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THE POLITICS OF TRANSITION IN THE DRC
#1 - HANS HOEBEKE - 18 OCTOBER 2006

1. INTRODUCTION

The Transition in the DRC, in line with the institutional architecture adopted during the inter-Congolese dialogue in Sun City, known as the '1+4', will officially end with the installation of newly elected national political institutions at the end of 2006. In December 2005 a new Constitution was adopted by popular referendum and a first round of national elections was held on 30 July 2006. On 22 September the newly elected Parliament was inaugurated and the preparations for the second round of the Presidential elections, programmed for 29 October 2006, got under way. These crucial, positive achievements notwithstanding, several events during these last months pointed at some of the key weaknesses and challenges for the political process in the DRC. These include mainly security and fundamental political issues that will have to be resolved for the DRC to begin the long process of reconstruction.

The high level of complexity of the DRC conflict is a result of a number of factors, including: the regional setting, the size of the territory, the various dynamics in different parts of the country, the abundance of easily exploited natural resources and the nature of politics in the country. All too often analysis focused on the negative role of the neighboring countries, especially Rwanda and Uganda. Even if it is abundantly clear that their role has not always been in support of the transition, the main ground for the continuing problems in the DRC would rather be the nature of politics in the country. This covers a range of issues, such as: a lack of institutional and technical capacity, the neo-patrimonial nature of politics, the institutionalization of corruption, and a splintered political party landscape.

While none of the current mainstream political/military groups in the DRC has an interest in renewed full-scale war, the present situation of 'no war, no peace', in different parts of the country, offers considerable political and economic opportunities and advantages to several elite groups. The main challenge in the DRC therefore rests with the political and business elites, in the domains of governance (anti-corruption) and the delivery of basic security. From this perspective, the experience of the Transition period might offer some indications on the future behavior of some of the key actors.

A key uncertainty concerns the level of engagement of the international community in the DRC. Of key importance are both the presence of the UN mission in the DRC (MONUC) and the operation of a political mechanism with the 'Comité International d'Accompagnement de la Transition' (CIAT). The newly elected government is likely to project its full sovereignty and political legitimacy, which will limit the influence the international community can exert on the Congolese authorities. The international 'stick and carrot' will mainly consist of the financial instrument, a stick difficult to wield since the social needs are huge and the process remains fragile. Especially in the Eastern provinces, MONUC remains of key importance both as a source of security for the civilian population and as an instrument to contribute to the

operational capacity of the Congolese armed forces (FARDC¹). It is also a way of access and information for the international community on the humanitarian and security conditions in these provinces.

This note presents an outline of a decade of politics in the DRC, with a focus on the Transition period (2003-2006). It identifies the crucial role played by the international community in the preparation of the key challenges of the Transition: SSR/DDR and the preparation of the elections. Through an assessment of the result of the first elections the prospects for the future political situation in the DRC and the key risk and vulnerabilities for the post-transition period are identified.

2. THE CHALLENGES

Compared to similar complex post-conflict settings (i.e. the Sudan), the DRC Transition period was kept relatively short at 2 years with the possibility for two 6-month extensions².

The 2002 ‘Global and Inclusive Agreement on Transition in the DRC’ listed the following main challenges for the Transition Government³:

- Reunification and reconstruction of the country, the re-establishment of peace and the restoration of territorial integrity and State authority in the whole of the national territory;
- National reconciliation;
- The creation of a restructured, integrated national army;
- The organization of free and transparent elections at all levels allowing for a constitutional and democratic government to be put in place;
- The setting up of structures that will lead to a new political order.

Progress has been achieved on all fronts, but a lot of ground will have to be covered by the future government. The daily lives of a considerable part of the population have not fundamentally altered since the start of the Transition and there is a lack of national institutions with a capacity to shoulder the reconstruction efforts. As UN SRSG Swing stated in an interview following the first round of the elections: “*The transition will finish with the installation of an elected President, but the tasks of the transition will continue, because at least 40 percent of the tasks are not completed.*”⁴ So far, in the course of 2006, the focus on the electoral process has overshadowed the urgent need for progress in the fields of Disarmament, Demobilization and Reintegration (DDR) of former combatants and the reform of the security sector (SSR) (as was again demonstrated in the events following the publication of the electoral results).

3. THE ENGINE OF THE PROCESS: THE ROLE OF THE INTERNATIONAL COMMUNITY

¹ Forces Armées de la République Démocratique du Congo (FARDC).

² These extensions proved necessary and even too short since the newly elected institutions will be installed at the end of 2006.

³ Global and Inclusive Agreement on Transition in the DRC, Pretoria, 16 December 2002.

⁴ Interview with SRSG Ambassador Swing on Saturday 9 September 2006, Radio Okapi as published on www.monuc.org.

Somewhat cynically, the main success of the transition government is its survival. The process was marred with a high number of political and security crises and had to operate in an exceptionally difficult institutional context. Keeping the transition on track has required a continuous reinforcement of the UN military presence throughout the country, mainly in the East. At crucial times, MONUC has received back-up by the EU (ARTEMIS⁵ and currently EUFOR RDC). Concepts for an additional African force (AU and CEEAC⁶) are on the shelf but remain largely theoretical, owing to practical and financial considerations.

The main force behind the effective organization of the elections has been the often hands-on involvement of the international community, mainly through CIAT. The massive material support and the political pressure have proven fundamental. The registration of almost 26 million voters is rightly considered something of a miracle, considering the practical and logistical challenges that had to be met.

The key factors pushing towards the elections were: the pressure of a population tired of 15 years of political crisis and the insistence of the international community. At least in the highly politicized capital of Kinshasa, this ‘partnership’ between the population and the international community had become increasingly strained in the tense period before the elections, as there was an increasing impression of partiality of the international community in favor of President Kabila. This feeling was strengthened and actively entertained by candidate Jean-Pierre Bemba and by the radical opposition around the UDPS. The EU and France were especially targeted by these accusations. The presence of EUFOR in Kinshasa remains ambivalent in this environment. The EU’s image seems to have ameliorated following the intervention in August, but the mood could swing quite rapidly.

Unified on the strategic goals for the DRC transition, the international community demonstrates a lack of unity in the way and means to achieve these goals. The lack of unity and the competition between several of the major international players has caused considerable problems (and continues to do so). These divisions create the necessary room for the Congolese political class to play one partner against the other. It also diminishes the impact and spills a considerable part of the mobilized resources with a myriad of (coordination) structures, policies and concepts that are often contradictory, therefore blocking progress in several domains, including DDR and SSR. These divergences are likely to increase following the installation of the new government.

The massive MONUC presence remains fundamental as the FARDC, PNC⁷ and several militia groups remain a very unstable factor and both SSR and DDR in the

⁵ The importance of the ARTEMIS operation cannot be overstated. The operation was deployed in Ituri District, where, although its area of operations was limited to the capital city of Bunia and immediate surroundings, it considerably augmented the stability. By its intervention ARTEMIS created the necessary time for the UN to reinforce the MONUC presence in the area and thus maintain its credibility in the region as MONUC ran the risk of being forced in the role of bystander during large scale human rights violations. The situation in Ituri, with its potential critical impact on the role and credibility of the UN came furthermore at a crucial moment in the peace process with the Transition authorities installed in June 2003.

⁶ Communauté Economique des Etats de l’Afrique Centrale (CEEAC).

⁷ Police Nationale Congolaise (PNC)

DRC have so far met only limited success⁸. This is especially so in the Eastern provinces which have, since the start of the Transition, become increasingly militarized. This militarization has not resulted in an improved security situation, in some areas rather the contrary. The security question will remain the dominant challenge for the new government as the transition government has proved to be hardly engaged in the matter (as demonstrated by the slow implementation of chain of payment reform⁹ and the continued lack of management of the reform processes). Both the SSR and DDR processes remain largely externally driven.

A political *raison d'être* for this attitude is the fundamental lack of trust between the different components in the transition government. All major players maintain reserves and or parallel units/chains of command (such as the bodyguards in Kinshasa and the presidential guard (GSSP or GR)). A second, equally important, factor is the continued corruption in this sphere, previously demonstrated by the massive number of ghost soldiers. The lack of progress is further compounded by the increasing involvement of both the FARDC and the PNC in corruption and human rights violations (as amply documented by MONUC). These acts of criminal behavior are unlikely to have a positive impact on the population's attitude towards army and police – and thus the government. Such behavior if unimpeded will be a major cause for concern as it could result in renewed conflict.

4. POLITICS IN THE DRC

Without 'democratic' elections since 1965, the political landscape and the relative forces of the different Congolese political parties have remained an unknown factor. An important outing has been the high number of political parties that has been created in the first transition in the 90's following the abolition of one party rule on 24 April 1990. What followed was a confused political process, where President Mobutu clearly profited from the situation to maintain his grip on the increasingly fragile state. Mobutu was entrenched in his shadow capital Gbadolite, with the population in Kinshasa being increasingly hostile. Non-state actors, such as the Catholic Church, through Mgr. Monsengwo, and a myriad of civil society organizations, played a central political role in this period. The radical political opposition formed around the UDPS did not manage to outmaneuver Mobutu and wasn't able to control the financial and security mechanisms.

Contrary to countries as Benin, the 'Conférence Nationale Souveraine' (CNS) in the DRC did not lead to a democratic outcome. The political chaos in Zaïre was one of the main factors that contributed to the first of two wars: 1996-1997 and 1998-2003¹⁰.

⁸ Up to September 2006, the national demobilization committee, CONADER, demobilized 76,614 combatants (including 19,000 child soldiers) there remain 85,000 fighters to be processed in the DDR process. So far 200 million Euro have been invested in this programme. The integration process has so far managed to create 13 out of the 18 brigades

⁹ The reform of the chain of payment of the FARDC is to be managed by the ESDP operation EUSEC/RDC.

¹⁰ Both wars were to a large degree the result of the massive degree of instability in several of the DRC's neighboring countries with (civil)wars waging in Congo-Brazzaville, the Central African Republic, Sudan, Uganda, Rwanda, Burundi and Angola (incl. the Cabinda enclave). The most defining of these conflicts was the genocide in Rwanda in 1994, the repercussions of which are felt to this day. A third dimension of the conflict, and perhaps the most intractable is the local dimension. Together these 3 dimensions have been intertwined to form a complex, dynamic conflict environment

The ‘traditional’ political class, mainly concentrated in the Western part of the country had difficulty positioning during final stages of the Mobutu regime. Some strategic errors on their part as well as the refusal of Laurent Désiré Kabila to share power led to a very ambiguous and difficult relationship. Kabila quickly moved to ban the political parties. Also, during the war, the political parties remained sidelined. There was considerable difficulty to form a delegation of the non-armed political opposition to participate in the inter-Congolese Dialogue¹¹, a result of the 1999 Lusaka Agreement¹². During the inter-Congolese dialogue, the non-armed political opposition was not able to create a form of unity – reflecting the general disarray of the political class and the rallying attempts by the armed actors (mainly the government, the MLC and the RCD-G). Only following the accession to power of Joseph Kabila in 2001, the ban on political parties was lifted, creating some maneuvering space.

The Pretoria Agreement, signed in December 2002 concentrated the political power in the hands of the Kabila government and the 2 main rebel movements (MLC and RCD-G) and kept the traditional opposition parties in a marginal position. The structure became the so-called ‘1+4’ (1 President and 4 vice-Presidents, each at the helm of a Government Commission). The single vice-President for the political opposition, Arthur Z’Ahidi Ngoma, was a former RCD leader who had become rather close to the Presidency. Especially the main opposition party, UDPS, with Etienne Tshisekedi has not found its bearings in this important phase.

During the Transition period, the presidential party, the PPRD¹³, and to a lesser degree the MLC and the RCD-G focused on establishing a national organization and political base. The PPRD has been especially preoccupied with creating a strong foothold in the Eastern Provinces, a strategy managed by under party coordinator Vital Kamerhe (originating from the East). The result for the parliamentary elections demonstrates the success of the PPRD’s strategy; it is the only single party with elected MP’s in all Provinces. The PPRD was established in 2002, succeeding the embryonic political structure created by Laurent Désiré Kabila¹⁴. An important element in Joseph Kabila’s strategy, even throughout the inter-Congolese Dialogue and during the Transition government, has been to rise above national divisions. Quite rapidly after assuming the presidency he made clear overtures towards the Mobutu family and proposed to construct or refurbish the mausoleums of the former presidents. Thus when Kabila was elected as PPRD candidate for the elections, he chose to run as an independent candidate, for a conglomerate of political parties, the AMP (cfr. *Infra.*).

The MLC quickly had to contend with internal dissent. Several high profile members confronted (authoritarian) party president Jean Pierre Bemba. These include Antoine

¹¹ The inter-Congolese dialogue assembled the government, the different armed groups, the civil society and the non-armed political opposition. The dialogue started after a strong impulse by the international community, especially South Africa, which hosted the negotiations. A first agreement was concluded in April 2002 (Kabila – Bemba agreement) but refused by a considerable part of the forces present (incl. the RCD-G and the UDPS). Following this failure, a second round was started in which the ‘1+4’ mechanism was introduced. Leading to an agreement in December 2002.

¹² The Lusaka Agreement comprised both an internal and an external dimension. The main internal dimension consisted of the inter-Congolese dialogue, the external dimension included: the deployment of a UN force, the retreat of foreign armies from the DRC, the DRRR of foreign armed groups.

¹³ Parti du Peuple pour la Réconstruction et la Démocratie.

¹⁴ The so-called: *Comités de Pouvoir Populaire* (CPP).

Ghonda (currently diplomatic advisor for President Kabila) and Olivier Kamitatu¹⁵. Kamitatu (originating from Bandundu) was, as President of the National Assembly, one of the main political figureheads of the transition. He is now serving as coordinator of the AMP, the political alliance formed by the presidential camp.

Bemba's political position was further weakened by the allegations that his troops committed serious human rights violations, both in the DRC war as during the involvement of the MLC in the Central African Republic, alongside Libya and former President Ange Felix Patasse¹⁶. In both cases, the International Criminal Court (ICC) has demonstrated a considerable interest. The issue of human rights violations weighs heavily on Bemba's future and raises the question of dealing with justice, impunity and truth and reconciliation processes in fragile political processes.

Also the RCD-G has been confronted with numerous internal crises. The history of the RCD-G is characterized by regular splits and changes of leadership. This serves as a clear indicator of the loose, opportunistic character of the party leadership¹⁷. During the war, the initial RCD split into: the RCD-G, the RCD/K-ML and the RCD-N. The RCD-ML came under the Ugandan umbrella as did the RCD-N, whereas the RCD-G remained under Rwandan influence. The RCD-G was by far the most important military rebel force, but a political dwarf. During the inter-Congolese dialogue its leadership managed to obtain control of crucial political positions, such as the Ministry of Defense and the Vice-presidency in charge of the political and security commission. These proved nevertheless to be void of real power. Furthermore, also within the RCD-G there was little impetus to push the process forward.

One year in the transition, the Bukavu crisis in the early summer of 2004 and the Gatumba massacre later that year proved to be crucial in the internal evolution of the RCD-G with 2 wings becoming clearly apparent: the so called RCD-'Gombe' and the RCD-'Goma'. The RCD-'Gombe' assembled those in the RCD-G leadership that sought some distance from the political and security related events in the East, knowing that without such a move they would be unlikely to secure a political future. Almost all personalities in this wing do not have their origin in the Kivu Provinces. It became equally clear that the remaining faction had their origin mainly in the Kivu Provinces and belonged to the Banyarwanda and Banyamulenge groups. This last group threatened to leave the Transition government, as they perceived the increased presence of troops as well as the increasing pressure on their economic activities as a clear threat. These tendencies were confirmed during the clashes in Kanyabayonga (North Kivu).

The conflict prone dynamic in North Kivu is maintained due to the continued political isolation of the Banyarwanda community, mainly the Tutsi. This community also feels threatened by the FARDC, the actions of the government, the FDLR and locally operating militia. This split between the Hutu and Tutsi elements within the Banyarwanda community has this past year become clear with the rift between the

¹⁵ Kamitatu has been replaced by MLC Secretary-general Alexis Thambwe.

¹⁶ Who has since been convicted.

¹⁷ The RCD was created in August 1998 and assembled a multitude of disgruntled elements of the former AFDL, which brought LD Kabila to power. It was clearly not intended as a construction with a clear purpose and agenda on the longer term other than the removal in a swift operation of LD Kabila. The internal dissent was further strengthened by the increasing rivalry between Rwanda and Uganda in the period 1999/2001. During that period 3 armed confrontations occurred in Kisangani between Rwandan and Ugandan troops supported by their Congolese allies.

increasingly isolated Governor Serufuli and General Nkunda. Nkunda is getting increased support by the Tutsi within the Banyarwanda community.

At several occasions the RCD-G allied its position to the UDPS of Etienne Tshisekedi. This was the case in Sun City in 2002 when they formed an alliance, the 'Alliance pour la Sauvegarde du Dialogue Inter-congolais' (ASD), as a reaction to the initial MLC-Kabila agreement. In later stages contacts remained, but the continued identification of the RCD-G by a majority of the population with Rwandan political interests is not useful for the UDPS. In the last months towards the elections, the ties between the UDPS and the MLC became stronger and both campaigned on similar lines, focusing on the personality of Joseph Kabila and his origin.

THE TSHISEKEDI FACTOR

Etienne Tshisekedi and the reason for his refusal to participate in the elections were one of the main issues of debate in the run-up to the elections. The reasons for this attitude are certainly multiple, but are likely grounded in the certainty that, in a thoroughly ethicized political landscape, it would have been very unlikely for Tshisekedi to come out first, and it would have proven difficult to participate in the second round of the Presidential elections. Furthermore, Tshisekedi had blocked his own chances by giving the order to the UDPS militants not to register as voter¹⁸. Tshisekedi's strategy might well be to wait for the newly elected government to run into difficulties and to become the main opposition force, from outside the newly elected institutions. He could thus very well be betting on the extreme fragility of the political process. Such a strategy could prove to be a time bomb, especially since the challenges for any new government in the DRC remain massive. In its protest, the UDPS is usually joined by militants from the FONUS party of Joseph Olenghankoy, who initially joined the Transition Government but left it after a row with President Kabila. FONUS only has a limited, but vocal following. The international community is increasingly the target of their frustrations as it is considered partial in favor of President Kabila.

THE ROLE OF THE CHURCHES¹⁹

Traditionally the Catholic Church is a potent political force in Congolese politics. It played a fundamental role in the political process in the 90's, was quite absent during the war, but is back in full swing. The Church as a central actor in the civil society fills in part the void left by the political class, which is incapable of mounting credible political campaigns. The Church is also by tradition one of the strongest institutions in the country, with a structure well spread-out in the country. These last years it has however been weakened by the appearance of different other religions and sects, that flourish in the chaos of socio-economic and political crisis. The Protestant Church has also become increasingly important. The Episcopal Conference of the DRC has adopted a critical position to the transition institutions and has clearly sided with the camp that demanded profound and transparent political consultations before the official end of the Transition on 30 June. The issues the Church was pushing forward

¹⁸ Although it is considered probable that a considerable part of the UDPS sympathizers did register, if only to get their hands on a highly symbolical voter card, that double as identity card.

¹⁹ In some regions, especially Bas Congo Province, religion, politics and ethnicity are mixed in the 'Bundu Dia Congo' group. This group aims to reestablish the 'Kongo Kingdom' (including parts of Angola and the Republic of Congo). They are vehemently opposed to the Transition process and have on several occasions violently voiced their opposition.

include the problems of Army integration, guarantees for the transparency of the elections and a solution for the non-participation of the UDPS.

THE POLITICAL MAP: A GAME OF ALLIANCES

No less than 267 political parties registered with the ‘Commission Electorale Indépendante’ (CEI) to participate in the elections. The majority of this high number of parties are typical ‘partis alimentaires’. Only a limited number of them has national or at least more than strictly local backing; these include: the PPRD, MLC, RCD-G, UDPS, PALU and MPR/Fait-Privé. The quasi totality of Congolese political parties has a weak structure and is centered on a specific personality.

Since the 2006 elections are the first to be considered free and fair since 1965, there was no real point of reference to map the Congolese political scene. In order to widen their footprint, the most important candidates have established platforms; the most important is the AMP²⁰, officially established on 24 June in Kinshasa. It assembles 31 political formations and a number of independent personalities, the most important of which is Olivier Kamitatu, former second man of the MLC and President of the National Assembly until he was removed by vice-President JP Bemba in March 06²¹. Kamitatu serves as spokesperson of the alliance and is widely considered as a potential Prime Minister. Other important members of the alliance are: Christophe Lutundula who chaired the Parliament’s Commission of inquiry into the mining sector, Joseph Mudumbi (former RCD-G), André-Philippe Futa (former Minister of Finance), Kisimba Ngoy (Minister of Justice). Treasurer of the AMP is the longtime strongman in the presidential camp, Augustin Katumba Mwanke. The AMP, during its launch stated that it aimed to win the Presidential elections in the first tour. The high visibility launch of this potent political platform came a week after the marriage of President Kabila, an event that received a huge amount of media attention as well.

A week earlier, the MLC formed the RENACO²² platform (with 2 other candidates for the Presidency, Jonas Mukamba and Mboso Nkodia Mpwanga) it assembles 24 political parties; including the MLC. Outsider Pierre Pay Pay earlier formed the CODECO²³ alliance.

5. THE ELECTORAL PROCESS

The massive participation of the population in the voter registration process demonstrated the extent of enthusiasm created by this process. It was not only a way in which the population was to be able to exercise its political rights; it was for many Congolese the first sign of a state (identity card) and thus normalization. The main danger seemed to be the excessive expectations for the future. The main black spot concerning the registration was the refusal of the UDPS to participate, calling for a boycott. Nevertheless the massive logistical hurdles were somehow overcome.

The first real test for the electoral machinery was the constitutional referendum (18-19 December 2005) this process went very smoothly. Also it showed some early signs

²⁰ Alliance de la Majorité Présidentielle

²¹ The break-up between Bemba and Kamitatu was already a long time in the making. The cleavage between both has been on the increase since early in the Transition. Kamitatu formed his own political party, the ARC (Alliance pour le Renouveau du Congo).

²² Regroupement des Nationalistes Congolais.

²³ Coalition des Démocrates Congolais (created in December 05).

of frustration that seem to have been translated in the first round of the presidential elections. The country massively adopted the constitution (84%) but the result was especially spectacular in the Eastern Provinces. In the West, the degree of participation in the Kasai was rather limited (possibly reflecting the position of the UDPS) and in Kinshasa, not only was the voter outcome low, the constitution was only narrowly accepted.

Following the decision to extend the Transition beyond its final limit of 30 June 06, the call for a new political dialogue increased. A central issue in these discussions concerned the legal character of the extension of the Transition beyond 30 June 2006. The UDPS, some smaller political parties and part of the Catholic Church were at the forefront of this demand, which could have delayed the elections significantly. At the end this group was joined by the RCD-G, the MLC and an ever increasing number of parties and civil society groups. They joined-up with 2 other candidates for the Presidency and a high number of candidates for the parliamentary elections as part of the UDPS inspired FDC²⁴. The FDC asked for a new, electoral calendar. The UDPS targeted the continued lack of integration of the GSSP and there was increasing frustration with the considered lack of impartiality of the Constitutional Court²⁵.

The Presidency, the CEI and the international community were largely opposed to such a dialogue but increasingly ran the risk of damaging the legitimacy of the electoral process. Part of the demands were hardly acceptable, such as the reopening of voter registration (UDPS), other demands include issues such as access to the media and the financing of political parties. This bashing reinforced the impression, entertained by some, that the international community was siding with President Kabila. This may very well have been one of the main reasons for the MLC and the RCD-G to join this camp of the radical opposition. Furthermore, in the eyes of at least part of the political class, every delay was welcome – the uncertainties of the ballot box were not attracting all players.

Finally, in a bid to maintain the credibility of the process, without endangering the timing planned by the CEI, the Presidency, on 23 June 06 announced its intention to organize a round of political consultations. The agenda included issues such as: the security of the candidates, their access to the media and the acceptance of the electoral results. The announcement followed a meeting of main political players in the DRC, including representatives of the CIAT. The declaration nevertheless, as would be expected, maintained the date of 30 July for the first round of the elections. Delaying tactics by players such as the RCD-G were not successful and the UDPS chose not to participate. Nevertheless the decision to open the prospect of talks seems to have defused the political tension just before the elections. President Kabila did not participate in the talks and undertook a highly publicized displacement to the Eastern Provinces, leaving his representation in the dialogue to vice-President Yerodia. To the frustration of several other players, the President does not want to be meddled in the daily political game.

The controversy surrounding the legitimacy of the process was only part of the problem as the running up towards the elections was increasingly confronted with intimidation campaigns and violent incidents. These affected secondary candidates and only had a limited impact; nevertheless they were a demonstration of the fundamental vulnerabilities of the process. The main incident concerned the arrest

²⁴ Front pour la Défense du Congo

²⁵ The Judges of the Court having been appointed by President Kabila.

and accusation of 32 suspected mercenaries, linked to Presidential candidate Kashala. The only effect so far has been to propel the unknown candidate in the national and international media spotlight. Although the coup plot has not been taken seriously by international observers, it served as a reminder of the high stakes at hand and the nervousness it created in different circles in Kinshasa.

In order to create an international mechanism to deal with political issues surrounding the elections, an international ‘Committee of the Wise’ has been created, presided by former Mozambican President Chissano.

The Catholic Church, through the Episcopal Conference launched a declaration to accept the political process one week before the elections. This declaration further contributed to defusing the political tension.

6. PROSPECTS FOR THE POLITICAL SITUATION IN THE DRC

On 30 July 2006, the Congolese electorate participated massively²⁶ in, in general incident free²⁷ elections (first round of the presidential elections and the legislative elections). The first tensions started when the initial indications of the result became known, with sources around Jean-Pierre Bemba claiming victory based on the initial results from Kinshasa. It took a considerable effort by the CEI, CIAT and the ‘Committee of the Wise’ to calm the different camps and stop the parties in proclaiming results. This was especially difficult since the CEI needed a considerable time to assemble the final results. These were finally announced on 20 August. The fragile nature of the DRC peace process was immediately illustrated by the violent incidents that erupted between troops loyal to Bemba and those loyal to President Kabila.

Candidate	National Result (in %)	Provinces (in %)	Seats Assembly (out of 500)
Joseph Kabila (PPRD/AMP)	44.81	Kasai Oriental: 30.09 Katanga: 77.18 Maniema: 89.80 North Kivu: 77.71 Orientale: 70.26 South Kivu: 94.64	AMP: 224 (PPRD: 111)
Jean-Pierre Bemba (MLC/RENACO)	20.03	Bas Congo: 36.21 Equateur: 63.67 Kasai Occidental: 31.93 Kinshasa: 49.07	RENACO: 116 (MLC: 64)
Antoine Gizenga	13.06	Bandundu: 80.09	PALU: 34

²⁶ Of a total of 25,420,199 registered voters, 17,931,238 (70,5%) participated in the elections.

²⁷ There have been some incidents, especially in the Kasai, and during the compilation of the results, incidents have been reported, including the burning of ballots in Kinshasa. These incidents have nevertheless not hurt the legitimate nature of the elections.

(PALU)			
Nzanga Mobutu (UDEMO)	4.77	Equateur: 30.57	UDEMO: 9
Olivier Kashala	3.4		
Azarias Ruberwa (RCD-G)	1.70		RCD-G: 15
Pierre Pay-Pay (CODECO)	1.59		CODECO: 25

The presidential elections seemingly indicated a cleavage between the Eastern and Western Provinces of the DRC, with Kabila winning in the East and Bemba in the West. The voter turnout in the Western provinces, especially the Kasai has been considerably lower than in the Eastern provinces. The intimidation campaigns, indicative of the grassroots support for the UDPS, as well as a refusal of the current political constellation are likely explanations. The especially low participation in the important economic and urban centre of Mbuji Mayi is a cause for concern and will need considerable political attention. It is an UDPS stronghold and could thus become a hotbed for the opposition.

Nationally, the PPRD is with a huge length the best-represented political party. In each of the Provinces it has a number of elected MP's. As with the Presidential elections, the majority of the seats has been won in the East, but the PPRD is the strongest formation in the Western Bas-Congo Province and has an equal score as the MLC in the Western-Kasai. The MLC is the second most represented party nationwide, with a little more than half the seats of the PPRD. It is by a length the strongest party in the Equator Province and the strongest in the capital Kinshasa. It has no representatives in South Kivu and Maniema Provinces. The PALU clearly dominates the Bandundu Province and occupies the second position in Kinshasa.

It is politically dangerous and analytically unsound to deduct a profound East-West cleavage from the result of the DRC's recent elections. Where the score for the Presidential elections seems to indicate such a fault line, this is much less the case for the parliamentary elections. Because of the differing political, economic and security conditions in different parts of the DRC, the dynamics of the elections vary throughout the country. In the East, the war and the negative perception of the RCD-G have been the central issue. Joseph Kabila has become the symbol of resistance against the 'foreign invaders' and this has clearly been to his advantage. In the Western provinces the political impact of the conflict was fundamentally different. The Kabila camp has clearly not managed to create a dominant foothold in the different provinces in this part of the country. The traditional political class, with the UDPS in Kinshasa and the Kasai, the PALU in Bandundu and the former Mobutu clan have proven very resilient in their areas of origin. Bemba has shown capable to channel the anti-Kabila sentiment, in part by further capitalizing on the discourse on Kabila's origin²⁸. Bemba's flamboyant personality, versus the more timid President, is likely to have contributed, as has the problem of communicating to the masses in Lingala. In preparation of the second round of the Presidential elections, the cards are

²⁸ The personal background of Joseph Kabila has been an issue of discussion since he came to power in 2001. This issue surfaced in force during the inter-Congolese dialogue in South Africa in 2002 and has been in continuous use since by the 'radical opposition'. It presents the main political weakness of Joseph Kabila and may as such have hardened his stance in the whole contentious issue of the amnesty law, which could have included those convicted for the assassination of Laurent Désiré Kabila.

different; it will be a match between 2 candidates that together combined 65% of the electorate.

The alliance between the AMP, PALU and the UDEMO controls a wide majority of 305 seats in the 500-seat Parliament. During negotiations between these parties an agreement was concluded to form a coalition government, with a PALU Prime Minister. In this context it appears likely that Antoine Gizenga, who achieved the third position in the first round of the Presidential elections, will become Prime Minister (despite his old age). This is an important political move in view of the elections. It counterbalance the perceived cleavage between the East and the West (Gizenga originates from the Western Bandundu Province) and with a political agreement, defining the contours of the future government, Kabila further reinforces his position for the second round. A considerable part of the population in Kinshasa, where Joseph Kabila's popularity is limited originates from Bandundu and Gizenga's position, as Prime Minister, is likely to calm tensions and fears surrounding Joseph Kabila. In the duel with Bemba to form alliances, Kabila had the upper hand. Gizenga, as the keeper of Patrice Lumumba's political heritage, and his PALU, have historically more in common with the Kabila clan than with Bemba. Nzanga Mobutu has for a considerable period been moving closer to Kabila and has had a troubled relationship with his brother-in-law Jean Pierre Bemba. Nzanga could assemble part of the former Mobutu-system dignitaries, and could weaken support for Bemba in the Equateur Province. Although it is likely that the voting patterns of the first round will be somewhat reproduced in the second round, there is no guaranteed linearity between voting for Nzanga Mobutu or Gizenga in the first round and a vote for Kabila in the second.

The cohesion of this political conglomerate may be somehow shaky, although in a neo-patrimonial constellation such as the DRC, the occupation of the seat of power has a tendency to foment unity as long as the system can be fed. Although the PALU has a clear history and identity, the AMP could eventually develop into a proto-one party system, especially in view of the old age of Antoine Gizenga. In addition, a considerable part of the independent MP's is likely to demonstrate a conciliatory approach to such a majority. The opposition will be located partly within the institutions, centered around Jean-Pierre Bemba and on the street, around Etienne Tshisekedi's UDPS.

This situation leaves little room for Bemba, as it is unlikely that he will be able to increase his score. With the exception of the 'classic' outsiders, a majority of political actors will try to join the perceived winner of the elections and will not want to risk their future by waging a campaign against the clear majority that has now emerged. In a reaction to the successful moves by the Kabila camp, Jean-Pierre Bemba formed a new alliance: the Union pour la Nation (UN). In this new alliance a number of first tour candidates are assembled. It includes Joseph Olenghankoy (FONUS), Roger Lumbala (RCD-N) and Justine Kasa-Vubu. The position of the UDPS to this alliance is unclear. Tshisekedi has so far remained silent, but several UDPS cadres have demonstrated their willingness to align with Bemba for the second round. So far it seems that mainly Bemba and Gizenga have profited from the isolated position of the UDPS. For Jean-Pierre Bemba the main question will involve his personal future. The ICC investigation on the Central African Republic and cannibalism could prove to form a dangerous menace. The future position and eventual threat of the UDPS will also be hard to assess in the near future since it is very much centered on the personality of party chairman Etienne Tshisekedi (who is rather old).

The new political constellation reflects a fundamental element of vulnerability of the current political situation: it is very much centered on key personalities with weak, largely opportunistic alliances and weak institutions.

THE INTERNATIONAL COMMUNITY: A VITAL FORCE FOR STABILITY

The armed confrontations in Kinshasa from 20 to 22 August, have clearly demonstrated the vital position of the International Community. The deployment of MONUC and EUFOR troops has been necessary to separate the forces loyal to Kabila and those loyal to Bemba. Furthermore the CIAT, a delegation of which was caught up in the fighting around Bemba's residence, has launched a call to the militias, offering to secure both candidates for the second round, the protection of MONUC and EUFOR. The declaration notwithstanding troops have continued to be moved in the city of Kinshasa. The CIAT declaration had been preceded by several high level visits to Kinshasa by Thabo Mbeki, Javier Solana and Hillary Benn. The international efforts resulted in a meeting between both candidates.

The future of MONUC will be one of the key elements for the consolidation of the DRC peace process. Mandate, strength and regions of deployment will to a large extent depend on the negotiations that will be held between the UN and the future Congolese government. The current mandate has been extended until 15 February 2007²⁹. The most recent report of the UN secretary-general to the Security Council lists a number of key areas in which MONUC could perform in the future. These include: *“providing support to the new Government and civil society in strengthening democratic institutions; promoting the rule of law and basic human rights; building an adequate security environment and architecture; strengthening economic management; and establishing and consolidating State authority nationwide. In the context of long-term institution-building, including governance and security sector reform, natural resource management and decentralization, MONUC would work to advocate, facilitate and support national planning and reform processes that will enable donors to coherently assist the implementation of such programmes.”*³⁰

The ‘Governance Compact’, currently developed under the lead of the UN, the World Bank and the European Commission, will be proposed to the future government and could be a central element to improve the cohesion between the efforts of the international partners of the DRC and the future government.

7. KEY RISKS & VULNERABILITIES

The future government will have to deal with a considerable number of issues, immediately after its installation. The heritage of the Mobutu era, the conflicts and the limited progress in key areas made during the Transition have created a challenging environment in which a lot of uncertainties remain.

- The role of personalities continues to outweigh the importance of structures. The cohesion of the future government is more than likely to depend to a large extent on the person of Joseph Kabila – this is a key vulnerability as the recent history in the region demonstrates. The opposition has similar vulnerabilities.

²⁹ UN Security Council Resolution 1711/2006, 29 September 2006.

³⁰ Twenty-second report of the Secretary-general on MONUC, 21 September 2006, S/2006/759.

- Transitional justice is a key element in post-conflict reconciliation, it can however also create dangerous uncertainties for the future of several key players in the DRC and could equally involve the leadership in neighboring countries. The ‘criminalization’ of political players by the international community, in casu the ICC, could provoke further disruption of the political process and could lead to renewed violence.
- The security sector/apparatus lacks the necessary operational capacity as well as minimal political credibility and legitimacy to perform its tasks. This includes the army, the police and the intelligence and security services. Key elements of the Justice sector are for a myriad of reasons to be included in this bleak picture. The partisan nature of these institutions could form the basis of renewed conflict, both in the Eastern Provinces as in some of the cities. To prevent such an occasion to arise, it will be key to introduce the necessary checks and balances to the decision making process regarding the fundamental decisions on army and police integration and decisions on the operational deployment of the security forces. This will prove a major challenge since, the security sector is at the hart of the state’s sovereignty.
- The same risk for violent incidents will occur in the follow-up of the second tour of the Presidential elections and as long as partisan military units co-exist in the DRC. The DDR of these units will depend on the capability of the DRC government to provide dependable security forces that are considered legitimate and non-partisan by all. The PNC and especially some units trained by key Kabila ally Angola are not considered as neutral forces by several players in the DRC.
- The security situation in the Eastern provinces remains a fundamental source of concern as both national and foreign armed groups remain active in Ituri district, North and South Kivu. These are not only a daily source of insecurity for the population in these provinces but continues to present a possible cause of conflict both within the DRC as with some of the neighboring countries. It is also an important limit on the legitimacy of the Kinshasa government. Since the FARDC lack capacity to deal with these forces, the presence of MONUC remains a necessity.
- The ‘international community’ as such does not exist as a political actor. There was a clear understanding of the strategic goals during the transition – there is an urgent need for common understandings on the post-transition period. This would include an approach on Governance, corruption, natural resources management, SSR/DRR and the demarcation of benchmarks for the scaling down of the MONUC presence. Without such a common basis for understanding, competition and attempts to gain influence are likely to divide the international actors. The post-transition authorities are likely to underline the political sovereignty and electoral legitimacy. Further limiting the role of international partners.
- Transparency in the financial and (crucially) the mining sector is of key importance to fight the rampant corruption at the top of the system and for the reconstruction of the Congolese state. Touching on the prerogatives of these networks could prove difficult for the future government. It should also be verified that initiatives to tackle this issue
- There is an urgent need for capacity building at the Provincial level since the number of provinces will increase from the current 11 (incl. Kinshasa) to 25 under the new Constitution. In addition the provinces will control 40% of the revenue

generated on their territory. The political and administrative load to manage these financial means will nevertheless prove a crucial burden. The current 11 provinces have hardly the means and capacity to fulfill their relatively limited mandate, the new provinces will start almost entirely from scratch.

8. CONCLUSION

The successful first round of national elections since 1965, although at a huge financial cost for the international community and the EU and its member states in particular, represent a huge step forward in the political history of the DRC, whose last decade and a half have been defined by a succession of deadly conflict with a local, national and regional dimension. These elections create a new, legitimate, political reality and playing field in which the reconstruction of the state, neglected during these last decades has to make considerable progress.

Both within the DRC and from the perspective of the international community it should be avoided to be blinded by the success of the elections. The electoral process represents a great leap forward, but the real work in the most difficult sectors still has to begin. Since the state apparatus, especially in the security sector and the economic and financial spheres has not been reformed during the Transition, the new government will have to do so. Acts in these fields, without a heavy international involvement and without the necessary opening to a wide range of Congolese actors, both within and outside the institutions are potential causes of renewed conflict. The future government should be especially prudent with the use of force in dealing with such conflicts. First the easy use of force will lead to further frustration and will limit the political opportunities for conflict resolution and second, with the current state of the FARDC defeat against an armed group will empower all others and further weaken the legitimacy of the government as the primary source of security. Political dialogue, and the empowerment of a functional truth and reconciliation committee should be the first option considered.

The clashes and the high degree of tension in August 2006 have underscored the continued need for an important presence and implication of the international community, with a political and military/security commitment. In the immediate post-elections future this need will clash with at least part of the national political agenda. Nevertheless the needs to safeguard the investment, both in MONUC and the elections as well as the responsibility towards the population are pressing towards such a continued high level of international involvement.