

Elections are not an end in themselves

**REFLECTING ON THE CHALLENGES
FACING FÉLIX TSHISEKEDI'S
SECOND TERM**

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Congolese President Félix Tshisekedi was sworn in on 20 January 2024, following the elections of 20-27 December 2023 which gave him 73.34% of the valid votes cast. Unlike the first term and despite the noted irregularities during the electoral process, the Congolese president's election gives him both electoral legitimacy and a comfortable majority with which to govern the country. Although the election results have been widely accepted by observers and diplomats alike, many have stressed that this win was achieved after elections which were marred by numerous irregularities but that were not exclusively observed in the legislative elections. Such a perspective might reveal a rather normative understanding of what elections ought to be rather than to understand their larger meaning and socio-political impact. This brief, therefore, argues that in order to value the real importance of Congo's recent elections, we have look at how they have restructured existing power structures and have posed new challenges to the regime on how to negotiate between the consolidation of its own power, and the demands and expectations expressed by the Congolese population. In what follows, we will examine a number of these expectations and assess how these are translated into political priorities by Tshisekedi's regime.

For over thirty years, political scientists have made critical comments on the flaws of electoral processes on the African continent. They have pointed at the multiple challenges that elections in Africa face when they are used as a mechanism to ensure the legitimization of existing regimes. Such readings of elections should be taken with caution and are mainly informed by frameworks that stem from narrow notions on what elections ought to be, with Western electoral experiences as the main model of reference (Gazibo, 2006). Such view, in fact, ignores that elections take place in different socio-historical circumstances and makes it hard to push them into comparative models, particularly when guided by the Western archetype of what good elections are supposed to be. It forces us to think of these elections for what they are not instead of for what they really are (Mbembe, 2000) and really imply (Vlassenroot & al. 2020). At the same time, such an approach prevents us from looking at how elections always lead to the restructuring of power and political rents, whatever the conditions and documented flaws of the electoral process have been. Similarly, it leaves little space to assess how elections pose new challenges on how to mediate between political positioning and maneuvering on the one hand, and the material conditions and expectations of the population on the other.

Looking back to the DRC, such observations shed new light on what elections have produced since the formal end of the Congolese wars in 2003. Complacency in the face of the rigged elections of recent decades has steadily led to disenchantment among the Congolese population, which has gradually lost confidence in the electoral process. This process itself has constantly been disrupted by both political manipulation and logistical failures, giving rise to regular moments of contestation. The latest elections are no exception to this trend, as has been widely documented elsewhere. Yet, they also can be understood as a moment of redefinition of the different political issues that are currently at stake in the DRC. Such views allow us to move beyond the unproductive and normative assessment of their 'good' or 'bad' organization, a diagnosis that has limited analytical value for its narrow conception of politics. So what were the expectations raised by Congolese voters, for the the current political leaders and what they are supposed to deliver?

How were priorities aimed at improving the material conditions of the population defined? On the basis of which promises did voters make their choices for specific candidates? How do voters' assessments of these promises eventually define the priorities and stakes of the re-elected Congolese president and his new government? As we will argue in this brief, in Congo's political system such questions are all the more important because party ideologies and programmes are not clear ex ante, and elections thus become a key moment for defining them ex post.

Last December's elections have given President Tshisekedi sufficient room to maneuver and to decide on who to appoint in key positions of his next government; at the same time, they allow him to push through major reforms in a number of key areas. Comfortably re-elected with the possibility of a stable majority¹ in the National and Provincial Assemblies, the Congolese President will no longer be caught up in a cohabitation in disguise as he was at the start of his first five-year term in early 2019 and that lasted until 2020. Unlike the 2018 presidential election, Tshisekedi's victory in 2023 has been confirmed by several observing institutions and widely accepted in the DRC, the region and beyond. The Catholic Church and CENI also agreed on the true winner of the presidential election, despite the many observed irregularities that surrounded the ballot. In addition, in contrast to earlier elections, the December 2023 ones have seen little violence. Tshisekedi is thus beginning his second term on a legitimate political footing.

The groundwork for such powerful control was laid prior to the elections. Between 2020 and 2022, the Tshisekedi regime succeeded in consolidating its control over key institutions involved in the electoral process. Close allies were appointed, and electoral reforms were pushed through without the needed consensus with other stakeholders in the electoral process. The electoral register, hastily compiled by CENI, has not been audited by impartial external experts.

¹ It should be noted, however, that the Congolese President's camp has had difficulty setting up a government and forming the bureau of the National Assembly over the five months after the elections, which is indicative of the difficulties he might face in maintaining this majority throughout his term of office.

Similarly, the provisional electoral registers were not posted as required by law. Finally, the elections were organized in a climate of considerable political mistrust, with the opposition and part of civil society denouncing many irregularities both in the preparatory phase and during the elections themselves. To some extent, these irregularities could be attributed to the CENI's obstinacy in maintaining the election date, despite the logistical difficulties encountered in deploying electoral material to all polling stations. Such positioning of the CENI could be explained by the pressure from the government and the opposition to organize the elections as scheduled and not try to postpone them.

As a result, instead of being held on one single day, the election was extended to 7 days, which was in violation of Article 52 of the Electoral Law. Despite this extension, voter turnout remained low. According to official figures, only 43% of voters took part in the ballot. The CENCO and Church of Christ in Congo (CCC) 60,000 strong observer mission found that in 27% of the cases, polling stations did not open. CENCO observers also documented over 5000 incidents, including the interruption of voting. Some voting machines were found in the hands of certain candidates. Other candidates were found with pre-prepared votes. And still in other cases, voters were either bribed or intimidated outside of the polling stations. In parts of eastern DRC, we also observed the active involvement of armed groups in the organization of elections, their support for specific candidates and their use of acts of intimidation or threats of violence against voters. The CENI has set up a commission to investigate reported cases of fraud yet seem to limit the commission's mandate to the legislative elections. It also hastened to publish the results of the presidential election without compiling them at the local level and prior to the installment of the commission of enquiry. Therefore, it can be assumed that cases of fraud in the legislative elections inevitably had an impact on the presidential elections as well.

The widespread and flagrant irregularities during and after the legislative elections constitute a problematic turning point in the organization of polls in the DRC, and have caused public opinion to openly refer to deputies as nominated instead of elected. Even if caution is needed and the generalization to all elected MPs should be avoided, it leaves an indelible stain on the

legitimacy of the new National Assembly and its majority. It is a pity that the Constitutional Court was not able to assume its responsibilities in the ongoing disputes and to prove its neutrality in saving what can still be saved. Similarly, the CENI and the President of the Republic had an interest in showing good faith in this matter in order to enhance their respective legitimacies. For the Congolese President, this comes down to a lost opportunity that strikes a balance between the search for a secure and stable parliamentary majority that allows him to govern, and to respect the truth of the ballot box that would ensure a certain legal and popular legitimacy for this majority.

Apart from these issues, the elections have made visible what the Congolese people expect from the next term of office. Their voting behavior edifies how they anticipate their president and his majority to deliver on the promises made during the campaign. Although the Congolese president's overall political line is yet to be defined, the ambitious programmes he has launched over the last two years give some indication of what his priorities will look like. Also, the promises made during the electoral campaign are outlining the challenges that the new president will be facing.

President Tshisekedi owes his re-election, among other things, to the promise made during his campaign that he wanted to finish what he had started. During his first term in office, the Congolese president committed himself to several major objectives, such as the pacification of eastern Congo, an increase of state revenues by fighting corruption, the improving of certain basic social sectors and the strengthening of the state's presence in rural areas. On the eve of his re-election, it was clear that many of these promises had not been kept, despite the efforts made. Felix Tshisekedi seems to have been able to convince many Congolese though of the need to give him another chance to finish what he had initiated.

So what are the major challenges waiting for him during his second term? First there is the security situation in the east². At the start of his first term, the re-elected Congolese President seemed more determined than his predecessors to bring peace to the east of the DRC, which has been plagued by armed conflict for thirty years now. With several internal and external initiatives, the Congolese president has put in place political, diplomatic and military strategies that deal with this recurring insecurity. From Congolese military operations and joint operations with the armies of neighboring states, to the recent arrival of the SADC in the East, not forgetting legislative reforms in the area of security, the acquisition of military equipment, the introduction of a state of siege in two provinces and the implementation of a new disarmament programme, President Tshisekedi has tried a wide array of approaches that so far have produced little effect on the security conditions themselves. Even more, over the last two years, the current security context has only become more complicated, also as a direct outcome of some of these approaches.

And yet, despite being unable to restore peace as promised in 2018, President Tshisekedi was re-elected, also in those regions that are most affected by insecurity. In the territories of Rutshuru and Masisi, which are under M23 control, the Congolese could not vote as no elections were held. Elsewhere, Congolese voters justified their choice by the President's nationalist stance against Rwanda, which turned out to be a strong mobilizing force. Many Congolese are also hoping that the electoral promises about the build-up of the Congolese army in terms of organizational and strategic efficiency and performance, financial resources, military equipment, recruitment and the training of new units come true. Promises about military advances and the liberation of the territories occupied by the M23 rebels are also raising high expectations. His presentation as the only candidate with the power to protect the country's territorial integrity in the face of Rwandan threats is expected to be reflected in concrete actions on the ground. There is a considerable downside to such positioning, as recent security dynamics have

² It should also be noted that the assumed coup attempt of 19 May 2024 also reveals that security challenges can arise at any time in the west of the country, raising serious questions about the security of the territory in general; and about the institutions of the republic and its capacities in particular.

revealed. Besides its mobilization force, the anti-Rwanda nationalistic and war rhetoric risks further complicating the existing security context. The call to defend Congo's territorial integrity has fed into armed groups' *raison d'être*. For a long time, many of these groups operating in eastern Congo have legitimized their existence and presence on the fact that Congolese citizens had to be protected against foreign forces and that the Congolese security forces have failed in doing so. The relaunch by the M23 of its military campaign has given new impetus to the proliferation and positioning of these armed groups. Since the announcement of the reserve force early last year, these armed actors transformed themselves into *wazalendo* reservists, thus granting themselves a formal status. It provides renewed legitimacy to armed groups who have been operating in the area for almost 30 years and who have largely been doing so on the basis of a similar nationalistic rhetoric. The current approach to mobilize them in the fight against the M23 has further contributed to their ambivalent relationship with the Congolese regime and poses new challenges to restore the state in those areas where armed groups are operating. It also had fed into new dynamics of insecurity, as the same *wazalendo* groups have fed into a further fragmentation of armed actors, new clashes with the Congolese army and rising levels of insecurity.

Another challenge for President Tshisekedi concerns his promise, during his inauguration speech in 2019, to put the country on the road to national reconciliation. Today, after the first 5 years in power, we can conclude that the DRC seems more divided than ever. Identity-based discourses, which were very present during the latest campaign, have had the effect of pitting the Congolese of certain regions against others. In Katanga, for example, the autochthonous populations and those of Kasai origin now seem to be engaged in an intensifying confrontation for which the deployment of additional security forces alone will not be enough to silence. The new presidential mandate should seek to defuse these tensions in Katanga and in other regions of the country beset by communal conflicts. Although President Tshisekedi performed rather well across the country, the 2023 elections also revealed just how close Congo was to tipping over into an East-West dynamic. Faced with Félix Tshisekedi, who's main support base is in the centre of the DRC but is close to the west of the country in terms of electoral dynamics, the opposition found itself reconfigured with most leaders originating from the

east (Katumbi, Matata, Mukwege). An East-West bloc was narrowly avoided by the absence of a joint opposition candidate. Nevertheless, the dynamics of the electoral campaign polarized the political field between President Tshisekedi, supported by a large majority of leaders in the western parts of the country, and Moïse Katumbi, originally from the south-east and having benefited from Matata's support, also having his base of support in the east. Attacks on President Tshisekedi's own ethnic community, the Luba, has further reinforced this East-West polarization.

On development related challenges, Félix Tshisekedi stood out as a champion of basic social services, particularly free education. Primary education and maternity care became free during his first term. Despite the perverse effects of the education measures (whose limitations indeed should be corrected), the World Bank has hailed its success, particularly the fact that a million children have returned to school. The Congolese population is expecting the re-elected President to consolidate these programmes and, in particular, to overcome their perverse effects. For example, while the free primary school programme has substantially increased the number of children attending school, the adaptation of schooling infrastructure and the recruitment of additional teachers and school equipment, largely remained absent. The results are classes of up to one hundred pupils, which obviously leads to a drop in the quality of teaching. As for the free childbirth programme for women, it's important to remember that maternity is one of the most lucrative services in hospitals, many of which are already struggling to stay afloat. By making this service free, without receiving substantial compensation from the government, these services become financially fragile, which could have dire consequences for the quality of care in general.

Another expectation raised during the elections is the further investment in the local development programme for the country's 145 territories, which was originally intended to give the State a presence in remote areas and reassure residents that the central government would take their needs into account. This crucial programme was launched without the necessary preparation though. The haste of its implementation is probably linked to the needs of last December's electoral campaign. If nothing is done to monitor its implementation, it risks ending up in a series of trials similar to the so-called

100-day trial during President Tshisekedi's first term in office. This trial was centered around the charges of the embezzlement of money earmarked for public housing and involved a number of close collaborators of the President himself. Such risk is all the more pertinent because the Congolese president owes part of his re-election to his alliances with a number of major players in Congolese political life who have been named in corruption cases and who may constitute an obstacle to his policies.

There is also the issue of income redistribution, which is another crucial challenge that received wide attention from Congolese voters. More and more voices are being raised to denounce the very high costs that go with the functioning of the country's institutions to the detriment of development projects. With its slogan 'The people first' during his first five years in power, President Tshisekedi's political party promised to invest in community projects (particularly in agriculture, energy and infrastructure), to increase employment and combat famine. 'The people first' slogan, however, was often criticized by the Congolese people for failing to keep its promises. The eventual success of the new mandate lies in the regime's ability to ensure that 'the people first' ceases to be a slogan and becomes a reality for the millions of Congolese living in poverty.

In terms of improving governance conditions, much remains to be done as well. The good news is that the State's public finances improved during the first mandate and quadrupled from \$4 billion to \$16 billion. However, even though these results were achieved thanks to the relentless efforts of the Inspectorate General of Finance, relaunched by President Tshisekedi, they have yet to have an impact on the daily lives of the average Congolese. What's more, the Congolese currency continues to lose value against the US dollar and the institutions of the Republic continue to consume the bulk of the national budget. Congolese voters also expect the President to consolidate democratic rule and the rule of law by ensuring the independence of the judiciary and driving forward necessary reforms. Intending to stay in power by maneuvering for a third term through a constitutional revision should not be part of these reforms even if there is no shortage of projects, appeals, studies or reflections on a 4th Republic in Congolese public debate. The temptation is there, but President Tshisekedi will not be accepted to succumb to it.

At the end of his second term, he should organize the best possible elections so that his successor can enjoy stable and indisputable legitimacy.

These are just some of the promises and challenges that have been repeated and debated during the latest electoral process and on which President Tshisekedi will be held accountable during his second term. All these challenges are fundamentally social in nature, insofar as they directly affect the living conditions of the Congolese people, who have been exposed to numerous atrocities and extreme poverty for many decades. From this point of view, the question for the international community is not simply to observe whether the Congolese president will be able to succeed, but to be strategic in its support to the newly appointed government and condition this support to the commitment to materialize these promises and to relieve the suffering of the Congolese people. For this to happen, President Tshisekedi, his party and his parliamentary majority must also send a clear and strong message that they take seriously the tackling of those governance issues denounced every day by the Congolese people and that complicate their daily lives: corruption, nepotism, politicization of the public administration, laxity in the face of illegal acts and the lack of performance at all levels. It is through listening to the cries of alarm from civil society and the political opposition, and the impartial and sincere fighting against these governance issues, that the Congolese people expect to see the realization of their aspirations and the promises behind the slogan 'the people first' fulfilled.

