

Briefing on the DRC

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Tomorrow (12 July), the Peace and Security Council (PSC) of the African Union (AU) will hold a briefing session on the situation in the Democratic Republic of the Congo (DRC). The meeting is expected to receive a briefing from the Special Representative of the Chairperson of the AU Commission and Head of the AU Liaison Office in the DRC, Ambassador Abdou Abarry. The Peace and Security Department will also make a statement, with the Department of Political Affairs providing update on preparations for the December 2018 elections. Representatives of the DRC, South Africa, representing the Southern Africa Development Community (SADC), Gabon as chair of the Economic Community of Central African States (ECCAS), the International Conference of the Great Lakes Region (ICGLR), Africa 3 members of the United Nations (UN) Security Council (UNSC), the UN and the European Union (EU) are also expected to make statements at the session.

The political instability and the insecurity in the DRC show no sign of improvement. Both are intertwined with the uncertainties around the elections scheduled for December 2018. The main focus of tomorrow's briefing is the preparations for the holding of the general elections scheduled for December 2018, already postponed two times since 2016. There are two issues that are of major significance in this regard.

The first relates to the need and prospect for holding free and fair elections. Apart from the logistical and technical preparations that should be put in place, this would entail that there is an even playing field and that the elections are conducted free from actions or omissions that undermine the credibility of the elections. In this respect, concerns are being expressed in respect to the treatment of opposition

parties, civil society organizations and lack of respect for freedom of association and assembly. There are reports of attacks against opposition groups and restriction of and heavy-handed response to protestors. The confrontations between protestors and the government security forces is resulting in more violence further complicating the possibility of the talks between the government, the opposition and members of the civil society including the Catholic Church. Members of the opposition blame the security forces of using brutal and disproportionate force. The resultant tension means that the country continues to witness recurring political instability.

Also significant in relation to the credibility of the elections are concerns around the voter list, the use of the voting machines and the mechanisms for verification of the credible use of voting machines if they would be used for the election. Given the lack of confidence being expressed around the voter list, the major issue is whether the provisional voter list would be made available for verification and scrutiny by the electorate. Opposition and civil society also raise major concerns about the independence and impartiality of the Electoral Commission.

With respect to the voting machines, there are concerns that it is susceptible for tampering, particularly if its reliable use is not adequately tested and independently verified. Major opposition parties as well as civil society organizations urge the Electoral Commission not to use the machines. Apart from urging the full implementation of the Saint Sylvester's agreement of 2016, the Catholic Bishops congress of 15-16 February called for the international certification of the new electoral voting machines. Despite the assurance that the Prime Minister gave that the digital voting system could help the election to run smoothly and in record time, the problems recently experienced when testing the system underscore the need for certification and putting in place mechanisms able to

address technical problems of the digital voting system that may derail or put in doubt the credibility of the planned elections. There is no indication that the Electoral Commission plans to heed the calls for such independent verification. The second area relates to the uncertainty around President Kabila's plans. Apart from the loss of legitimacy of the government and protesters' determination of putting pressure on the government for implementing the Saint Sylvester's agreement of 2016 on political transition, uncertainty over President Kabila's plan to honour the constitutional term limit underline the political tension. Lambert Mende, DRC Information Minister clarified the position of the government on 5 February, saying that President Kabila will not run for re-election.

In the past two months indications have emerged that the President's party and supporters are orchestrating efforts for extending the term of the President. However, his party, cabinet and the interest groups surrounding the government are taking actions and decision that indicate the possibility of Kabila running for another term. One of such decisions was made last month by the cabinet, which unanimously approved the creation of a 'grand political electoral coalition' the Common Front for Congo (FCC), naming Kabila as its 'moral authority'. Although what the President may end up doing remains uncertain, it is possible that the courts may be requested to pronounce themselves on the question of term limits. Failing such options for overcoming term limits, other possibilities include the postponement of the elections.

The possibility of the prosecution of Moise Katumbi, former governor of Katanga Province and now an opposition with strong following will have a serious negative impact on the credibility of the judiciary and the electoral process. Jean-Pierre Bemba, former leader of the Movement for the Liberation of the Congo (MLC) was recently acquitted from charges of war crimes and crimes against humanity by the International

Criminal Court. His release and possible entry to the political sphere and the presidential election will radically change the dynamics of the race.

Understandably members of the opposition, civil society organizations including the Catholic Church are calling for adherence to the 2016 Saint Sylvester Agreement, which bars the president from standing for election. The international and regional pressure is mounting on Kabila not to stand for the presidential elections scheduled in December 2018. At the regional level, Angola has sent clear message urging Kabila to adhere to the constitutional term limits. It remains uncertain if there could be unity of action on the part of relevant regional actors. Indications are that the government may rely on the central Africa region to dampen opposition to third term, this being a region where extension of term limits is seen to be common.

The nominations of official presidential candidates will open in less than two weeks and will stay until 8 August 2018. AU Commission Chairperson, Moussa Faki and UN Secretary-General were scheduled to travel to DRC earlier in the week. In a sign of rejection of the role of international engagement, they were unable to undertake the joint visit due to lack of confirmation of their meeting with President Kabila.

The question of the non-extension of President Kabila's term is not simply an issue of constitutionalism and rule of law. The other aspect of the question is the availability of workable exit strategy for the president. As such, the resolution of this crisis depends not only on the constitutional dimension of this issue which ensures compliance with the terms of the Saint Sylvester's agreement but also on crafting a strategy that offers realistic exist for Kabila.

Given the request of the PSC for the AU Commission Chairperson to establish a coordination mechanism bringing together regional and international actors that will facilitate policy

coordination and mobilization of coherent support, tomorrow's PSC session offers an opportunity to consider steps taken in this respect and the prospect of establishment of an international contact group.

In terms of regional dynamics the regional ramifications of the deteriorating security situation is of direct concern to DRC's neighbors in the PSC particularly Angola, Congo, and Rwanda. One of the factors that shape the dynamics in the PSC is the divergence in the nature of the relationship between DRC and its neighbors and the interest of its various neighbors. In terms of sub-regional organizations, SADC is most active. SADC also sent a mission of Electoral Technical Committee and Political Assessment Mission. But SADC has recently abandoned its plan for opening an office in DRC and deploying a special envoy.

In the absence of a clear strategy shared by neighboring countries, SADC, UN and the AU both on the preparation of credible elections according to the electoral calendar and on workable exit for President Kabila, it is unlikely that this PSC session would go beyond reiterating existing AU positions on the resolution of the political crisis. The expected outcome of the session is a statement.