

INTERNATIONAL CRISIS GROUP - NEW REPORT

Congo's Elections: Making or Breaking the Peace

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Nairobi/Brussels, 27 April 2006: The Congo,s first free elections in 40 years should be a major step toward ending the country,s long conflict, but if not carried out properly, they could trigger further unrest.

The latest briefing from the International Crisis Group, analyses the approaching multiparty presidential and legislative elections, the first since 1965, and warns that missteps could disrupt the fragile peace. There is potential for electoral fraud, parties are relatively weak, and the main opposition group plans to boycott. The considerable number of registered political parties' ^ some 269 ^ will likely fragment the opposition even further.

The most immediate threat to stability comes from the east. Dissidents from the Congolese Rally for Democracy (RCD), which controlled one third of the country during the war and now stands to lose most of its influence, could try to fuel chaos in North Kivu in hopes of undermining the polls. Disenfranchised politicians elsewhere might also challenge the results violently if the polls are not fair and inclusive. The potential for fraud is high, as the security forces and media are deeply politicized and there is almost no regulation of campaign finance. The international community and the transitional government must act to make sure there is adequate monitoring of the whole electoral process. If elections are rigged, the Congolese will suffer the consequences for at least five years.

„The population has grown weary of a transitional government that is more concerned with personal enrichment than lifting them out of misery, and they are counting on the ballot box to improve their lot, says Crisis Group Senior Analyst Jason Stearns.If the elections go awry, they will turn once again to violence.

The election date, already postponed five times, is still uncertain. It is unlikely that elections can be held by the target of 30 June, and the main opposition party will use this delay to stage protests that could turn violent. The electoral commission should announce a new, realistic date, which should be not later than 12-13 August, with local elections to follow as quickly as possible. The transitional government should accept a proposed independent body of respected figures from the region to help resolve quarrels between candidates. Congolese officials and the UN mission should work together to contain the threat in the east by promoting an open dialogue about ethnic reconciliation while isolating and arresting the leaders of the dissidents. Except in areas where militia threatens the local population, the army should be garrisoned and paid properly through the election period.

‘The Congo,s stability is at stake’, says Caty Clement, Crisis Group,s Central Africa Project Director. Elections are the first step, but real stability will come only if democratic institutions such as courts, media and parliament are given real clout and laws are enforced. Congolese will measure the peace dividend by these changes.

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

As the Congo approaches its first free elections in 40 years, the stability of the country remains at risk, for three main reasons. First, one of the main former rebel groups, the Congolese Rally for Democracy (RCD), is unpopular and stands to lose most of its power at the polls: this has triggered a resurgence of violence in the east, which is likely to intensify before and after elections, as dissident RCD troops attack the newly integrated national army. Secondly, the vote has not been adequately prepared. With few safeguards in place against fraud, rigged polls could rapidly undermine stability after the elections and produce unrest in cities. Thirdly, the country's long-time political opposition, Etienne Tshisekedi's Union for Democracy and Social Progress (UDPS), will boycott the voting, unhappy with the other main parties, unwillingness to negotiate with it. This is likely to cause unrest in the two Kasai provinces and Kinshasa, where Tshisekedi enjoys substantial support.

The east is the most immediate flashpoint. Elections will radically change the political landscape. The RCD, whose military wing once controlled over a third of the country, will likely go from being a major national player to a small, regional party. This probability is tightly linked with fighting in the east, where dissatisfied RCD elements remain a security hazard, particularly in the Kivus. In North Kivu, former RCD units have refused army integration. Led by Laurent Nkunda, they have repeatedly attacked other, integrated units, most recently causing the displacement of 50,000 to 70,000 civilians around Rutshuru. The fighting has taken on an ethnic tinge, as the dissidents are all Congolese Hutu and Tutsi. This has exacerbated tensions within the province, where these communities have long-standing land conflicts with other ethnic groups. Unless prompt action is taken to address these underlying political grievances and to arrest the armed dissidents, further fighting is inevitable.

The potential for electoral fraud is considerable. The ministry of justice has failed to push through laws designed to guarantee judicial independence. The courts that will need to investigate and adjudicate election disputes remain politicised. A draft law to regulate campaign finance has also been shelved. At the same time, former belligerents retain parallel chains of command in the security forces charged with securing elections and have not been reluctant to influence and intimidate voters. In Kinshasa and Lubumbashi, these forces have been used to harass political parties

and disperse demonstrations. The national police are poorly trained, and the new army is weak, deeply politicised and mostly still not integrated.

The elections are likely to be postponed a sixth time, due to logistical and legislative delays, in which case they would be held after the 30 June 2006 deadline established by the peace deal. The new constitution adopted by referendum in December 2005 and promulgated in February 2006 stipulates that transitional institutions remain in place until elections are held, suggesting that such a further delay is legally possible. However, the UDPS would likely use the missed date to mobilise demonstrations in an attempt to upset the process, and other groupings that anticipate poor electoral results, like the RCD, might well join.

The question is political, not legal. It is important to complete the electoral process without further delay, or at most the minimal delay necessitated by technical requirements. Lengthy postponement to extend the privileges of political elites would not be acceptable. A realistic date by which to hold presidential and national assembly elections if they must be postponed again would be 12-13 August. Efforts should be made to maintain a dialogue with the dissatisfied elements, not to permit them a veto over the electoral process but in order to preserve the inclusiveness of that process to the greatest degree possible and to keep the peace after the elections.

Elections are a step in the right direction, but if not carried out properly they could trigger further unrest. If the population and leaders conclude change cannot come peacefully through the ballot box, they may well resort to violence to contest the results. The transitional authorities and the international community have the responsibility to ensure that these elections ^ the first with multiparty choices since 1965 ^ are a genuine milestone marking the end to the Congo,s long conflict.

RECOMMENDATIONS

To the Transitional Government of the Democratic Republic of the Congo:

1. Hold the first round of the presidential and national assembly elections no later than 12-13 August 2006 and complete the electoral cycle by holding local elections as quickly thereafter as possible.
2. Promptly provide a plan for the distribution of ballots and voting materials to avoid further delays in the electoral calendar and ensure free and fair elections.
3. Accept an independent body to help resolve quarrels between candidates during the electoral period, such as the „committee of the wise%„ proposed by the UN Mission in the Democratic Republic of the Congo (MONUC), which would be composed of eminent officials from the region and act in close coordination with the electoral commission.
4. Commit to an early census after the elections and to redistribution of parliamentary seats in accordance with its results.

5. Deploy the presidential guard to cities only immediately before a presidential visit and withdraw it immediately thereafter so it cannot be used to influence the electoral process unduly, and withdraw it also from Kindu, Kisangani and Mbandaka, where it has committed numerous human rights violations.
6. Keep the army in its garrisons during the election period, except for border areas and places where militia seriously threaten the local population.
7. Give the High Authority of the Media sufficient resources to monitor and resolve disputes over media activity during the electoral process, including opening offices with sufficient and properly funded staff in all provinces.
8. Give the courts sufficient resources to monitor and resolve election disputes, including for the Supreme Court to send more judges to its provincial branch offices.
9. Discuss the report of the Lutundula commission on war-time contracts and publicise its findings widely.
10. Encourage the political parties to publicise their finances widely, including in the media.
11. Demonstrate commitment to implement the objective of the new constitution to achieve gender parity in national, provincial and local institutions by including all stakeholders, particularly women, in the electoral process, including by encouraging all parties to discuss gender issues in their platforms and otherwise acting to ensure significant representation of women in elected bodies.
12. Deal with the dissidents in North and South Kivu by both peaceful and military means:
 - (a) Establish a land tenure commission and strengthen the land registry to prevent future disputes;
 - (b) Discuss ethnic reconciliation openly in the east during the electoral campaign; and
 - (c) Ensure that all army brigades are adequately fed and paid so they no longer present a security hazard and use the integrated brigades to arrest notorious trouble makers, such as Laurent Nkunda, in coordination with MONUC.

To political parties participating in the elections:

13. Agree to make every effort to nominate women for at least 20 per cent of the appointive positions in government, judicial and public administration bodies, including ministries, after the elections.

To the Members of the International Committee for Support of the Transition (CIAT):

14. Support creation of a body of eminent, independent personalities from the Central Africa region that can help resolve quarrels between parties during the electoral period, along the lines of the „committee of the wise%” proposed by MONUC.

15. Visit Goma, Bukavu and Uvira to speak with local authorities about the growing unrest in the Kivus and support a genuine mechanism for local reconciliation.

16. Strengthen the judicial system by financing deployment of more judges to the Supreme Court,s provincial branch offices and provide them with adequate resources to process electoral disputes.

To the Independent Electoral Commission and Observers from Congolese Civil Society Groups and Foreign Missions:

17. Coordinate efforts so that observers are present at the largest possible number of polling stations.

To the United Nations Security Council, the Secretary-General and MONUC:

18. Devise a coherent strategy for dealing with the insurgents in North Kivu that:

(a) Addresses the grievances of the local communities, in particular land tenure problems, and helps the local and national government set up a commission to explore more effective dispute settlement mechanisms;

(b) Reinforces the legal system so it can impartially investigate human rights abuses and demarcates land holdings in the province; and

(c) Prepares with the Congolese army an operation to arrest Laurent Nkunda, using integrated brigades and closely monitored to prevent abuse of civilians.

To Donors:

19. Consider creating a fund to support the campaigns of women candidates, including through training and financial assistance.

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