



Electoral Poker in DR Congo

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Headquarters

International Crisis Group

Avenue Louise 149 • 1050 Brussels, Belgium

Tel: +32 2 502 90 38 • Fax: +32 2 502 50 38

brussels@crisisgroup.org

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Principal Findings

What's new? After repeated delays, President Joseph Kabila's government in the Democratic Republic of Congo has made progress over the past few months toward organising elections for 23 December 2018. But there are still important concerns about the transparency and quality of the polls.

Why does it matter? While there are still numerous uncertainties, prospects for elections this year have improved – mostly due to increased pressure on the president from African leaders. This provides an opportunity for renewed regional and international engagement to help push toward a more credible vote in December and a peaceful transfer of power.

What should be done? Regional and international actors should push for the confidence-building measures in the 2016 Saint Sylvester agreement, focusing on steps to help level the playing field and improve trust in electoral preparations. The ruling majority and the opposition should participate constructively in the process and refrain from incendiary tactics and language.

Executive Summary

President Joseph Kabila of the Democratic Republic of Congo (DRC) may be preparing to hold long-postponed elections at the end of 2018. Until recently, Kabila appeared more likely to keep delaying. But official statements, including by the president himself, and steps taken by the Congolese electoral commission (CENI), suggest his calculations may be changing. Elections present several challenges for the regime, first and foremost that of selecting a successor Kabila trusts. But overall his regime is operating from a position of relative strength: it retains firm control of the state and electoral machinery and the opposition remains split. The apparent move toward a vote requires Kabila's opponents and international actors to quickly adapt. African, Western and other governments should push for a few critical reforms that would make for more credible polls, build confidence in key aspects of electoral preparations and level the playing field.

Signs abound that the regime is seriously contemplating elections. In November 2017, the CENI published a new electoral calendar, foreseeing a vote at the end of 2018. The following month, Kabila approved a new electoral law. In January 2018, the CENI announced the end of voter registration – a milestone in electoral preparations. Kabila's plans remain unclear, perhaps even in his own mind. He may proceed toward a vote, which would mean choosing a *dauphin* to replace him and hoping that he can pull strings behind the scenes as head of the ruling party, or at least protect his family interests. But picking a successor could provoke splits – and possibly even violent contestation – among Kabila's allies. Alternatively, he may revert to further delays; insecurity might provide a pretext. For now, however, preparations for a December vote appear to be underway.

This poses dilemmas for the Congolese opposition, civil society and international actors. Electoral preparations thus far exclude important elements of the Saint Sylvester deal struck between the government and its opponents on 31 December 2016, which set out steps for a democratic transition of power. Opposition parties are starting to prepare for the campaign, but are divided and face an uphill battle. Some of their leaders, facing legal charges, remain in exile; others struggle to gain traction among a population frustrated with the entire political class. At this point, domestic pressure for reform comes essentially from civil society organisations affiliated with the Catholic Church.

If the shift in pace of electoral preparations requires international actors to adjust quickly, it also presents an opportunity. African and Western powers agree that President Kabila should not seek a third term; indeed, the African Union (AU) and leaders of the sub-regional body, the South African Development Community (SADC), have redoubled diplomatic efforts, seemingly to convey that message to Kabila and push him toward an election which he does not contest. They and Western governments might be able to forge similar consensus on, and then push hard for, a handful of important steps that Congolese authorities could take to help level the playing field and improve prospects for a more credible vote, even if full implementation of the Saint Sylvester deal now appears unlikely. Among these steps:

- ❑ The government should allow all candidates to run unless clear and legally justified obstacles exist; charges that do not meet those criteria should be dropped well ahead of the deadline for registering as a candidate.
- ❑ The government, having declared it will pay for elections, should, together with the CENI, provide details of that funding, in case foreign support is required to plug deficits. Donors should prepare to engage also in the funding of the CENI if so required, and not limit their engagement to accompanying measures led by civil society.
- ❑ The government also should refrain from violence against protesters and, as the election approaches, allow opposition parties to campaign freely. It should implement the recommendations of the 10 March report of the Joint Commission of Inquiry, composed of representatives of the human rights, justice and security ministries as well as civil society, examining bloodshed at recent protests, including by lifting the general ban on meetings and peaceful public protests and by taking measures to restrict the use of the army and Republican Guard in maintaining and restoring public order.
- ❑ The government should ensure the security of all political actors and prevent the intimidation of opposition candidates and supporters by political party militants. Like all Congolese political actors, it should make firm commitments to avoid inflammatory or ethnically divisive rhetoric, perhaps in a code of conduct.
- ❑ The CENI should continue to consult the opposition and civil society on key preparations, particularly an audit of the voter register and procedures for the use of new voting machines, while allowing their representatives the opportunity to verify those aspects of election preparations; its recent meetings along these lines are a positive first step.
- ❑ The CENI also should reach swift agreement on the role of the joint international expert team with those bodies that have deployed experts on the team – the UN, African Union (AU), European Union (EU), Southern African Development Community (SADC) and the International Organisation of La Francophonie (OIF). The experts should be embedded in the CENI and continuously assess and build a shared understanding among those organisations on what progress has been made. They also should keep a close watch on the voter register audit and testing of the new voting machines.

For their part, opposition leaders, who appear to be gearing up for the election, should prepare to campaign across the country. For now, an opposition boycott appears unlikely, especially if the regime fulfils some of the measures outlined above. Even without such reform, shunning the vote would likely prove ineffective, particularly as breakaway opposition factions would participate in any case. A boycott would risk giving whatever regime is elected a freer hand.

The UN mission in the DRC, known as MONUSCO, should increase its human rights monitoring. Along with Kinshasa-based diplomats and the envoys that frequently visit, it should continue to denounce any repression of opposition and civil society groups. Those organisations likely to observe the vote – notably the SADC,

AU and EU – should prepare to send exploratory missions to determine minimum conditions under which observers would deploy. The Congolese government should extend invitations to those organisations and bodies that express an intent to observe and have a meaningful role in support of the electoral process.

Western and African powers alike should signal to the government – to both President Kabila and any apparent successor – that broad international acceptance and the benefits that might flow from that depend on an open and transparent process. Regular public meetings and statements, including at the UN Security Council, will be important to demonstrate cohesion, while disagreements should be kept away from the spotlight. The Security Council, whose 27 March renewal of MONUSCO's mandate focused on its support for the electoral process, should remain closely engaged with the AU and its Peace and Security Council as well as the SADC and other relevant regional bodies. It should also regularly assess the state of electoral preparations, using the CENI's electoral calendar as a key reference. Regular high-level meetings or visits to the DRC at crucial moments – such as when candidates must register – would help demonstrate international resolve and interest.

Despite the obvious challenges and uncertainty, elections this year in the DRC are now a real possibility. All foreign actors involved should push for a vote that is as credible as possible, limits the further fragmentation of Congolese society and improves prospects for a peaceful transfer of power.

Nairobi/Brussels, 4 April 2018

Electoral Poker in DR Congo

I. Introduction

On 5 November 2017 the Congolese election commission, the CENI, published its long-awaited electoral calendar, setting 23 December 2018 as the date for presidential, legislative and provincial elections. This was broadly welcomed with just some reservations.¹ Since then the CENI and the government have taken other steps that suggest genuine progress toward elections. These measures initially caught diplomats, opposition politicians and civil society off guard.² While all had been lobbying for elections, few expected the Congolese government to set serious preparations in motion.

Thus far, the move toward elections appears positive, but it raises new risks, related to the unfair conditions for the vote, and potential struggles among Kabila's allies over who assumes his mantle. This report, based on fieldwork in Congolese provinces throughout 2017 and early 2018, research in the capital Kinshasa in February and March 2018, and policy discussions in Addis Ababa and New York, updates Crisis Group's December 2017 report, *Time for Concerted Action in DR Congo* and lays out steps that international and Congolese actors can take to increase prospects for elections that are as credible as possible and to avoid a dangerous unravelling.

¹ Foreign governments welcomed the new electoral calendar while continuing to support confidence-building and opening of political space provided for in the Saint Sylvester agreement. Domestic political opposition was split; at first some opposition leaders called for Kabila to step down in favour of a transitional government, but since most have started to prepare for the elections. "RDC : l'opposition en ordre dispersée face au nouveau calendrier électoral", RFI, 8 November 2017; and "Félix Tshisekedi dresse un bilan désastreux de la mise en œuvre de l'accord de la Saint Sylvester", Radio Okapi, 22 January 2018. The Catholic Church's episcopal body, CENCO, continued to advocate for full implementation of the Saint Sylvester deal which it brokered, and deplored the calendar's publication without the opposition's consent. "Déclaration de la conférence épiscopale nationale du Congo", CENCO, Kinshasa, 17 February 2018.

² In Crisis Group's most recent report on the DRC, Africa Report N°257, *Time for Concerted Action in DR Congo*, 4 December 2017, we warned of the regime's capacity to wrong-foot Congolese and international actors. But we did not at that time see elections in 2018 as a realistic scenario.

II. An Election Train Now on the Rails

Following the CENI's announcement of the electoral calendar, further developments indicate serious preparations for elections, including new electoral legislation, the completion of the voter register, introduction of new voting technology, and talks between the CENI and opposition parties. Despite some scepticism about the process, most parties are now taking steps to keep up with the CENI calendar.

A. *A New Electoral Law*

The new elections law, which President Kabila signed on 24 December 2017, includes provisions that are likely to reduce the huge number of candidates who ran for office in 2011. These include electoral thresholds (minimum shares of the total vote that parties must win to qualify for seats in the national and provincial legislatures).³ The law also quadruples the non-reimbursable deposit for national assembly candidates to \$1,000 and almost doubles that for presidential candidates from \$54,000 to \$100,000.

The law should thus address a genuine challenge that arose in the 2006 and 2011 elections, namely the proliferation of political parties (currently more than 600) and candidates, which led to a 55-page ballot in Kinshasa in 2011.⁴ While the previous system brought the benefit of inclusion, the profusion of candidates representing many parties resulted in a fragmented parliament and left larger parties under-represented. According to CENI estimates, the new threshold – while low compared with those of many other countries – would in effect exclude all but 23 of the 148 parties currently represented in parliament.⁵

These measures could begin to cure some of the Congolese political system's structural flaws. Not only could they reduce fragmentation in the legislature but also, by decreasing the number of smaller parties, they should narrow opportunities for larger parties to bring new MPs into their parliamentary groups through financial inducements – a practice that had the effect of creating a gap between legislative political alignments and the popular vote. The reforms already are leading majority and opposition parties to form new electoral coalitions in order to cross the threshold. Only larger parties such as President Kabila's People's Party for Reconstruction and De-

³ In constituencies with more than one seat, the law provides that parties must get at least 1 per cent of votes nationwide to qualify for parliamentary seats and 3 per cent of votes in a given province to qualify for seats in that provincial assembly. The measure favours bigger parties and broad regroupings of parties; it excludes most, if not all, independent candidates from parliament.

⁴ The CENI has long made the case for change: its president, Corneille Nangaa, presented a comprehensive analysis of the political effects of the system during the 2016 dialogue facilitated by the African Union. "RDC : Contribution de la Commission Électorale Nationale Indépendante (CENI), Dialogue Politique National Inclusif en RDC", Kinshasa, 6 September 2016.

⁵ The government had first proposed a 3 per cent threshold at the national level; during the legislative process this was reduced to 1 per cent. "Herding cats: Congo's new electoral law", Congo Research Group, 19 December 2017. For comparison of electoral thresholds elsewhere, see [www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2015\)022-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2015)022-e), which illustrates thresholds across Europe.

mocracy (PPRD) and the wing of the Union for Democracy and Social Progress (UDPS) led by Felix Tshisekedi will be able to stand on their own.⁶

The law has left opposition parties scrambling to establish new electoral alliances in the few months that remain for submitting candidate lists.⁷ It will also create winners and losers within the ruling coalition known as the Alliance of the Presidential Majority (hereafter “the Majority”). Indeed, members of some parties affiliated with the Majority, such as the Unified Lumumbist Party (PALU), have criticised both the threshold and the increased deposit, as have smaller opposition parties. A group of MPs has challenged both measures in the Constitutional Court.⁸ On 30 March, the Court rejected these challenges.

Overall, though, the Majority is better equipped to cope with these challenges than its rivals.⁹ In the past it has fragmented the political landscape into small parties which are easier to co-opt. Some within the PPRD, the biggest party in the Majority, explicitly make the case that the new system will work in its favour, especially as the opposition is so ill prepared.¹⁰

B. *Voting Machines*

The CENI’s introduction of new voting technology has stirred more controversy. The electoral body envisages using voting machines that print paper ballots in situ. This change is in principle a response to logistical challenges encountered during previous elections, particularly the lengthy ballots needed in some areas (though higher deposits for candidates should contribute to shorter ballots). However, the opposition and some foreign governments, in particular the U.S., have criticised the introduction of voting machines for political, technical and financial reasons.

To begin, the CENI is introducing the machines at a moment when confidence in its impartiality is low. Some opposition representatives and Western diplomats at the UN have warned that the machines could contribute to fraud, and have raised concerns about voter confidentiality.¹¹ The African Union (AU) and African countries

⁶ Crisis Group interviews, Congolese politicians, Kinshasa, February-March 2018. In 2011, the PPRD was the only party with MPs representing all of the country’s provinces (at that time there were eleven).

⁷ Candidate lists for the provincial elections need to be finalised and registered at the latest on 8 July, and for the presidential and legislative elections by 8 August.

⁸ Crisis Group interview, opposition MP, Kinshasa, March 2018. “Adolphe Muzito : ‘Caution électorale et financement des partis politiques, qui doit à qui ?’”, *zoom-eco.net*, 3 February 2018; “RDC : la loi électorale contestée devant la Cour Constitutionnelle”, *RFI*, 16 January 2018. Late March, the Constitutional Court organised a hearing with the CENI President. “Innovations de la Loi électorale, Corneille Nangaa Yobeluo a la Cour Constitutionnelle”, *CENI.cd*, 27 March 2018. “RDC: La Cour Constitutionnelle rejette les trois requêtes en inconstitutionnalité de la loi électorale”, *actualite.cd*, 30 March 2018.

⁹ Crisis Group interview, opposition MP, Kinshasa, March 2018.

¹⁰ Crisis Group interview, PPRD official, March 2018. “Exclusif – Réforme électorale en RDC : un enregistrement sonore révèle la stratégie du parti de Kabila”, *Jeune Afrique*, 25 November 2017.

¹¹ Some opposition parties have introduced questions to the CENI regarding the machines, while others outright oppose their use. Crisis Group interviews, opposition party representatives, Kinshasa, February-March 2018. The U.S. and several other UN Security Council members have

have been more forgiving, with some African diplomats stating that, while they would not use such a system in their own countries, they believe this to be an issue where the CENI and Congolese political parties should find common ground.¹² The Catholic Church has called for national and international certification of the machines.

Although the CENI is testing prototypes that are reportedly more reliable, using novel technology potentially poses a risk given poor infrastructure and a lack of reliable electricity.¹³ Nor is it clear that all machines can be delivered on time. There are also major concerns about the financial transparency of the procurement contract, which could further undermine confidence in the process.¹⁴ The controversy over voting machines comes late, and preparation time is short. Identifying and contracting suppliers for ballot papers and boxes, were those needed, would take time; a rapid decision on the exact use of the machines is therefore vital. As the CENI leadership seems intent on proceeding with their use, a conceivable compromise could be to deploy machines in a limited number of constituencies that enjoy more developed infrastructure – preferably based on criteria agreed between the electoral stakeholders and national and international observers.¹⁵

C. *The Voter List*

On 31 January, CENI president Corneille Nangaa declared voter registration finalised after a seventeen-month operation. Electoral authorities report that more than 46 million potential voters registered (well above the 41 million expected).¹⁶ Between now and mid-April, the CENI is due to clean up the register by removing duplicates and ineligible voters. Next, parliament must consider a law allocating seats to constituencies, based on registration figures. The completion of a complex and expensive voter registration exercise is a significant step toward holding elections. The exercise was almost entirely funded by the government, with considerable logistical support from the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

Only the Catholic Church has conducted a nationwide, on-the-ground examination of registration. It found some irregularities such as the registration of minors and areas where voters paid officials or policemen to be enrolled.¹⁷ The opposition did not systematically observe the process, despite a general lack of trust in the

raised concerns. "U.S. warns Congo against electronic voting for delayed election", Reuters, 12 February 2018; "UN Security Council should act on Congo", Human Rights Watch, 12 February 2018.

¹² Crisis Group interviews, African diplomats, Kinshasa, February-March 2018, Addis Ababa, March 2018.

¹³ Crisis Group interviews, civil society representatives and Kinshasa-based diplomats, March 2018.

¹⁴ Congolese civil society and Western observers are also worried about the lack of financial transparency in the large contract involved in the purchase of the machines. The contract for purchasing the 105,149 machines is valued at \$157.7 million, a third of the budget foreseen for this year.

¹⁵ Crisis Group interviews, CENI president, MONUSCO official and Kinshasa-based diplomats, Kinshasa, February-March 2018.

¹⁶ Compared to 25 million in 2006 and 32 million in 2011. Congolese living abroad will be enrolled between 1 July and 28 September 2018.

¹⁷ "Révision du fichier électoral : la CENCO note des irrégularités", Radio Okapi, 21 November 2017. Crisis Group interviews, clergy engaged in voter registration observation, Kinshasa, Lubumbashi, Kisangani and Goma, various months 2017.

impartiality of the CENI. Indeed, some have raised questions, citing high enrolment in Majority strongholds.¹⁸ Overall, despite these problems, the voting registration was reasonably successful. Still, an external audit of the register, which the CENI plans for May, will be vital to bolster confidence.

D. Lack of Clarity on the Budget

While the voter registration was apparently adequately resourced, it remains unclear exactly how much and which parts of the elections budget the government will be able to fund. In December, the CENI estimated the costs of provincial, parliamentary and presidential elections at \$432 million.¹⁹ The biggest-ticket item is the \$157.7 million planned purchase of the 105,149 voting machines.²⁰ Elections are earmarked as a priority in the government's 2018 budget, passed on 24 December 2017, amounting to nearly 10 per cent of its projected overall spending.²¹

Despite statements by officials, and even Kabila himself, declaring that the government will fund the entire process (while relying on important logistical support from MONUSCO), there are serious concerns, chiefly among Western donors, about the government's ability to do so.²² Thus far, the CENI asserts there are no funding shortfalls.²³ In private meetings between Congolese officials and international diplomats, the former have indicated that the government would accept financial support, provided no strings were attached. Talks between the CENI and the UN Development Programme on a basket fund, "Le Projet d'Appui au Cycle Electoral au Congo" (PACEC), through which donors would support civic education, electoral monitors and other parts of the support to the process, have been difficult as the CENI thus far has refused to sign the funding document. The CENI reportedly sees donor demands regarding financial transparency as overly onerous given the low amount of funding they are liable to contribute. The CENI also does not wish to agree on funding earmarked for civil society organisations.²⁴ While there seems little chance of fully resolving the fractious debate between CENI and Western donors, the latter should be prepared to fill gaps as much as they can to enhance the polls' credibility.

¹⁸ "Enrôlement des électeurs en RDC : le Rassemblement doute des chiffres de la CENI", RFI, 31 August 2017.

¹⁹ The budget is confidential. "Exclusif – Machines à voter, parapluies, véhicules ... Les détails du budget électoral en RDC", *Jeune Afrique*, 21 December 2017.

²⁰ Voter machines, with the relevant lists of candidates uploaded, are supposed to be rolled out to all 90,000 polling stations (one each). The machine will record and print each vote on a paper ballot for a manual count (hence it will be a semi-electronic vote).

²¹ "Annexe explicative d'analyse des prévisions des dépenses du projet de loi des finances 2018", Document N°5, Ministère du Budget, November 2017. A total of 966 billion Congolese francs (including 72 billion Congolese francs in logistical support from MONUSCO) figures in the budget. Government spending and the budget are opaque.

²² "Que faire pour financer les élections en RDC", Radio Okapi, 20 November 2017. On 30 November 2017 (respecting the date in the electoral calendar), MONUSCO presented its logistics support plan to the CENI. "RDC : élections, l'État a débloqué 30 millions USD en Janvier 2018 !", zoom-eco.net, 21 February 2018; "Élections 2018 : La RDC est-elle capable de financer seule le processus électoral ?", La Transparence, Observatoire de la Dépense Publique (ODEP), January-February 2018.

²³ Crisis Group interview, CENI president, Kinshasa, March 2018.

²⁴ Crisis Group interview, CENI president, Kinshasa, March 2018.

E. *Confidence-building Measures*

Congolese authorities have initiated small confidence-building measures, some of which were called for in the Saint Sylvester agreement. Nangaa, the CENI president, has called for an inclusive election and noted that “no one should be left at the side of the road”.²⁵ On 20 January, the CENI launched its national voter education campaign, and has held sessions to inform political parties of its work, reinforcing the impression of progress.²⁶ Throughout February and March, opposition parties attended electoral commission briefings on cleaning up the voter register and on the new voting machines. Encouragingly the UDPS/Tshisekedi, which had not yet confirmed its willingness to participate in elections, sent a delegation.²⁷

The 10 March publication by the Congolese human rights minister of a Joint Commission of Inquiry report on human rights violations, perpetrated during the 31 December and 21 January protests organised by the lay association affiliated to the Catholic Church, was an important initiative.²⁸ The report has numerous positive recommendations, including lifting the ban on meetings and public protest as elections approach, and insists on strict guidelines regarding the deployment of security forces in situations other than war and riots. Alongside the Congolese government and civil society, the commission included a representative of the AU liaison office to the DRC.²⁹

Significantly, in early March, the speaker of parliament, Aubin Minaku, announced that parliament would soon discuss the replacement of the CENI rapporteur, Jean-Pierre Kalamba, who nominally represents the UPDS in the commission, but whom Tshisekedi's party does not consider a legitimate representative. Kalamba's replacement could be an important concession to the UDPS/Tshisekedi, fulfilling a step outlined in the Saint Sylvester deal toward reforming the CENI.³⁰ This is particularly

²⁵ “Point de presse de son excellence monsieur le président de la commission électorale indépendante”, CENI, Kinshasa, 31 January 2018.

²⁶ Crisis Group interviews, political party representatives, CENI president, Kinshasa, February–March 2018.

²⁷ Crisis Group interviews, CENI president and political party representatives, Kinshasa, February–March 2018.

²⁸ As the opposition was unable to organise protest, a movement led by a newly established lay organisation, the Lay Coordination Committee (CLC) associated with the Catholic Church, managed to capture national and international imagination with three protests (31 December, 21 January and 25 February), all violently repressed by the security forces.

²⁹ “Rapport Synthèse de la Commission d'enquête mixte 3121 : Enquête sur les violations et atteintes relatives aux droits de l'homme en lien avec les manifestations du 31 décembre 2017 et 21 janvier 2018”, Ministère des Droits Humains, RDC, Kinshasa, 10 March 2018.

³⁰ Crisis Group interview, senior UDPS official, Kinshasa, March 2018. “CENI : le remplacement de Jean-Pierre Kalamba sera discutée lors de la prochaine session parlementaire”, Radio Okapi, 2 March 2018. The opposition nominates four of the thirteen members of the CENI, two of whom have seats in the six-person bureau. The UDPS has the rapporteur's slot and the Movement for the Liberation of Congo (MLC) the deputy quaestor's. In June 2017, the MLC invoked the Saint Sylvester agreement and replaced its representative. A similar request from the UDPS/Tshisekedi had previously failed due to disputes over recognition of various wings of the party. The other two opposition representatives in the CENI, representing the Union for the Congolese Nation (UNC) and the Parliamentary Group of the Liberals, Democrats, Christians and Socialists (GPLDS), have not been

important as a more extensive restructuring of the electoral authority, including replacing its president as some opposition leaders want, would take time given the complexity of the nomination process, and bring uncertain gains.³¹

Overall, however, the implementation of Saint Sylvester remains slow and incomplete. While the agreement calls for release of political prisoners, 90 remain in detention, including the highest-profile figures, such as Jean-Claude Muyambo, an ally of the prominent opposition leader and former governor of Katanga province Moïse Katumbi. Of the recent releases, only Huit Mulongo, Katumbi's former head of cabinet, is an active politician – the others are militia members. Katumbi himself, who was sentenced in absentia on charges of illegal sale of a property and is still facing an investigation for alleged recruitment of mercenaries, remains in exile in Belgium. He has said the accusations are politically motivated. It is unclear whether he will be allowed to contest the election.

In short, the balance sheet remains mixed. Congolese authorities have overcome important hurdles in election preparations. But key technical questions – notably concerning funding for the polls and how the voting machines will work in practice – remain unanswered. More importantly, the playing field is still skewed and space for the opposition limited. These problems raise the prospect of a vote that might be reasonably well organised but would be neither fair nor credible.

challenged by their parties. Crisis Group interviews, political party representatives, Kinshasa, March 2018.

³¹ Crisis Group interviews, opposition party representatives, diplomats and Catholic Church officials, Kinshasa, February-March 2018.

III. The Regime Maintains the Initiative

The regime in DRC has over recent years been able to dictate the pace of events and take advantage of a weak opposition and an incoherent international response.³² But the growing humanitarian crisis and repression in Kinshasa have contributed to renewed international and, in particular, regional pressure to hold elections on the CENI calendar, which has most likely influenced recent moves toward a vote.³³ That said, the regime remains largely in control. While maintaining a strong sovereignty-focused discourse, including by lashing out against some in the international community (in particular Belgium) it has moved forward on election preparations, likely hoping to press home its remaining advantages.³⁴

Particularly revealing was a rare press conference by President Kabila at the end of January 2018, on the 17th anniversary of his presidency.³⁵ After defending his legacy in familiar terms, namely claiming credit for stability and constitutional rule, Kabila insisted the elections would be Congolese-led and funded. He noted that “the process is too costly” and “may have to be revised”, but that any major reform would have to wait for subsequent elections. When asked if he would contest the forthcoming vote, he again referred to the constitution, which limits the president to two terms³⁶. While Kabila did not rule out seeking a third term, his answer was the closest he has come to acknowledging that his failed attempts to change the constitution in 2015 appear, at least for now, to have blocked that route for him to stay in power.

Kabila also detailed election preparations, including work remaining. He chastised the opposition and the Catholic Church for offering no ideas, stating he “remained open to suggestions to speed it all up”. Overall, his message to foreign powers was clear: elections are solely a matter for the Congolese. He also criticised MONUSCO. Much as he had done shortly ahead of the contested 2011 elections, he called for “clarity on the [UN’s] exit”, and “strict respect of the Status of Forces Agreement”.³⁷ Reinforcing the message that Kabila will not stand in elections, a few days later, Alain Atundu, the Majority’s spokesperson, declared that its candidate would be made known at “the strategic” moment.³⁸

More concrete developments suggest the Majority is preparing for the campaign. As early as January 2017, it created an electoral coordination cell, and subsequently set up several new provincial coordination structures. More recently, its secretary-general, Aubin Minaku, stepped up meetings with several parties in the ruling coal-

³² Crisis Group Report, *Time for Concerted Action in DR Congo*, op. cit.

³³ Crisis Group interview, diplomat, Kinshasa, March 2018.

³⁴ “Crise dans les relations entre la Belgique et la RDC”, Radio Okapi, 12 February 2018.

³⁵ “Le processus électoral est irréversible en RDC : Voici le texte complet du point de presse du Chef de l’État Joseph Kabila”, Digitalcongo, 31 January 2018. Kabila is an introvert. He speaks in public at most a few times per year, in addresses to parliament.

³⁶ The quote, “the constitution had never been violated and would be respected in all its provisions”, from an earlier speech in 2016, remains prominently displayed on the presidency’s website. Crisis Group translation from the French, “n’ayant jamais été violée, la Constitution sera respectée dans toutes ses dispositions”, Presidency (www.presidentrdc.cd).

³⁷ “Le processus électoral est irréversible en RDC”, op. cit.

³⁸ “« La désignation du dauphin de Joseph Kabila sera connue au moment stratégique », dicit, Alain Atundu”, Digitalcongo, 3 February 2018.

tion, apparently to plan its campaign. In March 2018, during a gathering in Kinshasa, Minaku rolled out the slogan, “the MP, we win or we win”. The plan is to divide the Majority into sixteen to twenty electoral groups, all designed so that each would likely meet the new electoral thresholds.³⁹

Kabila’s PPRD, by far the largest party in the Majority and in parliament, has embarked on an internal restructuring. On 22 January, it adopted new statutes conferring on Kabila a formal role as the party’s “originator” and allowing him to directly appoint the party’s vice-president. He will become the PPRD president once he leaves office.⁴⁰ Late in February 2018, in preparation for elections, the party’s leaders also changed its day-to-day management. Outgoing executive secretary Mova Sakanyi switched places with Ramazani Shadari, previously deputy prime minister and interior minister.⁴¹ Shadari had been head of the PPRD parliamentary bloc, and is considered a better campaigner than his predecessor. In addition, the new party leadership has indicated that it will reorganise its youth wing, which is seen as out of its control, factionalised and often too aggressive.⁴²

The Majority-led revisions to the electoral law and a PPRD machine that appears well funded and organised at the national, provincial and local levels give the sense of a party prepared for the campaign. The regime enjoys other advantages. Its war chest dwarfs those of most opponents. It has near total control of the security forces, and a strong footing in the CENI and the Constitutional Court, which arbitrates electoral disputes for the presidential and legislative elections. It also controls most provincial governments. In January and February, Kabila appointed new territorial administrators and mayors, mainly from the PPRD, with a wide remit in public security over areas that double as electoral constituencies.⁴³ Through all of these levers, the regime can dictate the timing of the electoral process and calibrate how much political space it allows the opposition in different parts of the country.

Despite its advantages, the ruling alliance still faces major obstacles. The largest is to anoint a successor to President Kabila, which increasingly seems to be the plan. Given the stakes involved, any move in this regard – even speculation or jostling related to it – could cause infighting within the Majority or Kabila’s circle. Reorganisation within the PPRD is already creating pressure related to positioning for new posts. Unless Kabila and his allies can maintain stability in the informal networks (or “parallel state”) permeating the government and economic spheres that he and his family already control, including the security forces, competition related to the

³⁹ “A l’approche des élections : Minaku mobilise les partis membres de la MP”, Digitalcongo.net, 5 March 2018. Crisis Group interviews, Majority members, Kinshasa, February-March 2018.

⁴⁰ “RDC : en pleine crise politique, Joseph Kabila refonde son parti”, *Jeune Afrique*, 26 January 2018. Crisis Group interview, senior PPRD official, Kinshasa, March 2018.

⁴¹ On 29 May 2017, Shadari was sanctioned by the EU for planning, directing or committing serious human rights violations.

⁴² The youth wing had gained notoriety intimidating protesters on 25 February. Crisis Group interview, PPRD official, Kinshasa, March 2018.

⁴³ “Entités territoriales décentralisées. RDC : Kabila nomme les AT et ATA !”, *La Prospérité*, 23 January 2018, “Le président de la République signe trois ordonnances”, Agence Congolaise de Presse, 4 February 2018. Crisis Group interviews, Congolese politicians, Kinshasa, February-March 2018. These appointments left some in the Majority frustrated. Crisis Group interviews, Congolese politicians, Kinshasa, February-March 2018.

succession could unleash centrifugal forces and even violent contestation. Identifying and forging consensus on a successor remains an enormous challenge. Beyond those names that are frequently cited by Congolese observers or the media, a surprise candidate cannot be ruled out.⁴⁴

The reforms and political preparations offer a glimpse into a regime strategy that would see Joseph Kabila step down but exercise a degree of control behind the scenes as PPRD president – in the Majority's realistic expectation of remaining the biggest bloc in parliament. This manoeuvre, a variant of the "Putin-Medvedev scenario" (so named after the arrangement Russian President Vladimir Putin used to circumvent term limits between 2008 and 2012), would see a more stable ruling party/coalition with Kabila at the helm.⁴⁵ Constitutionally, Kabila is guaranteed a seat in the Senate. His balancing of interests in the "parallel state", which includes numerous figures from his home province of Katanga, could hold things together sufficiently that he feels his interests are secure. But no guarantee will be watertight, and the possibility of the ruling party or Kabila's immediate circle fracturing before or after the election remains.⁴⁶

Despite misgivings, the president's camp seems to have determined that, for now, elections appear the least risky option. The most likely alternative would be further delay, which could be facilitated by co-opting some members of the fractured opposition.⁴⁷ But this could lead to an irreversible decline in the Majority's electoral prospects, due to international isolation, popular anger and its own internal fissures. A continued stalemate could also present the risk of a coup or violent unrest that slips out of regime control.

Were polls significantly delayed, the regime might be tempted to try a further option, that of changing the constitution to allow Kabila to seek a third term. Yet this approach would be risky; it has met stiff domestic opposition in the past. It would be particularly controversial among foreign powers, including African leaders, and would leave the regime further isolated.⁴⁸

⁴⁴ The two individuals most often cited as *dauphin* are former Prime Minister Matata Ponyo (Maniema Province, East) and Speaker of Parliament Aubin Minaku (Kwilu Province, West). Both are PPRD members and have detractors as well as supporters. For a broader overview of potential names, see "RDC : en quête du dauphin idéal", *Jeune Afrique*, 18 March 2018.

⁴⁵ The extended Kabila family retains strong networks in the country's economic and security sectors. Their investments indicate they want to stay in the country.

⁴⁶ For more on the Katangese dimension of Congolese politics, see Crisis Group Africa Report N°239, *Katanga: Tensions in DRC's Mineral Heartland*, 3 August 2016.

⁴⁷ Mistrust is rife among the wheeling and dealing politicians of Kinshasa.

⁴⁸ Crisis Group interviews, diplomats, Addis Ababa, March 2018.

IV. The Opposition: A Scramble to Reorganise

The possibility of elections this year has shaken opposition parties. Since mid-2017, the main opposition coalition, the Rassemblement, had promoted the ill-defined idea of a transition without Kabila. But the opposition now appears to be preparing to campaign despite the deficiencies in implementing the Saint Sylvester agreement. Since late February there has been a flurry of activity, with smaller parties rushing to form larger groups to ensure they can garner sufficient votes to meet new electoral thresholds and qualify for seats in the future national and provincial assemblies.

This repositioning is fragmenting the Rassemblement. The Group of Seven (G7), the Alternative for the Republic (Alternance pour la République), and several other small parties are backing Moïse Katumbi, while the UDPS/Tshisekedi is going its own way.⁴⁹ Katumbi's supporters met in South Africa from 9 to 12 March 2018 and formed a new coalition, Together for Change (Ensemble pour le Changement).

Other major parties such as the Union for the Congolese Nation (Union pour la nation congolaise, UNC) of Vital Kamerhe and the Movement for the Liberation of the Congo (Mouvement de Libération du Congo, MLC) led by Ève Bazaiba have announced that they will work together during the campaign, though details of what that entails are not yet clear.⁵⁰ More broadly, at the time of writing it is uncertain where opposition consultations and reconfiguration will lead. That said, the creation of coalitions of around ten parties is likely to be the norm. Some new alliances could even transcend the divide between the opposition and the Majority.⁵¹

Four questions are likely to shape opposition dynamics. The first relates to the future of the UDPS as a political force. The DRC's historically largest opposition party was weakened by the death of its founding father Étienne Tshisekedi in January 2017, and has had its reputation damaged by discrete talks with the government over power sharing in 2017. A party conference on 31 March elected Felix Tshisekedi as party leader and the party's candidate for the forthcoming presidential election. The organisation of the conference was challenged by the UDPS/Tshibala, one of the party's dissident wings.⁵² In 2017, the regime had encouraged this split, especially by nominating UDPS dissident Bruno Tshibala as prime minister. The unexpected reports that the UDPS/Tshisekedi – the original party, not Tshibala's splinter – will be allowed to name a new CENI representative and its contacts with the CENI are signs of a possible thaw in relations with the government. In this context, the UDPS's participation in a new government, were one formed, cannot be excluded.⁵³

⁴⁹ Crisis Group interviews, Congolese opposition leaders, Kinshasa, February-March 2018.

⁵⁰ "MLC et UNC vont aborder les élections au sein d'une même plateforme électorale", Actualite.cd, 9 March 2018.

⁵¹ For example, representatives of the PALU (affiliated to the majority) had also been included in talks between the MLC and the UNC, although it quickly led to their exclusion from the party. Crisis Group social media conversation, Congolese politician, March 2018.

⁵² "RDC : un an après le décès d'Etienne Tshisekedi, que devient l'UDPS", RFI, 1 February 2018.

⁵³ "RDC : le directeur de cabinet du Premier ministre démissionne", RFI, 9 March 2018.

The second question is whether Moïse Katumbi will be allowed to return to the DRC free from threat of prosecution and entitled to contest the election.⁵⁴ He currently is revitalising his political base and enjoys grassroots support, including among youth networks and backers of his football club Tout-Puissant Mazembe. He has confirmed his intention to run for the presidency, and his wealth and political ambition help draw in backers. But he remains in exile, and his prolonged absence from the country may erode his support base.⁵⁵ The most recent challenge to his political future has come in revelations concerning his alleged acquisition of another nationality, which the justice minister has reportedly said would mean him having to reapply for Congolese nationality in order to contest elections.⁵⁶ Several major traditional chiefs of his home province Haut-Katanga recently denounced government manoeuvres and argued that Katumbi is Congolese. This points to the potentially inflammatory nature of the nationality issue.⁵⁷

A third question is whether realignments among opposition parties can counter divisions within the opposition overall. Thus far, they have not. Some opposition politicians are calling for a single presidential candidate to challenge Kabila's likely *dauphin*. But, short of Katumbi being blocked from running, little suggests that either he or Felix Tshisekedi – the two top opposition leaders – will make way for the other. Without a united ticket, the opposition likely will struggle against a candidate that enjoys the ruling party's and Kabila's backing.⁵⁸

The last question is whether the government will continue to encourage breakaway factions of opposition parties. This so-called doubling of political parties reduces the time and resources parties have to engage with the population and confuses the choices available to voters. On 26 March, as stipulated by the electoral calendar, the government transferred the list of legally recognised political parties and party coalitions to the CENI, which will use it to register candidates. The Saint Sylvester agreement's follow-up committee recently advised the government to acknowledge the opposition leadership of most parties concerned, as opposed to their regime-affiliated wing.⁵⁹ While the government reportedly followed this advice for some par-

⁵⁴ For more on the case, see Crisis Group Report, *Katanga: Tensions in DRC's Mineral Heartland*, op. cit., pp. 24-25.

⁵⁵ Crisis Group interviews, Congolese opposition politicians, Kinshasa, February-March 2018.

⁵⁶ "RDC: Moïse Katumbi a bel et bien eu la nationalité italienne pendant 17 ans", *Jeune Afrique*, 22 March 2018. In response to these reports, the Congolese public prosecutor has launched a further investigation into Katumbi, now for the use of false documents. This procedure is denounced by his supporters – it also has not been used against other politicians who have exercised positions of responsibility while having another nationality. "RDC : une information judiciaire ouverte contre Katumbi, son entourage dénonce une « réaction excessive »", *Jeune Afrique*, 28 March 2018.

⁵⁷ "Déclaration des chefs coutumiers des chefferies et des groupements du Haut-Katanga", Lubumbashi, 17 March 2018 (document in Crisis Group's possession). If not resolved by the authorities, this opposition between the "traditional" recognition of Katumbi and the "legal" status could become explosive. Crisis Group email correspondence, Lubumbashi- and Kinshasa-based analysts, March 2018.

⁵⁸ "Présidentielle en RDC : l'UDPS ne soutiendra pas la candidature de Moïse Katumbi", RFI, 14 March 2018.

⁵⁹ "Partis politiques : Gabriel Kyungu salue « un grand pas vers une véritable décrispation »", Radio Okapi, 22 March 2018.

ties, it did not adjudicate on the UDPS or the Social Movement for Renewal (MSR) – leaving the question to the CENI and the courts.⁶⁰

Some insurgent opposition leaders, notably former rebel and government minister Mbusa Nyamwisi and former militia leader and army officer John Tshibangu, are encouraging the opposition to take up arms as the only means of removing the regime. Thus far their efforts have gone nowhere, due to their limited support base, scant appetite in opposition ranks for such a strategy and lack of international support. Shortly after giving Kabila a 45-day deadline to leave power, Tshibangu was arrested in Tanzania and quickly extradited to Kinshasa in February 2018.

⁶⁰ Crisis Group social media correspondence, Kinshasa-based civil society members, March 2018. "Inclusivité de la liste de partis et regroupements politiques : Mova s'acquitte", laprosperiteonline.net, 26 March 2018.

V. Mounting Regional Pressure

The acceleration of election preparations has been generally welcomed by foreign powers. Some Western governments, in particular the U.S. and Belgium, remain critical of Kinshasa's tactics and push for more transparency. Others are less outspoken. However, differences aside, there is broad recognition that concrete and regular follow-up of progress is needed. On 12 January, the U.S. chaired an informal UN Security Council meeting on the DRC electoral process, which also heard a briefing by the CENI.⁶¹ Following this meeting, the Council intends to hold regular meetings on the DRC between now and the vote.⁶² In its resolution 2409 (2018), adopted on 27 March, the Security Council requested written updates on political and technical progress toward 23 December elections every 30 days. The DRC crisis likewise features increasingly prominently in talks between African leaders and Western powers, including during a February visit by the French foreign minister, Jean-Yves Le Drian, to Angola.⁶³

DRC's neighbours and regional organisations have been most active. The AU, Southern African Development Community (SADC) and the International Conference on the Great Lakes Region (ICGLR) have stepped up engagement, as have a number of regional capitals. On 14 February, Kinshasa hosted a tripartite meeting with Angolan president João Laurenço and President Sassou Nguesso of Congo-Brazzaville, representing, respectively, the SADC and ICGLR.⁶⁴ On 17 February, President Kabila visited Zambia for talks with President Edgar Lungu. Upon return to Kinshasa he met another Angolan emissary, foreign minister Manuel Augusto Domingos. On 22 February, Gabonese president Ali Bongo visited Kinshasa, and was followed by new Zimbabwean president Emmerson Mnangagwa on 27 February. It is likely that the new South African president, Cyril Ramaphosa, will visit, while the AU and the UN are planning a joint visit from AU Commission chairperson Moussa Faki and UN Secretary-General António Guterres. The UN Security Council is also planning to visit.⁶⁵

While this succession of meetings between Kabila and regional leaders have been private, and public statements kept to a minimum, all indications point toward strong regional pressure on the DRC's president to respect the CENI's electoral calendar and stand down. Angola, arguably the African state with the most leverage in the DRC, has been privately critical of electoral delays for some time and halted its military cooperation in 2017. Tensions with Luanda are rattling nerves in Congolese

⁶¹ The meeting was held according to the "Arria formula", by which a member or members of the Security Council informally convene the Council to hear the views of individuals, organisations or institutions on matters within its competence.

⁶² Crisis Group interviews, diplomats, New York, Addis Ababa, March 2018.

⁶³ Crisis Group interview, Kinshasa-based diplomat, March 2018.

⁶⁴ Angola is the current chair of the SADC Organ on Politics and Security. Zambia is the incoming chair and will take over later in 2018. The February meeting was a follow-up to a tripartite meeting organised in Brazzaville on 9 December 2017. The next meeting will be held in Luanda, Angola in the course of April. Crisis Group interview, regional diplomat, Kinshasa, February 2018.

⁶⁵ Crisis Group interviews, UN diplomats, New York, March 2018.

security circles, as Angolans have long been well embedded in the DRC security system, and are seen as highly influential.⁶⁶

The clearest signal that southern African leaders' patience with Kabila is wearing thin was the silence that followed a strongly worded 26 February 2018 statement from Botswana's foreign ministry. The statement admonished Kabila for attempting to stay in power and called for stronger international pressure to persuade him to step down. While Botswana is not a major player, this pronouncement, on the eve of Botswanan president Ian Khama's departure from office in late March 2018, may have said out loud what others in the region are thinking or saying behind closed doors.⁶⁷

Southern African governments also are frustrated with Kabila's failure to cooperate with their recent elections-related initiatives. The DRC government has ignored South African and SADC offers of technical support that followed upon the December 2017 visit of SADC officials and elections experts. It has been slow to engage with the SADC's plan to open a liaison office. Thus far Kabila has refused to meet the newly nominated SADC envoy to the DRC, former Namibian president Hifikepunye Pohamba.⁶⁸ In order to demonstrate their continued involvement, despite Kabila's reluctance to engage, SADC ambassadors met with the CENI in early March. During its latest ministerial meeting in South Africa, the SADC said it was waiting for Kinshasa's invitation to send an electoral observation mission.⁶⁹

As SADC leaders appear to have nudged President Kabila toward elections, the presidents of countries to the DRC's east – Uganda, Rwanda and Burundi – seem less directly involved. All three have manipulated their own constitutions to stay in power, and so have little incentive or credibility to encourage respect for term limits, despite their security concerns vis-à-vis borders with the DRC, which have been aggravated by the uncertainty about Kabila's departure.⁷⁰ In December 2017, a deadly attack on the UN attributed to the Allied Democratic Forces (ADF), an armed group originating in Uganda, heightened regional security concerns. Uganda has since bolstered its forces in the border area and launched attacks on ADF camps on the Congolese side.⁷¹

⁶⁶ Crisis Group interviews, Kinshasa-based diplomats, Congolese politician, February-March 2018.

⁶⁷ Crisis Group interview, Kinshasa-based diplomat, March 2018. "Press Release: Refusal by Some Leaders to Hand over Power", Ministry of Foreign Affairs and Cooperation, Republic of Botswana, 26 February 2018.

⁶⁸ Southern African and in particular South African support was critical in respecting the electoral deadline in 2011. "SADC Electoral Advisory and Electoral Commissions Forum of SADC Countries Conduct a Joint Electoral Assessment Mission to the Democratic Republic of the Congo", SADC, press release, 7 December 2017. The 2011 mission followed several earlier SADC trips. On 3 February, the SADC's executive secretary, Stergomena Lawrence Tax, visited Kinshasa to discuss these issues. "Namibia: DRC govt snubs SADC peace envoy", Agence de Presse Africaine (Windhoek), 15 November 2017; Crisis Group interviews, regional diplomats, Kinshasa, February-March 2018. For more on the regional involvement, see Crisis Group Report, *Time for Concerted Action in DR Congo*, op. cit.

⁶⁹ "SADC prepares for Zimbabwe, DRC elections", www.iol.co.za, 27 March 2018.

⁷⁰ See Crisis Group Report, *Time for Concerted Action in DR Congo*, op. cit.

⁷¹ "UPDF attacks ADF rebel hideouts in Congo", *New Vision*, 22 December 2017. The ADF insurgency in Beni had already prompted an outflow of Congolese refugees to Uganda. More recently, separate fighting in Ituri province led tens of thousands of additional Congolese refugees to cross

The AU has established an effective but currently under-resourced liaison office in Kinshasa and is engaged in discrete diplomacy with the Congolese political actors and regional leaders. In its latest statement on the DRC, the AU Peace and Security Council stressed its support for the implementation of the Saint Sylvester agreement and called for the region and the wider international community to provide technical, logistical and financial support for elections.⁷²

into Uganda. "What's happening in Ituri?", Congo Research Group, guest blog by Thijs van Laer, congoreserchgroup.org, 5 March 2018.

⁷² PSC/PR/BR.(DCCLVIII), AU Peace and Security Council, 758th meeting, press statement, 14 March 2018. Crisis Group interviews, AU officials, diplomats, Kinshasa, Addis Ababa and New York, February-March 2018.

VI. Priorities for Government and International Actors

The technical progress toward elections confronts foreign powers with hard choices. If they back elections they risk supporting an unsatisfactory process, while refusal to engage would risk further delays for which they might shoulder the blame. Likewise, if they try to leverage their support for the electoral process, the regime could revert to its previous delaying tactics. Having weakened the opposition, the regime is calling everyone's bluff in a game of "heads we win, tails you lose".

Nonetheless, the recent progress is the result of considerable international and especially African pressure, and the wisest course of action is to continue to push for a vote in full respect of the calendar. There is now a broad international consensus that the current electoral calendar must be respected and Kabila barred from seeking a third term. Congolese political parties on both sides are clearly in preparation mode. This should provide a renewed basis for more active and coherent international engagement in the immediate future.

Conditions for an open, transparent election, in which all parties can freely campaign, do not yet exist and continued international engagement will be needed to improve prospects. As a first requirement, international actors should overcome, or at least reduce, any differences among them on what would constitute minimum standards for free and fair elections in the DRC. Strong pressure on the regime to allow all prominent opposition candidates to run should be an important agreed element. But at present, different approaches from those most lenient to the government to those most critical, embolden both the regime and opposition to take maximalist positions and to avoid compromise.⁷³

Whether African lobbying of Kabila can translate into unified pressure for reform remains uncertain. What is clear is that a sham vote would leave any ensuing government without the requisite legitimacy to tackle the DRC's multiple challenges, and would thus serve the region ill. All international actors should cautiously welcome recent signs of progress toward elections. Influential African and Western powers ought to lead a robust diplomatic push in favour of a handful of key reforms that would build confidence in the process itself, while moving toward a more level playing field. Such pressure should be accompanied by offers of broad recognition and potentially additional support for a government elected in a reasonably open vote.

A. Critical Steps to Prepare for Elections

Several key measures could improve prospects for a cleaner vote. First, the CENI should make critical aspects of its election preparations more transparent – notably the upcoming audit of the voter register. That inspection should take place in consultation with opposition and civil society representatives, as well as international experts.

CENI transparency ought to extend to plans for the voting machines, which likely will require a swift compromise among the electoral authority, the opposition and, if funding is required, donors. Simply pressing the CENI to abandon the use of the

⁷³ See Crisis Group Report, *Time for Concerted Action in DR Congo*, op. cit., pp. 24-27.

voting machines is unlikely to work and last-minute changes could prove destabilising. Given that conditions in parts of the country could complicate the functioning of voting machines, one possible compromise would be to use them exclusively in some urban areas, where in any case longer candidate lists make them more useful. The new system must be tested rigorously and transparently – with opposition and civil society representatives and international experts present – to build trust in its use. Together with the Congolese government, the CENI also needs to be more transparent about its budgeting for the elections, so that donors can prepare to fill any gaps.

The government and CENI also urgently need to agree on the role of the joint team of election experts from the UN, AU, SADC, Organisation Internationale de La Francophonie (OIF) and EU.⁷⁴ Optimally, this group would be embedded in the CENI not only to provide technical support but also to assess preparations and build a shared understanding of progress among the organisations represented. It should also help to reboot the dialogue between the CENI and the donors in more constructive terms.

Initiatives to evaluate progress toward elections in regular meetings in the UN Security Council, supported by monthly reporting from MONUSCO, should continue. This will help keep the Security Council focused and at a minimum can contribute to a common understanding of the issues. As MONUSCO is of crucial importance to the logistics of the elections and will have an important budget to that end, the meetings will also allow the Council to apply pressure in case of severe slippage. Meanwhile, the SADC, AU, EU and any other bodies planning to observe the elections should open negotiations now with the government to establish the conditions under which teams would deploy; any missions that do so should include long-term observers. The government should start by extending invitations to those bodies.

B. *Levelling the Playing Field*

International actors also should focus on measures to help level the playing field and improve relations between the government and opposition. There are some grounds for cautious optimism, namely the Joint Commission of Inquiry that investigated the violence around protests in December and January.

In this context, the government should:

- ❑ Release political prisoners, in line with its commitment in the Saint Sylvester deal.
- ❑ Clarify the lawfulness and validity of legal proceedings against opposition politicians, or simply drop charges, most of which are politically motivated. As those facing charges cannot contest elections, their cases should be resolved well ahead of the deadline for candidates to register. The main opposition candidates should be allowed to run.⁷⁵

⁷⁴ This team was deployed based on an agreement during the 2017 UN General Assembly.

⁷⁵ The exclusion of leading candidates has been a major contributing factor of destabilisation in countries such as Côte d'Ivoire.

- ❑ Implement the recommendations of the recent joint investigation into the December and January violence. This should include lifting the general ban on meetings and peaceful public protests as well as measures that restrict the use of the army and Republican Guard in maintaining and restoring public order.

In sending a list of political parties to the CENI without resolving all outstanding issues concerning doubling of parties, the government has respected the deadline but transferred the responsibility for issues still confronting several major parties, in particular the UDPS and MSR, to the CENI and the courts. The political parties concerned, the CNSA and the CENI, should convene to resolve the issues as soon as possible. Prime Minister Tshibala and his UDPS should not interfere in the internal organisation of the UDPS/Tshisekedi.

For their part, opposition parties ought to engage with the CENI on outstanding issues of concern and prepare their constituents for a campaign that engages the population at all levels. There are, of course, serious qualms about the electoral environment. But, overall, participating in the elections – as most opposition parties appear to be preparing to do – appears a wiser course than boycotting them, all the more so if the regime offers some compromises. A boycott would not halt the elections but would risk producing a government enjoying fewer checks on its authority.

International actors should encourage talks between the Majority and opposition parties with a view to devising an electoral code of conduct. This code should entail pledges by political leaders on all sides to condemn violence, avoid inflammatory rhetoric and refrain from politicising ethnicity. The recent protest by Katangese traditional chiefs concerning Moïse Katumbi's citizenship provides further proof of the importance of these identity issues. Many Congolese in rural areas affected by years or decades of conflict fear the use of hate speech or outbreaks of ethnically oriented violence, often orchestrated by politicians; many urban residents associate political parties most closely with their violent youth wings. This climate makes measures to ease tensions in advance of the polling particularly important. Based on the current situation, but also the electoral cartography and experiences from 2006 and 2011, MONUSCO will need to work continuously on a comprehensive conflict assessment and contingency planning.

Talks between President Kabila's camp and opposition leaders might also aim for some wider understanding on the transition, and how to protect some of the interests of losing parties. This could include the future of the president, his close allies and his family.

Congolese and international actors can take other steps to build on the apparent momentum toward elections. The Protestant Church and Congolese Islamic Committee, which until recently appeared more sympathetic to the government, have supported recent protests, potentially aligning both bodies more closely with the Catholic Church. A joint statement by heads of the different denominations in support of the elections, and pledging that their respective hierarchies will follow the campaign and elections preparations closely, would help build confidence.⁷⁶

⁷⁶ The country's inter-church Integrity and Electoral Mediation Committee remains hung up on past disagreements, so joint statements would have to be hammered out directly. Crisis Group interviews, representatives of Catholic and Protestant Churches, Kinshasa, March 2018.

In addition, regional governments, the SADC and AU should follow up their diplomatic engagement with joint messages as well as regular high-level visits and meetings. As candidate registration begins in June/July, a planned joint visit by the UN Secretary-General and the chairperson of the AU Commission would be useful in maintaining pressure and showing support to Congolese actors working towards elections.

VII. Conclusion

Elections this year in the DRC are now a real possibility. While scepticism as to the government's intentions is certainly warranted, a critical but constructive approach by international actors stands the greatest chance of nudging President Kabila and the DRC toward an orderly transfer of power. Recent diplomatic efforts by regional leaders, which may have partly motivated Kabila's apparent move toward elections, could provide a base for renewed African and Western pressure to hold Congolese authorities to the timeline and take steps to make the vote more credible. Further delays, a botched vote or balloting widely viewed as unfair would risk entrenching a regime with too narrow a base and too little popular legitimacy to tackle the enormous challenges the DRC faces. This outcome would fuel further instability in the country and region. There is still a long way to go, and there are many questions surrounding the polling. But Congolese authorities have taken some positive steps over the past few months. International and regional actors should seize this opportunity to push hard for a peaceful transition.

Nairobi/Brussels, 4 April 2018

[illegible]

Appendix B: Acronyms

ADF	Allied Democratic Forces
CENI	Independent National Electoral Commission
CNSA	National Council for Monitoring the Agreement and the Electoral Process
GPLDS	Parliamentary Group of Liberals, Democrats, Christians and Socialists
MLC	Movement for the Liberation of the Congo
MSR	Social Movement for Renewal
MONUSCO	UN Organization Stabilization Mission in the DRC
OIF	Organisation internationale de la Francophonie
PALU	Unified Lumumbist Party
PPRD	People's Party for Reconstruction and Democracy
SADC	Southern African Development Community
UDPS	Union for Democracy and Social Progress
UNC	Union for the Congolese Nation

Appendix C: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

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Appendix D: Reports and Briefings on Africa since 2015

Special Reports

Exploiting Disorder: al-Qaeda and the Islamic State, Special Report N°1, 14 March 2016 (also available in Arabic and French).

Seizing the Moment: From Early Warning to Early Action, Special Report N°2, 22 June 2016.

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