

BIGMUN 2018
General Assembly 4: The Special Political and Decolonization Committee

Research Report

Topic 1: The state of democracy in Democratic Republic of the Congo



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Introduction

“Although looking back, no one predicted the Arab Spring, many scholars of the African political landscape find it inevitable. We did not witness an African Spring, but that does not mean we are safe. We have our own generation of corrupt and autocratic leaders and bureaucrats, (...). There are growing inequities, rising rates of unemployment, and an unbearable cost of living. We also have an active youth that constitutes a huge chunk of our population, as well as a rapidly expanding literate and urbanised middle class. So will we have an African Spring in the very near future?”¹

This citation of a prominent Tanzanian Member of Parliament named Hamisi Kigwangalla depicts in a very accurate way the current, precarious situation many Central African nations have to deal with. Kigwangalla published the article titled ‘Why was there no African Spring?’, in which he wrote the lines mentioned above, on the originally Arab news platform Al Jazeera in the summer of 2014. As stated before, his article is applicable to almost every Central African state. Research Report takes a closer look on the state of democracy in Democratic Republic of the Congo.

DR Congo today

Before going into detail on the background of this conflict, firstly has to be looked at the present situation in this specific nation. It is of the highest importance to link the past to the present in order to finally find fitting solutions for this issue.

Democratic Republic of the Congo is a large state in Central Africa and a former Belgian colony. It’s capital is Kinshasa. In order to avoid any misunderstandings, please note that DR Congo should not be confused with its neighbour Republic of Congo. DR Congo is the second largest nation in Africa, after Algeria. The rich soil full of natural resources such as various minerals and metals provides the foundation for mining, mineral processing and consumer products industries. Despite this, 63% of DRC’s 83 million inhabitants lives below the poverty line. Citizens do not profit from the country’s rich soil as the profits of natural resources fall into the hands

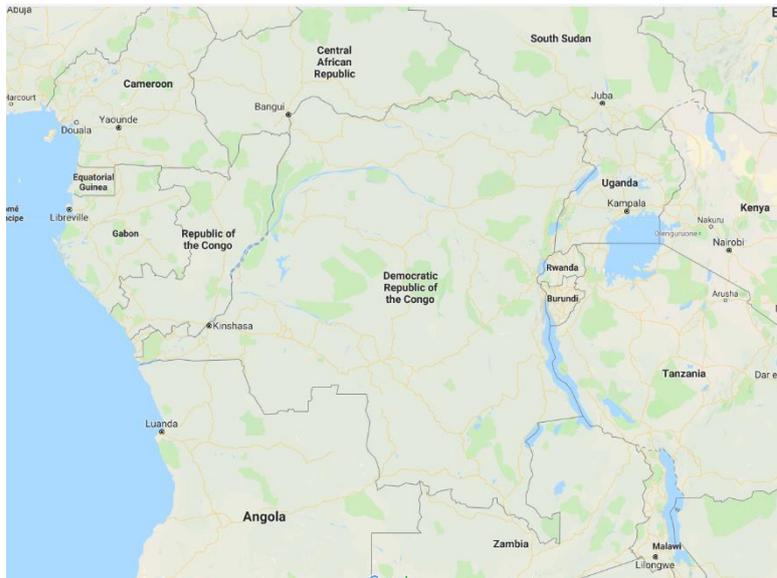


Image 1: DR Congo is located in Central Africa and has nine neighbour states.

¹ Kigwangalla, Hamisi. “Why Was There No 'African Spring'?” *Al Jazeera*, Al Jazeera, 24 July 2014, www.aljazeera.com/indepth/opinion/2014/07/why-was-there-no-african-sprin-2014724133730619939.html.

of a very non-democratic government. DRC is a proper example of the paradox of plenty: the more natural resources a nation possesses, the less profits are divided under the population. Moreover, though DRC is the largest nation in Sub-Saharan Africa, the nation possesses the 176th rank out of 188 on the Human Development Index (HDI), a ranking based on life expectancy at birth, GDP per capita and education level. Life expectancy at birth is for a Congolese person is a gaunt 57,7 years. The median age of a citizen is 18,6 year. This perfectly displays the demographic stake of youth in the country as well as in the role played by youth in this issue as a whole.

Definition of Key Terms

Democracy - There is not just one straight definition for the word ‘democracy’. Due to the presence of numerous types and varieties of democracy in today’s world, it is just possible to cover a limited core value of democracy in a definition:

“A system of government by the whole population or all the eligible members of a state, typically through elected representatives.”²

Republic - “A state in which supreme power is held by the people and their elected representatives, and which has an elected or nominated president rather than a monarch.”³

Regime - “A government, especially an authoritarian one.”⁴

Humanitarian crisis - A definition of a humanitarian crisis given by the UN could not be found. Therefore there is chosen to use the definition provided by a NGO that engaged in the provision of humanitarian aid. “A humanitarian emergency or humanitarian crisis is an event or series of events that represents a critical threat to the health, safety, security or wellbeing of a community or other large group of people, usually over a wide area.”⁵

Paradox of plenty - Also abundance paradox or resource curse.

“The paradox of plenty refers to the paradox that countries with an abundance of natural resources like fossil fuels and certain minerals, tend to have less economic growth, less democracy, and worse development outcomes than countries with fewer natural resources.”⁶

Plurality vote - In a system based on single-member districts, it may be called first-past-the-post (FPTP), single-choice voting, simple plurality or relative/simple majority.

² “Democracy | Definition of Democracy in English by Oxford Dictionaries.” *Oxford Dictionaries | English*, Oxford Dictionaries, en.oxforddictionaries.com/definition/democracy

³ “Democracy | Definition of Democracy in English by Oxford Dictionaries.” *Oxford Dictionaries | English*, Oxford Dictionaries, en.oxforddictionaries.com/definition/republic

⁴ “Democracy | Definition of Democracy in English by Oxford Dictionaries.” *Oxford Dictionaries | English*, Oxford Dictionaries, en.oxforddictionaries.com/definition/regime.

⁵ mj.proulx. “What Is a Humanitarian Emergency?” *Mj.proulx*, 6 May 2015, humanitariancoalition.ca/what-is-a-humanitarian-emergency.

⁶ “Resource Curse.” *Wikipedia*, Wikimedia Foundation, 6 Jan. 2018, en.wikipedia.org/wiki/Resource_curse.

An electoral system in which all voters are allowed to cast their vote on one out of several candidates. The candidate with the highest percentage of votes wins.

Background Information

The development of the state of democracy in DRC has been a process influenced by many historic events throughout the past decades. In order to provide a proper view on these influences, this section of the Research report will be filled mainly with a timeline. This chronological path through DR Congo's history is limited to information related to and relevant for the issue of the state of democracy. Therefore, focussed is on specific leaders and their policy of governance.

April 1994 – May 1997: Mobutu's military

At the start of this period in history, Mobutu Sese Seko had taken power in DRC, that he named Zaire from that moment on. During a coup the previous, democratically elected leader of Congo was overthrown and Mobutu worked himself up to Chief of the army and in the end to military dictator. He executed a totalitarian regime. Mobutu committed self-enrichment, fraud and nepotism. As a consequence of his anti-Soviet Union stance, he got financial support from both China and the West. So he managed to keep his all but democratic regime up.

On Congo's east side, in Rwanda, an extremist Hutu regime arose. This regime was determined to brutally massacre circa 800.000 Rwandan Tutsi and the moderate Hutu. As soon as Tutsi rebel groups took over the Hutu government, an enormous flee of Hutu entered Zaire to seek shelter in refugee camps near the eastern border. Those camps were stricken by a cholera epidemic and due to rising tensions in border regions as a consequence of militarisation of Rwandan army troops, aid instances pulled their personnel back from the shelters. The Rwandan soldiers commenced cooperation with Alliance for Democratic Liberation (AFDL), an anti-mobutu rebel group. The First Congo War started on October 24, 1996. Together they took over the capital Kinshasa, while Mobutu was abroad for medical care.

Troops of the Rwandese state's army however, entered Zaire with one other aim: chasing Hutu. UN observers now have concluded that in those times massacres and possibly genocide had taken place. Now that the Mobutu-dictate was overthrown, a new leader was put forward by AFDL: Laurent Kabila, who turned the country's name back to DR Congo. This is how the war ended in May 1997.

August 1997 – July 2003: Second Congo War

Also referred to as Great African War and African World War. This war started almost immediately after the first one. The initial war of Rwanda and Uganda versus DR Congo escalated in no time and evolved into a massive conflict, involving almost every Central African nation. The Second Congo War was a very complex war due to the participation of many different nations, rebel-, ethnic- and religious groups. Seeing as in depth information on this war holds little to no relevance for debate on the issue, the time line below depicts only a simplified summary.

Members of the former Rwandan Hutu extremist government established a new armed group called the Army for the Liberation of Rwanda (ALIR) with members in- and outside Congo. President Kabila commenced to remove Tutsi officials from high positions, just to show DRC was not in need of involvement of its Tutsi neighbour state. After having driven all Rwandan army backers out of Congo, the Rwandan army supported by Ugandan and Burundi troops as well as Congolese anti-Kabila rebels invaded Congo in August 1997.

Kabila received backup from Namibia, Zimbabwe, Angola, Chad and Rwandan Hutu militia ALIR. From that moment on, Congo became a figurative bloodstain: nine individual nations had armies delivering fight in Congolese territories.

In 1999 the combatting nations plus a dozen of militia and rebel groups signed a short lasting ceasefire in Lusaka, Zambia. Regrettably, the coalition failed in constructing a long term peace agreement. In response to the ceasefire, the United Nations Security Council arranged a peacekeeping mission consisting of 500 military observers tasked with the monitoring the Lusaka ceasefire. This mission is known as 'Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo' (abbreviated MONUC or later MONUSCO). In the year 2000, this mission was expanded with more than 5500 extra troops. Despite this, MONUC's presence in the area was still not sufficient to really de-escalate the conflict. Congo consists of an immense area of rugged lands and the number of soldiers from all different nations was large: the fighting continued.

It was January 2001 when president Laurent Kabila was assassinated by a bodyguard. During Kabila's regime Congo had been in nothing but war. By this time, an estimated 2.7 million casualties were taken by the Second Congo War and its consequential diseases. Democracy in DRC was completely absent, just as infrastructure, social facilities and economic wealth. After a few days of uncertainty, his 29-year-old son Joseph Kabila takes office to govern a land that was figuratively in ashes.

Then, as an almost metaphorical event in a country full of unrest, a volcano overlooking the eastern town of Goma, erupted, devastating large swathes of the city thus sending its 300,000 residents across the border into Rwanda to escape lava flows.

Slowly but steady, more and more detail about cruelties committed by various parties during the war reach the rest of the world. Human Rights Watch writes a report named 'The War Within the War'. This report sheds light on the widespread use of rape as a weapon of war in eastern Congo, bringing it to international attention for the first time. Shortly after, it became clear that war crimes and crimes against humanity had not been brought to a stop yet. Circa 3.000 citizens were massacred by rival militias battling in a North-East Congolese hospital village. While a tragedy was taking place, the rest of the world closed its eyes as only one newspaper reported it.

In June 2003, the West got involved in the conflict. An EU-military coalition mainly consisting of French troops landed in Congo aiming to prevent further ethnical cleansing from

happening. A short while later, the UNSC finally expanded MONUC with 10,800 peacekeeping troops.

By July 2003, peace was established in most part of Congo. Only the east still remained in unrest. Independent international investigation depicts that the African World War since 1998 has taken 3.9 million lives and is the largest civilian death toll since World War II.

July 2003 – December 2006: Transition

In peace negotiations, plans were made to re-establish democracy in Congo. Joseph Kabila set the condition that he would be put forward as interim president in a transitional government. Democratic elections were scheduled to be held within two years. However, by spring 2005 Kabila had not called upon any elections yet. As soon as he released that elections would be delayed in absence of valid arguments why, citizens got suspicious and went out on the streets to demonstrate against the non-democratic policy executed by the president. Protests were hit down by riot police forces using tear gas.

In December 2005, a brand new constitution was passed after a public referendum had been held. The constitution provided a more democratic electoral law, in which was stated that elections should consist of two electoral rounds for parliamentary and presidential elections. The first round was a round in which voters could choose one out of many different candidates, who met reasonable restrictions to be candidate for the presidency. Due to the absence of paved road in Congo, it took some time before the results came in and the votes were processed. In case none of the candidates gained a simple majority of 50% of the votes, a second run-off round would be held. In such a second round, voters had to elect one of the two victors of round one. Again a simple majority determined who was to be the new president. Elections should be held every five year. In addition, a president could be re-elected only once, so the maximum period in charge for one person is limited to ten years. By implementing this new electoral laws, hope for free elections in the DRC rose again.

Slow candidate registration, political wrangling and continued fighting in the east however, delayed elections again in April 2006. A party of the Congolese opposition named 'Union for Democracy and Social Progress' (UDPS), plead to boycott the vote, arguing that they would not be fair and free.

By June 2006, political campaigns started for what should have been the first free multiparty elections in more than 40 years. Kabila was the most likely candidate to win. The first round of presidential and parliamentary elections was held and 70% of voters showed up to cast their vote. Two month later, president Kabila turns out to win 45 percent of the vote, with his main rival, Vice-President Jean-Pierre Bemba, gaining 20 percent. A run-off vote had to be organised. Kabila supporters were shocked at the failure to get a simple majority in the first round.

The new law also prescribed a TV-debate between the two presidential candidates. This debate was cancelled after Kabila rejected to debate face-to-face with his opponent.

Furthermore, none of the candidates was campaigning in person, both in serious fear to be assassinated by followers of the opponent. Tensions raised and in the end, Kabila won 58% of the vote. Bemba documented a legal challenge alleging vote rigging by Kabila's side. Even more violence bred. The Supreme Court held up Kabila's election. In the last month of 2006, Joseph Kabila was sworn in as president of a lot more democratic DRC than had ever been.

February 2007 – Present: Democracy?

Although the independent Kabila was elected and in power for the next five years, the opposition parties did not give up their fight. In 2011, new elections would take place. A possible run-off round was scheduled for February 2012. In the run for the elections of 2011, Kabila changed the electoral law once again aiming to secure a second term of five years of presidency. He eliminated the second run-off round, undermining the need for a 50% majority. The race for the presidency became a plurality vote. DRC became somewhat less democratic. This was the start of what turned out to be a very turbulent and instable election.

Two weeks before the actual vote, opposition leader Étienne Tshisekedi declared himself president of DRC using the argument that a majority of voters turned against Kabila.

On 28 November 2011, elections were held under precarious circumstances. Numerous violent incidents took place, ballot boxes were delivered late or not at all. Hence, the elections were extended by one more day.

Joseph Kabila seized power once again by winning elections with 49% of the votes. Opposition leader Tshisekedi received 36%. Kabila was declared victor by the Independent National Electoral Commission (CENI). Various NGOs as well as the EU and UN peacekeeping mission MONUC doubted the integrity of the vote, since many imperfections had appeared during the elections. Rumour had that ballots had been missing and outcomes were somewhat surreal in a few regions. In some areas a voter participation of 100% was achieved according to statistics: highly implausible to say the least.

In spite of all (inter)national rumour, the Congolese Supreme Court confirmed Kabila's victory.

In December 2016, the next elections were scheduled as the second and final legal term of president Kabila expired. In September however, the CENI announced that it was impossible

have elections 2017. The 'unknown number of voters' appeared to be the reason for the delay. Large parts of the Congolese community including opposition leader Felix Tshisekedi, son of former opposition leader Étienne Tshisekedi, doubted the legitimacy of the reason given. They suspected president Kabila of not willing to step aside for a the next democratically chosen president. Felix Tshisekedi posted on Twitter that by postponing elections the chairman of CENI had 'declared war on the Congolese people'.

Now 2017 has passed, there is still no sign of elections coming up rapidly in 2018. Unrest and mistrusts towards settled president Kabila accrues on national as well as on international level. Fears for a not the not voluntarily step-aside of Kabila start to become reality, with

regard to the fact that his final term end more than a year ago. Assumptions that CENI and president Kabila are in it together are realistic.

Acts of non-democracy

Now it is comprehensible how the current regime came to power, it is necessary to view what kind of non-democratic acts are carried out by the kabila-office. Since the turbulent history of the country and the current situation both play a gigantic role in how this issue arose and can be solved, it is important to take both into consideration.

Not only is Kabila acting against the electoral law by overcrossing the limits of the legal term length, but also has he been accused for fixing elections and controlling the outcome. Unfair campaign circumstances, false polls, intimidation, imprisonment and threats of assassination towards the opposition create a very inhumane and undemocratic atmosphere. Next to that, secretly cooperation with the what should be ‘independent’ electoral commission is what he is blamed for as well. Corruption in the Kabila-regime causes trust issues with the hurt Congolese community. For this reasons, Kabila is considered a dictator.

The Congo suffers badly from the disastrous governance. Nowadays, the situation in DRC is described as one of the longest running humanitarian crisi. According to statistics provided by the NGO Human Rights Watch (HRW), over 1,5 million Congolese citizens have been displaced.

To summarize the state of democracy in DRC nowadays, the term ‘democracy’ is divided in three main characteristics. In the second column of the table below, the situation in the nations is briefly described.

Individual freedom and constitutional rights	Reports of various NGOs show a lack of protection of basic human rights. Although DRC has a constitution and has ratified the Universal Declaration of Human Rights, civil rights are violated frequently. Especially supporters of opposition parties are threatened and tormented. Sexual abuse is an issue as well.
Independent jurisdiction	The Supreme Court of the nations has chosen several times in recent history Kabila’s side. This does not automatically mean that independent jurisdiction is absent. But again opposition members mostly do not receive a fair trial or are imprisoned based on weak assumptions of disturbing public order.
Freedom of press and speech	Journalists of various sceptic media networks have been put in jail. The spread of news in DRC is heavily censored by the government and political enemies of the settled regime are being kept silent by the threat of imprisonment or assassination. Protests are strictly forbidden. Freedom of press and freedom of speech is thus totally absent, what makes Democratic Republic of the Congo not so democratic.



Image 2: Protests in the streets of Kinshasa after scheduled elections in 2016 were delayed.

Major Countries and Organisations Involved

Democratic Republic of the Congo - Of course does DRC have the greatest stake in the issue. The share this nation has in the issue does not need any further elaboration, since the entire situation is mentioned above in the section 'Background Information'. During session, DRC will represent the government of Kabila.

Lutte Pour Le Changement (LUCHA) - In regard to the fact that the percentage of youth in DRC is extraordinary high, this group of inhabitants has very much to do with this issue as they are the future generation. LUCHA is an organisation managed by youth and young adults. "The group is based in Goma in eastern Democratic Republic of Congo and fights for a class of rights that protect Congolese's freedom from infringement by governments, social organizations, and private individuals. They ensure one's ability to participate in the civil and political life of the Congolese society and state without discrimination or repression." "The group is determined to ensure there is better governance, respect for human rights and improved and much stronger democracy in the country that faced 32 years of President Mobutu Dictatorship. These inspired Congolese youths driven by social injustice and non-democratic political process believe that their movement can bring about positive change in the DR Congo, as well as Africa as a whole."⁷ They try to achieve this by means of peaceful protests. Hence, their slogan is: 'We are not violent, we risk together, we assume our acts.'

⁷ "Lutte Pour Le Changement." *Wikipedia*, Wikimedia Foundation, 5 Jan. 2018, en.wikipedia.org/wiki/Lutte_pour_le_changement.

Central African Nations - For the sake of peace and stability in the region, Central African Nations, and especially neighbour states Central African Republic, South Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia, Angola and Republic of Congo are highly involved in the matter. DRC is the largest nation in Sub-Saharan Africa and was the scene of one of Africa's most bloody wars ever. For Central African nations a steady and safe DRC would be beneficial.

Relevant UN Resolutions

UNSC Resolution 2360 adapted on 21 June 2017

Klick [here](#) for the entire resolution.

HRC Resolution L.36 adapted on 23 June 2017

Klick [here](#) for the entire resolution.

UNSC Resolution 2389 adapted on 8 December 2017

Klick [here](#) for the entire resolution.

Previous Attempts to Solve the Issue

As above mentioned resolutions by the UNSC indicate, the United Nations Security Council has up till now primarily focussed on the re-establishment of peace in the nation. Resolutions made are mainly about the extension, quantity and tasks of the mandate in DRC. The HRC-resolution is aimed for the send of experts in order to reduce human suffering.

The MONUC-peacekeeping mission played a certain role in the elections of 2011. They provided security at some voting station. Sadly, their help was by far not enough to guarantee fair and safe elections throughout the entire nation.

None of the previous resolutions however seeks for a solution to make DRC more democratic. It is understandable that the main focus is on ending human rights violations and the creation of a long term peace solution. On the other hand should be taken into account that a major cause of the instability in the Congo is the lack of good governance by a society-backed up leader.

Possible Solutions

In order to make president Kabila step aside voluntarily, the cause for his remaining should be beard in mind. He might be afraid for what happens to him and his family when he is not anymore in a privileged role as he is in now. People might start questioning his role in the war. What did he and his troops committed? Kabila might be afraid to face (international) court and jurisdiction for his commitments. So providing him a solution where he does not get prosecuted for his actions and providing him a place for retirement in or outside DR Congo might make it easier for him to step aside a leader. Providing him some insurance for when he

pulls himself back might create room for new elections. This solution however, would stand against (inter)national law and would undermine fundamentals of a democracy.

Another option is the constitution of economic sanctions and trade boycotts in order to force the leaving of president Kabila. This may sound like a good way to put pressure on the regime. Nevertheless is the creation of tension in this way not a good solution at all, because in the end only the Congolese citizens will become victim of this acts. It will decline the humanitarian crisis in the country.

Lastly, there could be questioned to which extend is up to the UN to opt which form of governance is the best for a country. The UN is an intergovernmental organisation and should not carry out a preference on the subject of how a state should be governed. Anyway, the issue is not about whether a democracy is good for DRC. The fourth General Assembly is gathered to come up for the constitutional right of the Congolese civilian, the right to freely elect a president once in five years, the right to make their voice be heard, the right on president of their choice.

Bibliography

Kigwangalla, Hamisi. "Why Was There No 'African Spring'?" *Al Jazeera*, Al Jazeera, 24 July 2014, www.aljazeera.com/indepth/opinion/2014/07/why-was-there-no-african-spring-2014724133730619939.html.

"Resource Curse." Wikipedia, Wikimedia Foundation, 6 Jan. 2018, en.wikipedia.org/wiki/Resource_curse.
https://en.wikipedia.org/wiki/Resource_curse

"Ensuring Democracy in the DRC." YouTube, 6 Apr. 2016, [youtu.be/AVCt9IJXC0A](https://www.youtube.com/watch?v=AVCt9IJXC0A).
[https://www.youtube.com/watch?v=AVCt9IJXC0A&feature=youtu.be`](https://www.youtube.com/watch?v=AVCt9IJXC0A&feature=youtu.be)

"Democracy and Human Rights in the Democratic Republic of the Congo." Human Rights Watch, 30 Nov. 2016, www.hrw.org/news/2016/11/29/democracy-and-human-rights-democratic-republic-congo.
<https://www.hrw.org/news/2016/11/29/democracy-and-human-rights-democratic-republic-congo>

"Democratic Republic of the Congo General Election, 2018." Wikipedia, Wikimedia Foundation, 2 Jan. 2018, en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo_general_election,_2018.
https://en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo_general_election,_2018

"The Observer View on Congo and the Failure of Democracy in Africa | Observer Editorial." The Guardian, Guardian News and Media, 22 Oct. 2016, www.theguardian.com/commentisfree/2016/oct/22/observer-view-on-congo-failure-of-democracy-in-africa.
<https://www.theguardian.com/commentisfree/2016/oct/22/observer-view-on-congo-failure-of-democracy-in-africa>

Goldfaden, Marissa B. “The State of Democracy in the Democratic Republic of Congo.” *Inquiries Journal*, *Inquiries Journal*, 1 Apr. 2011, www.inquiriesjournal.com/articles/520/the-state-of-democracy-in-the-democratic-republic-of-congo.
<http://www.inquiriesjournal.com/articles/520/the-state-of-democracy-in-the-democratic-republic-of-congo>

“The World Factbook: CONGO, DEMOCRATIC REPUBLIC OF THE.” Central Intelligence Agency, Central Intelligence Agency, 3 Jan. 2018, www.cia.gov/library/publications/the-world-factbook/geos/cg.html.
<https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>

“DR Congo: Chronology.” Human Rights Watch, 23 Jan. 2012, www.hrw.org/news/2009/08/21/dr-congo-chronology#_Independence.
https://www.hrw.org/news/2009/08/21/dr-congo-chronology#_Independence

“Democratic Republic of the Congo General Election, 2011.” Wikipedia, Wikimedia Foundation, 27 Dec. 2017, en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo_general_election,_2011.
https://en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo_general_election,_2011

“La Lucha - Lutte Pour Le Changement, Un Mouvement Citoyen Des Jeunes Congolais.” La Lucha - Lutte Pour Le Changement, Un Mouvement Citoyen Des Jeunes Congolais, www.luchacongo.org/.
<http://www.luchacongo.org/>

“Subscribe to the FT to Read: Financial Times Fears of Unrest as Congolese President Refuses to Step Down.” *Financial Times*, www.ft.com/content/0cf3fe00-c36e-11e6-81c2-f57d90f6741a.
<https://www.ft.com/content/0cf3fe00-c36e-11e6-81c2-f57d90f6741a>