



Institute for Security Studies

SITUATION REPORT

THE 2011 DRC ELECTION POLLS AND BEYOND

In November 2011 the Democratic Republic of Congo (DRC) held its second post-war presidential and National Assembly elections. These elections, which took place in a context of significant challenges, were marred by allegations of electoral fraud and mismanagement. The pre-electoral climate was characterised by persistent insecurity in parts of the country, pervasive socioeconomic adversity and electoral dynamics of radicalisation. These dynamics elicited calls from internal and external stakeholders for political tolerance, adherence to the electoral code of conduct and abstention from violence.

Similar to the pre-electoral period, the polls were fraught with logistical delays and electoral irregularities. The outcome of the presidential polls was officially announced on 9 December 2011 and of the polls for the National Assembly on 1 February 2012. Protests, a petition and electoral observers' reports citing major irregularities greeted the announcement of the presidential poll results. On 16 December 2011 the Supreme Court rejected a petition by the opposition querying the results of the presidential elections, thereby validating the existing results. Consequently, President Joseph Kabila was inaugurated on 20 December 2011 to serve his second term in addition to his term of transitional rule from 2001.

Controversy surrounding the presidential results overshadowed the outcome of the National Assembly polls, and as the results trickled in they indicated a majority win by the coalition of parties supporting Kabila. Initially united in their rejection of the presidential poll outcome, all but three opposition candidates took up their seats in the National Assembly. In a process led by Charles Mwando Simba to identify a parliamentary majority, some members of the opposition expressed a need for dialogue between the government and opposition to resolve what they described as a political crisis of legitimacy. On 18 April 2012 Kabila appointed former finance minister Augustin Matata Ponyo as prime minister. The formation of the new government saw a reduction from 46 to 36 cabinet positions with two vice prime ministers, 25 ministers and eight vice ministers, with the appointment of technocrats and less prominent politicians.

Kabila's new government and its shift of military policy in the east may be the result of efforts to consolidate power. Growing insecurity in North and South Kivu following Kabila's decision to arrest Bosco Ntaganda and the subsequent outbreak of army mutinies have exacerbated the humanitarian crisis in the region. Amid the controversy and shifts in geopolitical strategy, the DRC must now reckon with post-electoral difficulties whose origins pre-date the elections and are now heightened by dynamics resulting from the conduct and outcome of the 2011 elections.

This situation report seeks to provide an analysis of the 2011 elections in the DRC with the aim of providing a context for key internal and external stakeholders in terms of continued engagement in improving the post-electoral prospects of the DRC. The report is divided into three sections. The first provides a detailed analysis of the pre-electoral context, capturing electoral preparations and pre-electoral challenges. The second section deals with the process, observation and outcome of the elections. The third section focuses on the post-electoral prospects beyond the 2011 polls. The report is based in part on fieldwork undertaken in Bukavu, Goma and Kinshasa in March and October 2011. The primary findings are corroborated by an extensive review of related electoral and media reports.

PRE-ELECTORAL CONTEXT

The 2011 DRC elections took place amid a host of obstacles that affected the electoral process. Analysing the political, social and economic setting in which the elections took place is instrumental to a more accurate understanding of the outcome and to the identification of indicators for the DRC's post-electoral prospects.

Political dynamics

Key features of the post-war political landscape in the DRC include an enduring centralised government, a fractured opposition and shifting regional alliances. While Article 2 of the 2005 Constitution, adopted by referendum, promoted decentralisation reforms to devolve political and financial power across the provinces, the government has not significantly advanced these reforms; instead, Kabila has maintained Kinshasa as the seat of political and financial power in the DRC.¹ Decentralisation would certainly come with its fair share of hurdles, but the effect of an over-centralised system in a country the size of the DRC is partly evident in the uneven development of the country's infrastructure and economy, the inhibited growth of local politics, and the inadequate security presence, which gives rise to large pockets of insecurity. The political focus has been on electing national leaders, with less emphasis on the election of provincial and local leaders who could potentially flavour political discourse to reflect local realities, which is essential to national development, particularly in a country as geographically vast as the DRC.²

For instance, the polls to elect local leaders in the 2006 elections never happened and it is uncertain when or if they will take place in the current series of polls. Another key feature is the political opposition, which to date has not been consistent in providing critical checks and balances on past governments. This can be attributed to factors such as historic political repression, entrenched hegemonies,

uneven representation in governance structures and related capacity issues. During the 2011 elections these inequalities were exemplified in the opposition's unsuccessful attempts to initially challenge the credibility of the electoral preparations and subsequently the outcome of the polls. The feature of shifting regional alliances commenced at the transition, during which the DRC government was able to negotiate the successful withdrawal of hostile regional armies from its territory, i.e. those of Rwanda, Uganda and Burundi. Insecurity persisted from the continued presence of regional illegal armed groups from these countries, which had been cited by the regional armies as grounds for their earlier presence in the DRC. Strategies for eliminating these groups involved joint efforts between the DRC and the respective regional armies.

Decentralisation would certainly come with its fair share of hurdles

Of significant note was the consequent warming of relations between the DRC and Rwanda, an issue that is alleged to have contributed to the DRC government becoming alienated to a degree from its citizens and supporters, particularly in the east. Kabila seemed to have adopted a more conciliatory approach to governance than his predecessors, particularly in regard to regional dynamics. One contentious rapprochement is that with Rwanda. Faced with the insecurity posed by illegal armed groups, he engaged in bilateral commitments with Rwanda, and the effect of this warming of relations is still much debated.³ The ties to Rwanda have earned Kabila some political detractors and negatively impacted his support base, especially in the east, where Rwanda's role in past conflicts still evokes bad memories.⁴ The origins of tension with Rwanda can be traced back to the colonial and ongoing displacement of people from that country to the DRC. Whether in search of viable livelihoods or in flight from conflict such as the 1994 genocide, people from Rwanda have migrated to the DRC and are said to occupy prime lands. This competition for natural resources such as land and minerals is a contributing factor to the current strained relations between citizens of the two countries and has often been politicised on an ethnic level. In the run-up to the elections, anti-ethnic sentiments were expressed to discredit the candidature of political candidates from different communities on the basis of their ethnicity.⁵

The link between politics and the economy has been a factor of the DRC's political dynamics. Bountiful minerals within a mining sector that is not cohesively regulated

has put a wealth of resources under the control of a government with heavily centralised executive powers. Mounting pressure for transparency and cohesive regulation demands a long-term comprehensive strategy to harness the benefits of these rich mineral reserves for the collective good of the nation.⁶ The link between politics and economics was also demonstrated in the high number of 18 500 parliamentary candidates vying for 500 legislative seats. The disproportionately high candidature in the parliamentary race may in part be attributed to the link between political leadership and economic gain, with a parliamentary position offering competitive remuneration and, for the unscrupulous, the opportunity to use power to gain economic benefits.⁷ Despite the tight parliamentary contest, pre-electoral political dynamics were

Pressure for transparency and cohesive regulation demands a long-term comprehensive strategy

predominantly influenced by the presidential race. Although the polls were held simultaneously, the presidential outcome was more likely to determine the ultimate power brokers. With the incumbent no longer facing his former electoral challenger, and considering the shifts in the political scene, the presidential polls were much anticipated. In the 2006 elections Joseph Kabila – who chose to run as an independent supported by the Alliance for a Presidential Majority formed around the People's Party for Reconstruction and Development (PPRD) – was elected as the first post-war president with a 58 per cent⁸ majority in a run-off against his major contender at the time, Jean Pierre Bemba⁹ of the Movement for the Liberation of Congo.

The 2011 elections had 11 presidential candidates, although the focus was on three candidates with popular support, pitting the incumbent, Kabila, primarily against Etienne Tshisekedi and Vital Kamerhe. Kabila enjoyed the benefits of incumbency with power over key institutions like the electoral process and security, plus the financial wherewithal to campaign aggressively. Nevertheless, Kabila faced the challenge of perceived waning support due to unfulfilled electoral promises such as securing the east and ensuring nationwide economic development. Tshisekedi of the Union for Democracy and Social Progress (UDPS), a long-standing opposition figure, exhibited the capacity to mobilise his supporters to publicly express the opposition's concerns. Tshisekedi's extensive political history includes serving in various capacities in Mobutu Sese Seko

governments, including being prime minister three times, forming the UDPS as the first official opposition party and boycotting the 2006 elections in protest. Tshisekedi, a key contender in the 2011 presidential race, courted controversy with his inflammatory language,¹⁰ the refusal of the UDPS to sign the electoral code of conduct and weekly demonstrations held by his supporters in Kinshasa.

The other prime candidate, Vital Kamerhe of the Union pour la nation Congolaise, was formerly an ally of Kabila in the PPRD and led the incumbent's successful 2006 campaign, winning support for Kabila from the east. Kamerhe's political history includes being a former speaker of the National Assembly and minister of information. He resigned from the former post in protest over the 2009 joint DRC–Rwanda military operations against rebels that saw the deployment of Rwandan troops in the eastern DRC.¹¹ The decision by opposition parties to front their own presidential candidates was seen by some as raising the stakes, with more presidential contenders potentially leading to a divided electorate. Many seemed inclined toward the opposition uniting to back one candidate against the incumbent in order to improve its chances. However, as the two major opposition candidates, Tshisekedi and Kamerhe, were untested in the polls, there is no guarantee that this strategy would have been particularly beneficial to the opposition. What was more likely to influence the outcome of the polls was the relative advantage of the incumbent in setting the electoral stage and having sufficient resources to organise politically, above and beyond the speculative advantage of perceived popularity. Kabila's incumbency advantage, combined with Tshisekedi's capacity to radicalise, definitely influenced the political dynamics of these elections.

Significant electoral developments commenced with the January 2011 amendment of Article 71 of the Constitution transforming a two-round voting system into a single plurality vote. While the government argued that cost implications were the major incentive for this amendment, it was also argued that it now gave the incumbent a winning advantage, especially in the face of a divided opposition presenting multiple presidential candidates. In theory, the run-off would have given the opposition an opportunity to regroup behind the more popular first-round candidate. Attempts to introduce an electoral bill that would exclude certain presidential candidates on the basis of age, residency and tax returns were overturned after a three-month debate by parliament, which chose to adopt an electoral law similar to that of 2006.¹² Adopting this bill in June 2011 for an election just five months away led to further delays in other electoral activities pegged to the electoral law, such as candidate registration. On 8 September most political parties signed the 2011 electoral code of conduct developed by the Independent National Electoral Commission (CENI).¹³ The UDPS declined to sign the code of conduct until demands

it had put before the CENI and the government were met. These demands included that the CENI facilitate an audit of the voter register and that the government release UDPS supporters arrested during previous demonstrations. The fact that the UDPS had been holding regular demonstrations prior to the elections gave rise to fears that in the heat of a competitive election these demonstrations could dissolve into violence. It was anticipated that its signing of the electoral code of conduct would commit it in principle to upholding electoral norms.

At the helm of organising the elections was the CENI, which, although established in July 2010, was only installed in March 2011.¹⁴ The composition of the CENI was contentious, with claims that it was biased towards the party in power. The CENI leadership was constituted by nominations from the majority party (four members) and opposition groups (three members), and this team then selected the president of the commission, Pastor Daniel Ngoy Mulunda, in January 2011.¹⁵ The majority party was made up of parties that united to support the incumbent in the previous elections. Accusations of bias were strengthened by the fact that apart from the top leadership, the composition of the electoral body had not changed much from its predecessor, the Independent Electoral Commission.¹⁶ Other aspects of controversy plaguing the work of the CENI were allegations of a lack of transparency and insufficient readiness for the elections. Following allegations of discrepancies in the voting register ranging from double registration to the registration of minors and militia members, the opposition launched public demonstrations demanding transparency, resulting in the CENI agreeing to an audit of the electoral register.¹⁷ This audit, which was to take place with the participation of five opposition members and five members of the majority party, was derailed when the majority party declined to participate in the process. A lack of confidence in the voting register stemmed from the inability of the political parties to ensure adequate representation during the voter registration exercise, a challenge that was to be re-encountered during the polls, with tens of thousands of polling stations located over an immense geographic terrain. Even with the presence of additional internal and external monitors and observers, appointing representatives at each and every polling station would be virtually impossible, given the existing infrastructural and security challenges. Still, the CENI declared its readiness to hold this election as scheduled, confident that it would overcome challenges to the electoral process.

Electoral challenges

Key challenges directly linked to the elections were finances and logistics. With the country's inadequate infrastructure, poor transport networks, failing economy and prevalent

insecurity, the financial and logistical demands of successfully holding an election of this magnitude were onerous.

Finances

Unlike the 2006 elections, which were heavily backed financially by external support, the DRC government provided most of the finances for the 2011 elections. External support for and commitment to the 2006 elections was due to their being the first post-war polls. While it was commendable for the DRC government to take financial responsibility for the 2011 elections, this decision would definitely take its toll, with increased financial pressure on state resources in the face of a struggling socioeconomic context. There was also speculation regarding the

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government's acquisition of and access to electoral funding, with the government reportedly declaring that signature bonuses from new agreements would finance the elections, as well as sales from state mining assets.¹⁸ The estimated costs of the 2011–2013 electoral cycle went up from US\$700 million to US\$1.2 billion, with the DRC government responsible for meeting 70 per cent of the costs from the national budget of US\$6 billion.¹⁹ Apart from the struggle of the CENI to acquire all the necessary funding to ensure adequate, timely electoral preparations, financial problems were also faced by political parties and candidates who had to use their own funding to participate in the electoral process. As candidates prepared for the campaign period, they expressed concerns about their lack of financial capacity to adequately confront other candidates with greater financial means.²⁰ On the party level, a similar concern was the financial capacity of the parties, e.g. to ensure sufficient representation by observers and monitors during the electoral exercise. Given the size of the DRC and the financial implications of facilitating electoral observers and monitors countrywide, parties would have to rely on the supplementary electoral reports of non-party affiliated internal and external observers.

Logistics

Geography and infrastructure significantly compounded the logistics equation. With the country covering over 2.3 million km² and with limited transport infrastructure, the

CENI, political candidates and voters faced considerable financial and logistical demands. These logistical preparations were subject to several delays. For instance, by the start of the official campaigning period there was no definitive list of the over 63 000 polling stations, while electoral material was still in production in China (ballot boxes) and South Africa (ballot papers), rushing to beat the 20 November deadline for distribution. Although the UN Organisation Stabilisation Mission in the DRC (MONUSCO) was to help with logistics, delays in receiving the electoral materials inevitably affected the electoral process. MONUSCO pledged to provide its entire fleet of aircraft to assist with the distribution of electoral materials and had added 30 civilian aircrafts for this purpose.²¹ Furthermore, with an inadequate road network, and limited

Constraints of time and finances put undue pressure on an already difficult electoral process

availability of air and water transport, candidates and election officials faced difficulties in undertaking essential travel during the campaign period and the polls. These constraints of time and finances put undue pressure on an already difficult electoral process, and delay was a major characteristic of the 2011 electoral preparations. Although the reasons for the various delays varied, there was an abiding apprehension as to whether the CENI would be ready for the elections as scheduled. The CENI president emphatically assured all stakeholders that the electoral body was up to the challenge and would be ready to hold the elections as scheduled.²²

Security dynamics

Complex security dynamics that pose continued challenges to post-war DRC include a high proliferation of illegal arms, the presence of illegal armed groups, an integrated army constituted partly of former illegal armed groups, insufficient security sector reforms and inadequate infrastructure, which negatively affects security administration. The effect of these challenges has been persistent insecurity in parts of the country, especially where illegal groups operate. This has also contributed to a perception that the DRC government is unable successfully to secure its territory and protect its citizens. Insecurity has perpetuated the existence and formation of illegal armed groups who thrive in this environment, which subsequently has affected the

economy in deterring local industry and economic growth. In parts of the DRC, particularly in the east, security remains elusive due to the presence of such groups, both local and foreign.²³ This state of insecurity allows for illegal or unregulated economic activity that does not profit the citizens of DRC.

The local armed groups include the Force patriotique pour la liberation du Congo, Mai Mai Sheka, Mai Mai Yakutumba, and the Armée de resistance populaire, among others. Key foreign armed groups include the Allied Democratic Forces and the Lord's Resistance Army, both of Ugandan origin; the Forces democratiques pour la liberation du Rwanda (FDLR) and the Rally for Unity and Democracy, both of Rwandan origin; and the Forces national de liberation from Burundi. Although joint operations between the Congolese army (FARDC) and MONUSCO have served to integrate former armed groups and weaken existing ones,²⁴ reports of mass rapes and other violent abuses of local populations have created uncertainty regarding the capacity of the FARDC and MONUSCO to protect civilians.²⁵

Efforts to neutralise illegal armed groups and their consequent integration into the FARDC have elicited mixed reactions, especially as particular armed groups seem to have benefitted more than others. Of note is the integration of the National Congress for the Defence of the People (CNDP), which is suspected of having been backed by Rwanda and whose leader, Laurent Nkunda, arrested in 2009, is yet to be extradited to the DRC by Rwanda.²⁶ What has soured this aspect of integrating the CNDP is the fact that its officers have been placed in key positions in the Kivus.²⁷ The local population who suffered the brunt of CNDP attacks now find certain individuals in key positions in the FARDC, where they are now ironically to provide civilian protection. This has evoked the sentiment that justice has been sacrificed for peace.²⁸ Despite the political compromise to integrate surrendered individuals from former illegal armed groups, people in the east continue to suffer from persistent insecurity and violent attacks. Without substantial peace dividends, residents of these areas of insecurity do not fully appreciate the compromise of integrating those who are former enemies of peace.²⁹

To compound the security dynamics, as the poll date approached, there was increasing incidences of electoral-related violence. A report by the UN Joint Human Rights Office (UNJHRO) highlighted that between 1 November 2010 and 30 September 2011 it had documented 188 cases of varied human rights violations linked to the electoral process, with political parties culpable of not restraining their supporters during public demonstrations.³⁰ Also under critique was the police force, which was alleged to have been too forceful in containing political demonstrations. While denouncing the use of excessive force by national police against protesters, international

organisations called on the DRC to deploy well-trained and well-equipped national forces to secure the elections.³¹ This call for the deployment of such forces, made a month before the elections, seemed somewhat unrealistic, given the conduct of police at that stage of the elections. MONUSCO's more tangible contribution in training national police, although commendable, was incommensurate with the security capacity needed to guarantee safety during the electoral period. The particular security concerns of the east were exacerbated by fears or incidents of intimidation from armed groups like the FDLR, who allegedly declared their wish to destabilise the electoral process in Bukumbira and Pitakongo, North Kivu.³² Adding to the insecurity conundrum was the composite nature of the integrated FARDC, which is still a bitter pill to swallow for some civilians. Directly impacting the elections, voter turnout was likely to be inadvertently affected both by perceptions of insecurity and by the actual state of insecurity. Another important indicator for security would be strict adherence to the electoral code of conduct, especially in restraining supporters from potentially violent demonstrations.

Socioeconomic dynamics

With an approximate 71 per cent³³ of the population living below the national poverty line, the pre-existing socioeconomic challenges were formidable. The destruction wrought by the recent war, insecurity, inadequate infrastructure, the lack of crucial social amenities, and a vast unregulated informal economy have hindered development and exacerbated poverty in the country. The exploitation of the rich reserves of diamonds, copper, cobalt, gold, coltan, tin and zinc has not been well regulated to ensure benefit to the national economy and to translate into better socioeconomic conditions for citizens. The gap between abundant resources and a poor population has been attributed to various factors such as corruption, illegal exploitation, smuggling and an unregulated mining sector.³⁴ From September 2010 to March 2011 the DRC government imposed a five-month mining ban to curb funding for armed groups. This move was seen by some as unduly punitive in harming the livelihoods of local populations dependent on informal mining, forcing some to migrate to nearby towns to survive.³⁵ The ban was not that effective, judging by continued illegal exploitation by criminal elements in the army and armed groups, and it may have negatively influenced the locals' regard for Kabila and the government of the day. At the start of his first elected term Kabila inspired hope among Congolese with his proposed development strategy known as '*les cinq chantiers*'.³⁶ The five main development projects were infrastructure, health and education, water and electricity, housing, and jobs. Arguably, negligible gains from this strategy contributed

to Kabila's supposed waning popularity. As the majority of the population struggle daily to survive, there is growing agitation for change that will positively transform their socioeconomic situations.³⁷ A hungry electorate may be tempted to vote with their stomachs, meaning that they will be prone to manipulation by politicians who are more convincing at promising them a future where their daily needs are met. In their struggle to survive, the population cannot be blamed for believing in these promises – which often vanish with the ballot boxes. Similarly, a tendency to link difficult socioeconomic situations with the government of the day leads to the assumption that any alternative leader would do better, so in essence change is a process of getting rid of the incumbent. This may have some elements of truth. Nonetheless, the context of the

The gap between abundant resources and a poor population has been attributed to various factors

historic socioeconomic malaise of the DRC, coupled with weak governance structures, makes the country a transformational challenge to any incoming government, however competent.

THE ELECTIONS

Beginning with the presidential and national assembly polls on 28 November 2011, the DRC election calendar had scheduled polls for provincial assemblies on 25 March 2012, the Senate on 4 July and governors/vice governors on 21 July.³⁸

The presidential and National Assembly polls took place simultaneously, and as had been projected, with numerous difficulties. Initially planned as a one-day affair, the polls had to be extended for a second day to compensate for logistical hurdles such as delayed, insufficient or entirely absent electoral material. Polling day was not without incidents. Some examples include voters burning down several polling stations in Kananga and destroying electoral materials in Lubumbashi due to suspicions of fraud; gunmen in Lubumbashi opening fire at a polling station, killing three people; and other gunmen raiding election material that was being delivered.³⁹ Observers also highlighted other irregularities like voter intimidation by security forces, ballot stuffing, undelivered ballot papers and voters being turned away at polling stations. At the close of the polls, the vote counting for the presidential race

began in the wake of rising controversy over limited access to compilation centres. This led to mounting suspicions of electoral fraud. Apart from the alleged lack of transparency in the vote-counting process, concerns were raised about the decision by the CENI to disqualify ballots from some stations and to announce aggregated results – as opposed to per polling station to allow for independent verification – plus repeated delays in announcing the results. The CENI's announcement that Kabila had won was met with public demonstrations in areas like Kinshasa, where four people were killed before the protesters were dispersed.⁴⁰ Even prior to the declaration of results, some opposition candidates had called for an annulment of the presidential vote on the grounds that there were alleged massive fraud and significant electoral irregularities that interfered with the integrity of the vote.⁴¹

Presidential poll outcome

The results of the presidential poll are indicated in the following table.

	Candidate	Votes obtained	Percentage
1.	Kabila Kabange Joseph	8 880 944	48.95
2.	Tshisekedi wa Mulumba Etienne	5 864 775	32.33
3.	Kamerhe Lwa-Kanyiginyi Vital	1 403 372	7.74
4.	Kengo wa Dondo Leon	898 362	4.95
5.	Mbusa Nyamwisi Antipas	311 787	1.72
6.	Mobutu Nzanga Ngbangawe Francois	285 273	1.57
7.	Andeka Djamba Jean	128 820	0.71
8.	Bombole Intole Adam	126 623	0.70
9.	Kakese Malela François-Nicéphore	92 737	0.51
10.	Mukendi Kamama Josue Alex	78 151	0.43
11.	Kashala Lukumuena Oscar	72 260	0.40
Total		18 143 104	100.00

Source: CENI (Independent National Electoral Commission), Presidential elections results, <http://www.ceni.gov.cd/resultats.aspx> (accessed 25 January 2012).

Rejection of the presidential poll outcome

Leading up to the elections, a major fear was the possible rejection of the poll outcome and the subsequent implications for post-electoral peace and security in the DRC. This fear was spurred by declarations of imminent and indisputable victory by at least two of the major

presidential candidates. In a press conference on 18 October 2011 Kabila declared he was confident that he would win the presidential election and although he stated that he would step aside if defeated, he reiterated that he would not lose the presidential vote.⁴² In a live broadcast on 6 November 2011 one of Kabila's main rivals, Tshisekedi, declared himself already the president of the DRC and proceeded to give the government an ultimatum to release his imprisoned supporters or have them forcibly released by their fellow supporters.⁴³ These repeated premature predictions of victory caused concern that they might polarise or radicalise the electorate. This concern prompted calls from external actors to presidential candidates to moderate their proclamations and allow the electoral process to run its course. In a visit to the DRC, the chairman of African Union, Jean Ping, cautioned that candidates should be ready to accept the results because there would only be one winner and consequently one president.⁴⁴ Candidates were encouraged to challenge an unfavourable outcome through the legal system, i.e. by petitioning the Supreme Court. However, the independence of the Supreme Court was questioned: among other reasons for this, on 28 October 2011 Kabila had appointed 18 new judges to this court, bringing the total to 27. The timing of these appointments was unfortunate, creating the suspicion that it was a strategic move to guarantee that any electoral petition would favour the incumbent and his supporters.

Following the official proclamation of a winner, opposition candidates rejected the outcome. In terms of the due process stipulated for electoral challenges, Kamerhe took a petition to the Supreme Court, but it was rejected. Tshisekedi also rejected the results and declared himself president, holding a swearing-in ceremony in his Kinshasa home.⁴⁵ His verbal threat to gain access to the presidential palace to assume his functions led to police enforcing a situation of unofficial house arrest and dispersing his supporters.⁴⁶ Tshisekedi's unwavering belief that he had won the election but was denied victory due to electoral fraud has sustained his actions and supporters. Despite these rejections, the much-dreaded immediate post-election violence did not occur, in part due to containment by security forces and perhaps also due to the reticence of the opposition to engage in this manner.

The legislative poll outcome

These results were over two months in being declared owing to what the CENI termed an effort to ensure transparency in the compilation and verification of the National Assembly results. This followed an outcry over irregularities in the compilation and verification of presidential results that led the CENI to suspend counting of the National Assembly vote on 21 December 2012 to

allow for international electoral experts to participate in the process. However, the process resumed on 28 December 2012 even before the experts arrived, raising doubt about the CENI's commitment to ensuring transparency and credibility. Results announced on 1 February 2012 for the National Assembly polls confirmed a lead by Kabila's party, the PPRD, with 62 seats, down from 111 in the previous National Assembly. Tshisekedi's UDPS followed with 41 seats; however, only 38 members took up their seats in the National Assembly as three continued to heed Tshisekedi's call to boycott it in rejection of Kabila's presidential victory. With the coalition parties backing Kabila, he still holds a majority in the National Assembly. In addition, 17 of the 500 seats remained vacant, as elections for these seats were cancelled by the CENI on the basis of allegations of violence and fraud, while the Supreme Court received 502 appeals against the National Assembly results.⁴⁷ The distribution of seats in the current parliament has the PPRD and its allies with an absolute majority of 260 seats, the opposition with 110 seats and the remainder of the seats held by smaller parties with no established alliances with either the PPRD or the opposition.⁴⁸

HIGHLIGHTS OF OBSERVER REPORTS

Reports from observers differed on some points, although all acknowledged logistical challenges and the incidence of violence. Following is a sample of select reports. Nationally, the National Episcopal Conference of Congo, which had a team of about 30 000 local observers, was a strong critic of the credibility of the elections and called on the CENI to either address serious errors in the vote counting for the November polls or resign.⁴⁹ From the region, in a joint statement, the African Union's African Observer Missions to the Democratic Republic of the Congo, the Southern African Development Community (SADC), the International Conference on the Great Lakes Region (ICGLR), the Economic Community of Central African States (ECCAS), and the Common Market for Eastern and Southern Africa (COMESA) described the elections as successful, although acknowledging numerous technical and logistical problems, and regrettable incidents of electoral violence.⁵⁰ From the international community, the Carter Center issued a statement that the presidential election results lacked credibility, noting the varying quality and integrity of the vote tabulation process.⁵¹ Similarly, the European Union deplored the lack of transparency and irregularities in results collection, compilation and publication.⁵² Dissatisfaction with the election process may have contributed to the marked absence of other heads of state at Kabila's inauguration, which was only attended by the Zimbabwean president, Robert Mugabe. A consequence of the observer critiques after the presidential poll results was the concession by the CENI to belatedly allow technical

assistance from external experts to participate in the tallying of the National Assembly vote. A later report released by UNJHRO on serious human rights violations by the members of the defence and security forces in Kinshasa in the period between 26 November and 25 December 2011 cited that 33 people were killed, 83 injured and 265 arrested.⁵³

BEYOND THE 2011 ELECTIONS

The 2011 elections, typified by various troubles, did not benefit from timely and sufficient external engagement. The government of the DRC declared itself up to the task of holding such a huge election with only minimal support, which may have tied the hands of external actors,

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who then for the most part stood on the sidelines, either forecasting mayhem or disengaging to various degrees. When assistance did come, it was a case of too little, too late. Indeed, responsibility for the elections fell squarely on the government of the DRC, but, given the context, this would have been a difficult election for any government to successfully pull off under such severe limitations. Perhaps the combination of the government's reticence and external actors' fatigue at this seemingly lost cause coalesced to create an image of apathy towards this trying electoral process. This election would have profited from a more robust pre-electoral engagement by regional and international actors. Taking the example of civic and voter education, the CENI was to coordinate civic education activities, but due to budgetary constraints was not able to accomplish this satisfactorily, while the capacity of civil society to participate effectively was also limited due to finances.⁵⁴ Given that the number of candidates for the National Assembly had doubled since 2006, some first-time candidates felt, in addition to financial constraints, that they had limited opportunities to get the necessary training to prepare themselves for the elections and possible leadership.⁵⁵

Prospects for due electoral process would have improved with more support that was better coordinated and provided much earlier. External support was mainly through electoral observation, which was useful in determining the transparency and credibility of the process

at the very least in accessible polling stations. The DRC is a member of a variety of regional blocs, i.e. ECCAS, the Economic Community of the Great Lakes Countries, the ICGLR, SADC and COMESA. At the invitation of the DRC government, some of these communities, such as the ICGLR and SADC, participated in the elections by sending observers.⁵⁶ There were also commendable efforts from international groups⁵⁷ to provide essential long-term observers in addition to short-term observation teams.

The immediate post-electoral situation has seen shifts in the political and security dynamics of the DRC. Despite concerns over the credibility of the vote, overt protests died down as members of the public were compelled to resume their routines for daily survival. In the aftermath of the polls a spate of protests against the allegedly flawed elections

Prospects for due electoral processes would have improved with more support

happened outside the DRC as Congolese in the diaspora took their disaffection into the streets. In the DRC, police blocked a march organised by the Catholic Church to protest the polls on 16 February, which was to coincide with the 20th anniversary of Mobutu's suppression of a Christian pro-democracy protest.⁵⁸ Overall, as the protests subsided, Kabila proceeded to consolidate power as some opposition focus shifted from contesting the elections to engaging in the formation of the new government. Tshisekedi's call for the opposition to boycott the National Assembly was initially heeded by most of the elected UDPS members; however, 38 eventually chose to sit in the assembly. This considerably weakened the perception of Tshisekedi's power to galvanise the opposition. Kabila appointed former defence minister Charles Mwando Nsimba as an 'informant' to undertake consultations with political parties to assess those sympathetic to the parliamentary majority coalition in terms of forming the government.⁵⁹ During these consultations some members of the opposition referred to a need for dialogue to resolve what they termed a political crisis resulting from the controversial elections. However, the fact that they have taken up their seats in the National Assembly can be interpreted as acquiescing to Kabila's presidency, thus watering down the argument for a political crisis. On 18 April Kabila appointed former finance minister Augustin Matata Ponyo as prime minister.

Security has been tight in the major cities since the polls, a factor that contributed to the prompt diffusion of any protests. However, insecurity in eastern DRC stemming from the activities of armed state and non-state actors

has caused the displacement of the population and the withdrawal of humanitarian assistance personnel.⁶⁰ This insecurity has been attributed to recent defections and subsequent military reprisals as a consequence of what was described as parallel command structures loyal to former CNDP leaders (see above). In response to this, Kabila suspended the 'Amani Leo' military operation against the FDLR, ordered the arrest of all officers involved in the mutiny and declared that he would arrest one of the generals involved, Bosco Ntaganda.⁶¹ Ntaganda had been protected by the DRC from an International Criminal Court (ICC) warrant of arrest issued in 2006 after Kabila argued that his cooperation was essential to the successful integration of CNDP troops into the army. Since the integration, Ntaganda has been accused of leading a parallel chain of command, now evidenced by the recent defections. Kabila's intention to arrest Ntaganda does not include extraditing him to the ICC to be tried for war crimes allegedly committed in Ituri in 2002–2003, but Kabila insists that the DRC will try him locally for his role in perpetuating insecurity in the east. Since then, another mutiny referred to as M23 has added to the complexity of insecurity in the two Kivus. The group led by Colonel Sultani Makenga, an alleged rival of Ntaganda, is fighting in protest at poor implementation of the 23 March 2009 agreement that saw the CNDP integrated into the FARDC. These pockets of violence have occasioned security gaps that allow other rebel groups such as the FDLR, Mai Mai Cheka and Raia Mutomboki to violently advance their interests in the two Kivus.⁶² Going forward, ensuring comprehensive security sector reform during the process of army integration will bolster the government's efforts to neutralise negative forces.

Moving beyond the elections, the new government of the DRC will face even greater problems in governance, given the controversies surrounding the electoral process and its outcome. Mitigating the current problems that the country is experiencing will be the main challenge for the new DRC leadership, particularly in light of the role the elections played in exacerbating these problems. Some of these include reconciliation, security and the general socioeconomic situation.

Reconciliation

Reconciliation at the political and social levels will be critical for the government to rebuild public trust and garner much-needed public support for nation building. A country that was already divided politically and socially was further polarised during the polls by the radicalisation of politics and ethnicity. Incidents were reported of leaders using ethnic hate speech to galvanise support for or against particular candidates. This ranged from leaders saying that those who did not vote for their preferred ethnic candidate

should be eliminated to casting doubts regarding the ethnicity of certain candidates by alleging that they were not authentically Congolese.⁶³ The politicisation of ethnicity was not unique to this election and has been previously identified as a dimension of past conflicts in the DRC. As earlier highlighted in the east, there have been negative sentiments against and from those alleged to have their origins in Rwanda. These historic tensions, which are closely linked to economic survival, have been allowed to fester over decades and have been aggravated by political events and insecurity triggered by foreign illegal armed groups. The sentiment that justice was sacrificed for peace will be an obstacle to reconciliation especially in the east, where there is resentment towards the army integration process, particularly in terms of the appointment of key officials (see above). In the rest of the DRC, ethnicity was clearly politicised during the electoral period. While it may have served the short-term purpose of gaining support from particular ethnic groups, this polarisation has long-term debilitating effects on productive nation building.

Security

Existing security threats of a post-electoral nature point to an increasingly complex security situation that will be an immediate challenge to the new government. On the national level, the failure to realise post-war peace dividends, compounded by an unfavourable electoral outcome, will likely create unpredictable scenarios if the electorate's growing dissatisfaction is not addressed. Given the lack of capacity of the national security sector, this clamour is likely to pose a serious threat to security if there are simultaneous eruptions of unrest around the country.⁶⁴ In the aftermath of the elections the security services managed to contain election-related agitation in the major cities. If there were to be renewed, sustained and widespread agitation, the capacity of these forces would be called into question. Regionally, the dynamics between the DRC and its neighbours have been evolving over time and due to their interconnectedness, countries in the region are likely to feel the brunt of any negative security situation. Cross-border conflict over natural resources may present a new frontier for regional insecurity, such as the ongoing dispute between the DRC and Angola over the rightful ownership of a maritime oil deposit on their shared border. In the cases of Uganda, Rwanda and Burundi, who face security threats emanating from the DRC in the form of illegal armed groups, the outcome of the elections will impact them in as far as it will influence their continued quest to eliminate these security threats. Collaborative efforts to weaken these armed groups have had a measure of success and therefore a new security crisis in the DRC may erode gains and provide the breeding ground for

new actors, causing insecurity at both the national and regional levels.

There have been significant developments indicating a re-emerging security problem between the DRC and Rwanda that will potentially reverberate across the region. The resurgence of violence between supporters of Ntaganda and the M23 mutineers has led to rising tension between the two countries. In the past war it was alleged that the then-CNDP was backed by Rwanda, just as there were counter-allegations that the FDLR had Kinshasa's backing. The CNDP and FDLR were perceived as proxies suspected to be backed by the opposing governments to pose counter-threats. The war ended and the 23 March 2009 deal was reached between the DRC government and the CNDP, which was then integrated into the army.

The failure to realise post-war peace dividends will likely create unpredictable scenarios

As discussed earlier, this integration process was not well received by those who felt that members of the ex-CNDP had received preferential postings and had consequently formed their own parallel chain of command within the FARDC. Following his re-election, Kabila's suspension of Amani Leo – the army operation in the east targeting the FDLR – affected former CNDP members holding key posts in the operation and posed a threat to the purported parallel chain of command. Kabila's subsequent call for Ntaganda's arrest led to a series of events that included Ntaganda's disappearance, desertions, a mutiny by his supporters and the M23 mutiny. Citing a confidential UN report, the media have linked Rwanda with the M23 mutiny in the east on the basis that 11 defectors from the M23 mutiny claim they are Rwandans and were recruited in February 2012 in Rwanda on the pretext of joining the Rwandan army and were later deployed to join M23 in the DRC.⁶⁵ As these claims are investigated, the suspicion alone will affect relations between the two countries, with a potentially negative impact on security and the humanitarian situation. The rising insecurity in eastern DRC is made even more complex by the challenge of distinguishing the army from the mutineers (because they wear the same uniforms),⁶⁶ the potential victimisation of certain communities whose origin or ethnicity may be linked to Rwanda,⁶⁷ and the resurgence of violence from other rebel groups who now seek to fill perceived security gaps.⁶⁸

The socioeconomic situation

The difficult socioeconomic situation in the DRC will likely persist with high unemployment rates, poor remuneration and economic conditions unfavourable to entrepreneurship. In the 2011 elections the marked increase in candidates for the National Assembly was not wholly unrelated to the fact that legislators receive quite generous remuneration in relation to the employment and economic realities of other Congolese.⁶⁹ Poverty and a lack of livelihood options were often-expressed reasons for the need for new leadership in the DRC, so the process of regaining public confidence has to include improving socioeconomic conditions. Poverty, or even the perception of it, inhibits democratic growth through the socioeconomic and subsequent political disenfranchisement of citizens.

Poverty and a lack of livelihood options were often-expressed reasons for the need for new leadership in the DRC

Revisiting decentralisation and the regulation of the mining sector would also be worthwhile. Decentralisation has been viewed as untenable, yet the current policy of centralisation has also proved unworkable. A degree of decentralisation would potentially allow for a more equitable share of resources among all the provinces, thus enabling more uniform economic growth nationwide by creating employment in a decentralised economy. Another trump card for the government is the mining sector. The illegal exploitation of mineral resources profits a select few for the short term, but in the long term it breeds socioeconomic deprivation. With the link between the illegal exploitation of natural resources and conflict financing, the incoming international guidelines and legislation require companies sourcing minerals from the DRC and the region to put supply chain traceability mechanisms into effect to ensure that minerals are from conflict-free mines. While most of these frameworks are not obligatory, there is a potentially negative net effect on the demand for minerals from the DRC and the region and the possible introduction of new insecurity actors who operate outside of these frameworks. As the DRC government and mining industry seek to comply with the new requirements, the context of a largely informal mining sector will impede compliance gains and have a damaging effect on livelihoods in the short term. This can only be mitigated in the medium and long term by

developing strategies to transform mining in the DRC. For the government to be viewed as acting for the public good, it must consider how to maximise income from national resources for the nation as a whole. Regulating this industry and tackling issues related to artisanal mining and value addition will create employment and increase state revenue in the long term, for the greater benefit of the public at large.

CONCLUSION

While the schedule for further polls is ongoing, the presidential and National Assembly polls have defined the distribution of power in the new government. Although Kabila has a parliamentary majority, he will still have to contend with the shadow cast by the controversial polls, as well as a reluctant opposition and its supporting constituencies. It is debatable to what extent these initial polls have contributed to democracy, good governance, sustainable livelihoods and security for the citizens of the DRC. However, the electoral process is in motion and, regardless of its frailties, it is vital that all the stakeholders in the DRC, both internal and external, stay involved in mitigating the problems that face the country. The challenges that existed before the elections will persist beyond the polls.

An urgent undertaking for the new government will be to secure the conflict-plagued east of the country. A recent report by international and Congolese organisations cites the lack of political will on the part of the DRC government as being one of the major impediments to achieving adequate reforms in the security sector.⁷⁰ While this may be a factor, the situation in the DRC is complex, with protracted external and internal security threats against a backdrop of post-conflict reconstruction challenges in a developing country. However, several levels need critical redress, such as reducing the number of insecurity actors, streamlining the integration of the FARDC to ensure a unified army, curbing the flow of small arms and light weapons resulting from the frequent army desertions, and assuring the protection of civilians. The recent army mutinies in the east underscore the need for urgent and progressive security reforms. Reducing the number of insecurity actors will eliminate local and foreign threats to the security of citizens in the DRC and the region and as such will need the collaboration of neighbouring countries. The previous joint operations of the FARDC and MONUSCO have served to weaken some of these illegal armed groups and lessons learned can assist in redesigning these operations for maximum efficacy. Insecurity in the DRC has regional ramifications, making it critical for neighbouring countries to stay concretely engaged in collaborative efforts for peace in the DRC. Adopting a regional outlook on security issues will be even more critical in terms of current efforts towards regional integration. Connected to

security, the need for a degree of political collaboration will be instrumental to progressive development. Continuous consultative dialogue between the government and the opposition will be important to ensure the representation of all stakeholders' concerns. This will be crucial as the new government seeks to strengthen key state institutions in order to increase its effectiveness in promoting democracy and good governance.

In the medium and long term, improving people's socioeconomic prospects and promoting national reconciliation and healing will be determinants of sustainable peace and development. The DRC has been through periods of conflict without significant transitional justice and reconciliation processes to deal with the resultant trauma and the many broken communities. Unresolved trauma and a lack of social cohesion will detrimentally affect citizens' capacity to engage in rebuilding the nation. While seeking to improve socioeconomic dividends, mining must be dealt with specifically due to its ability to prolong conflict by financing it. Regulating the mining industry and implementing strategies to promote value addition will create employment and increase state revenue while improving socioeconomic prospects.

Notwithstanding the challenges of the 2011 polls in the DRC, there is much to do in turning around the fortunes of this nation. The new government faces an uphill task, but the vast natural resources at its disposal can be channelled towards transforming the political, security, economic and social dynamics of the DRC.

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This publication was made possible by funding provided by the Swiss Federal Department of Foreign Affairs. General ISS funding is also provided by the governments of Denmark, the Netherlands, Norway and Sweden.

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