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Democratic Republic of the Congo: Saving the Elections

A week after presidential and legislative polls, the Democratic Republic of Congo faces a political crisis that could plunge it back into major violence. Preliminary results, expected today, risk sparking opposition protests that, in turn, prompt heavy-handed repression by Congolese security forces and wider disorder. To avert violence, Congolese authorities must take urgent measures to salvage a reasonably representative result out of a badly flawed process. The United Nations, African Union and European Union must work together to mediate with Congolese leaders a way out of the crisis.

Last week tens of millions of Congolese cast ballots in only the second elections since the country's brutal civil war. The vote marked the culmination of a troubled year of preparations, with the playing field gradually skewed towards incumbent president Joseph Kabila. Constitutional changes dropped the requirement for a run-off, which, with opposition leaders failing to unite behind a candidate, effectively split their vote. Kabila loyalists were appointed to the election commission and the Supreme Court, which settles electoral disputes. Despite discrepancies in registration figures, opposition parties and observers were unable to audit voter rolls. The state-run media drummed up support for the president. Nonetheless, considerably less popular than when he won the 2006 polls, Kabila faced stiff competition, especially from veteran opposition leader Etienne Tshisekedi. With another candidate, Vital Kamerhe, threatening to sap Kabila's votes in the Kivus vital to his win five years ago the president's re-election was far from secure.

The vote itself was plagued by chaotic management and reports of localised violence and rigging including voter intimidation and pre-marked ballots. Scheduled on November 28, it was extended for two days as materials arrived late and many names were missing from voter lists. International observers, including from the EU and the Carter Center, reported widespread irregularities though as few ventured outside major towns they may have missed the worst abuses.

Counting has been as unruly as voting, and dangerously opaque. Criteria for disqualifying ballots are unclear, with Kinshasa an opposition stronghold disproportionately affected. Most significantly, the electoral commission has refused to publish results by polling station, which would permit their verification by opposition parties and observers. Election day flaws were bad enough; but perceptions that results are fiddled behind closed doors would spell disaster.

Congo's electoral woes reflect the country's broader lack of democratic and institutional development since 2006. But they also stem from weak international and continental engagement. Despite reports by the UN Joint Human Rights Office of human rights violations during the campaign, the UN mission, MONUSCO, has been reluctant to criticise openly the government and the electoral authorities. MONUSCO has also apparently shied away from providing the good offices envisaged in its Security Council mandate; a vital role given the opposition's lack of confidence in Congolese institutions. Donors too especially the EU and the UK, who partly funded the polls, and the U.S. have been largely ineffective in preventing Kabila's consolidation of power and stacking the decks.

A sense of foreboding now hangs over Kinshasa. On the eve of elections a fierce crackdown by the security forces against opposition protesters left, according to Human Rights Watch, eighteen dead and more than 100 injured. During voting, opposition supporters and authorities clashed in Kasai and Katanga, while other areas reported sporadic violence, including election materials destroyed and voters prevented from casting ballots. The arrival of reinforcements from the presidential guard to military camps on the outskirts of the capital and the removal of certain officers are ominous signs. Both sides can easily mobilise militias and armed youth groups.

Over the weekend thousands of Congolese reportedly crossed into neighbouring Congo-Brazzaville, fearing violence. Rumours of machetes distributed, gangs mobilising and a heavy security presence risk spreading panic in the capital. Leaders of the Catholic Church, which deployed some 30,000 observers more than any other group during polling, are reluctant to publish their findings in the fear that they would fan tension. Over the weekend Bishop Nicolas Djombo described the situation as a "train running into the wall". The International Criminal Court (ICC) prosecutor, meanwhile, has stated that the DRC situation was under watch.

The electoral commission's preliminary results, due shortly, will almost certainly show Kabila leading. But given the body's partisanship and widespread irregularities, they are unlikely to inspire much confidence. Opposition politicians will reject them out of hand. The Supreme Court should resolve disputes, but with that body also stuffed with Kabila loyalists, losers are more likely to take their grievances to the streets. The scale of bloodshed is difficult to predict: Kinshasa will bear the brunt of clashes, but violence could explode in other areas, especially opposition strongholds like the Eastern Kasai, where the governor has already declared a state of emergency, Western Kasai, South Kivu, Lubumbashi and Equateur. Splits within the army cannot be ruled out.

Urgent international and regional action is needed both to rescue the elections and to persuade Congolese leaders to refrain from violence. Neither will be easy. Widespread technical flaws and deliberate fudging makes revealing genuine results difficult, while Kabila's contortion of democratic institutions leaves few avenues for elites to resolve disputes peacefully. Amid deep polarisation in Kinshasa, the two leading candidates appear reluctant to even to talk to each other, let alone accept defeat. But the following measures offer the best hope:

- The election commission must count ballots transparently, according to the Congolese election law, and in the presence of local and international observers and publicly announce it will do so. It must publish results polling station by polling station, to allow for independent verification, both for presidential results and for the almost forgotten legislative contests.
- Authorities must explain clearly how political parties and observers can contest the results of any polling station. Those stations that returned suspicious results or where observers report irregularities should be subject to rigorous investigation again in the presence of observers with clear criteria applied when disqualifying ballots. Voters in areas where polling did not take place should be given the opportunity to vote.
- All Congolese leaders must avoid inflammatory language. Given that protests will almost certainly turn violence, opposition politicians should appeal immediately to their supporters

to stay off the streets.

- If protests do occur, security forces must refrain from heavy handed responses with clear instructions along those lines given by military and police commanders and by the president. Any violence should be subject to investigation by Congolese and international human rights groups, as well as the ICC, if appropriate.
- The UN, AU and EU should urgently dispatch a high-level team to mediate between factions. A power sharing deal should be avoided, but mediators should explore options for alternative dispute resolution or independent oversight of existing mechanisms possibly under AU auspices and with international support given distrust in the responsible Congolese institutions. Mediators must also devise a way to avert a constitutional crisis, with Kabila's term officially expiring this week.
- In the meantime, the UN, donors and regional leaders must avoid statements that could legitimise a badly flawed vote and destroy what is left of their credibility in the Congo. They cannot paper over electoral flaws. No leader should be congratulated until all disputes are resolved.
- The UN should deploy additional peacekeepers to the western provinces and Kinshasa or risk abandoning its mandate of civilian protection. A bloodbath in the capital of a country hosting the world's largest UN peace operation is unthinkable.

Beyond the immediate danger of results being rejected and violence escalating, a president with an illegitimate mandate poses a grave threat to the country's peace and security. Only a leader that Congolese believe has been elected freely can possibly resolve the country's multiple problems. Losers unfairly excluded from the political system may easily take up arms, as in neighbouring Burundi and Central African Republic. Today's crisis will not have surprised careful observers of the Congo, resulting as it did in part from the quiet disengagement over recent years of international and regional actors. Now, however, they need to engage again and quickly.
