Managing Election-related Violence: Elections in the Democratic Republic of Congo

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Approximately 25 presidential, legislative and local elections are planned in Africa for 2011.[2] The African Union (AU) has identified the forthcoming elections in the Democratic Republic of Congo (DRC) as ones that require special attention. This is because many parts of the country – including the Kivus, Bas-Congo, and Equateur Province – continue to experience violent conflicts. This environment sets the context for the upcoming multi-party elections scheduled for 28 November 2011. This Policy & Practice Brief provides an overview of election-related violence in the DRC while examining its electoral landscape. Furthermore, it analyses underlying and proximate threats as possible triggers for election-related violence. It also makes recommendations for the role of various stakeholders in the immediate management of election-related violence and ensuring a successful elections outcome.

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Voters at one of the polling stations in the second round of the 2006 presidential and provincial elections in Bunia, Ituri, DRC.

Introduction

Electoral violence has been defined as acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process, or that arises in the context of electoral competition. Another definition notes electoral conflict and violence as any random or organised act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process. Violence is also used to express frustrations or dissatisfaction with a perceived fraudulent and flawed elections process. This use of violence becomes particularly prominent where there have been pre-existing and unexpressed frustrations with inefficient systems of governance and failed election promises. Electoral violence in Africa has manifested itself in various forms including: political assassinations, confinement, riots, arson, looting, bombing, political thuggery, destruction and damage to property.

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The 2006 elections, and the upcoming elections in the DRC, shed light on similar incidences of election-related violence. In 2006, it was observed that the violence in some parts of the DRC became more intense before the elections.[3]

Important questions to reflect upon are why has election-related violence become a tool used during elections in the DRC and what is gained with electoral violence. Election-related violence tends to feature in countries as they undergo transition from authoritarian or single party-rule to multi-party politics, such as in the DRC. It is expected that emerging democracies, especially those with strong authoritarian legacies or deep ethnic cleavages, will struggle with managing political opposition. In its transition to a multi-party system, the political environment in the country has been characterised by political competition and a winner-takes-all mentality. The fact that many groups have not adequately benefited from peace dividends, and that wealth continues to benefit a select few in power, creates this intense aspiration for political office at all costs. Elections in the DRC can, therefore, be defined as an extremely competitive process between political groups to gain access to power and resources. Party constituents and supporters are also drawn into this competitive process. They are mobilised and, with sufficient motivation, can contribute to violence during the election process. While violence can increase further during elections, it is also embedded in the socio-economic context of the country.

Understanding the socio-economic context of the DRC involves reflecting on its first multi-party elections. In 2006, the shift from decades of authoritarianism to a multi-party system brought with it great promises of democracy and economic dividends. This was evident through the various election promises made by the incumbent president, Joseph Kabila. Many of these election promises have never been met and instead, the government has been characterised by its lack of checks and balances, so no significant progress has been made with key institutional reforms – decentralisation and the security sector. Four years on, little progress has been made to rebuild the country through five strategic priorities: infrastructure, health, education, housing and employment.[4] Thus, the notion that people resort to violence close to elections, as a response to bad governance and political repression and marginalisation, becomes prevalent.

The first multi-party elections were held in the DRC in July 2006. Although the elections were deemed peaceful and an overall success, there were occasional incidents of violent attacks on polling stations and violent street protests. The Electoral Institute for Sustainable Democracy in Africa's (EISA) observer mission to the country reported incidents of tense campaign periods; heightened ethnic tensions; random and unjustified unrest; repression of street demonstrations, organised by political parties; the confiscation of campaign materials; and clashes between Joseph Kabila's and Jean-Pierre Bemba's guards, resulting in 23 casualties. Fighting between Bemba's troops and Kabila loyalists erupted at a television station, belonging to the vice-president, in downtown Kinshasa, prior to the announcement of the election results.[5] The outcome of the elections was concluded with Kabila being announced as president, in the midst of boycotts and calls of fraud by other presidential aspirants.

Before further examination of the current nature of election-related violence in the DRC, it is important first to understand the current electoral landscape of the country. This sheds light on the developments leading up to the elections and the political challenges that have emerged. It also sets the context in which the incidents of election-related violence have taken place.

Electoral landscape of the DRC

The election process has faced considerable technical challenges and delays. After rejections and disagreements over portions of the electoral law in Parliament, the electoral law was finalised on 15 June 2011. The delays in the finalisation of the electoral register were attributed to design errors, the insufficient number of kits, slow registration processes, and the government's delay in paying its contribution to the election budget. Furthermore, the lack of security in areas like Mweka territory and Beni in the Kivu region and geographical challenges (due to the large size of the country) in Bandundu and Equateur delayed the operation of registration centres.[6] These delays led to changes in the electoral calendar, changing the date for the presidential elections from 5 September to 28 November. The review and deliberation of the legislation to create the National Independent Electoral Commission [Commission Electorale Nationale Independante (CENI)] by Parliament was continually postponed, and thus, the Commission was set up a year later than expected and the appointment of the members was delayed.[7] The staff had to rapidly organise and prepare for the elections. The CENI is made up of parliamentary politicians with no representation from civil society. No mechanisms are sufficiently in place to address grievances against the elections outcome. As there is still no Constitutional Court, the Supreme Court will be tasked with ruling on electoral disputes, as it did in 2006.[8]

Presently, the presidential aspirants include Joseph Kabila of the People's Party for Reconstruction and Democracy (PPRD), who was elected as president in the 2006 elections. While there are approximately 500 registered political parties, only a few stand out, due to their large membership

and influence. These opposition parties include the Union for Democracy and Social Progress (UDPS), led by veteran politician Etienne Tshisekedi; and the newly formed Union for the Congolese Nation (UNC), under Vital Kamerhe, former director of President Kabila's 2006 election campaign. Both opposition candidates are deemed strong contenders, although the parties have struggled with poor representation, internal capacity problems, and inadequate funding to organise their parties and campaigns.[9] The three major opposition parties – UDPS, UNC, and the Congo Liberation Movement (MLC) – have failed to build a common front due to leadership struggles, internal dissension, and the fact that they draw support from the same geographical areas.[10] There have also been disputes between the different political parties over the electoral register and the make-up of the CENI. These inter-party dynamics mirror the challenges that exist within political parties. Since the beginning of the elections season, there have been numerous reports of in-fighting and defections from one party to another. For instance, there has been internal dissent between the Tshisekedi and Beltchika wing of the UDPS party, and the MLC could not hold its congress scheduled for April 2011, due to the many defections and expulsions from the party.[11]

All the proposed candidates in the upcoming elections have committed themselves to accepting the outcome of the elections, as long as they are deemed to be free and fair.[12] This, however, does not negate the possibility of violent reactions to the elections outcome especially from party constituents. Furthermore, there is the perception that the elections will be inherently fraudulent because of flaws in the recent voter registration process. This argument provides the basis for electoral violence.

2011 elections: incidents of election-related violence

As the next presidential elections approach, there have been instances of disputes, controversies and violence. A United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO) press release highlighted the wave of violent incidents recorded in the capital city of Kinshasa, and across the country, and how this could jeopardise the smooth operation of the elections.[13] Concerns that there could be electoral violence have already been raised by civil society organisations and the United Nations (UN). In his report, the UN Secretary-General Ban Ki-moon stated that politically motivated human rights violations had become prevalent in the pre-campaign period, noting that since January, the UN mission's Joint Human Rights Office identified over 100 reported incidents targeting political opposition members and supporters, journalists and human

rights defenders in Kinshasa, Maniema, South Kivu and Orientale.[14] He further called upon the national, regional and international community to invest in the prevention of electoral violence not just before, but also during and after the elections. According to the recent report released by Human Rights Watch, a coalition of 47 international and Congolese organisations called on the UN mission to task a dedicated monitoring unit with the documentation of election-related violence – especially attacks and threats to political candidates, party constituents, journalists, and human rights defenders. Reports of tensions between Kabila's PPRD party and the opposition leader Etienne Tshisekedi's UDSP have been linked to recent conflict in the country.[15] On 5 September, a crowd of supporters of President Joseph Kabila attacked about 1000 supporters of Etienne Tshisekedi outside the party headquarters, who then retaliated by setting fire to the PPRD building and burning seven cars.[16] In a clash with demonstrators in July, police officers shot and killed a civilian in Kinshasa.[17] The fact that the successful conclusion of one election does not guarantee continued peace, stability, and democracy in a post-conflict country requires that the upcoming election is monitored efficiently.

A critical point for reflection, which emerges for policy makers, is whether facilitating free and fair elections, devoid of violence to ensure a peaceful transition, can be achieved in the DRC. This is relevant because it amplifies the challenges in the last elections to effectively prevent election-related violence before it erupts. In spite of the experiences from the 2006 election in the DRC, recent incidents show that the factors behind election-related violence in the past were never addressed. The availability of resources to commit to the prevention, and management, of election-related violence in an already financially constrained situation is another consideration. In the DRC, the priority is on ensuring that the relevant equipment and funds are available to ensure that the elections are held on 28 November 2011. Furthermore, the task of making the electoral process secure remains a secondary issue for the organisers.[18] As the election date approaches, a wide range of proximate threats have emerged, all of which will have a potentially negative impact on peacebuilding efforts and the assurance of a peaceful election outcome.

Proximate and underlying causes for election-related violence

Flawed voter registration process

The flaws and challenges in the recent voter registration process include: the identification by opposition leaders of corrupt officials, poor equipment, and insufficient registration centres. There have been reports of 10 and 11-year-olds registering to

vote, accounts of people with multiple cards registering several times, and complaints that registration centres are placed in locations favourable to the current president, and distant from areas with high opposition support. Conclusions that the voter registration process was not efficiently managed and fraudulent have led to calls for the involvement of international actors in monitoring the voting process, so as to ensure transparency. Thus far, the lack of transparency and delays in the concluded voter registration process have created expectations that these will remain the challenges during the voting process.

Delays with the elections preparations process

Possible delays in the election date are already foreseen, and this does not help in a situation where the opposition has accused President Joseph Kabila of trying to rig the upcoming polls. Potential delays are attributed to the high costs of running the elections, and statistics show that the cost has gone up from US$ 700 million to US$ 1.2 billion, even though the government has committed to covering 70%.[19] Furthermore, the preparations remain incomplete as equipment – including computers and ballot-boxes ordered from South Africa, China, Germany and Lebanon (apart from 400 tonnes of supplies from China) – are stranded and have yet to arrive and be distributed across this vast country.[20] A possible delay or postponement of the elections carries a great risk, as the opposition has made it clear that President Kabila's term legally ends on 6 December and would thereafter become illegitimate.[21]

Constitutional amendments

A decision by the ruling party to reduce the presidential elections from two rounds to one has been widely challenged by the opposition. Previous electoral practice in the DRC was that there would be two rounds of voting, if a presidential candidate did not obtain over 50% of the votes during the first round. This recent constitutional change, supported by parliament, ensures immediate victory for the winner with the highest number of votes, even though that individual may obtain less than 50% of the overall vote. This has implications for the election process because the inability to reach a simple major-ity will require the postponement of the elections until 2012.[22] Although this move was justified by the government as necessary to reduce the high costs linked to a two-round voting process and to avoid identity conflicts such as in Côte d'Ivoire, Kenya and Guinea, the opposition has disagreed with this change, claiming it to be an effort by the government to ensure an easy victory. Citizens have also voiced their opposition to these changes. On 27 January, in the neighbourhoods of Furu and Katwa in Butembo, North Kivu, the police and the army disbanded events organised by two youth groups collecting signatures for a petition to call for the reversal of this constitutional change.[23]

Suspicions and complaints against the election process

The presence of suspicions and complaints has not fostered positive engagement but distrust as the elections draw near. If a constitution (and the process to review or amend it) favours a specific group and is not inclusive, it greatly reduces the confidence and trust of the population, including the opposition. Therefore, when there is competition in flawed or biased electoral systems, the absence of a level playing field and a winner-takes-all situation can heighten ethnic tensions, increase polarisation and lead to intense violence. For instance, in early July, hundreds of opposition supporters protested outside the CENI in response to allegations of irregularities in the voter registration process.[24] Furthermore, the huge geographical area of the country and the inaccessibility of the interior parts, especially in the insecure eastern region, raise questions about how representative and inclusive the outcome of the Congolese elections will be.

Unaddressed grievances and insecurity in eastern DRC

The elections will take place in an environment where historical tensions and unresolved challenges still exist. These could potentially exacerbate election-related violence in the country, especially in high-conflict and insecure areas. Longstanding violent conflict and insecurity in the DRC have become common, especially in the eastern parts – Orientale, North and South Kivu. Local and foreign armed groups and bandits, including the Mai-Mai, Democratic Forces for the Liberation of Rwanda (FDLR), and the Lord's Resistance Army (LRA), are known for violent attacks against the defenceless population, such as abduction, mutilation, rape, recruitment of child soldiers, and mass murder.[25] The Armed Forces of the Democratic Republic of Congo (FARDC) have also been accused of criminal activities, including the deaths of civilians.[26] Other longstanding challenges, like land disputes, still remain as refugees return and sometimes have to compete with the host communities. This is because land is an essential source of livelihood and a sustaining factor in conflict. It has also been linked to identity and power and continues to contribute to both intra and inter-community disputes. Further, the government has been battling militia forces for control over land and mines.

The elections will take place in a highly volatile eastern region. The voter registration process saw evidence of this with rebel attacks around registration areas, making it difficult for voters to sign up.[27] The likelihood of violence surrounding the elections is further elevated by the presence of anti-government movements in the Kivus, Bas-Congo, Katanga, and Equateur.

Implications of election-related violence

Regional instability

Election-related violence will have destabilising effects on the country's neighbours. The potential for a spill-over to the entire Great Lakes region cannot be downplayed if violence should erupt in the DRC. This is also because the Great Lakes region has experienced numerous bloody conflicts in the recent past – for example, Burundi in 1993 and the genocide in Rwanda in 1994 – of which the impact has spread rapidly across to neighbouring countries. Weak and porous borders will increase the spread of the effects of conflict including refugees, cross-border armed groups and the movement of illegal weapons. The likelihood of election-related violence greatly increases due to the ongoing conflict in the eastern region of the country, as small armies and armed groups, with far-reaching networks, already exist and can easily fuel tensions.

Reverse peacebuilding efforts

Possible violence will adversely impact ongoing peacebuilding efforts and worsen already dire socio-economic situations. According to estimates released by the Office for the Coordination of Humanitarian Affairs (OCHA), the number of displaced persons has increased from 1 706 591 in September 2010 to 1 734 790 in March 2011. This situation could be greatly exacerbated in the event of election-related violence, putting further strain on the already meagre humanitarian resources.

Increased impunity

Organisations like Amnesty International have highlighted the weak judicial sector in the country as it gears up for the elections. This weakness is due to a lack of access by the population, the politicisation of the judicial process and the threats that judges have faced. This sheds light on impunity during situations of conflict and how this could increase during election-related violence. Extrajudicial killings, arbitrary detention, torture and ill-treatment during the 2006 elections have gone unpunished. Crimes, including torture and sexual violence, have continued to occur on a grand scale and only a handful of the perpetrators have ever been brought to justice. Without a system in place to arrest, try and imprison perpetrators, a catalyst is provided for individuals to incite violence with the expectation that there will be no legal recourse for their actions.

Recommendations for stakeholders

Government

- The Government of President Joseph Kabila should commit all necessary financial and logistical resources to ensure that the elections are held in a timely manner. This is in line with its commitment to fund the bulk of the elections. In addition, it should use all diplomatic means to ensure that equipment required for the elections – imported from South Africa, Germany and Lebanon – is made available in the country before the elections.

- Leadership at all levels of government (national, provincial and local) must actively engage in dialogue and consultations with relevant stakeholders, including political parties and the local population, to address the reasons behind feelings of dissatisfaction and frustration with the elections process, and jointly develop initiatives to manage election-related violence. These consultations could be through townhall meetings and community level discussions. Furthermore, they should develop and encourage community-based mechanisms for conflict resolution to mediate disputes at the community level.

- Leading up to, and during the elections, the government should commit to ensuring the security of all citizens and polling stations. This will involve building the presence and capacity of security personnel so that they are adequately prepared to curb all plans of violent attacks before they escalate. It is important that security personnel employ non-violent means in stopping riots and protests.

- Efforts must be doubled to ensure that there are mechanisms to address impunity in a rapid manner, especially within the context of election-related violence. Perpetrators should be arrested and justice meted out rapidly and accordingly.

Political parties

- In realising that the period surrounding elections is highly volatile and sensitive, the leadership of all political parties must convey the message of non-violence to their constituents. They must also commit to ensuring that party members refrain from using any form of election-related violence before, during, and after the election process. In ensuring this, they should commit resources to civic education and sensitisation for all sectors of society, including party members.

- Commit to positive intra-party relationships and develop mechanisms to mitigate and amicably resolve in-fighting within their parties. Engage in inter-party dialogue and find common solutions to electoral challenges through such avenues.

Independent National Electoral Commission (CENI)

- Commit to the timely implementation of all processes linked to the elections before 28 November. Furthermore, it should multiply efforts to ensure that the elections are deemed as free, fair, and peaceful by committing to the speedy and timely release of results, as they are concluded per constituency. In addition, it should ensure that any semblance of partiality or unfairness is avoided and commit to provide relevant information to all stakeholders in a timely and open manner,

- Create mechanisms through which grievances and frustrations surrounding the elections can be heard and addressed in a timely and expeditious manner. These mechanisms must also be tasked with finding solutions to these grievances.

Civil society

- Civil society must multiply its efforts to widely engage the population in civic education; sensitise the population on using non-violence; promote reconciliation and social cohesion. The media must refrain from inciting violence but should encourage the need for a peaceful outcome amongst various groups, particularly as the elections draw near. The efforts by community-based organisations in conflict resolution, within their communities, should be promoted and intensified, especially in relation to election-related disputes. Furthermore, they must engage with local traditional authorities and sensitise them to the need for a positive and peaceful election process. Ongoing sensitisation campaigns must continue to target all sectors of society.

- Women's organisations should encourage the participation and active involvement of all women in speaking and encouraging peace at all levels. They should encourage the use of non-violence within their communities and families.

Development partners and the private sector

- Development partners and the private sector should collaborate with civil society in providing civic education and spreading the message of non-violence to the broader population. Collaboration can take place through the sharing of information and the commitment of resources – technical, human and financial – to ensure

that this information is readily available and accessible to the broader population. They should continue to advocate and lobby strongly for peaceful elections, especially as a violent electoral outcome will stifle businesses and investments, impacting negatively on the economy. Furthermore, they should commit funds to the elections process and to projects that implement conflict prevention initiatives.

UN Stabilisation Mission in the Congo

- Continue to call, and create the space, for relevant forums and consultations amongst the ruling party, opposition parties, the CENI, civil society and other relevant stakeholders. Initiatives, such as these, should create the space for communication and dialogue amongst the different stakeholders on issues that might spark violence and increase mistrust and on how these can be resolved.

- Support the national police and army in ensuring the protection of civilians and security of polling stations in areas prone to experiencing election-related violence. A recent effort by the UN and the European Police Mission in Kinshasa in training the Congolese police in crowd management is welcomed and should be intensified.

- Continue to provide logistical and technical support to the CENI and through these means, work closely to ensure that all equipment and systems are in place by 27 November 2011.

African Union and Regional Communities

- Promote dialogue around conflict prevention through diplomatic channels to ensure that key stakeholders are committed to peaceful elections. For instance, the deployment of an AU pre-electoral mission to the DRC is well placed to urge high-level stakeholders to commit to non-violence. The recent efforts by the AU and the Africa Peace and Security Programme of the Institute for Peace and Security Studies (IPSS) – to hold talks between major political parties in Addis Ababa in the hopes of preventing violence during the elections – are welcomed and should be intensified at all levels in the coming weeks.

Conclusion

The upcoming elections in the DRC, and the potential for election-related violence, cannot be understated. Election-related violence emanates from the lack of trust in the election process and tensions amongst political parties and their supporters. Furthermore, the elections are taking place in a context where there is ongoing violent conflict, high insecurity, unaddressed grievances and weak reforms – all

of which are increasingly felt during elections. It is important to not only understand the legitimate factors behind election-related violence but to devise methods through which these are addressed immediately. The mechanisms, structures and attitudes needed to ensure a non-violent, free and fair elections outcome need to be brought out and strengthened. Ultimately, the role of all stakeholders becomes particularly relevant in mitigating and preventing conflict, and contributing to peaceful and successful elections.

On this basis, it is important that the incoming president must commit to ensuring non-violent and fair elections in the future. It is important to have discussions on how to solidify and institutionalise prevention mechanisms for election-related violence and mechanisms to address and resolve disputes so that they are developed, strengthened and robustly functional for future elections.

Endnotes

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2   Elections in 2011 are planned for the following countries: Benin, Burkina Faso, Cameroon, Cape Verde, Central Africa Republic (CAR), Chad, the Democratic Republic of Congo, Djibouti, Egypt, Gabon, Liberia, Madagascar, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Sao Tome, Seychelles, South Africa, Southern Sudan, Tunisia, Uganda, Zambia and Zimbabwe.

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