Democratic Republic of Congo
2011 Presidential Elections

Eastern Congo Initiative's Final Report
January 2012
EXECUTIVE SUMMARY

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Universal Declaration of Human Rights, Article 21(3)

In its final evaluation study of the Democratic Republic of the Congo’s (DRC) recent presidential and legislative elections, Eastern Congo Initiative (ECI) presents compelling evidence that the electoral process was severely compromised, largely by acts of negligence on the part of the Congolese state apparatus, but in some cases by proactive steps that ultimately hindered free and fair elections.

The true result of DRC’s presidential elections will probably never be known. Moreover, the Congolese people’s overarching perception of the process’s credibility is overwhelmingly negative. In this study, ECI provides a brief background on the electoral process, documents the preparations for the 2011 elections, examines what really happened on the voting days, and, finally, asks: should the international community have done more to support a better process? The inescapable conclusion is lamentable: by and large, the outside world passively watched as democracy was stolen from the people of DRC.
The 2011 presidential elections mark only the second national democratic elections in DRC since the conclusion of the bloody civil wars in 2003. For nearly a decade, Joseph Kabila has served as president of DRC. He stepped into the role in 2001 following the assassination of his father, President Laurent-Désiré Kabila. In his initial government, Kabila served as head of a coalition comprising four vice presidents.

Between 2001 and 2005, the interim government of the DRC, with the assistance of the international community, laid the foundations for the first democratic elections in nearly fifty years. Joseph Kabila’s efforts to bring the leaders of DRC’s most significant armed groups into negotiations were largely successful. With significant support from the international community, his government also established an independent electoral commission (CEI) to organize elections. The CEI, led by the neutral Abbé Apollinaire Malu Malu, worked closely with the international community and, most notably, with the United Nations Organization Mission in DRC (MONUC) to organize elections for 2006. Winning the elections required a candidate to obtain a clear majority of votes (surpassing the 50 percent threshold). The 2006 election went to two rounds of voting. Kabila did not win a clear majority in the first round, but in the second round of voting he defeated his rival, Jean-Pierre Bemba, with a narrow majority of 58.5 percent of the votes. Joseph Kabila was elected president of DRC “by absolute majority” on December 6, 2006.¹

The historic 2006 elections were evaluated by international observers as being reasonably free, fair, and credible. Congo experts Anthony W. Gambino and Mvemba P. Dizolele note that the 2006 elections were a benchmark on which to improve for the 2011 voting.²

Joseph Kabila’s first term as president was marked by certain economic and political successes. Most notably, his administration checked inflation of the Congolese franc and initiated productive dialogue with neighboring governments and other influential states such the Republic of South Africa. Kabila’s most noteworthy accomplishment in supporting economic development came with mixed blessings. He signed a USD$6 billion deal with China that “essentially outsourced Congo’s post-war reconstruction and development to Chinese companies in exchange for rights to tap lucrative copper and cobalt mines.”³

However, Kabila’s critics have argued that the inexperienced young leader, who was in his mid-thirties at the time of the 2006 elections, remained under the control of the same close coterie of advisers who influenced his late father as well as the late dictator Mobutu Sese Seko. Furthermore, they argue that Kabila’s reconstruction policy, the “Cinq Chantiers” (the five work zones), has had little impact outside the capital, Kinshasa.

Politically, Kabila’s first term was characterized by rapidly declining space for democratic expression and abuses of human rights harking back to the days of the Mobutu dictatorship. Recorded incidents include:

- The killing of more than 300 members of the politico-religious group Band dia Kongo in 2006 and 2007 by security forces. The sect was protesting a rigged gubernatorial election in the province of Bas-Congo.

³. Joe Bavier, “Congo’s new Mobutu: As the Democratic Republic of the Congo turns 50 this month, its leader is taking a page from Mobutu Sese Seko’s playbook on repression. And the West is helping him.” Foreign Policy, June 29, 2010.
• The arrest, detention, and killing of political opponents that culminated in urban warfare in Kinshasa in March 2007. Hundreds of civilians were killed in fighting between Kabila’s Republican Guard and soldiers faithful to Jean-Pierre Bemba.

• The detention of former presidential candidate Jean-Pierre Bemba’s supporters in Équateur province that led to the swift execution of more than 100 people.

• The questionable killing of 125 people, according to Human Rights Watch, by the Republican Guard between 2006 and 2008.4

Ironically, Kabila did little to improve the harsh living conditions of the conflict-ridden provinces in eastern Congo, which had given them their overwhelming endorsement in the 2006 elections. In many places in the east, Kabila’s first term was characterized by armed conflict, displacement, and indiscriminate violence perpetrated against the civilian population. For example, the violence stemming from conflicts with the Alliance of Democratic Forces for the Liberation of Congo (AFDL), and then the Congolese Rally for Democracy (RCD), hit the eastern provinces especially hard. The level of trauma inflicted upon the Congolese people by foreign armies has been painstakingly documented in the recent United Nations (UN) Mapping Report, which documented 613 instances of massacres on Congolese soil perpetrated by foreign armies.

The efforts of renegade rebel General Laurent Nkunda to expand his power base in the eastern region of North Kivu eventually escalated into a costly armed conflict in late 2007. An uneasy peace was eventually brokered through intense international mediation in 2008, but was then shattered in October 2009 when Nkunda’s troops nearly captured Goma, the capital of North Kivu province. The campaign clearly demonstrated the capacity of Nkunda’s troops to confront the poorly trained national army. The consolidation of state authority and security in the east continued to be hindered by the military leadership’s exploitation of eastern DRC’s vast mineral resources, often in direct collaboration with foreign and Congolese armed groups.5

Arguably, Kabila’s significant contribution to bringing solutions to eastern DRC’s protracted conflict was his strategic rapprochement with Rwandan President Paul Kagame. Realizing that the Congolese group the National Congress for the Defense of the People (CNDP) had become a threat to Rwandan security, Kagame requested a dialogue with the Congolese president. Within days of their December 2008 meeting, Rwandan agents arrested Nkunda and the two nations agreed to conduct a joint military operation to rout the Democratic Forces for the Liberation of Rwanda (FDLR).6 This effort added to previous reconciliation efforts by the international community, especially the Goma and Nairobi processes of 2008.

The joint military operation Umoja Wetu (Our Solidarity) was initiated in January 2009 and led to the influx of Rwandan troops into North Kivu. The Armed Forces of DRC (FARDC), which had previously collaborated with the FDLR to control eastern mining concessions, turned on their former allies in operations that lasted only weeks. The actual military impact of this operation was minimal. However, it demonstrated a fresh alliance between Kinshasa and Kigali. As a result, Nkunda’s rebels agreed to integrate into the army of the DRC. General Bosco Ntaganda replaced Laurent Nkunda as the head of the CNDP and became deputy head of DRC’s military operations in North Kivu.

5. Linkages between the Congolese armed forces and mineral exploitation are repeatedly documented in the United Nations Group of Experts’ reports; the most recent can be found at http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738.
6. The FDLR comprises the last remnants of the largely Hutu military of former Rwandan President Juvénal Habyarimana responsible for the 1994 genocide.
Eager to capitalize on the increased security in eastern Congo, both the Congolese government and the United Nations started to focus on devising an exit strategy for the UN’s biggest and most expensive peacekeeping mission, MONUC. The UN Security and Stabilization Support Strategy (UNSSSS) emerged as the framework to help the Congolese government implement its own strategy for stabilization and reconstruction: the Stabilization and Reconstruction Plan for Eastern DRC (STAREC). The success of this strategy was based on the assumption that the Congolese government would honor its commitment to the decentralization of the country, with political and economic autonomy in the provinces. However, Kabila has not fulfilled his promises of good governance and decentralization in the Kivus or in any other part of the country. According to new legislation guiding the decentralization process, 40 percent of revenues remitted to the central government were to be returned to the provinces for investment in infrastructure and social services. This has not happened. More worrying, local-level elections, which were due to take place soon after the 2006 presidential election, never occurred during Kabila’s first term. As a result, the Congolese people have not been able to directly appoint their territorial or provincial leadership.
The massive challenges that could hinder the preparations for the 2011 presidential and legislative elections became apparent in mid-2010. In August 2010 the CEI, recognizing the need to move forward with election preparations, introduced an ambitious electoral calendar. However, these efforts were halted shortly thereafter when the Congolese government decided to dismantle the independent electoral commission and replace it with a new independent national electoral commission (CENI). The new CENI, whose executive committee comprised three members of the presidential majority and two members of the opposition, became operational in February 2011, just nine months before the vote. The CENI therefore had nine months to achieve what had taken its predecessor eighteen months in 2006. The new commission was headed by Pastor Daniel Ngoy Mulunda-Nyanga, a member of the People’s Party for Reconstruction and Democracy (PPRD) and a blood relative of Joseph Kabila.

One month prior to the establishment of the CENI, the Congolese Parliament approved Kabila’s proposals to amend the constitution. The new constitution significantly changed the previous electoral process, which included the option for a runoff if no candidate received more than 50 percent of the votes; instead, the change instituted a single round of voting granting victory to the candidate with the most votes. This system greatly favors an incumbent facing a fractured opposition, exactly the situation leading into the 2011 elections. Dizolele and Gambino argue that “this change, along with the silence of the international actors, appeared to dramatically increase skepticism among the Congolese elite over prospects for a genuinely democratic election.”

The newly appointed CENI published a revised electoral calendar in late April 2011, and a second, heavily-revised calendar was released in mid-August. Despite planning efforts, the CENI was unable to respect these ambitious calendars and preparations were marred with logistical flaws. Distribution of voting booths, ballot boxes, and other materials to polling stations did not begin until a few weeks before voting day. The CENI stated privately that they did not consider it an issue to distribute nonsensitive materials (ballot boxes, voting booths) and sensitive election materials (ballot papers) simultaneously, instead of in sequence. Many observers have argued that the distribution of materials created the potential for voting fraud. The CENI has been unable to provide any detailed technical justification for its failure to adhere to its own election calendar.

The deeply compromised process of voter registration provided another example of flawed logistical preparations that likely contributed to the loss of confidence by the Congolese electorate. Due to commence in February 2011, voter registration did not begin until June. Although the registration was relatively

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successful and comprehensive (most likely because voter cards are the only form of identity card in DRC), there were unsubstantiated and uninvestigated allegations in eastern DRC that foreigners and minors were registering. Additionally, registration indicators for territories bordering Rwanda show a questionable increase in the number of voters since 2006, exceeding 100 percent. This should have given even nondemographers cause for concern. Furthermore, there was no formal observation by the international community or by Congolese civil society of the registration process.

In Katanga, Kabila’s home province, the number of registered voters skyrocketed. The province was accordingly allotted more seats for parliament in comparison to the allocation of seats in 2006. Conversely, although the absolute number of voters registered in Kinshasa increased by 1.3 million, the city lost seven seats in parliament. The CENI has not adequately been able to explain these early anomalies and has contributed to the popular perception that the government had already gerrymandered results. The challenges to proper voter registration may have been mitigated by stronger commitments by the international community to closely scrutinize and support, when necessary, the logistical mechanisms of the democratic process in DRC. However, unlike other countries (such as the Ivory Coast), there was no national or international observation of the registration process. ECI reasserts its recommendation that, in the future, the international community takes a more active role observing the registration process.

The political opposition constantly pressed the CENI for an independent audit of the electoral role—for example, by conducting peaceful demonstrations in Kinshasa at CENI offices. These marches were often met with excessive repression by the Congolese police, and in the two months preceding the elections, four opposition members died of gunshot wounds on the streets of Kinshasa. Finally, within weeks of the vote, the CENI agreed to allow a delegation of the opposition parties to access the servers containing the electoral roles. However, members of the CENI that were also members of Kabila’s party, the PPRD, ignored this ruling. The opposition never had the opportunity to view the electoral rolls. Whether due to incompetence on the part of the CENI or an act of complicity with Kabila, the net result was that the electoral rolls were never reviewed and therefore observers have not been able compare the rolls with the election results.

Another act of negligence on the part of the CENI concerns the location of voting stations. Allegedly the CENI did not have time to create a list of voting stations for the 2011 elections and instead simply recycled the mapping carried out in 2006. The results were chaotic, as many previous sites were no longer usable as voting stations or were too small to account for the increased number of voters. As a result, thousands of voters turned up at nonexistent or inadequate voting stations. This fed suspicions that fake stations were being used to obtain fraudulent votes. Suspicions of a conspiracy grew when observers began reporting instances of unrealistically favorable results for Kabila originating from ghost stations across the country.

Violence was already visible in Kinshasa months before the elections. At the opposition Union for Democracy and Social Progress (UDPS) offices in Limité, windows were smashed and the building was set on fire. An opposition television station was destroyed in September. By the end of September, the death toll of opposition members killed by security forces since July had risen to four. Opposition party members sought refuge in the offices of an international organization, claiming that plain-clothed-men brandishing machetes had assaulted them.9 Partisans of the presidential majority reportedly targeted members of opposition parties across DRC. Reports of political violence were highest in Kinshasa, Lubumbashi, and in Mbuji Mayi.10

Contrary to statements by members of the international community, the testimonies of the Congolese people indicate that Congolese security forces were allegedly involved in election-related violence. Pre-electoral violence culminated on November 26, just forty-eight hours before the voting, when Kabila’s Republican Guard ran amok in the Kinshasa neighborhoods of Njili, Masina, and Tshangu, shooting and killing eighteen civilians, as documented by Human Rights Watch.11

Finally, freedom of expression was curbed in the run-up to the elections. The Congolese non-governmental organization Journaliste en Danger catalogued the use of violence and intimidation against individual journalists, as well as the closure of opposition television and radio services.12 The government also suspended short message services (SMS) on mobile phones. The suspension led to protests by members of communities who rely heavily on SMS, such as the deaf community.13 SMS was restored on December 26, almost one month after the elections were held.

Meanwhile the airwaves were saturated with messages that Kabila, “candidate number three,” was the sure choice for future premier. Public spaces across the country were inundated with his photograph many weeks before the elections. As the elections drew nearer, it became evident that Kabila had dipped deep into government funds for his lavish election campaign.14

9. Interviews with the director of the National Democratic Institute in Kinshasa in October 2011.
10. Domestic media reporting was saturated with stories of police violence; this is one international example from the Dutch World Service: http://www.rnw.nl/afrique/bulletin/rdc-la-police-disperse-une-marche-de-lopposition-un-journaliste-agress%C3%A9.
LESSONS LEARNED FROM THE PREPARATIONS FOR THE ELECTIONS

• CENI neglected key preparatory steps for the implementation of credible elections. The electoral calendar was overly ambitious and did not provide adequate time for preparation. The international community should have stressed this fact to the government with much more force. The CENI did not properly communicate its actions to the public, in turn feeding the public perception that the CENI was purposely complicit in corrupting the democratic process.

• International observers and national observers and political party agents did not witness the registration of voters. There is therefore neither legal basis nor recourse to assert that the registration process in 2011 was fraudulent. For all future electoral processes, there should be direct observation of not only voting and vote counting, but of every preparatory stage of the vote.

• The pre-electoral phase was characterized by the use of excessive violence by security forces across the country. The loss of human life and the ill-treatment of civilians during an electoral campaign are not acceptable. ECI highlights the fact that a Congolese state security apparatus was used excessively in the campaign period to suppress the opposition. Echoing Human Rights Watch, ECI urges the Congolese government to rein in its security forces, especially the Republican Guard.
WHAT REALLY HAPPENED DURING THE ELECTION?

The Congolese people went to the polls on November 28 to elect a president and a new parliament. Nationally the turnout was relatively high (55 percent on average, ranging between turnouts as low as 40 percent and as impossibly high as 100.14 percent in Katanga), with polling booths remaining open long after the official closing time of 5 p.m. In eastern Congo, observers noted a high level of participation in the voting. ECI celebrated along with the Congolese electorate as they exercised their right to democratically elect their leaders at the local and national levels. In spite of great odds, voting day was largely peaceful in the east of the country.

Given the vast size of DRC, and the almost insurmountable constraints of terrain and climate, the elections should be considered a partial achievement over extremely challenging logistical challenges despite lack of clear political leadership. In many of DRC’s remotest corners, people were able to vote on time with the necessary resources. Despite all of their many errors, the CENI has achieved a striking feat, implementing a nationally organized election with relatively little support from the international community.

The rigorous task of observation was carried out by an extraordinary number of Congolese, African, and other international observers. Well-trained short- and long-term observers have proved invaluable in producing key documentation of the 2011 elections. Impressive too was the proactive and peaceful behavior of the voters in the process.

However, irrefutable evidence exists demonstrating that, throughout the country, the voting process was compromised by allegations of fraud, targeted violence, and the CENI’s lack of capacity to implement accessible, free, and fair elections to the entire electorate.

Many women were prevented or hindered from going to the polls. In a country where half of all women cannot read or write, the CENI and civil society regrettably neglected to assist illiterate people in the voting process. In nearly all of the polling stations visited by ECI, especially in rural districts, many women were clearly confused as they attempted to vote. In some places they were not aware they could be supported by a literate assistant, and many reported that they left the polling stations unable to vote. In some cases, they reported being encouraged to leave the polls but did not, instead staying for many hours hoping for the chance to cast their vote. Unfortunately, this demonstrates that the CENI did not adequately communicate voting rights to illiterate voters and did not have the resources available to support the volume of voters with such needs.

The CENI also struggled to communicate key directives to its polling officers. It has been reported across the country that the names of many voters were omitted from the electoral rolls, effectively disenfranchising eligible voters. This was despite instruction from the CENI that they could vote
regardless of the published electoral roll. In many instances people were turned away from polling stations. In Butembo (Nord Kivu), for example, approximately 2,000 voters were turned away because their names were not on the electoral rolls.

Growing documentation of technically flawed elections indicates that election preparations were inadequate. In certain areas of the country, voting materials were only partially distributed in time for voting. In most cases, this was due to logistical constraints. However, it is rumored that in certain locations, such as North Kivu, political and military actors deliberately blocked materials in an effort to influence results. What is certain is that voting could not take place in some locations on time. As a result, voting was extended—in some cases by almost three days.

Beyond political readiness, the elections were marred by supply issues. In some parts of the east, ink for fingerprint voting was not delivered. Some local CENI agents chose to employ the sap of eucalyptus trees in place of real ink. An early European Union observers’ report highlighted incidences of inadequate equipping of polling stations in Kasai Oriental, Kasaï Occidental, Katanga, Bandundu, and in numerous polling sites in Kinshasa. According to Congo expert and author Jason Stearns, two additional planes carrying twenty tons of ballot papers touched down in Kinshasa on the last day of voting, raising the question of why they were required.

A large mobilization of international and national observers, especially from the Catholic Church, may have prevented some attempts at election fraud. However, reports have surfaced of suspected incidences of fraud in the form of pre-filled ballots, mostly in favor of the incumbent president Kabila, in Kananga, Lubumbashi, Kinshasa, and Kitchanga. In Kitchanga, UN sources reported finding a car with 40,000 pre-filled ballots. In numerous other locations, including Goma and Tshikapa, allegations of fraud led to violent outbursts in which members of the CENI were attacked. Polling sites in Kinshasa were burned and two trucks in Lubumbashi were torched, along with the ballot papers they contained.

One international observer, who requested to remain unnamed, described her experience on November 28 in Kinshasa:

Today was election day in DRC. After months of rumor and conspiracy theory, millions of dollars and every logistical setback under the sun, Congolese citizens finally went to the polls for the second time in the country’s history. As late as last night there were stories that planes carrying ballot papers were grounded due to bad weather, and that as few as 40% of polling stations across the country were ready to open. There were also rumors of large-scale ballot paper theft and of ballot box stuffing, which fuelled clashes over the weekend between supporters of the president and those of the leading opposition candidate, Etienne Tshisekedi. But this morning at 5:30am, sweltering in our polyester election monitors’ t-shirts in a run-down primary school in a central district of Kinshasa, we were waiting for the polling booths to open.

The morning started calmly. I sat for a couple of hours in a classroom doubling as one of 32 polling stations on the site, watching people file through the presidential ballot, and then grapple with the

26 page legislative list. People were cheerful and the process worked fairly well. Yes, the odd person snuck in who wasn’t on the voter list, and a couple more happily admitted they had been paid to come here, but all in all it was a hopeful and purposeful experience. Leaving the polling station at around 8, I realized that only 4 of the 32 voting offices had received their voter lists and were therefore able to accept voters. People queuing outside were getting frustrated, and several women with babies, and people who had to get to work had given up and drifted off. At around 10 the rest of the lists were retrieved, and the polling stations began—painfully slowly—to set up and receive voters.

The polling station I chose let a few elderly people who needed assistance to the front of the queue. The assistance came in the form of witnesses from several of the parties grabbing pen and ballot paper, and squabbling over it in the middle of the room, before stuffing it into one of the ballot boxes. The old “papas” looked befuddled, but were eventually shooed out of the room. By the time they had finished, torrential rain had started to fall. This did nothing for the tempers of those who had been waiting outside for more than 5 hours, and the door to the polling station became an angry scrum, with people shouting, shoving and accusing their way inside. Once through the door, it became a bit of a free-for-all. People were picking up ballot papers, wandering about, helping each other to vote and then coming back for more.

When we came back in the afternoon, we were greeted by a very angry man in a bright yellow tracksuit. He said he was a legislative candidate, and that one of his supporters had caught someone from the electoral commission filling out a stack of ballot papers in the toilet. He wanted me to come with him while he complained to the police, and to the electoral commission. After much ranting at disinterested policemen, we were dragged over to the center of the polling station where someone had found around 500 legislative ballots which appeared to be fake. They were still in plastic packaging, and only one or two appeared to have gone missing, but the already fraught crowd had had enough. They slowly whipped themselves up from shouting at the police to ripping the ballots and throwing them into the air, to lighting them on fire and marching around the polling station. It was complete chaos, and a real show of how angry and frustrated people were feeling with what they saw as an opaque and treacherous process. Elsewhere in the district, people had allegedly found presidential party members’ cars stuffed with ballot papers, and had taken to the streets. People were keen to tell the observers that this was the presidential party’s doing, and that the vote was being rigged in every station across the country.

There was a real sense of hopelessness, and of all Congo’s woes being bound up in what they already saw as a stolen election.16

In North Kivu, a different form of election fraud was observed. Tension around the elections was tangible and augmented by the influence of former armed groups and by elements of the CNDP, now integrated into the national army.

In Mpati, northern Masisi, former CNDP commander Erasto instructed the population to vote for Kabila and for his son, who was standing for a deputy seat. Erasto also blocked materials from being delivered to villages where voters were thought to be less sympathetic to his campaign. In Remeka, in southern Masisi, Kinyarwanda-speaking soldiers abducted four CENI officials. Two were released, and no information on mistreatment was recorded.

In multiple locations in Masisi, CNDP soldiers dressed in civilian clothes attended polling stations as political witnesses and excluded political witnesses from other parties. The CENI officials in Masisi have been prevented from posting results in the voting stations.17

LESSONS LEARNED FROM THE VOTING DAYS

- CENI's poor communication over who was permitted to vote and the chaos surrounding the electoral roll served to disenfranchise voters and further compromised the results. Many voters were not aware that they could vote even if they were not registered on the voter list. Furthermore, the CENI did not clearly communicate that illiterate voters had the right to assistance at the polls. Both of these factors contributed to massive confusion at the polling stations. The origin of this issue points directly to CENI’s lack of preparation and its unwillingness to open the election rolls for a pre-election audit.

- Nationally, the level of fraud means that the elections were severely compromised. As reported earlier in this report, there was documentation of ballot stuffing across DRC. Given the levels of fraud, including the loss of results from 3,000 polling stations in Kinshasa and results with improbably high turnouts in other areas, the international community should assert that the 2011 elections were an abuse of the Congolese people’s basic democratic rights as guaranteed by their national constitution.

- There is sufficient evidence to suggest that violence was used to attempt to influence citizens’ decisions to vote. Disturbing evidence of violence and intimidation came from geographically obscure locations such as Masisi and Rutshuru; the use of direct intimidation in locations outside eastern Congo has also been documented. Intimidation and coercion, which have no role in the democratic process, were employed to influence the outcome.
On December 6, the CENI informed the public that the announcement of election results would be delayed for forty-eight hours. This was apparently due to technical difficulties linked with obtaining results from the most remote parts of the country. Kabila’s mandate was technically set to expire at midnight on the December 6. However, his party spokesman, Lambert Mende, denied that this short delay created a constitutional lapse in his presidential power.

During the vote count, fraud allegations continued to be reported locally and in the international media. For example the BBC’s correspondent in Kinshasa reported on December 7 that Étienne Tshisekedi’s supporters insisted he had won and were unlikely to accept defeat in polls marred by allegations of rigging, including premarked ballots.18

Between December 1 and December 9, the CENI announced daily preliminary results. Final provisional results were announced on Friday, December 9. As the world watched the announcement of Kabila’s reelection, the Congolese diaspora (especially Tshisekedi supporters) responded angrily to CENI’s announcement. Large demonstrations were held at Congolese embassies in Brussels, Paris, Ottawa, and London. In London, Agence France-Presse reported:

Hundreds of demonstrators opposing Kabila clashed with police as they protested outside the residence of Prime Minister David Cameron on Tuesday. Police arrested 17 people on suspicion of obstructing a highway and they are in custody. . . . An estimated 300 protesters chanting slogans and brandishing signs reading “Kabila Out” were pushed back by at least 50 police, some wearing riot gear. . . . A woman and another protester, who were apparently injured in the clashes, lay on the ground and were being attended to by police medics.19

International observers began to produce preliminary statements as the presidential results trickled out. Both the U.S.-based Carter Center and the European Union monitoring mission condemned the credibility of the election process. These voices were soon joined by representatives of the governments of the U.S., the UK, and Canada. The largest group of observers, the Catholic Church, spoke out in a statement by Cardinal Laurent Monsengwo Pasinya officially questioning legitimacy of the provisional presidential election results:

After analyzing the results that were made public by the (CENI) this past Friday, Dec. 9, 2011, we could not help but conclude that the results are not founded on truth or justice.20

Results in North Kivu were highly suspect. Given the proportion of votes that appear to have been stolen in Masisi, for example, it’s disturbing that the presidential elections in the heart of North Kivu were so fraudulent.

Masisi territory showed a polarization of voting along ethnic lines, with a few exceptions. The Banyarwanda communities voted for Kabila and the Hundes (and others) voted for Vital Kamerhe. In the places where Kabila won, he did so with improbably high percentages.

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Some polling stations had bizarre results, with several substations within a polling station showing identical results and other substations reporting suspiciously round numbers. Mbasa Nyamwisi, a former RCD-KML warlord, and Étienne Tshisekedi received hardly any votes in Masisi. To give a few examples of voting “trends” in the territory, locations under the control of the CNDP, such as Shoa, Rubaya, Bahunde, Baishali, and Katoyi averaged 96 percent for Kabila. Katoyi witnessed some almost perfect Kabila results: 100 out of 103 and, incredibly, 263 out of 263 votes for Kabila.

In other areas, with weak FARDC/CNDP influence, the majority of votes went to Kamerhe: Lwibo, Loashi, and Niyabondo showed a credible 87 percent support for the National Congolese Union (UNC). In Sake, ECI observed that only two of twenty individual voting offices tallied votes. Surprisingly, the Sake vote went for Kabila. There were numerous eyewitness accounts of the FARDC/CNDP directly intimidating voters on polling day and post elections by conducting door-to-door “surveys” to determine who did not vote for Kabila. Given these issues, it is difficult to accept the credibility of any part of the electoral process in Masisi.

Improbable results were recorded across the country. In many parts of Katanga, according to vote counts, nearly 100 percent of the voters turned out to vote overwhelmingly for Kabila. In Kinshasa, the votes from more than 3,000 voting stations were apparently lost by the CENI, meaning that an estimated 1.3 million votes were lost. In Rutshuru, North Kivu, twelve polling stations did not open. Instead, according to the CENI, these polling stations were opened in the pro-Kabila Watsa territory in Orientale province.

The opposition submitted a request through the Congolese Supreme Court to annul the elections on December 12.21 The Supreme Court rejected the complaint. Amidst increasing outcry, including from the U.S. government, Joseph Kabila was sworn in as president of DRC for a second term on December 20. U.S. criticism of the elections fell short of denouncing the elections completely, with Assistant Secretary of State for Africa Johnnie Carson stating:

> It is important to note that we do not know—and it might not be possible to determine with any certainty whether the final order of candidates would have been different from the provisional results had the management of the process been better.22

To echo Congo expert and author Jason Stearns,

> If there were massive irregularities, and we don’t know who won—isn’t that a good reason to push for steps to address the flaws in the current elections, not just to make policy five years down the road? Instead, the Congolese government has interpreted this as meaning, “we don’t call into question who won the elections,” which neither the Carter Center or EU missions said. Instead, these missions concluded: We don’t know who won these elections. And we should.23

21. https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B3GJKd5i8PncYmNiNjQ0MzMzMiZjNjYy00ODFjLW5YTktNDZjZTJiOTQxYTBl&hl=en_US&pli=1.
The international community played a significant but much reduced role in the 2011 election when compared with the 2006 elections. According to the United Nations Development Programme (UNDP) program to support the electoral cycle, the international community initially contributed USD$150 million directly to the CENI for the organization of the elections. The UN also gave the Congolese government access to its air resources for logistical support. In addition, South African and Angolan military air resources were deployed. The U.S. gave approximately USD$15 million dedicated primarily to the Carter Center and the International Foundation for Electoral Systems (IFES) for civic and voter education, national election observer training, and capacity building of human rights organizations.

International observation missions played a crucial role in the process. African observation missions from the Southern African Development Community (SADC), the African Union (AU), and the International Conference on the Great Lakes Region (ICGLR) were accompanied by representatives from the EU and the U.S.-based Carter Center to ensure that significant election observers were deployed. All of these observation missions have been criticized, however, for focusing exclusively on voting in accessible and overwhelmingly urban locations. Congolese church-based organizations such as the Catholic Church and the National Conference of Bishops of Congo (CENCO) deployed 30,000 observers covering about 20 percent of DRC’s approximately 60,000 voting stations.

In light of apparently highly compromised elections, the level of engagement by the international community in these elections seems inadequate. Given the large scale of financial investment in this electoral process made by the international community and the widely accepted belief that the CENI did not have the capacity to properly implement the elections, the international community should have pushed for much greater involvement in the process. The Congolese government’s discourse around the 2011 elections was based on the concept that these elections were a Congolese process and interference from the outside was unwelcome. However, compromised registration, poor planning, and fundamental questions regarding the neutrality of the elections were clear issues. The international community did have a moral obligation to reach out to support DRC’s nascent democratic system with logistical and technical assistance in order to properly organize the elections. The embarrassingly compromised quality of the DRC elections is the direct outcome of a number of factors that certainly include lack of strong participation in the preparations process by the international community.

THE ROLE OF ECI IN THE 2011 ELECTIONS

ECI maintained a strong vision for DRC’s elections. That they be held within an environment of security, transparency, and credibility. That all members of Congolese society, especially the most marginalized and the most vulnerable, participate in choosing the political leaders of their country, and that these leaders offer the best possible strategy to consolidate peace in DRC and build a vibrant, economically diverse, and democratic country. That the fundamental human freedom of expression is cherished, before, during, and after elections, and that specific high-risk groups of individuals—namely opposition party members, journalists, and human rights activists—can avail themselves of proper protection from the national security forces.

ECI leveraged its unique position as a grant-making and advocacy organization to engage on the ground and internationally in three critical ways:

• Coordinated with all stakeholders in the DRC elections, from government agencies down to grassroots community-based organizations, to share information, build dialogues, and create spaces for the peaceful resolution of conflicts that arise from an electoral process. ECI sees itself as a tool to help the most vulnerable express their positions to those in power. ECI also sought to facilitate dialogues between stakeholders in order to mitigate the risks of conflict in the post-election environment.

• Advocated to the international community, especially to the U.S. government and other funding partners, for increased engagement around these elections. By producing regular reporting and analysis of the electoral process, ECI increased the profile of these elections for key decision makers through using specialists and through the dissemination of academic and media pieces in the mainstream press.

• Built capacity of ECI’s key partners working in the field. ECI identified a number of partners who could play a strategic role in supporting fair elections. ECI worked throughout the electoral period to provide training in elections observing to four existing partners in Ituri, and in North and South Kivu. In addition, ECI provided technical support to a North Kivu network of civil society organizations and was able to train seventy-four community-based organizations in election monitoring and conflict resolution.

ECI carried out the following activities around the 2011 elections:

• ECI conducted a landscape overview of key elections players. The group also prepared a stakeholder analysis of the major players in the DRC elections, which was shared with ECI’s partners and used as a reference guide for external observers to help them understand the DRC elections.

• ECI constantly monitored, discussed, and offered analysis on the trends in the DRC elections. With a wide network of contacts both within DRC’s civil society as well as with outside observers, ECI ensured that maximum information and analysis was available for the use of its advocacy team through daily and weekly situation reports. ECI also participated actively in local and national coordination mechanisms around these elections.

• During the course of the electoral period, ECI increased its output of media pieces, including op-eds by ECI’s executive director and some longer pieces for the mainstream U.S. print media.
• ECI assisted its local partners in identifying their own capacity-building needs. This support was targeted to help partners work on issues around the elections, such as raising awareness of the elections with vulnerable groups and providing training on election monitoring. Training took on many forms, and each organization's needs were different.

• Finally, ECI organized a field visit by some of the key members of ECI’s executive committee to witness the elections. This visit was conducted on polling day and covered several locations in the general region around Goma. The visit served to increase advocacy to the outside word of DRC’s elections.

ECI was committed to this strategy due to the vital requirement of a sustainable Congolese civil society. In the tense days around DRC’s elections, ECI and its partners supported initiatives to work against violent trends in the east of the country.

The following cases illustrate ECI’s commitment to building capacity of our local partners.

In Bukavu, AFEM, an association of women journalists, carried out a three-day workshop that resulted in the production of broadcasts promoting conflict resolution in the context of the elections. The workshop was attended by forty-five journalists and five civil society actors and explored various themes, including professional journalism in the electoral process and the role of the media as a guardian of the elections. The workshop had an immediate impact: on the day after it concluded, CSAC (the Higher Council for Broadcasting and Communications, the government’s media watchdog) issued four disciplinary notes to local media organizations, condemning them for the use of hate language in their broadcasting.

In Goma, The Mutaani Project is working through radio to find innovative solutions to mitigating post-election violence. Mutaani visited Goma’s top five universities and held a live radio debate on minimizing electoral violence in Goma. The objective, explains executive director Sekombi Katondolo, is to raise awareness among the intellectual cream of Goma’s youth about peacefully accepting the results of the ballot boxes, and also to turn to legal means to contest the results, not to resort to violence.

Following these debates the Goma students signed off on a commitment to preserve a climate of nonviolence during the proclamation of election results. Philippe Katembo, the president of the students’ union at the University of Goma, stated that as a result of these debates, the student community is committed to respecting the laws of the country, and that during this tense time of voting the students would use their influence to ensure that a peaceful climate reigned throughout the electoral process.
CONCLUSION

It is highly unlikely that we will ever know the real results of DRC’s 2011 elections. The discouraging reported results of the election were clearly the outcome of a failed process and lack of political will that disenfranchised and demoralized many Congolese. The ballot papers of 1.3 million voters were lost in the counting process, hundreds of thousands of illiterate people couldn’t access the polling booths, and the people of rural North Kivu faced harassment and violence at the polling booths. Political agents, activists, and normal Congolese people lost their lives as a direct result of electoral violence. In light of all the errors committed in the electoral process documented by ECI and other Congo stakeholders, positive conclusions are scarce and many questions remain unanswered.

1. Is it time to call for a new election in DRC? Should we be providing more support for the international monitoring mission currently deployed to Kinshasa? Should we increase pressure on our governments to become more engaged in DRC’s issues pertaining to the democratic process?

2. As the Congolese government was clearly unprepared for the election, what additional, immediate steps can be taken by the international community to support the remaining election process? If the crisis of legitimacy increased because of the pending seemingly fraudulent parliamentary election results, what should be done?

3. What is the proper role for the international community as we move forward with attempting to encourage DRC on the path to democratic governance? Should conditionality be used as a negotiating tool with the government in Kinshasa? What should be our role in supporting the processes of grassroots democracy in Congo?

One fact is certain: for millions of Congolese people, these elections did not represent an expression of their fundamental right to vote; a compromised process from beginning to end ensured that the people’s faith in a credible election was clearly nonexistent. Moving forward, it’s the duty of all friends of DRC to denounce the errors made, and to look forward intelligently into strategies for assisting this vast and vital country as it continues to move toward the values to which it aspires in its constitution.
ECI’S RECOMMENDATIONS

To the Government of the DRC
• ECI urges the Government of the DRC to respect its electoral calendar, and to carry out provincial and local elections according to the calendar in 2012 and 2013. Credible elections of local leadership are critical to good governance. Sustainable democratic change is only effective when people are empowered to vote.

• The neutrality of any future electoral commission must be beyond question. This will require that the current structure of the CENI be reconsidered and that key positions such as that of the president’s be changed.

• ECI urges the Government of the DRC to allow full access to the current evaluation mission to all materials related to the 2011 elections and to respond proactively to all recommendations made by the mission.

• ECI urges the Government of DRC to provide guarantees that it will not use state security apparatus to intimidate opposition politicians and to work towards democratic freedom of speech and governance in the national parliament.

To the Government of the United States of America
• The Government of the United States of America has invested significantly in humanitarian aid and development programming in the DRC. It should demand a higher level of accountability of the use of USG funds in the electoral process, even if the US contribution was relatively low. Along with the other donor nations, ECI urges the USG to increase its role in supporting the democratic process in the DRC and call on the GoDRC to carry out local and provincial elections.

• The USG should consider funding multi-year governance projects aimed at building the capacity of political parties in the DRC. Throughout this election campaign it has become clear that the general levels of capacity, and organization of the Congolese political parties (including the PPRD’s) was very low; in order for a nascent democracy to grow, it must be equipped to do so. The USG government can help by providing specific training, and exchange to the Congolese on the conduct and organization of political activities.

• The USG should fully support the current mission dispatched to Kinshasa from IFES and NDI to investigate the 2011 elections. Additionally, ECI urges the USG to provide any further technical support to the GoDRC for the local and provincial elections.

To the United Nations
• ECI recognizes the significant contribution made by the MONUSCO to the 2011 elections. However, MONUSCO as a representative of the international community should have denounced the willful compromise of the electoral process in which it was a significant stakeholder. MONUSCO should consider the allegations of misconduct during the electoral process in regards to its support for future elections, and insist that similar practices not be repeated in forthcoming elections.

• ECI urges MONUSCO to support international investigation into electoral irregularities and to hold accountable the Congolese authorities with regard to these irregularities.

• MONUSCO should commit to supporting future elections in the DRC which can truly be considered free, fair and credible by denouncing publically any acts by either state or non-state actors that would compromise the free and fair character of future elections.