

# PSC Briefing on DRC

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Tomorrow 13 March 2018, the Peace and Security Council (PSC) will hold a briefing on the situation in the Democratic Republic of Congo (DRC). Apart from the possible statement from Ambassador Smail Chergui, the African Union (AU) Commissioner for Peace and Security, the PSC expects to receive a briefing from the Chairperson of the AU Commission and Head of the AU Liaison Office in the DRC, Ambassador Abdou Abarry. Others expected to make statements include the DRC and representatives of the Southern Africa Development Community (SADC), UN, Africa 3 members of the United Nations (UN) Security Council (UNSC) and the European Union (EU).

## **The political situation in the country**

There are at least two issues that PSC members expect to deliberate on with respect to the political situation in the country. The first concerns the rising political instability resulting from the tension between the government and opposition groups and protesters. The other relates to existing concerns regarding preparations for the holding of the general elections scheduled for December 2018, already postponed two times since 2016.

With opposition groups and civil society organizations mobilizing pressure against President Laurent Kabila and the government's authoritarian drift increasingly resorting to repression and heavy-handed security responses, the country continues to witness recurring political instability. What triggered the most recent tensions and protests in various parts of the country was the failure to respect the previously agreed upon deadline of December 2017 for the holding of the presidential election.

Nine people died and ninety eight others were injured as

security forces responded with violence to the protest that the Catholic Church called on 31 December 2017. In another wave of demonstration on 21 January 2018, six people were reportedly killed, sixty-eight injured and one hundred twenty one others were arrested, triggering strong condemnation including from the AU Commission Chairperson Moussa Faki Mahamat. Most recently, government crackdown on protests that the Catholic Church called after Sunday service on 25 February led to the death of two people in Kinshasa and Mbandaka. According to the UN Mission in DRC (MONUSCO), thirty seven others were injured and more than one hundred arrested.

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. Despite lingering suspicions that the President could extend his term should he find an opportunity for effecting constitutional term limit, such clear statement from the government affirms commitment to the Saint Sylvester's agreement that bars the President from standing for another election.

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 such a strategy.

As part of the process for creating conditions for the holding of the elections in December 2018, the implementation of

confidence building measures, as has been urged by the AU and the UN, would be important. In this regard the PSC session would discuss steps taken in releasing or suspending trial of members of the political opposition arrested for their political actions in the past few months and during the course of 2017. There are also expectations on the widening of the political space, respecting opposition activity and allowing the media and civil society to operate without repression.

With respect to the steps being taken to implement the new electoral calendar issued in early December 2017, until recently the government did not give firm guarantee that the general elections would be held as planned in December 2018. During the 26 January 2018 press conference he held after five years, President Kabila raised his concern that the cost of the elections would be 'exorbitant'. In an interview that he gave to Reuters on 8 March 2018, Prime Minister Bruno Tshibala stated that 'I confirm that in December this year the Congolese people will be brought to the ballot boxes'. While this statement is welcome, it is of interest to PSC members that the electoral commission (CENI) clarifies the details of the budget required for holding the elections and the source of funding. This is important for any discussion for external financial and logistical support to the electoral process.

It is to be recalled that DRC also blamed the delay in the elections on the challenges faced in finalizing the voter registration process. This exercise has been completed in all the 26 provinces of the country, including those that experienced major insecurity such as the Kasai region. In this regard, the PSC expects to receive updates particularly in relation to its earlier call on the government to submit, upon completion of voter registration, the bills on the convening of elections to the two houses of parliament for their timely adoption.

In terms of the operational details for convening the national elections, another area of interest relates to the impact of

the electronic voting system on the timeline and conduct of the election. 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 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.

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 this regard, the plan of a joint visit that the Chairperson of the AU Commission and the UN Secretary General are anticipated to undertake offers unique opportunity to ensure the government's commitment for holding the elections without further postponement and within the terms of the Saint Sylvester's agreement of 2016. If it is undertaken following consultation with regional and international actors, this could also be the basis for exploring discussion on exploring workable exist strategy with President Kabila.

## **The security situation**

In the context of the political uncertainties that emerged in the country following delays in holding national elections, DRC has also witnessed resurgence of rebel or militia groups and armed confrontations during the course of the past year. Both the number of armed groups and incidents of fighting have spiked. In terms of major violence the region that witnessed

major violence has been the Kasai region. On 26 February, security forces repelled attack by alleged Kamuina Nsapu militants in this region, with the ensuing clash reportedly leaving one soldier and fourteen others dead. Conflict between Hema and Lendu communities escalated in Dungu area, Ituri province leaving sixty to one hundred people dead in 2018 and forcing in mid-February some 27,000 people to flee to Uganda.

While the spike in number of armed groups and armed fighting affect various parts of the country spreading at least across 10 provinces, more than 120 groups are reported to operate in the east and south east of the country. Armed groups such as Mayi Mayi Yakutumba have become increasingly active. On 15 February, the army reported killing forty eight members of armed group Mai Mai Yakutumba in South Kivu province, forcing some combatants to flee to Burundi and recapturing large areas.

In recent months, most significant incidents of fighting involved the armed group known as the Allied Democratic Forces (ADF). This is the group that is believed to be the perpetrator of the attack on Semuliki in North Kivu that killed fifteen MONUSCO soldiers on the 8 December 2017. Despite a 12 February seizure by DRC army of the 'grand bastion' of ADF in Mwalika, fighting continues between DRC army and the ADF in the Mbanu-Kamango-Eringiti axis.

Inter-ethnic clashes also create further sources of insecurity in the country. In February, interethnic violence between the Lendu and Hema groups led to sixty fatalities in less than one week, causing unrest among the local population and leading to humanitarian concerns. Clashes between ethnic Hutu on one side and Nande and Hundu groups on other on 25-28 February left sixteen civilians and seven militiamen dead in Rutshuru territory, North Kivu.

The deterioration in the security situation that the above developments have caused has generated one of the worst

humanitarian crises in the country. The UN has declared the country a Level three emergency, characterised as worst of the worst crisis. With an average of 5,500 people fleeing their home daily, DRC is reported to be the country most affected by conflict displacement for a second year in row. The number of displaced people has exceeded 4.1 million people, more than in Syria. The UNHCR reported significant surge in the number of people from DRC seeking refuge in neighboring Burundi, Uganda and Tanzania.

Given that the deteriorating security situation carries regional consequences, it is of direct concern to DRC's neighbors in the PSC particularly Burundi, Rwanda and Uganda. 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 different neighbors. While Rwanda requested investigation into incursion on 13 February by Congolese army into its territory (during which three Congolese soldiers were killed), Uganda and DRC launched joint military operation against armed groups along their common borders. In terms of sub-regional organizations, Southern Africa Development Community (SADC) is most active. It has appointed former Namibian President Hifikepunye Pohamba as a special envoy to the DRC and dispatched various missions in 2017. Most recently on 3 February, SADC announced that it would open a liaison office in DRC. While it is clearly active, SADC is also seen as being sympathetic to President Kabila.

In the absence of a clear strategy shared by neighboring countries, SADC, UN and the AU both on the preparation of credible elections within 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 PSC would welcome the idea of the joint mission of the AU Commission Chairperson Moussa Faki Mahamat and the UN Secretary-General

Antonio Guterres.