

Democratic Republic of Congo and Crisis of Leadership (2016-2018)

Jibrin Ubale Yahaya, PhD, Musa Mohammed Bello

¹Department of Political Science, Nasarawa State University, Keffi

²Institute of Governance and Development Studies, Nasarawa State University, Keffi

Corresponding Author: Jibrin Ubale Yahaya

Department of Political Science, Nasarawa State University, Keffi

Abstract: Democratic Republic of the Congo (DRC) has experience some leadership crisis since the time it gains its independence in 1960, the country's leadership has been lacking three attributes of the utmost importance to the attaining of development which has temper with a real vision for the DRC's future, which includes lack of competence and inability to execute the vision, and the character needed to ensure the realization of the vision with sound judgment, integrity, and equity. The paper has a finding from the literature reviewed on the DRC's past patterns of poor governance, a clear and practical vision for the country's future was not articulated and implemented, which has failed in developing concerted effort from a new and energized leadership that can move the Congo to the next level of development and prosperity. The paper has of the view that Congo must open up for various opportunities and avenues for reform in revamping democratic governance and electoral reform, promoting economic growth by moving beyond aid and creating a favorable environment for investment, reforming the mining sector, improving the health and education systems, and strengthening the DRC's judiciary. The county needs leaders who are committed towards developing DRC. Secondly, well-organized and invigorated Congolese Diaspora must join hands with Congolese living in the DRC to work toward the reforms.

Keywords: Leadership Crisis, Corruption, Vision, Prosperity.

Introduction

In 1960, the DRC gained independence from Belgium after nationalist uprisings in now called Kinshasa. The newly independent Congo quickly became plagued with scandal, corruption, and civil conflict. In 1965, Joseph Mobuto becomes President in a coup d'état, renames the Zaire, and remains in power for 32 years.(DRC Profile, 2017)

In 1994, the Rwandan genocide had a significant negative impact on Zaire as Rwandan Hutus; including genocide enter the Eastern DRC. In 1996, Rwandan-backed, Congolese Tutsi rebels capture most of eastern Zaire and in 1997; capture the capital of Kinshasa during the First Congo War. Laurent-Desire Kabila is named President of the newly renamed Democratic Republic of the Congo.

Steve, W (2017) has cited that, there was no lasting peace. The following year Kabila demands that his Rwandan army backers leave the country and less than a week later, Rwandan and Ugandan backed armies begin the Second Congo War. Human Right, Watch (2009) has put in record that, President Kabila receives support from Zimbabwe, Namibia and Angola. The six countries involved sign a peace accord in Lusaka, Zambia in 1999. In 2001, President Kabila is assassinated by a bodyguard, and his son, Joseph takes office.

Freedom House (2018) a political brain connections of intellectuals has highlighted that in 2003, Joseph Kabila was sworn in as interim president and official elections were scheduled in 2005. The following year, the first free elections were held and Kabila wins a runoff president elections. In 2011, presidential elections give Kabila another term; however, this vote received both domestic and international criticism and opposition over the results. While violent clashes continue in the east, dozens are killed in protests in 2015 against changes to electoral law that would allow Kabila to remain in power. Opposition over elections erupted again in 2016, when President Kabila signed a deal to delay elections until 2018. Meanwhile, violent conflict continues in the eastern DRC, and some 1.7 million had to flee their homes in 2017 alone.

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Background of the Congo Political Crisis

The level of democracy has been decline due to President Joseph Kabila's refusal to hold constitutionally mandated election in August 2016. However, election was schedule in December 2017 were also not hold, it was also shifted to 2018. This resistance of Kabila to hold election in Congo in 2016 and 2017 has make various pressure group to organized protest which was been maltreated by Military Force to make all the agitations and advocacy very silent not be more announce in public so that it would not call global attention.

President Kabila legal tenure has been expired in 2016, but extending his tenure by not arranging lawful election process to take place as been provided by the Congo's Constitution. Kabila has put serious sanction for Journalist in the State not to expose the nature of his barbaric leadership of intimidating the opposition parties on the freedom of speech and movement.

During the protest of 2016, almost 40 peoples was killed and 500 peoples was unlawfully arrested charged for creating public disturbance, while December 2017 48 peoples was also killed while 120 was again arrested for participating in protest against government . However, in January 2018, six (6) peoples was also killed all for joining the group of opposition or educated elite that goes against the government of President Kabila's.

The worst part of all this drama was harassment and attack received by media practitioners where many journalists were prosecuted as result of their reportage against the will of Kabila government. The global community are seen these action of Kabila as undemocratic and uncalled for African leaders.

The Nature of Electoral System in DRC

According to Article 71 of the DRC Constitution, the President of the Democratic Republic of the Congo is elected by plurality vote in one round. Article 72 specifies that the requirements to stand as a candidate for the presidency are being a Congolese citizen and at least thirty years old.

Article 101 of the Constitution provides the basis for electing a National Assembly. The 500 members of the National Assembly are elected by two methods; 60 are elected from single-member constituencies using first-past-the-post voting, and 440 are elected from 109 multi-member constituencies by open list proportional representation, with seats allocated using the largest remainder method to all lists gathering more than 1% of the valid votes. (African Strategic Studies, 2018)

For the first time, electronic voting machines were used in a Congolese election. This has raised concerns about vote-rigging, particularly after a warehouse fire in Kinshasa destroyed 8,000 voting machines, which represent more than two-thirds of the voting machines that had been planned to be used in the city.

The Candidates Contesting 2018 Elections

In total, 21 candidates were approved for the presidential contest, and some 34,900 candidates were approved to run for the 500 national and 715 provincial assembly seats. On 25 May 2018, businessman and former governor of Katanga Province Moïse Katumbi discussed with fellow opposition presidential candidate Félix Tshisekedi, son of the late opposition leader Etienne Tshisekedi, at the Atlantic Council about fielding a single opposition candidate. In early September 2018, he again called on the opposition to unite behind a single candidate.

As of August 2018, the country's Independent National Electoral Commission was reviewing candidates. A preliminary list of candidates, including 25 names, was published on 10 August 2018. Another list was published on 24 August, and the final one was published on 19 September. (ACAPS, 2017)

- Vital Kamerhe, government minister and parliamentary speaker, Union for the Congolese Nation leader.
- Emmanuel Ramazani Shadary, former governor of Maniema Province and Interior Minister.
- Félix Tshisekedi, opposition leader in the Union for Democracy and Social Progress and son of Etienne Tshisekedi.
- Martin Fayulu supported by five opposition leaders including Jean-Pierre Bemba and Moïse Katumbi.(Jason, 2018)

On 3 September, 2018, the Constitutional Court of the DRC upheld the national election commission's decision to ban six potential candidates from taking part in the election, including opposition leader Jean-Pierre Bemba.

Disqualified candidates

- Samy Badibanga, former Prime Minister.
- Jean-Pierre Bemba, former vice president and rebel leader.
- Antoine Gizenga, 93-year-old former associate of Patrice Lumumba and former Prime Minister of the DRC under Kabila.
- Moïse Katumbi, former Governor of Katanga Province. Katumbi has been purposely prevented from running because he has been sentenced in absentia to three years in prison for real-estate fraud.
- Adolphe Muzito, former Prime Minister.
- Bruno Tshibala, incumbent Prime Minister since 2017. (Aljazeera, 2018)

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Opinion polls

Opinion polling is rare in the Democratic Republic of the Congo due to poor roads and lack of electricity. Nevertheless, the Congo Research Group (CRG) released a poll in October 2016 of 7,545 respondents in the country's 26 provinces. The poll found that 33% would vote for Katumbi, 18% for Etienne Tshisekedi, and 7.8% for Kabila.

A May 2017 poll of 7,500 respondents carried out by CRG/BERCI found that 38% would vote for Katumbi, 10% for Kabila, 5% each for Félix Tshisekedi, Vital Kamerhe and Jean-Pierre Bemba, 24% for other candidates, and 13% would not vote.

A March 2018 poll carried out by the CRG showed Katumbi obtaining 26%, Tshisekedi with 14%, Adolphe Muzito and Kamerhe tied at 9%, Kabila with 7%, and Augustin Mataya Ponyo and Aubin Minaku with 3% each.

A June 2018 Top Congo FM poll amongst opposition supporters showed Katumbi winning 54% of the opposition's vote, with Kamerhe at 34%, Bemba at 7%, and Tshisekedi at 5%.

In October 2018, the Congo Research Group released a poll that showed Tshisekedi winning 36% of the overall vote, with Kamerhe winning 17%, Shadary winning 16%, and Fayulu winning 8%, with 5% undecided or not voting. The remaining votes went to minor candidates.

(BBC,2018)

Post-voting process

On the afternoon of 31 December 2018, the NetBlocks internet observatory reported regional internet disruptions in Kinshasa and Lubumbashi and the subsequent loss of connectivity across the DRC. The signal of Radio France Internationale, the country's most popular news source, was also blocked with a spokesman stating that the restrictions were implemented by Congolese authorities to prevent the spread of "fictitious results" published on social media and maintain order. The following day, representatives of the U.S., European Union, Swiss and Canadian missions in Kinshasa urged the DRC to restore Internet access.

On 2 January 2019, the Southern African Development Community (SADC) and African Union (AU) observation missions stated that the voting went "relatively well" and was peaceful, despite the logistical problems in the DRC.(DRC,Profie, 2018)

The Catholic Church in the DRC, which deployed 40,000 election observers, announced on 3 January that by their observations it was clear who the winner of the election was. A government spokesman condemned the Church's statement as "irresponsible and anarchic."(Freedom House,2018) Western diplomatic sources speaking with Church officials reported that they identified Martin Fayulu as the winner with 60 % of the votes. However, Rev. Donatien Nshole, the church's secretary general, later retracted the church's allegations following a meeting with Kabila on 8 January, claiming that "we said there was a winner but we did not mention any name nor give any figures." Nshole also said that the church now would trust Kabila to lead any transition of power, claiming "he insisted on the fact that he wants to maintain peace and unity...we want the same."(Aljazeera,2018)

On 4 January, United States President Donald Trump deployed 80 U.S. troops to the nearby country of Gabon to stand by in case violence broke in the DRC over the election results. On 9 January, the U.S. embassy in Kinshasa warned American citizens to leave the country due to possible election-related violence.

On 5 January, election commission chairman Cornielle Nangaa announced that preliminary results would not be announced on the scheduled date of 6 January, as the commission had only received less than half of the ballots. The following day this was confirmed and no date was given for the publication of the preliminary results, which was criticized by members of the opposition. On 8 January, Kabila adviser Kikaya Bin Karubi denied an allegation made by two aides of Felix Tshisekedi which claimed that Tshisekedi was the presumed winner and that Kabila officials had been meeting with aides of Tshisekedi since the end of the election so Kabila would hand power to Tshisekedi.

Police in anti-riot gear were deployed in front of the electoral commission headquarters in Kinshasa on 9 January. That same day, South African President Cyril Ramaphosa and other members of SADC urged the Congolese government to finalize the results quickly.

(Lanotte,2018)

Announcement of results

In the early morning of the following day, 10 January 2019, after reading the results of over 700 candidacies for provincial elections from across the country, the commission announced Felix Tshisekedi as the winner of the presidential vote. Barnabé Kikaya bin Karubi, an advisor to Joseph Kabila, had said that the President accepted the loss of the ruling party candidate Emmanuel Shadary.Tshisekedi vowed to become "the president of all DR Congolese." On 12 January, it became known that the majority of seats in the National Assembly were won by parties supporting Kabila. The Céni announced the names of the winning candidates, as well as the total of votes on the national level, but no further info. The announcement, initially scheduled for past

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the presidential election's appeal and oath, took place while the votes were still being compiled all over the country. (Steve, 2018)

Results of the presidential Elections of 2018 in DRC

Candidate	Party	Votes	%
Félix Tshisekedi	Union for Democracy and Social Progress	7,051,013	38.57
Martin Fayulu	Dynamic of Congolese Political Opposition	6,366,732	34.83
Emmanuel Ramazani Shadary	Independent	4,357,359	23.84
Jean-Philibert Mabaya Gizi Amine	Rainbow of Congo		
Marie-Josée Ifoku	Alliance of Elites for a New Congo		
Radjabho Tebabho Soborabo	Congolese United for Reform		
Pierre Honoré Kazadi Lukonda Ngube-Ngube	People's Front for Justice		
Seth Kikuni	Independent		
Tryphon Kin-Kiey Mulumba	Independent		
Charles Luntadila	Independent		
Sylvain Maurice Masheke	Independent		
Joseph Maluta	Independent		
Francis Mvemba	Independent		
Theodore Ngoy Ilunga wa Nsenga	Independent		
Alain Daniel Shekomba	Independent		
Noel K Tshiani Muadiamvita	Independent		
Gabriel Mokia Mandembo	Movement of Congolese Democrats		
Yves Mpunga	Premier Political Force		
Samy Badibanga	The Progressives		
Invalid/blank voted			-
Total		18,329,318	
Registered voters/turnout			47.56
Source: (<i>Jeune, Afrique</i> , 2019)			

2018 DRC, General Election and the controversies behind it

On 29 September 2016, the Independent National Electoral Commission (CENI) announced that the elections would not be held until early 2018. According to CENI's vice president, the commission "hasn't called elections in 2016 because the number of voters isn't known." (BBC, 2018)

The announcement came ten days after deadly protests against Kabila in Kinshasa saw 17 people killed. The opposition alleged that Kabila intentionally delayed the elections to remain in power.

An agreement reached with the opposition in December 2016 allowed Kabila to stay in office with a requirement to hold elections by the end of 2017. However, on 7 July 2017, CENI President Corneille Nangaa said it would not be possible to organize presidential elections by the end of the year. Opposition leader Felix Tshisekedi condemned the announcement on Twitter, saying Nangaa had "declared war on the Congolese people."()

In November 2017 CENI announced that elections will be held in December 2018, after previously claiming earlier that month that elections could not be held until April 2019 due to the difficulties of registering voters in a country with underdeveloped infrastructure. Prime Minister Bruno Tshibala confirmed in March 2018 that the election will occur in December 2018.

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According to the UN a total of 47 people had been killed at protests against President Kabila during this period, which occurred throughout 2017 and into 2018. (Paul,2017)

According to Human Rights Watch, government security forces used live rounds to disperse crowds of opposition supporters throughout August 2018, stating that the total death toll by then since 2015 was 300 people. HRW also documented attempts by the Congolese government to persecute members of the opposition, such as banning Moïse Katumbi from entering the country and forcefully dispersing a rally in support of Jean-Pierre Bemba.

In late December, the government further delayed voting in three cities until March 2019. Those include Beni and Butembo in North Kivu province, due to the 2018 Ebola outbreak as well as the ongoing military conflict, and Yumbi in the western Mai-Ndombe province, where about 900 people were killed throughout December by inter-ethnic violence. In all other regions it will still take place as scheduled on 30 December. This was criticized as these regions are known as opposition strongholds

Elections were held in the Democratic Republic of the Congo on 30 December 2018, to determine a successor to President Joseph Kabila, as well as for the 500 seats of the National Assembly and 715 provincial council seats. It was announced on 10 January 2019 that Félix Tshisekedi (UDPS) won with 38.6% of the vote, defeating another opposition candidate, Martin Fayulu, and Emmanuel Ramazani Shadary, backed by the ruling party PPRD. Fayulu alleged that the vote was rigged against him in a deal made by Tshisekedi and outgoing President Kabila, challenging the result in the DRC's Constitutional Court. Different election observers, including those from the country's Roman Catholic Church, also cast doubt on the official result. Nonetheless on 20 January the Court rejected his appeal and declared Tshisekedi as the winner. Parties supporting President Kabila won the majority of seats in the National Assembly. (Yomi, 2018) Félix Tshisekedi was sworn in as the 5th President of the Democratic Republic of the Congo on 24 January 2019, making it the first peaceful transition of power in the country since it became independent from Belgium in 1960.

According to the constitution, the second and final term of President Kabila expired on 20 December 2016. General elections were originally scheduled for 27 November 2016, but were delayed with a promise to hold them by the end of 2017. This promise was subsequently broken, but after both international and internal pressure the elections were finally scheduled for 23 December 2018. They were, however, postponed for a week on 30 December 2018 due to a fire in the electoral commission's warehouse in Kinshasa destroying 8,000 electronic voting machines.

(Yomi,2017)

Incumbent President Kabila was constitutionally ineligible for a third term. He and his party, the People's Party for Reconstruction and Democracy, supported the candidacy of Emmanuel Ramazani Shadary, the former Minister of the Interior, who formally ran as an independent candidate. In opposition to Shadary's candidacy, seven opposition leaders, including Jean-Pierre Bemba and Moïse Katumbi, nominated Martin Fayulu as their candidate for president. However, Félix Tshisekedi and Vital Kamerhe soon after broke this agreement and agreed that Tshisekedi should run for president while Kamerhe would serve as his campaign manager and become Prime Minister if he won. They also agreed that Tshisekedi and his party will back a candidate from Kamerhe's Union for the Congolese Nation in the 2023 presidential elections. (Human Right, Wach 2018)

Preliminary results were scheduled to be announced on 6 January 2019, with the final result on 15 January and the inauguration of the next president on 18 January. However, it was later announced on 5 January that the publication of preliminary results would be delayed, as less than half of the votes have been obtained by the election commission. On 10 January the election commission declared Félix Tshisekedi, leader of the Union for Democracy and Social Progress opposition party, as the winner of the election. Martin Fayulu, who came in second, has claimed that the election was rigged and that he will challenge the result in the DRC's Constitutional Court. The country's influential Roman Catholic Church, which deployed 40,000 election monitors, has also said the official result does not align with its observations, which place Fayulu as the winner. On 12 January it became known that parties supporting Joseph Kabila won the majority of seats in the National Assembly.

The Constitutional Court announced on January 14 that it would review Fayulu's appeal of the result, and would make a ruling on January 19. On January 19, the Constitutional Court rejected Fayulu's challenge of the election results, upholding Tshisekedi's victory. Fayulu claims to be the "legitimate" president and has called for protests. (ACAPS, 2017)

Accusations of fraud

Second-place candidate Martin Fayulu claimed that the results were rigged later that day, stating "In 2006, Jean-Pierre Bemba's victory was stolen, in 2011, Étienne Tshisekedi's victory was stolen. In 2018 victory won't be stolen from Martin Fayulu." He also said he believes that President-elect Félix Tshisekedi and President Joseph Kabila made a secret agreement. According to foreign diplomatic sources, the Catholic Church had claimed that Fayulu was the winner, and both the SADC and African Union observation missions had also believed him to have been the winner. The Catholic Church in the DRC made a statement questioning the result as well, stating that it did not align with their findings. Tshisekedi denied making any power-sharing

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agreement with Kabila or his ruling party. Fayulu told the BBC that he will challenge the result in the Constitutional Court. (BBC, 2018)

On 11 January, Fayulu claimed he received 62% of the vote and said he would challenge the result in the country's Constitutional Court. The Court could confirm Tshisekedi, order a recount, or cancel the results and call for new elections. But Fayulu admitted that he did not believe he would have any success, saying the court is "composed of Kabila's people." He also claimed that "Felix Tshisekedi has been nominated by Mr Kabila to perpetuate the Kabila regime. Because today the boss is Kabila." Tshisekedi's spokesman denied that there was any deal between them. Fayulu officially filed a challenge to the results on 12 January. (Human Right, 2018)

A joint investigation by the *Financial Times* and Radio France Internationale appeared to reveal that massive fraud occurred during the election. FT claimed on 15 January that its analysis of two separate collections of voting data, representing 86% of votes cast, show that Fayulu won the election with 59.4% of the vote while Tshisekedi and Shadary both got about 19%.

Protests

Throughout 2018, government officials and security forces carried out widespread repression and serious human rights violations against political opposition leaders and supporters, pro-democracy and human rights activists, journalists, and peaceful protesters. The December 30 elections were marred by widespread irregularities, voter suppression, and violence. More than a million Congolese were unable to vote when voting was postponed until March 2019 in three pro-opposition areas. In central and eastern Congo, numerous armed groups, and in some cases government security forces, attacked civilians, killing and wounding many. Much of the violence appeared linked to the country's broader political crisis. The humanitarian situation remained alarming, with 4.5 million people displaced from their homes, and more than 130,000 refugees who fled to neighboring countries. In April, government officials denied any humanitarian crisis and refused to attend an international donor conference to raise US\$1.7 billion for emergency assistance to over 13 million people in need in Congo.

Four people—two police officers and two civilians—were killed in the western city of Kikwit during protests. The following day, 11 January, at least one protestor was killed in Goma. There were also reports of protests in Kisangani and Mbandaka. More civilian and police casualties were reported as protests increased across the country, and thousands of military and Republican Guard troops were deployed to maintain order. (Klonda, 2017)

On 18 January, the UN human rights office has said that 34 people have been killed, 59 wounded, and 241 arbitrarily arrested since the announcement of the provisional results on 10 January.

Throughout 2018, government officials and security forces banned peaceful demonstrations; used teargas and in some cases live ammunition to disperse protesters; restricted the movement of opposition leaders; and arbitrarily detained hundreds of pro-democracy and human rights activists, opposition supporters, journalists, peaceful protesters, and others, most of whom were eventually released.

During three separate protests led by the Lay Coordination Committee (CLC) of the Catholic Church in December 2017, and January and February 2018, security forces used excessive force, including teargas and live ammunition, against peaceful protesters within and around Catholic churches in the capital, Kinshasa, and other cities. Security forces killed at least 18 people, including prominent pro-democracy activist Rossy Mukendi. More than 80 people were injured, including many with gunshot wounds.

Catholic Church lay leaders had called for peaceful marches to press Congo's leaders to respect the church-mediated "New Year's Eve agreement" signed in late 2016. The agreement called for presidential elections by the end of 2017 and confidence-building measures, including releasing political prisoners, to ease political tensions. These commitments were largely ignored, however, as President Joseph Kabila held on to power through repression and violence.

On April 25, security forces brutally repressed a protest led by the citizens' movement *Lutte pour le Changement* (Struggle for Change, LUCHA) in Beni, in eastern Congo, arresting 42 people and injuring four others. On May 1, security forces arrested 27 activists during a LUCHA protest in Goma, in eastern Congo. Leading democracy activist Luc Nkulula died under suspicious circumstances during a fire in his house in Goma on June 9. Fellow activists and others believe he was the victim of a targeted attack.

In July, two journalists and two human rights activists were threatened and went into hiding following the release of a documentary about mass evictions from land claimed by the presidential family in eastern Congo.

In early August, Congolese security forces fired teargas and live ammunition to disperse political opposition supporters, killing at least two people—including a child—and injuring at least seven others with gunshot wounds, during the candidate registration period for presidential elections. Authorities also restricted the movement of opposition leaders, arrested dozens of opposition supporters, and prevented one presidential aspirant, Moïse Katumbi, from entering the country to file his candidacy.

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Congolese police arbitrarily arrested nearly 90 pro-democracy activists and injured more than 20 others during peaceful protests on September 3. The protesters had called on the national electoral commission to clean up the voter rolls after an audit by the Organisation Internationale de la Francophonie (OIF) found that over 16 percent of those on the lists had been registered without fingerprints, raising concerns about potentially fictitious voters. They also called on the commission to abandon the use of controversial voting machines that were untested in Congo and could potentially be used to tamper with results.

A Congolese court sentenced four members of the Filimbi (“whistle” in Swahili) citizens’ movement to one year in prison in September. Carbone Beni, Grâce Tshunza, Cédric Kalonji, Palmer Kabeya, and Mino Bompomi were arbitrarily arrested or abducted in December 2017 as they mobilized Kinshasa residents for nationwide protests on December 31, 2017. Kabeya was freed in September. The four others finished serving their sentence on December 25.

In November, authorities arrested and detained for a few days 17 pro-democracy activists in Kinshasa. They also abducted and tortured a LUCHA activist in Goma, who was released after three days.

Government security forces across the country forcibly dispersed opposition campaign rallies ahead of the national elections. From December 9 to 13, security forces killed at least 7 opposition supporters, wounded more than 50 people, and arbitrarily detained scores of others.

Obstacles to Legitimate, Free, and Fair Elections in DRC

There are multiple operational obstacles to holding elections in a credible manner. The resulting ambiguity provides further leverage for the ruling party to generate a favorable result.

First is security. Dozens of armed groups active around the country pose a threat to the ability of some of the 46 million registered voters to cast their ballots, particularly in the unstable east and center of the country. With the campaign officially underway, security forces have limited opposition rallies and travel. On December 12, for example, two people were killed when security forces fired live rounds on supporters of opposition candidate Martin Fayulu in Kalemie. The day before in Lubumbashi, security forces dispersed his supporters using tear gas and water cannons. Fayulu’s plane has also been denied landing rights multiple times. On December 19, the governor of Kinshasa, a member of the presidential coalition, announced that campaigning inside the capital would be suspended for security reasons, thereby preventing Fayulu from holding a long awaited rally.

Early on December 13, a fire broke out in a CENI warehouse in Kinshasa, an opposition stronghold. The flames destroyed the materials needed to vote in 19 of the capital’s 25 polling places. Also lost in the blaze, according to a CENI press statement published just 6 hours after the incident, were 8,000 voting machines out of 10,368 required for the jurisdiction plus 3,774 voting booths out of 8,887 needed. In justifying a further delay to the vote, the CENI president explained that while the machines had been replaced as of December 20, coding the new machines would require a few additional days. Moreover, some paper ballots and the remainder of the tally sheets would only arrive on December 22 and would then need to be deployed across the country.

The logistical challenges associated with organizing elections in the DRC are numerous, and the government has amplified them through several actions including refusing international assistance, in particular logistics help from the UN mission. In both 2006 and 2011, UN missions (MONUC in 2006 and MONUSCO in 2011) played an essential role in opening, staffing, and delivering ballots by air. In both cases, the mission helped to open more than 60,000 polling stations. This time, the DRC government and CENI say they will do it on their own.

The lack of transparency in the process of organizing the vote has also been hampered by the fact that the Kabila government has refused to allow some outside observers, in particular from international election observer groups such as the Carter Center, the National Democratic

The government has permitted the Catholic Church’s Peace and Justice Commission and local groups organized under the civil society coalition, Synergie des missions d’observation citoyenne électorale, to provide 40,000 and 20,000 observers respectively. However, even if that many could be deployed, they still wouldn’t be enough to monitor the vote in the country’s more than 80,000 polling places. In addition, the AU and SADC are both perceived to favor the regime. The OIF hasn’t fielded observers in decades and has instead proposed to train a small number of Congolese for this purpose.

Observers have also expressed concern that too few voting machines have been purchased, that each voting station will only have one spare machine, and that there is no backup plan for casting ballots in case the machines don’t work. Moreover, given the expected voter turnout and its ratio to available voting machines, voters will only have about one minute each to cast a vote for the multiple elections that are being held that day. Since Congolese voters have never used such machines before, confusion is likely. Critics also say that given this lack of familiarity, voters’ right to a secret ballot could be jeopardized.

The police and army, who are tasked with securing voting stations, could also play a role in influencing voters. Security forces are widely perceived to be politicized and cannot be counted on to execute their duties in a neutral manner as UN peacekeepers

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have in the past As the Forces armées de la République Démocratique du Congo (FARDC) are clearly tied to the government's patronage networks, they have a vested interest in the status quo.

CENI's independence is seen as questionable given its history and composition. The six-member board continues to be the main operational organ. While designed under the CENCO agreement to be a balanced body, Kabila has been able to coopt designated members of the opposition effectively giving himself control. CENI chair Corneille Nangaa is seen as a Kabila loyalist. A recent survey conducted by the Congo Research Group found that 64 percent of responders don't trust CENI and 74 percent don't trust its chair.

The accuracy of the electoral roll and the means of casting votes have also been criticized by independent observers. While the OIF conducted an audit of the voter roll in May 2018, it found that it could still be significantly improved. A separate assessment by international elections oversight groups estimates that anywhere between 6 and 14 million people could illegally cast ballots, particularly if CENI decides to allow voters to cast ballots outside their normal polling place, as it did in the 2006 and 2011 elections. This has implications on many levels because the number of voters in a country that hasn't had an official census since 1984 determines how many seats in parliament each area gets and what size the regional parliaments should be. Inflating the rolls, especially if the inflation is concentrated in certain political strongholds, could have severe repercussions for the legitimacy of the legislature.

Similarly, CENI's decision to use voting machines—in this case touch screen tablets that will also print out a paper ballot—has decreased confidence in the elections, particularly among the opposition who argue that the machines will facilitate fraud, as well as the contract for delivering the machines themselves, was fraught with controversy.

Observers and members of the opposition fear that any one of these challenges or combination thereof could successfully be used by the government to alter the outcome of the election to the benefit of the ruling party.

International Reactions

In 2018, the UN Security Council, which visited Kinshasa in October, the UN secretary-general, the African Union, the Southern African Development Community (SADC), the US, the EU, and many individual states called for the electoral calendar to be respected. They emphasized the need for full respect of the New Year's Eve agreement, including the confidence building measures, and for the elections to be credible and inclusive.

Belgium announced in January 2018 that it was suspending all direct bilateral support to the Congolese government and redirecting its aid to humanitarian and civil society organizations.

Angolan Foreign Minister Manuel Domingos Augusto said in August that Kabila's decision not to make an unconstitutional bid for a third term was "a big step," but that more needed to happen "for the electoral process to succeed and achieve the objectives that have been set by the Congolese." At a SADC summit in Namibia in August, the Namibian president and new SADC chairman, Hage Geingob, said that the crisis in Congo could lead to more refugees fleeing to neighboring countries if it was not resolved.

In December 2017, the US sanctioned Israeli billionaire Dan Gertler, one of Kabila's close friends and financial associates who "amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals" in Congo, as well as several individuals and companies associated with Gertler. In June 2018, the US announced the cancellation, or the denial, of the visas of several Congolese officials, due to their involvement in human rights violations and significant corruption related to the country's electoral process.

On December 28, the government expelled the EU ambassador, Bart Ouvry, with 48-hours' notice. This followed EU's decision on December 10 to renew sanctions against 14 senior Congolese officials, including the ruling coalition's presidential candidate, Emmanuel Ramazani Shadary.

The governments of France and Belgium also issued statements questioning the official result. French Foreign Minister Jean-Yves Le Drian claimed that Fayulu was expected to be declared the winner. Belgian Foreign Minister Didier Reynders also doubted the result, saying that Belgium would use its temporary UN Security Council seat to investigate the situation. British Foreign Secretary Jeremy Hunt said he was "very concerned about discrepancies" in the results. In an official statement, Secretary-General of the United Nations Antonio Guterres urged all parties to "refrain from violence" and "live up to their responsibility in preserving stability." African Union leader Moussa Faki said that any disputes should be "resolved peacefully, by turning to the relevant laws". The Southern African Development Community (SADC) called for the creation of a national unity government in DR Congo, a negotiated settlement by factions representing Kabila, Tshisekedi, and Fayulu, on January 13. The organisation also called for a vote recount. (Aljazeera, 2018)

The United Nations Security Council issued a statement drafted by the French delegation urging all sides to respect the outcome of the vote on 15 January. Representatives of Russia and China stated that they oppose foreign interference in the DRC election.

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A number of African Union heads of state and government met in the Ethiopian capital Addis Ababa on 17 January, issuing a statement that the organization had "serious doubts" about the provisional results and calling on the Congolese government to delay the release of the final results. The AU also stated that it would send a delegation to the DRC with "the view to reaching a consensus on a way out of the post-electoral crisis." () The delegation would include AU commission head Moussa Faki and AU chairman, the President of Rwanda, Paul Kagame.

The Congolese government rejected the AU's appeal to delay that announcement of the final results on 18 January, and that the announcement will be made after the Constitutional Court makes a decision. Government spokesman Lambert Mende stated that "I do not think anyone has the right to tell the court what to do. I am not under the impression (the AU) fully understands Congo's judicial process." (Steve, 2017)

After the Constitutional Court ruling upholding Tshisekedi's victory on 20 January, Kenyan President Uhuru Kenyatta and South Africa President Cyril Ramaphosa both sent their congratulations to Tshisekedi and recognized him as the next President. AU spokeswoman Ebba Kalondo also issued a statement revealing that the AU agreed to postpone the DRC delegation talks. Kalondo (2017) claimed "I can confirm to you that the trip has been postponed. Not canceled." Other African leaders, including Zimbabwe President Emmerson Mnangagwa and the leaders of Tanzania and Burundi, congratulated Tshisekedi for his victory and also recognized him as the next President as well. By January 22, the AU and EU had agreed to support Tshisekedi's Presidency as well. On January 23, the United States agreed to support the court's certification of Tshisekedi's victory and also work with the incoming DRC President's government as well.

Constitutional Court appeal

Fayulu officially filed a court case on 12 January. The Constitutional Court announced on Monday, 14 January, that it would review Fayulu's and another candidate, Theodore Ngoy's, appeal the following day. Proceedings began on 15 January and armed riot police were deployed outside the Palace of Justice in Kinshasa. Lawyers representing Fayulu have said that the poll was rigged and have urged the Constitutional Court to order a recount. A decision is due to be made by the Court on 18 January or 19 January. The Court confirmed early on 19 January to Agence France-Presse that the ruling would be made later that day. The Court ruling rejected appeals for a recount, with the verdict declaring Tshisekedi "President of the Democratic Republic of Congo by simple majority." () Government spokesman Lambert Mende stated afterwards "Felix Tshisekedi will become the fifth president of the republic." (Paul, 2017)

After the ruling Fayulu claimed to be the "only legitimate president" and has called for mass protests. In a statement he said "The constitutional court has just confirmed that it serves a dictatorial regime ... by validating false results, (and enabling) a constitutional coup d'etat." Fayulu also called on the international community to not recognize this result. Hundreds of Tshisekedi supporters gathered outside of the court building. (Jeune, 2018)

Post-court ruling

Following the ruling, on January 20 the government restored Internet access in the country, ending a 20-day shutdown of the Internet that began on 31 December 2018. On 21 January, the day after the Constitutional Court rejected Fayulu's appeal, it became known that Tshisekedi's scheduled inauguration date (22 January) may be delayed by two days until 24 January. It was announced later that the inauguration was postponed, though no official reason was given. Police dispersed a crowd of Fayulu supporters who had gathered to hear him speak in front of his coalition's headquarters. Nevertheless, the inauguration of Tshisekedi occurred on the rescheduled date of January 24, 2019. In a speech Tshisekedi at the Palais de la Nation in Kinshasa called for a "reconciled country," and stated that "We want to build a strong Congo, turned towards its development, in peace and security – a Congo for all in which everyone has a place." () On 28 January the newly elected parliament began its first session.

The overdue election for the Senate of the DRC occurred on 14 March 2019. Parties aligned with former President Kabila won a majority of Senate seats, giving them control of both the upper and lower house of the legislature and potentially making President Tshisekedi's attempts to reform the government more limited. The President's UPDS party won very few seats.

Conclusion

Joseph Kabila became president upon the assassination of his father, then-President Laurent Kabila, in 2001. The latter had come to power through a Rwandan-backed insurgency that toppled longtime strongman Mobutu Sese Seko. The younger Kabila was then elected to the presidency in 2006 and again in highly controversial 2011 elections. Due to term limits, elections were supposed to be held in 2016 but the Kabila government repeatedly stalled in organizing them. Kabila has, in turn, used this as a justification for remaining in power.

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Accordingly, many Congolese dispute the legitimacy of the sitting government. The perceived power grab has been a trigger for the formation of many of the estimated 70 armed groups that have emerged around the country. Given the weakness of the Congolese state, a further escalation of fighting could have highly destabilizing and long-lasting consequences. Indeed, the Congolese wars of the 1990s and early 2000s killed an estimated 5.4 million people and involved eight neighboring countries. Credible elections are seen as one of the last opportunities to reverse this looming threat.

The Kabila administration, furthermore, is widely perceived to be corrupt. Transparency International ranks Congo 161st out of 180 in its 2017 Corruption Perceptions Index. Kabila and his immediate circle are known to control large parts of the country's vast mineral resources. According to Global Witness, more than \$750 million in mining revenues never made it into state coffers between 2013 and 2015 alone. Rather, a large percentage of the money ended up in accounts owned by regime insiders.

Kabila has been setting the stage to maintain his influence and ensure a favorable outcome for this election for years. Just before the 2011 elections, the rules were changed to a single round format, enabling a candidate to win with only a plurality of votes—and allowing Kabila to claim victory. This system is likely to be pivotal again in 2018 given ongoing divisions within the opposition, which is fielding 19 candidates.

Kabila has also maintained control of the transition process. Following the expiration of his term in December 2016, citizens have repeatedly taken to the streets, not only in Kinshasa but also in Boma, Goma, Matadi, and Lubumbashi, to demand that elections be held and that Kabila step down. Security forces have repeatedly cracked down on these protests, killing more than 100 civilians.

Some observers argue that the current system will allow Kabila to install Shadary for one term before returning to the presidency for a permitted third term.

To head off further destabilization, the influential National Episcopal Conference of Congo (CENCO), a council of Catholic bishops, brokered a New Year's Eve agreement between the ruling party and opposition calling for a transition process leading to elections in December 2017. The transition period was to be run by a prime minister from the opposition. However, Kabila was able to delay, coopt, and ultimately negate this process, causing CENCO to withdraw its support for the agreement in March 2017.

Kabila has also attempted to tilt the outcome by limiting the participation of popular opposition candidates by altering the rules on eligibility. This process excluded six potential candidates, including the former governor of Katanga, Moïse Katumbi, and former rebel group leader Jean-Pierre Bemba.

In August 2018, he announced as his chosen successor Emmanuel Ramazani Shadary, a former Minister of the Interior who is under EU sanctions for his role in repressing political dissent. Kabila intends to remain leader of the People's Party for Reconstruction and Democracy (PPRD). Some observers argue that the current system will allow the 47-year-old Kabila to install Shadary for one term before returning to the presidency for a permitted third term since the two consecutive term limit clock will have been reset.

Recommendations

The paper has recommended the following issues for sustainable democratic process and good governance in DRC.

1. Suggestion for the conduct of free and fair elections as adhered to AU Charted on Democracy, election and good governance in July 2002, which stipulated for the process of effective electoral system, the governance of DRC should provide electoral process that would be free and fair.
2. Promoting economic growth and prosperity of DRC, by opening various opportunities by private and other foreign investors for economic development through partnership and promoting wealth creation as well operating prudent management of resources through fighting corruption from all ramifications.
3. Improving Health Sector services through regional health care network that covers both preventative and curative health care system of DRC.
4. Improving Educational Sector by promoting educational outcomes through structural changes across various level to improve access and quality educational delivery in DRC.
5. Improving the values of the Respect of rule of Law
6. DRC need to established legal system that can respect the values of ensuring justice and equality in the process of treating individuals, groups or any segment of government for the benefit of peace substance in the DRC.

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