



A regional response to the post-election situation in the DRC

Report of roundtable hosted by the Institute for Global Dialogue, 27 March 2012



Compiled by Prof. Samba Mboup and Mr Fritz Nganje

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INTRODUCTION

The Democratic Republic of Congo (DRC) held presidential and legislative elections in November 2011 as part of the political process to deepen the transition to democracy begun in 2003. Despite the commitment of the Congolese electorate to advancing the country's nascent democracy, as evident in the vigilance displayed during the polls, the absence of consensus among political actors as well as logistical challenges meant that the electoral process was mired in controversy from the outset. Not surprisingly, the results of both the presidential and legislative elections have been discredited both within and outside the DRC, giving rise to a political crisis that threatens to undermine the stability of the country and the region at large.

Against this backdrop, the Institute for Global Dialogue (IGD) invited a targeted group of experts, government officials, eminent African personalities, regional embassies and the Congolese diaspora in South Africa to reflect on the post-election dilemma in the DRC and come up with concrete proposals on what the region should do. The roundtable was part of a project undertaken by the IGD and funded by the Open Society Initiative for Southern Africa (OSISA), which aims to support the transition to democracy in the DRC through catalytic dialogues and regional advocacy. The roundtable was facilitated by Dr Sphamandla Zondi, Executive Director of the IGD, who underscored the urgency of the meeting, arguing that given the growing despondency in the DRC, the observed complacency of the region could only encourage a deterioration of the post-election crisis and an eventual violent outburst.

The discussion was led by a presentation from the IGD's Monitoring Group in the DRC, which outlined the state of affairs in the country during and after the disputed November 2011 elections. This report presents an overview of the main points that emerged from the discussion. It begins with a summary of the presentation by the Monitoring Group, and proceeds to outline the key issues and proposals that came out of the interactive exchange.

ISSUES ARISING FROM THE ASSESSMENT OF THE COUNTRY'S SITUATION BY THE IGD'S MONITORING GROUP



Although their organisation was welcomed by the Congolese populace, the DRC's November 2011 presidential and parliamentary elections took place under unfavourable political conditions, which inevitably undermined their democratic value. The integrity of the electoral process was compromised from the outset by undemocratic tendencies, which were revealed in, among other political actions, the quasi-unilateral amendment of the Constitution to undo the two-round system of voting for the presidential election, the exclusion of civil society from the electoral management process, and the censoring of private media outlets.

The interplay of these structural anomalies produced an electoral process that lacked transparency, did not enjoy the trust of electoral actors, and was imbued with diverse elements of contestation. What is more, the electoral commission lacked the capacity and will to assuage the concerns of political parties and other electoral stakeholders over irregularities in some aspects of the process, such as the compilation of the voters' roll or the setting up of polling stations. Just like in

the preparatory phase of the process, voting and the compilation of results were also subjected to the same degree of irregularity, lack of transparency and distrust.

The present political situation in the DRC is characterised by rival claims to the country's presidency, an effectively illegitimate and paralysed National Assembly, difficulties in constituting a new government, as well as uncertainty over the organisation of provincial and senatorial elections. The likelihood that subsequent phases of the electoral calendar would not be respected comes with its own complications to the legitimacy crisis that is emerging in the country.

The deteriorating security situation in the east of the country, most notably in the South Kivu province, is telling of the adverse effects that the gradual breakdown of governance in Kinshasa is having on the peace and security of the DRC. South Kivu has witnessed recurrent abuses of human rights and assassinations, supported by the absence of state authority in large parts of the province, which leaves militias and armed groups operating with impunity.

A number of solutions have been advocated by different stakeholders within and outside the DRC. These range from the formation of a Government of National Unity that would commit the major political forces to a power-sharing arrangement, to calls for a complete annulment of the November 2011 presidential and legislative polls. Other voices are largely concerned with the reconstitution of the country's electoral commission, in order to guarantee the credibility of future electoral processes. A proposal that appears to be gaining ground is the convening of a national dialogue, although there is still little agreement or clarity on what should be the terms of reference of the proposed dialogue.

The support of regional and international actors could be two-fold. In the interim, there should be a concerted effort to assist the political actors in agreeing on a compromise to get past the current deadlock. Additional measures are also required to guarantee the security of Congolese in this volatile environment. This should be accompanied by long-term measures designed to change the dominant political culture in the country and strengthen its democratic institutions.

KEY ISSUES ARISING FROM THE DISCUSSION

- A) The dominant political culture in the DRC is still characterised by intolerance, an aversion to dialogue and compromise, and the prioritisation of personal gains over the common good in the conduct of politics. This state of affairs indicates an incomplete transition from an era of dictatorship and violent conflict to a democratic dispensation. Multiparty elections could not thrive in such an environment. State institutions, political parties and even civil society organisations in the DRC do not have the capacity to perform their democratic functions, primarily because of this entrenched political culture.
- B) The democratic deficit and governance challenge in the DRC are also driven by regional and international dynamics, which need to be investigated and contained. In particular, partnerships between local politicians and external actors, predicated on profiting from the country's natural resources, help sustain the status quo. In this regard, there is a need for an audit of South Africa's involvement in the DRC, including the conduct of South African businesses. The role of the DRC's neighbours in undermining the emergence of a democratic culture and social cohesion in the country is also critical and must be addressed.
- C) Any solution to the crisis in the DRC must come from the Congolese people themselves. External actors should limit their role to facilitating and providing technical and logistical support to home-grown initiatives. Similarly, the responsibility to support the DRC to resolve its political crisis and build a strong democracy rests with African countries. Africa has the resources and expertise to assist the DRC in this regard and must resist the temptation of soliciting outside interventions, which are only likely to complicate the situation.
- D) Part of the governance challenge in the DRC, which found expression in the disputed 2011 elections, stems from the fact that the country's constitution and electoral law are not in sync with its socio-economic and political reality. Changing the DRC's electoral law and reconstituting its

electoral commission must form part of efforts to redress the governance challenges in the country.

- E) The options of recounting the votes or organising new elections are both unviable and undesirable, given the financial dependence of the DRC on external donors. The idea of convening a national dialogue to resolve the electoral impasse is the most viable route to take under the circumstances. However, the proposed dialogue would only make a difference if it is held under clear terms of reference anchored on the need to address the fundamental issues plaguing the country. It should avoid a repeat of the Sun City experience, which prioritised power-sharing among politicians and belligerents over the broader socio-economic and political concerns of the Congolese people.

A POSSIBLE WAY FORWARD



1. Conditions and terms for the much-needed National Dialogue

There is consensus on the urgent need to create conditions for a national dialogue. The purpose of the dialogue is to reflect on the post-election dilemma in the DRC and come up with concrete proposals on what must be done in the country and the region to find a way out of the current institutional, political and socio-economic deadlock.

The dialogue must be all-inclusive, structured and principled. This means that the dialogue must have a clear agenda and timeline, as well as clearly defined expected outcomes and targets. It must also be guided by commonly agreed standards, benchmarks, values and principles that will spell out for all stakeholders and role players, the do's and don'ts of a *modus operandi* based on and guided by the purpose and agenda of the dialogue.



The approach to the dialogue must be holistic, that is, it must take into consideration all the defining factors of the current post-electoral deadlock as well as its various dimensions and aspects. The approach must also be pragmatic. In other words, the dialogue must be structured and conducted with the utmost sense of urgency, given the seriousness of the situation in the country, and the potential risks and threats associated with it in the context of a highly instable and volatile regional situation. The stake is about how to agree on a programme of action and a roadmap whose implementation must start as soon as possible, with a view to move forward, away from the current deadlock, and the risks of going back to the previous situation of conflict and confrontation in the country and the region.

Nonetheless, much as a comprehensive approach is necessary in order to find viable and durable solutions to major problems of governance, social justice and cohesion confronting the DRC and the Great Lakes Region, at the same time, it must be borne in mind that to find and implement such viable and durable solutions will require time and the mobilisation of important resources as well as greater creativity in the ways of understanding what is going on and doing things to address the current challenges.

Three kinds of consultations should be encouraged in preparation for the national dialogue; discussions on elections, consultations among the DRC's political leadership, and consultations with the leadership of the different churches in the country.



2. Responsibilities of major regional role players

The solution to the DRC's problems lies with the people of the Congo including those that are in the diaspora. The assistance by regional organisations like the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA) through their central organs and embassies would benefit from a solid internal coherence. An enabling environment will be created if the international community acts in concert to discourage power politics and conflict and encourage political maturity as well as by backing the regional efforts.

Primacy of the SADC Organ on Politics, Defence & Security and the Inter State Politics and Diplomacy Committee (ISPDC)

- SADC should prioritise the crisis in the DRC and use its leadership to create conditions that are conducive for dialogue among the different political stakeholders in the DRC. The South African government should take the lead in capacitating SADC to effectively assume this role, while leveraging its peacekeeping, peace-making and peace-building efforts and optimising the impact of its cooperation with the country in the area of electoral assistance as well as legislation and institution building. In this regard, the SADC ISPDC has an important part to play in the promotion of a harmonised and coherent foreign policy approach and the search for commonly agreed peaceful solutions to crises affecting the region and/or individual countries such as the DRC.
- Consideration should be given to the idea of constituting and mandating a team of legal experts to review the constitution and electoral law of the DRC, in the context of the emerging governance challenges, and make recommendations on what is suitable for the country. A similar approach should be taken to review the model of security sector reform in the country.
- SADC and other regional organisations to which the DRC belongs should adopt a framework of values and principles that should guide the involvement of external actors in the DRC.

Role of track-two diplomacy and the Congolese diaspora

- The official mediation of SADC should be supported by track-two efforts from informal networks like the forum of former African Heads of State and Governments, Africa Forum. Research organisations and think tanks could also support the process by deepening their analysis of the complex

situation in the DRC, and convening more national and regional dialogues to generate broader consensus at the level of society on the critical issues that should form the agenda of the national dialogue. The Congolese diaspora should also be mobilised and supported to become actively involved in this process.

STRUCTURAL AND LONG-TERM CONSIDERATIONS

Need for a viable, democratic and credible state that respects human and people's rights and the rule of the law: There is consensus on the belief that a viable and durable solution to the current post-elections crisis, in the country and the region, requires the pursuit and intensification of efforts towards the advent and consolidation of a viable, democratic and credible state that is committed to respecting human and people's rights and the rule of law.

The DRC needs to focus on good governance of natural resources and beneficiation: It was noted that entrenched foreign interests associated with the geo-strategic position of the DRC and its considerable natural resources account for the permanent attention and destabilising presence of the world's leading powerhouses in the country and in the region. The interventionist tendencies of some of its neighbours point to the same condition. The economy of the country remains a highly extractive economy almost exclusively based on primary sector activities such as mining, agriculture and forestry. Inflation rates are also very high with the result that poverty is prevalent. As part of a pan-African initiative on biodiversity and resource governance, the solutions to the DRC problems must include strategies to enhance good natural resource governance and national beneficiation of mineral resources.

The DRC should consider carefully its position as a global citizen: The recent elections demonstrate the challenges posed by the DRC's position in world affairs, especially in terms of it being perceived as a source of minerals and other natural resources, and a war zone. This encourages weak responses from the international community whose key members may be conflicted on the DRC. The dominant paradigms in world affairs help place a ceiling in respect of what the DRC could become as a citizen in the community of nations. The assistance being provided by MONUSCO is important but inadequate and it is miniscule compared to what the international community was prepared to do for the Balkan region when it was caught up in conflict and instability. Therefore, the DRC needs very urgently to define for itself what kind of a global citizen it wants to be and what image it wants to build for itself.

The role of the IGD and African think tanks: Arguably, the preceding point will also entail an effort to undo, through research and scholarship, the bad images of the DRC and the African continent as engineered in the dominant mainstream discourses, only to be used as a justification for the predatory and destabilising activities of foreign powers on the continent. The role of the IGD and similar think tanks is crucial to, among others, critically analyse electoral processes on the continent, and to document and disseminate through publications, African good practices in electoral matters as well as in the areas of conflict prevention, management and resolution.

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ABOUT THE INSTITUTE FOR GLOBAL DIALOGUE

The IGD is an independent foreign policy and international diplomacy think tank dedicated to the analysis of and dialogue on the evolving international political and economic environment, and the role of Africa and South Africa. It advances a balanced, relevant and policy-oriented analysis, debate and documentation of South Africa's role in international relations and diplomacy.

The IGD was initially established in 1995 as the Foundation for Global Dialogue after several years of effort led by the former South African president, Nelson Mandela, in his capacity as the president of the African National Congress. He and his team of leaders saw a need for a research organization that would facilitate the new South Africa's engagement with the changing global order after 1994. This was a period in which three vectors of change coincided: the tectonic shift in global power politics after the collapse of the Soviet Union; the wave of democratization that hit Africa and South America; and the near miraculous transition from apartheid to democracy in South Africa. The initial funding came from the German government and went towards establishing the Foundation's competitive edge, a combination of policy-oriented research, catalytic dialogue, tailor-made publications and grant-making for NGOs interested in international relations.

The IGD's research agenda has three broad programmatic focus areas: foreign policy analysis with special reference to the making and management of foreign policy and diplomatic tools like economic, developmental, and public diplomacy; African studies focusing on the role of regional and continental integration in African politics and development as well as the study of peace diplomacy; and international diplomacy, analysing dynamics in international diplomacy that have a bearing on African peace and prosperity.

Mission: The IGD strives for a prosperous and peaceful Africa in a progressive global order through cutting edge policy research and analysis, catalytic dialogue and stakeholder interface on global dynamics that have an impact on South Africa and Africa.





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