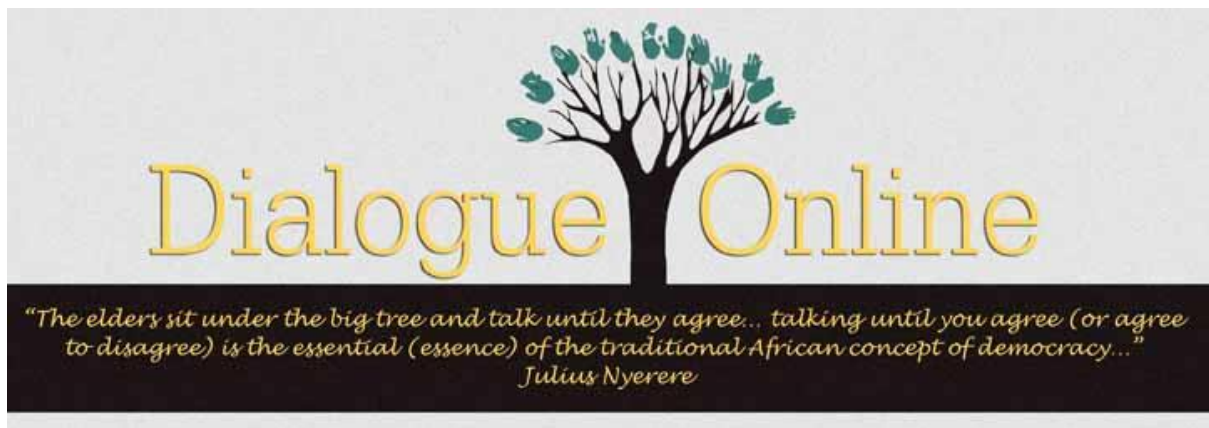




DRC Brief | by Tendai Mbanje | February 2024

Electoral crisis, conflict and instability in the Democratic Republic of the Congo:

What does the future hold?



1. Introduction

The Democratic Republic of Congo (DRC) has just come from an election that many have described as flawed, chaotic, historic, complex, and rigged.¹ Most media houses have had nothing good to say about these elections. Furthermore these elections were held amid conflict and instability.² Regions like North Kivu posed significant challenges for holding elections in a hostile environment. The presence of armed groups, violence, and mass displacement of populations of approximately six million made it difficult for the DRC authorities to ensure the safety and participation of all citizens in the electoral process.³ It was as clear as day light that the government had failed to create secure conditions for conducting elections while addressing the underlying social, political, and economic issues that contributed to the instability. This reflection paper seeks to analyse the context in which the elections were held, election administration, stakeholders involved, and regional and international responses to the outcome of the election. Finally, the paper seeks to provide insights into which regional and international actors and African civil society groups may consider as points for intervention.

2. Context and key issues arising from the elections

The 20th of December 2023 DRC elections were marked by controversies both politically and legally. These elections have been described as the most chaotic in the history of African elections with clear signs that the Independent Electoral Commission (CENI) was not entirely prepared to deliver a well-managed and perceived to be credible election. The commission faced criticism regarding its composition, and failure to adhere to the electoral calendar.⁴ Further criticisms included allegations of bias (favoring the incumbent), lack of transparency particularly in communication about the electoral process, and the general administration of the electoral process.⁵ Specifically, there were concerns raised

¹ BBC NEWS, Jason K Stearns, 2004. 'DR Congo elections: How Félix Tshisekedi won chaotic poll' Available: <https://www.bbc.com/news/world-africa-67833216> [accessed 3 January 2024].

² Africanews, 2023. 'DRC Faces Election Day Amidst Armed Conflicts and Socioeconomic Struggles' Available: <https://www.africanews.com/2023/12/20/drc-faces-election-day-amidst-armed-conflicts-and-socioeconomic-struggles/> [accessed 20 January 2024].

³ Ibid.

⁴ Paul Nantulya, 2024. 'Africa Centre for Strategic Studies' '<https://africacenter.org/spotlight/elections-democratic-republic-congo-drc-crisis-legitimacy/>' [accessed 20 January 2024].

⁵ Ibid.

about voter disenfranchisement and unprecedented logistical challenges that compromised the overall credibility of the electoral process. Widespread irregularities were noted.⁶ Thus, the general preparations were poorly done.

Consequent to the reported logistical challenges, the elections was postponed due to delays, and voting continued through Christmas Day and did not end until December 27, according to an independent audit by DRC's National Episcopal Conference of the Congo (CENCO). On the other hand, by its admission, CENI acknowledged and attributed these challenges to the lack of security in some parts of the country to the extent that the election was not going to take place in those areas. CENI also acknowledged operational and logistical challenges, particularly in the deployment and distribution of electoral materials to distribution centres and polling stations and the lack of smooth interaction with most electoral stakeholders.

3. Outcome of the electoral process

Despite the challenges in election administration, which raised questions about the credibility of the elections, CENI recently proclaimed that President Felix Tshisekedi was re-elected for a second term after getting more than 73% of the vote in a Dec. 20 poll.⁷ The declaration of the result was followed by massive political unrest, protests, and a clash of opposition supporters and the police services.⁸ The opposition parties collectively complained and were dissatisfied with the way the election were conducted.⁹ In reviewing the elections, CENI cancelled some of the elections where there were widespread reports of violence and irregularities.¹⁰

⁶ Ibid.

⁷ Reuters, Ange A Kasongo, 2024. 'Congo President Tshisekedi re-elected after contested poll' Available: <https://www.reuters.com/world/africa/congo-release-provisional-results-disputed-presidential-vote-2023-12-31/> [Accessed 1 January 2024].

⁸ Africanews, 2024. 'DRC: Protests erupt in Goma as opposition challenges election results' Available: <https://www.africanews.com/2024/01/01/drc-protests-erupt-in-goma-as-opposition-challenges-electionresults/#:~:text=Protesters%20in%20Goma%20took%20to,to%20the%20country's%20election%20commission.> [accessed 7 January 2024]

⁹ Ibid.

¹⁰ Reuters, Ange A Kasongo 2024. 'Congo's election commission cancels 82 candidates in disputed December polling' Available: <https://www.reuters.com/world/africa/congo-election-commission-cancels-82-candidates-over-fraud-december-polls-2024-01-06/> [accessed 6 January 2024].

Some of the aggrieved presidential candidates took the election dispute to the constitutional court and the matter was subsequently dismissed by the courts.¹¹ Reflecting on the political and election landscape, and the outcome of the election result, some analysts have argued that Tshisekedi's resounding win would seem implausible given the perceived strong following of leading opposition candidates and pre-election polling showing no candidate gaining a majority. Moreover, no previous incumbent in the DRC has ever secured more than 48 percent of the vote, even with allegations of widespread fraud.¹² However, this analysis is contrary to some views among Congolese citizens on the ground who believe Tshisekedi managed to gain support and made alliances with key political actors who made his victory possible. After the proclamation of the Presidential results, President Felix Tshisekedi also won the majority of seats in the December parliamentary elections which was a confirmation of the popularity of his presidency and his political party. The UDPS won 69 seats in the 500-member National Assembly, followed by the Union for the Congolese Nation (UNC) party with 36 seats.¹³ Other parties, including Tshisekedi's allies, won 35 and 17 seats, respectively.¹⁴ The results give Tshisekedi a comfortable majority needed to name a new government.

4. The criticism of the general election administration dating back to 2022

It is reported that for over a year before the polls, the churches, civil society, together with the professional organizations raised the alarm of an impending crisis of election administration.¹⁵ These groups successfully mobilized domestic and international attention. For example, in May 2023, the Catholic Bishops called for an independent audit of the voter register to foster public confidence and mitigate the likelihood of a disputed election.¹⁶ They even offered their technical experts to assist. However, CENI dismissed the gesture and refused to display the register.¹⁷

¹¹ Reuters Ange A Kasongo 2024. 'DR Congo court confirms President Tshisekedi's re-election' Available: <https://www.reuters.com/world/africa/dr-congo-constitutional-court-rejects-petitions-against-provisional-election-2024-01-09/> [accessed 9 January 2024].

¹² Paul Nantulya, 2024. 'Elections in the Democratic Republic of the Congo: A Persistent Crisis of Legitimacy' Available: <https://reliefweb.int/report/democratic-republic-congo/elections-democratic-republic-congo-persistent-crisis-legitimacy> [accessed 4 January 2024].

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

In addition, the voter registration exercise from December 2022 to April 2023 was filled with similar challenges and malpractices such as registration of minors, repeated breakdowns of machines, poor quality of voter cards, ghost registration centers, and blank voter cards in government strongholds.¹⁸ Again, CENI itself was beset by staff and funding shortages and rampant theft of equipment. The DRC's Catholic Bishops made several calls and warned of the risks of not urgently addressing these anomalies, noting that, "ultimately, the credibility of the electoral process and the ensuing results will be increasingly undermined."¹⁹ Their concerns were documented in a damning report on the state of election preparedness issued jointly with Protestant churches in May 2023.²⁰

Furthermore, in June 2023, several Congolese election stakeholders converged and through the facilitation of the Kofi Annan Foundation, they identified the challenges ahead of the elections and called for national stakeholders and the international community to intervene in view to address pending electoral reforms and other logistical challenges.²¹ These included the demands relating to the credibility, transparency, and inclusiveness of the electoral process including the demands for the establishment of an independent audit of the electoral roll; the timely accreditation of domestic, regional, and international election observers; and the demand for the government to put an end to the insecurity so that all Congolese (including the displaced) can take part in the vote.²²

The demands underscored and warned that the DRC "was on the brink of an implosion" and appealed to the international community "not to settle for a process that is likely to fail, and that could exacerbate instability in the country and in the region."²³ CENI failed to meet all these basic demands. On the other hand, the Congolese authorities did not take kindly to these advocacy efforts with Tshisekedi,

¹⁸ Al Jazeera, 2022. 'Early voter registration in DRC marred by kit shortages' Available: <https://www.aljazeera.com/news/2022/12/26/congo-voter-registration-marred-by-early-kit-shortages> [accessed 6 January 2024].

¹⁹ Paul Nantulya, 2024 (n 12 above).

²⁰ Paul Nantulya, 2024 (n 12 above).

²¹ Kofi Annan Foundation, 2023 'Supporting Elections in the Democratic Republic of the Congo' Available: <https://www.kofiannanfoundation.org/supporting-democracy-and-elections-with-integrity/supporting-elections-democratic-republic-congo/> [accessed 2 January 2024].

²² Ibid.

²³ Paul Nantulya, 2024 (n 12 above).

issuing a grim warning to Church leaders.²⁴ The negligence of CENI together with the Congolese authorities has further and deeply divided the people of the DRC internally.

Everything CENCO and other Congolese electoral civil society leaders warned about came to pass in the December election. The distrust of electoral institutions—and results—has cast doubt on Tshisekedi's ostensible landslide victory.²⁵ Opposition parties and their supporters remain deeply aggrieved despite the Constitutional Court judgment.²⁶ Pockets of fresh protests keep popping up across the country. It is common sense that the M23 rebels are seeking to exploit the growing tensions and have stepped up their attacks.²⁷ Although this post-election scenario was predictable, it was not inevitable. Had the required institutional reforms been undertaken in good faith, the country might have fostered greater levels of trust between the government and citizens and laid a foundation for better-quality elections.²⁸ This trust is even harder to build should the incumbent focus on his election victory without reaching out to the opposition and key political actors for dialogue and national healing.²⁹

5. Regional and international responses to the election outcome

The African Union (AU)³⁰ and the Southern African Development Community (SADC)³¹ as well as the international community have taken a soft approach to the outcome of the DRC December 2023 elections. This has been reflected in their election observation reports. There are perceptions that fear of exacerbating the existing conflict in the fragile country and other complex political and regional dynamics at play are a result of why the international community has taken a soft approach which is seen to be granting President Felix Tshisekedi legitimacy. Both AU and SADC's

²⁴ Paul Nantulya, 2024 (n 12 above).

²⁵ Paul Nantulya, 2024 (n 12 above).

²⁶ Reuters Ange A Kasongo 2024. 'DR Congo court confirms President Tshisekedi's re-election' Available: <https://www.reuters.com/world/africa/dr-congo-constitutional-court-rejects-petitions-against-provisional-election-2024-01-09/> [accessed 9 January 2024].

²⁷ Bloomberg, 2024. 'Congo Police, Protestors Clash as Election March Turns Ugly' Available: <https://www.bloomberg.com/news/articles/2023-12-27/drc-police-opposition-clash-as-election-protest-turns-ugly?embedded-checkout=true> [accessed 15 January 2024].

²⁸ Paul Nantulya, 2024 (n 12 above).

²⁹ Paul Nantulya, 2024 (n 12 above).

³⁰ African Union Election Observation Mission, Preliminary Statement, DRC elections 2023

³¹ SADC Preliminary Statement, DRC elections 2023.

actions and attitudes towards the election outcome are seen as seeking a balance between ensuring the acceptability of elections and maintaining peace and security, which are both important for stability in the region. However, what both the AU and SADC have failed to grasp, is that a precedent has been set of a series of poorly managed elections in the SADC region in less than six months starting with Zimbabwe.

6. Credibility and legitimacy standards

Unfortunately, the logistical challenges faced by CENI in organizing the DRC 2023 elections compromise the credibility standards of the outcome of the election. Logistical issues often impact the credibility of the electoral process. CENI need to address such challenges to ensure that future elections can be conducted smoothly and with integrity. The (above) reports of irregularities or fraud during the electoral process, such as voter suppression, ballot tampering, and manipulation of results, have also significantly undermined the credibility and outcome of the elections. Insufficient transparency in the electoral process, as pointed out by churches, civil society, and other political actors remains a challenge casting doubts about the credibility of the 20 December elections. President Felix Tshisekedi has been sworn in as the president for the second term.³² The international community and various members of the SADC and other region have attended his inauguration ceremony which has given him legitimacy in the region.

7. Way forward and recommendations

1. President Felix Tshisekedi has been sworn in as the president, now the important task of building national cohesion, ending conflict and instability in the country.
2. The DRC authorities and CENI should ensure all eligible voters participate in future elections. The authorities should immediately address the underlying social, political, and economic issues that contributed to the instability and impacting voter rights.

³² Africanews, 2024. 'Congo's President Felix Tshisekedi is sworn into office following disputed reelection' Available: <https://www.africanews.com/2024/01/20/congos-president-felix-tshisekedi-is-sworn-into-office-following-disputed-reelection/> [accessed 18 January 2024].

3. The SADC, the AU and African civil society should support dialogue to help the people of the DRC find each other again considering how these elections have deeply divided the population.

4. Advocacy should be conducted targeting both the AU and SADC to create platforms to engage the opposition parties, churches, and civil society leaders to address the pending political question of legitimacy and the credibility of the recently held elections.

5. Advocacy should be conducted to ensure the call for election reforms is implemented.

6. Both the AU and SADC need to intensify their efforts to ensure credible elections in the region. A study on the lessons learned in the DRC and similar contexts like Zimbabwe should be conducted and shared with both organisations.

7. Both the AU and SADC have failed to address a precedent of poorly managed elections which has been set in the SADC region in less than six months. Advocacy and lobbying needs to be carried out by African civil society to ensure this comes to an end.

8. Conclusion

The success stories and efforts of CENI amid a 'chaotic election' remain unknown. It is in the best interest both the AU and SADC to convene an honest conversation about what went wrong and right in this election. CENI, and all electoral stakeholders (including the AU and SADC), should have a constructive discussion on the way forward considering how these elections have deeply divided the DRC community. Appropriate platforms should be established with a view to find answers to help the people of the DRC to find each other again.

em out of Cabo Delgado, and environmental and humanitarian challenges persist causing a further challenge of hundreds of thousands of internally displaced persons with a significant funding gap. It remains to be seen whether the Mozambican government can effectively implement and address the challenges and aspirations of the development plan and whether this will be enough to sufficiently address the root causes of the conflict. If not, it is unlikely that the conflict will end anytime soon.

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