

THE MIRAGE OF DEMOCRACY IN THE DRC

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Fifty years ago, on 30 June 1960, the Democratic Republic of Congo (DRC) was granted independence from Belgium. The event came with little warning, and the Belgians withdrew quickly, leaving Congo with a poorly educated population and virtually no preparation for self-rule. Between 1960 and 1965, the newly independent country had to try to form a viable state while contending with various secessionist movements, ethnic conflicts, and the commercial interests of foreign companies. By 1965, the DRC had fallen under the dictatorship of General Joseph Mobutu, which would last for more than three decades. In 1997, as the dictatorship was collapsing, the DRC (then known as Zaire) exploded into a complex civil war that also involved most of its neighboring countries.

In 2006, after nearly a decade of warfare had claimed millions of lives, the DRC held multiparty elections for the first time since 1965, electing the appointed interim president Joseph Kabila as president of the republic. Herbert F. Weiss wrote about the historic elections in these pages in April 2007. He concluded his essay with four questions about the future of Congolese democracy: Would Kabila resist authoritarian temptations; would the constitutional divisions between central and provincial powers be respected; would the parliamentary opposition be able to contribute constructively to governance; and would the legitimacy conferred by elections help to lead the DRC toward real democratization?¹ This essay will look at what has happened in the four years since the elections in the context of these questions.

In the five decades since the DRC gained independence, the Con-

golese have been on a turbulent ride. The initial five-year democratic experiment saw the murder of Prime Minister Patrice Lumumba, wars of secession, and foreign mercenary incursions. The UN Security Council had to confront the major crisis triggered by foreign-backed attempts to break the country into smaller zones of influence and the ensuing conflict in the immediate postindependence period. This resulted in the largest UN peacekeeping mission to date, which lasted from 1960 to 1964 and claimed the life of Secretary-General Dag Hammarskjöld, who perished in a plane crash in Zambia in 1961 while en route to peace talks.

Mobutu's Entrance

The conflict helped to create the conditions for the coup d'état that brought the 35-year-old army chief of staff Mobutu to power. On 25 November 1965, the Congolese woke up to martial music playing on national radio. Mobutu had deposed democratically elected president Joseph Kasavubu the night before, putting an end to the DRC's fledgling democracy. With a nod from the U.S. Central Intelligence Agency and the Belgian security services, Mobutu inaugurated what would become a 32-year dictatorship.²

His path to power was eased by the ongoing dispute between the young country's highest officials: Prime Minister Moïse Tshombe's party won the 1965 legislative elections, yet President Kasavubu refused to reappoint Tshombe as premier. Instead, the president insisted on nominating his ally Evariste Kimba, a former prime minister, to the position. Tshombe's partisans, with their strong majority in parliament, rejected Kimba's nomination twice, however. The tension between the two political camps paralyzed the parliament and government, and Congo faced a dangerous stalemate.

Mobutu promised to restore peace and order and to return the country to democratic rule within five years. Many Congolese tacitly supported his coup, as the general appealed to their hopes for peace. Mobutu's promise seemed credible. Five years before, in September 1960, he had staged an earlier coup—again in order to defuse tensions between top officials (at that time Lumumba and Kasavubu) who had been fighting over their constitutional prerogatives. Mobutu then recruited a cadre of young Congolese technocrats, primarily from Belgian universities, to manage the country. He eventually reinstated Kasavubu as president, but only under international pressure.

The second time around, Mobutu had no intention of returning power to the civilians. When his intelligence services reported the first rumblings of discontent in the capital city of Kinshasa in 1966, the general decided to set a trap for four disgruntled former senior ministers from the deposed government. He instructed his associates to encourage them and to provide a safe house for their secret strategy sessions for return-

ing Congo to democratic rule. In due time, the former ministers (Kimba among them) were arrested and publicly hanged at Kinshasa's main stadium on 2 June 1966, nearly seven months after Mobutu came to power. It was the first and last time that he carried out public executions, but the message of intimidation registered in the national psyche, and the show of force terrified the people into submissiveness.³

So entrenched were Mobutu's power and related corruption that it took an invasion by a coalition of neighboring countries' armies, with the consent and support of the United States, to drive the cancer-stricken dictator out of power and into exile in Morocco on 17 May 1997.⁴ Mobutu's fall brought a series of wars that have led to the deaths of nearly six million Congolese, but failed to bring democracy. In fact, Mobutu's successor, longtime rebel leader Laurent Désiré Kabila, suspended the constitution and ruled by decree until his assassination by one of his bodyguards on 16 January 2001.

Ten days later, his 29-year-old son, Major-General Joseph Kabila, assumed the presidency. Kabila the younger, who had been the army chief of staff, replaced his father in circumstances that still remain unclear. His ascension to the presidency initially perplexed the Congolese, who did not welcome the father-son succession.

Joseph Kabila grew up in neighboring Tanzania and came to Congo for the first time in 1997 at the age of 26 as an officer in his father's militia. The younger Kabila did not speak French, the country's official language. Nevertheless, his youth and quiet demeanor offered an appealing contrast to his late father, and he began to generate substantial goodwill among the Congolese. Even veteran opposition leaders who had fought against the elder Kabila's dictatorship tacitly accepted the *fait accompli* of the son assuming his mantle. As was the case in November 1965, when Mobutu seemed to promise an end to persistent political unrest, in 2006 the population saw in Joseph Kabila a leader who would set their country back on course toward a democratic transition.⁵

The elder Kabila had disappointed the Congolese, who had welcomed him as a liberator in May 1997 amid hopes that his rise to power would finally restore democratic rule, as called for by the National Sovereign Conference (NSC) that took place in Kinshasa between August 1991 and December 1992. Based on Benin's successful model, which stripped strongman Mathieu Kérékou of his power in 1990 and replaced him with a democratically elected leader in 1991, the Congolese NSC brought together 2,842 delegates representing all classes and strata of society in order to prepare a transition to democracy.⁶ The deliberations of the conference resulted in the creation of the High Council for the Republic and Transitional Parliament, vested with the power to designate the prime minister and other state officials. The NSC's resolutions were never implemented, however, as Mobutu ultimately refused to yield; he suspended the NSC and retained power until he fled the country in 1997.

The elder Kabila, a former pro-Lumumba guerrilla fighter who had trained alongside Che Guevara and his Cuban contingent in the hills of eastern Congo in the 1960s, did not embrace these aspirations for democracy. Although he renamed the country the Democratic Republic of Congo and reinstated the old 1960 national flag, he also suspended the constitution and ruled by decree. The corrupt political culture that destroyed the DRC's early taste of democracy did not end with Mobutu's fall. Under the new Kabila regime, power remained in the hands of a few cronies who amassed wealth for themselves à la Mobutu. A new millionaire class emerged overnight, as the DRC sank deeper into misery. In 1998, after Kabila fell from grace with his backers in Uganda and Rwanda, those two countries invaded the DRC in an attempt to overthrow him. A multinational war followed, with Angola, Zimbabwe, and Namibia intervening on Kabila's side. Unable to unseat Kabila with their armies, Rwanda and Uganda supported a second deadly rebellion in eastern Congo, which has gone on in various forms to this day.

Like Mobutu before him, the younger Kabila has enjoyed great support from the international community. With an eye largely on their own economic interests, world powers quickly offered him their help. Within days of becoming president, Joseph Kabila visited Paris, Washington, New York, and Brussels. His quiet temperament and low-profile style won over Western leaders. But as had been the case with his father, democracy was not a priority for the younger Kabila. Surrounded by his father's associates, many of whom he did not trust, Joseph Kabila had only limited influence, particularly as he knew neither the country nor the people whom he was supposed to lead.

Building democracy in the DRC would have required that Kabila cede some of his presidential powers. But with the country torn apart by conflict and the state on the verge of collapse, Kabila—already in a weak position—could not negotiate. Democracy would have to wait. The president's first and most important task was the war, and he fully devoted his efforts to the conflict that had partitioned the country into three zones of influence. Jean-Pierre Bemba's Uganda-backed Movement for the Liberation of the Congo (MLC) ruled over the northern part of the DRC, from east to west; the Rwanda-backed Congolese Rally for Democracy (RCD) controlled eastern Congo; and Kabila's Kinshasa-based government administered the remaining third of the national territory.

The Sun City Peace Agreement and Its Ramifications

In 2002, the Congolese met for several weeks in the South African resort of Sun City as part of the Dialogue Inter-Congolais, initiated by the influential longtime opposition leader Etienne Tshisekedi wa Mulumba of the Union for Democracy and Social Progress (UDPS), with the goal of bringing together a small group of influential Congolese to

find solutions to the crisis confronting their country. The idea turned into a much larger peace conference under the patronage of South Africa's president Thabo Mbeki, who hosted the negotiations between the Kabila government, opposition leaders, rebel factions, and civil society groups. Representatives of Angola, Rwanda, Uganda, and Zimbabwe also attended the discussions. Belgium, France, Great Britain, and the United States sent representatives as well. Unfortunately, the meetings were far from the inter-Congolese dialogue that the people had hoped for, and it was on unfamiliar ground and under tremendous international pressure to hammer out a deal that the participants signed the Sun City Accords on 19 April 2002.

The agreement called for the formation of a transitional government in June 2003, which would be followed by a new constitution and national elections within two years. The transitional government was to be headed by one president and four vice-presidents in an arrangement known as "one plus four." Kabila retained his position and secured the vice-presidency for reconstruction and development for his People's Party for Reconstruction and Democracy (PPRD). The PPRD's Yerodia Ndombasi filled this slot. Rebel leaders Bemba of the MLC and Azarias Ruberwa of the RCD became vice-president for economy and finance and vice-president for defense and security, respectively. Unarmed opposition parties scrambled for the fourth slot and named Zahidi Ngoma vice-president for social and cultural affairs.

The Sun City Accords benefited the belligerents, but bestowed on the DRC its worst government yet. The agreement bolstered Kabila's standing as a peacemaker, particularly among the residents of conflict-plagued eastern Congo. It quickly became apparent to the Congolese, however, that they had no real government. The power-sharing arrangement quickly turned into a scheme known as *partage vertical* (vertical division). Not only did the parties divide all government posts, including ambassadorships, among themselves, but senior jobs in all state enterprises were also divvied up among the factions. With the executive, legislative, and judicial branches in the hands of armed groups that fought over every possible point of contention, the Congolese state did not function. Moreover, not all parties in the power-sharing arrangement had equal power or influence. The vice-president representing unarmed opposition groups had minimal influence, as he had no militias. The political parties refused to fully integrate their militias into a new, unified security force, however, instead preferring to keep them as bargaining chips.

The power-sharing arrangement also exposed the many weaknesses in Kabila's leadership for the first time. The Congolese people, who had reserved judgment in 2001 and supported Kabila during the Sun City negotiations, became disenchanted with their president. They had expected him to provide the country with a strong and steady sense of

direction in the face of persistent corruption, cronyism, opportunism, and insecurity. Instead of leadership, however, the Kabila camp provided a stream of excuses, always blaming the power-sharing scheme for everything that went wrong and never accepting responsibility or showing a sense of accountability. By shirking the burden of leadership, Kabila further alienated the people of western Congo, who saw him as

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just another warlord. Amid the free-for-all, the leaders of the transitional government—derisively nicknamed the “one plus four equals zero government” by the Congolese—ignored the elections timeline and would have continued on indefinitely had it not been for Tshisekedi’s call to end the transition by 30 June 2005, as stipulated in the Sun City Accords. Threatened with riots and unrest in Kinshasa if they failed to meet the deadline, the transitional government

and the International Committee in Support of the Transition (CIAT)⁷ organized the elections for June 2006.

Today, four years after the country’s first multiparty elections since 1965, this nation of 64 million people belonging to more than two-hundred different ethnic groups still teeters on the brink of dictatorship. The promised “democracy dividends” of political stability, fundamental individual rights, and economic progress remain but hollow words in the empty rhetoric of political speeches and resolutions from a paternalistic donor community more concerned with its own short-term interests than with the stability of Congo and Central Africa.

President Kabila, rather than taking steps to strengthen the country’s nascent democracy, is now posing the biggest threat to it yet—a brazen constitutional revision. While his conflict-prone country is begging for strong leadership with a clear vision of peace and order, Kabila is consumed by his own quest for extended powers. The president and his advisors insist on a constitutional revision that would extend the presidential mandate from five to seven years, eliminate term limits, allow the president to preside over the judicial High Council, and delay the decentralization process intended to empower the provinces economically. Kabila’s secret maneuvers to extend his constitutional powers were first revealed by Radio France Internationale on 21 September 2009. The minister of information immediately denied the report, only to backtrack a few days later when the president of the Senate confirmed that a panel of experts had been assembled at Kabila’s request in order to revise the constitution.⁸

On 3 March 2010, minister of planning Olivier Kamitatu in an inter-

view with *Jeune Afrique* called for a constitutional revision that would replace the current semipresidential system with a strong presidential government.⁹ A rebel leader in 2002, Kamitatu had joined Bemba's MLC to fight against Laurent Désiré Kabila's dictatorship. Later, as president of the transitional assembly from 2003 to 2005, Kamitatu had managed the drafting of the current constitution, as agreed upon by the signatories of the Sun City (2002) peace accords. But now, as a member of Kabila's majority in parliament, he advocates the dismantling of key democratic safeguards enshrined in the constitution through the abolition of the office of the prime minister and the extension of presidential powers.

A constitutional review in and of itself is not a cardinal sin, but the type of review that Kabila seeks will jeopardize the stability of an already fragile and volatile process. Article 220 of the 2005 Constitution forbids in the most unequivocal terms the revision of any constitutional clauses related to the pillars of Congolese democracy—the republican form of the state, the principle of universal suffrage, the length and limits of presidential terms, the independence of the judiciary, the representative form of government, and political and labor-union pluralism. Article 220 also forbids any constitutional revision leading to the dilution either of individual rights and liberties or of the prerogatives of the provinces and decentralized territorial entities.

In other words, this article lays out the sacrosanct elements of the constitution with which no one can tamper under any circumstance. By seeking to revise Article 220, Kabila is violating both the spirit and the letter of the transitional accords that led to the very elections which legitimized him and his government. The 2005 Constitution, with its semipresidential government, was rewritten specifically as a break from Mobutu's dictatorial and centralized regime.¹⁰ It is equally important to note that this constitution was approved by an 18 December 2005 referendum that drew a 67 percent turnout. Of those who voted, 84 percent approved the constitution, and Kabila himself signed it into law on 18 February 2006.¹¹

Political developments over the past four years, such as Kabila's efforts to consolidate all powers in his hands, give ample reason to worry about a return to dictatorship. Unless the donor community takes a firm stand against Kabila's proposed changes, the democratic process will die, and autocracy will once again take hold in the DRC. If this were to happen, the country would become completely ungovernable.

Given the destructive and exploitive role of the international community in the country since colonial times, donor countries have a moral obligation to assist the Congolese in their quest for real democracy. These countries, moreover, have the leverage to do so. The DRC relies heavily on foreign aid, which funds close to half its US\$6 billion annual national budget. The UN Peacekeeping Mission (MONUC), which serves as the de facto national army, costs donor countries \$1.4 billion

a year. The donor community's failure thus far to hold itself and its Congolese partners accountable to the social contract enshrined in the constitution has abetted the failure of political leadership in Kinshasa. The donors' silence and inaction have emboldened Kabila and his associates in their dangerous grab for power and sent a negative message to the parliamentary opposition, which interprets this silence as approval of Kabila's actions. Why, despite the DRC's dependence on foreign aid and the threat that instability in the country poses to regional security, has the international community not done more to support the establishment of democracy?

Kabila's problem was never lack of power, but lack of legitimacy. During the transition period, Kabila's co-leaders exploited this deficiency whenever they could. Both Bemba and Ruberwa would often push him to the limit of his power until he had no recourse. They could challenge him like this only because Kabila, appointed president after his father's assassination, lacked the legitimacy conferred by elections. But Kabila's willingness to share power with the rebels had made a positive, lasting impression among donor countries, particularly the powerful members of CIAT who were also permanent members of the UN Security Council.

From the donors' perspective, Bemba, Ruberwa, and others were troublemakers out to derail the democratic process. Bemba was too confrontational and conjured up images of Mobutuesque leadership, and Ruberwa—backed by Rwanda—was not popular and could not sway voters. The quiet-tempered Kabila seemed to be the right man for the job. If only he could gain legitimacy through the ballot box, the donor community thought, then he would rise to the occasion and become the leader that the country so desperately needed. Eager to achieve a semblance of peace, the donor countries rushed the elections in the hope of producing a legitimate government with which to partner.

Unfortunately, the haste of the elections posed serious problems that still haunt the DRC today. First, CIAT members ignored the urgings of civil society representatives that leaders of armed groups, including Kabila, be banned from running for president. The failed transitional leadership did not impress the Congolese. The prospect that the same transitional leaders would contend for the presidency scared the population. They wanted the model that had worked so well in Liberia, paving the way for Ellen Johnson Sirleaf to run and win and giving that country a genuine chance to start anew. Instead, the elections were tailored to ensure that the 35-year-old Kabila would run, with the age of eligibility being reduced from 40 to 30. In addition, as the incumbent, Kabila had all the power of the presidency behind him and the 12,000-man Republican Guard at his disposal.

The DRC had neither the infrastructure nor the funds for the massive operation that the elections would require. The international commu-

nity under the leadership of the EU provided nearly \$700 million for the elections and deployed a contingent of European troops to ensure security in Kinshasa. In an impressive performance, the UN airlifted voting materials throughout the vast country. But as is often the case, whoever finances the elections controls the process, and sometimes the outcome. Keen for a Kabila victory, the organizers discouraged Kabila's most serious challengers—including Tshisekedi, who had been the most consistent advocate for the elections—from competing by ignoring their demands and concerns. In the end, Tshisekedi opted out of the process.

The voters were not prepared. Civil society leaders recommended that local elections be held first to help ready citizens for the legislative and presidential elections. The organizers rejected that proposition, too. Political parties were formed in a rush to meet the registration deadlines, but they could not provide adequate training for their poll workers in time for the elections.¹² Nevertheless, roughly 90 percent of eligible Congolese registered to vote, yielding a robust pool of some 25 million voters. In all, 33 candidates registered for the presidential race, and nearly 10,000 candidates ran for the 500-member National Assembly.

Election Day

On July 30, when the polling stations opened, the expectation of a Kabila victory was so strong that the organizers did not even plan for a second round. In the weeks before election day, the foreign press referred to Kabila as the favorite to win, reflecting the desires of the diplomatic corps in Kinshasa. The system did, of course, favor Kabila. He benefited from incumbency and his peacemaker image in the east, and except for Vice-President Bemba, most presidential candidates did not have the money or the organization to compete with Kabila. A charismatic man, Bemba was wealthy and extremely popular in the west, including in Kinshasa, whose people had long rejected Kabila's leadership. Bemba owned radio and television stations and did not need the pro-Kabila state-owned broadcasting infrastructure for his campaign.

With a 70 percent turnout rate and an orderly manner of voting nationwide, the election was deemed a success. But the main fear of civil society leaders also materialized, as Kabila's republican guards and Bemba's militias fought each other for two days, killing 23 people and wounding 43. In the end, Kabila failed to avoid a runoff, winning only 45 percent of the vote. Bemba won 20 percent. Kabila handily won the October 29 runoff against Bemba, however, with 58 percent of the vote. Bemba conceded defeat a month later, after the Supreme Court rejected his legal challenges. Kabila had finally become the legitimate president, backed by an alliance that controlled the majority of seats in parliament. The elections granted Kabila the legitimacy he needed, but they also revealed a schism between the eastern and western halves of the country.

The people of the east, where Kabila had tremendous support, saw the president as a peacemaker, while the people of the west still questioned his leadership abilities. The donor countries were of the same mind as the easterners, and thus the outcome was exactly what they had hoped for.

Not since Joseph Kasavubu has a Congolese president enjoyed the legitimacy that Kabila achieved nearly four years ago. Whatever the shortcomings of the elections, they produced a president who won a run-off in a race that international observers deemed credible, if not without problems. The elections also produced a robust and vibrant opposition ready to discharge its obligations. In addition to legitimacy, the president also enjoys a majority coalition in parliament through his Alliance for a Presidential Majority (AMP).

It has now been almost ten years since Joseph Kabila became president, so he has a long public record available for all to see. What that record shows is that nearly four years after the elections, the outlook for Congolese democracy gets bleaker by the day.

Kabila forced Bemba, his main challenger, into exile in April 2007. Bemba was subsequently arrested in May 2008 in Belgium on war-crimes charges brought by the International Criminal Court, and he has been in prison and facing trial at The Hague for two years. The 2005 Constitution was tailored to accommodate Kabila, and the donor community continues to support him, offering various debt-relief assistance programs to lighten the DRC's financial burden. The UN still maintains its peacekeeping mission there, helping to remedy the country's lack of a professional army.

Still, for almost a decade, Kabila has consistently failed to provide a clear sense of direction and vision to his countrymen. The Congolese have heard many a beautiful speech, but such buzzwords as peace, security, and growth now ring hollow. The president has failed to instill a sense of accountability among his own associates, and the Kabila team is unwilling to take responsibility for any policy failure. In an interview with Jeffrey Gettleman of the *New York Times* on 3 April 2009, Kabila surprised and insulted his fellow citizens when he said that he had not yet found even fifteen determined and resolute Congolese to help transform the country.¹³ Sixty-four million Congolese have been waiting for him to lead them since 2001. They turned out in great numbers to legitimize him in July and October 2006, but their president does not seem to see them.

Kabila inherited a country at war with a collapsed infrastructure. But the Congolese, despite their diversity, possess a strong sense of national unity that has held the country together through the wars and rebellions that threatened to divide it. Where warfare has failed, however, President Kabila may succeed. His presidency, which has led to an east-west rift along language lines—Lingala in the west and Swahili in the east—is endangering national unity. Although some Western observers have argued that the DRC's continental size is the real problem, they are

wrong.¹⁴ The governments of some of the world's largest and most diverse countries—the United States, for example—provide good governance, while tiny countries such as Rwanda struggle merely for survival. The DRC's problem is not its size; it is its lack of leadership.

Desperate for Reform

The Kabila administration has fallen short on many critical fronts—notably, security, freedom of the press, decentralization of power, and individual freedom and liberties—and the quest to amend a constitution that is only four years old is reflective of the government's misplaced priorities. One year remains in Kabila's first term, and he is eligible for a second five-year term. As the incumbent, the odds are in his favor. But the tremendous support from his political base in the east has eroded substantially during the last year as a result of his government's lack of progress on security. Without this support, Kabila cannot win in 2011. It is this new reality that drives his need for a constitutional review.

Kabila's government has failed to build a professional army, perhaps the single most important element in ensuring the DRC's territorial integrity and the security of its citizens. Kabila continues to deal with militias in the east in the same way that he did during the transition period—coopting warlords into the government and the army. Even as militia leaders get promoted into the Congolese army, they remain rooted geographically in their area of influence and continue to perpetrate horrific abuses on civilians with impunity. In short, the national army is little more than a patchwork of militias with no incentive to change.¹⁵

Militiamen and some army regulars continue to terrorize civilians and rape women on an alarming scale while the Congolese army and UN peacekeepers fail to quell the conflict in the east or protect the population.¹⁶ Meanwhile, the rest of the country grapples daily with corruption, insecurity, and the lack of basic but critical public services. The absence of an effective state has encouraged neighbors Angola, Rwanda, and Uganda to encroach on DRC territory under various pretexts, backing militias and looting natural resources.

The history of the DRC itself tells of one possible solution to the problem. In the 1960s, the country faced secession attempts, serious and pervasive rebellions, and mercenary incursions. Yet with a clear vision and under strong leadership (for better or worse) from Kinshasa, Congo built one of the most powerful armies in Africa—powerful enough to support U.S. policy in Angola in the mid-1970s as Angola fought for independence from Portugal. Likewise, with U.S. support Mobutu's army was able to stave off Libya's incursion into Chad.

Today's weak national army can hope for no such success. The DRC has no professional army because the government has no incentive to establish a competent security and law-enforcement apparatus. Yet it

is insisting that UN peacekeepers withdraw by mid-2011. Such rhetoric might make political sense, but the proposal does not make policy sense. Without a competent army, security problems would worsen; Kabila's government would fall in short order if the UN were to withdraw. Kabila and his team in parliament must first take steps to fill the security vacuum with a strong, professional, and unified state military force before asking the UN to leave. The consequences of an untimely withdrawal would be disastrous for the country, exacerbating a situation that is already volatile and dangerous.

A flourishing democracy also requires independent media sources to inform its citizens. Although the Congolese media are dynamic, they also exhibit a split personality. At a certain level, newspapers are free to publish what they please. But the Kabila administration brooks no criticism, and the media have paid a high price for crossing the government. In the face of a severe campaign of intimidation—several Congolese journalists have even been killed—the press is unable to fulfill its responsibility as a watchdog guarding the people's interest. Worse still, it is the very constitutional article that Kabila is aiming to revise, Article 220, which grants citizens the freedom of expression. Rather than revising this article, Kabila—the country's top public official, who should be the people's servant and guarantor of the constitution—should be using his power to ensure that journalists are protected by the law. A government that is afraid of criticism cannot be trusted and should not be allowed to change the constitution.

Kabila's proposed changes to the constitution will affect far more than just the media, however. The government has worked even harder to derail the devolution of power and autonomy to the provinces. The guidelines for decentralization and reconfiguring the provinces from 11 to 26 are laid out in Articles 2 and 176, respectively. Article 176 further mandates that the central government return to each province 40 percent of the revenue that the province generates. Article 226 requires the government to implement the reconfiguration of provinces within 36 months of the Senate's swearing in, which would be 14 May 2010. The new provincial divisions cannot be carried out in the current context, however, because the central government in Kinshasa does not have the means. The fiscal mandate creates further difficulties, as the new provinces would likely need support from the central government, while the central government itself is facing severe financial problems. The debate about decentralization is pressing because the provinces need the revenue in order to function and provide the services that the national government has failed to provide for decades. Nevertheless, this problem does not warrant constitutional revision.

But this has become a source of serious contention between Kinshasa and the provincial governments and assemblies. Ceding the revenues to the provinces would reduce the central government's access to funds and force a more transparent management of natural resources. The Kabila

government has refused to apply the constitution because a reduction of funds at the national level would reduce the presidential camp's influence over anyone who needs to be controlled. Conversely, the power and autonomy of provinces would increase, weakening Kabila's clout.

The Tension Spreads

The tension has been particularly pronounced in rich provinces such as Bas-Congo and Katanga. The people (as well as the assemblies and governments) of these two provinces have been the most vocal in demanding that the central government respect the constitution. The issue is potentially explosive, as people have been expecting the transfer of power and funds to the local level. Recently the tension has extended to the Ituri, Bas-Uele, Haut-Uele, and Tshopo districts, all of which are threatening to move forward independently with decentralization. Moreover, for four years, the Kabila administration has exacerbated the problem by refusing to hold local elections.

Congo has had a history of tension between federalists (like Kasavubu) and unitarists (like Mobutu). Unitarism tends to lead to the abuse of power. Determined to remain in office at all costs, Mobutu suppressed any opposition to a strong central government or to his power through a combination of constitutional amendments, money, force, and deportation. With no opposition oversight, corruption gradually crept into Mobutu's inner circle. In due course, the strongman was blinded by the illusion of omnipotence and lost control of the ship. Corruption weakened the government, and the country's infrastructure collapsed.

For now, most citizens of the DRC view the role played by the West and the United Nations (but also the international community at large) as negative at best. From the Congolese perspective, the international community designed the electoral process to benefit and legitimize Joseph Kabila—lowering the age of eligibility for the presidency and failing to prohibit the former warlords (including Ruberwa, Bemba, and Kabila himself) who headed the transitional government from running. Had they prevented these former warlords from running in the elections, space might have opened up for a real leader to come to power.

As a result of these failings, the people of the DRC today view the electoral process and ensuing democratic experience as a deception. They have not seen the positive change that they voted for after 36 years of dictatorship under Mobutu and then, more briefly, Laurent Désiré Kabila, followed by nearly a decade of war. Yet Joseph Kabila's Western backers continue to coddle him even as his government has clearly rolled back the country's small but significant democratic gains and dashed the hopes of millions of Congolese.

Consequently, the Congolese who turned out in large numbers in 2006 to vote for change and a new political dispensation now view the

process as a sham. Despite the parody of democracy under which they live, however, the Congolese still yearn for substantive change. As voters in the DRC contemplate the 2011 presidential and legislative elections, now is the time to help steer this country of unlimited potential back on the track toward true democracy. First and foremost, Kabila's attempts to revise the constitution to fit his short-term goals must be rejected. Donor countries have invested tremendous amounts of money and other resources in the DRC's transition, and those resources will have gone to waste if donors do not provide adequate oversight and place conditions on their aid. They have been quick to dole out carrots, but unwilling to wield their sticks.

If the international community were to invest in institution-building rather than propping up an individual, the DRC would have a far greater chance of establishing a true democracy. Over the past four years, the opposition in parliament has driven all the important initiatives that have maintained a semblance of governance in the country. Moreover, both houses of parliament have instituted some of Africa's most rigorous oversight initiatives. These have included thorough investigations of mining contracts in which the Kabila government may have hidden loopholes for corruption, scrutiny of the \$9 billion bilateral cooperation agreement with China, and even an attempt to impeach Prime Minister Adolphe Muzito for mismanagement. The opposition, however, faces strong resistance from a corrupt government determined to derail the democratic process by physically intimidating members of parliament and withholding their salaries.

Currently, members of the judicial and legislative branches often lack any staff and can barely provide for their own basic needs, making them susceptible to corruption. Institutional support, including salary support over a period of time and logistical assistance, would help to empower those judges, elected officials, and other civil servants who are determined to act responsibly, ethically, and democratically.

So what of the questions posed by Herbert F. Weiss after the 2006 elections? Far from resisting authoritarian temptations, Kabila has embarked on a quest for power via a dangerous constitutional revision that would extend presidential powers and threaten individual liberties. Rather than devolving government authority to the provinces, the central government has guarded its power and even dragged its feet reconfiguring the provincial map. Parliament is now dominated by the AMP, while Tshisekedi's UDPS—perhaps the most important of the opposition parties—abstained from running in the 2006 elections. Meanwhile, the charismatic Bemba of the MLC finds himself behind bars. In other words, the opposition's effectiveness is limited.

Finally, the legitimacy lent to the new government by the 2006 elections has helped to embolden rather than humble the president, and the DRC now finds itself no closer to real democratization than before. Still,

the coming elections hold the possibility for change. But if 2011 is to usher in a democratic renaissance, international donors must first commit themselves to supporting a better election process and the establishment of key democratic structures.

NOTES

1. Herbert F. Weiss, "Voting for Change in the DRC," *Journal of Democracy* 18 (April 2007): 150.
2. Mvemba Phezo Dizolele, Interview with Larry Devlin, 2 December 2005, Lake of the Woods, Va.
3. Cléophas Kamitatu, *La grande mystification du Congo-Kinshasa* (Paris: Editions Maspéro, 1971).
4. Howard French, "Anatomy of an Autocracy: Mobutu's 32-Year Reign," *New York Times*, 17 May 1997.
5. Mvemba Phezo Dizolele, "Kabila Needs Real Help Now," *International Herald Tribune*, 12 November 2003.
6. Georges Nzongola-Ntalaja, *The Congo from Leopold to Kabila: A People's History* (New York: Zed, 2002).
7. Member countries included Angola, Belgium, Canada, China, France, Gabon, Nigeria, Russia, South Africa, the United Kingdom, the United States, and Zambia.
8. The proposed constitutional revision concerned provincial divisions and not the presidential term, according to the minister, *DigitalCongo.net*, 19 September 2009.
9. "Olivier Kamitatu: 'Il faut plus de pouvoir pour le chef de l'Etat,'" *Jeune Afrique*, 28 February–6 March 2010.
10. International Crisis Group, "Congo: l'enlèvement du projet démocratique," *Briefing Afrique*, no. 73, 8 April 2010.
11. Weiss, "Voting for Change in the DRC."
12. I monitored the election with the Carter Center in Equateur Province. Many party representatives at the voting centers did not understand their role and the recourse process in case of irregularities.
13. Jeffrey Gettleman, "An Interview with Joseph Kabila," *New York Times*, 3 April 2009.
14. Jeffrey Herbst and Gregory Mills, "Time to End the Congo Charade," *Foreign-Policy.com*, August 2009.
15. Mvemba Phezo Dizolele, Rachel Stohl, and Mgmt. Design, "The Toll of Small Arms," *New York Times*, 5 September 2006.
16. Mvemba Phezo Dizolele, "The UN in Congo: The Failure of a Peacekeeping Mission," *New York Times*, 10 May 2004.