

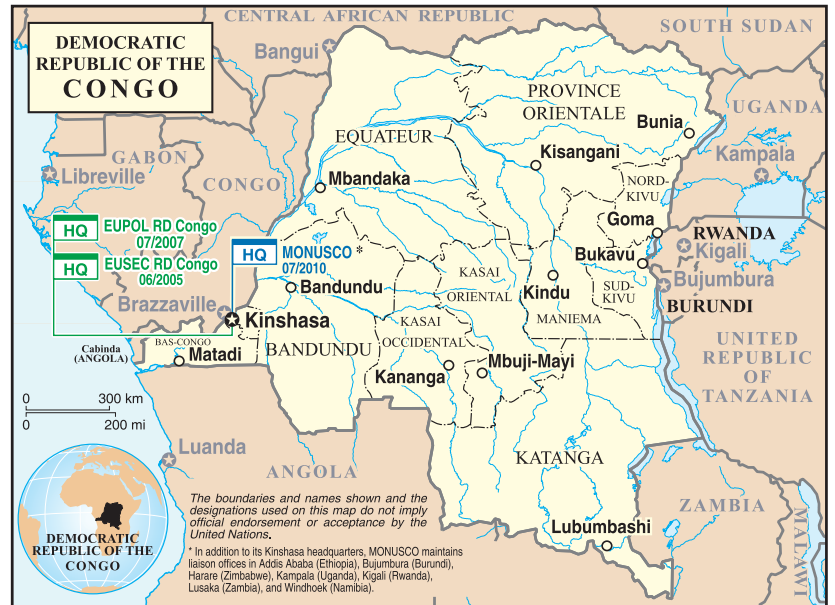
Democratic Republic of Congo

As 2011 came to a close, the Democratic Republic of Congo (DRC) faced serious threats to its stability. Presidential and legislative elections, held on 28 November, were rejected by the political opposition and criticized by many observers for lacking credibility. Etienne Tshisekedi, veteran politician and main rival of President Joseph Kabila in the elections, declared himself “elected president” after official reports of Kabila’s victory, with 49 percent of the vote versus 32 percent for Tshisekedi.

Election-related tensions in urban centers, far from the conflict in the east, have stretched the strained resources of the UN Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) even thinner. And while regional relations in the east continued to improve, relations between the DRC and its western neighbors, the Republic of Congo and Angola, wavered. Meanwhile, MONUSCO continued to struggle with its mandate to reform the security sector, extend state authority, combat armed groups, and protect civilians in the east.

Background

The DRC’s conflict can be seen as three interrelated wars, the first two of which were fought with heavy influence by neighboring states seeking to oust Congo’s contentious leaders in 1996 and 1999 respectively. While the first war successfully removed then-president Mobutu Sese Seko, the second war failed to remove Mobutu’s successor, Laurent Kabila, and the resulting stalemate led to the signing of a cease-fire accord, the Lusaka Agreement, in July 1999 by the various parties



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UN Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO)

• Authorization Date	28 May 2010 (UNSC Res. 1925)
• Start Date	1 July 2010
• SRSG	Roger Meece (United States)
• Force Commander	Lieutenant-General Chander Prakash (India)
• Police Commissioner	Abdallah Wafy (Niger)
• Budget	\$1,419.9 million (1 July 2011–30 June 2012)
• Strength as of 31 October 2011	Troops: 16,823 Military Observers: 731 Police: 1,362 International Civilian Staff: 976 National Civilian Staff: 2,865 UN Volunteers: 595

For detailed mission information see p. 216

and state actors. Following the agreement, the UN authorized the UN Organization Mission in the Democratic Republic of Congo (MONUC) to monitor the cease-fire and disengagement of forces. The withdrawal of foreign troops after the signing of the Lusaka Agreement left a power vacuum in the rebel-held territories, leading to a third war behind UN-monitored cease-fire lines in northeastern Congo. Following a national dialogue and series of regional agreements, a government of national unity was formed in 2003, paving the way for the 2006 UN-sponsored elections that brought Joseph Kabila to the presidency.

Following intense negotiations with the government of the DRC in early 2010 regarding the future of MONUC, the UN Security Council adopted Resolution 1925 on 28 May 2010, transforming MONUC into MONUSCO. The most recent extension of the mission's authorization, Resolution 1991, left MONUSCO's core priorities essentially unchanged. Protection of civilians under imminent threat of physical violence remains the top priority. Beyond direct action by MONUSCO to protect civilians, this includes helping the national army bring ongoing military operations against the Forces Démocratiques de Libération du Rwanda (FDLR), the Lord's Resistance Army (LRA), and other armed groups to completion, as well as supporting disarmament, demobilization, repatriation, resettlement, and reintegration (DDRRR) programs. The mission's second priority is stabilization and peace consolidation, including reform of the security sector, consolidation of state authority as per the government's Stabilization and Reconstruction Plan (STAREC) and the International Security and Stabilization Support Strategy (ISSSS), combating mineral exploitation, and providing technical and logistical support, as requested by the government, for presidential and parliamentary elections. Resolution 1991 elaborates on MONUSCO's electoral responsibilities, mandating the mission to support the Commission Électorale Nationale Indépendante (CENI) in facilitating dialogue among Congolese stakeholders, as well as monitoring, reporting, and following

up on human rights violations in the context of elections.

While its mandate remained essentially unchanged in 2011, MONUSCO's available resources have been sharply curtailed, particularly its utility, attack, and observation helicopters. This has had a serious impact on the capacity of the mission, leading the Secretary-General to report that MONUSCO is "no longer able to implement critical parts of its priority mandated tasks, including in relation to the protection of civilians, providing support to the elections and putting an end to the presence of armed groups, particularly in the Kivus."¹

The mission's stabilization work is focused around implementation of three initiatives: STAREC, the ISSSS, and the UN's peace consolidation program, developed jointly by MONUSCO and the UN Country Team. However, continued insecurity has delayed their implementation. Nearly ninety facilities were constructed in 2011 in accordance with the ISSSS, but many of the facilities have not been staffed. Magistrates are in short supply, and police detachments are under-strength. The UN's peace consolidation program is being supported by new joint MONUSCO-UN Country Team offices throughout the western provinces, in preparation for a progressive transition of leadership from MONUSCO to the UN Country Team in these areas.

Alongside MONUSCO, the EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo (EUSEC RD Congo) and the EU Police Mission in the Democratic Republic of Congo (EUPOL RD Congo) have provided support to the DRC's security and police institutions. EUSEC has continued to provide advice and assistance to the Congolese authorities in charge of security. Its operations have primarily focused on training Forces Armées de la République Démocratique du Congo (FARDC) units in human rights law and standards, military justice, and prevention of sexual violence, while also addressing arms stockpiling and other logistical challenges and supporting the work of the

EU Special Representative for the African Great Lakes Region.

EUPOL RD Congo, meanwhile, supports the reform and coordination of the police and justice system with a focus on capacity building. In 2011 the mission focused on training judicial police officers and assisting the police in obtaining equipment ahead of elections. Both EUSEC and EUPOL continue to make technical progress in their mandates, although pressure from some EU member states for the closure of these missions persists.

Key Developments

Developments in the East

Despite its stabilization focus, MONUSCO continues to face prevalent insecurity and armed group activity in the east. The leadership of the FDLR in the DRC remained largely intact in 2011, and the group continues to target civilians in the Kivus and northern Katanga province. While a steady stream of FDLR defectors entered DDRRR programs throughout early 2011, these defections were balanced by new recruiting. Other armed groups, including Congrès National pour la Défense du Peuple (CNDP) deserters and Mayi-Mayi militias, have consolidated their positions throughout the east, and have established loose alliances with each other and the FDLR, partially in order to secure mining interests. Human rights violations in the east continued to occur at very high levels throughout 2011, including several documented cases of mass rapes and a number of civilian deaths. The UN Joint Human Rights office in MONUSCO documented 300 human rights abuses attributed to armed groups and 320 human rights violations committed by elements of the armed forces between June and July 2011 alone.

The LRA continued to pose a significant threat to civilians in Haut Uélé and Bas Uélé. MONUSCO has provided logistical and information sharing support for operations by the FARDC and the Ugandan People’s Defense Force (UPDF) against the LRA in these regions, but attacks continued throughout early



MONUSCO/Myriam Akmani

The first electoral kits are unloaded from a MONUSCO cargo aircraft at Ndjili Airport, 16 September 2011.

EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo (EUSEC RD Congo)

- Authorization Date 2 May 2005 (EU Council Joint Action 2005/355/CFSP)
- Start Date June 2005
- Head of Mission General António Martins (Portugal)
- Budget \$17.6 million (1 October 2010–30 September 2011)
- Strength as of 30 September 2011 Civilian Staff: 51

EU Police Mission in the Democratic Republic of Congo (EUPOL RD Congo)

- Authorization Date 12 June 2007 (EU Council Joint Action 2007/405/CFSP)
- Start Date July 2007
- Head of Mission Commissioner Jean Paul Rikir (Belgium)
- Budget \$8.9 million (1 October 2010–30 September 2011)
- Strength as of 30 September 2011 Civilian Police: 21 Civilian Staff: 19

2011, decreasing in July and August due to a possible regrouping of the armed group in the Central African Republic. In October

Box 2.3 Mission for the Consolidation of Peace in the Central African Republic (MICOPAX)

Since July 2008, the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX) has provided support to peace and stability efforts in the Central African Republic (CAR). Under the authority of the Economic Community of Central African States (CEEAC), MICOPAX is mandated to support peace, security, and respect for human rights, including through assistance in the promotion of democratic governance, national reconciliation, security sector reform, and disarmament, demobilization, and reintegration (DDR) of former combatants. It also collaborates with the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA).

MICOPAX was established to support the consolidation of peace following decades of instability, rebellions, and mutinies in the Central African Republic. The CAR's current leader, General François Bozizé, came to power in a coup in February 2003. Conflict continued until the government and nearly all main rebel groups signed a comprehensive peace agreement (CPA) in June 2008. However, the government quickly demonstrated a lack of political will for following through on the CPA and the subsequent inclusive dialogue, resulting in political and security challenges that continue to undermine the consolidation of peace in the CAR.

The 2011 presidential and parliamentary elections were held in January, with a second round of parliamentary voting in March. MICOPAX provided support to the elections, including transport of voting materials to regional polling stations. Despite the largely calm

Mission for the Consolidation of Peace in the Central African Republic (MICOPAX)

• Authorization Date	2 October 2002
• Start Date	December 2002
• Head of Mission	Ambassador Albert Akendengue (Gabon)
• Force Commander	Brigade-General Prosper Nabilwa (Democratic Republic of Congo)
• Budget	\$27.2 million (1 October 2010–30 September 2011)
• Strength as of 30 September 2011	Troops: 497 Civilian Police: 139

atmosphere that characterized both rounds of voting, the elections demonstrated the continued fragility of the CAR's political process. There was strong turnout for the January poll, and Bozizé garnered a majority and was inaugurated on 15 March. However, opposition candidates quickly denounced the election as fraudulent and several opposition candidates petitioned the Constitutional Court for a cancellation of the vote, a request that the Court denied as unfounded. After the second round of parliamentary elections, Bozizé's political party, the Kwa Na Kwa, also won a legislative majority, amid lower voter turnout and a boycott by the opposition.

In 2011 MICOPAX continued to support the reform and restructuring of the CAR's security forces and assist the government in DDR activities for former combatants. However, DDR processes in northern CAR have been repeatedly delayed due to political, security, and logistical challenges. MICOPAX plays a key role in the northwest as a guarantor of security while rebel groups disarm,

and has recently begun to expand its presence to the northeast. In April, MICOPAX, with financial support from the European Union, opened a military barracks in Ndélé in the northeastern prefecture to house several hundred soldiers through 2013.¹ The rebel group Convention of Patriots for Justice and Peace (CPJP), the last holdout, signed a cease-fire agreement with the government in June and agreed to begin the DDR process, a positive step forward.

Despite gains in 2011, the CAR remains an environment of heightened political and security concerns. Renewed hostilities between the CPJP and a rival rebel group in the central town of Bira in September over control of diamond mines demonstrates how tenuous the situation remains. The withdrawal in December 2010 of the UN's peacekeeping operation places additional pressure on MICOPAX and BINUCA to support the peace process. Continued fragility and an increasingly entrenched political elite are major obstacles to the consolidation of peace.

Note: 1. Humanitarian and Development Partnership Team, Central African Republic, *Info Bulletin* no. 167, 12–26 April 2011, <http://hdptcar.net/blog/wp-content/uploads/2011/05/hdpt-car-info-bulletin-eng-167.pdf>.

2011 the United States announced the deployment of 100 “combat-equipped” soldiers to LRA-affected areas, primarily to provide

training to Uganda's armed forces and other national armies that are combating the LRA. MONUSCO and regional partners are paying

close attention to the developing African Union regional cooperation initiative on the LRA, endorsed at its summit meeting on 1 July. An AU interim Special Envoy was appointed in late November and is expected to work closely with the governments of LRA-affected countries. Meanwhile, the Ugandan Allied Democratic Front (ADF) has increased its presence in Beni and Lubero territories.

FARDC exactions against civilians, particularly from recently integrated and poorly trained units, continue to be a very serious concern. Meanwhile, MONUSCO's progress in improving military justice and accountability has faced difficulties. MONUSCO and the UN's Office of the High Commissioner for Human Rights (OHCHR) published a report on 22 July documenting human rights violations committed on 31 December 2010 and 1 January 2011, allegedly by elements of the FARDC, but the Congolese authorities have not yet acted on the report's recommendations.

In January 2011 the FARDC began to restructure its presence in the Kivus, with the ultimate goal of establishing several regiments of 1,200 elements each. However, the withdrawal of army units has led to an increase in activity by the FDLR, Mayi-Mayi Yakutumba, and Burundian Forces Nationales de Libération (FNL) in the Kivus. While MONUSCO has carried out operations attempting to fill this security vacuum, the extended restructuring process has hindered progress in integrating former armed group elements, including the CNDP and other groups, into the national army and police. Throughout the restructuring process, elements of these groups have deserted the FARDC in significant numbers. Those remaining have often refused orders to redeploy outside their areas of operation. President Kabila issued a decree on 31 December 2010 regarding the redistribution of the ranks of former members of armed groups, but many CNDP elements continued to reject their FARDC-issued identification cards, citing confusion regarding their ranks. CNDP and other former armed group elements have also maintained parallel administration structures in the Kivus.

Throughout 2011, MONUSCO has explored various methods to improve its capacity to protect civilians with its limited resources. These efforts have mostly taken the form of improving communication and relations with local populations. The mission has established community alert networks, distributing mobile phones and some high-frequency radios to isolated communities, while also deploying community liaison assistants to communities in their areas of operation and dispatching joint protection teams aimed at increasing civil and military knowledge and analysis of protection issues. The mission has also developed a senior management group on protection. While these initiatives have been generally well assessed by the mission and many humanitarian partners, and address a crucial information gap, the loss of helicopters has curtailed not only the mission's rapid response capacity, but also its ability to maintain many of its temporary operating bases in the more remote areas of the Kivus and Orientale province.

Regional Relations

Despite ongoing violence in eastern DRC, relations in the Great Lakes region have been improving. In January 2011 the ministers of defense of Burundi, Rwanda, and the DRC adopted a draft protocol on mutual defense and security, which includes provisions for border control and interception of armed group combatants fleeing across national borders. The Ugandan and DRC defense ministers also met several times in 2011 to discuss joint military operations between the Congolese and Ugandan armies in Orientale province against the LRA and the ADF.

Improvements in relations to the east, however, were not matched in the west. Relations between the DRC and Angola deteriorated in early 2011. Beginning as a dispute over maritime boundaries in the Bas-Congo and Cabinda regions, Angola expelled over 100,000 Congolese nationals between September 2010 and August 2011. Returnees have reported serious human rights violations associated with the expulsions, including detention, forced labor, sexual violence, and

beatings. Repeated high-level bilateral discussions and visits from MONUSCO, the UN Special Representative on Sexual Violence in Conflict, and the Office of the UN High Commissioner for Refugees (UNHCR) have made little progress in addressing the problem. However, relations between the two countries showed signs of improvement in late 2011, and Angola provided six helicopters to help distribute materials for the elections.

The DRC recalled its ambassador to the Republic of Congo on 25 March over disputes related to the extradition of General Faustin Munene as well as the leader of the Enyele insurgency of 2010, Mangbama Lebesse Udjani.

Elections

The lead-up to national presidential and parliamentary elections in 2011 was marked by the adoption of constitutional amendments on 15 January that replaced the former two-round presidential election with a single-round poll. The amendments aimed to strengthen the odds of President Joseph Kabila's reelection, exploiting a fractured opposition. They also created the possibility of a presidential victory with a small portion of the popular vote, with resulting concerns regarding the victor's legitimacy.

The beginning of 2011 also saw serious delays in electoral preparations. The voter registration process, for example, was initially planned to take ninety days. However, the process, launched on 9 March in most provinces, was not completed until 17 July, when the revised registration list was announced with a preliminary total of 32 million voters. Subsequently, opposition parties, including the Union pour la Démocratie et le Progrès Social (UDPS), the Union pour la Nation Congolaise (UNC), and the Mouvement de Libération du Congo (MLC), demanded an audit of the voter registration list as a precondition for their adherence to the code of conduct, which the CENI granted on 2 September. Opposition parties signed the electoral code of conduct at the second meeting of the Forum of Political Parties, on 8 September, with the notable exception of the UDPS and its allies.

Electoral materials began to arrive in the DRC on 15 September after significant delays. MONUSCO was faced with the significant challenge of distributing the ballots to 15 "hubs" and 210 "sub-hubs" around the country, where they were distributed by road to more than 63,000 polling stations. The mission also carried out training of six national police rapid response teams, with France training two and the DRC training two. However, MONUSCO reported a lack of funds from donor countries to equip the police units with nonlethal weapons.

More troubling than the numerous logistical hurdles, the period leading up to national elections was marked by an increasing number of what MONUSCO described as "politically-motivated human rights violations."² The mission documented over 145 reported incidents targeting political opposition members and supporters, journalists, and human rights defenders from January to October 2011, not including eighty additional allegations of human rights violations. Both the UNC and the UDPS reported cases of restrictions in conducting political activities, including arrests of and violence against supporters by the national security forces.

The days immediately preceding elections were marked by violence in urban centers. Human Rights Watch documented at least eighteen civilians killed and over a hundred injured in electoral violence between 26 and 28 November, mostly from Republican Guard elements firing into crowds of opposition supporters. The Ministry of Interior suspended short message service (SMS) communications on 3 December, allegedly due to the use of SMS to threaten domestic and international election observers.

Despite intense pressure on the CENI to briefly postpone elections to address logistical bottlenecks, the DRC held presidential and legislative elections on 28 November 2011 as scheduled, though voting was extended by two days in some polling stations. The day of elections was marred by a host of irregularities and incidents of violence. Opposition supporters clashed with security

forces in Kasai and Katanga provinces. Rumors of pre-completed ballots, ballot stuffing, and vote tampering led to attacks on election officials and polling stations across the country. International observers reported confusion among electoral officials regarding voter lists and voting eligibility, and documented a number of irregularities with the handling of electoral materials, highlighting cases of electoral materials being unsealed outside of tabulation centers.

In the days following the elections, the tabulation process raised further concerns due to serious logistical problems resulting in missing ballot boxes and untabulated votes, and due to the lack of transparency in the tabulation process. The CENI released preliminary vote tallies indicating a strong lead for Kabila, but failed to disaggregate the numbers by polling station, making the numbers impossible to verify against the records provided to electoral observers and political party witnesses at each station. Tensions rose in Kinshasa and other urban centers, resulting in clashes between police forces and opposition supporters. The UDPS announced that it would reject any results showing Kabila as the winner, while a coalition of other opposition groups issued a joint call for the elections to be annulled, citing massive irregularities and fraud.

On 9 December, after three days of delays, the CENI published the full preliminary results, declaring Kabila the winner with 49 percent of votes, with Tshisekedi in second with 32 percent and Vital Kamerhe in third with 7.7 percent. The results were immediately rejected by the UDPS as fraudulent, and Tshisekedi declared himself the “elected president,” citing UDPS tallies from polling stations that put his share of the vote at 52 percent.

In the days following publication of the results, national and international election observers reported significant irregularities in the published electoral results. Tabulation centers in Kabila strongholds reported suspiciously high turnout and support for Kabila, while centers in Tshisekedi bastions misplaced

boxes from thousands of polling stations. The Malemba-Nkulu tabulation center in Katanga, for example, declared all of the 266,886 votes cast in its area for Kabila, with over 99 percent turnout, compared to a national turnout average of 58.8 percent, and every polling station accounted for. In contrast, the Kinshasa tabulation center lost ballots from nearly 2,000 polling stations, resulting in 350,000 uncounted votes in a UDPS stronghold. Results from another thousand polling stations outside of Kinshasa were also lost, including a number from the major city of Lubumbashi.

The Carter Center observer mission issued a report on 10 December stating that the election results “lack credibility” and “compromise the integrity of the presidential election,”³ and the DRC Catholic Church, the largest observer mission, announced on 12 December that the results “are not founded on truth or justice.”⁴ The rising tide of criticism from domestic and international observers led MONUSCO to issue a statement on 12 December calling on the CENI to “undertake a timely and rigorous review of the issues identified by observer missions.”⁵ On 13 December, EU election observers joined the growing group of critics, noting that the election count was chaotic and lacked transparency and credibility.

While MONUSCO was not mandated to verify or observe the electoral process, Special Representative of the Secretary-General (SRSG) Roger Meece used his good offices in the run-up to elections and the tense post-election period to urge both Kabila and Tshisekedi to refrain from resorting to violence. Although neither mass protests nor violence occurred immediately following the elections, Congolese police began door-to-door searches in opposition neighborhoods, reportedly dragging young men out of their houses and taking them away in waiting vehicles.

Kabila, rejecting criticism from observers and backed by the South African Development Community (SADC), held his inauguration on 20 December. During his speech, Kabila pledged to bolster national unity and

abide by human rights. However, Tshisekedi still insisted he was president-elect and planned a rival inauguration for 23 December. The police banned Tshisekedi's swearing-in, placed tanks throughout the city, used tear gas and stun grenades to disperse rock-throwing crowds, arrested opposition supporters, and prevented Tshisekedi from leaving his house, ultimately crushing the event as planned in a Kinshasa stadium. Undeterred, Tshisekedi, along with supporters and officials of the UDSP, swore himself in as president at his house, further straining the tense postelection situation. Having proceeded with the banned act without heed to threats of arrest, it is unclear how Kabila will react to Tshisekedi's challenge, leaving the prospects for stability in the DRC uncertain.

At the time of writing, much of the capital and other major cities were gripped with confusion, with unconfirmed reports of military looting in outlying areas, widespread gunfire, and unidentified groups of armed men active in the streets.

Conclusion

The electoral process in 2011 has resulted in a shrinking of political space and left the situation in the DRC extremely tense. Troubling incidents in the lead-up to elections culminated in killings by the Republican Guard, door-to-door searches and arrests in opposition neighborhoods by Congolese police, and

significant irregularities in the elections themselves. As a result, the UN mission, traditionally focused on the east, was operating in a fully fledged political crisis.

Congolese opposition and civil society groups are demanding a review of the serious flaws in the electoral process by a credible independent party. President Kabila has admitted that some "mistakes" were made, but rejects claims of widespread election rigging.⁶ While Tshisekedi has so far refrained from calling on his supporters to contest the elections in the streets, the rhetoric being used by both sides is very heated. Escalation into violent protests and clashes with the authorities are a very real possibility that MONUSCO is not equipped to address. Furthermore, other Congolese actors may see the current unrest as an opportunity to further their own political agendas, both inside and outside the DRC.

The way forward is uncertain, as events in the weeks following elections will doubtless change the political landscape. The situation will likely be further destabilized with the announcement of the legislative election results in early 2012, which may prove similarly contentious. Moreover, provincial and local elections are scheduled to be held in 2012. As 2011 came to a close, MONUSCO faced both the significant challenges of its operations in the east, as well as the new challenge of a political crisis that could well engulf the rest of the country.

Notes

1. United Nations, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2011/656, 24 October 2011, p. 14.

2. *Ibid.*, p. 3.

3. Carter Center, "DRC Presidential Election Results Lack Credibility," 10 December 2011, <http://www.cartercenter.org/news/pr/drc-121011.html>.

4. Rukmini Callimachi and Saleh Mwanamalongo, "Growing Criticism of Congo Vote," *Associated Press*, 12 December 2011.

5. MONUSCO, "MONUSCO Calls on INEC to Address Electoral Observer Missions' Concerns," press release, 12 December 2011, <http://monusco.unmissions.org/Default.aspx?tabid=932&ctl=Details&mid=5262&ItemID=15947>.

6. Emmanuel Peuchot, "DR Congo's Kabila Admits Vote Flaws but Defends Re-Election," *Agence France-Presse*, 12 December 2011.