



Promoting Credible Elections and  
Democratic Governance in Africa

**Realising effective and sustainable  
democratic governance in Southern  
Africa and beyond.**

**Perspectives on the Role of Key  
Stakeholders in the DRC's  
Political Transition**

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**Introduction**

The Inter-Congolese Peace agreement known as “L’Accord Global et inclusive” was signed in Pretoria on the 17 December 2002 and endorsed at Sun City on 2 April 2003. The transition process started on 30 June 2003 when the transitional government was installed. After a year of hard work we are now equipped to start making critical judgments on the process and what the future holds for this country, Africa’s second largest. According to the Peace Accord, the transition must be completed by 30 June 2005. But the Accords make allowance for the possibility of a six months extension on recommendations of the Independent Electoral Commission and a joint decision of Parliament and the Senate.<sup>1</sup> This makes it most likely that the election could be postponed to early 2005. Forty-four groups, including armed factions, exiled political figures, and civil society groups signed the Final Act at Sun City.<sup>2</sup> The Inter-Congolese dialogue created a new political culture in the history of Congo by establishing a large and inclusive political dialogue. There is no doubt the dialogue was an extraordinary forum. It was the first time that the Congolese had sat together after the failed 1991 transition under Mobutu, to try and agree on new prescriptions for the state. The dialogue forced the Congolese to make substantial compromises on the redistribution of political power. It has also introduced the culture of cohabitation in government institutions by different political forces. As a result, peace has also become evident in a large part of the territory.

Since the Pretoria agreement, the country has made significant progress in implementing the Accords. At least two thirds of the Accords’ specifications have been accomplished, especially in terms of setting up institutions. However, it is one thing to establish institutions and structures and it is yet another

to make them functional. The mandate of the transitional government is to take the country to a democratic dispensation through competitive multiparty elections. One key objective of those elections is to restore legitimacy to the government. The Democratic Republic of Congo (DRC) has not had a legitimate government in the past 43 years. During this period, the state collapsed, producing one of the most dysfunctional entities on the continent. This transition, if afforded the opportunity to reach its logical conclusion, the holding of free and transparent elections, would produce the foundation on which to build a democratic culture. The Congo must get used to the fact that “in a democracy no one can choose himself, no one can invest himself with power to rule, and therefore no one can give himself unconditional and unlimited power.”<sup>3</sup> Only the entrenchment of these values would set the country on the road in achieving a sustainable democracy and development.

Despite the progress registered so far, the transition period has not been smooth. Although uncertainties are part of such processes, they also suggest that the survival of the process itself is perpetually under threat. In a process where economic interests are also at play, spoilers are standing by to use any occasion to frustrate it. Following is a list of selected events with which the transition has had to deal with since the signing of the Peace Accord.

- The ethnic conflict between the Hema and the Lendu which left thousands dead. It was orchestrated and manipulated by governments of neighbouring countries—Rwanda and Uganda;
  - Continual tension between some of the vice Presidents and the President. These tensions are delaying the process;
  - There have been two attempted coups d’etat. These are clear signs that there are elements whose ultimate goal is to halt the democratisation process;
  - The rise of a splinter group within the *Rassemblement Congolais pour la Democratie-Goma (RCD/Goma)*, led by General Nkuda who attempted to return the country to a full scale war. This shows how critical the integration of the different armies is to the process; and
- The killing of more than 150 Congolese Tutsi refugees in a refugee camp in Burundi by the *forces National pour la Liberation (FNL)*. This is a sign that the regional dimension of the conflict continues to influence what is going on within the DRC and could negatively impact on its transition.

All these events have contributed to the delay in the implementation of the Pretoria Agreement. As the events show, the transition process in the DRC is complex, violent, uncertain, regionally and internationally determined. What are the key stakeholders doing to ensure that the process is not interrupted? There is no transition theory for a successful democratic transition applicable to all countries. However, there exist partial hypotheses and claims concerning the preconditions for successful democratic transitions, such as the one proposed by DiPalma:<sup>4</sup>

- Democratic transitions are successful where there are minimal divisions within the forces of old regimes and the opposition. This ensures that a dialogue can be conducted and extremist elements can be marginalised.
- Democracy transitions are successful where the vital interests of all participants are guaranteed in the transition period and the new constitution. In this way, previously recalcitrant forces come to believe that a change in government will not threaten them.
- Democratic transitions are successful where the balance of international forces and support favour democratising forces over authoritarian forces and where incentives are made available to all participants to compromise.

A successful transition would be able to initiate the process of national reconciliation and state building. At present, the conditions are being put in place incrementally to ensure that democratic elections take place at the end of the transition. But does the DRC have the capacity, the visionary leadership, political will and resources to move towards a democratic society? This work attempts to

answer these critical questions by reflecting on the strengths and weaknesses of key stakeholders in the process. It will look at the following actors—the executive, Parliament, political parties, civil society, Chapter 9 Institutions and the international community. These stakeholders were chosen because of their seminal importance to the transition process. The paper recognises that there are other important stakeholders such as the army, the justice system and multinational companies that influence the transitional process in the DRC. By discussing the first set of stakeholders, we do make references to others not given a particular attention in this study.

### **Key Stakeholders and Contribution to the Current Process**

#### *The Executive*

The transitional arrangements signed in Pretoria proposed the famous 1+4 system. In terms of this system, the President governs together with four vice Presidents. This approach was adopted to deal with Congolese politicians who all wish to become the President. But, this formula for the first time in the history of the Congolese politics begins to encapsulate the value of inclusiveness on which the entire negotiation process from the Lusaka Peace Accords to the Pretoria Peace Agreement was founded. The inclusive nature of the negotiations reflects an important change in the political thinking of the Congolese. For the first time, Congolese are coming to terms with a situation in which different groups could work together to achieve a common purpose—peace and political stability. The Accords retained Joseph Kabila as President during the transition period, seconded by four Vice-Presidents. Each Vice President is responsible for a particular commission as shown in table 1.

**Table 1: Vice-Presidents and their portfolios**

<b>Vice Presidents</b>	<b>Commission</b>
Jean Pierre Bemba (MLC)	Economic and Finance
Azarias Ruberwa (RDC-Goma)	Politics, Defence and Security
Yerodia Ndombasi (ex-government)	Development and Reconstruction
Zahidi Ngoma ( Non-armed opposition)	Social and Cultural

The challenge today, is how to ensure that this structure, which is replicated on all levels of government, Parliament and Chapter 9 Institutions, works. Although the transition Constitution defines the role of the President and allocates specific roles to each Vice President, it does not clearly articulate the working relationship between the President and his four Vice-Presidents and how decisions would be taken. In fact, a closer look shows that there is a tendency from some Vice Presidents to behave as if they were Prime Ministers during the First Republic. Insiders report of the existence of serious tension and suspicions evident between the President and the Vice Presidents especially those from the rebel movements, MLC and RDC. One cannot define precisely the kind of system - Presidential or parliamentary, currently operating in the DRC. It will come as no surprise if the tension referred to above, degenerates into total chaos closer to elections as major decisions in government will be made by different Vice-Presidents to enhance their standing during the election campaign. The dispute on the management of public enterprise demonstrates this. There is on-going debate on how to nominate Managing Directors of public institutions. The ex-government (President Joseph Kabila) is calling for the MDs to be selected through interviews. However, the other main stakeholders - the RCD and MLC - want these public enterprises to be distributed equally among parties to the accords as it has been for political power. Without going into debate on who is right and who is wrong, the intention of all political stakeholders is to use these entities as source of finances to fund their election campaign.

It seems that it is the management of the Presidential space that is the real challenge during this transition period. It could make or break the transition. A good relationship between the President and his Vice Presidents and between the Vice Presidents themselves could easily influence the resolution of other difficulties facing the transition, especially the integration of the armed forces and the question of nationality. But closer observation of the behaviour of some of those in power simply reflects the historical political culture left as a legacy by Mobutu and his clique whereby “the state remains a major source of

capital accumulation and the fulcrum of social privileges.”<sup>5</sup> The new elite continues to see the state as “the major avenue of upward mobility, status, power and wealth”<sup>6</sup> and not as an opportunity to serve the community. If this is left to continue there will be no hope for a better future for Congolese. Indeed, this way of operating reflects Max Weber’s conclusion that, “the way of doing politics is not to live for it, but to live from it.”<sup>7</sup> As Joseph Ayee convincingly put it, “the persistent development crisis and the recent phenomenon of failing states are due in part to poor leadership; leaders who are not committed to the development of their societies and who lack honesty and commitment to democracy.”<sup>8</sup>

In the beginning, operating the 1+4 system was very slow and heavy-going owing to the mistrust among the five leaders. Indeed, the “the fundamental problem in the DRC is the deficit of transitional leadership at the pyramid of the government.”<sup>9</sup> The slow process and tension emanating from the presidential space are sending negative signals to the nation. Most Congolese citizens are not hopeful, accusing the entire political leadership of wanting to delay the process. Political observers and analysts in the country think the slow process is intentional because political leaders are not geared for elections. As an even worse scenario for the Congolese, it seems that individuals in government are more interested in political survival than in resolving citizens’ social concerns. Although the mandate of the government is purely to organise elections, this does not mean it should totally abandon its social responsibilities.

The government presented its programme to Parliament on 2 December 2003. Critics say the plan was vague and even more so on the issue of elections. In fact, the plan of action did not emphasise elections as a priority. No concrete propositions were given in terms of government financial support to the electoral process. This has come as a disappointment to the people who still see elections as their only hope. But what also needs to be taken into account is the fact that this government appears to have no money for elections. It would be dependent on donor support and up to now donors, despite their pledges, have

failed to disburse the necessary funding. Perhaps donors are still waiting for a genuine commitment from political leaders and a relatively well-structured government that can be trusted with finances, prior to giving the required support.

In general, the transition process is still on track. People are still learning to work together. The problem is however, that there is very little time for people to learn to work together because everything is geared towards elections and there is no time for accommodation. Every party in transition government tries to use every opportunity to advance its interests. Nevertheless there is still hope. The speech of many people is slowly changing, and there is definitely an increasing maturity according to one of the oldest opposition leaders. Democracy is a new culture for Congolese people. There is now an acceptance by all Congolese that despite the imperfections of the 1+4 solution and its conflictual nature, it must be allowed to continue. The Congolese Bishops are proposing sanctions against anybody who violates the Accords. They are calling for a stronger justice system to accompany the government formation.<sup>10</sup> But the problems, if any, would probably come from within the Presidential space. As Henri Boshoff reports, following his trip to the DRC “the RCD and MLC in particular are increasingly worried about the growing independence displayed by Joseph Kabila in the decision-making process and fear that their prerogatives are being undermined by the Presidency.”<sup>11</sup>

### *Parliament*

There is no doubt, that the way in which Parliament discharges its duties will influence the democratisation process in the DRC. It is the most important institution of the transition. The parliament has two houses, the National Assembly and the Senate. The National Assembly has three main functions—legislative, financial and critical. All these are new in the DRC. The National Assembly’s mandate is to:<sup>12</sup>

- Legislate
- Monitor government and public enterprises, establishments and public services

- Control the application of the resolution of the Inter-Congolese Dialogue
- Adopt the draft constitution to be put to a referendum

The Senate on the other hand, is responsible for the elaboration of the Draft Constitution which is to be submitted to a referendum. It also has the responsibility of mediating political conflicts between the different institutions of transition.<sup>13</sup> It also accomplishes legislative functions together with the National Assembly on the following issues:

- Nationality
- Decentralisation
- Public finance
- Electoral processes
- Chapter 9 Institutions

The transition Parliament is very weak. It is functioning in slow motion due to logistical difficulties. For months, it functioned without a budget and MPs spent several months without being paid. Even today, financial difficulties expose parliamentarians to corruption and manipulation especially from other political groups. The building it occupies was not built to house both the National Assembly and the Senate. The different commissions have no offices. Both the National Assembly and Senate have no more than 10 computers. The slow process has also affected the calendar for the execution of the transition. Its biggest weakness is that it has no power to sanction the executive. However, under the current circumstances, it is functioning pretty well.

The National Assembly has 500 members.

**Table 2: Parliamentary seats for main Stakeholders\* and Entities\***

Main Stakeholders	No of MPS	Entities	No MPs
Armed Opposition	94	Mai Mai	10
RDC/Goma	94		
MLC	94		
Ex-government	94	RCD/ML	10
Civil society	94	RCD/N	5
Non Armed Opposition	94	Small entities	5
<b>Total</b>	<b>470</b>	<b>Total</b>	<b>30</b>

\*Main stakeholders were the key groups to the Inter-Congolese Dialogue. They took the bigger share of the seats in parliament.

\*Entities were the smaller groups at the Inter-Congolese Dialogue.

RCD/ML: *Rassemblement Congolais pour la Démocratie, Mouvement de Libération*

RCD/N: *Rassemblement Congolais pour la Démocratie, National*

This distribution of Members of Parliament was agreed upon at Sun City. In fact, it reflects the representation of the different delegations to the talks. In the total of 500, only 57 of them are women. The Senate has 120 senators, only three of which are women. This is a very biased representation and one which goes against the spirit of the Lusaka Accords that placed the threshold at 30% in line with the SADC protocol. Sun City did not take care of the gender balance. This is not only specific to political parties. It is also the case for civil society, which is only represented by 14 women MPs from the 68 women who attended the Sun City talks. The biased representation began at Sun City as of the 365 delegates, only 54 were women. It seems in the Congo, the conception that political power belongs to men is culturally entrenched. What is noteworthy, however, is the under-representation of women which cuts across all the groups represented in government. The future electoral system must be designed to deal with such issues. However, a deliberate policy option, on political party level, must be to encourage an increase in the number of women in positions of leadership.

The National Assembly works through 8 commissions:

- Political, administrative and legal Commission led by the non armed opposition
- External Relations Commission led by the RCD/ML
- Economic and finance commission-Ex Government
- Defence and Security Commission led by the Mai Mai
- Women, family and youth led by the MLC
- Support to Democracy Commission-Civil society
- Social and Cultural Commission –RCD



- Reconstruction and Development- Civil society

There are still urgent laws that Parliament needs to pass in order to stabilise the process, including the Constitution. These laws would allow government and other institutions supporting the democratic process, to implement their programmes relative to the objectives of the transition. Laws on nationality and amnesty still need to be passed. There is also the constitution of the Third Republic, which is outstanding.

The law on nationality would allow the Electoral Commission, the Ministry of Interior and the justice system to work together to identify and register potential voters. The law on amnesty could facilitate the end the transition in a way that unifies the population, stops the impunity and extends the authority of the central government throughout the territory and in the process bring about national reconciliation. Laws on these two issues are not being seriously discussed. Every time they are put on the table, they are quickly abandoned. They will continue to pose serious challenges for the process and any mistake could threaten the entire process. The complexity of these questions has pushed the President of Parliament to initiate a consultative mechanism with the Supreme Court whereby the latter will play a key role in the search for solution to these problems.

The debate on the Constitution would be hot on the form of the state (unitary, decentralised or federal). The electoral system would also be a contentious issue.

### **Political Parties**

Most political parties are new and have no ideology. For most of them, the main focus is on how to access power, even without a clear articulated programme on how to use that power once gained. The problems that political parties are facing are not peculiar to the DRC. They reflect similar characteristics to parties in other countries. They are badly structured and have a very weak financial base; they remain very ethnically and regionally orientated. Generally speaking no political party can claim to have a monopoly over others in terms of political mobilisation. None of them have structures in all the provinces. Even within

provinces, beside *Union pour La Démocratie et le Progress Social* (UDPS) of Ethienne Tshisekedi to some extent, no other party can claim to have structures at local level. President Joseph Kabila's party however, is making inroads in different provinces

Even the best practices learned from SADC cannot be applied directly in the case of the DRC. The Congo despite emerging from a war environment is not sufficiently similar to other SADC countries for more general arguments concerning the relative merits of structural and transitional theoretical approaches to be made. The biggest difference lies in terms of the ideological and structural differences of the political parties as well as the leadership and clear division between civil society and structures of government.

It is estimated that the DRC has approximately 443 political parties. Nine of these appear to have some mechanism through which to channel their message.

**Table 3: Political Parties' instruments for teaching their Ideology**

Political parties	Services	Magazine	Teaching	Foundation & associations
MPR/F.P	*		*	*
PALU	*	*		
UDPS	*	*	*	*
PPRD	*			
PDSC	*	*		
PCR				
M17	*			
RCD	*			
MLC	*			

Marcel Mumba; *Idéologies des parties Politiques Congolais au regard des enjeux électoraux de l'an 2005*. In *Le Scrutin* No 35, 2003

Of the estimated 443 political parties, only 9, as indicated in the table have services and foundations which work for the reinforcement of party ideology.<sup>14</sup>All them excluding the PCR, provide some sort of service to their members, such the provision of membership cards. Parti Lumumbiste (PALU), UDPS and *Parti Démocrate Social Chrétien* (PDSC) also

have their own magazine although the publication is infrequent and it is also stated that the MPR and UDPS provide some teaching through their congresses. However, the table does not indicate that the new parties, such as the PPRD and the RDC have also recently organised several party congresses where party ideology was discussed and developed.

Other SADC countries such as Mozambique, Namibia and South Africa that recently underwent the same process, former rebel movements, for example, made a smooth transition to well structured political parties with an ideological base built during the years of the struggle. This allowed them to enter the multiparty game with a strong foundation. Even a relatively weak group such as Renamo, under the leadership of the low rated Alfonso Dlakama in Mozambique, made a spectacular transformation. In the DRC, former rebel groups although on paper are political parties, are failing to transform. This is one factor hampering the transition process as it cannot proceed with unstructured political parties. Most, if not all, have no clear and well-articulated ideology. Political ideology is a system of ideas espoused by a party to either to justify or critique what is happening and is used as a base for action to maintain and transform the society it serves. Political ideologies are very important to the development of humanities. The hypotheses, models and theories they propose are sometime very precious to the direction in which societies should go and how they should be constructed. This is lacking in the DRC. For example, to illustrate the point, no political party has made time to reflect on the following issues:

- **The geographic, demographic, religious and ethnic context in the DRC.** The DRC is among the big states of the continent. Almost all of them— Nigeria, Sudan, Angola and Ethiopia, with the exception of South Africa, are not doing well. Does the size of the country have an impact on its performance? What kind of political system would address simultaneously the problem of size and good governance? How does one ensure that all the different ethnic groups are represented in a system of governance?
- **The set of political, economic and security policies** that are being adopted by the transitional government. What kind of electoral system and state (unitary or federal) does the DRC need? For a country destroyed by years of mismanagement and war, what kind of macro-economic policy would balance the internal demands of social delivery and that of globalisation. Questions of privatisation, trade relations, and debt and development aid are not being addressed.
- **The role of outsiders**, including other African states, criminal networks, the Diaspora, and westerners and how they affect the countries' trajectories. The threat posed by internal and external groups to the integrity of the state are an important consideration.

There are different categories of political parties. There are armed groups struggling to transform into political parties. They have access to resource in the areas under their control. They can use the resource to build a strong election financial support system but it seems the leaders of these parties are not interested in this. The leadership, as was the case during the Mobutu regime, uses the revenue for self-enrichment. Also still existent are quite old parties that have been there since the Mobutu regime. These are the Mouvement Populaire de la Révolution (MPR), UDPS and PALU. Although they appear to be well known and have a history, their support remains divided along ethnic line and they draw most of their support from their leaders' province of origin. These parties are facing serious financial difficulties in trying to make a significant contribution to the transitional process.

Funding of political parties to create a level playing field is an issue to consider. A great disparity in the financial fortune of political parties in the DRC appears to exist and this could also influence the way parties are going to campaign during the elections. In a society ridden by poverty those that have the upper hand in terms of finances would probably win the elections. The MRP, Mobutu's party, was supposed to be the most stable financially since it includes in its rank several former ministers and Mobutu's children who are known for having indulged in corruption and

theft of state resources in the past. These former ministers made a lot of money through corrupt mechanisms during the Mobutu regime. Most of them however, are not yet prepared to sponsor the party but they still want the party to bring them back to power. This group of political parties have no membership base and face both organisational and financial difficulties. They are so insignificant that they are marginalised from the whole transition process. These parties will simply disappear when the real campaign for elections starts and will join the bigger and more well-known parties.

Congolese political parties, especially those in a government of transition are reluctant to push for early elections, but those out of the government want elections to take place according to Sun City calendar. All parties are struggling to organise. It seems there is no party, including President Kabila's party the PPRD that have the financial resources to enter into an election. The question that arises is whether political parties' funding should or should not be regulated? The first option could create a situation of great political inference by external elements in Congolese politics. Most war actions by the different groups were supported by external powers and multinationals.

The second option appears relevant in the current DRC environment but if external funding becomes an imperative, an Election Pool Fund could be created. The money could then be distributed equally among all qualified political parties without exception either before or after the elections according to the mechanisms adopted. Before the elections, the challenge would be how to distribute the money to the many parties expected to enter the political race. The challenge would be both how to limit the number of political parties and to democratise them. In comparing the Lesotho experience with their political parties, Khabele Matlosa provides a crucial lesson for the DRC. He says—since parties are the key actors in the democratic process and key agents for the running of the state machinery, their internal management structures will need to be adequately democratised and the success or failure of this democratisation process will manifest itself in the way primary elections are conducted.<sup>15</sup> The difficulties being

experienced in the DRC include the fact that the main political parties are failing to transform into genuine political parties that can smoothly spearhead the transition.

Donors have not yet committed themselves to funding political parties. They also want the government to commit funding to the electoral process before they could come forward. They also want to see progress being made on the political front in terms of ensuring sustainable peace.

### Civil Society

By its nature, civil society can contribute to building and consolidating democracy by fostering political pluralism, engendering democratic values, and enhancing political participation. The democracy discourse on the continent has also been marked by a critical probe into the state and role of civil society organisations in the governance process.<sup>16</sup> A question posed in societies in transition is whether pro-democracy NGOs influence the process and the design of transitional policies and laws?

There is a vibrant civil society in DRC. The DRC has a multitude of civil society from human rights groups, women's groups and youth groups. One of the greatest achievements of the negotiations in the DRC is to have included civil society groups. In fact, civil society has been involved in the struggle for democracy ever since the Mobutu regime. What the transition has done, however has been to politicise civil society by including its influential members into government institutions, Parliament and the Senate. This has further crippled state- society relationship.

Civil society is accused of being politicised and divided along ethnic lines. The divisions were more apparent during the inter-Congolese dialogue. It is first important to state that the most active civil society in the country has always been in Kinshasa. The war in the east of the country has caused this part of the country to develop strong and vibrant groups of civil society. During the negotiations, it was the Kinshasa civil society that was expected to influence the process. Since the process at Sun City was supposed to



be inclusive by ensuring regional and political tendencies, the Kinshasa civil society representatives were reduced (manipulated) in favour of the groups from the east.

The contribution of civil society to pluralism can be assessed on the basis of three criteria:

**Multiplicity:** The multiplicity of a well organised civil society exercises a balancing role by providing a bulwark against despotic tendencies in political life and a defence against oppression.

**Autonomy:** A high degree of autonomy is required for civil society organisations to be effective in influencing the behaviour and action of the state actors.

**Organisational diversity:** This allows a wide range of groups and interests to form networks and associations. The capacity of civil society to foster political participation is reflected by its internal structures, in terms of its ability to influence state decision-making and behaviour and establish productive relationship with other organisations

In Congo, civil society has the first characteristic but lack the other two. Although the negotiations gave a significant place to civil society, it did not organise or structure its participation to the extent that civil society reconstituted itself into political parties which entered into alliance with political groups to forge a common position on the outcome of the negotiations. This, there is no doubt defeated the whole purpose of including civil society. The Pretoria Agreement further weakened civil society by allowing it to take part in the institutions of transition such as the government, Parliament and the Senate. Civil society which was already politicised and sidelined under Mobutu and Laurent Kabila has emerged not as watchdog but as a strong contender for political power.

During and in the post Inter-Congolese Dialogue, civil society leaders have positioned themselves in such a way that they cannot simply be ignored as serious contenders for political power. The importance and strength of civil society does not simply come from the text of the Accords, which allow it to be part of the transitional institutions, it also comes from its provincial and ethnic positioning.

Civil society's ethnic and political character is stronger than its watchdog mission and political leaders have come to realise that ignoring its presence is perilous. In fact in Congo civil society is treated as a political actor. Civil society, as seen in other countries on the continent, is expected in this kind of transition to propose more creative policy options. In the DRC it has no time to do serious research work on the transition. Civil society is very reactive, militant, and invests very little in knowledge creation. There is no debate to accompany the transition. It seems politicians have been given *carte blanche* to implement a transition moulded to their own liking. In other countries on the continent the independence, the strength, pluralism of civil society and its ability to unite in a broad front, has been the critical factor that has shaped democratic change. In the DRC, civil society groups, by partaking in the distribution of political power, have lost their legitimacy in the process. There are still however, groups outside Parliament that have remained vigilant in monitoring the work of the transitional institutions. For example, La Ligue des Electeurs (LE) and Women as Partners for Peace (WOPPA) fiercely opposed Parliament during the adoption of the IEC and the Truth and Reconciliation Committee's organic laws. Both la Ligue des Electeurs and WOPPA succeeded in influencing Parliament to consider their views in its deliberations.

Congo also does not have well organised membership organisations. Labour movements, professional associations and student movements play a key role in the promotion of democracy. It must be recognised that the political culture permeating the political parties is also rampant in the NGO world. Many Congolese NGOs are replicas of the former MPR—Mobutu's party. They all have Presidents who set the rules and replacement procedures. If they are accountable at all, it is to the donors. Even here, fake receipts of work done are usually submitted. Some NGOs, as are many political parties, are simply briefcase institutions. It is incumbent upon civil society especially the so-called NGOs, to take a critical look at itself and put its house in order if its criticism of others is to acquire moral force and credibility. Self-regulation is also the best way of keeping the government interference at bay.

For civil society organisations to play their role in an efficient manner, they must themselves be democratic and motivated by broader social concern. Civil society in the DRC must consider instituting non-statutory self-regulatory mechanisms to engender a spirit of trust from government. A Code of Conduct would ensure that civil society is wary of indulging in party politics. Such a code must be constituted by civil society itself and should ideally not carry the force of law to avoid abuse by governments. Institutionalised standards, clear-cut lines of authority and responsibility need to be established to avoid unnecessary competition and rivalry between coalitions and organisations.

At Sun City, civil society was given the responsibility of leading the five chapter nine institutions:

- The Independent Electoral Commission
- Human Rights Commission
- Truth and Reconciliation Commission
- Anti-corruption commission
- Media Commission

Each commission has eight members. They are all operational but are confronted with serious difficulties in terms of human and logistic capacity. The challenging aspect is that political parties are always tempted to control these institutions. The fact that these commissions remain politicised with each important political party represented in the executive committee of each, there is a great possibility that their credibility will continue to be contested. In fact, the presence of political parties' representatives in these commissions has made their operation very heavy. Here for illustration purposes the focus will be on two Commissions - the Electoral Commission and the High Authority of the Media.

#### ***Electoral Commission: What Independence?***

The Electoral Commission is led by a priest. He comes from civil society. He has the most difficult task of organising credible elections at the end of the transition. Nobody can undermine the challenge of organising an election in a vast and dilapidated country such as the DRC. He has four vice presidents to reflect the 1+4 formula. Obviously, this is not the best structure with which to organise an

election, but with the DRC, it seems everything is exceptional. The first challenge of the Commission was to devise an organic law. This was done but the process was not without its impediments. The great challenge came from civil society. Some civil society groups in Kinshasa argue that the President of the Commission was a political agent and as such would not be in a position to maintain independence. The IEC and many others argue instead that those who are criticising are doing it out of failure to be appointed to that position. Indeed, the position of the President of the IEC was seriously contested within the civil society group.

There is no doubt the stability of the DRC depends on the way the elections are going to be administered and managed by the IEC. The IEC must act both in good faith and must be seen as behaving as such in all its decisions. It must work on its image at this early stage. Political parties, however, would have a significant role to play in ensuring the independence of the IEC. As elections approach, political parties which have representatives in the IEC may be tempted to influence how things are done in order to gain the upper hand. Measures must quickly be put in place to ensure that those political parties' members of the IEC do not jeopardise the activities the Commission by pushing party interests.

There is no doubt the stability of the DRC depends on the way the elections are going to be administered and managed by the IEC. The IEC must act both in good faith and must be seen as behaving as such in all its decisions - from the delimitation of constituencies, registration of voters, political campaign, voter education and the counting of result. It must work on its image at this early stage. Political parties, however, would have a significant role to play in ensuring the independence of the IEC and must avoid interference in the organisation of election through their representatives in the IEC.

#### ***The High Authority of the Media: What Authority?***

The media in the Democratic Republic of Congo is divided and lacks proper supervision and perspective. It operates in total ignorance

of ethics. It is a very fragile media without the human and moral resources to provide a professional service. The media is essentially private. It is weak because it is not organised. Its weakness also takes its cue from the state of the economy and politics of the country. The press has remained on the sideline of the new technology, skills development and knowledge that drives the media in the new world. The DRC is the principal reservoir of world strategic materials. These materials are the envy of regional and international powers. If the DRC is not protected by the installation of a democratic state, the DRC might degenerate into a chaotic situation and become a breeding ground for terrorism. The media could help promote a culture of democracy and good governance but is in need of support to be able to fulfil its role efficiently.

For the state media to play its public role in elections, the DRC will be required to undertake structural reforms that will transform it into public media structures. This is especially so with regard to the state broadcaster, the Congolese National Radio and Television (RTNC). The distinction between state and public media is that the former is funded and controlled by the state using tax payer's money while the latter may be state funded but is answerable to an independent body reflecting diverse societal interests. In the case of the DRC the broadcaster is answerable to the Minister of Information who also has his office in one of the broadcasting buildings. The DRC has an independent structure, the High Authority of the Media, to supervise the media but its authority remains limited. For election reporting purposes, the High Authority of the Media must be empowered to spell out comprehensive guidelines for the media and ensure adequate and equal access to radio and television by the contending parties.

### **The International Community**

The International Community has played a key role in taking the DRC to where it is today. The leader of UDPS suggests that one should stop criticising Europeans; while they offer help, they also exploit weaknesses and push for their own interests when given the opportunity.

The coming election are expected to be funded from outside. This might not be the best option but the current socio-economic and financial situation of the country does not allow the DRC to fund its own elections. Foreign governments and international institutions are involved at different levels in support of the transition process. Some governments have even sent experts to support the chapter nine institutions, Parliament, the Senate, the justice system, the security forces and the police force. The French, the Belgians and the South Africans are devoting their time to the training of the security forces and the police. *la Mission d' Organization des Nations Unies en Republique Democratique du Congo* (MONUC) is operative in terms of keeping the peace. Focus on peace is understandable. While their contribution so far has been good, gaps still remain in donors' intervention in the DRC and it seems they have not learned from previous experiences. Focussing on keeping the peace is great but they also need to seriously consider the other issues, which would contribute to cementing the peace. One key issue lies in the planning and the financing of elections. The holding of elections at this stage, remains an urgent issue. As Swing (UN representative in Congo) puts it, it would be a failure if the transition does not produce a democratic dispensation.<sup>17</sup>

The donor community has pledged financial assistance to the electoral process but it seems that their commitment has not yet been formally clearly articulated. Donors' framework to design, coordinate, and deliver such assistance remains woefully fragmented and under-institutionalised. Donors consulted argue that it is difficult for them to design their support when they do not know what kind of elections will be organised thus throwing the ball to Congolese who have been very slow in passing the necessary electoral laws. Donors also think government is not yet serious about elections. For example, they say they were disappointed when government failed to give impetus to the process in its first plan of action presented to Parliament in 2003. The plan, they say fell short on the issue of elections as no precise plan was put forward. The plan relegated elections to a second plan. The attitude from government continues to send a

negative signal to other actors including donors that elections are not a priority.

Another concern of donors is that they cannot fund all aspects of elections, referring especially to salaries of electoral officials, who are considered as civil servants. This must be government responsibility. Donors have requested that government contributes to the financing of the elections and they are reluctant to come out with clear figures. On the question of government inability to raise enough funds to inject in the electoral process, one member of the civil society says that it is not correct. It is estimated that the Congolese government could easily put together up to \$ US 100 Million per month in the current situation and this does not include the money that goes into private pockets. Since there is no major social spending from government, there is no good reason to argue that the state cannot fund the elections which cost is estimated at US \$ 300 million. However, foreign governments in recent times in an effort to speed up the process and force political actors to act quickly, are now committing figures for the elections. For example, the United States has pledged US\$ 108 millions through USAID for the support to the transition.<sup>18</sup>

In terms of institutional support, matters seem to be in place. International efforts to support the transition including the planning of elections are in place and are effected through UNDP and MONUC. MONUC has an election structure to support the Independent Electoral Commission and coordinate the work of donors.<sup>19</sup> There is also a committee of foreign Ambassadors called *Le Comite International d'Assistance a la Transition (CIAT)*. Its role is to monitor and evaluate the transition process. In general however, international efforts are *ad hoc* undertakings governed by few consistent principles, norms, rules, or established procedures. Such initiatives are carried out by a host of autonomous actors, including donor government, the UNDP, NGOs such as IFES, EISA and NDI. All these international actors believe that the government of transition might not be able, if left alone, to move the process forwards at a pace that is fast enough.

Despite what appear to be well coordinated actions, it seems that the donors did not have an agreed upon entrance strategy, based on a

common vision.” It is also worrying that it seems that donors have postponed efforts to plan aid intervention. An international conference for aid assistance for the DRC has not been planned, as was the case in Afghanistan and is currently being planned for Iraq. There is no a well developed country plan in place as yet to support the DRC in this way. Experiences show that successful donors’ support to sustainable peace and reconstructions is based on resolving 7 key challenges<sup>20</sup>:

- The mobilisation of resources
- The deepening of institutional reform
- The Harmonisation of aid conditions
- The coordination of assistance locally
- The enhancement of recipient capacities; and
- The promotion of accountable aid delivery and implementation

### Remaining Challenges

The biggest challenge is that of confidence building in the process. As it stands, citizens continue to show very low confidence. This is influenced by the total absence of peace in the entire territory. The east of the country continues to suffer from conflict and tension, manifestation of poor leadership both at the level of government, political parties and civil society and the lack of coordinated approach from the donor community.

Peace requires the imagination of a future different from the past, especially a peace envisaged by political leaders. The peace accord and putting in place a transitional government are not sufficient and concrete actions are needed. The Congo now as never before, is in need of a leadership that can transcend personal and ethnic interests and privileges in favour of the interest of the large majority. Both political parties and civil society groups, although the war has created alliances that transcend ethnicity, it continues to play a seminal role instead of serving the real interests of the organisation.

In Congo it is not the number of people killed or the level of poverty that will change things. The Congo needs a sincere, honest leadership and people of goodwill in the international



community to introduce the changes that are necessary. Congo and its leadership face the most decisive period to take the country out of its era of darkness. These are the things that need to be done to give hope to that dream:

- A compromise on the Constitution is quickly needed. After the progress made so far, there is no reason to believe this is impossible. After all, the principles have already been agreed upon during the Inter-Congolese Dialogue. The Congolese political class must, however, invent a Congolese democracy. The Constitution would have to reflect the historical, cultural and the socio-economic situation specific to the DRC. The project of a creating the Constitution must therefore be purely Congolese without external manipulation as seen during the negotiation process;
- The organisation of democratic elections must take place according to the Sun City agreement. In a country where groups still keep intact their military arsenal, the organisation of elections becomes a very delicate process. A proper electoral system needs to be put in place and the independence of the Electoral Commission assured. Before the elections can take place, disarmament, demobilisation, and reintegration (DDR) must be achieved in a consensual manner. The integration of the army will go along way to enhance reconciliation;
- The demobilisation process must be completed in a successful manner. It would be taking a serious risk to go to election next year if the different groups are not disarmed and soldiers integrated in a republican army. Although the DRC would not be the first country to go to elections in situation of uncertainty, real efforts must be made to integrate the different groups and militias.
- People must also start accessing the benefits of peace in their life. There is a need to initiate the reconstruction of the country. Although material satisfaction would be asking too much, people want to see the transitional government abiding to political, economic, and corporate

governance. The continual rumours of corruption in structures of government and the enrichment of a few through illegal means do not send an encouraging signal. The Anti-corruption Commission must work hard to put in place control and prosecution mechanisms

### **Conclusion**

The DRC transitional process is happening under very difficult socio-economic and military circumstances. It has all the overlapping and mutually reinforcing problems: state erosion, continuation of hostilities in the east of the country, political corruption, economic stagnation, ethnic clashes, and misuse of mineral and ecological resources. The transition that would pave the way for democratic election is the only hope for a stable DRC. Despite the disappointment registered by the slow process, there is need to ensure that the process continues based on the values acquired from Sun City: inclusiveness and negotiation, the ethos of reconciliation, nation building and tolerance.

The Congolese people have matured and are not prepared to be held hostage indefinitely. People are increasingly becoming more demanding as the actions of the 3 June 2004 demonstrate when people descended on the streets of Kinshasa protesting against the renewed violence in the east of the country and asked for a speedy end to the transition. The 1+4 formula, despite its flaws, constitutes an important bridging mechanism for the country's diversity. There is also hope created by the unanimous position of the international community through the CIAT that elections take place within the timeframe agreed upon during the Inter-Congolese Dialogue.

In Congo there is no institution that enjoys popular trust. The undue influence of the executive on other institutions such the judiciary, Parliament, the military and the Chapter 9 Institutions poses a threat of the consolidation of the current process and would even so in the future, if not attended to in a timely manner. The Congolese need as much support as possible. The time is ripe for strategic intervention by the international community, especially the African Union and SADC, to support the Congolese as they enter



a critical period in this transition when laws, including a draft Constitution, law on amnesty and on nationality are being contemplated and support structures such as the Electoral Commission, the Truth and Reconciliation Commission, the High Authority of the Media and the Anti-corruption Commission must be empowered. There is need to ensure that war does not return and elections do not become a source of disaccord. The international community can help speed up the process through financial and logistic support to the institutions of transition. A semblance of a state must be created in the DRC. A national army that can protect the integrity of the new state is badly needed, a professional police force that respects human rights must be trained as a matter of urgency while a credible justice system is also needed to support the transition. The challenge is to avoid a political vacuum any time during the process. This is why substantial support---financial, logistic and human- needs to be channelled towards Parliament in order to allow it to undertake the profound work necessary during this transition.

## Endnotes

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