



REPORT OF THE INTERNATIONAL REPUBLICAN INSTITUTE'S PRE-ELECTION ASSESSMENT TO THE DEMOCRATIC REPUBLIC OF CONGO

July 2011

INTRODUCTION

The year 2011 has been a significant year for elections in Africa with more than 20 countries conducting elections at various levels. The year's most influential elections are taking place in the largest of Africa's countries with the January referendum in Sudan that resulted in the formation of South Sudan and the national elections in Nigeria, which were that country's most democratic since the return of civilian rule. In November, Sub-Saharan Africa's geographically largest country, the Democratic Republic of Congo (DRC), is scheduled to hold presidential and parliamentary elections. These will be the first since the historic 2006 elections which were widely accepted as credible and consequently ushered in a period of stability and political legitimacy. While the government's commitment to hold elections this year is positive, the past five years have not shown as dramatic an increase in the area of political and civil rights as hoped, and low-level conflict remains in much of eastern DRC. Under these circumstances, the international community remains concerned about the integrity and transparency of the upcoming elections. As such, the International Republican Institute (IRI) deployed a team in July 2011 to assess the political environment ahead of the November elections.

DRC is at a crossroads with these forthcoming elections. The country can stay on the path it set in 2006 by holding credible elections later this year, or the leaders can choose a more difficult and turbulent path. As previously mentioned, elections in South Sudan and Nigeria put those countries on positive trajectories. While both electoral processes had some negative elements, they were overall accepted by the international community and, more importantly, by their citizens. DRC's upcoming elections could erupt into a scenario more like Cote d'Ivoire, where the elections were disputed and came to a violent conclusion. Tensions are already high in DRC as a result of the slow electoral process. The new election body, the Independent National Electoral Commission (CENI) was only constituted earlier this year; there have been complications with the voter registration process, strains between political leaders and parties persist; and there remains general insecurity throughout the country. If DRC's political environment remains as is and elections are held under the current conditions, those elections will not be seen as credible by a significant portion of the population. The lack of acceptance of the election results could produce the same kind of problems that Cote d'Ivoire faced earlier this year. However, if the CENI and the political parties and their leaders find common ground on outstanding electoral issues, then the elections could be held on time. All parties should also examine the feasibility of postponing the elections should doing that allow for a much more suitable, credible and secure environment. This would allow the CENI more time to prepare itself and the electorate. This can only happen with the acceptance of both the ruling party and the major opposition political parties, otherwise the entire electoral process could be compromised. While postponing the elections could help the CENI in preparation, elections can still be held in November if the CENI ensures various electoral benchmarks are met on time.

Most recently, presidential candidates have begun to emerge. The runner-up to President Joseph Kabila in 2006 and leader of the Movement for the Liberation of the Congo (MLC), Jean-Pierre Bemba, announced his intention to run for president despite his ongoing trial at The Hague but he was most recently denied candidacy by the International Criminal Court. His absence leaves a major DRC opposition party without an effective leader. Other key opposition figures include Etienne Tshisekedi of the Union for Democracy and Social Progress (UNDPs), Vital Kamerhe of the Union for the Congolese Nation (UNC), and Nzanga Mobutu of the Union for Mobutist Democrats (UDEMO). All have officially registered to run on the presidential ticket despite the need for unity

among the opposition. Additionally, the incumbent, Kabila, officially filed for candidacy on September 11, 2011. A new law recently eliminated the second-round vote, which in 2006 took place between current President Kabila and Bemba. The only requirement for victory now is a plurality of votes. Opposition parties recognize the need for unity, but have been unable to agree on a single candidate. The CENI has reported extremely high voter registration figures, in some areas 20 percent higher than in 2006; however, the recent International Crisis Group has questioned the validity of the figures, pointing to registration of minors, military and police personnel as well as multiple registrations per person. The CENI has also reported logistical and financial difficulties in procuring and distributing voting material. The recent violence in Kinshasa, targeting journalists and resulting in damaged opposition property and the death of an activist, has contributed to increased political tension during the pre-election season.

BACKGROUND ON ASSESSMENT MISSION

Nearly four months before presidential and national assembly elections, IRI organized a pre-election assessment mission in DRC. The visit took place during a critical stage in the preparations. The electoral commission was in the midst of collecting final provincial tallies from voter registration that would ultimately decide the number of seats in the national assembly. An early test for the newly reconstituted body, the voter enrollment process received mixed reviews from local stakeholders and international onlookers.

The assessment team included Mrs. Cindy McCain, founder of the American Voluntary Medical Team, Member of the Board of Directors of HALO Trust and the Eastern Congo Initiative; Ambassador Richard Williamson, former United Nations Ambassador and Presidential Special Envoy for Sudan; Mr. Lorne Craner, President of IRI and former Assistant Secretary for Democracy, Human Rights and Labor; Mr. Mvemba Phezo Dizolele, independent journalist specializing in U.S. Africa policy and the Duignan Distinguished Visiting Fellow at the Hoover Institution, Stanford University; Whitney Williams, founder and President of Williams Works, whose clients include the Eastern Congo Initiative and ONE; and Megan Latcovich, Chief of Staff to Cindy McCain. The delegates were accompanied by Paul Fagan, IRI Regional Program Director for Africa; Leanne Blanchette, IRI Program Assistant for Africa; and Dara Francis, independent consultant.

While IRI does not currently operate in DRC, the decision to conduct a pre-election assessment is part of the organization's long-standing commitment to advancing freedom, self-government and the rule of law in Africa and worldwide. As such, the delegation has neither drawn far-reaching conclusions nor made predictions about the progress of elections in DRC. IRI bases its findings and recommendations on its limited fact-finding mission and nearly 30 years of experience in elections programming.

With generous support from the National Endowment for Democracy (NED), the objectives of the mission were to observe and assess the political environment, provide perspective on election preparations and to inform stakeholder strategies in the coming months. Meetings took place from July 15 to 19 and were held with key stakeholders in and around Goma, as well as in the capital city of Kinshasa. The delegation met with elected officials, political party representatives, local civil society groups, international nongovernmental organizations and foreign diplomats. Discussions generally coalesced around issues related to the electoral calendar, relations among major political

stakeholders, support from international partners and concerns about electoral logistics and security. The team offers its appreciation to all of those who assisted in the organization of the trip and to those who agreed to provide their valuable insights.

OBSERVATIONS AND ASSESSMENTS

Overall Election Administration

The November 2011 presidential and legislative elections will be the first countrywide political contest since 2006. Those elections were the first in nearly four decades and were born out of an all-inclusive political dialogue that included former fighters, civic society and religious groups. Significant international attention and financing supported transitional institutions – including the Independent Electoral Commission (CEI) – through the last election cycle but the newly formed CENI has had significantly less backing. The government of DRC is expected to contribute 60 percent of the electoral budget, while international donors have been asked to furnish the remainder. For the Congolese, this involves a significant increase over the 10 percent contribution of total costs they put forth in 2006. For its part, the United Nations (UN) has also reduced both financial and advisory support in transitioning from a robust Chapter VII peacekeeping operation – the UN Organization Mission in the DRC (MONUC) – to a stabilization operation whose primary goal is to consolidate the peace – the UN Organization Stabilization Mission in the DRC (MONUSCO).

Independent National Electoral Commission

Despite concerns about funding shortfalls, CENI President Daniel Ngoy Mulunda Nyanga assured the delegation that the current election calendar would be followed to the letter. However, he also voiced concern about insufficient support from the international community and monetary shortfalls stemming from the Congolese government's slow financing of the electoral body. In several interviews, international stakeholders tasked with helping the CENI echoed the comments of President Ngoy Mulunda, but added that the strict adherence to the electoral calendar wrongly placed the emphasis on timelines and not the "detail work of carrying out successful elections." Proper vetting of the voter register, ballot printing, training of local personnel, and the coordination and delivery of essential materials require oversight from expertise within the CENI that appeared to be lacking. In their estimation, the election calendar appears to be "an exercise in ticking boxes" and less thought has been given to the qualitative importance of each milestone.

The United Nations Development Program (UNDP), in cooperation with MONUC and the CEI, inaugurated the PACE (Project d'Appui au Cycle Electoral – Support to the Electoral Cycle) project in 2007. As a donor basket fund, the project was supposed to assist with local elections. Because national and legislative elections were placed ahead of local elections in the current calendar, UNDP had to quickly recalibrate program priorities to accommodate these changes. This unforeseen shift, as well as transitions within the UN mission and the electoral commission, further complicated the start of the 2011 election cycle.

Voter Registration

In place since March 2011, the reconstituted electoral commission immediately engaged in its first major test by taking on a completely new voter register. Registration was scheduled to end on June

30 but was extended in several provinces, including Kinshasa and North Kivu, to accommodate logistical challenges. As such, the voter registration process officially ended on July 17. The CENI published preliminary data by province as it became available, however some opposition parties and nongovernmental watchdog groups balked at the initial figures. First, critics believe voter numbers in ruling party strongholds were inflated. Since allocation of national assembly seats are based on the number of eligible voters in a province, parties have an interest in seeing greater voter registration in their political safe areas. Second, local observers claim that ineligible voters, such as soldiers, police and minors, have successfully gained voter cards. Voter cards give citizens access to the polls but more importantly are their only means of official government identification, thus creating a myriad of incentives to cheat the system. President Ngoy Mulunda assured the delegation that duplicate names and ineligible parties would be purged from the final list, although it is unknown how this process will be implemented. Onlookers, however, remain skeptical of transparency measures within the electoral commission. The enrollment process tested the viability of the election calendar, but also exposed the tenuous relationship between the new electoral body and key stakeholders.

Civic Education

Since the previous election cycle and to IRI's knowledge, only the International Foundation for Electoral Systems (IFES) – an international nongovernmental group – has conducted nationwide civic education. Smaller, regionally based efforts exist, but nationwide civic education has been limited. Beginning in a limited number of provinces, the training of local human rights groups has recently been extended to all of DRC. IFES has the daunting task of educating a population which, to present, has often received contradictory or false information. Unfortunately, the government of DRC does not currently have a budget for civic education or political party sensitization.

Observers

The need for observers, both international and domestic, ahead of the November presidential election is crucial. The U.S. government has provided funding, through the Carter Center, for both long-term and short-term observation missions. The Carter Center will send two waves of long-term observers as well as one larger group of short-term observers in advance of the elections. The Carter Center, who was present for the 2006 presidential and legislative elections, will also assume the responsibility of providing domestic observers with technical support in areas of reporting, media relations and communications among others. The European Union (EU) followed suit by recently announcing its decision to send observers, as part of a robust €47.5 million (\$64.6 million) aid package, in support of elections. This is especially encouraging as it was thought by many that the October Tunisian elections would deplete the EU of its French-speaking observers, rendering its observations efforts in DRC minimal.

Political Parties

Discussions with opposition political parties revealed serious concerns about the electoral commission and its ability to deliver timely, fair and transparent elections. However, with more than 400 registered parties, it was hard to discern any substantive differences among the majority. It also became clear from the work of the National Democratic Institute (NDI) – a US-based organization engaged in political party capacity building – that many parties were merely platforms for individuals gambling for a political berth in the upcoming legislative poll. The overwhelming majority of parties lack internal structure, resources and members. Few viable and durable parties exist throughout the

country. While several have held party congresses in Kinshasa, most groups have regional influence that does not necessarily extend to the capital and the great majority are personality-based.

Opposition parties also believe that passage of Article 71, which obliges a one-round presidential election, undermines the legitimacy of the vote and virtually ensures a ruling party victory. In defense of the measure, the government of Congo lists the costliness of two rounds and the potential for unrest as the two main justifications for the amendment. The absence of either a code of conduct or a constitutional court to adjudicate electoral challenges continues to be of great concern to the delegation.

Security

MONUSCO maintains nearly 19,000 uniformed personnel in DRC as part of Chapter VII stabilization mission. Their main activities include civilian protection but the UN Security Council, in Resolution 1991 (June 28, 2011), underscored the importance of integrated Congolese security forces in ensuring peace and order. In fact, shortly after 2006 elections, the government of DRC requested a gradual withdrawal of UN military personnel. The current strength of the MONUSCO force is well above what Congolese officials would prefer to have in-country. The diminished UN role has many stakeholders concerned about whether the state security apparatus will have the capacity along with the command and control to prevent serious violence. The integration of militia groups into the regular military has been plagued with problems, particularly in the east. However, the possibility for violence should not be underestimated in other parts of the country. It is unclear how the government of DRC plans to fill the void.

RECOMMENDATIONS

Based on the delegation's discussions with stakeholders, the IRI puts forth the following recommendations:

Government of the Democratic Republic of Congo

- The President needs to support the mandate of the electoral commission and ensure that it receives the political support and necessary funding to complete its work.
- The President should act quickly and decisively to support the creation of a constitutional court to adjudicate electoral disputes.
- The government of DRC respects its commitments as a signatory to the African Union's (AU) African Charter on Democracy, Elections and Governance. While DRC has not ratified the charter, the country is a signatory and should actively promote its principles.
- As a member of the Southern African Development Community (SADC), the government should invite a delegation from SADC to observe the elections (pre- and post-) if it has not already done so; and abide by SADC's Principles and Guidelines Governing Democratic Elections.

Independent National Electoral Commission

- The CENI must take a stronger role in the voter education process during the period leading up to and including the elections.
- The CENI must be transparent with information regarding the voter registration process and other politically sensitive activities to prevent suspicion and misinformation.
- The CENI must respect the previously established electoral law, including procedures for formally accrediting international, civil society and political party member observers.
- The CENI must adhere to the electoral calendar and it must be accepted by the ruling party as well as the major opposition political parties.
- Upon release of the final voter registration, the CENI should reassess the progress of the election preparations. If preparations are deemed to be unsatisfactory, the CENI should then consult with members of the government and opposition parties about a delay in elections until preparations can be properly completed. It is important that a delay of any kind be mutually agreed upon by the government and opposition parties.

Political Parties

- Political parties should negotiate and sign a code of conduct, in cooperation with the CENI, as soon as possible. They should also ensure that the spirit and letter of the code is understood and adopted by their membership.
- Parties must reject all politically motivated violence despite their disappointment with certain aspects of the electoral process.
- Political parties should fully participate in the electoral process and avoid boycotts. If there is electoral malfeasance, the parties' argument will be more credible if they fully participate in the process.

Local Civic Organizations

- External and domestic groups should support the work of the CENI by observing and critiquing the various stages of the election process.

Media

- In the wake of recent attacks on the media, it is vital for mutual respect to be re-established between credible media and the government.
- The media needs to ensure that coverage of the campaigns and the elections are unbiased. Inflammatory and biased reporting can and will ignite simmering tensions between different

political, ethnic and regional groups. Improved monitoring of the media will be important during this period.

- The government must allow for free and unhindered coverage of elections. While the media needs to be responsible in its reporting, the government needs to allow the media to freely and accurately report during the electoral period. If infractions are made by the media, then the proper government entities have the right to take legal action; however, the legal process should not be used for political means.

International Partners

- International donor groups should make funding available to qualified groups promoting transparent and credible elections particularly to local election watchdog groups and observers.
- International donors and governments are encouraged to remain actively engaged with the government of DRC, and to coordinate their activities, where possible, with other stakeholders.
- The United States government is the single largest donor to MONUSCO and contributes hundreds of millions of dollars to improve DRC's government, security, health, judiciary and other sectors. The United States should use this leverage in its dealings with the DRC government to promote transparent and credible elections. The United States has recently used more overt diplomacy in places like Sudan and Nigeria to pressure those governments to hold improved electoral processes. While IRI has no doubt that the United States is fully engaged with Kinshasa, more can be done by US government officials at all levels to call for an improved electoral process.
- The AU should be at the forefront in observing the electoral process. The United States and the European Union are certainly the largest donors to DRC; however, the AU can and should play a much more active role in observing the electoral process. The AU needs to send a high level mission to the country as soon as possible to start reporting on the process.
- In addition to the AU, SADC, the regional body of which the DRC is a member, should also be closely monitoring and reporting on the electoral process. Delegations arriving for the election only will not have a comprehensive understanding of the entire electoral process.

