107] Organic Act n°10/013 of 28 July 2010 on the organisation and operation of the Independent National Electoral Commission, Chapter II, article 9, Daily Gazette, 26 July 2010.
[108] PACE is directed by a steering committee comprised of the Congolese authorities and donors. It meets irregularly (only once since the beginning of the year and three meetings of the technical committee). Crisis Group interview, PACE expert, Kinshasa, March 2011.
[109] Article 8 of Law n°04/009 of 5 June 2004 on the organisation, powers and operation of the Independent Electoral Commission, Daily Gazette, Special Edition, 12 June 2004.
[110] "In order to make it more efficient, the number of members of CENI has been limited to seven: four appointed by the majority and three by the parliamentary opposition, while also seeking to make it representative of the national population, including with regard to gender". Explanatory Memorandum of Organic Law n°10/013 of 28 July 2010 on the organisation and operation of the Independent National Electoral Commission, Daily Gazette, 28 July 2010.
[111] In Congo-Brazzaville, Chad and the Central African Republic, civil society is represented on the electoral commission.
[112] The opposition is represented on CENI by Jacques Ndjoli, who is MLC senator for Equateur, and Laurent Ndaye Nkondo of the Union for the Republican Majority (Union pour la majorité républicaine – UMR) – a minority party in Kasaï Occi-

In addition to this arithmetical imbalance, the proximity of CENI's president, Pastor Daniel Ngoy Mulunda Nyanga to Joseph Kabila, poses a fundamental problem. This protestant pastor, who explains that in his youth, he "wanted to be in the army so he could earn a lot of money",[113] has been very much more politically involved than his predecessor, Abbé Malu-Malu. A founding member of the PPRD in 2002, he is from the Balubakat community of Katanga, stronghold of the president whose 2006 electoral campaign he led in Kinshasa.[114] Through his non-governmental organisation, Ecumenical Peace Program, Conflict Resolution and Reconciliation (PAREC), he began a disarmament program in Kinshasa and North Kivu with the slogan "100 dollars for a weapon" (one of the most controversial programs of 2009) and a demobilisation and reintegration program for ex-combatants of FDLR in Katanga. The United Nations panel of experts[115] criticised this program for its lack of coordination with the actions undertaken on security reform and MONUSCO's disarmament, demobilisation and reintegration (DDR) programs.

CENI presents much fewer guarantees of independence than the CEI and the last minute defection of Flavien Misoni[116] reflects the doubts entertained by some people about the capacity and independence of this new commission.[117] In fact, although there have been some improvements in the process of change from the CEI to the CENI, the new electoral commission has lost certain important prerogatives. Promulgated on 28 July 2010, the organic act on the organisation and operation of the CENI extends the inviolability of CENI premises to the provincial centres and maintains the immunity of its members. However, unlike the CEI, the CENI is not responsible for announcing the provisional results. Only the Supreme Court can announce the definitive results. Similarly, while the government had the obligation to use emergency procedures to ensure allocation of the CEI budget, this is not the case for the CENI.[118] The CENI is more financially dependent on the state than the CEI.

This is all the more worrying because the recommendations made by the Southern African Development Community (SADC) and the European Union (EU) after the elections of 2006 have largely remained a dead letter,[119] while, as from 2007, assessments indicated that the levels of electoral aid provided in 2006 risked being compromised.[120] There has hardly been any capitalisation of legal and institutional progress made during the two years of international support provided to organise the elections of 2006. A law on the funding of political parties was certainly passed on 1 July 2008[121] and this included the public funding of electoral campaigns, but there are still no regulations imposing transparency of campaign accounts. None of the recommendations on making the results secure, notably the creation of a "voting operations control commission" including local magistrates, has been implemented.[122] Moreover, reform of the police is still in its initial phase and the reform of the judiciary envisaged by the Constitution has not taken place.[123] As there is still no Constitutional Court, it is likely that the Supreme Court will rule on electoral disputes, as it did in 2006.

Neither has any effort been made to implement the SADC and EU recommendations to make the CENI more representative, give the vote to the diaspora, improve the reli-

dental, which forms part of the Order of Republican Democrats (Ordre des démocrates républicains) grouping. Carole Kabanga Nkoyi of the Christian Democrats (Chrétiens démocrates – CD) grouping is close to the Convention of Christian Democrats (Convention des démocrates chrétiens – CDC). The majority is represented by a PALU member (former minister of transport and communications, Matthieu Tomadia Mpita Pintho), two AMP members (Elise Muhimuzi Kinza and Flavien Misoni) and a PPRD member (Daniel Ngoy Mulunda).

[113] "Daniel Ngoy Mulunda: Je voulais être militaire, pour gagner beaucoup d'argent", *Afrique Echo*, 16 March 2011.

[114] Crisis Group interviews, members of civil society, Kinshasa, March 2011.

[115] Letter of 15 November 2010 to the president of the Security Council from the president of the committee created by Resolution 1533 (2004) on the Democratic Republic of Congo, pp. 25-26. Also see Crisis Group Report, *Congo: No Stability in Kivu*, op. cit., pp. 13-14.

[116] A graduate of Louvain University, Flavien Misoni's career included a position in the presidential cabinet as a legal adviser in 2003-2005 and as director of the CEI National Operations Office in March 2005.

[117] Flavien Misoni refused to take the oath on 28 February 2011, excusing himself on health grounds. It is very likely that he wanted to signal his disapproval of the appointment of Daniel Ngoy Mulunda as the head of CENI. Some observers think he believed that Daniel Ngoy Mulunda's inexperience and closeness to the president would prejudice the CENI's independence. Crisis Group interviews, CENI members and political party representatives, Kinshasa, March 2011.

[118] Ibid.

[119] In their financial reports, the SADC and EU electoral observation missions made many recommendations, the most important of which are mentioned above. Most of the recommendations made in 2006 remain valid in 2011.

[120] "Consolidation of what has been learned in the last two and a half years of international support and on the job training of the CEI can only take place if the operation of the future Commission is supported by an adequate and stable budget and if the state does not interfere with its management". Christian Dessalien, Marcel de Montgolfier, Jacquie Nachtigal, "Evaluation de la stratégie de coopération de la Commission européenne avec la République démocratique du Congo", Brussels, 2007, p. 106.

[121] European Union Electoral Observation Mission to the DRC, Elections 2006, Final Report, recommendation 3, p. 61.

[122] Ibid, recommendation 13, p. 62.

[123] See Crisis Group Briefing, *Congo: A Stalled Democratic Agenda*, op. cit., pp. 9-10.

ability of the electoral register, improve the administration of electoral disputes, organise a public education campaign on constitutional principles on the operation of institutions and civic rights and duties.[124] Only awareness-raising programs on registration have been put in place by CENI with the help of MONUSCO as well as electoral education programs funded by international donors.[125]

An important institutional safeguard, the Superior Audiovisual and Communication Council (Conseil supérieur de l'audiovisuel et de la communication – CSAC), is still in the process of being set up even though the pre-election campaign has begun and the role of the media is already at issue.[126] Created in January this year, the CSAC is responsible for "ensuring fair access for political parties, associations and individuals to official information and communications media".[127] During the 2006 elections, the High Authority of the Media (Haute autorité des médias – HAM) was unable to fulfil its role as the regulatory agency because of belated and limited funding.[128] CSAC members are still in the process of being appointed and it would be reasonable to fear a repetition of the 2006 HAM situation in 2011.

C. Security Risk

In 2006, the European Union and the United Nations deployed considerable resources to make the elections secure. Five years later, the Congolese authorities are responsible for this task. However, the climate of insecurity persists in some eastern provinces,[129] and more or less unexplained security incidents have occurred in the West, while the state security apparatus remains very fragile and there is currently no security safety net provided by the international community.

1. Insecurity in the East and repeated incidents in the West

Since the beginning of 2011, aware of its fall in popularity in North and South Kivu, the government is proceeding with the integration of many armed groups with the help of MONUSCO. This policy, which is being implemented without vetting, without an assessment of the real numbers in the armed groups, without a budget or a training plan has accentuated the disorganisation of the FARDC and allowed certain groups, such as the Maï-Maï Yakutumba, which was briefly integrated in 2009,[130] to renegotiate their integration in 2011. In the Kivus, while MONUSCO congratulates itself for having helped reduce the threat from the FDLR,[131] civilians continue to complain of repeated attacks from armed groups[132] and the FARDC.[133] In addition, at the end of 2010, the Nandé community obtained the demilitarisation of Béni and Butembo where the FARDC had been deployed.[134] These accelerated integration operations, conceived as a present to the Kivu electorate, have contributed nothing to resolving the insecurity that reigns in the two Kivus, quite the contrary.[135]

[124] Election Observer Mission of the Southern African Development Community (SADC) Parliamentary Forum, op. cit., pp. 38-39; and European Union Electoral Observation Mission to the DRC, op. cit., recommendations 19 and 20, p. 63.
[125] The United States and the United Kingdom have allocated between $5 million and $6 million for this purpose. Crisis Group interviews, diplomats, Kinshasa, March 2011.
[126] The state channel, Congolese National Radio and Television (Radio-télévision nationale congolaise – RNTC) and Digital Congo are dominant so there is an imbalance in the national media to the advantage of the presidential majority. In South Kivu, a new television station (Ngoma ya Kivu) close to the government is in the process of being set up. Crisis Group email correspondence, civil society representatives, Bukavu, April 2011.
[127] Article 8 of Organic Law n°11/001 of 10 January 2011 on the composition, powers and operation of the CSAC.
[128] The two observation missions highlighted this problem. European Union electoral observation mission to the DRC, op. cit., pp. 44-46; and SADC parliamentary forum electoral observation mission, op. cit., p. 38.
[129] See the Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her office in the Democratic Republic of Congo, A/HRC/13/64, 10 January 2011. "UN action needed to help thousands in DRC stranded without assistance", Oxfam GB, press release, 9 March 2011.
[130] "Les Maï-Maï Yakutumba ont intégré l'armée régulière ce mercredi", Radio Okapi, 21 October 2009.
[131] "MONUSCO: l'opération Amani Leo a permis de réduire 60% des FDLR dans les deux Kivus", Radio Okapi, 23 March 2011.
[132] "Butembo: des attaques armées à répétition à Batangi", Radio Okapi, 28 March 2011; "Masisi: victimes d'attaques et de pillages, 250 familles sans assistance à Nyabiondo", Radio Okapi, 18 February 2011.
[133] See monitoring report n°1, November 2010-February 2011 of the Group of Human Rights and Peace Organisation (Groupe d'associations de défense des droits de l'homme et de la paix) who attributed the violence committed by government forces to "poor pay". "Attaque armée à Kiwanja: population et autorités divisées entre les FARDC et les FDLR", Radio Okapi, 19 March 2011; "Insécurité Lubero: les FDLR, Pareco et FARDC pointés du doigt", Radio Okapi, 28 March 2011.
[134] "Nord Kivu: la démilitarisation de Beni est lancée", Radio Okapi, 17 November 2011.
[135] Congolese NGOs denounced a fresh upsurge in violence at the beginning of the year. See the report by the Groupe des associations de défense des droits de l'homme et de la paix, "2011 Année électorale! Et pourtant l'insécurité bat toujours son plein à l'Est du pays", Butembo, 30 March 2011; and "Déclaration de la Renadhoc face à la recrudescence de l'insécurité en RDC", Renadhoc, Kinshasa, 22 February 2011; "Bukavu: deux véhicules de MSF-Espagne tombent dans une embuscade", Radio Okapi,

Moreover, in addition to the incident at Lubumbashi airport on 4 February 2011,[136] there has been a worrying increase in the number of security incidents in the West since 2010. The provincial capital of Equateur, Mbandaka, was attacked on 4 April 2010[137] by the Enyele – a tribe in conflict with another ethnic group about fishing rights in South Oubangi. This local revolt, led by a certain Udjani, who has formed the Independent Liberation and Allied Movement (Mouvement de libération indépendant et alliés – MLIA), caused the displacement of the population towards Congo-Brazzaville, where Udjani is currently staying. In November 2007, the logistical base at Kikwit was attacked by an unknown armed group[138] and, in January 2011, the authorities arrested a group of 72 men, coming from Congo-Brazzaville, and suspected of wanting to sabotage the Inga dam in the province of Bas Congo.[139] According to Kinshasa, they were acting under the orders of ex-General Faustin Munene operating from Brazzaville, from where he is trying to promote an uprising.[140] These security problems reached the capital on 27 February 2011 when the presidential residence was attacked in the middle of the afternoon.

Despite an urgent meeting of the bi-national security and defence commission of the two Congos, this last incident resulted in the cooling of diplomatic relations between Kinshasa and Brazzaville, with President Sassou publicly refusing to extradite Udjani and Faustin Munene.[141] In fact, even though a reconciliation meeting took place between the two presidents in Kinshasa in April, Congo-Brazzaville seems to be a refuge for armed opponents of the Kinshasa regime, although others attribute the incidents at Kikwit and Lubumbashi to Angola.[142]

These repeated incidents in opposition-controlled provinces do not seem to be unrelated to discontent in the army about not being paid regularly. There is a risk that MONUSCO will not be able to contain these incidents, because most of its troops are stationed in the Kivus and Province Orientale.[143] It was in a similar context of disputed power and social malaise in the army that looting happened in 1991.[144]

2. The missing security plan

With less than six months to go to the presidential election and with the organic law having only just been adopted,[145] the task of making the electoral process secure remains a secondary issue for the organisers. In 2006, in addition to the deployment of a military intervention force in Kinshasa (EUFOR), the European Union trained several battalions of the Congolese National Police Force (Police nationale congolaise – PNC) into a Rapid Intervention Police Force (Police d'intervention rapide – PIR). This operation, the fruit of cooperation between the European Union police mission (EUPOL) and some member states, allowed 3,000 police officers in six battalions to be trained.[146] This experience has not been consolidated and the support of foreign partners is now much more modest.

The technical assistance provided by the United Nations Police (UNPOL) to strengthen PNC capacity has been reduced to re-training sessions for making the electoral process secure. Training courses for PNC unit chiefs began in Kananga and Lubumbashi on 17-18 January 2011.[147] These one-week courses were followed by retraining for

11 April 2011; and "L'ONG MSF a suspendu ses activités médicales mobiles au Sud Kivu", *Le Potentiel*, 15 April 2011.

[136] "RDC: attaque de l'aéroport de Lubumbashi par un groupe rebelle non identifié", *Jeune Afrique*, 4 February 2011.

[137] "Les FARDC ont repris le contrôle de l'aéroport de Mbandaka", Radio Okapi, 4 April 2010.

[138] "Fardc/Bandundu: des hommes armés attaquent le camp Ebeya à Kikwit", *Le Potentiel*, 4 November 2010.

[139] "Le Sénateur Jacques Mbadu fait des révélations sur les 72 hommes armés arrêtés dernièrement dans la province du Bas Congo", *Le Potentiel*, 12 January 2011.

[140] "Affaire des présumés infiltrés ex-Faz: la perpétuité pour le général Munene et 20 ans de prison pour 77 autres prévenus", Radio Okapi, 5 March 2011.

[141] In an interview, Presidents Sassou declared his "opposition in principle to extradition". See "Le peuple ivoirien s'est prononcé en faveur de Ouattara", *Jeune Afrique*, 10 March 2011. According to officials of the mixed commission, ministers and then the presidents met to defuse the situation. However, no decision was taken about the extradition of individuals wanted by the DRC authorities. "Rappel de son ambassadeur à Brazzaville par Joseph Kabila, Brouille entre Kinshasa et Brazzaville", *Le Potentiel*, 25 March 2011.

[142] "RDC: Le retour des Tigres du Katanga?", Afrikarabia, 5 February 2011, http://afrikarabia2.blogs.courrierinternational.com/archive/2011/02/05/rdc-le-retour-des-tigres-du-katanga.html.

[143] See the map in Appendix B.

[144] "In December 1990, Mobutu failed to organise elections and stayed in power by passing a law to ensure the continuity of institutions. Unpaid soldiers looted Kinshasa in September 1991 and Lubumbashi in Katanga, Mbuji-Mayi in Kasaï Oriental, Mbandaka in Equateur and the Bas Congo in October. See Colonel Kisukula Abeli Meitho, *La désintégration de l'armée congolaise de Mobutu à Kabila* (Paris, 2009).

[145] "Adoption de la loi sur le fonctionnement de la police nationale au Sénat", Digital Congo, 20 April 2011, www.digitalcongo.net/article/75160.

[146] European Union operations in the Democratic Republic of Congo (DRC) – Reply to the annual report of the Council, Western Europe Union, Document A/1954, 20 December 2006.

[147] MONUSCO press conference, 19 January 2011, http://monusco.unmissions.org/.

101 police officers in Kananga on 29 March 2011[148] and 147 police cadets in Bukavu on 29 January 2011.[149] 30 instructors were also trained in Kinshasa for the job of retraining 3,000 members of the PIR.[150]

In fact, although the PIR still exists in the PNC organisation chart, five years after the training took place, its battalions no longer have any equipment or vehicles and the know-how for maintaining order has not been retained.[151] Consequently, from May to the end of September, France, with material and personnel support from the European Union,[152] will retrain two PIR battalions based in Kinshasa. These two battalions will receive non-lethal crowd control equipment and training in order to ensure a minimal intervention capacity in the capital. UNPOL will also provide the six PIR battalions with basic equipment and retraining sessions.

Although these announcements seem reassuring, it is difficult to hide the fact that this training is only theoretical, only lasts a maximum of ten days and only involves a very small number of PNC personnel. In fact, in the Kasaïs, where UNPOL announced retraining sessions for 101 police officers, the identification program launched in the same period showed the force had a total of 15,087 police officers.[153] Therefore, at the end of March, only 1 per cent of PNC personnel in the two Kasaïs had been trained for the election security operation.

The low capacity to maintain order has already been displayed during the troubles at Kinshasa University[154] and risks posing serious problems during opposition demonstrations. Once again, the excessive use of lethal force by the PNC[155] may exasperate the population, especially in Kinshasa, and degenerate into urban riots.

[148] Ibid, 23 March 2011.
[149] Ibid, 2 February 2011.
[150] Ibid, 16 February 2011.
[151] Crisis Group interviews, EUPOL and UNPOL officials, Kinshasa, March 2011. In 2007, a report funded by the European commission emphasised the conditions necessary to consolidate the progress made thanks to the aid provided for election security purposes: "On the issue of electoral security, the progress made (training and equipment) will not be genuinely valued and maintained unless the security sector reform under way allows the national police national to become an organised and homogeneous body with a guaranteed institutional structure that allows it to fulfil its duty to maintain order and security and ensure it has the resources to operate properly". Dessalien, de Montgolfier, Nachtigal, op. cit., p.106.
[152] The European Union is making available three EUPOL instructors and will provide radio communication systems for the PIR battalions stationed in Kinshasa. Crisis Group telephone conversation, diplomats, Kinshasa, April 2011.
[153] MONUSCO press conference, 9 March 2011.
[154] On 13 January 2011, following the discovery of the bodies of two students killed on the Kinshasa University campus, clashes between students and police officers degenerated and the police opened fire with live ammunition. Crisis Group interview, university teacher, Kinshasa, February 2011.
[155] "Kolwezi: la société civile appelle la police à plus de professionnalisme", Radio Okapi 15 March 2011.

IV. AVOID THE ELECTORAL DILEMMA BECOMING A POLITICAL CRISIS

Caught between accumulated delays and the constitutional requirement to "meet the deadlines", CENI is engaged in a race against the clock that may have a detrimental effect on the preparation of the election. The quality of voter registration operations is already the subject of controversy, funding problems are beginning to appear and if the new electoral calendar is going to be consensual, the decision to announce the provisional results on 6 December, the day after the final day of the current mandate, has already raised doubts about the transparency of the electoral process. The Congolese authorities face a delicate electoral dilemma: whether to follow the constitutional rules as much as possible and take the risk of holding flawed elections or agree to extend the calendar and risk charges of unconstitutionality.

Acceleration of the preparations for the elections has highlighted funding problems. The cost of the entire electoral cycle is put at $618.9 million in addition to MONUSCO's logistical support, which is put at $80 million, that is a total budget of $698.9 million. The government is providing 60 per cent of the budget and international donors are providing the remaining 40 per cent. The presidential and legislative elections alone are set to cost $221 million, with international donors contributing $84 million and the government contributing $137 million. By 31 January 2011, donors had contributed $77 million and the Congolese state $113 million.[156] Although the government announced an additional contribution of $5 million, there is a shortfall of $423 million for the entire electoral cycle 2011-2013.[157]

Following the cancellation of the local elections, the operational difficulties faced by the PACE steering committee and the government's inability to pay its contributions, donors are less and less inclined to fund an electoral process that looks like it will need extra emergency funding. Even though, on 26 March 2011, the CENI president announced a contribution of $5 million from the government and some funding by certain provinces,[158] this will not be enough to meet the shortfall. The main current donors have announced they will not increase their contributions[159] so CENI is looking for new donors and has approached Iran and the Russian Federation.[160]

Moreover, after consultation with the opposition, the CENI has set an electoral calendar.[161] The CENI had prepared several electoral scenarios, one of them separating the presidential and legislative elections, with the first this year and the second in 2012. However, in the face of MLC and UDPS intransigence on the constitutional deadlines, the CENI finally decided to organise both ballots together before 6 December 2011. If the presidential and legislative elections do not take place in 2011, the legitimacy of the current government will be immediately at issue. There is a dangerous historical precedent. On 4 December 1991, after failing to organise presidential elections, Mobutu hung on to power on the basis of the harmonisation law of the Constitution, which provided that "the president of the Republic currently in office shall remain president of the Republic until the next elections".[162] This artificial prolongation of illegitimate power opened the way to one of the most troubled periods in Congolese history.

In order to avoid the electoral dilemma becoming a political crisis, preparations should be accelerated, a consensual "contingency calendar" should be devised and political agreement reached on how to manage a possible new period of transition. It is also necessary to adopt measures to ensure respect for the principles of transparency and

[156] The main PACE contributors in decreasing order are the European Commission ($70 million), the United Kingdom ($46 million), Belgium ($23 million), Canada ($10 million), the Netherlands ($6.7 million), Sweden ($6 million), France ($1.6 million), Switzerland ($1.3 million) and the United Nations Development Program ($1 million). For more details, see "Projet d'appui au cycle électoral", UNDP in the DRC, www.cd.undp.org.

[157] In addition to the fact that not all donors to the DRC have the same view on the need for decentralisation, the need for considerable funding would probably make the local elections impossible for the government that succeeds the current administration led by Adolphe Muzito. Some donors believe that local democracy can wait and is too much of an expensive luxury. Crisis Group interviews, diplomats, Kinshasa, March 2011.

[158] "La CENI et ses partenaires évaluent le processus électoral à Lubumbashi", Radio Okapi, 26 March 2011. "Révision du fichier électoral: 450 000 dollars américains consentis par le gouvernement provincial du Nord Kivu pour assurer la mobilité des kits d'enrôlement", official website of the province of North Kivu, 1 April 2011, http://provincenordkivu.org/revision_fichier_electoral_gouvernement_julienpaluku_quarante_cinq_mille_dollars.html.

[159] Crisis Group interviews, diplomats, Kinshasa, April 2011.

[160] The Iranian ambassador has said that his country is willing to help the Congolese government. See "Message de l'ambassadeur d'Iran à Kinshasa à l'occasion du 32ème anniversaire de la révolution islamique", 14 February 2011. The Russian Federation, some members of which visited the DRC in April, proposed to supply technical advice in the form of electoral registration kits but have not announced any direct funding. "Elena Dubrovina: l'appui de la Russie au processus électoral congolais sera essentiellement logistique", Radio Okapi, 18 April 2011. Crisis Group email correspondence, civil society representatives, Moscow, April 2011.

[161] Since his appointment, the CENI president has met several opposition leaders for informal consultations. "Le président de la CENI consulte la classe politique", *Le Potentiel*, 9 March 2011.

[162] Law of 5 July 1990 on the revision of some provisions of the Constitution.

honesty of the vote in the electoral system and to provide for a two level security system of Congolese police and UN troops. The United Nations, the African Union, the European Union and the countries funding the electoral process should strengthen their monitoring of electoral preparations and should disengage from the process to avoid endorsing irregular elections if the Congolese authorities do not take steps to ensure a transparent and honest ballot.

A. Speed up Preparations and Prepare a Consensual Alternative Calendar

At the moment, the risk of an unconstitutional situation resulting from an incapacity to organise the elections before 5 December is on everybody's minds and especially present in the opposition's political calculations. Although this is not an unusual situation in the region, it can and must be avoided in the DRC. The acceleration of electoral preparations must prioritise the electoral law and voter registration, which must be improved. In order to be able to compile an electoral register that is as reliable and complete as possible in the three months allowed, the number of registration centres must be increased and the registration period extended at least one month. Creation of the CSAC must also be accelerated. All this supposes of course that state funding of the CENI is secured and quickly released in order to avoid further delays.

In addition to accelerating the preparations, it will be especially important to reach a consensus on the electoral calendar. Because of the delays, the scenario of postponing the elections has already been studied by the CENI and discussed in opposition circles.[163] The opposition has refused this option so CENI proposed a calendar that closely follows the constitutional timetable (the new president will be sworn in on 6 December 2011 but it must be known who it is on that date) but is of doubtful feasibility. Consequently, an alternative electoral scenario must be formulated by common agreement between the majority and the opposition in order to avoid postponing the elections at the last minute[164] and having to manage an emergency unconstitutional situation. The accumulation of delays risks ending in a political crisis or a fraudulent election and this can only be avoided by prior political agreement on a "contingency calendar".

Political realism dictates the need to anticipate imposing a de facto unconstitutional situation on the opposition, which might be seen as a "long planned nasty surprise" that could degenerate into a political crisis. One such postponement already took place at the 2006 election but it was managed in a consensual manner.[165] Even though postponement would not in itself guarantee free and fair elections, it is politically essential to anticipate a new transition in a way that makes any extension of the present government's authority subject to the rule of law. That has already been done elsewhere, notably in the Central African Republic and requires an agreement between the majority and the opposition. It is only in this way that the unconstitutional postponement of the elections will not turn into a crisis of legitimacy for the government. The transition contract between the majority and the opposition on this subject should define how power should be exercised if the presidential mandate is exceeded and arrange that the governing team, whoever is in it, will only deal with routine business and prioritise the organisation of elections according to the agreed timetable.

B. Take Practical Measures to Ensure the Transparency and Honesty of the Vote

In addition to the choice of 6 December for the announcement of provisional results, the transparency and honesty of the electoral process and ballot are at the heart of current concerns for donors, the opposition and civil society.[166] These two principles can and must be manifested in a series of essential measures to promote transparency and inclusion in accordance with international standards set by the African Union and the Venice Commission.[167] These essential measures must be accompanied by pre-electoral

[163] "L'opposition fait bloc pour exiger les élections dans le délai constitutionnel", Radio Okapi, 12 April 2011.

[164] In May 2010, the Burundi electoral commission postponed local elections on the grounds of inadequate organisation on the eve of polling day, causing great disappointment among the electorate and discrediting itself in the process.

[165] In 2006, the second round of the presidential election was postponed beyond the two weeks provided for in the Constitution after the CEI requested postponement. The Supreme Court validated the measure in view of the exceptional material and logistic difficulties and the fact that the postponement would not affect the regularity of the ballot.

[166] Crisis Group interviews, diplomats and civil society representatives, Kinshasa, March 2011. Also see "Déclaration sur le processus électoral", Agir pour des Elections Transparentes et Apaisées, 13 April 2011.

[167] The African Charter on Democracy, Elections and Governance sets out the principles governing democratic elections in Africa (equitable access to state media, independent and impartial national monitoring or observation mechanisms, etc, articles 17-22) and authorises sanctions against any government that refuses to relinquish power to the winning party or candidate (article 23). The Venice Commission has formulated a guide to good practice on electoral matters, which inspires European electoral systems and should help European donors to assess the electoral process in the DRC. The transparency and inclusion measures recommended above are inspired by these two instruments.

and post-electoral external monitoring and a credible dispute resolution system.

1. Essential measures to promote transparency

The CENI must demonstrate maximum transparency in the preparations as well as the ballot and make itself more accountable to political groups, international and national partners and Congolese voters. A first step should be to ask the National Audit Office to audit the CEI and give the results to Parliament.[168] In addition to this obligation, which is also included in the organic law,[169] the CENI should also have its accounts audited by an independent office in order to strengthen its financial transparency.

As with registration centres and polling stations, the vote counting centres should be open to civil society and political parties. After voting, there must be complete transparency at the vote counting centres for all accredited observers. Still on the issue of transparency and given that the elections will be delayed, the electoral roll must be checked by an independent foreign agency that should use sampling methods to ensure that it faithfully reflects the electorate. It should also be published on the internet at the same time as in the field, and broken down by constituency. The dispute procedure for the electoral roll should be clearly publicised as part of the public education campaign.

As is common practice, the results should be displayed at the polling stations and be made available on the internet, broken down by polling station, after confirmation of the official results. Another measure to promote transparency in the new electoral law is to make it compulsory for all parties to publish their campaign accounts.[170] Failure to publish accounts should be punished by making the representatives of these parties ineligible for election.

In addition, given that a certain number of parties involved in this electoral campaign (UDPS, UNC) are not represented on the CENI, it would be appropriate to set up a permanent dialogue committee between the CENI and the political groups. That would institutionalise an indispensable dialogue, which at the moment only depends on the personal initiative and goodwill of the CENI president.

2. Essential measures to promote inclusion

Given that the start of the electoral process was dominated by rumours that the electoral code would be manipulated to exclude some candidates,[171] it will be appropriate to ensure that the electoral code is as inclusive as possible with regard to candidates and electors. Eligibility conditions for candidates to the difference elected mandates must be limited to the usual criteria (nationality, good moral character, age, etc.). The deposit required should not be prohibitive[172] and should be redeemable for candidates who receive more than ten per cent of the vote.

Inclusiveness also applies to electors. The new electoral law should build on the former law by granting voting rights to the diaspora, in accordance with European Union recommendations.[173] Voters should also be made aware of the significance of the vote and of the need to comply with their civic duty, just as representatives of political parties should know their rights and duties in order that they do not under or overestimate them. Extensive civic and electoral public education campaigns should be organised by Congolese civil society with the support of specialised international NGOs that already have experience in the DRC. The budget allocated for this mission should be increased by donors in case of need.

3. Pre and post-electoral external monitoring

After their lack of reaction to civil society's eviction from the CENI and their belated and contradictory reactions to the constitutional revision,[174] the partners in the electoral process must seriously organise themselves to exercise rigorous monitoring of the electoral process as far upstream as possible. This monitoring must allow them to intervene with the Congolese authorities in the event of irregularities and to withdraw from a biased electoral process before it is too late. In the spirit of promoting essential measures, this monitoring should also apply to the freedom to campaign, respect for political pluralism, political violence, equitable access to state media, independent and

[168] Article 38 of Law n°04/009 of 5 June 2004 on the organisation, powers and operation of the Independent Electoral Commission.
[169] Article 52 of Organic Law n°10/013 of 28 July 2010 on the organisation and operation of the National Independent Electoral Commission.
[170] Financial opacity is one of the problems afflicting political systems in Africa. See Shari Bryan and Denise Baer, "Money in Politics", National Democratic Institute for International Affairs, 2005.

[171] Crisis Group interviews, diplomats, Kinshasa, March 2011.
[172] The electoral law submitted to parliament doubled the amount of the deposit for candidates in the presidential election and increased it by 200 per cent for candidates in the legislative elections.
[173] Election observation mission of the European Union in the DRC, op. cit., recommendation 10, p. 62.
[174] While some diplomats were saying in Kinshasa that the constitutional revision and the electoral system were a matter of "domestic policy", Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Guy Verhofstadt, former Belgian Prime Minister, were criticising this constitutional revision; "Guy Verhofstadt critique les modifications de la Constitution de la RDC", *La Libre Belgique*, 7 February 2011.

impartial national mechanisms of electoral control and observation of elections,[175] the quality of dialogue with the Congolese authorities about the electoral process and the disbursement of state contributions to the CENI. This monitoring should also be informed by similar work carried out by civil society and MONUSCO, and it is in accordance with their conclusions that foreign partners in PACE should fulfil their funding commitments.

As opinions among partners of the DRC often diverge [176] and given that the elections could have a destabilising effect on the country's immediate neighbours, it will be important to strengthen coordination. The United States, European Union and France should therefore appoint new special envoys to the Great Lakes. The holders of these posts have not been replaced, while Belgium, Norway, Sweden and South Africa maintain these posts, and regional problems are being far from resolved in the Great Lakes region.[177]

Following the example of the 2006 elections, civil society organisations and political parties should carry out their own monitoring of the electoral process. Accustomed to operating through networks, Congolese organisations are able to create platforms through which to follow the various electoral operations, from voter registration through to the adjudication of disputes and voting itself. In this respect, Congolese organisations should publicly denounce and lodge complaints against anyone responsible for acts of corruption while working on electoral preparations, such as the sale of tokens for registration, and they could create their own vote counting centre as they did in 2006. The parallel counting organised by civil society on the basis of observations at polling stations provides an independent assessment of the election results.

In addition, the DRC has already invited the European Union to deploy an observation mission. It is important that this mission is long term and is complemented by other international organisations, given the size of Congolese territory. The Congolese authorities should also invite the African Union, the Economic Community of Central African States, the International Conference for the Great Lakes Region, the International Organisation of the French-speaking countries, SADC and others to observe the elections. These diverse missions should coordinate their activities in order to share their human resources and achieve optimum coverage of Congolese territory.

MONUSCO's mandate should be enhanced and completed so it can monitor the entire electoral process, from the electoral operations through to the adjudication of disputes, as well as playing a good offices role in case of deadlock and/or violence. This electoral monitoring should be accompanied by an assessment of security that allows it to alert the authorities and foreign partners of possible sudden rises in electoral tension in certain regions. To do this, as UNMIS did in Sudan, a team of electoral monitoring experts should be sent to strengthen MONUSCO in the DRC and promote a flow of information to the Office of the Secretary-General's Special Representative (SGSR), who will report monthly to the diplomatic community in Kinshasa and to the United Nations in New York. This team will strengthen the electoral skills of the MONUSCO offices in the different provinces and will allow MONUSCO to play a role that is not limited to being the logistics expert of the electoral process.

From this perspective, the SGSR should also be free to take any necessary initiatives in order to facilitate or re-establish dialogue in case of deadlock or if the electoral process becomes violent. Given its logistical contribution to election preparations and the territorial coverage of its offices, MONUSCO is the only organisation to combine a logistical and political role in this process.

At the end of the election, PACE accounts should be audited by an independent foreign agency in order to maximise post-electoral accountability of donor contributions. Previous unfortunate experiences show that the management of common funds is sometimes deficient and that greater rigour is required with regard to the financial accountability of electoral aid.[178]

In addition, it will be particularly interesting to complement the assessments of the international community, political groups and organisations with an assessment by the people most concerned, that is, the voters themselves. A national survey of people's perception of the elections would be a useful complement to institutional assessments. Conducted by Congolese organisations in cooperation with specialised international organisations, such a study would allow a grassroots view of the election and would inform organisers and funders of the electoral process about

[175] Fair access to state media and independent and impartial national mechanisms to control and observe elections, articles 17-22 of the African Charter on Democracy, Elections and Governance.

[176] Crisis Group interviews, diplomats, Kinshasa, March 2011.

[177] The special envoys allow better coordination of diplomatic positions, which is necessary in the context of the Great Lakes, where questions of peace, security and development are necessarily regional.

[178] A problem concerning the misappropriation of financial aid for elections was recently discovered in the Central African Republic: "Important détournement de fonds dans une structure du PNUD à Bangui", Centrafrique presse, 11 April 2011. In addition, UNDP financial reporting was deficient during the management of common funds in 2006. The principal donor, the European Commission, criticised the financial management. See Dessalien, de Montgolfier, Nachtigal, op. cit., p. 182.

the degree of satisfaction of Congolese voters regarding preparation of the elections, their conduct, the announcement of the results and the resolution of disputes. Reference to "user" views as well as those of experts would help to improve future elections.

4. Create credible dispute resolution mechanisms

The resolution of electoral disputes was seriously brought into question during preceding elections, prompting Congolese political actors to lose confidence in electoral justice. To restore this confidence, it is important to maximise the transparency of the publication of results and ensure the independence of electoral justice.

Given that the reform of the judiciary provided for in the Constitution has not been carried out, the Supreme Court will be responsible for adjudicating on electoral disputes, as it was in 2006. CENI should learn the lessons of 2006 (most appeals were declared inadmissible for reasons of form)[179] and introduce a standard procedure for challenging results, extend the time within which such challenges can be made in order to improve research of cases, and create teams composed of its officers, police officers and members of electoral observer organisations to investigate cases of electoral fraud. Members of political parties should benefit from receiving training in electoral disputes as part of public electoral education campaigns.

C. Design a Two-level Security Intervention System

The threats to security largely depend on the general atmosphere during electoral preparations but also on certain specific factors. It goes without saying that the consensual preparation of elections considerably reduces opposition dissatisfaction and therefore the threat of destabilisation. In this regard, an official ceremony at which the political parties would sign a code of conduct, as in 2006, would be an act of good faith that would set the seal on public agreement of the "rules of the game" for a democratic electoral campaign.[180] In addition to reiterating fundamental freedoms for the electoral activities of the parties, such a code of good conduct would prohibit calls for violence, hate speech and retaliation against defeated candidates and would contain a commitment to accept the results of the ballot box and challenge them exclusively through legal channels.

Application of this code would be supervised by a monitoring committee composed of representatives of political parties, civil society, embassies and MONUSCO. In addition, this code would establish an inter-party committee to promote dialogue between the political parties. This committee for dialogue would allow debate on contentious issues and identify consensual solutions.

Apart from this confidence-boosting measure between political groups, it would be appropriate to design and apply an aspect that is desperately lacking: a genuine plan to ensure the security of the electoral process. This plan should provide for two levels of intervention depending on the seriousness of the problem: the Congolese police and UN troops. The Congolese police should be able to handle major demonstrations in urban areas and make use of proportionate force. This will require it to be trained in crowd management in the major urban centres, especially Kinshasa, where there is a high probability of urban violence during the campaign after the announcement of results. Such training should prioritise the country's biggest urban centres and be provided by UNPOL and other cooperating police forces, which should quickly receive substantial reinforcements from specialists in maintaining public order.

The PNC should ensure the security of election materials and operations (registration, voting, announcement of results, etc) without hindering the freedom of circulation of the leaders of political parties and other organisations and journalists. They should be deployed at the time of and even preceding electoral operations. In order to do this, the PNC must be paid regularly. In this regard, and as with all public officials, police officers should be reminded by the highest state authorities of their duty to remain politically neutral. Members of the security forces and state officials in general should be made to solemnly swear an oath of neutrality.

In addition, as part of its monitoring of the electoral process, MONUSCO should be entrusted with the task of alerting the diplomatic community, the Congolese authorities and United Nations headquarters in New York of any rise in tension and with planning security scenarios. It should also prepare itself for rapid deployment in the event of levels of disorder that the PNC is unable to cope with, especially in Kinshasa. The East/West imbalance of MONUSCO's military capacity[181] should be quickly compensated in accordance with the emergence of threats in the West and to where the centre of gravity of risk is located – in Kinshasa, where the opposition is expected to win. Although there are no more armed groups in Kinshasa, this city of several million inhabitants, which has several military camps, is nevertheless a sensitive urban centre as shown

[179] Election Observation Mission of the European Union in the DRC, op. cit., chapter 13, pp. 56-60.
[180] Article 17 of the African Charter on Democracy, Elections and Governance recommends the signature of such a code as did the SADC electoral observation mission. Election observation mission of the SADC parliamentary forum, op. cit., p. 39.

[181] See Appendix B.

by recent incidents (violence at the university, attempted coup on 27 February, etc).

In the event of electoral violence, MONUSCO should not allow itself to be paralysed as in the crisis in Goma in 2008.[182] It should reinforce its troops in Kinshasa and be ready to redeploy the blue helmets in the western part of the DRC in accordance with the threat.

V. CONCLUSION

Although the elections of 2011 are not the same as those that took place in 2006, they nevertheless have an important characteristic in common: they still constitute a high political risk. The decision to opt for an electoral calendar that only just remains within the bounds of constitutional legality and technical feasibility illustrates the electoral dilemma facing the Congolese authorities: respect the constitutional deadline as far as possible and organise botched elections or ignore that deadline and slide into a situation of unconstitutional power. The choice that has been made carries the risk of last-minute postponement that can and must be anticipated to avoid an unconstitutional situation being forced on the country and the possibility of the opposition taking to the streets.

Five years after the organisation of the first democratic elections in the Democratic Republic of Congo, electoral organisation is arduous, international funding remains indispensable, relations with international partners are still polemical and the threat of political violence is still present. Far from being an isolated case, this situation reflects the general situation of a country whose governance has not allowed it to capitalise on the external aid provided and that acts as a brake on democracy's ability to put down roots. As in Chad, Burundi and the Central African Republic, the post-transition elections in the Democratic Republic of Congo threaten to promote disenchantment with democracy.

Kinshasa/Nairobi/Brussels, 5 May 2011

[182] During the crisis in Goma in 2008, MONUC proved incapable of redeploying the blue helmets quickly enough to protect the city from Laurent Nkunda's troops.

APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF CONGO

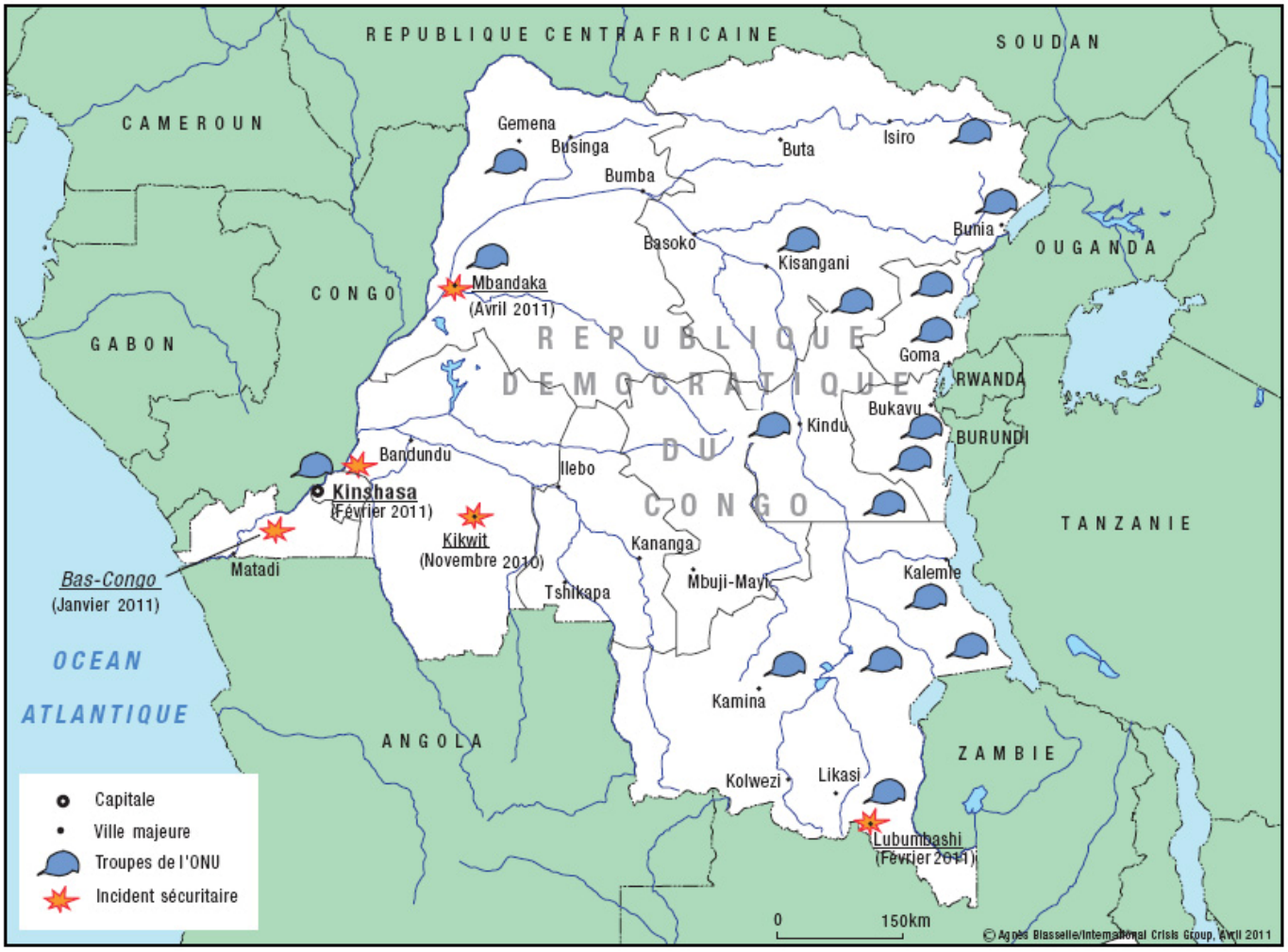


Map No. 4007 Rev. 8 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

MAP OF MONUSCO TROOPS AND SECURITY INCIDENTS IN THE DRC



APPENDIX C

THE OPPOSITION PARTIES

The opposition currently comprises four main parties although it is very difficult to assess their electoral strength. Two of them (MLC and RCD) are the product of the parliamentary opposition formed after the 2006 elections but their political image has been considerably eroded since then. The two other parties (UDPS and UNC) come from the extra-parliamentary opposition. All these parties have in common a pronounced personalisation of power.

The Congo Liberation Movement (Mouvement de libération du Congo – MLC)

The MLC was created on 30 June 1999 in Lisala, Equateur province, Mobutu's birthplace, by Jean-Pierre Bemba Gombo, the son of Jean Bemba Saolona, president and chief executive of the SCIBE group of companies and president of the National Association of Companies of Zaire (Association nationale des entreprises du Zaire). The MLC was a political-military[183] movement before it was a political party. The armed wing was called the Congo Liberation Army (Armée de libération du Congo – ALC).

Between 1999 and 2003, Uganda supported the MLC in its war against the government in Kinshasa and the RCD-Goma, supported by Rwanda. A signatory to the global and inclusive Pretoria Accord, Jean-Pierre Bemba joined the transition government on 30 June 2003 as vice-president of the DRC with responsibility for the Economic and Financial Commission. During the transition, the MLC obtained command of two military regions, Bandundu and Katanga, while four ALC brigades were deployed in the Kivu.[184]

A candidate in the 2006 presidential election, Jean-Pierre Bemba was beaten by Joseph Kabila in the run-off but his political party obtained 64 seats in parliament thanks to the western provinces and voters of Étienne Tshisekedi's UDPS who had no other alternative because of their leader's boycott of the election. These favourable circumstances allowed him to become a senator and leader of the opposition but because of a reversal of alliances, his party did not manage to obtain the governorships in the provinces where he had a majority and had to make do with control over Equateur. Although he recognised the election result, he was violently removed from the Congolese political scene in March 2007.

After the departure and later arrest of Jean-Pierre Bemba,[185] François Muamba Tshibimbi, MLC deputy for Kasaï Oriental and chair of the parliamentary group, became general secretary of the MLC. However, the party is going through a deep internal crisis because of the presence/absence of its leader, who is trying to lead the movement from The Hague.[186] The party has suffered many defections and expulsions and was eventually unable to hold a congress, announced for April. In August 2010, Roger Nsingi, MLC provincial deputy and president of the Kinshasa provincial assembly was temporarily deposed before being reinstated by the Supreme Court in November 2010 and expelled from the MLC.[187] In February 2011, José Makila, ex-governor of Equateur left the MLC[188] and, in April 2011, François Muamba, general secretary of the party, was expelled by Jean-Pierre Bemba.[189]

Congolese Rally for Democracy (Rassemblement congolais pour la démocratie – RCD)

Created in 1998 at the instigation of Rwanda and Uganda, the RCD was an armed movement in eastern DRC in opposition to Laurent-Désiré Kabila. In 1999, when the front between troops loyal to Kabila and the RCD stabilised, the RCD began to split. It divided into two factions, Ernest Wamba dia Wamba's RCD-Kisangani, supported by Uganda, and Emile Ilunga's RCD-Goma, supported by Rwanda. Following the RCD-Kisangani's defeat by the RCD-Goma, Mubusa Nyamwisi ousted Ernest Wamba dia Wamba and renamed it the RCD-Mouvement de Libération or RCD-Kis/ML.[190]

A signatory to the Pretoria Accord on 11 July 2003, the RCD-Goma became the Rassemblement congolais pour la démocratie (RCD) and joined the transition government. Azarias Ruberwa, RCD vice president, became vice president of the DRC and responsible for the Policy, Defence and Security Commission. He also became presi-

[183] Article 1 of the MLC statutes.
[184] See Crisis Group Africa Report, *The Congo Transition is Failing*, op. cit.

[185] See fn. 4 above.
[186] Crisis Group interviews, MLC members, March 2011.
[187] "Réhabilité, Roger Nsingi sans légitimité", *Forum des As*, 29 October 2010.
[188] "José Makila met le MLC à genoux", *L'Avenir*, 1 February 2001.
[189] "Bras de fer au MLC: Bemba chasse François Mwamba", Digital Congo, 18 April 2011, www.digitalcongo.net/article/75101.
[190] Mbusa Nyamwisi and the RCD-ML were integrated into the transition government in 2003. See Crisis Group Africa Report, *The Congo Transition is Failing*, op. cit.

dent of the RCD, whose armed wing was integrated into the FARDC.

At the 2006 elections, Azarias Ruberwa and his political party suffered a heavy defeat, receiving 1.93 per cent of votes in the presidential election and fifteen seats in the National Assembly, mainly for South and North Kivu, Maniema and, to a lesser extent, Province Orientale and Kasaï Occidental.[191] Inaudible on the Congolese political scene, the RCD also had an internal crisis, which concluded with the expulsion of Azarias Ruberwa by Trésor Kapuku, governor of Kasaï Occidental.[192] Since then, the RCD has been put on ice and it is only by aligning itself with the positions taken by the UDPS and the UN that the RCD succeeded in making a comeback to the political scene in 2011.[193]

Union for Democracy and Social Progress (Union pour la démocratie et le progrès social – UDPS)

Etienne Tshisekedi was a senior figure in Mobutu's party before becoming his most ferocious enemy. Minister of the Interior and Customary Affairs in 1965, he helped to draft the Nsele manifesto that created the Popular Movement for the Revolution (Mouvement populaire pour la révolution – MRP) and the Constitution that enshrined the MRP as the single party. On 1 November 1980, thirteen members of the Zaire Parliament, including Etienne Tshisekedi, wrote an open letter to Mobutu asking him to democratise Zaire and the MRP. The "group of thirteen" were then kept under house arrest in their villages. On 15 February 1982, they created the UDPS, Zaire's first opposition party. After a period of negotiation, the founder members were arrested in March 1982, sentenced to fifteen years imprisonment on 1 July 1982, then amnestied on 19 May 1983.

Between 1983 and 1987, the founder members of the UDPS were harassed by the government until the Gbadolite Accords on 24 June 1987, which enshrined the integration of the UDPS into the MPR. Etienne Tshisekedi left Zaire on 17 July 1987 to take a more radical opposition position and rejected the Gbadolite Accords from Belgium. He returned on 8 January 1988, but was arrested on 18 January 1988 and released two years later, on the day that Mobutu authorised the creation of a multiparty system. Officially recognised on 17 January 1991, the UDPS became the spearhead of the opposition during the period of democratisation. It participated in the Sovereign National Conference with UFERI and the Christian Social Democratic Party (Parti démocrate social chrétien – PDSC) and, on 30 September 1991, Etienne Tshisekedi, champion of the democratic cause, was appointed prime minister, against Mobutu's will.

The years of crisis that followed were dominated by clashes between the two men – clashes that were ethnically manipulated in Katanga, where Mobutu, with the UFERI's help, organised the violent expulsion of the non-native Baluba to Kasaï. Sensing the end of his regime, Mobutu reappointed Etienne Tshisekedi as prime minister on 3 April 1997. The latter proposed incorporating Laurent-Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo (Alliance des forces démocratiques pour la libération du Congo – AFDL) but Mobutu and Laurent-Désiré Kabila both refused this proposal.[194]

Marginalised by wars and the success of "political-military" movements, the UDPS refused to join the transition government in 2003, then it boycotted the presidential, legislative and provincial elections in 2006, believing "they were fixed". Treated for his health in Belgium, Etienne Tshisekedi returned to Kinshasa on 8 December 2010 to announce his candidacy in the 2011 presidential election and that of the UDPS in the legislative elections. Although very popular, the UDPS has no electoral experience, is divided and does not have many resources to organise a campaign. It is therefore difficult to assess the electoral impact it may have. However, a rally in the Tata Raphaël Stadium on 24 April 2011 was a genuine success and was attended by many delegations from "friendly" parties, such as the UDEMO, MLC, UNC and PALU, which have yet to organise a mobilisation on the same scale. During this month, Tshisekedi's campaign team was officially appointed.[195] As with the MLC, the UDPS is embodied by its president, champion of democratisation and 79 years old, rather than by a political ideology or program.

Union for the Congolese Nation (Union pour la nation congolaise – UNC)

The UNC was created on 19 June 2010 by Vital Kamerhe, ex-president of the National Assembly and ex-national deputy for Bukavu. Following a disagreement with Joseph Kabila about the entry of Rwandan troops onto DRC territory in January 2009, Kamerhe was pressured into resigning from the presidency of the National Assem-

[191] See Thierry Coosemans, *Radioscopie des Urnes Congolaises*, op. cit., p. 135.
[192] "Trésor Kapuku Ngoy sort Azarias Ruberwa Manywa", *Le Soft*, 21 July 2009.
[193] "L'opposition fait bloc pour exiger des élections dans le délai constitutionnel", Radio Okapi, 12 April 2011.
[194] For more details on Etienne Tshisekedi's role in the UDPS, see Dieudonné Ilunga Mpunga, *Etienne Tshisekedi, Le sens d'un combat* (Paris, 2007).
[195] Decision n°032 of 11 April 2011 creating a central office for the UDPS electoral campaign, and decision n°033 of 15 April 2011 appointing the members of the permanent electoral commission.

bly.[196] On 14 December 2010, he announced he would be a candidate in the presidential elections of 2011.

Vital Kamerhe's electorate is probably located mainly in South Kivu. Although the UNC publicly claims the adherence of a dozen deputies who resigned from the PPRD, it is difficult to assess its political strength. Kamerhe does not have the support of Mwami de Walungu, the traditional leader of his clan. He is in competition with the RCD, whose electorate is also in South and North Kivu as well as Maniema. It must also be ready to deal with manoeuvres by the PPRD and the South Kivu and Maniema administrative authorities. In order to give himself national projection, Kamerhe is making many media appearances with opposition parties but has not concluded any political agreements with them as yet.

[196] "RDC: le président de l'assemblée nationale appelé à la démission", *Jeune Afrique*, 27 February 2009.

APPENDIX D

GLOSSARY

ADF/NALU	Allied Democratic Forces/National Army for the Liberation of Uganda, a Ugandan rebel group in North Kivu
AFDL	Alliance des forces démocratiques pour la libération du Congo-Zaïre (Alliance of Democratic Forces for the Liberation of Congo-Zaire), a rebel movement that overthrew President Mobutu Sese Seko and brought Laurent Kabila to power following the first war in the Congo (1996-97)
AMP	Alliance pour la majorité présidentielle (Alliance for the Presidential Majority), created in 2006 to ensure Joseph Kabila's victory in the presidential election, it became the Majorité présidentielle (MP) in 2011
ANALCO	Alliance nationale des libéraux du Congo (National Alliance of Congolese Liberals), announced its support for Tshisekedi in the 2011 elections
APEC	Programme d'Appui au processus électoral au Congo (Electoral Support Programme for the Congo), support fund created in 2006 by the UNDP later replaced by PACE
ARC	Alliance pour le renouveau du Congo (Alliance for the Renewal of the Congo), created by Olivier Kamintatu after he left the MLC
ATD	Alliance des travaillistes pour le développement (Labour Alliance for Development), party created in April 2011 by José Makila in Equateur following his defection from the MLC
CCU	Convention des Congolais unis (Convention of United Congolese), party led by Lambert Mende and a member of the MP
CD	Chrétiens démocrates (Christian Democrats)
CDC	Convention des démocrates chrétiens (Convention of Christian Democrats), group of parties
CEI	Commission électorale indépendante (Independent Electoral Commission), replaced by the CENI in March 2011
CENI	Commission nationale électorale indépendante (National Independent Electoral Commission)
CNDP	Congrès national pour la défense du peuple (National Congress for the Defence of the People), political movement created in July 2006 by Laurent Nkunda
CSAC	Conseil supérieur de l'audiovisuel et de la communication (Superior Audiovisual and Communication Council), replaced the HAM following a law promulgated in January 2011, its mission is to ensure the neutrality of media coverage during the electoral campaign
DDR	Disarmament, Demobilisation and Reintegration Program
DRC	Democratic Republic of Congo
DTP	Dynamique Tshisekedi président (Tshisekedi President Dynamic), alliance launched on 16 February 2011 by Tshisekedi to try and rally the opposition around him for the presidential election. Unites a dozen political parties
Ecidé	Engagement pour la citoyenneté et le développement (Commitment to Citizenship and Development)
EU	European Union
EUPOL	European Union police mission
FARDC	Forces armées de la République démocratique du Congo (Armed Forces of the Democratic Republic of Congo), name used to refer to the Congolese national army after the start of the transition
FDLR	Forces démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda), a Hutu rebel group created in 2000 and mainly composed of members of Armée pour la libération du Rwanda (Army for the Liberation of Rwanda – ALiR) and other Hutu armed rebel groups
FPC	Front patriotique congolais (Congolese Patriotic Front), movement that came out of the CNDP, created in 2008 after the latter signed the act of commitment in Goma
FRF	Forces républicaines fédéralistes (Republican Federalist Forces), a Banyamulenge militia, South Kivu, led by Michel Rukunda
HAM	Haute autorité des médias (High Authority on the Media), replaced by CSAC in 2011
ICC	International Criminal Court

JUFERI	UFERI youth organisation
JUSORAL	Jeunesse de l'Union sacrée de l'opposition radicale et alliés (Sacred Union of the Radical Opposition and Allies)
MLC	Mouvement de libération du Congo (Movement for the Liberation of Congo)
MLIA	Mouvement de libération indépendant et alliés (Independent Liberation and Allied Movement)
MLP	Mouvement lumumbiste progressiste (Progressive Lumumbiste Movement)
MONUC	United Nations Mission in the Democratic Republic of Congo
MONUSCO	United Nations Stabilisation Mission in the Democratic Republic of Congo, replaced MONUC on 1 July 2010, in accordance with the United Nations Security Council Resolution 1925
MP	Majorité présidentielle (Presidential Majority), new presidential alliance that replaced the AMP on 18 March 2011
ODAT	Ordre divin de l'autorité traditionnelle (Divine Order of Traditional Authority)
PACE	Projet d'appui au processus électoral (Electoral Process Support Project), support fund managed by the UNDP
PALU	Parti lumumbiste unifié (Unified Lumumbiste Party), created in 1964 and currently led by Antoine Gizenga
PANU	Parti de l'alliance nationale pour l'unité (Party of the National Alliance for Unity)
PAREC	Programme œcuménique de paix, transformation des conflits et réconciliation (Ecumenical Program for Peace, Conflict Resolution and Reconciliation) Congolese NGO led by Pastor Daniel Ngoy Mulunda
PIR	Police d'intervention rapide congolaise (Congolese Rapid Response Police Unit)
PNC	Police nationale congolaise (Congolese National Police)
PPRD	Parti du peuple pour la reconstruction et la démocratie (People's Party for Reconstruction and Democracy), created in 2002 by Joseph Kabila. Évariste Boshab has been general secretary since 2007
PS	Parti socialiste (Socialist Party)
PT	Parti travailliste (Labour Party), led by Steve Mbikayi
RADECO	Rassemblement des démocrates conciliants (Rally for Conciliatory Democrats)
RADER	Rassemblement des démocrates pour la rupture et le renouveau (Rally of Democrats for a New Start and Renewal)
RCD	Rassemblement congolais pour la démocratie (Congolese Rally for Democracy), a former rebel movement set up in 1998, backed by Rwanda and Uganda and led by former vice president Azarias Ruberwa
UDEMO	Union des démocrates mobutistes (Union of Mobutu Democrats), created in 2004 on the initiative of Mobutu Nzanga
UDPS	Union pour la démocratie et le progrès social (Union for Democracy and Social Progress), party founded in 1982 by Etienne Tshisekedi and others and currently led by Tshisekedi
UFERI	Union des fédéralistes et des républicains indépendants (Union of Independent Federalists and Republicans), political party formed in 1990, which gained notoriety with its violent expulsion of Baluba communities from Kasaï and Katanga in 1993
UMR	Union pour la majorité républicaine (Union for the Republican Majority), minority party of Kasaï Occidental and part of the group Ordre des démocrates républicains (Order of Republican Democrats)
UN	Union nationale (National Union), previously RENACO, former opposition platform created by Bemba in 2006, from which the USA emerged
UNAFEC	Union des nationalistes et des fédéralistes du Congo or Union nationale des fédéralistes du Congo (Union of Congo Nationalists and Federalists)
UNC	Union pour la nation congolaise (Union for the Congolese Nation), Vital Kamerhe's party
UNDP	United Nations Development Program
UNPOL	United Nations Police
UPC	Union patriotique congolaise (Congolese Patriotic Union), Thomas Lubanga's party
USA	Union sacrée pour l'alternance (Sacred Union for Alternation), opposition platform created in August 2010, which groups the MCC, ODAT, PS and the Parti congolais pour l'alliance nationale (Congolese Party for National Alliance)

APPENDIX E

INITIAL ELECTORAL CALENDER, 6 AUGUST 2010

DEMOCRATIC REPUBLIC OF CONGO

Independent Electoral Commission (CEI)

ELECTORAL CALENDAR 2010-2013

No	Start	End	Days	Task	Ref
A	Revision of electoral register (Maniema, Katanga, Kasaï Occidental, Equateur, P.Orientale, Bandundu, North & South Kivu, K.Oriental, Kinshasa)				
1	02/09/10	10/11/10	70	Deployment of kits and materials for revision of electoral register	CEI
2	31/10/10		1	Launch of public information and education campaign	CEI
3	30/11/10	27/02/11	90	Collection of data, disputes and payment of electoral agents	CEI
4	28/02/11	06/03/11	7	Electoral roll disputes	
5	07/03/11	05/04/11	30	Collection of voters' lists on CDs	CEI
6	06/04/11	05/05/11	30	Centralisation and consolidation of data at the National Data Centre	CEI
7	06/05/11	12/05/11	7	Adoption of annex to L.E. regarding distribution of seats	AN
B	Elections				
8	27/03/11	10/05/11	45	Recruitment, training and deployment of BRTC personnel	CENI
9	13/05/11	12/07/11	61	Registration and processing of candidacies for presidential and national legislative elections	Art 27, 108 LE
10	13/07/11	11/09/11	61	Registration and processing of candidacies for provincial legislative elections	Art 25-27 LE
11	13/07/11	26/11/11	137	Production and deployment of ballot papers for presidential and national legislative elections	CENI
12	27/10/11	25/11/11	30	Electoral campaign: presidential (first round) and national legislative elections	Art 28, 110, 125 LE
13	27/11/11		1	Voting day: presidential elections (first round) and national legislative elections	CENI
14	28/11/11	30/12/11	33	Compilation and announcement of definitive results of the presidential election (first round)	Art 72, 74, 113 LE
15	30/12/11	18/01/12	20	Production and deployment of ballot papers for presidential election (second round)	CENI
6	24/02/12	24/03/12	30	Electoral campaign for provincial legislative elections	Art 150 LE
17	10/02/12	24/02/12	15	Electoral campaign for presidential elections (second round)	Art 110 and 150 LE
18	26/02/12		1	Voting day: presidential elections (second round) and national provincial elections	CENI
19	27/02/12	24/03/12	27	Compilation and announcement of definitive results for the presidential election (second round)	Art 72, 74, 113 LE
20	10/01/12		1	Elected president sworn in (if elected in the first round)	Art 74 Const, Art
21	04/04/12		1	Elected president sworn in (if elected in the second round)	Art 74 Const, Art
22	12/04/12	11/05/12	30	Registration and processing of candidacies for senators, governors and vice governors	
23	13/06/12		1	Provincial assemblies elect senators	Art 139 LE
24	12/07/12		1	Provincial assemblies elect provincial governors and vice governors	Art 168 LE

25	24/07/12	22/09/12	61	Registration and processing of candidacies for urban, municipal and local elections	
26	22/11/12	20/01/13	60	Production and deployment of ballot papers for local elections	
27	31/01/12		1	Election of municipal councillors, sector and chiefdom councillors	
28	19/05/12		1	Election of sector chiefs, bourgemestres and urban councillors	
29	08/08/13		45	Election of mayors and assistant mayors	

APPENDIX F

ELECTORAL CALENDER, 30 MARCH 2011

DEMOCRATIC REPUBLIC OF CONGO

Independent National Electoral Commission (CENI)

CALENDAR FOR GENERAL AND PROVINCIAL ELECTIONS 2011-2013

Presidential, Legislative, Provincial and Local Elections

No	Start	End	Days	Task
1	15/03/11	31/05/11	78	Promulgation of the revised electoral law and publication of implementing measures
2	02/04/11	30/06/11	90	Revision of the electoral register in the last seven provinces
3	01/07/11	18/09/11	80	Packing and distribution of non-sensitive material (ballot boxes, polling booths, training, education and communication materials)
4	01/07/11	07/07/11	7	Disputes about electoral register in the last seven provinces
5	08/07/11	15/07/11	8	Collection of final CDs
6	16/07/11	22/07/11	7	Data centralisation and detection of alphanumeric data at the CNT and harmonisation with the decentralised bodies
7	23/07/11	27/07/11	5	Adoption of the annex to the electoral law on the distribution of seats
8	28/07/11	03/08/11	7	Promulgation of the annex to the electoral law on the distribution of seats
9	04/08/11		1	Convocation of the electorate and registration of candidates for the presidential election and the national assembly
10	04/08/11	06/09/11	34	Registration and processing of candidacies for presidential and national assembly
11	07/09/11		1	Publication of the provisional list of candidates for the presidential election and the national assembly
12	08/09/11	16/09/11	9	Appeals and adjudication of disputes regarding candidacies
13	17/09/11		1	Publication of the definitive list of candidates for the presidential election and the national assembly
14	06/09/11	09/10/11	34	Printing and collating of electoral lists
15	18/09/11	21/10/11	34	Ordering and production of ballot papers for the presidential election and the national assembly
16	22/10/11	15/11/11	25	Distribution of sensitive materials (voting papers and electoral lists) to training sites
17	28/10/11	26/11/11	30	Election campaign for the presidential election and the national assembly
18	16/11/11	22/11/11	7	Distribution of materials from training sites to polling stations
19	23/11/11	27/11/11	5	Training of members of polling station officers at polling and vote counting stations
20	28/11/11		1	Voting day: presidential election and the national assembly
21	29/11/11	12/01/12	45	Collection and compilation of election results
22	06/12/11		1	Announcement of provisional results of presidential election
23	07/12/11	16/12/11	10	Appeals and adjudication of disputes regarding presidential election by the Supreme Court
24	17/12/11		1	Proclamation of the definitive results of the presidential election by the Supreme Court
25	20/12/11		1	Elected president sworn in
26	13/01/12		1	Announcement of provisional results of national legislative elections by the Supreme Court

27	14/01/12	16/03/12	63	Appeals and adjudication of disputes regarding national legislative elections
28	18/11/11	21/11/11	35	Registration and processing of candidacies for provincial assemblies
29	22/11/11		1	Publication of provisional list of candidates for provincial assemblies
30	23/11/11	01/12/11	9	Appeals and adjudication of disputes regarding candidacies
31	02/11/11		1	Publication of definitive list of candidates for provincial assemblies
32	20/12/11	18/01/12	30	Printing and collating of electoral lists
33	05/12/11	18/01/12	45	Ordering and production of ballot papers for the provincial deputies election
34	18/01/12	12/03/12	55	Distribution of voting papers and electoral lists for provincial elections to training sites
35	23/02/02	23/03/12	30	Election campaign for provincial elections
36	13/03/12	19/03/12	7	Distribution of materials for provincial elections from training sites to polling stations
37	20/03/12	24/03/12	5	Training of members of polling station offices at polling and vote counting stations
38	25/03/12		1	Election day: provincial elections
39	26/03/12	09/05/12	45	Collection and compilation of election results
40	04/05/12	02//07/12	60	Co-opting of customary chiefs