

## Securing Congo's Elections: Lessons from the Kinshasa Showdown

### I. OVERVIEW

Hours before the first-round results of the Democratic Republic of the Congo's presidential elections were to be announced in Kinshasa on 20 August 2006, violence erupted between troops loyal to Vice President Jean-Pierre Bemba and those loyal to the incumbent, Joseph Kabila, providing dramatic proof of the fragility of the electoral process. Because both Kabila and Bemba will be tempted to use violence should they lose the second round, and the former in particular is very strong militarily, the Congolese government and the international community must move quickly to make secure the run-off as well as the provincial assembly elections on 29 October. Militias also threaten stability elsewhere in the country, notably in North Kivu and Ituri, but the capital is likely to be the most sensitive location again. A three-pronged strategy is required: improving security in Kinshasa, promoting a more responsible approach to the media and resolving some basic problems in the electoral process.

First, the thousands of troops in Kinshasa must be reined in, particularly the private guards of Kabila and Bemba, who are not part of the army's regular command structure. Secondly, steps need to be taken to prevent hate speech and defamation in media outlets, which are often de facto allies of the candidates and have helped stoke violence in the capital. Lastly, weaknesses in the electoral process must be urgently corrected to make sure the run-off is fair. In the first round, lists of voters and polling stations were altered on the eve of elections, lessening the transparency of the process. Election monitors did not have the resources to deploy to remote areas, leaving thousands of polling stations without observers. Ballot collection was poorly planned, particularly in Kinshasa where any recount was nearly impossible.

The policy priorities are to:

- secure Kinshasa by obtaining Bemba and Kabila's agreement to limit their personal guards, allow EUFOR (European Union Force) and MONUC (United Nations Organisation Mission in the Democratic Republic of the Congo) observers

access to their military installations and confine all other Congolese troops in the country to barracks during the second round; as well as by deploying more EUFOR troops to the capital from the reserve in Gabon, with clear authority to use force to prevent violence, and extending the EUFOR troop deployment to the end of the electoral cycle in January 2007;

- promote a climate of constructive criticism by strengthening the High Media Authority (HAM), having the ministry of justice attach judicial police to it so it can act quickly to suspend media guilty of hate speech and ensuring that state television and radio cover the political parties and candidates equally; and
- fix the electoral process by addressing the first-round weaknesses through timely publication of voter and polling centre lists, coordinating election monitor deployment and carefully planning collection and protection of ballots.

More detailed recommendations for the implementation of these priorities by the UN, EU and local officials are set out in Section V of this Briefing.

### II. THE SHOWDOWN IN KINSHASA

Around eighteen million Congolese went to the polls on 30 July 2006 to vote simultaneously for a new president and national assembly, the first free and fair elections in over 40 years. The vote was largely peaceful and well organised, although numerous irregularities were reported at the polling stations. The incumbent president, Joseph Kabila, won 45 per cent, just short of an absolute majority. Vice President Jean-Pierre Bemba received 20 per cent and faces Kabila in a run-off election on 29 October.<sup>1</sup> Kabila's alliance took some 220 of the 500 seats in the

<sup>1</sup> See detailed results in Appendix B.

national assembly, but with later additions grew to 298; Bemba's party won 64.<sup>2</sup>

However, violence on the afternoon of 20 August, several hours before the electoral commission was due to announce the presidential results, marred the process. Fighting between Bemba's troops and those loyal to Kabila broke out at a television station belonging to the vice president in downtown Kinshasa. The station, Canal Kin, had been broadcasting programs critical of Kabila, at times attacking him personally and accusing him of electoral fraud. Another Bemba station, Canal Congo Television (CCTV), announced the run-off before the official results came out. These broadcasts reportedly prompted police units close to Kabila to deploy around the two stations.

Around six o'clock in the evening, an altercation between these police units and Bemba's guard degenerated into a shoot-out. Almost immediately, the police were reinforced from the presidential guard, while Bemba deployed more troops to protect his stations. Heavy fighting left at least six dead; both sides took several prisoners.<sup>3</sup> Troops from the United Nations Mission in the Democratic Republic of Congo (MONUC) secured the nearby electoral commission and escorted its president, Appollinaire Malu Malu, to the national television station to announce the results. Under intense diplomatic pressure, Kabila – whose entourage had been convinced of a first-round victory – and Bemba called on their troops to withdraw, and fighting ceased.

The following day, media allied to Bemba and Kabila traded charges of blame, broadcasting footage of those killed. In the afternoon, the presidency reportedly gave instructions to shut down Bemba's stations.<sup>4</sup> Shortly thereafter, several hundred well-armed presidential guards attacked Bemba's two residences and his office.<sup>5</sup>

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<sup>2</sup> The party closest to Kabila, the People's Party for Reconstruction and Democracy (PPRD), won 111 seats; Bemba's Movement of Liberation of the Congo (MLC) won 64; Antoine Gizenga's United Lumumbist Party (PALU) won 34, as did Pierre Pay-Pay's Coalition of Congolese Democrats; the Social Movement of Renewal of Pierre Lumbi – a Kabila associate – won 27; Mbusa Nyamwisi and Olivier Kamitatu's Force of Renewal won 26. For the strengths of the various coalitions that resulted, see Appendix C.

<sup>3</sup> Press conference by the head of the joint chiefs of staff, General Kisempia Sungi Langa, 24 August 2006; Crisis Group telephone interview, Congolese army commander, 21 August 2006.

<sup>4</sup> The broadcasts are transmitted from Mbinza Meteo, a tower several kilometres from downtown. Other stations with no political affiliation were also shut down, such as EuroNews and TV 5.

<sup>5</sup> Crisis Group telephone interview, foreign journalist, August 2006.

While Kabila claimed to be unaware,<sup>6</sup> military experts and presidential advisers agree it is unlikely such a sensitive operation would have been launched without his approval or knowledge.<sup>7</sup> The attack coincided with a visit to Bemba by fourteen ambassadors and the head of MONUC, who were under heavy fire for over six hours. Eventually, EUFOR and MONUC troops were able to escort the ambassadors to safety.

The attack against Bemba must be read within the context of the disappointment felt by Kabila's entourage after he failed to secure an absolute majority.<sup>8</sup> Many constituencies in the East, where Kabila is popular, announced results early, and he held such a lead in the first two weeks after the vote. As results from the West came in, that lead fell, and the tally in Kinshasa – where Kabila received only 13 per cent – dropped him below 50 per cent.<sup>9</sup>

According to the official figures, 23 civilians and soldiers were killed and 43 wounded; Bemba's personal helicopter was destroyed. Fighting lasted into the night, and isolated shooting continued until noon on 22 August.

International figures, including South African President Thabo Mbeki and UN Secretary-General Kofi Annan, called Bemba and Kabila on 21 August to urge an end to the fighting. On 23 August, delegates from both sides met at MONUC headquarters in Kinshasa and agreed to garrison the troops that had been fighting and set up joint commissions: one to investigate the events of the past days, a second to decide on how to ensure security for the run-off. In addition, joint patrols with officers from both sides were established by MONUC and EUFOR to monitor allegations of redeployment and rearmament. During the next week, most troops did return to barracks, along with the tanks and heavy weaponry.

In September, President Mbeki and the EU's senior foreign affairs official, Javier Solana, visited Kinshasa. Their visits, along with pressure from other international figures, led to a meeting between Kabila and Bemba on 13 September. The two signed an agreement on 23 September to demilitarise Kinshasa and forego hate speech but left unaddressed such issues as which forces will be authorised

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<sup>6</sup> Crisis Group telephone interview, UN official, Kinshasa, August 2006. The head of MONUC, Ambassador William Swing, spoke to Kabila from Bemba's residence, where he and other diplomats were caught in the crossfire.

<sup>7</sup> Crisis Group telephone interviews, August 2006.

<sup>8</sup> The president's aides had been convinced he would win in the first round and had begun to discuss positions in the new government. Crisis Group interview, Kabila adviser, August 2006.

<sup>9</sup> For these purposes, the West is defined as the provinces of Bas-Congo, Kinshasa, Equateur, Bandundu, Kasai Orientale and Kasai Occidentale. The last two are sometimes referred to as the centre of the country.

to carry guns and the number of private guards each will be allowed. This means that the mechanisms currently in place, such as the joint patrols, have a limited impact.

The volatility of the situation was underscored by a fire that broke out in the building housing Bemba's television stations on 18 September. The cause was unclear, but arson concerns were prominent. A crowd quickly gathered, and angry youths chased away the police and EUFOR troops with stones. A pro-Bemba street gang burned tires and chanted anti-Kabila and anti-foreigner slogans.

The elections on 29 October for 690 seats in the eleven provincial legislatures are not likely to impact the overall security situation but the presidential run-off will. Kabila has gained the support of important western politicians, including Antoine Gizenga and Nzanga Mobutu, who finished third and fourth, respectively, in the first round, and has stitched together a coalition that is likely to control the incoming parliament, thus encouraging other leaders to support his campaign. Bemba's strategy relies on fostering higher turn-out in the populous West and securing an alliance with Etienne Tshisekedi's Union for Democracy and Social Progress (UDPS), which boycotted the July voting but is very popular in the capital and Kasai provinces. Although Tshisekedi denies any arrangement with Bemba, UDPS officials have been appearing with the candidate at his rallies.<sup>10</sup> Bitter rivalry amongst the candidates could make the environment in the capital very tense, in particular in the period around the announcement of results.

### **III. LESSONS LEARNED FROM THE FIRST ROUND: THREE MAIN ISSUES**

#### **A. SECURITY ARRANGEMENTS IN KINSHASA**

##### **1. Deployment of Congolese troops**

The security arrangements in the capital were a key factor in precipitating violence. The Sun City peace deal failed to resolve how the capital should be secured during the transition.<sup>11</sup> A major stumbling block remains the presidential guard, whose deployment in Kinshasa gives Kabila a decisive edge in any military confrontation. An agreement was reached in June 2003 under which the vice presidents – including the main rebel leaders Azarias

Ruberwa of the Congolese Rally for Democracy (RCD) and Bemba – were each allowed up to 108 bodyguards.<sup>12</sup> However, it was conspicuously silent on the size of the presidential guard. While parliament tried to set a limit when it discussed a law on the defence forces in 2004, Kabila's parliamentarians blocked this, and the guard continues to operate outside the normal chains of military command and civilian authority.

Kabila retains a disproportionately high number of troops under his direct command. According to the agreements signed in South Africa, MONUC was to be a stabilising force in the capital, assuring the safety of the leaders of the former warring factions. Police trained by the international community were to take over protection of state institutions as MONUC reduced its deployment. Achieving these objectives has proved difficult. According to most estimates, the presidential guard still numbers around 14,000 throughout the country, of which 5,000 to 6,000 are in Kinshasa.<sup>13</sup> As a result, the vice presidents from the former rebel groups have been unwilling to scale down their own guards. Bemba is believed to have 600 to 800 around Kinshasa, 300 to 400 in Ruberwa. While these personal protection forces were to be sent to army integration camps, the former belligerents have indicated they will wait until after the elections. Only some 800 of the various personal guards have gone to the Kibomango integration camp in Kinshasa, where they graduated as the presidential guard's first integrated battalion on 15 September.<sup>14</sup>

The geography of downtown Kinshasa shows the volatility of the situation. Bemba's residences are within a kilometre of Kabila's residence and his presidential office. Presidential guards are deployed within 500 metres of Bemba's troops.

The fighting between an integrated police patrol and Bemba's guard at his television station on 20 August may indicate that some police units are still beholden to political interests. On subsequent days, international observers reported seeing other police fighting alongside Bemba's troops.<sup>15</sup> An army battalion deployed in support

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<sup>12</sup> Memorandum II on Security and the Army During the Transition, signed 29 June 2003.

<sup>13</sup> Crisis Group interview, UN official, August 2006. Similar estimates have been given by EU officials and Congolese military experts. See Crisis Group Africa Report N°104, *Security Sector Reform in the Congo*, 13 February 2006. The figures given by Adolphe Onusumba, the Congolese minister of defense, are Kabila, 6,528; Bemba, 630; Ruberwa, 419. "Dialogue entre Congolais", Radio Okapi, 30 August 2006.

<sup>14</sup> 691 from the presidential guard; 47 from Ruberwa's guard, 67 from Bemba's guard and 34 former Mai-Mai, *ibid.* Other sources give slightly different figures.

<sup>15</sup> Crisis Group interview, foreign journalist, Nairobi, September 2006.

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<sup>10</sup> "Le carnet de Colette Braeckman - L'UDPS refuse de choisir entre Kabila et Bemba", *Le Soir*, 26 September 2006.

<sup>11</sup> The Sun City talks, which led to signing of a peace deal in December 2002, ended the war in the Congo.

of the presidential guard during the violence.<sup>16</sup> According to international security experts, the integrated police trained by Angola – a war-time Kabila ally – may also be close to the president.<sup>17</sup>

A further problem has been procurement of weapons and ammunition for the national army. The Congo has been under UN restrictions since 28 July 2003, which require the government to inform MONUC before buying weapons.<sup>18</sup> In July 2006, a delivery of 42 tanks and armoured vehicles along with several tons of ammunition arrived in the port of Matadi.<sup>19</sup> Although MONUC later said it had been notified, other sources have indicated that the government did not follow the required procedures.<sup>20</sup> The purchase of heavy weapons was in any case conspicuous since many soldiers lack food, medical care, boots, uniforms and guns. This material was brought to Kinshasa shortly after the August fighting, leading to allegations that Kabila had strengthened the presidential guard, members of which are the only forces trained to use the new tanks.<sup>21</sup> Recently, both the presidential guard and Bemba's troops were reported to have received new supplies.<sup>22</sup> This rearming, which suggests the two sides may be preparing for another confrontation, has exacerbated tensions in the capital.

While the capital is likely to remain the most dangerous flashpoint for political violence during this period, elections could also be undermined by instability elsewhere in the country. In September, the national army announced it would deploy the 14<sup>th</sup> brigade against dissident General Laurent Nkunda in the East (North Kivu province). This brigade includes many Congolese Hutu commanders, raising the fear of ethnic clashes with Nkunda's primarily Tutsi troops.<sup>23</sup> Nkunda responded by declaring he would resist any force that encroached on his territory. Although

Vice President Ruberwa has since suspended operations against Nkunda, the situation remains tense, and the dissident commander could form an alliance with those with the election losers.

The presidential run-off, in particular the results that are scheduled to be announced on 19 November 2006, will likely provoke further unrest. While his troops are no match for Kabila's in Kinshasa, Bemba's popularity has increased exponentially in past months due to the anti-Kabila sentiment in the capital and the 20 August affair. He is also said to be close to hundreds of the late President Mobutu's former soldiers, who returned from Brazzaville recently and resent Kabila, and to have begun organising street gangs, who might provoke urban unrest if he loses. Kabila, of course, has military strength to challenge an unfavourable result, and, as the fighting in Kinshasa has proven, is ready to use it. His troops deployed across the country have also indicated they could resort to violence if he loses.<sup>24</sup>

## 2. MONUC and EUFOR deployment

Neither the MONUC nor EU troops in Kinshasa acted quickly enough to prevent the August violence from escalating. After the skirmish at the television station, they should have moved promptly to create a buffer between the rival forces and deter further fighting.

Most of MONUC's 17,000 troops are in the East, with only some 2,000 in the capital. These South African, Uruguayan and Tunisian battalions are committed to protect UN installations and personnel, as well as civilians in imminent danger but have neither the robust rules of engagement nor the resources of those in the East.<sup>25</sup> This was one reason the UN asked for EU reinforcements during the election period.

EUFOR, which only acts at MONUC's request and has a similar mandate – albeit limited to the West – deployed to Kinshasa in the election run-up. Before the violence broke out, it had 1,100 troops in the capital with a reserve of 1,300 in Gabon and a further 1,700 in Germany and France.<sup>26</sup> However, of the Kinshasa-based troops, only

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<sup>16</sup> Crisis Group telephone interview, Congolese army commander, August 2006.

<sup>17</sup> Crisis Group interview, Kinshasa, August 2006.

<sup>18</sup> UN Security Council Resolution 1596, 18 April 2005. Contrary to many international news reports, the Congo can buy weapons for non-integrated units of the national army as long as these are under the unified command. Non-integrated units of the presidential guard, as well as Bemba's troops, may not be re-supplied.

<sup>19</sup> Crisis Group telephone interviews, international security experts, September 2006.

<sup>20</sup> Crisis Group interview, diplomat and military experts, Kinshasa, August 2006.

<sup>21</sup> Crisis Group interview, military expert, Kinshasa, September 2006. One battalion of presidential guards has been through the army integration process and is allowed to receive new supplies.

<sup>22</sup> Crisis Group interview, members of the government and international security experts, Kinshasa, August 2006.

<sup>23</sup> The 9<sup>th</sup> brigade is led by Colonel Mayanga, the 14<sup>th</sup> brigade by Colonel Rugayi.

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<sup>24</sup> Crisis Group interview, former Mai-Mai commanders, Goma, August 2006.

<sup>25</sup> MONUC's mandate is "to deploy and maintain a presence in key areas of potential volatility in order to promote the re-establishment of confidence, to discourage the use of violence, in particular by deterring the use of force to threaten the political process..., to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence". UN Security Council Resolution 1565, 1 October 2004.

<sup>26</sup> EUFOR has about 4,000 troops in the Congo, Gabon, France and Germany, and Chad-based air support. In Gabon are two French companies of 138 troops each, a German company, a

two companies, around 130 soldiers each, were combat troops – a Spanish Special Forces unit and Polish military police; the rest were administrative and logistical. The Poles were tasked with protecting EU installations and enforcing discipline, leaving a mere 130 Spanish troops available for forceful intervention. When fighting started, EUFOR brought in a task force of around 220 from Gabon but it arrived after fighting had largely ceased. It now assists with patrolling but the bulk of the combat troops remain in Gabon.

Forceful intervention once fighting has broken out may require use of deadly force against one or both sides, a step the UN is hesitant to take given possible political fallout. The most efficient use of peacekeeping troops has proven to be deterrence: deployment to prevent small incidents from escalating. Although it was difficult to predict the attack on Bemba's installations on 21 August, the fighting the previous day should have signalled the need for a more forceful UN and EUFOR deployment in the area around the presidential and vice presidential residences.

## B. THE PRESS AS A CATALYST FOR VIOLENCE

Congolese media have at times had a detrimental impact on the security environment during the electoral period, especially in Kinshasa. Very few newspapers, radio or television stations are neutral; the majority are owned by presidential aspirants or their close associates. Despite a code of conduct signed by political parties before the campaign to ensure peaceful elections, many resorted to personal attacks against candidates and, at times, ethnically-charged hate speech. That the fighting began at Bemba's television stations, and there was possible arson there later, indicates how much the media has contributed to tensions in Kinshasa.<sup>27</sup>

There are 119 radio and 52 television stations and 176 newspapers and magazines in the country, most in Kinshasa. Kabila has strong influence over the following stations: Digitalcongo, Radio Television Groupe l'Avenir, and the national television company, Congolese National Radio and Television (RTNC). Bemba controls Canal Kin TV, Canal Congo TV and Radio Liberté. Much of the news is presented with a strong bias. The national television and radio stations, the most widely seen and heard, are partial. Their management was to be divided among the signatories of the transitional government deal. But while Kabila named the director, the deputy

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mixed German-Dutch company and some 225 French, Swedish and Portuguese special forces. In Europe, there is a French strategic reserve of 1,500 and some 180 staff at headquarters in Potsdam.

<sup>27</sup> Crisis Group interviews, Kinshasa, September 2006.

director named by Bemba's MLC could not take up his position because Kabila never signed the letter of appointment.<sup>28</sup> They gave preferential coverage to Kabila's campaign and only rarely reported on other candidates. On the final day of the campaign, the television station reported Kabila's activities instead of broadcasting a debate between other presidential candidates, as required by HAM guidelines.<sup>29</sup> The radio station dedicated 76 per cent of its news to Kabila.<sup>30</sup> Political debates were organised with analysts favourable to Kabila and often critical of Bemba.

Media have been used extensively to rally the population, often with ethnically-tinged invective. Bemba, whose campaign slogan is "100 per cent Congolese", has exhorted people to "vote for the chicken and not the bird, as the bird will fly away", allusions to Kabila's alleged foreign nationality.<sup>31</sup> "Congolité" has been the backbone of his campaign, implying that foreigners, including Kabila, who is accused of being Tanzanian or Rwandan, do not belong in the country. Similar xenophobia prompted much bloodshed during campaigns in the 1960s and 1990s.

Television stations close to Bemba have broadcast interviews encouraging attacks on the head of the electoral commission and shown pictures of dead bodies following actions by Kabila's troops in Equateur during the war.<sup>32</sup> The consequences of such rhetoric were evident after a Bemba rally at a stadium in Kinshasa on 27 July 2006, when a mob went on a rampage, killing six people, including several police officers, and ransacking the office of the HAM. In Kabila's camp, Vice President Yerodia Ndombasi called on residents of Goma to chase Kinyarwanda-speakers out of the country, while television stations close to the president were sanctioned for showing corpses of police officers killed by the mob after Bemba's rally.<sup>33</sup>

The peace deal that ushered in the transition also created HAM as a media watchdog to prevent hate speech and promote constructive criticism. It is meant to implement

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<sup>28</sup> The president must sign the letter of appointment for all directors of state companies and their deputies.

<sup>29</sup> The debate was between Justine Kasa Vubu, Pierre Pay-Pay and Wivine Nlandu. Half-way through, the candidates learned state television was not broadcasting it as required by HAM guidelines; they made the HAM president, Modeste Mutinga, call the station, and eventually the last part of the debate was shown.

<sup>30</sup> "Déclaration préliminaire", EU electoral observation mission, 2 August 2006, p. 7.

<sup>31</sup> Speech by Jean-Pierre Bemba at rally in Lubumbashi, 13 July 2006.

<sup>32</sup> "Elections en RDCongo : des médias dérapent, menaces sur la paix", Agence France-Presse, 28 August 2006; Crisis Group interviews, foreign journalists, Kinshasa, August 2006.

<sup>33</sup> Crisis Group interviews, civil society leaders in Goma, August 2006; "Elections en RDCongo" op. cit.

the press laws, including that of 1996, and the code of conduct for media during the elections. During the six months before the first round, it sanctioned media outlets numerous times, suspending them for up to a month for inappropriate programming and hate speech. It also called repeatedly for presidential candidates to receive equal broadcast time and for the state-run media to avoid bias.

Nevertheless, HAM was often unable to prevent politicians from manipulating the press. It lacks power to shut down stations itself, relying on voluntary compliance with its suspensions. If an outlet refuses, its only recourse is a lengthy judicial proceeding. On 17 July, for example, it suspended television stations for 48 hours for improper programming and hate speech. Five complied but Digitalcongo TV, close to Kabila, ignored the order and continued broadcasting. Radio Liberté, affiliated to Bemba, ignored a week's suspension around the same time.<sup>34</sup>

The media is an essential part of election campaigns, providing information and allowing candidates to debate their platforms. However, it can also fuel unrest if not used properly. Although in late August, 40 broadcast and print media in Kinshasa, including Bemba's and Kabila's outlets, signed an agreement to abstain from defamation and hate speech during the run-off, they did not abide by a similar agreement during the first round.<sup>35</sup>

#### IV. ORGANISATIONAL WEAKNESSES

In many ways, the first round was a success. Eighteen million voted in around 50,000 polling stations, a turn-out of some 70 per cent in the first free and fair elections in two generations. However, there were numerous irregularities. While these were not enough to change the presidential outcome – Kabila was 900,000 votes short of a majority – they may have compromised some of the several dozen legislative races decided by fewer than 1,000 votes. Any substantial flaws in the run-off could undermine the overall legitimacy of the poll, thereby exacerbating public resentment and allowing the loser to call for the results to be annulled. There were four main problem areas in the first round.

##### 1. Publication of lists of voters and polling stations

Several weeks before the July 2006 vote, the electoral commission announced there were problems with the voters list produced by the registration process between June 2005 and February 2006. The initial number of 25.6 million registered voters did not conform with the files stored on CD-ROMs and sent to Kinshasa. The details of some 1.3 million who had apparently registered were missing. The reasons were, according to election observers, a mix of technical glitches and protests by registration clerks who had not been paid.<sup>36</sup> The missing voters were relatively evenly distributed across the country, and most observers discarded the possibility of systematic fraud.

The electoral commission knew how many missing voters there were for each voting centre and had the serial number for all those who had registered. Using this information they issued "omitted lists", so election officials could match serial numbers with voter IDs and record the missing voters on election day.

The missing voters caused numerous problems, however. First, the electoral commission announced that it would have to revise the voter lists and the lists of polling stations several days before the elections. This made it difficult for observers to verify whether there were fictitious voters and polling stations. The final statistics show alarming discrepancies between the voter lists used for the presidential elections and the legislative elections, which were held on the same day. In some districts, this discrepancy was over 9,000 voters.<sup>37</sup> Secondly, the "omitted lists" that were meant to accommodate the missing voters were reported by some observers to have been used in a number of polling stations where there were no missing voters.<sup>38</sup>

##### 2. Lack of election observers and witnesses

The strongest safeguard against election-day fraud was the presence of party witnesses and observers in the polling stations. The witnesses had the legal right to contest the elections on the spot, as they had to sign off on the minutes at the end of voting. They fulfilled the crucial function of making sure the voting went fairly, participating in counting the ballots at the end of the day and making sure the voter lists were correct. It was, however, not uncommon, especially in rural areas, for polling stations to have only few observers or none at all.<sup>39</sup>

<sup>34</sup> Crisis Group interview, Modeste Mutinga, president of HAM, Kinshasa, July 2006.

<sup>35</sup> "Media are asked 'not to confuse information with propaganda'", MONUC press briefing, 30 August 2006, Kinshasa, at <http://allafrica.com/stories/200608310003.html>.

<sup>36</sup> Crisis Group interview, election official, Goma, July 2006.

<sup>37</sup> Crisis Group interview, international election observer in Kinshasa, September 2006.

<sup>38</sup> "Déclaration préliminaire", op. cit., p. 9; Crisis Group telephone interview, election observer, Kinshasa, September 2006.

<sup>39</sup> Crisis Group interview, election observers, Goma and Kinshasa, August and September 2006.

The main problem was the lack of coordination between the various local and international observation missions, as well as between political parties. Polling stations in towns were often crowded with monitors, while in some cases whole territories had only several dozen observers.

There were also cases – it is not possible to know how many – in which party witnesses and electoral officials interfered with voting.<sup>40</sup> Many voters could not read the ballots – 30 per cent of the population is illiterate – and did not know how to vote for their candidates.<sup>41</sup> The law permitted them to bring a family member or trusted friend to help. However, officials and witnesses often performed this function, which could have allowed them to influence the vote. The requirement for voting centres to post sample ballots outside the building so voters could identify the candidates before entering was often not respected.

### 3. Ballot collection

While the distribution of election materials had been carefully worked out, the electoral commission's plan for collecting ballots led to confusion and loss, especially in Kinshasa. After the ballots were counted in each voting station, the president of the centre – which typically comprised four or five stations in the same compound – was responsible for bringing the ballots and result sheets to the liaison offices. No one at those offices, however, was prepared to receive and register the materials, causing some presidents to abandon them. MONUC tried to help by transporting these materials to the compilation centres but most often did not allow the election officials to accompany their ballots. Drivers dumped the boxes and result sheets in disorganised heaps in the capital's compilation centres. Many boxes were split open and ballots spilled on the ground, making a recount there almost impossible.

### 4. Payment of election officials

Payment of election officials has been erratic. During registration, some embezzled salaries, leading to strikes by their workers and problems with the compilation of voter lists. While the UN Development Programme (UNDP) has helped set up a payroll mechanism, some workers have gone months without pay. On election day, there was no money to provide workers and police with food or water, and some worked 24 hours without a break.

### 5. Announcing the results

The electoral commission published the presidential results by voting station, which allowed election monitors to check official results with data they had collected at the stations. This was perhaps the most important tool observers had with which to assess the fairness of the process. However, the electoral commission has not broken down the national legislative results, making verification difficult. It should publish detailed results for those legislative elections as well as for the presidential run-off and the provincial parliament elections on 29 October.

## V. SECURING THE SECOND ROUND

### OBJECTIVE ONE: SECURING KINSHASA

#### *Action One: Obtain a political agreement between Bemba and Kabila*

For international forces in the capital to be effective, an agreement between Kabila and Bemba is needed to:

- limit the guards deployed in their immediate vicinity for personal protection to a maximum of 500 each, with all other troops, including the national army, to be confined to barracks until results have been announced;
- identify where their troops and weapons are located and to place all heavy weapons, including tanks and armoured personnel carriers, under the control of EUFOR and MONUC;
- allow EUFOR and MONUC unconditional access to all military facilities, including those of the presidential guard, as stated in numerous UN Security Council resolutions; and
- require their supporters to abstain from personal attacks in the media and establish punishments – such as fines or bans from further access to the media – for individuals who do not comply.

#### *Action Two: Strengthen EUFOR and MONUC deployment and concept of operations*

Deterrence is the best way to prevent further violence in Kinshasa. As Congolese forces are garrisoned, international troops must deploy in strength to project credible deterrence. This requires:

- reinforcing EUFOR with troops from Gabon in order to have at least 1,000 combat troops in Kinshasa;
- giving EUFOR and MONUC robust operational concepts so the troops know they are authorised to create the necessary buffer zones between the two sides, by force if necessary; and

<sup>40</sup> Crisis Group observed this kind of behaviour in North-Kivu and Kinshasa.

<sup>41</sup> "Poverty Reduction Strategy Paper", Ministry of Planning, March 2006, p. 46.

- extending EUFOR's mandate now for the full election cycle, including the formation of a new government – effectively until the end of January 2007 – despite the original stipulation by the German Bundestag and the EU Council to conclude the mission by 30 November 2006.<sup>42</sup> While the desire to avoid an open-ended commitment and to put off any decision on extension until November is understandable, the initial date was set before it was known there would be a presidential run-off. Delaying a decision on extension would undermine EUFOR's credibility and inhibit mission planning, while pulling out the troops in the delicate period before the swearing in of the new government would jeopardise security in the capital and thus the integrity of the entire process.

## **OBJECTIVE TWO: PROMOTING A CLIMATE OF CONSTRUCTIVE CRITICISM IN THE PRESS**

### ***Action One: Strengthen the media watchdog***

The press should be catalyst of democratic debate, not violence. HAM should be strengthened so it can take swift action against media who violate the code of conduct. In particular, the ministry of justice should assign judicial police to it so it can act immediately to suspend offending media.

### ***Action Two: Give presidential candidates equal access to state-run media***

The state radio and television stations are arguably the country's most influential media, beside the UN's Radio Okapi. With only two candidates, it should be fairly easy to share program time evenly. The editorial staff of the stations should meet with both sides to establish clear airtime quotas and schedules.

### ***Action Three: Organise a seminar between the press and HAM***

Many reporters in Kinshasa have had no journalism training. While sanctions are crucial to curb excesses, HAM must also improve relations with the media and make it aware of rights as well as duties under the press laws. It should organise a seminar to discuss these issues and lay out the rules for the run-off election.

## **OBJECTIVE THREE: FIXING THE ELECTORAL PROCESS**

### ***Action One: Publish corrected lists of voters and polling stations***

These lists are essential for monitors to ensure there are no ghost voters or polling stations. Based on the first round, definitive lists should be published, also on the internet, at least two weeks before election day.

### ***Action Two: Deploy sufficient election monitors***

Parties must coordinate well in advance to deploy witnesses to all polling stations. International and national observers should do the same by meeting in Kinshasa to plan nationwide deployment at least two weeks before the election. Donors should provide adequate funding for transport and food so the entire country is covered. While costly, this would be a sensible investment in conflict prevention.

### ***Action Three: Improve ballot collection***

MONUC and the electoral commission must establish a collection plan for ballots to avoid the first round's chaos. The electoral commission must give the presidents of the voting centres the resources to bring the ballots to the compilation centres in person. In rural areas, it should rent vehicles to pick up the ballots and bring them to compilation sites. In remote areas, MONUC helicopters should support these operations. The strategic reserve of blank ballots should be limited and carefully controlled to prevent fraud. Plans need to be elaborated by the electoral commission and discussed with all sides well in advance of the election.

### ***Action Four: Enforce the electoral law in the voting stations***

Election officials must respect voter confidentiality. This means encouraging illiterate voters to come with a trusted person to help them vote and preventing electoral staff or monitors from interfering. Also, election officials must make sure sample ballots are posted outside the voting centres.

### ***Action Five: Publish the results of elections by polling station***

In order to ensure transparency, the electoral commission should publish the results of the presidential run-off by polling stations and do the same for the July legislative vote as well as all subsequent elections.

**Nairobi/Brussels, 2 October 2006**

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<sup>42</sup> "The EU Military Operation EUFOR shall end four months after the date of the first round of elections in the DRC....The powers of decision with respect to the objectives and the termination of the EU military operation shall remain vested in the Council, assisted by the Secretary-General/High Representative". Council Joint Action 2006/319/CFSP of 27 April 2006.



APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF THE CONGO



## APPENDIX B

### PRESIDENTIAL ELECTIONS FIRST ROUND 30 JULY 2006, VOTE PERCENTAGE OF TOP SEVEN CANDIDATES BY PROVINCE

**Registered Voters:** 25,420,199

**Total Votes:** 17,931,238 (70.5 per cent)

**Invalid/Blank Votes:** 993,704

**Total Valid Votes:** 16,937,534

Candidate / Province	Joseph Kabila	Jean-Pierre Bemba	Antoine Gizenga	François Joseph Mobutu Nzanga	Oscar Kashala	Azarias Ruberwa	Pierre Pay-Pay
Kinshasa	14.73	49.07	21.99	0.22	7.65	0.34	0.57
Bas Congo	13.91	36.21	1.76	0.67	6.5	0.34	0.41
Equateur	1.85	63.67	0.29	30.57	0.14	0.07	0.12
Bandundu	2.65	9.71	80.09	2.17	0.35	0.07	1.35
Kasai Occidental	11.42	31.93	14.74	0.37	17.78	1.72	1.05
Kasai Oriental	36.09	14.66	1.19	0.51	17.87	0.72	0.48
Orientale	70.26	5.2	0.89	5.14	0.38	6.07	0.49
North Kivu	77.71	0.77	0.44	0.54	0.46	3.81	8.35
South Kivu	94.64	0.28	0.19	0.19	0.08	2.02	0.44
Maniema	89.80	0.38	0.22	0.28	0.17	0.40	0.10
Katanga	77.18	3.51	0.53	0.48	2.78	0.39	2.15
<b>Total</b>	<b>44.81</b>	<b>20.03</b>	<b>13.06</b>	<b>4.77</b>	<b>3.46</b>	<b>1.69</b>	<b>1.58</b>

## APPENDIX C

### ELECTORAL COALITIONS RESULTING FROM THE NATIONAL ASSEMBLY ELECTIONS 30 JULY 2006 PROVISIONAL RESULTS PENDING CONFIRMATION FROM THE SUPREME COURT

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Coalition	Number of seats
Alliance for Presidential Majority (AMP, in support of Kabila) <sup>43</sup>	298
Union des Nationalists (UN, in support of Bemba) <sup>44</sup>	116
RCD	18
UREC and allies (Kashala)	3
Christian Democrats	15
Non-aligned smaller parties	34
Independents	16
Total	500

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<sup>43</sup> AMP includes PALU, CODECO, Mai-Mai parties, UDEMO. Alliances are constantly shifting.



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