A DEMOCRATIC POLITICAL ORDER AFTER VIOLENCE: LESSONS FROM ELECTIONEERING IN THE DEMOCRATIC REPUBLIC OF CONGO

David-Ngendo Tshimba[*]

ABSTRACT

This article, by means of secondary data analysis, delves into the predicaments of elections after violent armed conflicts as a means to (re)build broken political structures and so restore a democratic political order. Although elections are a key component of liberal democratic governance, the article nevertheless acknowledges that resorting to the ballot and not to the gun is actually not a guarantee of order and stability in the aftermath of political violence. The article is in agreement with the fact that many scenarios of electoral engineering in post-Cold War Africa have been flawed as they have been fraudulent, violent, manipulated, or a combination thereof and thus fallen short of meaningful political reconstruction in the aftermath of political violence. On that basis, the article proceeds with a political stock-taking of the case of 'electocracy' (the quest for a democratic dispensation through the sole path of popular elections) in post-war Democratic Republic of the Congo (DRC) based on the two episodes of 2006 and 2011 general elections. The article ultimately suggests that the need to conduct general elections should not take pre-eminence on the political to-do list of priorities facing a post-violence country such as today's DRC. Instead, the article argues for political institutionalization through socially emancipating politics. This may be a less enviable yet more rewarding move in the quest for a viable democratic political order in the context of a previously war-ravaged country.

I. INTRODUCTION

Even after government is established it remains more the guarantor than the maker of the law. The structure of order in any society is a rather elaborate affair. It is the result of long-time adjustments between man and man and between man and environment.[1]

---

*   PhD Fellow, Makerere Institute for Social Research (MISR), Makerere University. Email: <dntshimba@gmail.com>.

1. R.M. MACIVER, THE WEB OF GOVERNMENT, REVISED EDITION. NEW YORK: THE FREE PRESS (1965).

In the aftermath of the Cold War—which was by no means any mild on the African continent—a vast majority of African states still struggle to overcome the challenges characteristic of a post-war context as they strive for political as well as socio-economic paradigms that would rid them of eventual institutional fragility. The Democratic Republic of the Congo (DRC) is no exception to this trend. This article—drawing from contemporary events and scholarly literature on scenarios of electoral engineering in post-Cold War Africa—seeks to illuminate the predicaments (structural, political, social and economic) pertaining to conducting elections after violent conflict as a means to (re)build broken political structures and to restore a democratic political order of the state.

Whereas, in essence, a theory and practice of civics in which sovereignty is lodged in the assembly of all citizens who choose to participate in the decision-making processes to shape their own destiny sound a good thing, Huntington convincingly cautions that premature increases in political participation—including events like early elections—have a great likelihood of destabilizing fragile political systems.[2] In lieu of a haste into a political order as prescribed in the dispensation of liberal democracy—key to which is civic participation through the holding of elections—Huntington hence argues for a political strategy which, in the words of Francis Fukuyama, came to be called "authoritarian transition,"[3] whereby a modernizing dictatorship provided political order, a rule of law, and the conditions for successful economic and social development.

Broadly in line with Huntington's analytical framework together with other critics of Western liberal democracy, the article deciphers the pitfalls of post-war DRC's electioneering in the two episodes of 2006 and 2011 general elections. Basing on these two sequential yet profoundly dissimilar electoral experiences in patterns (although prior to each of which armed conflict had weighed heavily on the country's agency and institutions), the article aims to corroborate that resorting to the ballot and not to the gun is no guarantee of restoration of firm political order in the aftermath of nation-wide devastating armed conflicts. Furthermore, against the backdrop that, twice after emerging as winner of the elections, President Joseph Kabila's government has thus far been incapacitated—albeit with a heavy international community's engagement—to consolidate its precariously fragile political, economic, social and security infrastructures, the article argues that the insistence on the organization of elections for purposes of legitimization of power may simply not be very meaningful in the first place. It could end up as a hollow ritual and more so one that does provide

---

2. P.S. HUNTINGTON, POLITICAL ORDER IN CHANGING SOCIETIES. NEW HAVEN: YALE UNIVERSITY PRESS (1968).

3. F. Fukuyama, "Preface", in Huntington, *id*.

an otherwise autocratic regime with a façade of legitimacy or, worse still, may lead to a renewal of violence only capable of worsening an already bad situation.

In final analysis, it is argued that whereas the desire for free and credible elections may constitute the hallmark of a democratic political order as per the tenets of liberal democracy, the context within which such democratic ideal is pursued serves as a caveat. For a previously war-ravaged state faced with political as well as socio-economic challenges such as those that the DRC faced after two episodes of armed conflict, elections—good intentions and unavoidable pressures notwithstanding—may not consist of the immediate vitally necessary steps along the road to a viable democratic political order. Rather, making the post-war state capable of governing (by rebuilding hitherto collapsed state institutions in charge of modulating all social forces, regulating the economy and ensure equitable redistribution of its dividends, and adjudicating all sorts of controversy and conflict) as well as the post-war society governable (by synchronizing all different as well as differing social forces for sound civic participation) constitute a proper sequencing essential to the eventual establishment of political institutionalization, which is in turn a crucial first step for a truly democratic political order after mass political violence.

II. ON ELECTIONEERING IN POST-COLD WAR SUB-SAHARAN AFRICA

In the early 1990s, there was in sub-Saharan Africa a rapidly growing reliance on electoral processes as the principal way to legitimize governance at national, regional, and local levels. Coming from the context of a bipolar world from where the crisis and the collapse of one side (communism) seemed to have validated the victory and superiority of the other (capitalism), Wamba-dia-Wamba noted that the political death of bureaucratic socialism has propelled the parliamentarian mode of politics to a hegemonic position: supporters of capitalism in the West have seized "the occasion to intensify the propaganda for a free market economy and multi-party democracy."[4] Elections, Reilly hence notes, have been perceived as an inescapable means for jump-starting a new, post-conflict political order; for stimulating the development of democratic politics; for choosing representatives; for forming governments; and for

---

4. E. Wamba-dia-Wamba, *Africa in Search of a New Mode of Politics*, in AFRICAN PERSPECTIVES ON DEVELOPMENT: CONTROVERSIES, DILEMMAS AND OPENINGS (U. Himmelstrand, K. Kinyanjui & E. Mburugu eds., 1994) London: James Currey, at 256.

conferring legitimacy upon the new political order.[5] Furthermore, they could also provide a clear signal that legitimate domestic authority has been returned and therefore inferring that the role of the international community may be coming to an end.

Seen as the basis for both democratic governance and political (re)construction in post-conflict scenarios, these elections have become something of a growth industry in the post-Cold War world order. Emphatically, Article 21 of the United Nations Declaration of Human Rights had yet reiterated the stipulation of elections in the following terms: "The will of the people shall be the basis of the authority of government; this shall be expressed in *periodic* and genuine elections which shall be by universal and equal suffrage..." (italics added for emphasis). As the most visible feature of liberal democracy, universal suffrage in independent Africa has been treated as democracy's defining characteristic.

Oftentimes, the main answer of the international community to the problem of inertia or systemic dependency in the aftermath of severe conflict is the rapid organization of elections, which are expected to produce legitimate governments with mandates to shape new and better societies. The post-conflict democracy solution, however, contains major problems. Citing the work of Robert Bates, *When Things Fell Apart*, Straus and Taylor have reiterated that the early optimism about Africa's democratic transition has met with new skepticism to the extent that political liberalization (by way of a dispensation of liberal democracy) came to shorten the time horizons of African leaders during the past two decades, increasing the likelihood that state leaders would predate rather than develop institutions for the common good.[6] Furthermore, Uvin argued that, against a backdrop of extreme poverty due to dilapidated socio-economic infrastructures, disorganization of the then political scene, and the legacies of violence that continue to suffocate delivery of public goods, elections might simply not be very meaningful first and foremost.[7] In the same vein, Collier maintains that the organization of elections in poor countries simply increases the risk of political violence.[8]

---

5. B. Reilly, *Elections in Post-Conflict Scenarios: Constraints and Dangers,* 9 INTERNATIONAL PEACEKEEPING (2002), London: Routledge.

6. S. Strauss & C. Taylor, *Democratization and Electoral Violence in Africa, 1990-2008,* in VOTING IN FEAR: ELECTORAL VIOLENCE IN SUB-SAHARAN AFRICA (A.D. Bekoe ed., 2012), Washington, DC: USIP Press, *cited from* R.H. BATES, WHEN THINGS FELL APART: STATE FAILURE IN LATE-CENTURY (2008).

7. P. Uvin, *The Development/Peacebuilding Nexus: A Typology and History of Changing Paradigms,* 1 JOURNAL OF PEACEBUILDING AND DEVELOPMENT (2002).

8. P. COLLIER, WARS, GUNS AND VOTES: DEMOCRACY IN DANGEROUS PLACES (2010). LONDON: VINTAGE BOOKS.

In Reilly's opinion, there are three main areas of variation that are of crucial influences on the shape of post-conflict politics in most countries.[9] First is the question of timing: should post-conflict elections be held as early as possible so as to fast-track the process of establishing a new regime, or should they be postponed until peaceful political routines and issues have been able to come to prominence? Second, there is the mechanics of elections themselves: who runs the elections; how are voters registered; what electoral formula is used? Third, there is the often-underestimated issue of the effects of elections on the political parties. Are political parties—weak civil societies notwithstanding—contesting in a parochial manner or are they broad, programmatic organizations with real links to the grassroots? Thus, electoral processes—most especially in the aftermath of violent conflict—may contribute to the (re)building of broken/inexistent political structures and ensure durable peace or they can be catalysts of conflict and violence, and further break down the already broken structures dilapidated by violent conflict.

For Bekoe, new democracies (of which most of post-Cold War sub-Saharan Africa became characteristic) face a particularly high risk of political violence in general and electoral violence in particular. This is especially true for "poorer, ethnically diverse, and post-conflict countries."[10] Hence, as the tendency for many peace agreements to proclaim the formal end of a conflict consists of the organization of elections, post-war states become more prone to electoral violence in the short-term and political violence in the long run.

The debate on electoral systems in post-Cold War Africa has often presupposed that the key institutional players in this process—most notable of which are political parties—do represent the aspirations of the electorate and that the general elections merely come into play to arbitrate over which of the contesting parties is deemed by the voting majority as best capturing their issues and concerns. Yet, in a post-war setting where violence-ridden states are apt to have stronger patronage networks in comparison to others, the demands of loyalty supersede efficiency, inclusivity, and the rule of law; hence, electoral violence is likely because power is sought by any means necessary.[11] Little wonder that the predominant route to state power in most parts of Africa today has been through the orchestration of political violence of which electoral violence remains a central part.

---

9. Reilly, *supra* note 5.

10. A.D. Bekoe, *Introduction: The Scope, Nature, and Pattern of Electoral Violence in Sub-Saharan Africa,"* in Bekoe, *supra* note 6, at 5.

11. *Id.*

Assessing Africa's new governance models, Olukoshi noted that where citizen pressure became an exercise in futility under political regimes that were supposed to have derived their mandate from the populace through elections, the essence of governance had not really changed in spite of the framework of electoral pluralism that had been introduced.[12] Furthermore, the cost of getting the elected government to pay attention to domestic concerns has actually been high, involving the organization of domestic protests, the deployment of a brutal state apparatus, the routine abuse of power in order to undermine domestic political opposition, and the continued rigging of votes to foil the popular will and block the extension of the frontiers of democracy.[13] To add to such gloomy stories of suffocated democratic dispensation, Oloka-Onyango too realised that only six of Africa's independence leaders were replaced in free and fair elections; the rest were either overthrown, forced to resign, died in office, or were stopped by an assassin's bullet.[14] That a sheer lack of genuine political pluralism has been conspicuous in post-Cold War Africa is an indisputable fact, the facade of 'multi-partyism' notwithstanding.

Berhanu underscored that the tide of democratisation that swept Africa in the aftermath of the Cold War brought to the fore a category of elites whom Gros has labeled "opportunistic democratisers."[15] As Berhanu further noted, constitutional reforms and the conduct of pluralistic periodic elections alone are not sufficient for effecting transformation with a positive bearing on the socio-economic and political life of the citizenry and the good of society (including non-citizens) at large.[16] Hence, to replace authoritarian regimes by seemingly democratic ones rather than making new arrangements in the realm of political governance, which can practically benefit society in socio-economic terms, may turn out to be futile. Despite the fact that elections remain a prerequisite for broader democratic practices, electoral exercises and democratic political order are certainly not synonymous.

Undoubtedly, electioneering in post-Cold War sub-Saharan Africa has essentially consisted of a business of politico-military elites (in some contexts also known as warlords) who are prompt to take up elections as a safe haven that legitimizes their aspirations and perpetuates their privileged positions. What is actually needed in

---

12. A. Olukoshi, *Assessing Africa's New Governance Models,* in AFRICA'S NEW GOVERNANCE MODELS: DEBATING FORM AND SUBSTANCE (J. Oloka-Onyango & N.K. Muwanga eds., 2007).
13. *Id.*
14. J. Oloka-Onyango, *Not Yet Democracy, Not Yet Peace! Assessing Rhetoric and Reality in Contemporary Africa*, in Oloka-Onyango & Muwanga *id.*
15. K. Berhanu, *Constitutional Engineering and Elections as Sources of Legitimacy in Post-Cold War Africa*, in Oloka-Onyango & Muwanga *id.*
16. *Id.*

such scenarios, Berhanu emphasized, is to perfect the formal facades of electoral organs, procedures, and processes in a manner that is commensurate with presentable and standard norms acceptable to domestic constituencies as well as interested external actors such as bilateral donors, international electoral observers, and multilateral institutions.[17] In response to some political scientists who claim, by way of hypothesis, that three or four electoral experiences are needed to make things go in the right direction, Van Reybrouck stated the following: "One does not start cultivating the desert by first sowing the best of seed. The same goes for introducing a democracy."[18] Unless the contest of multi-party elections in the aftermath of violent conflict is *a priori* planned in tandem with approaches that are built on a solid analysis of the conflict and the cleavages that created it, so as to bridge these cleavages and thereby create trust in a level playing field and an outcome that is integrative and which does not lead to further exclusion, the conduct of post-violence elections, Bøås argues, is bound to create winners and losers, and hence cement cleavages and perceptions from the violent past.[19]

III. THE CASE OF 'ELECTOCRACY' IN THE DRC

Since the fifteenth century, recorded history has it that the Congolese people have waged a series of major struggles for freedom, development and other democratic rights, with the hope of improving their lot and ensuring a better future for their children. The struggle had gone through various episodes. These include: the repudiation of slave trade (1400-1870); the protest against social violence and mass killing (1885-1809) under the Leopoldian rule; the revolt against colonialism and fight for independence (1944-1960); the revolution against the failure of the post-colonial state to fulfill the expectations of independence (1963-1968); the opposition to one-party dictatorship and support for multiparty democracy (1969-1996); and resistance against external aggression and new forms of dictatorship internally (1997- to date).

Reportedly, the two successive wars, the first from October 1996 to May 1997 commonly referred to as 'the war of liberation' and the second from August 1998 to July 1999 commonly referred to as 'the war of occupation', arguably constitute the worst humanitarian crisis the country has ever had since independence in 1960. According to Turner, the war that unfolded in the DRC—the former Zaire—in the mid-

---

    17. *Id.*
    18. D. VAN REYBROUCK, CONGO: THE EPIC HISTORY OF A PEOPLE (2014), at 512 [translated from the Dutch by Sam Garrett]. London: Fourth Estate.
    19. M. Bøås, *Liberia: Elections—no quick fix for peacebuilding,* 17 NEW ROUTES (2012).

1990s was the bloodiest since the Second World War.[20] The thrust of the argument advanced in this article, however, does not entail a full treatment of these episodes of war which bloodily devastated the entire body politic of post-Mobutu DRC. Nonetheless, a succinct presentation of the happenings that preceded the conduct of the 2006 elections is in order.

Unlike the military energies invested in the first insurgent war (1996-7), the international community—spearheaded by the United Nations and African Union—quickly agreed to ways of bringing the second war (1998-9) to an end by all diplomatic means possible. First was the Southern Africa Development Community (SADC)—a regional integration of which the DRC was and still is a member-state—that took interest in the Congolese armed conflict, framed as a war of aggression. South Africa had always been interested in pursuing a negotiated political settlement in the DRC.

In late 1996, while Laurent Kabila's AFDL was fighting their way to Kinshasa, President Nelson Mandela unsuccessfully tried to broker a peace deal between then President Mobutu and Kabila.[21] Discussions concerning whether a military intervention or diplomatic ways ought to be sought initially set SADC member-states apart. The 14-member SADC did not agree with the South African emphasis on negotiations rather than force as a way of settling the dispute. While South Africa—supported by Botswana, Lesotho, Mozambique and Swaziland—pushed for a diplomatic solution, Angola, Namibia and Zimbabwe deployed troops to Kinshasa "to help prevent the regime of Laurent Kabila from being overthrown."[22] Successive summits to devise ways forward for the Congolese crisis ended in adopting the diplomatic solution (negotiated political settlement) proposed by Zambian President Frederic Chiluba, which culminated into the signing of the Lusaka Agreement for Ceasefire by all belligerents.

With much unfinished business, all the state parties to the conflict, namely Angola, DRC, Namibia, Rwanda, and Uganda, signed the Lusaka Agreement for Ceasefire on 10 July 1999. Three weeks later, the two main Congolese rebel movements, namely the RCD and the MLC, endorsed the agreement on 31 July and 01 August 1999 respectively. This agreement underscored the ceasefire and other pacifist provisions including the withdrawal of all foreign armed forces from the DRC, the

---

20. T. TURNER, THE CONGO WARS: CONFLICT, MYTH AND REALITY (2007). LONDON: ZED BOOKS.

21. D. Curtis, South Africa: Exporting Peace to the Great Lakes Region? (2007), retrieved from <https://www.nottingham.ac.uk/shared/shared_icmcr/Docs/curtis.pdf>, (accessed on 17 July 2015).

22. *Id.,* at 8.

deployment of a UN peacekeeping force, and the Inter-Congolese political negotiations to lead to an all-inclusive transitional government that was expected to come to an end with the conduct of free and fair general elections.

Already, by 16 September, Mbavu notes, accusations of violation of the ceasefire by parties to conflict abounded, especially between RCD's Rwandan-backed forces and the national DRC army, *Forces Armées Congolaises* (FAC).[23] Protagonists, most especially those behind the war (RCD and its regional backers, which included Burundi, Rwanda and Uganda) started to suffer from the counter-offensive of Kinshasa's allies (Angola, Chad, Namibia and Zimbabwe) as so much capital was being invested in the war.

In a bid to follow through the aborted Lusaka Agreement in the aftermath of the assassination of President Laurent-Desire Kabila on 16 January 2001, the envisaged Inter-Congolese Dialogue (ICD) ensued. Former President of Botswana, Ketumile Masire, had been appointed Chief Facilitator of the process since 1999 at the consternation of Laurent Kabila.[24] Unlike the peace talks that culminated into the Lusaka Agreement, the ICD brought together not only the direct belligerent parties (the Kinshasa government now under the leadership of President Joseph Kabila, the RCD-G, the RCD–K/LM, and the MLC) but also other local militias of the troubled eastern DRC (the Mai-Mai) as well as representatives from the political opposition and the civil society (religious and traditional leaders). The ICD, Curtis further notes, gathered together 360 delegates from eight components and entities; the delegates split into five technical commissions dealing with (a) political and legal issues, (b) security and defence, (c) social, cultural and humanitarian affairs, (d) finance and economy, and (e) peace and reconciliation.[25]

Following the initial meetings in Gaborone, Botswana, and in Addis Ababa, Ethiopia, in August and October 2011 respectively, South Africa became increasingly involved in the process in 2002. Thereafter, the ICD culminated into the signing of the Pretoria Global and Inclusive Agreement on Transition in the DRC on 17 December 2002 under the auspices of President Thabo Mbeki. Then Deputy President of South Africa, Jacob Zuma, echoed to the Congolese signatories to this agreement that "persistent pressure got the ANC to the negotiating table… and kept both sides there through the convoluted CODESA [Convention for a Democratic South Africa]

---

23. V.M. MBAVU, LE CONGO-ZAIRE: D'UNE GUERRE À L'AUTRE, DE LIBÉRATION EN OCCUPATION (CHRONIQUE 1996-LUSAKA 1999) (2003).

24. Curtis, *supra* note 21.

25. *Id.*

process."[26]   Three months later, the Pretoria Global and Inclusive Agreement was adopted by all parties to the dialogue on 01 April 2003, still under the facilitation of President Ketumile Masire in South Africa under the auspices of President Mbeki. While it took a year to reach a ceasefire, only one other year lapsed to create a transitional government to lead the country to elections.   Yet, among the many explanations which caused the war in the first place was the collapse of the Zairian/Congolese state.   Supposedly, Turner notes that the insurgency of Laurent Kabila and his Rwandan and Ugandan backers was sucked into a vacuum, caused by the disappearance of the Mobutist state.[27]

This Global and Inclusive Peace Accord did usher in the three-year national transitional government headed by one President (Joseph Kabila heading the *Parti du Peuple pour la Reconstruction and le Développement*, PPRD) and four Vice Presidents (Jean-Pierre Bemba of the MLC, Azarias Ruberwa of the RCD-G, Abdulaye Ndomabsi of the PPRD, and Arthur Z'Ahidi-Ngoma of the civil opposition). The leadership comprised representatives of the MLC, RCD, Kinshasa government and the political opposition.   Not only did the Pretoria Global and Inclusive Agreement consist of a sophisticated power-sharing deal for a transitional government led by former direct belligerents, but also, and more important, all transitional government positions besides the executive, the Legislative, the Judiciary, and Defence and Security, were proportionally shared among all the parties to the agreement.   This transitional government was sworn-in on 30 June 2003 (Independence Day) and in May 2005 the transitional National Assembly (Parliament) adopted a draft new constitution.   The constitution was subjected to a referendum in December 2005 and approved with an overwhelming majority vote cast in its favour.

Approval of the 2005 constitution, it is reported, would usher in the Third Republic, starting with the elections of 'new' leaders with political legitimacy and so end the otherwise democratic transition which begun in the early 1990s and interrupted by the two wars.   Whereas the West, spearheaded by the United States of America applauded the new DRC constitution as establishing "a balance of power between the branches of government, ensuring protection and development of minorities, and providing for a limit of two presidential terms" critics, Turner writes, gave no praise for it; they judged it "vague both as regards the form of state (unitary or federal) and the form of governing regime (presidential and parliamentary)."[28]

---

26. *Id.,* at 10.
27. Turner, *supra* note 20.
28. *Id.,* at 183-4.

Wamba-dia-Wamba pointed out that two dominant historical modes of politics have been specified: the parliamentarian mode of politics—which includes liberal democracy—and the Stalinian or Third International mode of politics.[29] For Wamba-dia-Wamba, however, neither the parliamentarian mode nor the Stalinian mode (which is not the same thing as the Soviet Union under Stalin, i.e. Stalinism) "support a process of human and social emancipation today."[30] It was against this backdrop and within the contours of this newly promulgated constitution that the general elections of 2006 took place.

A. The 2006 Election Experience

The conduct of the 2006 general elections (both presidential and legislative)—a democratic experiment the country must have enjoyed for the very first time ever since its accession to national sovereignty in 1960—followed a decade of one of the deadliest internationalised conflicts that made the DRC the theatre of what was called Africa's Great War.[31] Many Congolese, Turner writes, voted for peace, but their votes paradoxically led to a second round choice between the two leading warlords: Joseph Kabila and Jean-Pierre Bemba.[32] Furthermore, the elections were supposed "to put an end to 'partition and pillage' but territorial reunification was far from complete when the elections were held and pillage continued."[33]

These elections, Prunier acknowledges, followed the promulgation of the new constitution, which had been submitted to popular referendum at the end of 2005 and approved by 84.3 percent of the voters who signified a resounding triumph for the two-year long transition process.[34] Almost as soon as the electoral process began to acquire greater credibility, the conduct of elections was called into question. Because the civilian population concurred with the argument of Apollinaire Malu Malu (who by then headed the Independent Electoral Commission) about the politicians' delaying tactics, anti-postponement riots spread very quickly across the major cities of the country. Beyond the vagaries of individual politicians, the main national problem the Congolese state faced during the entire transition period was—and still remains long after the constitutional referendum—security. In the words of Prunier, the bigger

---

29. Wamba-dia-Wamba, *supra* note 4.
30. *Id.,* at 249.
31. G. PRUNIER, AFRICA'S WORLD WAR: CONGO, THE RWANDAN GENOCIDE, AND THE MAKING OF A CONTINENTAL CATASTROPHE. (2009). OXFORD: OXFORD UNIVERSITY PRESS.
32. Turner, *supra* note 20.
33. *Id.,* at 166.
34. Prunier, *supra* note 31.

problem was how to reintegrate structures of often anomic destruction into new structures of controlled violence—at least in accordance with the classical definition of the state which is an entity having the monopoly of legitimate violence over a certain territory.[35]

By 2006, election fever had started to grip the country; the looming future was filled with both hope and threats—the elections having turned into a "Holy Grail."[36] At that time of elections, the then *Mission d'Organisation des Nations Unies au Congo* (MONUC)—the United Nations peacekeeping forces already deployed in the country half a decade ago—together with the set *Comité International d'Accompagnement de la Transition* (CIAT) [International Committee in Support of the Transition] which included the five permanent members of the UN Security Council in addition to Belgium and Canada as well as four SADC member-states (Angola, Mozambique, South Africa, and Zambia), struggled against many odds to ensure that the determinant elections were held with the standard norms of free, fair, transparent and non-violent electoral processes accepted by the international community. In April, the European Union contributed a USD 21 million auxiliary military force of 2,000 troops under a Franco-German coordinated command.

If the DRC could not have completed the transition from open warfare to the elections of 2006 without substantial support from the so-called international community, this strong support paradoxically became a political problem. A number of opposing candidates, and people associated with the major non-candidate Etienne Tshisekedi, "claimed that the international community was imposing its choice, Kabila."[37] Already in the first round of these elections, a post-war DRC "deeply divided between east [Swahili-speaking] and west [Lingala-speaking]" was brought to the fore.[38] Horowitz convincingly argued that the common tendency of different ethnic groups to support opposing political parties provides a situation conducive to the mingling of ethnic and partisan violence.[39]

Upon collecting candidacy declaration forms and electoral deposit fee (USD 50,000 per candidate), the Independent Electoral Commission published a list of 33 presidential candidates.[40] A dozen of 'new political parties' sprang up—these were, according to Prunier, parties 'in name only' since they were mostly tribal or regional

---

35. *Id.*
36. *Id.,* at 309.
37. Turner, *supra* note 20, at 165.
38. *Id.,* at 166.
39. D.L. HOROWITZ, THE DEADLY ETHNIC RIOT (2001). BERKELEY: UNIVERSITY OF CALIFORNIA PRESS.
40. Turner, *supra* note 20.

gatherings around the name of one or two well-known local politicians.[41] On 20 August, given the stiff competition during the campaign period, none of the contenders had won an absolute majority in the first round; Joseph Kabila (then transitional President) had 44.81 percent of the vote to Jean-Pierre Bemba's 20.03 percent.

As per the then promulgated Constitution of the Third Republic, for a presidential contender to be declared a winner one must have got an absolute majority win, that is, 50 percent plus one vote. Subsequently, in the second round for presidential race, the densely populated Swahili-speaking eastern and southern region granted victory to Joseph Kabila who had consolidated his electorate base through a robust political alliance known as the *Alliance pour la Majorité Présidentielle* (AMP) [Alliance for Presidential Majority] against the Lingala-speaking north-western and western region which consisted of a solid support for Jean-Pierre Bemba. Kabila was declared winner in the second round of voting which took place on 29 October, with 58 percent of the vote to Bemba's 42 percent; the turnout had been 65.4 percent of the registered voters.[42] By and large, these elections were said to be free and fair.

The massive clamour that accompanied the conduct of the 2006 general elections was soon interrupted by a severe military activism, which terrorized the grassroots both in rural settings of eastern provinces and urban centers of western provinces. Undoubtedly, this widened the schism between the impatient populace and an incapable elected government on the one hand, and the weak United Nations peacekeeping forces, on the other. In the year following the general elections, the frustrated government called for the withdrawal of these blue helmets, notwithstanding a seriously fragile state security infrastructure, most especially in the east of the country.[43] Little wonder that Tordoff and Ralph convincingly argued that the holding of multi-party elections is not by itself enough to secure the firm establishment of a democratic political order.[44]

B. *The 2011 Election Experience*

2011 could have been the year for the Congolese people to undergo a democratic experiment of free, fair and transparent elections for the second time. Compared to the

---

41. Prunier, *supra* note 31.
42. *Id.*
43. V.M. MBAVU, REVITALISER UN CONGO EN PANNE: UN BILAN 50 ANS APRÈS L'INDEPENDENCE (2011). GENEVA: GLOBALETHICS.NET.
44. W. Tordoff and Y. Ralph, *Electoral Politics in Africa: The Experience of Zambia and Zimbabwe,* in GOVERNMENT AND OPPOSITION (W. Tordoff & Y. Ralph eds., 2005).

previous experience, the 2011 presidential and legislative elections were conducted in an even much tenser socio-political atmosphere. Willame reported that more than 18,000 candidates registered for parliamentary positions as opposed to 10,000 in the previous elections.[45] Equally shocking, of the 450 political parties from which these legislative candidates ensued only 417 were acknowledged by the Ministry of Internal Affairs in August 2011, in contrast to 203 political parties then acknowledged in 2006. Peculiarly, independent candidates outnumbered candidates claiming adherence to either the ruling party/coalition or to opposition parties. Even the incumbent, President Joseph Kabila did present himself as an independent candidate.

Nonetheless, contrary to the 2006 presidential vote, there were only ii presidential candidates compared to 33 in 2006; one of the reasons for this cutback could be the fact that the electoral deposit fee, which is non-refundable, for presidential candidature doubled from USD 50,000 to USD 100,000.[46] Of all the 11 candidates, four sprung from an almost politics-free background as their personalities had previously never had much impact on the national political scene; three had previously stood in the 2006 presidential race while two among the 11 were fresh contenders for the presidency though their personalities commanded some degree of influence on the national political scene. Unsurprisingly, the incumbent (Joseph Kabila) could only worry much about the latter two, namely, Vital Kamerhe—previously chief campaigner of Kabila in the 2006 race and subsequently President [Speaker] of the National Assembly [Parliament]—and Etienne Tshisekedi, an old emblematic figure of the opposition ever since the Mobutu regime, and who polarised the presidential race pretty much the same way Jean-Pierre Bemba did in 2006.

In the end, the 2011 presidential race almost turned into a two-men-show: Joseph Kabila versus Etienne Tshisekedi. The former certainly enjoyed incumbency privileges and took advantage of the state's four estates (the executive, the legislature, the judiciary, and the media) as well as the security apparatus over the latter. While Kabila's move in campaign times easily connected with those who had recently shifted to a privileged side of society and thus with a strong hold onto key instruments of power, Tshisekedi took on a grassroots approach and directed his political discourses to the have-nots, those under-privileged by hegemonic structures of the state and whom his populist excitements enticed. According to Willame, DRC's godfathers including the United States of America, the United Nations Security Council, Belgium, China, the

---

45. J.C. Willame, Ébullitions électorales au Congo : de Charybde en Scylla (2011), retrieved from <https://sites.google.com/site/chronologiesafriquecentrale/home/annee-2011>, (Posted on December 09th, 2011).

46. *Id.*

World Bank, and the International Monetary Fund, among others, did not seem to empathize with the many frustrations elaborated during Tshisekedi's campaigns.[47]

In the midst of much pressure and tension both from within and the diaspora, the *Commission Electorale Nationale Indépendente* (CENI) released on December 9th, 2011, the final detailed results announcing Joseph Kabila the winner of the presidential vote with 49 per cent against 32 per cent for his main challenger, Etienne Tshisekedi.[48] This was taken to be a constitutional win as both the senate and the parliament had already passed in January 2011 an amendment of the 2005 constitution including (i) one-round plural majority win and (ii) presidential powers to dissolve provincial assemblies, revoke governors, and call referenda. Critical analysts of DRC's political governance system had underscored that the revision of the constitution should have been much more thoughtful and should have taken into consideration the spirit of the law, not just the letter. This has essentially made the presidency much more powerful while it has caused reluctance to press for an effective decentralisation project as required by the constitution.[49]

Marred by significant irregularities and malpractices compromising the agreeable standards (both at national and international levels), the 2011 elections could not have brought any significant contribution toward a radical transformation of the nation in view of an already existent shaky status quo pointing to a failed state. The otherwise hard-won precedence of the 2006 elections was simply erased by the 2011 elections. One is left to question pessimistically DRC's capacity to address its shortcomings of governance and consolidate structures for a democratic political order with such (i) a political elite deeply involved in cancerous deals of corruption which rob its citizenry of the basic expectations and the subsequent sheer lack of interest in fighting against it; (ii) a quasi-absence of state institutions (more so security and judicial apparatuses) to protect the inalienable freedoms of the citizenry; (iii) a continuous tendency by the so-called international community to unquestionably embark on massive support for periodical general elections in the midst of sheer manifestation of abject poverty and human insecurity devouring the citizenry at the expense of state inertia/indifference.

After all, for more than 30 years, Mobutu monopolised political space in Zaire/DRC such that the renewed multi-party competition in the 1990s led to the

---

47. *Id.*

48. *Id.* See also, K.J. Stearns, As criticism of election proliferates, time runs out for opposition (2011), retrieved from <http://congosiasa.blogspot.com/search?updated-max=2011-12-13T04:18:00-08:00&max-results=7>, (Posted on December 12, 2011).

49. *Id.*

emergence of two vast, ill-defined political tendencies: "the presidential tendency and the 'sacred union' of the opposition."[50] It was, Van Reybrouck painstakingly argues, an illusion to hope that proper elections would immediately lead to a proper democracy; "the West has been experimenting with forms of democratic administration for the last two and a half millennia, but it has been less than a century since it has started putting its faith in universal suffrage through free elections."[51]

C. *Lessons from the two Congolese Electoral Performances*

Mbavu notes that if the DRC could afford to provide an answer to the long overdue question of legitimacy of its political leaders through the holding of the 2006 general elections, the state was, however, still unable to overcome its existential managerial pitfalls and so failed to reaffirm genuine (re)building of broken political as well as socio-economic structures in the post-war context.[52] More than ever before, human insecurity in the east of the country following the 2006 elections became conspicuous as though nothing historically momentous had taken place. Stearns wrote that three years following the 2006 elections, Kabila's government struggled to articulate a vision for the country; civil populations in the east were particularly repeatedly denied enjoying the dividends of democratic elections following a myriad of rebel activism and brutal military operations in a bid to secure stability with neighboring Rwanda and Uganda.[53] Meanwhile, in the Bas-Congo Province (in the far west of the country), Kabila's government faced another set of governance challenges whereby the mystical *Bundu dia Kongo* sect was "protesting abuses by the regime and demanding—sometimes violently—the right of self-determination."[54] The prospect of exclusion from power, contemplated by the supporters of the rival political bases, raises the stakes of an electoral performance and "so renders the election—or its aftermath, the foreshadowing of the next—a fitting occasion to resort to violence."[55]

     Like in the 2006 electoral experience in which hundreds of armed agents loyal to Jean-Pierre Bemba had refused to disarm and integrate in the national army following their leader's narrow defeat in the presidential elections, Etienne Tshisekedi together with unarmed masses who had been loyal to his candidature during the electoral

---

    50. Turner, *supra* note 20, at 170.

    51. Van Reybrouck, *supra* note 18, at 512.

    52. Mbavu, *supra* note 43.

    53. K.J. STEARNS, DANCING IN THE GLORY OF MONSTERS: THE COLLAPSE OF THE CONGO AND THE GREAT WAR OF AFRICA (2011). NEW YORK: PUBLIC AFFAIRS.

    54. *Id.,* at 323.

    55. Horowitz, *supra* note 39, at 300.

campaigns vehemently refused to recognize the authority of the incumbent's government resulting from a highly contested poll. Not only that electoral laws might have remained inadequate to address the rampant cases of election malpractices, it also appears that the conspicuous privileges of incumbency in such a post-war context coupled with administrative as well as logistical shortfalls that the organizing electoral body (CENI) should have addressed prior to the actual polls, did compromise the holding of free, fair, secure, and democratic elections to begin with. These two experiences of both presidential and legislative elections have come to expose not only the extent to which Congolese state institutions are feeble, but also the utter lack of political will (nationally and internationally) to restructure and reaffirm these state institutions already submerged by both *agentification* (proliferation of non-state agencies in the delivery of public goods) and *donorisation* (excessive flow of foreign aid to government).

With these two periodic experiences of 'electocracy' the result seems to be the same: elections in the post-war context of the DRC are but a political tendency to deal with structural issues pertaining to the country's governance through the use of unbalanced procedures administered in a confused and unprofessional manner. In an analogy to Collier's analysis of the practice of democracy in low-income countries, it also seems that the prediction of the accountability-and-legitimacy view of how democracy should make a society more tranquil is surely unborn in the DRC. As though an indecent standard of living was not enough misery for the Congolese citizenry, the effect of electioneering in post-war DRC has added insult to this injury. The conduct of free general elections, Van Reybrouck posits, should not be the kickoff to a process of national democratization, but the crowning glory to that process—or at least one of the final steps.[56] Yet in today's DRC, those in charge of the country's governance (the emerging winners of the general elections) seem to have craftily learnt the rule of the new game (democratisation) to maintain themselves in power and as Collier put it, this is "their profession, and they do not want to be unemployed!"[57] Whether or not leadership accountability is felt at the grassroots level becomes a peripheral concern for those in power.

President Kabila's arranged special commission—already set in motion since September 2009—to determine whether the presidential term of office should not be extended from five to seven years and whether the constitutional limit of two mandates should not be scrapped, making him permanently eligible for re-election, should be seen along the crafty mastery of this democratization game. In fact, citing Tshiyembe,

---

56. Van Reybrouck, *supra* note 18.
57. Collier, *supra* note 8, at 25.

Turner reiterated that the internationally sponsored Inter-Congolese Dialogue—which eventually sketched the contours of the newly adopted constitution and which in turn stipulated the terms under which post-transition general elections of 2006 took place—had been "a battle of men and not a battle of ideas. The questions of what kind of republic and what kind of democracy the Congo needed were not addressed."[58]

But even in the exceptional wish that fundamental values of political legitimacy and accountability could have been attained through the holding of democratic elections, a crucially important yet taken-for-granted question still lingers: Should the holding of democratic elections actually be at the pinnacle of a post-war political agenda? Put differently, what pertinent priority is being realized by the *raison d'être* for elections in a post-war scenario? Equally important is the concern for grassroots' substantial civic education prior, during and even after the holding of these elections. According to Van Reybrouck, peace, (human) security, and education should be the priorities followed by local (grassroots-based) elections that can stimulate the formation of a grassroots culture of political accountability.[59] The case of electioneering in post-war DRC reveals that the holding of universal suffrage for presidency and the legislature was a wrong prioritization of items on the political to-do list of a country in a severely fragile state of affairs following devastating armed conflicts. Will a continued conduct of such periodic general elections bring about a truly democratic political order in the body politic of an ill-governed citizenry still grappling with socio-economic woes at the expense of state absenteeism?

IV. 'NOT FIRST THINGS LAST': RE-CALIBRATING THE QUEST FOR DEMOCRATIC POLITICAL ORDER

In his recent report dated 07 August 2015, titled "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization," the UN Secretary-General Ban Ki-Moon echoed some common challenges regarding the credibility of elections faced by Member States and United Nations entities that assist them, including "electoral malfeasance committed for political ends, and instances in which contestants refused to accept outcomes that were generally considered to be legitimate."[60] While the UN

---

58. Turner, *supra* note 20, at 185.
59. Van Reybrouck, *supra* note 18.
60. United Nations Secretary-General, "Strengthening the role of the United Nations in enhancing the effectiveness of the principles of periodic and genuine elections and the promotion of democratization", at 2 [Report of 07August 2015], United Nations General Assembly: A/70/306.

Secretary-General does acknowledge, on the one hand, the difficulty, in a post-conflict context, to construct a general template for determining when the circumstances are right for holding a first election, his report draws much attention to the fact that the level of international financial support for electoral assistance has not kept pace with the number of assistance projects, noting that some projects face significant budget gaps.

To the full extent that the connection between the technical quality of an election and the legitimacy of its outcomes is complex as the UN Secretary-General's report rightly puts it, the question regarding how the legitimacy needed to govern could be established other than through an election constitutes the key point of preoccupation of this essay. That a post-war country has resorted to the ballot and not to the gun is actually no guarantee for peace and stability thereafter. The case of electioneering in post-war DRC loudly echoes this disillusionment. Western political experts, Van Reybrouck notes, often suffer from what he termed 'electoral fundamentalism' in the same way macroeconomists from the International Monetary Fund and the World Bank not so long ago suffered collectively from market fundamentalism: "They believe that meeting the formal requirements of a system is enough to let a thousand flowers bloom in even the most barren desert."[61]

So long as public policy will continue to be an elitist affair—characterized by factions, fractions, corruption, and incapable of constructing a viable national political project even in their own narrow interests—politics in Africa, Ihonvbere muses, will still have very little to do with the people but so much to do to the people who are still seen as objects of manipulation and exploitation rather than objects of mobilization and participation.[62] Political institutionalization in terms of organization and procedures of political action encompassing not particular but all social forces across the governed territory is "the foundation of political stability and thus the precondition of political liberty."[63] Holding free elections, an exercise that falls within the purview of political liberty, should logically never precede the realization of political institutionalization—the bedrock for any political order, democratic or otherwise. This less trotted road (political institutionalization and political consciousness-raising) is yet all the more much crucial than the quick fixes of electoral engineering in the quest for democratic political order in the aftermath of mass political violence.

---

61. Van Reybrouck, *supra* note 18.
62. O.J. Ihonvbere, *Military Disengagement from Politics and Constitutionalism in Africa: Challenges and Opportunities*, in THE CAUSES OF WAR AND THE CONSEQUENCES OF PEACEKEEPING IN AFRICA (R.R. Laremont ed., 2002).
63. Huntington, *supra* note 2.

It is striking, Turner painstakingly notes, that the DRC arrived at the conduct of the elections in 2006—the supposed end of the transition—without having resolved the problems that were duly identified back in 1999 (the Lusaka Ceasefire Agreement) and reiterated in 2002 (the Pretoria Global and Inclusive Peace Agreement).[64] Three interrelated problems which came to haunt post-transition DRC were (i) the creation of an integrated army, (ii) ending impunity for warlordism most especially in the country's eastern provinces, and (iii) the long-standing issue of nationality and citizenship in the Kivus. No doubt, the Congolese state collapse—midwifed in the two successive bloodiest wars—could not be completely reversed by the two episodic performances of general elections in-between five years after the wars. Against this backdrop, Turner argues that the quest for a democratic political order in post-war DRC was and still is dependent upon successfully addressing the above three problems in the following manner: (i) a more equitable distribution of political and economic power throughout the country, (ii) a more effective counterinsurgency campaign against non-state actors that continue to feed off the Congolese vacuum, and (iii) a more coherent strategy for addressing the boiling cauldron called the Kivus.[65]

When an American, Huntington echoed, is asked to design a government, he comes up with a written constitution, bill of rights, separation of powers, checks and balances, federalism, regular elections, competitive parties—all excellent devices for limiting government.[66] The Lockean American, Huntington further posited, is so fundamentally anti-government that he identifies government with restrictions on government: "His general formula is that governments should be based on free and fair elections."[67] This formula, Huntington strongly argued, is irrelevant in many not-yet-fully Westernised (modernizing) societies.[68] For Huntington, elections to be meaningful presuppose a certain level of political organization. Hence, the problem is not to hold elections per se, but to create political institutions commensurate with the required attributes to govern. In Turner's assessment, post-transition DRC—albeit the conduct of general elections—proposed no durable solution to the crisis of state legitimacy or to the crisis of representation and of redistribution of responsibilities.[69] In many regards, instead, the conduct of these elections in the aftermath of political violence essentially served to enhance the power of disruptive as well as reactionary social forces

---

64. Turner, *supra* note 20.
65. *Id.*
66. Huntington, *supra* note 2.
67. *Id., at 7.*
68. *Id.*
69. Turner, *supra* note 20.

(against the state power) and to tear down further the politico-social fabric. The fundamental problem is "not liberty but the creation of a legitimate public order."[70]

The various predicaments of social existence in today's Africa—most of its nation-states emerging from bloody conflicts—including striking poverty, systemic corruption, and political violence by the militarization of society, and almost non-existent legitimate as well as accountable state structures, are not just incidental problems which the conduct of elections can easily fix. These structural pitfalls are sustained by a kind of imagination so much entrenched in a seemingly pre-ordained mode of politics for social and economic governance. This is why, unless another sort of political imagination is envisioned and deployed, and then institutionalized by way of organization and procedures of both state and society, post-war democratic political order would remain elusive. Such imagination hereby called for is in exercise of setting up the right priorities (a society previously devastated by political violence should become a political community first and foremost by applying political arrangements and rules of governance in accordance with the consensus of members of this political community).

Politics per se, more so in contemporary Africa and even more especially in a post-violence setting, is a social equation with too many unknowns. It can be argued that the disintegration or destruction of a society by way of political violence comes as a result of the inability of all social forces to hold together in balance. Logically, therefore, in the aftermath of political violence, the daunting task of re-wiring the politics—admittedly the glue that brings together all social forces in balance—is what is needed to bring about order in a previously broken society. In this scheme of dispensing dependable political order, the conduct of general elections cannot be conceived of as priority. The pursuit of democracy through popular elections in a multi-party electoral system—for which the term 'electocracy' sounds appropriate—simply tends to reduce politics to a matter of numbers.

Yet, politics and more so in the aftermath of political violence as in the case of DRC must be acknowledged as too serious a matter to be circumscribed by the counting of votes alone. In fact, Gyimah-Boadi has persuasively argued that many political parties in post-Cold War Africa are largely conceived and organized as vehicles for capturing the state; they are hardly conceived and developed as institutions for representation, conflict resolution, political opposition and accountability, or institutionalization of democratic behaviour and attitudes in the first place. Little

---

70. Huntington, *supra* note 2, at 7.

wonder that "there tends to be very little party activity between elections."[71] At any rate, the organization of elections under a multi-party system would not suffice to enhance the emergence of political consciousness capable of socially emancipatory politics and thus a truly democratic political order.

In the aftermath of mass political violence as has been the case of the DRC, the organization of general elections per se in the quest for a democratic political order ironically suffocates all opportunities for a 'democracy-from-below'. To stretch further Amin's argument to a critique of Western liberal democracy,[72] one could argue that the practice of Western liberal democracy with all its insights and tenets is insufficient for a comprehensive treatment of African conditions, present and future. Hence, while contemporary African political theorists can certainly learn a great deal from the manner in which Western liberal democracy is practiced, a broader and much more complex set of objects of knowledge—structural elements of politics as well as processes of political consciousness—must be studied by African political theorists of democracy to supplement whatever Western liberal democracy can offer. For the revolutionary rhetoric, Mehler further posits, may have lost a lot of its appeal in the aftermath of the Cold War.[73] In the face of the balance sheet of former revolutionaries in power (Angola, Zimbabwe etc.), emancipatory politics by way of continuous mass participation ought to be privileged in the re-building of a post-war country such as today's DRC. Such emancipatory politics should entail not just the holding of once-in-the-long-while general elections but rather through constant demand of state accountability by the society. The latter in turn should be defined not simply as a technical matter pertaining to performance, but rather as a democratic issue.

Important to note in the political developments of the DRC following the two successive wars is that in spite of the peace brokering and national dialogues which ushered in a political transition in hope for a new political order, no comprehensive assessment of the past failures of the experiences of party-state absolutism was done: How and why did party-state absolutism emerge in the first place? What accounted for its sustenance for such long a period? Will multi-partyism as an alternative to party-state absolutism suffice to bring about emancipatory politics? In lieu of a thorough treatment of these questions in order to inform the next course of action in search for

---

71. E. Gyimah-Boadi, *Political Parties, Elections and Patronage: Random Thoughts on Neo-Patrimonialism and African Democratization,* in VOTES, MONEY AND VIOLENCE: POLITICAL PARTIES AND ELECTIONS IN SUB-SAHARAN AFRICA (M. Basedau, G. Erdmann & A. Mehler eds., 2007), at 25.

72. S. Amin, *The Issue of Democracy in the Contemporary Third World*, in Himmelstrand *et al.*, *supra* note 4.

73. A. Mehler, *Political Parties and Violence in Africa: Systematic Reflections against Empirical Background*, in Basedau *et al.*, *supra* note 71, at 204.

a democratic political order, the holding of general elections—still within the contours of a constitutional framework not far distant from a parliamentarian mode of politics—was simply heralded not as one of the many steps but indeed as the only step away from a democratic political order.

Yet, within a multi-party dispensation, Mehler has raised an even more thought-provoking question: to the extent that parties are generally seen as more state-centred than any other social organization, what does it mean when the state is weak?[74] Worth noting here is the penetrating insight by Huntington according to which the most important political distinction among countries concerns not their form of government but their degree of government: The differences between democracy and dictatorship "are less than the differences between those countries whose politics embodies consensus, community, legitimacy, organization, effectiveness, stability, and those countries whose politics is deficient in these qualities."[75]

The most challenging yet far rewarding task in the quest for a democratic political order therefore is to specify the needed steps (of which the conduct of general elections is one of them—and certainly neither the first nor the only one) and determine the process and operation of their realization. Good intentions of or pressures both from within and outside a post-violence country such as the DRC should not have shied away from this hard task; in this respect, the pursuit of electoral engineering sponsored by the so-called international community ought to have reconciled to the pragmatic necessities of a previously war-ravaged state and society. Yet, taking his readers through the story of origin of Western democracy as practiced by classical Athenians, Ake reiterates that ancient Athens was just as precise about the rule of the people as it was about who the people are:

> It stuck uncompromisingly to direct rule by the people and shunned notions of consultation, consent and representation… All citizens formed the sovereign Assembly whose quorum was put at 6,000. Meeting over 40 times a year, it debated and took decisions on all important issues of public policy including war and peace, foreign relations, public order, law making, finance and taxation. The Assembly was regarded as the incarnation of Athenian political identity and collective will. To underline this, it preferred to take decisions by consensus rather than votes. The business of the Assembly was prepared by a council of 500 which had a steering

---

74. *Id.*
75. Huntington, *supra* note 2, at 1.

committee of 50 headed by a President who held office for only one
day. The executive function of the polis was carried out by
magistrates who were invariable a committee of 10 usually elected for
a non-renewable term of one year.[76]

As Ake (2000) convincingly argues that humanity today cannot complain of not
knowing what the meaning of democracy was to those who invented it and to the only
people who have tried to practice it without trivializing it, Lumumba-Kasongo (2005)
emphatically demonstrates that the political system of governance that has been adopted
in most parts of Africa since the early 1990s is that fragment of liberal democracy
known as multi-partyism. Anchoring his critique of liberal democracy on a paradox
between what is expected of liberal democracy and its implications for social and
economic development in Africa, Lumumba-Kasongo (2005) posits that while post-
Cold War Africa is adopting liberal democracy as the most promising formula for
unleashing individual energy and generating political participation, the very post-Cold
War African social and economic conditions are worsening. This paradox seems to
suggest a crucial invitation to post-Cold War Africa to pursue another kind of
democracy in theory and practice.

V. CONCLUSION

I do know that there is no greater necessity for men who live in communities than that
they be governed, self-governed if possible, well-governed if they are fortunate, but in
any event, governed.[77] It continues to appear that the key question of the post-war
political reconstruction agenda will remain how to define and design an approach that
minimizes the reach of the international community by elevating the role of local actors,
while being principled and providing a value-added fundamental difference. That the
international community intervening in post-war scenarios should learn to do less rather
than more, to minimize its reach while maximizing its impact is a rather timely lesson.
Borrowing Mazrui's view, Francis too reiterated that it is important to understand the
factors that contribute to what Mazrui has called the "retreat from modernity" or "dis-
modernisation" and the potential for re-building of new institutions and political
communities from the ashes of either a colonial domination or a post-independence

---

76. C. AKE, THE FEASIBILITY OF DEMOCRACY IN AFRICA (2000). DAKAR: CODESRIA BOOKS, at
8. (italics added for emphasis).
77. W. Lippmann (1963) *cited in* Huntington, *supra* note 2, at 6.

war.[78] One is left to imagine that perhaps the difficult processes of state (re)formation and nation (re)building—an often violent and bloody development—are the management of the recalibration of experiences borne out of state collapse triggered by devastating political violence.

Whether or not the conduct of democratic elections in post-war scenarios in Africa can help rebuild previously broken political structures remains a serious point of contention. Collier rightly pointed out that a proper democracy does not merely have competitive elections; it also has "rules for the conduct of those elections…checks and balances that limit the power of a government once elected."[79] The winner-takes-it-all kind of elections often contribute towards worsening an already bad post-war situation; the pursuit of democracy (reduced to *electrocracy*) becomes a matter of life and death whereby the elected government sees nothing else other than a systemic crush of the defeated elite together with their supportive (real or perceived) constituencies.

In a yet fragile context of the aftermath of political violence as was the case of post-war DRC, the overarching preoccupation should not have been narrowed to the holding of general elections in the quest for political legitimacy of the country's leaders in a so-called new democratic dispensation. Rather, political institutionalization in Huntingtonian sense—the development of political organizations and procedures that are not simply expressions of the interests of particular social groups—ought to have superseded the travails of the seemingly concerned international community for political order in post-war DRC. Suffice is to say that such development of political organizations should be conceived of as endogenous, in that, the so-called international community can lend support in strengthening home-grown and context-specific capacities of post-war local civil society organizations and the media in the (re-)building of steady and socially accountable political structures.

Likewise, if not all the more important, a solemn acknowledgment that the Congolese people are capable thinkers and that this very acknowledgment constitutes the sole material basis of politics must therefore be the starting point for emancipatory politics—the surest way to a truly democratic political order. Therefore, to begin with investigating the internal content of what these post-war surviving Congolese actually think, instead of jumping into international community-sponsored electoral engineering in the aftermath of political violence, ought to have been the first step in the quest for a democratic political order in post-war DRC. Posing to think through what the Congolese people do think about what their political destiny (as state and as society)

---

78. J.D. FRANCIS, UNITING AFRICA: BUILDING REGIONAL PEACE AND SECURITY SYSTEMS (2006). ALDERSHOT: ASHGATE PUBLISHING.

79. Collier, *supra* note 8, at 15.

should look like is in itself a worthwhile endeavor, far much more rewarding than stopping at the organization of general elections for the legitimization of a 'new' political elite to be in charge of society. This pertinent endeavour privileges people's political consciousness, which in Wamba-dia-Wambia's terms entails an active prescriptive relationship to their reality (political, economic, socio-cultural) and so furnish a firm base for a truly democratic political order capable of mitigating conditions that give rise to shattering political violence.