

Scenarios for the Democratic Republic of Congo*

Prepared on behalf of the DRC Affinity Group†
August 2014

It is with apprehension that the Congolese public and the international community await the December 2016 election season, which marks the official end of President Joseph Kabila's final term in office and will reveal whether a true democratic election process is possible in the country.

The lingering memory of the catastrophic 2011 elections, the debates surrounding the decisions made by the new National Independent Electoral Commission (CENI), the prevailing insecurity that persists in several regions, and the reticence of the president currently preclude any reliable predictions for the country's medium-term political future. One can only offer an outline of the most likely scenarios, along with their potential consequences.

The unlikely “democratic” scenario

According to this scenario, per the roadmap drawn up by the CENI on 30 January 2014, urban, municipal and local elections would be held in 2015 after the adoption of the proposed constitutional amendment. This would allow for local elected officials to take office and would re-establish the legitimacy of provincial assemblies, governors and the senate, by means of an indirect vote. National, legislative and presidential elections could then be held in 2016, prior to the end of Kabila's term on 6 December. These elections would pave the way for a truly democratic election process, especially at the presidential level, in which the incumbent would step down to make way for a successor elected from the majority or opposition.

Currently, this scenario seems highly unlikely, due to a number of technical and political difficulties. With 26 months to go before elections, the remaining work to be done to ensure a sound institutional and legal framework, guarantee the reliability of the current voter registry, develop a new registry from the general census, establish a new judicial body in charge of electoral disputes, and set up the necessary technical infrastructure to tabulate results is monumental and, frankly, impossible to complete in such a short time period.

The political pre-conditions for the unimpeded development of this scenario have likewise not been met. The president's ambiguity with respect to his intentions has left the *Majorité Présidentielle* without a political or electoral strategy. Since holding its *Concertations Nationales* (national policy dialogues) in September-October 2013, the government's role has been limited to the management of routine affairs, and the

* This paper was originally written in French and translated into English by the Affinity Group Secretariat. To ensure the authors' original meaning and nuance, please read the French version, published on the [DRC Affinity Group website](#).

† We wish to thank Gerold Gérard, a fellow with the *Fondation pour la recherche stratégique*, for the research he contributed to this report.

Parliament is adjourned for the holidays.¹ The opposition, which disputes the CENI's decisions, particularly the priority given to local elections, is divided over how to ensure the reliability of the voter registry, especially over the need to conduct a preliminary census, and does not seem prepared to accept the institutional compromises necessary for the development of a "democratic" scenario. Finally, among the international community, only the United States has displayed a preference for this type of scenario, renouncing amending the constitution and that the president abstains from running in the next election. These recommendations have found considerably less support among Europeans.

Even if the "democratic" scenario unfolded precisely according to the timetable described, it could conceivably lead to disputes and acts of violence, the magnitude of which is difficult to gauge at this time. First of all, the necessity of establishing boundaries between voting districts prior to the local elections—in order to ensure the proportional distribution of seats among towns and communities—would foster competition among communities with conflicting interests. If these procedures are carried out in haste and without consulting the traditional authorities, the ensuing tensions could lead to violence in several provinces. Furthermore, holding local elections based on the current voter registry, which remains heavily contested despite the few reforms promised by the CENI, can only lead to a disputed outcome that would exacerbate existing tensions in certain regions.

Three scenarios for maintaining power

So far, Joseph Kabila and his supporters have shown no formal evidence of strict adherence to electoral legislation. Indeed, the violent outbreaks in Kinshasa from 20-22 August 2006,² as well as the significant political maneuverings surrounding the 2011 elections, attest to the administration's firm commitment to its own survival and perpetuation. Though no official statement has been issued to this effect, most observers agree that President Kabila is seeking to remain in power after 2016, a decision strongly favored by some of his key supporters. This outcome could be achieved by three possible scenarios: a) Kabila runs for re-election after amending Articles 70 and 220 of the Constitution; b) the administration adopts a Putin/Medvedev-style power structure; c) a "strategic postponement" tactic is used to enable Kabila to renew his candidacy within an overhauled institutional framework.

Kabila seeks a third term

To be eligible for a third term, Kabila would need to break through the double constitutional barrier of Articles 70 and 220, a difficult and contentious feat to execute. Article 220 is viewed as non-negotiable by the opposition, civil society and especially the Catholic Church, as well as some members of the majority. The recent statements by John Kerry and Russ Feingold on the subject suggest that the operation would stand to threaten diplomatic relations, on top of the risks it poses on the domestic front. The prospect of a three-fifths majority approval of the amendments by Congress is more unlikely and politically riskier than the 2010 revision, as these new amendments modify the essence of the 2006 Constitution that was approved by an overwhelming majority of voters (85%) through a popular referendum. Holding a constitutional referendum before 2016, on top of the discussions already planned by the CENI, would be nearly impossible and its outcome far from guaranteed, given the extreme public sensitivity to the "third term issue" in the DRC and throughout Africa.

The “Putin-Medvedev” strategy

The idea of appointing from among his political entourage or family members a sort of “prince” successor, who would serve as a presidential figurehead without exercising any real power, has undoubtedly occurred to Kabila. According to rumors and information circulating on social networks, his brother Zoe and sister Jaynet’s entry into the political sphere and the National Assembly in 2011 and the first lady’s humanitarian activism³ are gateway strategies to test the waters of the nation’s public opinion and the majority. Currently, among the potential candidates for this role of “deputy heir,” the most likely seems to be Aubin Minaku, who acts as president of the National Assembly and secretary general of the majority, and has the additional advantage of being from the western region of Bandundu. Still, the “Putin/Medvedev” solution does not seem to be favored by Joseph Kabila, and would prove tricky to implement and maintain. Similar strategies attempted in other African countries, including Senegal, have resulted in failure.⁴ Furthermore, the task of balancing injured egos in different power circles would require the type of strong and undisputed authority figure that has not emerged from the Kabilist majority since the death of Augustin Katumba Mwanke.⁵ Kabila’s withdrawn and secretive attitude and the lack of firm support for this scenario from the president’s political family seem to rule it out at as a possibility at present.

The “strategic postponement” scenario

According to this scenario, the president would remain in power beyond December 2016 by strategically drawing out the electoral process, which would entail the postponement of successive election deadlines and the extension of political terms. The goal would be to enable the president to stay in power until 2017 and beyond by deferring elections beyond the official deadline on the grounds of prohibitive material constraints, and on the basis of Article 70, paragraph 2 of the Constitution stipulating that: *at the end of his term, the President of the Republic remains in office until the newly elected President’s term has taken effect*. This scenario would gain the president and his majority politically precious time to introduce radical institutional changes, with the aim of establishing a new presidential, authoritarian and centralized regime more in line with the administration’s autocratic, “African” conception of power. This regime change would furthermore allow the ban on a third presidential term to be circumvented.

For the current administration, the “strategic postponement” scenario holds a number of advantages over the others. First, while it would infringe the Constitution, no immediate constitutional amendment would be necessary. This is a point in its favor, since amendments to the Constitution, particularly to Article 220, are viewed by the regime and most observers as politically and socially risky. The postponement strategy is also likely to meet with the fewest obstacles, as it can be justified on the basis of a number of objective and ostensibly irrefutable arguments. The need to establish a reliable voter registry and improve decentralization, particularly on the local level, steps that have been called for by the opposition and recommended by election monitoring missions, could be used to justify drawing out the election schedule through additional delays and deadline postponements. While this scenario undoubtedly undermines institutional and presidential legitimacy, it has the advantage of ensuring the stability of the institutions and officials currently in place. It would thus accomplish the dual aim of deferring a face-off with Congolese voters, who have shown little inclination to re-elect incumbents,⁶ and avoiding the institutional

vacancies and social instability feared by the business sector and diplomatic missions. Finally, by entailing the eventual establishment of a new constitution, the strategy would allow the current regime to remain in power for the long term.

The postponement approach currently appears to be the most likely course of action, especially as it has already begun to be partially adopted by the CENI and the government. One could view the CENI's choice to defer provincial elections beyond the February 2012 term limit for provincial deputies, governors and senators as consistent with the aim to delegitimize these institutions and keep incumbents in office. Further, the CENI's decision regarding the need to conduct a general census before holding national elections, as well as its delay in releasing a full election schedule, could be interpreted as efforts to draw out the process and, by extension, as the beginnings of a generalized postponement tactic.

Based on a close analysis of external reactions to the political events and electoral upheaval in the DRC over the last decade, this scenario is likely to be met with a moderate and ultimately conciliatory response on the part of the international community. The Europeans, who have contributed hundreds of millions of euros to the 2006 and 2011 electoral budgets since 2003 and developed close ties with the CENI and its new president, would undoubtedly prefer a situation of transparency in which fair and timely elections were held. On the other hand, the Americans' natural tendency to favor political and regional stability at the expense of democratic principles is, once again, likely to guide their policy in this instance. MONUSCO, which has transferred the role of providing electoral support to UNDP, has long been absent from the political sphere and has refocused its efforts on the eastern part of the country, affording it limited capacity for effective action in the event of such a scenario.

A look at international political action in the context of other states in the sub-region—Angola, Congo, Uganda and Rwanda—further reinforces skepticism regarding the determination of major powers to prevent this scenario from arising. Indeed, the longevity of the presidential administrations in these four countries seems to discourage any potential optimism regarding the effectiveness of pressure exerted by the international community to encourage the desired democratic transfers of power on the continent.

The potential for violence

Historically, periods of transition or high political tension in the DRC have often led to popular or military violence. After independence and in the 1990s, riots and pillaging paved the way for, or served as precursors to, armed takeovers. It is thus impossible to rule out the possibility of further violent outbreaks, either by urban mobs or armed groups originating from within or outside DRC's armed forces (FARDC). Three factors could contribute to the likelihood of such an outcome: the extreme poverty and hopelessness afflicting the Congolese population, particularly in big cities; the continuing presence in certain regions of active and threatening armed groups, especially in Katanga; and the deterioration of the FARDC through the ambition and corruption of certain officers, coupled with the frustration of the enlisted forces, a threat that no reform initiatives so far has properly addressed. One could add to this list the manipulation of violence by the administration, a tactic which seems to have earned a place among its expansive repertoire of governing methods, from the murky incident of Major Eric Lenge's ⁷ failed coup in June

2004 to the brutal and unexplained events of 30 December 2013 in the capital and in Lumbumbashi.⁸

Although observers agree that a repeat of the major demonstrations of the Mobutu years or the outbreak of an Arab Spring in the DRC seem unlikely today, and although the Republican Guard⁹ constitutes a seemingly iron defense against any attempt to overthrow the regime by force, it would be hasty to exclude the possibility of a violent scenario over the next few years. The region of Katanga is, without doubt, at the highest risk of violence, election-related or otherwise. The severity of the social crisis in its urban and rural areas, the ongoing activity of armed groups on its territory, and the significant presence of numerous and poorly-controlled troops in the region contribute to the likelihood of a violent outbreak in Katanga. The province fulfills all of the enabling social, political and military conditions for a functioning anti-regime movement.

Conclusion

The scenarios outlined above are neither mutually exclusive nor distinct possibilities, and could become interwoven or linked as events unfold. For example, the “democratic” scenario could easily evolve progressively into a “strategic postponement” scenario ending in violence. Contrary to the general belief among Congolese political officials, the actors who seem best poised to influence the development of the situation are the Congolese leaders themselves, especially the president and members of the CENI, in addition to the leaders of neighboring countries who agreed, under the Addis Ababa agreement, to assume a greater role in the future of the DRC. The outbreak and continuation of the crisis in the Central African Republic to the north should serve as further impetus for their involvement.

¹ The regular session concluded on June 19, and no special session has been convened at this time.

² On the eve of the announcement of the first-round presidential election results, the Republican Guard assaulted Jean-Pierre Bemba’s personal guard at his residence, where several ambassadors, including diplomats from the US, UK, France, Russia, the EU and the Republic of South Africa, were gathered.

³ Olive Lembe Kabila, the president’s wife, participated very actively in her husband’s 2011 electoral campaign. She is the director of a foundation that is heavily involved in promoting social welfare and health programs.

⁴ President Wade unsuccessfully attempted to promote his son Karim as his successor in order to maintain power.

⁵ A close aid to Laurent-Désiré Kabila and former governor of Katanga, Augustin Katumba Mwanke was a special advisor to President Kabila before dedicating himself to organizing Kabila’s PPRD party. The president’s *éminence grise*, he quickly became a crucial liaison between Kabila and the business world. He died in an airplane accident in Bukavu in February 2014.

⁶ According to an analysis of the 2006 legislative election results, only 10% of deputies from the transition period retained their seats in the newly created National Assembly.

⁷ An officer in the Republican Guard and close affiliate of President Kabila, he and sixty other men launched an improvised attack on several official buildings in Kinshasa before fleeing.

⁸ More than one hundred followers of Pastor Mukungubila were killed during a day of violent assaults, the causes of which remain unclear.

⁹ Comprised of approximately 20,000 men primarily recruited from Katanga and the Kivu regions, the Republican Guard is equipped with modern weaponry and organized by a chain of command reporting directly to the president. It is similar in many ways to a Praetorian guard and is frequently involved in law enforcement operations alongside the national police force.