

TROUBLING TIMES AHEAD: ELECTION SCENARIOS FOR THE DRC

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Cover image: Internally displaced Congolese construct makeshift shelters in a camp for IDPs on 27 February 2018 in Bunia, DRC
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ABSTRACT

Many observers have welcomed the August announcement that President Joseph Kabila will not be contesting the national elections scheduled for December in the Democratic Republic of Congo (DRC). By stepping aside Kabila has averted a constitutional crisis in his country, which had barred him from running for a third consecutive term. Kabila is the only president the DRC has known since 2001, when his father was assassinated, and there is uncertainty around a new leadership – what will it mean for the future of the country, and for longer-term stability? There is concern that these elections will not solve any of the enduring political and security challenges the country faces. This paper attempts to unpack possible scenarios for how the coming months will unfold in the DRC, to help SADC, the AU and the broader international community to prepare. It recommends that international pressure on the regime be maintained to ensure that a credible election is held, and that preparations be made for the real possibility that wide-scale violence will ensue. To ensure the necessary groundwork is laid, the AU, SADC and the international community must engage in multi-tracked interventions that include both negotiation and a peace enforcement option.

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ABBREVIATIONS AND ACRONYMS

AU	African Union
CENI	Commission Electorale Nationale Indépendante
DRC	Democratic Republic of Congo
EU	European Union
FARDC	Forces Armées de la République Démocratique du Congo
ICC	International Criminal Court
ICGLR	International Conference on the Great Lakes Region
MONUSCO	UN Organisation Stabilization Mission in the DRC
PPRD	People's Party for Reconciliation and Democracy
SADC	Southern African Development Community
UN	United Nations

INTRODUCTION

Twelve years ago the Democratic Republic of Congo (DRC) held its first democratic election, following the peace agreement signed at Sun City in 2002 that ended what had come to be known as ‘Africa’s World War’.

This was the zenith of South Africa’s conflict resolution attempts. In the following years South Africa committed a lot of resources, both human and financial, to the rebuilding of the DRC.¹ However, not all the underlying problems in the DRC could be addressed. The eastern DRC remained riven with militia groups and competing neighbours, and the country’s rich resources created opportunities for both wealth and corruption.

It was always going to be difficult for the DRC to transition from the Mobutu era and the subsequent war into a constitutional state. Elections (in 2006 or 2011, or indeed in 2018) are not a panacea for some of the deep-seated historical legacies that plague the country. Whatever the outcome of the elections in December 2018, the peace and reconstruction on which South Africa had expended so much effort for more than a decade, is teetering on the brink of collapse.

This paper highlights some of the challenges in the run-up to the elections, presents some election scenarios and underlines some of the enduring issues with which the new government will have to grapple.

ELIMINATING POLITICAL COMPETITION

After keeping everyone inside and outside the country in suspense for nearly two years, President Joseph Kabila finally crossed the Rubicon and designated a candidate from his party to contest the presidential elections. On 8 August 2018 the DRC’s independent electoral commission, the Commission Electorale Nationale Indépendante (CENI), announced that Emmanuel Ramazani Shadary would contest the scheduled 23 December 2018 elections as the presidential candidate for the ruling People’s Party for Reconciliation and Democracy (PPRD). Until the CENI announcement Kabila’s candidacy was considered a strong possibility, although it would have been unconstitutional, as the DRC’s constitution prohibits a third term. His potential candidacy was also unpopular, as evidenced by the groundswell of political opposition throughout the country in the months leading up to and following the original December 2016 deadline for elections.

Shadary is said to be a relative of Kabila’s mother, which may have been a factor in his selection. He also served as minister of the interior from December 2016 to February 2018. During this time he was responsible for mobilising the military to suppress public

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1 Besharati N & C Rawhani, ‘South Africa and the DRC: Evaluating a South–South Partnership for Peace, Governance and Development’, SAIIA (South African Institute of International Affairs) Occasional Paper, 235, 26 July 2016, <http://www.saiia.org.za/research/south-africa-and-the-drc-evaluating-a-south-south-partnership-for-peace-governance-and-development/>, accessed 9 September 2018.

protests over the delayed elections. In May 2017 the EU imposed sanctions on Shadary for ‘the recent arrests of activists and opposition members, as well as the disproportionate use of force since his appointment’.²

Although Shadary is a relative political unknown outside Maniema Province, where he was governor, recent decisions, not least by CENI, have helped to eliminate his opposition. On 24 August CENI invalidated the applications of Jean-Pierre Bemba and five other presidential candidates on various grounds.

Bemba, a long-time opponent of Kabila, recently returned from the International Criminal Court (ICC) at The Hague after being cleared of charges of war crimes and crimes against humanity. His nomination to contest the presidency as the candidate of the Movement for the Liberation of Congo was disqualified by CENI on the grounds that he had been charged with witness tampering in the ICC case. The PPRD claimed that these charges constituted a contravention of Article 10 of the Congolese electoral code.³ The decision was upheld by the constitutional court, eliminating his chances of contesting the elections. Similarly, CENI invalidated the application of Antoine Gizenga, who was prime minister in the DRC from 2006–2008, on the grounds that the ‘quality of his signature was defective’.⁴

Moïse Katumbi, considered the ruling party’s most formidable political opponent in these elections, has also been barred from running. An ex-governor of Katanga and former ally of Kabila, he broke away from the PPRD and announced his own presidential ambitions in 2015. Soon after charges of real-estate fraud were brought against him. He is currently exiled in Europe and faces the prospect of immediate arrest upon re-entering the DRC. In August he was barred from entering the country from Zambia to register his intention to run as a presidential candidate. On 14 August the opposition released a joint statement calling for his unconditional return to contest elections. Two days later the government responded by issuing an international warrant for Katumbi’s arrest. While Katumbi might still have time to register, as CENI is expected to release a final list of candidates on 19 September, this seems increasingly unlikely.

Other opposition members running for election include Felix Tshisekedi, leader of the Union for Democracy and Social Progress (UDSP) and son and successor of veteran Etienne Tshisekedi who died in February last year, and Vital Kamerhe of the Union for the Congolese Nation. Neither’s prospects are as strong as those of Katumbi or Bemba.

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2 EUR-Lex, ‘Council implementing Regulation (EU)2017/904 of 29 May 2017’, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0904>, accessed 20 August 2018.

3 Mahamba F, ‘Congo’s Bemba should be declared ineligible for Dec election: Ruling coalition’, *Reuters*, 28 July 2018, <https://af.reuters.com/article/topNews/idAFKBN1KI07R-OZATP>, accessed 20 August 2018.

4 *Actualite.cd*, ‘RDC: La CENI rejette les candidatures de Gizenga, Muzito, Bemba, Moka, Badibanga et Ifoku’, <https://actualite.cd/2018/08/25/rdc-la-ceni-rejette-les-candidatures-de-gizenga-muzito-bemba-moka-badibanga-et-ifoku/>, accessed 27 August 2018.

government continues to detain political activists, despite the 31 December Agreement to release political prisoners.⁵ Human Rights Watch estimates that 171 people were killed by security forces in 2015 and 2016.⁶ According to the same report, in 2017 alone more than 300 opposition members, journalists and pro-democracy activists were illegally detained. Scores were held in secret detention facilities without being charged or being allowed access to lawyers or family. Many were arrested while planning or starting peaceful protests. Such actions by the government have implications for the opposition's election campaigning in the coming months and for the extent to which the elections will be deemed free and fair.

UNRESOLVED ISSUES WITH CENI

The way the election process has evolved in the DRC is similar to other elections in Africa, where bureaucratic obstacles are placed in the way of opposition campaigning. The openness of the voters' roll is one such issue.

The logistical constraints CENI raised in 2015 and 2016, including the outdated voters' roll and lack of resources, led to the deferment of the elections. CENI has therefore come to be viewed as complicit in Kabila's attempt to cling to power. A survey conducted by the Congo Research Group in February 2018 showed that 69% of Congolese did not trust CENI and that 72% held a negative opinion of its head, Corneille Nangaa.⁷

CENI announced in February 2018 that it had managed to register 46 million voters – 12% more than anticipated. The National Democracy Institute reports that all the political parties have expressed concern at these high registration rates, which they attributed to political manoeuvring at provincial level.⁸ The 2018 elections are harmonised provincial, national, presidential and legislative elections; inflated registration numbers will result in those provinces' attaining more parliamentary seats.

The integrity of the voters' roll is a sore point for the opposition. To date there has been no audit of the roll, nor was it published on 10 July 2018 as CENI had undertaken.

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5 *Le Congolais*, 'Texte Entier – Accord politique global et inclusif du Centre interdiocésain', 5 January 2017, <https://www.lecongolais.cd/texte-entier-accord-politique-global-et-inclusif-du-centre-interdiocesain/>, accessed 10 September 2018.

6 Human Rights Watch, 'Democratic Republic of Congo: Events of 2017', in *World Report 2018*, <https://www.hrw.org/world-report/2018/country-chapters/democratic-republic-congo>, accessed 31 August 2018.

7 Fondation BERCI, ASBL & Congo Research Group, 'A Political Opinion Poll: An Update on a Contentious Political Process', Pulse Poll Report 3, March 2018, http://congoreserchgroup.org/wp-content/uploads/2018/03/EN_Version-Finale-Rapport_sondage_fevrier_2018_2159x2794_2103.pdf, accessed 17 August 2018.

8 USAID (US Agency for International Development) & CEPPS (Consortium for Elections and Political Process Strengthening), 'Assessment of Electoral Preparations in the Democratic Republic of The Congo (DRC) February 28 – March 9 2018', 8 May 2018, https://www.ndi.org/sites/default/files/cepps_drc_2018_electoral_preparation_assessment_final_external.pdf, accessed 17 August 2018.

CENI claims to be auditing the roll, but has made no provision for this process to be independently verified. The introduction of electronic voting machines has only added to the pervading sense of distrust.

This distrust translates into fears that these voting machines will allow results to be manipulated. While such fears may be unfounded, given that the machines have been certified by the Association of World Election Bodies, the use of these machines could compromise the secrecy of the vote as many citizens are unlikely to have encountered this kind of technology before and would thus require assistance.⁹

Whatever the outcome of the elections, two longer-term issues will continue to guide the country's trajectory – the continuing security situation, mainly in the eastern DRC, and the economy, which is largely dependent on the mining sector.

SECURITY LANDSCAPE IN THE DRC

The insecurity in the eastern DRC, which pre-dates the outbreak of war, is the consequence of a complex network of alliances and conflicts between localised militia groups and local political elites, fuelled by ethnicity or pure economic interests. Some are merely social bandits;¹⁰ others have historical grievances. Foreign groups from Burundi, Rwanda and Uganda have also played out their contestations in the eastern part of the country. Although the Congo wars formally ended in 2002 with the peace agreement signed in South Africa, the conflict in the east has never ended.

The conflict has resulted in 4.4 million internally displaced people, making it Africa's largest displacement crisis. Human Rights Watch also warns that famine threatens to affect 7.7 million people, coupled with a nationwide cholera outbreak.¹¹

The UN Organisation Stabilization Mission in the DRC (MONUSCO) is the UN's largest peacekeeping force in the world. Its specially mandated Force Intervention Brigade has quelled a rebellion by the M23, a militia group that opposed Kabila. This group was allegedly sponsored by Rwanda in reaction to the activities of the exiled Rwanda National Congress. The M23's defeat was linked to the suspension of Rwandan support.¹²

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- 9 There is also some controversy regarding the procurement of the voting machines, which have been bought from a South Korean company called MIRU Data Systems. More information on the complexities associated with using this technology for the 2018 elections can be obtained from Congo Research Group, 'The Electronic Voting Controversy in the Congo', Election Brief, 1, April 2018, <http://congoresearchgroup.org/wp-content/uploads/2018/04/Electronic-Voting-Controversy-1.pdf>, accessed 21 August 2018.
- 10 Prunier G, *Africa's World War: Congo, Rwanda and the Making of a Continental Catastrophe*. New York: Oxford University Press, 2009, p. 231.
- 11 Human Rights Watch, *op. cit.*
- 12 *Ibid.*

FIGURE 1 MAP OF THE DRC



Map No. 4007 Rev. 11 UNITED NATIONS
May 2016

Department of Field Support
Geospatial Information Section (former Cartographic Section)

Source: UN Cartographic Department, Map of Democratic Republic of Congo, 2016, <http://www.un.org/Depts/Cartographic/map/profile/drcongo.pdf>, accessed 11 September 2018

The east also plays host to over 70 active militia groups that, like the M23, contest the authority of the government in Kinshasa. These groups feel unrepresented in Kinshasa and focus on localised activities such as mining and accessing resources. The delayed elections have fuelled political uncertainty and militia activity has spread to areas in Kasai and Katanga. Armed groups have also attacked voter registration centres in Ituri, North Kivu and Tanganyika provinces.¹³

13 Nantulya P, 'A Medley of Armed Groups Play on Congo's Crisis', Africa Centre for Strategic Studies, 25 September 2017, <https://africacenter.org/spotlight/medley-armed-groups-play-congo-crisis/>, accessed 30 August 2018.

The continued involvement of neighbouring countries in the eastern DRC complicates the security landscape, and skirmishes between them are not uncommon. In February 2018 Forces Armées de la République Démocratique du Congo (FARDC) troops were reported to have engaged the Rwandan army near Goma, presuming them to be ex-M23 militia members.¹⁴ Fighting stopped the moment the opposing group was identified as the Rwandan army, but not before six people were killed.

In addition, at the time of writing 77 people had died in an Ebola outbreak just north of Goma, near Beni in North Kivu Province.¹⁵ The DRC has already experienced two outbreaks this year, but the one in North Kivu is hard to contain because it is in a conflict hotspot, making it difficult for humanitarian workers to operate. Médecins Sans Frontières reports that its workers are at risk of being kidnapped by militia and three are currently missing in North Kivu.¹⁶ The unabating humanitarian crisis in the Kasai region bordering Angola also continues to increase tensions between Luanda and Kinshasa.

In August it transpired that FARDC generals had approached a militia group based in North Kivu, warning them to 'prepare for war' as the December elections were not going to take place

'PREPARING FOR WAR': GOVERNMENT FORCES AS AGENTS OF INSECURITY

The government in Kinshasa faces threats on many fronts, yet it too plays a role in fuelling insecurity. For instance, its response to the insurgency in the east has been to co-opt the support of local militia – often providing them with ammunition in exchange for this support. While this strategy has been criticised for further eroding its political credibility and fuelling chaos in the east, it nevertheless continues.¹⁷ In August it transpired that FARDC generals had approached a militia group based in North Kivu, warning them to 'prepare for war' as the December elections were not going to take place.¹⁸

The new government is likely to continue to face these same security threats, and it is incumbent upon the new ruling elite to ensure that the security situation does not deteriorate as a consequence of changes at the centre.

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- 14 AFP, 'Fighting between Rwanda, Congolese troops in eastern DRC', *News24*, 15 February 2018, <https://www.news24.com/Africa/News/fighting-between-rwanda-congolese-troops-in-eastern-drc-20180215>, accessed 30 August 2018.
 - 15 Figure as at 28 August 2018; WHO (World Health Organization), 'Ebola situation reports: Democratic Republic of the Congo', <http://www.who.int/ebola/situation-reports/drc-2018/en/>, accessed 30 August 2018.
 - 16 Médecins Sans Frontières, 'Democratic Republic of Congo: Chronic emergencies', <https://www.msf.org/democratic-republic-congo-narrative>, accessed 30 August 2018.
 - 17 Nantulya P, *op. cit.*
 - 18 Mednick S, 'Will Congo go to the polls – or go to war?', *Foreign Policy*, 3 August 2018, <https://foreignpolicy.com/2018/08/03/will-congo-go-to-the-polls-or-go-to-war-kabila-drc-rwanda-kivu/>, accessed 30 August 2018.

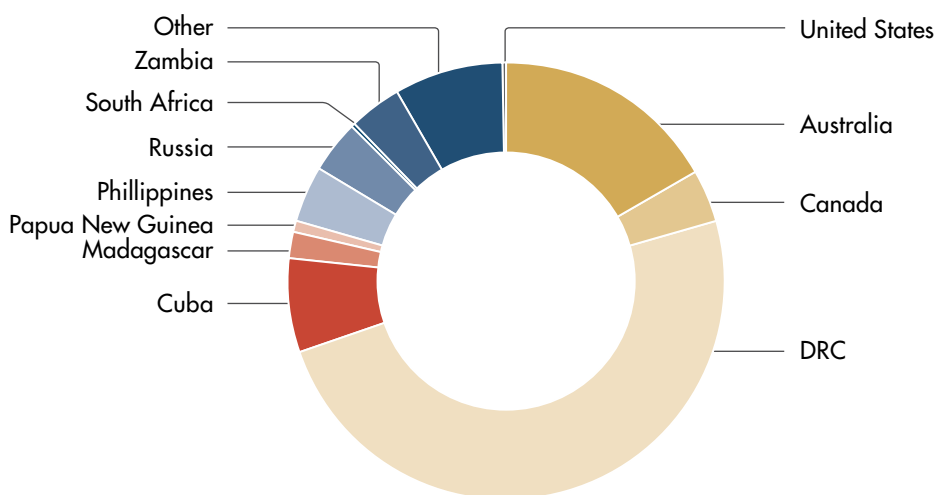
CONGO'S CURSE: INTEREST IN MINERALS FUELLING INSECURITY

The DRC has incredible mineral wealth, and control over it plays a central role in the politics of the country. Access to mineral wealth impacts security, as everyone – from politicians to local authorities – scrambles to use mineral wealth to fuel their ambitions.

Global interest in cobalt (an essential metal for the production of lithium-ion batteries, key to the manufacture of electric vehicles) is likely to sustain international interest in the DRC. The country boasts the highest reserves in the world and contributes 58% of global production, with Katanga responsible for most of this (see Figure 2).

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FIGURE 2 GLOBAL COBALT RESERVES, 2017



Source: US Geological Survey, Mineral Commodity Summaries, ‘Cobalt’, January 2018, <https://minerals.usgs.gov/minerals/pubs/commodity/cobalt/mcs-2018-cobal.pdf>, accessed 30 August 2018

The DRC also holds vast deposits of coltan, copper, diamonds, gold, oil and uranium, as well as untapped hydroelectric power generation capacity. Some of these resources are under-exploited because of a lack of political will to invest in the necessary infrastructure. For instance, a recent study published by the University of Antwerp suggests that the DRC’s oil potential could be more than 20 billion barrels, if enough attention were given to the development of the sector.¹⁹

19 Edmond P & K Titeca, ‘What Good Is an Oil Sector Without Oil? How Regime Security and Short-Termism Explains DR Congo’s (Non-)Oil Sector’, IOB (Institute of Development Policy) Analysis and Policy Brief, 26, August 2018, <https://repository.uantwerpen.be/docman/irua/dfccdb/152790.pdf>, accessed 30 August 2018.

KATANGAN EXCEPTIONALISM: FUELLING GREATER INSTABILITY

The mineral wealth in Katanga Province – Katumbi’s stronghold – accounts for more than half of the country’s fiscal revenue.²⁰ By law, the province is entitled to two sources of funding: through provincial taxes and through a 40% share of national taxes raised in its territory. Over the years the national government has returned only 14% to the provinces. This has fuelled Katangan dissatisfaction with Kabila, given its significant contribution compared with that of other provinces, and bolsters Katumbi’s presidential ambitions.²¹

Discontent in Katanga has a long history and began when the Congo declared independence in 1960. Backed by Belgium and the US, Katanga sought to break away from the newly independent Congo under the leadership of Moïse Tshombe in 1960, but was reintegrated into the Congo in 1963, following a UN intervention. This sense of exceptionalism persists among the Katangan political elite and is thought to be the fodder fuelling Katumbi’s presidential ambitions.²²

After Laurent Kabila came to power, Katangans were included in the government through senior appointments, partly to placate Katangan elites wishing to revive their secessionist ambitions and partly because Kabila himself was a ‘Lubakat’, from Katanga. This has continued in Joseph Kabila’s administration through key appointments, such as those of John Numbi (Inspector General of the FARDC) and Kalev Mutond (head of the National Intelligence Agency).

Mining concessions tend to be negotiated directly with the president. Thus whoever is the president also becomes the country’s key decision maker on business matters.²³

GUARANTORS OF THE PEACE: REGIONAL AND INTERNATIONAL RESPONSES

Since the breakout of war in the mid-1990s the DRC has been the focus of regional and international interest. This interest has been driven by the DRC’s ability to draw in combatants and thus be a pole of destabilisation for the whole Great Lakes region.

The destabilisation wrought by the M23 in the eastern DRC led to the Peace, Security and Cooperation Framework of the DRC and Region in 2013, which called on its neighbours to cease interfering in the internal affairs of the DRC, for the government to embark on political reforms and for the international community to continue supporting the country. Among the guarantors of this agreement are the AU, the International Conference on the Great Lakes Region (ICGLR), SADC and the UN. These parties, together with the leaders of the DRC, Angola, Burundi, Central African Republic, Congo-Brazzaville (Republic of

20 International Crisis Group, ‘Katanga: Tensions in the DRC’s Mineral Heartland’, Report, 239, 3 August 2016, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/katanga-tensions-drcs-mineral-heartland>, accessed 30 August 2018.

21 *Ibid.*, p. 9.

22 *Ibid.*

23 Edmond P & K Titeca, *op. cit.*

Congo), Rwanda, South Africa, South Sudan, Tanzania and Uganda have met annually as part of an oversight mechanism to review the progress on commitments made to ensure regional peace and security.²⁴

The AU, the ICGLR and SADC have also continued to engage independently with the DRC on its election-related crisis. However, the AU has struggled to recover from the failed mediation attempt in 2016, headed by former Togolese prime minister Edem Kodjo. The process lost credibility because Kodjo was perceived to favour Kabila. It was then that the Catholic Church stepped in to broker the 31 December Agreement.²⁵ Since this failure, the AU has remained engaged but kept a relatively low profile.

SADC, on the other hand, has consistently failed to address the challenges caused by delayed elections – opting instead to publicly support the government.²⁶ In April 2018 the Double Troika of the Organ on Politics, Defence and Security and the SADC Summit rescinded the August 2017 decision to deploy an envoy to Kinshasa on the basis that the ‘substantive progress’ made towards elections no longer necessitated the deployment.²⁷

Rather than regional multilateral engagement, South African and Angolan ‘quiet diplomacy’ is credited with influencing Kabila to stand down. However, the rejection of Thabo Mbeki as special envoy to the DRC announced on 20 August underscores the limits of South Africa’s influence. In explaining its rejection of Mbeki, DRC Minister of Communication and government spokesperson Lambert Mende said, ‘The country no longer needs special envoys because they tend to behave like proconsuls. They do not respect the autonomy of the DRC, we want to keep our sovereignty.’²⁸

This response has not been limited to South Africa. Kabila refused meetings with US Ambassador to the UN Nikki Haley, UN Secretary-General António Guterres and AU Commission Chairperson Moussa Faki Mahamat in June 2018. Furthermore, the decision to reject foreign financial assistance for the elections was made on the grounds of preserving the DRC’s ‘sovereignty’ and protecting it from outside influence. It is worth noting that the government has allocated \$1 billion to run the election without foreign assistance, yet in 2016 a lack of funds was the government’s main justification for delaying

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24 UN Peacemaker, ‘Peace, Security and Cooperation Framework of the DRC and Region’, 24 February 2013, https://peacemaker.un.org/sites/peacemaker.un.org/files/DRC_130224_FrameworkAgreementDRCRegion.pdf, accessed 24 August 2018.

25 *Le Congolais*, *op. cit.*

26 Lalbahadur A, ‘Improving SADC Responses to Bring Peace to the DRC’, SAIIA Policy Briefing, 166, October 2017, http://www.saiia.org.za/wp-content/uploads/2017/11/saia_spb_166_L-Albahadur_20171102.pdf, accessed 10 September 2018,

27 SADC, ‘Communiqué of the Double Troika of the Heads of State and Government of SADC’, 24 April 2018, https://www.sadc.int/files/3615/2459/0466/Communiqué_of_the_Double_Troika_Summit_of_HOSG_of_SADC_24_April_Luanda_Angola__English.pdf, accessed 22 August 2018.

28 Fabricius P, ‘Kabila’s government rejects Thabo Mbeki as special envoy to DRC’, *Daily Maverick*, 21 August 2018, <https://www.dailymaverick.co.za/article/2018-08-21-kabilas-government-rejects-thabo-mbeki-as-special-envoy-to-drc/>, accessed 21 August 2018.

the election.²⁹ (The government claims unexpected mining profits to be the source of its revenue.) It has also rejected international observers, reiterating that it does not need foreign assistance to hold these elections.

On 27 August 2018 the UN Security Council was briefed on the electoral process in the DRC by Special Representative and head of MONUSCO Leila Zerrougui, as well as by the National Episcopal Conference of the Congo. CENI's head Nangaa was also scheduled to present a report on the progress of elections, but failed to do so. No reason was given for this. At the meeting, MONUSCO reiterated its readiness to assist in the roll-out of elections if called upon by the government.³⁰

It is crucial to keep the DRC on the agenda of the UN Security Council, while entertaining the possibility that there might be a need to call upon MONUSCO to expand its activities to play a stabilisation role, should the elections turn violent. This would be in keeping with paragraph 37(i) of UN Resolution 2409, which extended MONUSCO's mandate to March 2019.³¹ In fact, Resolution 2409 gives MONUSCO an extensive mandate to assist in the election roll-out in accordance with the 31 December Agreement of 2016 while maintaining peace and security throughout the DRC.

ELECTION SCENARIOS

The DRC has never had a peaceful handover of power. This has raised fears that these elections might ignite another Congolese war.

SCENARIO 1: 'WORST-CASE SCENARIO'

This scenario sees the postponement or cancellation of elections because of a high level of violence linked to protests.

The unwillingness of the government to entertain opposition demands – an audit of the voters' roll, and a reconsideration of the use of electronic voting machines and the exclusion of some presidential candidates from contesting the poll – fuels further protests. These inevitably turn violent and result in civilian deaths and detentions. As tensions escalate, Kabila may declare a state of emergency and postpone or cancel the elections altogether.

29 Reuters, 'Congo says it rejects foreign aid to fund elections', 26 March 2018, <https://www.reuters.com/article/us-congo-politics/congo-says-it-rejects-foreign-aid-to-fund-elections-idUSKBN1H21XS>, accessed 21 August 2018.

30 UN, Meetings Coverage and Press Releases, 'Security Council Urges Democratic Republic of Congo to Resolve Outstanding Problems in Less than Four Months before Critical Elections', 27 August 2018, <https://www.un.org/press/en/2018/sc13466.doc.htm>, accessed 28 August 2018.

31 UN Security Council, 'Resolution 2409 (2018)', 27 March 2018, https://monusco.unmissions.org/sites/default/files/resolution_24092018.pdf, accessed 22 August 2018.

Should the elections be postponed or cancelled, violence is imminent. Kabila's continued presence in active politics is not accepted by the opposition, which believes that democracy must run its course via a popular vote. The decision to postpone or cancel elections is therefore likely to have an explosive outcome and will pose an immediate threat to peace and security. Given the ongoing conflict in the east and the country's history of violence spreading beyond its borders, an explosive situation in Kinshasa holds a real possibility of re-igniting the conflicts of the first and second Congo wars of the 1990s.

To be prepared for this scenario, South Africa, SADC and the AU must keep political channels open to engage Kabila and opposition parties. These entities, working in concert with the ICGLR (the lead regional entity engaged with the DRC), must attempt to avert such a crisis. The SADC Regional Office in Kinshasa has an important role to play in relaying accurate intelligence to the Organ on Politics, Defence and Security.

There is already a peacekeeping presence in the DRC. MONUSCO has indicated that it is willing to assist if asked to by the government. However, it may have to deploy more human rights monitors and police in preparation for such a scenario.

SCENARIO 2: SHADARY WINS THE ELECTION

In this scenario, the election takes place and Shadary wins. As he is a relative unknown without much of a following of his own, and a known Kabila supporter, this outcome may not be likely without extraordinary measures to influence voters: coercion, intimidation and outright rigging.

Two possibilities may develop over the medium term with such an outcome.

Scenario 2a: Kabila's 'Russian solution'

Kabila may well seek to emulate Russian President Vladimir Putin's solution to standing for a third consecutive term (the 'Russian solution'), where he stepped down in 2009 and became Dmitri Medvedev's prime minister, assuming the presidency again in 2012.³² As with Putin, this scenario assumes that Kabila continues to pull the strings behind the scenes.

This scenario will likely result in a 'business as usual' outcome, with little change to the status quo. Shadary will protect Kabila's interests (both economic and political) while ensuring that security forces exercise the requisite amount of control/suppression.

32 The DRC has a similar electoral system to South Africa. It has a bicameral system with a national assembly housing 500 candidates and a senate with 104 seats. More information about the country's electoral system can be found at EISA (Electoral Institute for Sustainable Democracy in Africa), 'DRC: Electoral system', <https://eisa.org.za/wep/drc4.htm>, accessed 30 August 2018.

One likely indication that Kabila plans such a strategy is his decision in mid-July to appoint new military heads who are Kabila loyalists: Gen. Celestin Mbala was appointed Chief of Staff with Gen. Gabriel Amisi as his deputy, and Gen. John Numbi was appointed Inspector General of the Congolese Armed Forces.³³ These strategic appointments may protect Kabila after his ‘retirement’. The military has always been central to the politics of the DRC.

A little-known fact is that the Congolese constitution allows Kabila to become a senator-for-life. Hans Hoebeker of the International Crisis Group argues that, should Kabila step down, he is likely to become president of the PPRD – a post that has recently been created.³⁴ These developments make it possible for Kabila to find a ‘Russian solution’ of his own without necessarily having to occupy the prime ministership.

Scenario 2b: The ‘Lourenço’ outcome

Named for the new Angolan president, João Lourenço, this scenario sees Shadary asserting his own leadership position and seeking to sideline Kabila or even taking steps against him and his family and business connections.

In such a scenario, the role of the military and the extent to which it chooses sides will determine the outcome of this elite contestation. This could result in the formation of new coalitions – by both Shadary and Kabila – to shore up support. While Lourenço had served as a general in the army for many years and had been defence minister, which gave him some clout, Shadary’s abilities are somewhat limited by comparison. As a relatively unknown figure, even in Congolese politics, the extent to which Shadary is accepted within the PPRD and has a following of his own is unclear. This is an important factor in determining whether he will be able to successfully break away from Kabila’s tutelage and ‘go it alone’.

Regardless of its probability, it must be noted that this scenario holds the potential for instability. This is because political contestation is so closely linked to patronage networks and militia groups – particularly in the eastern provinces, where insecurity is high.

Increased political uncertainty is a likely outcome of such a jostling, as the locus of power becomes more nebulous. Given that important mining concessions are centrally decided by the president himself, this tussle between competing interests is likely to lead to a more confusing business environment.

33 It is also worth noting that, like Shadary, all these appointees have been targeted by international sanctions for their abuse of office in conducting state-sponsored violence and perpetrating human rights abuses.

34 Hoebeker H, ‘Kabila Shows His Hand in DR Congo’s Electoral Poker’, International Crisis Group, Commentary, 16 August 2018, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/kabila-shows-his-hand-dr-congos-electoral-poker>, accessed 21 August 2018.

SCENARIO 3: A CONTESTED ELECTORAL WIN

Election-rigging has evolved from the blatant stuffing of ballot boxes and become more nuanced over the years. New tactics create the appearance of adherence to electoral guidelines to enhance perceptions of the credibility of the process. This can mean that Shadary is secured a win by a small margin through ballot-rigging, with the validity of such a win tested in the Congolese court system.

In this scenario, opposition candidates appeal to the courts to overturn Shadary's win, citing abnormalities on election day that could have led to result tampering – or any of the irregularities that have occurred so far (withholding the voters' roll; using electronic voting machines, etc.). However, given that the judiciary is already packed with Kabila supporters and has no history of acting independently, it is unlikely to rule in favour of the opposition. This scenario sees Shadary winning a contested election, legitimated by the judiciary.

There are a couple of reasons why this scenario is likely. First, in giving the opposition the space to air its grievance in court, the ruling PPRD keeps up the appearance of democratically functioning institutions and removes the weight of the opposition's claims that the process was unfair, because its case would be adjudicated by the courts. Second, Shadary's win is then further legitimated by the judiciary's pronouncing that he had won the election, compelling SADC and the AU to accept the outcome. This will no doubt put the issue to bed and shift international scrutiny away from the outcome – at least in the short term.

If, however, there is evidence of wide-scale rigging, it is unclear how African organisations and the international community will respond. SADC and the AU are unlikely to reject the election outcome. Other actors such as the US and the EU may take a stronger line on this, depending on the extent of the rigging. However, tampering will be difficult to prove if there are no election observers on the ground.

SCENARIO 4: A POPULAR WIN BY THE OPPOSITION

If opposition parties can agree on a common candidate, this scenario could see them win the presidential election and form a coalition government. Having a single candidate would be in their interests as there is only one round of voting (the candidate with the most votes wins). With Katumbi seemingly out of the race, the question becomes who this candidate might be.

A 2017 poll by the Congo Research Group indicates that Katumbi is by far the most popular candidate, enjoying 38% of support, followed by 24% for Kamerhe and Bemba each and Tshisekedi trailing with just 5%.³⁵

35 Congo Research Group, 'CRG/BERCI public opinion poll: The takeaway', 23 May 2017, <http://congoresearchgroup.org/crgberci-public-opinion-poll-the-takeaway/>, accessed 16 August 2018.

Another poll by Top Congo FM of 20 000 participants in June 2018 projected that Katumbi would garner 54% of the vote, followed by Kamerhe with 34%, Bemba with 7% and Tshisekedi trailing again with 5%.³⁶ Given that there are few reliable polls in the DRC, predicting possible election outcomes is difficult.

If Katumbi is not able to contest the election, it will severely hamper the chances of an opposition victory, a point that has not been lost on Kabila.

Violence is likely to be a strong feature of this post-election scenario if one of the opposition party members (not Katumbi) gains a sufficient majority, on his/her own or by coalition. Kabila's government is neither ready nor willing to hand over power peacefully. It is safe to assume, however, that a president-elect from the opposition in this scenario would have the moral authority to appeal to the international community for assistance in facilitating such a transfer of power – and for that appeal to be heeded.

RECOMMENDATIONS FOR SOUTH AFRICA, SADC AND THE AU

- SADC and the AU must convince Kabila and his government of the need to create an enabling environment for free and fair elections. This includes:
 - » releasing political prisoners and activists;
 - » refraining from arbitrarily detaining protestors or violently suppressing public protests; and
 - » addressing outstanding issues regarding the voting process – there is still time to insist on a clean, audited voters' roll and to reconsider supplementing electronic voting machines with paper ballots. SADC must insist upon a timeline for this and hold stakeholders to account for the progress in implementation.
- SADC and the AU must put pressure on the Congolese government to retract the international charges against Katumbi, allowing him to return to the DRC to register as a presidential candidate ahead of CENI's deadline of 19 September.
- SADC, the AU, South Africa and the international community must be vigilant to the fact that Kabila may be engineering a scenario that makes the holding of elections in December untenable. There must be some preparation for a 'worst-case scenario' that involves multiple-tracked interventions: broadening MONUSCO's activities – possibly through the deployment of additional police personnel – to avoid an escalation of violence; and maintaining diplomatic channels of communication for negotiations with both the government and the opposition.
- To keep communication channels open, SADC must intervene to resolve the issue of the special envoy. Mbeki's appointment as South Africa's special envoy could be re-visited as a SADC initiative, and his candidacy may be considered if it also receives

36 Mwebantu, 'Moïse Katumbi scores more than 50% votes in opinion polls', 15 June 2018, <https://mwebantu.com/2018/06/15/moise-katumbi-scores-more-than-50-votes-in-opinion-polls/>, accessed 16 August 2018.

the backing of the regional body. If this issue can be resolved in such a manner, Mbeki must work in close collaboration with SADC's Regional Office in Kinshasa to communicate clearly expectations from all parties for the elections.

- Both the SADC and the Organ on Politics, Defence and Security troikas need to operate in concert to insist that the government guarantees the safety of the opposition to campaign ahead of the elections and that it ceases illegally detaining civilians and activists.
- SADC must insist on the proper and pacific behaviour of all parties – including the opposition – and hold them to account if they are found to incite public violence. SADC and the AU should also pressure the government to address the outstanding issue of inaccuracies in the voters' roll and to augment the electronic voting machines with paper ballots as a back-up measure.
- The international community, South Africa, SADC and the AU must continue to apply pressure on the government. International sanctions imposed by the EU, UN and US must remain in place and must be pegged to the condition of peaceful, free and fair elections.

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