



Elections in DR Congo: Reducing the Risk of Violence

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Headquarters

International Crisis Group

Avenue Louise 235 • 1050 Brussels, Belgium

Tel: +32 2 502 90 38 • brussels@crisisgroup.org

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Principal Findings

What's new? The Democratic Republic of Congo (DRC) is launching a new electoral cycle in December 2023, to last throughout 2024, in perilous conditions. President Félix Tshisekedi is standing for a second term in the midst of armed conflict in the east of the country. The opposition is fragmented and suspicious that the electoral commission will favour the ruling party.

Why does it matter? After the disputed elections in 2018 and the ensuing violence, these polls will be crucial for consolidating democratic progress in the DRC. The lack of consensus over management of the electoral process increases the risk of contested elections and related violence, which could undermine the country's stability.

What should be done? The government should limit abuses by the security forces, the electoral commission should better guarantee transparency and all parties should denounce inflammatory rhetoric. International partners should help the parties find political compromises and prepare for mediation if the results are contested.

Executive Summary

The Democratic Republic of Congo (DRC) is heading for elections in December 2023 and throughout 2024 in perilous conditions. Fighting in the east and other areas has left more than a million citizens without voter cards. The opposition, faced with increased government repression and a National Independent Electoral Commission (CENI) that they see as biased in favour of the ruling party, is tempted to reject each step. Meanwhile, the risk of localised violence is high. A close or contested presidential result could also lead to a national crisis, as it did in 2018. To mitigate these risks, the government should make sure all parties can campaign free of intimidation and unwarranted restrictions. It should ensure the CENI, which itself must pay its staff and fight against the extortion of voters, is adequately funded. Outside actors, notably African and Western powers, should encourage politicians to compromise, call out abuses, continue to support domestic poll observers and prepare for mediation in case it is needed.

As the race enters its final stretch, President Félix Tshisekedi suffers from some weaknesses, but nevertheless is in a strong position to be re-elected. His record in office is hardly gleaming, as security has deteriorated in several areas and the country's mineral boom has failed to improve the lives of the average citizens. Recently, he nevertheless strengthened his position by adding several political heavyweights to his coalition. The opposition, on the other hand, hopes to capitalise on Tshisekedi's poor record, especially on security. But it is fragmented and faces considerable obstacles, not least of which is how to campaign in this vast country with extremely poor infrastructure. Meanwhile, there are few signs that, for the presidential elections, opposition leaders will agree to limit the number of presidential candidates and thereby reduce the risk of seeing their vote fracturing.

Political tensions are rising. Preparations for the polls have included controversies and missed opportunities for improvement, and even now the CENI faces considerable logistical and political challenges. Throughout, the CENI and the government have shown little regard for the need for transparency and failed to engage seriously with civil society observer missions, meaning the consensus required for elections to run smoothly is sorely lacking. Voter registration was imperfect, but more importantly, fighting between the armed forces and the 23 March Movement (M23) insurgent group in North Kivu and problems of insecurity elsewhere have left more than a million citizens without voter cards. Renewed clashes at the start of October between the M23 and the army and government-aligned groups has raised fears that even those with voter cards may not be able to vote due to insecurity. In many areas, electoral officials appear to have blocked people from registration on spurious grounds or extorted money from them in return for registration.

Meanwhile, the authorities have maintained a "state of siege" (a form of martial law) in two eastern provinces and are suppressing demonstrations and meetings elsewhere – limiting freedoms necessary for a peaceful campaign. On 12 October, President Tshisekedi announced a partial lifting of the state of siege, but respect for political freedoms remains a concern in the heavily militarised eastern provinces.

These problems create multiple risks of unrest over the electoral period and increase the chances of a contested result. On 30 August, troops from the Republican Guard massacred more than 50 civilians preparing for a protest, demonstrating the acute risks of abuses by the security forces when election campaigning gets under way. Other risks include clashes between party supporters; an uptick in attacks by armed groups in the east and around Kinshasa; and violent disputes at polling stations if officials refuse voters their rights or force them to pay to cast their ballot. In addition, there is a strong risk of electoral tensions spilling over into clashes between rival communities already at loggerheads over issues such as local leadership, land use and access to mining sites. All these risks are heightened by irresponsible inflammatory language both on- and offline.

If losing parties or their backers do not accept the results, then a wider political crisis could develop, which could be severely exacerbated if fighting continues or worsens in the east. In short, a poorly run election with so many citizens excluded from voting would be a huge setback for the DRC's effort to chart a more democratic future and, in the long term, a path out of poverty and war. A wider crisis over the elections' outcome is by no means inevitable. But if it occurred, rivalrous neighbours and regional actors might not be able to step in to mediate or otherwise find a solution. Many are engaged in fighting armed groups in eastern DRC with minimal coordination or even shared understanding of the goals of their operations. Indeed, some have a long history of backing some groups as a means to extend their own influence in the country.

The main actors, and particularly the government and the CENI, can take some key actions to reduce the chances of either localised violence or a wider crisis.

- ❑ The government must keep its security forces in check in order to allow for all parties to campaign. It should minimise restrictions on political meetings, while party leaders should call on their supporters to not use violence during protests. Both government and opposition must call out inflammatory language online or in campaign meetings.
- ❑ The government should shore up confidence in the security forces, by ensuring regional balance in the wave of recruitment currently under way, thus addressing worries about impartiality.
- ❑ Following the partial lifting of the state of siege in North Kivu and Ituri provinces, authorities must be particularly vigilant to ensure respect for political freedoms in these areas during the electoral period.
- ❑ The government should make sure the CENI is adequately financed. The CENI should prioritise budget transparency to maintain public trust and ensure that its staff are paid and sanction any attempts to extort voters.
- ❑ International actors, starting with African powers who have influence in Kinshasa, and also Western powers, should encourage the government and opposition to reach compromises on the issues above and stand ready to offer mediation in the event of contested results. They should continue to support domestic election observer groups.

Brussels/Nairobi, 30 October 2023

Elections in DR Congo: Reducing the Risk of Violence

I. Introduction

The Democratic Republic of Congo (DRC) has entered its fourth electoral cycle since the end of the civil and regional wars of the 1990s and 2000s amid rising political tensions. Insecurity in the country's east is making it more difficult to organise polling. Some opposition members, facing government repression and feeling sceptical of the reliability of electoral preparations, may contest the election results when the time comes.

Despite an ambitious timetable, the electoral commission (CENI) has so far met the deadlines for the 2023 and 2024 ballots. Barring unforeseen circumstances, the presidential, legislative, national and provincial elections will take place on 20 December. At the end of August, however, the CENI limited the election of communal councillors – initially scheduled for the same date – to communes located in the provincial capitals.¹ Indirect elections for provincial senators, governors and vice governors will be held between late February and early March 2024. Elections for mayors, burgomasters and sector chiefs are slated for between March and September 2024.

At the close of registration on 23 April, the CENI had registered 47,299,364 voters of the expected 49,273,109, a rate of 97.14 per cent.² Following a controversial external audit, the body reduced the number of voters to 43,955,181.³ The opposition and civil society groups have disputed these numbers.

Several distinctions set the forthcoming elections apart from previous ones. First, these are the first elections to be held under President Félix Tshisekedi, who came to power in January 2019 after a controversial election and has announced his candidacy for a second term.⁴ Secondly, the electoral commission for the first time will be organising municipal elections. The government has repeatedly postponed these elections since 2006 under various pretexts. Lastly, 2023 is the first year that the voter roll will include Congolese living abroad in five pilot countries: Belgium, Canada, France, South Africa and the United States.

Despite the expansion of the electorate, the precarious security situation and enduring mistrust among opposition members pose potential threats to voter turnout and could challenge the legitimacy of the electoral process. The exclusion of over one

¹ “Press release n°044/CENI/2023”, CENI, 22 August 2023. Although conflicts in certain territories were officially named as the cause, the commune elections were likely cancelled due to a lack of candidates on the eve of the candidature submission deadline. The communes are the smallest level of Congolese administration, below territories and provinces.

² At the end of the external audit on 21 May, 3,344,183 voters were removed, bringing the final register down to 43,955,181 valid voters. “Press Release n°02/CENI/2023”, 22 May 2023.

³ “Press Release n°024/CENI/2023”, CENI, 22 May 2023.

⁴ See Crisis Group Statement, “DR Congo: A Recount and Talks to Find a Way Out of the Crisis”, 19 January 2019.

million voters who have been unable to register – due notably to insecurity in the east, where armed groups are active – adds to the challenges. The rebellion of the 23 March Movement (M23) in particular, which resurfaced in the North Kivu province at the end of 2021 and is supported by Rwanda, poses a significant security risk. In addition, inter-ethnic violence in the west, specifically in the territory of Kwamouth (province of Mai-Ndombe) and in the commune of Maluku (city-province of Kinshasa) has adversely affected voter registration.

The forthcoming elections may deepen divisions in a nation scarred by the violence of armed groups, security force abuses and rising tensions between the country's various communities.⁵ The inability to conduct elections in territories in the east, currently under the control of armed groups and facing the resurgence of the M23 rebellion, may contribute to the further political marginalisation of the region. Over the past three decades, issues of communal identity have triggered violence in the east, and renewed disputes could either escalate existing conflicts or ignite new ones. Moreover, suspicions of an unfair or rigged election could exacerbate political and intercommunal tensions. In regions like Katanga, the stronghold of both former President Joseph Kabila and leading opposition figure Moïse Katumbi, such suspicions could blow up into severe violence.

This report delves into the requirements to mitigate the risk of violence surrounding the forthcoming elections, with the overarching goal of ensuring that this electoral cycle contributes to fostering peace and stability in the DRC. It provides an overview of the key political actors and the primary conflict-affected regions, an assessment of the electoral preparations, an analysis of the escalating inflammatory rhetoric and an exploration of the challenges that remain. The report presents recommendations for how the government, the electoral commission and international stakeholders can work to minimise the risk of violence before, during and after the elections.

The report is based on insights from over 70 interviews primarily conducted in Kinshasa and the provinces of Haut-Katanga and North Kivu, mainly spanning the period from February 2022 to September 2023. Crisis Group spoke with national and provincial political figures from both the majority and opposition camps, civil society leaders, electoral experts, diplomats and representatives from international organisations engaged in electoral matters. Among Congolese politicians, where women are under-represented, most of the interviewees were men, though the sole woman presidential candidate was also among them. In contrast, interviews with civil society and international organisations, where women are better represented, reflected a more balanced gender distribution.

⁵ Crisis Group interviews, political leaders, opposition presidential candidate, February-April 2023.

II. The Contenders' Risky Strategies

The Congolese political landscape consists of a diverse presidential majority and a fragmented opposition revolving around approximately half a dozen leaders. As the December elections approach, President Tshisekedi appears to be the front runner. He succeeded in turning the political tide in his favour from 2020, wielding influence over the electoral machinery and drawing numerous opposition figures into his fold. In contrast, the opposition faces challenges, with the single-round ballot giving it little room for manoeuvre. As the elections loom, the opposition seems unable to present a unified front, with prominent figures evoking the possibility of rejecting the poll's results.⁶ Such a scenario raises profound concerns about the viability of the forthcoming electoral cycle.

A. *Tshisekedi and the Logic of Electoral Alliances*

In 2019, Félix Tshisekedi assumed the presidency, following a contentious election in which his party secured only 32 of the 500 parliamentary seats. This showing compelled him to collaborate with his predecessor, Joseph Kabila, who wielded considerable influence in the parliament and whose networks were still deeply embedded in the administration and security services. Nonetheless, by the end of 2020, Tshisekedi had in effect gained control of most of the key state institutions through strategic appointments and the enlistment of numerous parliamentarians in his cause. In December 2020, Tshisekedi's allies ousted Kabila's supporters from their remaining leadership positions, notably removing National Assembly President Jeanine Mabunda, thereby marking the end of this complex alliance.

Liberated from the overpowering influence of his predecessor, Tshisekedi has had to navigate a pluralistic and highly fluid political landscape as he sought alliances to form a parliamentary majority. His party, the Union for Democracy and Social Progress (UDPS), enjoys substantial popular support in the capital, Kinshasa, and in his native Kasai region. But its influence is limited in the densely populated east and in the economically pivotal parts of the former Katanga province divided in 2015. Thus, Tshisekedi formed the Sacred Union of the Nation (*l'Union Sacrée de la Nation*) coalition in early 2021 by incorporating supporters of several notable rivals, including Moïse Katumbi, the former governor of Katanga province.

The Sacred Union underwent a major reshuffle at the end of 2022 and the start of 2023. In December 2022, Katumbi left the coalition, taking with him around 30 of the 70 MPs linked to his party within the Sacred Union's parliamentary group and three of the six ministers affiliated with his political platform, Ensemble pour la République.⁷ Although Katumbi's departure was expected, given his widely known presidential aspirations, it provided an opportunity for Tshisekedi to forge alliances with other influential figures who had not declared an intention to run in the forthcoming pres-

⁶ Crisis Group interviews, MPs, opposition leaders, political party officials and political analysts, Kinshasa, Goma, Nairobi and by telephone, February-May 2023.

⁷ Some of Katumbi's former allies, such as Foreign Minister Christophe Lutundula, chose to support Tshisekedi.

idential election. This strategic shift came about in March 2023, with the ministerial appointments of Jean-Pierre Bemba, Vital Kamerhe and Mbusa Nyamwisi.⁸

Tshisekedi's strategic calculation undoubtedly hinges on the expectation that the newly appointed ministers can garner support in regions where his party traditionally faces challenges. Specifically, Bemba's influence extends to the north west, while Nyamwisi and Kamerhe have influence in the east. It came as no surprise therefore that Kamerhe's Union for the Congolese Nation (Union pour la Nation Congolaise, or UNC) endorsed Tshisekedi's candidacy for president.⁹ The three men also have electoral experience, having already stood as presidential candidates themselves.

This strategic move carries risks, however, given the controversial backgrounds of the three figures. Kamerhe, Tshisekedi's former chief of staff, served two years in prison for corruption, before being acquitted and released in August 2022.¹⁰ The International Criminal Court had convicted Bemba, a former warlord, of threatening witnesses in a case involving the Central African Republic, but acquitted him on appeal of war crimes charges in 2018.¹¹ The Constitutional Court prevented Bemba from standing in the 2018 presidential election because of this conviction. Nyamwisi, who was foreign minister under Kabila between 2007 and 2008, also has a contentious history as a warlord in the provinces of North Kivu and Ituri.¹²

Despite being the front runner in the forthcoming elections, Tshisekedi has some political vulnerabilities. Rivalries within his party and close circles project a picture of continuous tumult. A pattern of falls from grace, corruption allegations and swift shifts in position has sullied the careers of prominent figures in the regime.¹³ In addition, Tshisekedi's record is rather poor in terms of security and prosperity.¹⁴ Nevertheless, he maintains control of state institutions and seems consistently able to attract political actors at all echelons, leveraging the advantages he holds over the fragmented opposition.

⁸ "Félix Tshisekedi réaménage le gouvernement: Bemba, Kamerhe, Mbusa Nyamwisi, Peter Kazadi, intègrent l'exécutif national", *Radio Okapi*, 24 March 2023.

⁹ "En RDC, l'UNC de Kamerhe votera Tshisekedi", *Jeune Afrique*, 19 August 2023.

¹⁰ "RDC : l'acquittement très politique de Vital Kamerhe", *Afrikarabia*, 26 June 2022; "Vital Kamerhe : les dessous d'une tournée à haut risque", *Politico.cd*, 22 September 2022.

¹¹ Crisis Group Africa Briefing N°140, *DR Congo: The Bemba Earthquake*, 15 June 2018.

¹² Judith Verweijen, "Pompier-Pyromanocracy: Mbusa Nyamwisi and the DR Congo's Inflammable Post-settlement Political Order" in Anders Themnér, *Warlord Democrats in Africa: Ex-Military Leaders and Electoral Politics* (London, 2017).

¹³ The most emblematic case of these alliance reversals was the fall from grace of Jean-Marc Kabund. In early 2022, while serving as interim president of the presidential party, and formerly first vice president of the National Assembly and one of the main organisers of the Sacred Union, Kabund came into conflict with other UDPS figures. In September, he was sentenced to seven years in prison for contempt of the head of state. "En RDC, Jean-Marc Kabund condamné à sept ans de prison", *Jeune Afrique*, 13 September 2022.

¹⁴ "RDC : la cote de popularité de Tshisekedi en 'chute vertigineuse'", *La Libre Afrique*, 25 March 2022.

B. *The Opposition: The Challenges of Unity and Coherence*

The opposition to Tshisekedi appears divided and scattered. As expected, most of the anticipated candidates have put their names on the ballot, including the main figures in the opposition. Notably, three influential men with considerable national and international standing are gearing up for the race: the former governor of Katanga, Moïse Katumbi; the former prime minister, Augustin Matata Ponyo; and Martin Fayulu, who independent assessments deemed the rightful winner of the 2018 election.¹⁵ The renowned gynaecologist and Nobel laureate, Denis Mukwege, initially expressed reservations but ultimately declared his candidacy on 2 October.¹⁶ On 19 October, the electoral commission validated all 24 presidential candidatures, referring them to the Constitutional Court for final approval before 18 November.

These four opposition leaders have intermittently sought to forge closer ties and collaborate on joint initiatives. After a gathering in Lubumbashi in April, they released a communiqué sharply critical of the Tshisekedi regime and announced protests in Kinshasa in May, citing concerns about a “chaotic electoral process”, among other things. The security forces responded to the demonstrations with violent crackdowns.

Although Mukwege’s candidacy was anticipated, it has reshuffled the cards within the opposition and for the electoral game as a whole. Historically criticised as the candidate who draws on foreign support, his unwavering stance on electoral deficiencies, which could draw heightened attention from his numerous international contacts and allies, appears to be unsettling the ruling majority. His lack of political experience creates an image of integrity in a political landscape marred by corruption and embezzlement. Tshisekedi has recognised the threat posed by this newcomer who, along with Katumbi, has become the target of his attacks.¹⁷ Mukwege’s status as a high-profile outsider grants him greater latitude, particularly in encouraging opposition actors to “play together” if they intend to succeed against Tshisekedi.¹⁸

Former President Kabila, considerably weakened since 2020, is the only heavy-weight not to take part in the presidential election, as his platform has boycotted all phases of the process.¹⁹ His entourage and family occasionally make political statements, mostly criticising Tshisekedi’s performance, but these actions seem geared primarily toward maintaining sufficient influence to safeguard the family’s economic interests.

Although Tshisekedi’s poor track record might offer his opponents a glimmer of hope, they are grappling with substantial challenges. Their political programs hardly differ from one another and are not well known. Each opposition leader is strongly associated with a given region and is therefore forced to seek alliances with politicians from other regions in order to gain influence at the national level. But the significant distrust among the candidates and their individual aspirations make sustain-

¹⁵ “RDC : une fuite de documents révèle que Martin Fayulu serait le vainqueur de la présidentielle”, *Jeune Afrique*, 15 January 2019.

¹⁶ “En RDC 100 000 dollars remis à Denis Mukwege pour sa candidature à la présidentielle”, *Jeune Afrique*, 17 Septembre 2023.

¹⁷ “RDC : Mukwege, première cible du candidat Tshisekedi”, *actualite.cd*, 7 October 2023; “Présidentielle: des piques de F. Tshisekedi à Katumbi et Mukwege”, *Mediacongo*, 10 October 2023.

¹⁸ “Denis Mukwege : l’idéal est de trouver un candidat commun”, *Mediacongo*, 9 October 2023.

¹⁹ “Présidentielle en RDC, qui sera sur la ligne de départ ?”, *La Libre Afrique*, 11 September 2023.

ing such alliances exceedingly difficult.²⁰ In the general elections, local politicians will attempt to align with larger parties, yet these alliances are bound to be largely opportunistic and inherently unstable.

With a multitude of candidates and lacking a robust alliance, the opposition faces a daunting challenge in attempting to unseat Tshisekedi in a single-round presidential election.²¹ Given Tshisekedi's advantageous position in controlling government resources and enjoying some popular and regional support, the more dispersed the opposition vote is among various candidates, the less likely they are to accumulate more votes than the incumbent president. This scenario leaves open the possibility of Tshisekedi securing victory with a narrow majority.

Some opposition figures, like Mukwege, are considering forming an alliance around a common candidate. Initiating an alliance late in the process, however, could pose significant risks. Some analysts suggest that the scattering of candidates could be a deliberate strategy. The opposition may be trying to delay choosing its leader in order to avoid their premature exclusion by reputedly government-aligned electoral bodies.²² Yet this strategy is not without its pitfalls. The final candidate list will be disclosed one day before the election campaign starts, just one month before the election, leaving the selected candidate with very limited time to prepare for the contest. Moreover, as in 2018, the electoral commission might keep the names of all the candidates on the ballot papers, including those who have withdrawn, thereby minimising the effect of the alliance.

Confronted with these challenges, several opposition leaders have consistently decried the alleged manipulation of elections and declared their readiness to reject the results.²³ Kabila is well known for his rejectionist stance. Fayulu's party, Engagement for Citizenship and Development (Engagement pour la Citoyenneté et le Développement), took part in the registration process, but put forward no candidates for the national and provincial legislative elections, demanding an independent audit of the voter roll beforehand.²⁴ Other opposition figures, having initially contemplated a boycott, eventually joined the process, presenting candidates for the legislative elections and putting themselves forward for the presidential race. Yet the fact that a segment of the opposition is now involved in the electoral process does not preclude the risk that they may later reject both the process and its eventual outcomes.²⁵

²⁰ Crisis Group interview, opposition MP, Kinshasa, February 2023. "RDC : Le défi de l'opposition sera de créer une nouvelle dynamique autour d'une ou deux candidatures", RFI, 9 October 2023.

²¹ Crisis Group interviews, Lamuka coalition manager, Kinshasa, October 2022; Fayulu's senior party officials and activists close to Matata in Kinshasa, November 2022, February 2023 and July 2023. See also "La question du candidat commun ne se pose pas encore" (Martin Fayulu), *dw.com*, 29 September 2023.

²² Crisis Group telephone interview, diplomat, September 2023.

²³ Crisis Group interview, opposition leader, April 2023. Martin Fayulu, "DR Congo is heading towards another sham election", Al Jazeera, 30 April 2023. See also "Press release of 29 May 2023", signed by Moïse Katumbi, Matata Ponyo, Martin Fayulu and Sessanga Hipungu, after publication of the provisional distribution of seats in parliament by the CENI.

²⁴ "RDC : L'opposant Martin Fayulu boycotte le processus électoral", Agence Anadolu, 19 June 2023.

²⁵ Crisis Group interview, opponent, Kinshasa, July 2023.

III. Areas at Risk

The imminent elections pose a significant risk of violence before, during and after the vote in regions where insecurity or political and social tensions are rife. The eastern areas, which have been grappling with violence by armed groups, face elevated risks. In particular danger are North Kivu, partially occupied by the M23 rebels, as well as the four provinces of the Katanga region.

A. *The M23 in North Kivu: Threats to the Elections*

Despite the Sun City agreement of 2002, which officially, though not in effect, marked the end of the DRC's wars, the eastern part of the country remains a stronghold for numerous armed groups, posing a serious threat to the elections.²⁶ These groups often maintain ties with political leaders, who may use them to intimidate opponents and civilians, or leverage them as bargaining tools in various political negotiations.²⁷ Some groups defend a particular ethnic group and others come from neighbouring countries. Among the latter, some groups are supported by neighbouring governments, while others are determined to overthrow them, resulting in a series of proxy wars spanning over two decades.²⁸ In September, the government in Kinshasa, whose army has benefitted from the support of armed groups in the war with the M23, enacted a law establishing the armed defence reserve, which legalises collaboration between some so-called "patriotic" armed groups and the national army.²⁹

At the start of his mandate, President Tshisekedi pledged to eradicate insecurity in the east. In May 2021, he declared a "state of siege" in North Kivu and Ituri, allowing the military to assume control of local administration. Despite this measure, the situation in North Kivu has significantly worsened since. In November 2021, the M23 rebels took up arms again, a decade after the Congolese army defeated and subsequently exiled them to Uganda and Rwanda. The Congolese forces at the time received robust UN support in the form of MONUSCO's Force Intervention Brigade and diplomatic pressure from Western and African nations. Well-equipped and organised, the rebellion has rapidly gained ground on the Congolese army. According to the UN Group of Experts, "In late February 2023, M23 controlled an area twice the size of the territory it had controlled in early November 2022".³⁰ Despite the presence of a regional force comprising troops from the East African Community (EAC),

²⁶ According to the coordinator of the national disarmament program, 252 local armed groups and fourteen foreign armed groups were active in April. See "RDC : le P-DDRCS dénombre 252 groupes armés locaux et 14 étrangers actifs dans cinq provinces de l'Est", *actualite.cd*, 19 April 2023. See also the figures from the Kivu Security Barometer, www.kivusecurity.org.

²⁷ Crisis Group interview, civil society experts, Goma, March 2023.

²⁸ See Crisis Group Africa Briefings N°150, *Averting Proxy Wars in the Eastern DR Congo and Great Lakes*, 23 January 2020; and N°181, *Easing the Turmoil in the Eastern DR Congo and Great Lakes*, 25 May 2022. See also Jason K. Stearns, *The War that Doesn't Say Its Name: The Unending Conflict in the Congo* (Princeton, 2021).

²⁹ "RDC : le gouvernement adopte le projet de décret relatif à la mise en œuvre de la loi portant institution de la réserve armée de la défense", *actualite.cd*, 3 September 2023.

³⁰ "Final Report by UN Group of Experts on the Democratic Republic of the Congo (DRC)", UN Group of Experts, June 2023.

the rebellion has maintained control of extensive areas in the Masisi and Rutshuru territories in North Kivu.

Officially, the M23 asserts that its activities are intended to defend Congolese Tutsis from discrimination and persecution while advocating for the return of Congolese Tutsi refugees. The group likely harbours additional objectives, however.³¹ Its swift takeover of customs posts and other state facilities suggests financial interests. Many analysts posit that the M23 with its recent actions is aiming to exert pressure on Kinshasa to grant amnesty to its leaders. According to the UN Group of Experts, the Rwandan army “engaged in specific operations and provided troop reinforcements to M23 with the aim of seizing or reinforcing strategic areas”.³² Crisis Group has also collected testimonies confirming Rwanda’s support for the M23.³³

The M23’s resurgence has had several significant consequences. First, Kinshasa and Kigali have accused each other of supporting hostile armed groups, prompting various regional organisations to initiate mediation efforts and accelerate new military deployments.³⁴ After Kinshasa joined the EAC at the beginning of 2022, the coalition deployed a force based mainly in North Kivu in November of the same year to combat armed groups, including the M23.

The Congolese side, however, criticised the force’s perceived passive approach to the M23’s growth. In May, Tshisekedi invited the Southern African Development Community (SADC) to deploy its own force to fight the M23, adding to the international cacophony around the crisis in North Kivu.³⁵ As of September, however, SADC member governments had not yet sent these troops, while the EAC extended its own force’s mandate by three months.³⁶ Meanwhile, attempts by neighbouring countries, notably Angola, to relaunch talks between Kinshasa and Kigali, and possibly between Kinshasa and the M23, have stalled.

In addition, tensions with Kigali have fostered a hostile environment in which alleged Rwanda supporters increasingly face intimidation (see Section IV.C below). The ensuing paranoia might have contributed to large-scale abuses, such as the Goma massacre on 30 August, described below.³⁷ Popular anger has not spared the authorities in Kinshasa, either, as many feel the Congolese government is neglecting the plight of people in the east.³⁸

³¹ Crisis Group interview, M23 spokesperson, August 2022. See Crisis Group Statement, “Regional Powers Should Drive Diplomacy in DR Congo as M23 Surrounds Goma”, 30 November 2022. For more on the M23, see Jason Stearns, “From CNDP to M23”, Rift Valley Institute, 2012.

³² “Final report of the Group of Experts on the Democratic Republic of the Congo”, UN Group of Experts, op. cit.

³³ Crisis Group interviews, Rwandan with direct knowledge of M23 recruitment on Rwandan territory, June 2023, and diplomats, 2022-2023.

³⁴ Crisis Group Commentary, “A Dangerous Escalation in the Great Lakes”, 27 January 2023.

³⁵ “Face au M23, la force régionale de la SADC déployée en septembre ?”, *Jeune Afrique*, 17 July 2023.

³⁶ “22nd Extra-Ordinary Summit of the East African Community Heads of State Communiqué”, EAC, September 2023.

³⁷ Richard Moncrieff and Onesphore Sematumba, “Massacre in Goma Clouds DR Congo’s Elections and UN Mission’s Future”, Crisis Group Commentary, 15 September 2023.

³⁸ See the controversy surrounding comments made by a Congolese official to international investors, stating that there is no war in the DRC, “Les propos tenus par le patron de l’IGF Jules Alingete à Houston créent la polémique en RDC”, RFI, 29 April 2022.

The M23's resurgence has also exacerbated humanitarian and social challenges. According to government sources, the war with the M23 has displaced 2.39 million people, destroyed 318 schools, and led to significant fiscal losses and other damage.³⁹ This war and the abuses by the predominantly Tutsi M23 are also fuelling tensions between Congolese communities that are likely to last into the election period (see Section IV.C below).⁴⁰

Women are the most vulnerable to these abuses, particularly in displacement camps, where they are generally in the majority and, for the most part, the sole providers for their families. In a region for many decades marked by recurring and cyclical violence against women by armed men, simply going outside the camp poses a threat.⁴¹ Violence against women and girls in North Kivu increased by 37 per cent in the first quarter of 2023 compared to the same period in 2022.⁴² This increasing vulnerability is also likely to hinder women's participation in the elections, especially if the polling stations are too far from their homes.

Lastly, the M23's actions have significantly hampered election preparations. Since seizing control of a significant portion of North Kivu in 2022, the group has established an alternative administration and blocked all the CENI's operations. Reports suggest that the M23 has sought to trade voter registration in regions it controls for direct negotiations with Kinshasa, an offer rejected by the capital. Additionally, there are indications that the group has attempted to link voter registration with the repatriation and enrolment of M23 fighters' family members exiled in Rwanda and Uganda.⁴³

In the eastern DRC, conditions for elections are far from optimal. The CENI nevertheless began registering voters in North Kivu in mid-February, but the process ended before it was complete.⁴⁴ Even with two extensions to the registration period and efforts to enrol voters in displacement camps, over a million eligible voters, mainly in North Kivu, were not signed up when registration closed in April. To address this issue, the CENI has proposed reserving the same number of seats for these constituencies as in 2018, allocating them at the conclusion of the legislative elections, but with voting likely to be postponed until 2024.⁴⁵ A prolonged delay in holding these elections in North Kivu would have significant repercussions, however, as neither the Provincial Assembly, the National Assembly nor the Senate would be fully formed.

³⁹ "La RDC présente son nouveau 'livre blanc' sur l'ampleur de la catastrophe dans l'est du pays", RFI, 15 September 2023.

⁴⁰ In Goma, Crisis Group witnessed cases where candidates for electoral registration were stigmatised and excluded, suspected of being Rwandan or Tutsi.

⁴¹ Sophie Neiman, "Sexual violence plagues women displaced by DR Congo's M23 conflict", *The New Humanitarian*, 12 July 2023. "RDC : MSF alerte sur le nombre alarmant de victimes de violences sexuelles dans les sites de déplacés autour de Goma", Médecins Sans Frontières, 18 May 2023.

⁴² "UNICEF calls for urgent action to respond to alarming levels of increasing sexual violence against girls and women in eastern DRC", press release, UNICEF, 18 May 2023.

⁴³ Crisis Group interviews, eminent public figure from North Kivu, Kinshasa, February 2023.

⁴⁴ According to the CENI's statistics, there are 3,026,907 voters in North Kivu, excluding the territories of Masisi and Rutshuru where registration has not taken place. See press release n°24/CENI/2023, op. cit.

⁴⁵ "Avant-projet de loi portant adoption de la répartition des sièges par circonscription électorale pour les élections législatives, provinciales, municipales et locales", CENI, May 2023.

Clashes between the government and armed groups have continued and intensified since the 30 August Goma massacre. Elements of the Republican Guard, the elite army unit responsible for protecting the head of state, massacred more than 50 members of a messianic sect in Goma.⁴⁶ The province's military governor was dismissed a fortnight after the massacre.⁴⁷ A new military governor was appointed for the province while a disparate coalition of local militias, known as the Wazalendo (Patriots), mobilised against the M23.⁴⁸ Following intense fighting on 1 October, several portions of Masisi and Rutshuru territories fell into the hands of the Wazalendo, allowing the army to redeploy in some of these areas.⁴⁹

The Wazalendo's apparent military successes might prompt the army and its local auxiliaries to step up the fighting. As the foreign minister stated in New York, the objective would be to oust the M23 from the areas it controls in order to organise voter registration and elections scheduled for December.⁵⁰ This potential triumph against the rebellion would represent a significant political and electoral gain for Tshisekedi, particularly in a region where his popularity has suffered due to his inability to curb insecurity. The Wazalendo have also called on the electoral commission to begin registering voters in the areas of Masisi that have already been recaptured, although the situation there remains volatile.⁵¹

This undertaking is high-risk, however, given the already worsening humanitarian conditions since the initial offensives. The unstable situation in these regions, marked by civilian casualties, village fires and mass displacement, impedes the resumption of voter registration at this point.⁵² The clashes could also escalate and spread to previously unscathed areas, such as the town of Goma, and compromise the electoral process in North Kivu by considerably increasing the number of people who are, in effect, disenfranchised. Moreover, if fighting intensifies, the M23 may seek reinforcements to maintain control of Rutshuru territory, denying Kinshasa a decisive victory. In such a scenario, Rwanda could be pulled further in to support its ally.

B. *Ethnic and Political Tensions in the Former Province of Katanga*

The former province of Katanga, divided into four provinces (Haut-Katanga, Haut-Lomami, Lualaba and Tanganyika) in 2015, enjoys significant political and economic influence, as a major centre of national politics in competition with the capital, Kinshasa. CENI statistics show 6,705,133 voters in the region, including 2,804,173 in

⁴⁶ "Massacre in Goma Clouds DR Congo's Elections and UN Mission's Future", op. cit.

⁴⁷ "RDC : Constant Ndima écarté, Peter Cirimwami nommé commandant des opérations des FARDC au Nord-Kivu", *Politico.cd*, 17 September 2023.

⁴⁸ "M23 en RDC : dix choses à savoir sur Peter Cirimwami, nouveau gouverneur du Nord-Kivu", *Jeune Afrique*, 19 October 2023.

⁴⁹ "RDC : des combats entre le M23 et les milices Wazalendo signalés dans le Masisi", RFI, 6 October 2023.

⁵⁰ "Le gouvernement déclenche le compte à rebours pour libérer les zones sous contrôle du M23", *Breve.cd*, 23 September 2023.

⁵¹ "RDC : les Wazalendo appellent à commencer l'enrôlement de la population", TV5 Monde, 12 October 2023.

⁵² "RDC : près de 85 000 personnes contraintes de fuir suite à un regain des violences au Nord-Kivu", UN News, 9 October 2023.

the province of Haut-Katanga alone, of a national total of 43,955,181.⁵³ Katanga is also the stronghold of several political players such as Kabila, Katumbi and, to a lesser extent, the former president of the Lubumbashi Bar, Jean-Claude Muyambo, who are vying to represent the region at the national level.

Katanga is marked by internal migration, leading to tensions, particularly between the Katangese and Kasaians. Known for its abundant minerals, the region plays a pivotal role in the country's economy, given that 80 per cent of state export revenues come from the mining sector. The region's prosperity has made it an attractive migration hub since colonial times. Today, Katanga attracts thousands of migrants, mainly from Kasai, a formerly diamond-rich mining area now in decline. The migration of Kasaians raises tensions that sometimes escalate into conflict, driven by competition for jobs and access to local and national power.⁵⁴

In 2015, Kabila divided Katanga into four new provinces, which gradually created new rivalries, particularly between the provincial assemblies and executives. This policy was aimed at weakening the province, according to, among others, Katumbi, who was governor of Katanga until its partition.⁵⁵ The creation of new provinces has reshuffled the cards. Of the four governors, all elected from Kabila's political alliance in 2019, two have joined the new majority, while the other two, loyal to Kabila, were replaced by candidates from Tshisekedi's Sacred Union party after 2020.⁵⁶ This top-level instability within the new provinces, often rooted in political and ethnic rivalries, has raised tensions between the pro-Kabila group, gradually losing its grip on power, and the newly elevated pro-Tshisekedi faction.

In Katanga, tensions between Kasaians and Katangese could be exacerbated by suspected election fraud. During voter registration, several observers criticised the CENI for favouring Tshisekedi. In particular, they accuse the commission of inflating the number of potential voters in Kasai, the current president's stronghold, and of failing to distribute electoral kits evenly. The CENI has rejected these allegations and promised to clean the register of any irregularities. Nevertheless, the audit of the voter roll by a commission of controversial experts did little to ease the mistrust, leading some opposition figures to consider boycotting the remainder of the process and contest the election results.⁵⁷ In the end, however, only the pro-Kabila faction chose not to participate.

Local issues add another layer of tension in Katanga. The forthcoming elections pit some remaining loyalists of the former president Kabila, as well as Katumbi's allies, perceived as "pro-Katangese", against Tshisekedi's allies, seen as "pro-Kasai".⁵⁸

⁵³ "Communiqué de presse n°024/CENI/2023", op. cit. According to the CENI's draft law on the distribution of seats (2023), the former Katanga province accounts for 73 of the 500 seats, including 31 for the city of Lubumbashi alone, compared to 56 for the city-province of Kinshasa.

⁵⁴ "RDC : l'exode des Kasaiens inquiète les Katangais", *La Libre Afrique*, 18 May 2021.

⁵⁵ Crisis Group interview, Congolese politician, Brussels, May 2019. See also Crisis Group Commentary, "RD Congo : dangereuse guerre d'influence dans l'ex-Katanga", 2 June 2017.

⁵⁶ Governors Zoé Kabila of Tanganyika and Richard Muyej of Lualaba lost their positions in May and September 2021, respectively.

⁵⁷ "RDC-Élection 2023 : Mgr Nshole sonne l'alarme sur la méfiance envers la Ceni risquant de déclencher une révolution", *l'interview.cd*, 29 August 2023.

⁵⁸ Alongside Kabila and Katumbi, the leading figures in Katangan politics, others have emerged in Tshisekedi's wake, like Prime Minister Sama Lukonde, originally from Lualaba; Guylain Nyembo,

In Lubumbashi (Haut-Katanga) in particular, some politicians fear that the large influx of Kasaians will reverse the demographic balance, leading to political upheaval. A mass election of Kasaians to the provincial parliament could lead to the election of a governor from this community at the head of the province – the governor being elected indirectly by the provincial deputies – a scenario that is all the more feared by some as it is not improbable.⁵⁹ Aware of these dynamics, some pro-Tshisekedi figures and political parties allegedly moved people from Kasai into Katanga during voter registration.⁶⁰

The political alignment of the security forces could also have particularly harmful consequences in Katanga. They are perceived not only as part of a repressive apparatus at the government's service, but also as being made up of a growing proportion of people close to Tshisekedi or native to his Kasai region. This perception is fuelled in particular by the increasingly widespread use within the Republican Guard of Tshiluba, one of four national languages, spoken mainly in Kasai.⁶¹ As the political weight of the Kasaians is already a sensitive issue in the former Katanga, heavy-handed tactics would increase the risk of unrest and violence during the electoral period.

In addition to these tensions and rivalries over national issues, there are also concerns related to the four provinces created by the 2015 partition. Each province has different resources, with Lualaba and Tanganyika relying mainly on agriculture, Haut-Katanga being the former centre of power and Haut-Lomami increasingly becoming the focus of the region's mining activities. All these provinces are competing to attract investment and state funding.⁶²

In the presidential election, Tshisekedi will certainly have the advantages of incumbency, benefitting from state resources and the support of allies in the Sacred Union, but he will not have an easy victory in Katanga. He will be up against candidates such as Katumbi, who remains a strong opponent even if some claim that he lost ground after resigning from the governorship.⁶³ The legislative and provincial elections will pose additional challenges for the outgoing president, given that the UDPS is not popular in Katanga.⁶⁴

A very close result would increase the risk of clashes between political youth groups, often organised along ethnic lines, in urban centres like Lubumbashi. In December 2022, for instance, violence erupted between *wewa* motorbike taxi drivers, seen as mainly Kasaians aligned with the UDPS, and youth from the pro-Katangan Union nationale des fédéralistes du Congo (Unafec) party.⁶⁵ On 3 July, more clashes broke out between young UDPS and Unafec activists over the collection of illegal taxes in a town car park.

the director of the president's office, originally from Tanganyika; and Dany Banza, the national MP for Haut-Katanga and the president's ambassador-at-large.

⁵⁹ Crisis Group interview, eminent public figure from Katanga, Lubumbashi, February 2022.

⁶⁰ Crisis Group telephone interview, expert researcher, Lubumbashi, May 2023.

⁶¹ Crisis Group interviews, residents, Goma, February 2022–July 2023; expert, journalist, Katanga, May 2023.

⁶² Crisis Group interview, Katanga analyst, June 2023.

⁶³ Crisis Group telephone interviews, Katanga region security experts, May 2023.

⁶⁴ Crisis Group interviews, civil society expert, Lubumbashi, February 2022.

⁶⁵ "Lubumbashi : affrontements entre jeunes de l'UDPS et de l'UNAFEC, paralysie des activités économiques", *actualité.cd*, 5 December 2022.

Just as Tshisekedi has to deal with Katumbi at the polls and the boycott of his predecessor Kabila, General John Numbi's violent outburst against the head of state on 7 October was a reminder of the complex situation in Katanga, where politics and security are inextricably linked. Numbi, a close ally of Kabila and originally from Haut-Lomami, was formerly inspector-general of the national police. He is indicted by military prosecutors for his involvement in the murder of civil society activist Floribert Cebeya and is under U.S., European and UN sanctions. In 2021, he went into exile in Zimbabwe, from where Kinshasa has tried in vain to have him extradited. In a video statement, General Numbi attacked Tshisekedi, accusing him of having lost all legitimacy and of preparing "large-scale fraud" in the forthcoming elections. He called on the army to rise up against the president.⁶⁶

Despite the government's attempts to downplay the threat, Numbi's inflammatory rhetoric may resonate within the security elite close to Kabila, individuals who may feel betrayed by the 2019 negotiations that led to Tshisekedi's ascent to power.⁶⁷ This elite, which played a prominent role in the army and security services during successive Kabila administrations, now finds many of its key figures either in prison or in exile. Although they keep a low profile, many observers are concerned that they may harbour plans for retaliation. Tshisekedi appears to be well aware of this risk. On 19 October, he appointed Eddy Kapend as commander of the military region corresponding to the former Katanga province, promoting him from colonel to brigadier general. After twenty years in prison under Joseph Kabila for his alleged involvement in Laurent-Désiré Kabila's assassination in 2001, this officer from Lualaba was granted a presidential pardon by Tshisekedi.⁶⁸ The decision to reinstate Kapend in the army and appoint him to a senior position was both a response to Numbi's nostalgia for the Kabila era and an indication that Tshisekedi is cultivating closer ties with the Katangese faction in the military.

⁶⁶ "Quand John Numbi menace Félix Tshisekedi de 'lui reprendre le pouvoir'", *Jeune Afrique*, 10 October 2023.

⁶⁷ "La réponse du gouvernement à John Numbi : 'Lorsqu'on pense être un héros, on ne devrait pas se soustraire à la justice de son pays ni prendre la fuite'", *actualite.cd*, 10 October 2023.

⁶⁸ "RDC : libération d'Eddy Kapend, condamné dans l'assassinat de Laurent-Désiré Kabila", RFI, 8 January 2021.

IV. Tensions Mount ahead of the Elections

As the presidential and parliamentary elections approach, the risks are becoming clearer. Though most opposition actors have chosen to participate, few of them have confidence in the electoral process. The government's clampdown on the civic freedoms essential to a smooth election campaign, coupled with inflammatory rhetoric heightening intercommunal tensions, raises the likelihood of violent incidents. Additionally, informed observers believe that, given the logistical and political challenges the CENI faces, it might consider postponing the polls.⁶⁹ Such a scenario remains unlikely, but if it occurs, it could significantly disrupt preparations, paving the way for protests as the opposition decries the resulting chaos.

Western governments retain a degree of influence that could be pivotal in supporting domestic observers and mitigating electoral fraud and abuses of power. Yet they have said little publicly about the deficiencies in the run-up to the elections. In recent months, their statements have simply called for an inclusive process and respect for freedoms during the election campaign.⁷⁰ This apparent reticence is largely attributed to the fact that, unlike in 2006 and 2011, the Congolese authorities did not seek international funding for the forthcoming elections, leaving outside players with limited grounds for detailed criticism of the CENI's approach.⁷¹ Furthermore, aware that delays in elections led to a national crisis between 2016 and 2018, some international actors are relieved that the electoral authorities are adhering to the timetable. As a result, they are prepared to turn a blind eye to weaknesses in the electoral preparations denounced by the opposition and Congolese civil society.

African players, in particular the African Union (AU) and its member states, who played a crucial role in mediating the 2018-2019 crisis, have not taken a clear position on electoral preparations. Their primary focus is on diplomatic initiatives to address the crisis in the eastern part of the country, where coordinating the different initiatives remains highly challenging. Observers and diplomats are concerned that little consensus will be found on supporting the electoral process in Kinshasa and that this situation could weaken international efforts should post-election mediation prove necessary.⁷²

The Congolese themselves express ambivalent expectations of their international partners. Both the government and the opposition are wary of being aligned with external powers. Although the government has expressed openness to international observer missions, its sometimes ambivalent relations with Western powers could

⁶⁹ Crisis Group telephone interviews, diplomat, legal expert, September and October 2023. See also "Denis Kadima: Le glissement ne fait toujours pas partie de notre vocabulaire", Radio Okapi, 25 September 2023.

⁷⁰ "Joint Declaration from the Embassies of the United States of America, Belgium, Canada, Czech Republic, France, Germany, Greece, Italy, Japan, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the European Union delegation", 2 June 2023. Crisis Group interviews, diplomats, London, Brussels, Kinshasa, Nairobi and by telephone, 2022 and 2023.

⁷¹ Crisis Group interviews, diplomats, Brussels, May 2023.

⁷² Crisis Group telephone interview, diplomat, May 2023.

hamper their deployment.⁷³ Yet international players, in particular the UN, but also African powers and the AU, have played an important role in sponsoring peace agreements and supporting stabilisation since the end of the regional wars in the early 2000s. They have also played an important role both in the organisation of successive elections and in the management of election-related crises. As a result, many Congolese, in power or in opposition, consider that external partners have an essential role to play in the country's affairs.

A. *The Reasons for Mistrust and Lack of Consensus*

Neither the ruling coalition nor any technical body like the CENI enjoys sufficient public trust to guarantee a smooth electoral process and uncontested results. The opposition is convinced that the CENI and the government have tilted the playing field to favour the ruling party's chances of re-election. The latest example is the contentious voter registration process and the CENI's failure to carry out a proper audit of the resulting electoral rolls. In addition, the CENI is plagued by political division among its members, further eroding its credibility.⁷⁴

Most of the points of contention that have undermined confidence in the electoral process, notably the composition of the Constitutional Court, could resurface when the vote takes place and the results are announced, probably in December and January. Domestic observers, who provided evidence of fraud in the compilation of results during the 2019 elections, could once again play a crucial role.

This lack of trust in the government can be attributed, in part, to a series of unsuccessful or non-consensual reforms and frequent institutional and political changes in the electoral preparations over the past few years. After the controversial and often violently contested election cycles of 2006, 2011 and 2018, President Tshisekedi expressed his commitment to improving the electoral system upon assuming office.⁷⁵ He first envisaged reforms such as a return to the two-round presidential ballot, to give the elected president greater popular legitimacy, and the election of senators and governors by direct universal suffrage, to reduce vote buying.⁷⁶ He soon abandoned these reforms, however, as his political alliance deemed them too risky. Instead, he pursued a series of changes to the electoral law and institutions. But under political pressure, he failed to establish a more balanced and widely accepted

⁷³ Crisis Group interviews, diplomat, Kinshasa, July 2023; legal expert, Kinshasa, October 2023. See also "Sans accréditation pour son ambassadeur, l'Union européenne en délicatesse à Kinshasa", *Africa Intelligence*, 13 October 2023.

⁷⁴ Crisis Group telephone interview, diplomat, October 2023. See also "Présidentielle en RDC : l'ANR convoque huit conseillers de Denis Kadima, le patron de la Ceni", *Jeune Afrique*, 10 October 2023.

⁷⁵ Félix Tshisekedi, "Discours sur l'Etat de la nation", 13 December 2019. In 2007, the contest between the incumbent Kabila and Jean-Pierre Bemba ended in fighting between their guards in the centre of Kinshasa. In 2011 and 2018, the incumbent's opponents, Etienne Tshisekedi and Martin Fayulu, respectively, denounced serious irregularities. Both declared themselves president. "RDC : Joseph Kabila déclaré élu, Tshisekedi se proclame président", *Le Point*, 10 December 2011; "RDC : Martin Fayulu s'autoproclame 'seul président légitime' du pays", *Jeune Afrique*, 20 January 2019.

⁷⁶ Kabila introduced a one-round presidential election in 2011 after passing a constitutional amendment.

electoral framework, thereby failing to achieve a consensus with the opposition or civil society.⁷⁷

In 2020, Tshisekedi launched an overhaul of the Constitutional Court, the body responsible for confirming election results and adjudicating electoral disputes, until then predominantly comprised of loyalists of former President Kabila. Between 2020 and 2022, he orchestrated a series of changes among the court's nine judges. These actions were initiated without any official justification, and some were contested by the dismissed judges, who denounced an "unconstitutional fait accompli", as well as by experts and the opposition.⁷⁸ Despite these objections, in 2022 Tshisekedi succeeded in largely reshaping the court's composition, replacing several judges with others reputed to be close to him, an allegation that those concerned refute.⁷⁹

The CENI is also the subject of fierce criticism from civil society and the opposition, notably because its composition does not reflect the balance of political forces, as the opposition has not delegated any commissioners. The law stipulates that the commission should be made up of six representatives from the majority coalition, five from civil society and four from the opposition. The latter were appointed to the CENI in 2021, but the opposition boycotted and have since strongly denounced the parliamentary sessions which confirmed their nomination. Nonetheless, these commissioners remain in their positions. The head of the commission, Denis Kadima, and the manner of his appointment have also been highly controversial. Although he is part of the "religious denominations" component of the civil society representatives, from which the CENI's head must be drawn by law, Protestant and Catholic churches strongly contested Kadima's appointment in October 2021. He is the representative of the Kimbanguist church and is considered too close to the government.⁸⁰ Some opposition figures criticise Kadima as a result, though others acknowledge his election management skills. Kadima himself refutes these allegations.⁸¹

Finally, the government and the CENI have regularly clashed over the issue of funding, further undermining the commission's credibility in the eyes of the opposition and civil society groups, which have denounced the lack of detailed financial

⁷⁷ For all the proposals made at the time, see "Élections à l'ère de Tshisekedi – un mauvais départ ?", Groupe d'étude sur le Congo et Ebuteli, October 2022; and "Élections de 2023 en République démocratique du Congo: rectifier les erreurs du passé pour consolider la démocratie", Réseau européen pour l'Afrique centrale, 2022. The changes to the electoral law also include the introduction of incentives to increase women's participation in political life, such as the waiver of deposit fees for electoral lists with at least 50 per cent women in a constituency.

⁷⁸ Tshisekedi allegedly did not respect the terms of office of certain judges before replacing them. Crisis Group interview, electoral expert in Kinshasa, February 2023. See also "RDC : Thambwe Mwamba et Jeanine Mabunda boycottent la prestation de serment de nouveaux juges constitutionnels", Radio Okapi, 20 October 2020; and "RDC: les juges Kilomba et Ubulu refusent de quitter leur siège à la cour constitutionnelle", RFI, 5 August 2020.

⁷⁹ For example, the president of the court, Dieudonné Kamuleta, although he admits to coming from the same province as the head of state, denies any proximity to Tshisekedi. "Dieudonné Kamuleta : Je ne suis pas proche de Félix Tshisekedi", *Jeune Afrique*, 19 May 2023.

⁸⁰ Crisis Group interview, electoral expert in Kinshasa, February 2023.

⁸¹ Kadima comes from the same region as Tshisekedi and joined his party when the latter was in the opposition. Crisis Group interview, international electoral expert, Kinshasa, February 2023. "RDC : qui est Denis Kadima, le nouveau président de la commission électorale ?", RFI, 24 October 2022. "Denis Kadima, le maître du temps en RDC", *Jeune Afrique*, 4 April 2023.

information about the CENI's operations.⁸² They point out that the CENI has not published its budget and that disbursement details have not been debated in parliament.⁸³ Due to the government's late disbursements, the CENI was unable to pay the temporary electoral and security agents assigned to the registration offices on time. Some of them accordingly resorted to the formally prohibited practice of charging for registration, thus preventing citizens who were unable to pay from registering.⁸⁴ This illegal practice had significant consequences, including murder.⁸⁵

Although the electoral timetable published in November 2022 was immediately contested, the next February the CENI began the final phase of electoral preparations, namely voter registration in the three electoral zones as well as in several foreign countries.⁸⁶ Registration ended in April, after delays due to technical difficulties and despite irregularities denounced by the opposition. In particular, the opposition criticised the unequal distribution of registration kits – which, it claimed, penalised opposition strongholds – the registration of minors in pro-government areas; the non-functioning of the machines; the poor quality of the voter cards; the non-existence of some registration centres; and the possession of blank voter cards by people close to the ruling coalition.⁸⁷ Independent and church observers have confirmed and reported some of these grievances to the CENI.⁸⁸

⁸² While the government accused the CENI of overbilling and corruption, its head retorted that the government had not understood the scale and cost of the electoral operation, and that the government's delays in disbursing funds had inflated the costs. "Denis Kadima : J'ai hâte d'en finir avec ces élections", *Jeune Afrique*, 15 May 2023; "Élections en RDC : alors que la Ceni exige plus d'un milliard USD, l'Odep estime que le budget actuel ne devrait pas dépasser 600 millions USD", *Desk Eco*, 23 March 2023.

⁸³ Crisis Group interviews, opposition leaders, civil society figures and electoral experts, Kinshasa, February 2022 and August 2023. See also "RDC : à six mois des élections, l'opposition considère que le fichier électoral est 'fantaisiste'", *Le Monde*, 19 June 2023; "RDC/CENI : dépassement budgétaire, opacité des décaissements effectués pour les opérations électorales ..., l'ODEP déplore le manque de transparence", *actualité.cd*, 27 December 2022; "Le CNPAV exige de la CENI et du gouvernement plus de transparence dans la gestion des fonds électoraux", *actualité.cd*, 11 October 2023.

⁸⁴ Crisis Group interview, candidate for registration, Goma, May 2023. Crisis Group telephone interviews, religious figure involved in observing the electoral process, expert on Katanga politics, May 2023. Among the many communiqués and reports issued by observers, see in particular "CENCO-ECC Rapport final de l'Observation de Opérations d'Identification et d'Enrôlement", CENCO/ECC, May 2023.

⁸⁵ On 6 April, in the centre of Byahi (Goma), a policeman shot dead a young man who had not collected the 5,000 Congolese francs (\$2.12) asked of him to gain access to the office. Crisis Group interview, civil society actors, Goma, May 2023.

⁸⁶ Crisis Group interviews, political actors, Kinshasa, February 2023. See also "Calendrier électoral de la Ceni : 'utopique' pour le PPRD, 'réaliste' selon l'UDPS", *Radio Okapi*, 28 November 2022.

⁸⁷ Crisis Group interview, opposition leader, April 2023. See also "En RDC, un processus d'enrôlement semé d'embûches", *Jeune Afrique*, 6 March 2023.

⁸⁸ Overall, these problems with registration appear to have been relatively significant throughout the country. Yet the CENI played them down by denying them or attributing them to minor technical difficulties with little impact. Crisis Group telephone interview, religious figure involved in election observation, May 2023. Crisis Group observations at registration offices. Crisis Group interview, Congolese journalist based in Katanga, June 2023. See also "En RDC, un processus d'enrôlement semé d'embûches", *Jeune Afrique*, 6 March 2023; "Rapport final d'observation relatif aux opérations d'enrôlement des électeurs 2022-2023 en République Démocratique du Congo", Mission d'observation électorale, Cenco-ECC, May 2023. Having conducted interviews at several

The external audit of the register, which if well conducted could have built trust, sowed even more discord. The Organisation Internationale de la Francophonie (OIF), the CENI's usual partner for this exercise, was initially invited to carry out the mission but declined, saying the five-day timeline was too short.⁸⁹ In response, the CENI opted for a mixed team of experts recruited on the basis of applications. They carried out the audit in five days, but the results were never made public. On 21 May, the commission published the new electoral figures, and these were used to formulate the law on the distribution of seats, which President Tshisekedi promulgated on 15 June. The opposition is still contesting the audit, which it regards as an attempt at fraud, and the church observer mission has warned that the CENI's decision will have negative consequences.⁹⁰

B. Democratic Space Eroded, Political Rights Curbed

In the absence of democratic debate within the institutions, electoral disputes are now taking place on the streets. The opposition has tried but failed to intensify public pressure on Tshisekedi to bend to its demands and to alert Congo's regional and international partners to the situation. The police and security forces have responded with crackdowns; Tshisekedi's government has drastically curtailed the political rights of opposition figures, marring the electoral process with violence. Tensions could rise as the election campaign unfolds from mid-November and after the results are announced.

Tensions began to escalate on 20 May, with the brutal repression of opposition demonstrations in Kinshasa "against a chaotic electoral process and the cost-of-living crisis". The Congolese police violently dispersed demonstrators who had gathered for the first time in support of presidential candidates Fayulu, Katumbi, Matata Ponyo and Delly Sesanga from the Envol party. The police also arrested several dozen protesters and injured around 30.⁹¹ The UN, the European Union, several Western foreign ministries and Congolese civil society groups, as well as the National Episcopal Conference (Cenco), all criticised this disproportionate use of force and called for freedom of assembly and expression.⁹²

Despite reactions from regional and international partners, the government continued to impose restrictions on the opposition. On 23 May, the police prevented Katumbi from participating in political activities in the Kongo Central province, cit-

levels of the CENI during the course of research, in July Crisis Group wrote a letter to the CENI president detailing observations of the conduct of registration. There was no response.

⁸⁹ Later, the CENI president said the OIF had withdrawn after the government objected to the electoral register being audited by an organisation headed by a Rwandan, Louise Mushikiwabo.

⁹⁰ With regard to this audit, Cenco and the Church of Christ in Congo alerted the commission "to the risk of radicalising doubts about the sincerity of the electoral process, likely to create the conditions for contesting the expected election results". Communiqué n°005/MOE Cenco-ECC/May 2023. See also "RD Congo : l'opposition inquiète du nouveau fichier électoral", TV5 Monde, 19 June 2023; "RDC : l'opposition met en garde contre 'une parodie' électorale", *Africa News*, 13 July 2023.

⁹¹ "DR Congo: Peaceful Protests Violently Repressed", Human Rights Watch, 29 May 2023.

⁹² "Communiqué de presse de la Cenco sur les marches pacifiques du 20 mai 2023", Cenco; "Statement on the disproportionate use of force during the demonstration on May 20, 2023", U.S. Embassy in Kinshasa, 22 May 2023; "RDC : déclaration de la porte-parole sur les développements récents à Kinshasa", European External Action Service, 22 May 2023.

ing security concerns. On 25 May, the authorities banned an opposition sit-in outside CENI headquarters. The next day, Kikwit's mayor revealed that he had received instructions from senior figures to prevent Matata Ponyo from entering the town in the Kwilu province.

Opposition figures and Katumbi in particular have faced other restrictions. On 30 May, military intelligence officers used extreme force when arresting Salomon Kalonda, Katumbi's special adviser, at Kinshasa airport. On 5 June, they announced that Kalonda had been accused of collaborating with Rwanda and M23 rebels.⁹³ On 8 June, military intelligence officers searched the homes of Kalonda and Katumbi in Kinshasa and Lubumbashi. Opposition leaders protested this arrest and issued a press release accusing Tshisekedi of a "dangerous turn toward totalitarianism".⁹⁴ Opposition members view these restrictions placed on the movements of Tshisekedi's political rivals like Katumbi and the harassment of their advisers as political intimidation aimed at hobbling strong presidential candidates.⁹⁵

In a separate incident, Katumbi's adviser, deputy Cherubin Okende, was shot dead in Kinshasa on 13 July. The crime remains unsolved, and inquiries appear to have stalled. This attack has worsened relations between the ruling party and Katumbi's group, because the latter suspects the authorities of being unwilling to properly investigate it.⁹⁶ On 8 September, the police arrested journalist Stanis Bujakera, a correspondent for *Jeune Afrique* in Kinshasa. He was put in Kinshasa's central prison, accused of "spreading false rumours" and "peddling fake news" after *Jeune Afrique* published an article – which was not even signed by Bujakera – implicating the powerful National Intelligence Agency in Okende's assassination. Despite mass protests, the journalist remains in jail and Tshisekedi has refused to denounce his detention.⁹⁷

In the North Kivu and Ituri provinces, the state of siege in place since May 2021 has created an oppressive political climate and curbed civil liberties. In North Kivu, military authorities broke up various demonstrations against the state of siege. They have also restricted civil society activities and arrested elected officials who have criticised the government's ineffective response to violence against civilians and to attacks by armed groups.⁹⁸ Tshisekedi's decision to transfer civilian criminal court

⁹³ The Congolese government later showed diplomats in Kinshasa evidence against Katumbi's adviser, whom it accused of organising a coup attempt on behalf of a Katangan citizen. It requested their "discretion" about this matter. Crisis Group interview, diplomat based in Kinshasa, Goma, June 2023.

⁹⁴ "Salomon Kalonda: le bloc de l'opposition exige sa libération immédiate et sans condition", *La Prospérité*, 1 June 2023. See also "Communiqué de presse du 30 mai 2023" from the four leaders of the opposition bloc.

⁹⁵ Fabrice Mfuamba – federal president of the Envol party, set up by opposition figure Delly Sesanga – was killed on 25 April in the town of Luiza in Kasai-Central. The opposition said it was a political assassination and evidence of Tshisekedi's "new dictatorial tendencies". On 20 June, Franck Diongo, allegedly close to Katumbi and another officially declared presidential candidate, was detained by gunmen in Kinshasa. Crisis Group telephone interview, analyst in Lubumbashi, June 2023.

⁹⁶ "RDC : dossier Chérubin Okende: qui veut vraiment connaître la vérité sur cet assassinat?", *La Libre Afrique*, 19 September 2023.

⁹⁷ "RDC : Tshisekedi refuse de condamner l'arrestation du journaliste Stanis Bujakera Tshiamala", *Le Monde*, 20 September 2023.

⁹⁸ On 8 February, Josué Mufula the national deputy representing Goma (FCC, opposition party) was arrested at Goma airport. Two other local deputies and civil society actors were imprisoned in North Kivu and Ituri. See also "DR Congo: Martial Law Brings Crackdown in East", Human Rights Watch,

cases to military tribunals – one of the measures of the state of siege – appears to have significantly increased temporary detentions, undermined the right to a fair trial and seriously worsened prison conditions.⁹⁹ Tshisekedi finally decided to partially lift the state of siege on 12 October in response to growing criticisms of this unpopular and ineffective measure.¹⁰⁰ This decision fails, however, to fully address concerns about respect for human rights during an election period.

C. *Inflammatory Rhetoric*

Violent rhetoric and the increasingly incendiary discourse of Congolese opposition and government figures are reducing the chances of a peaceful electoral process.¹⁰¹ This tendency began in response to proven abuses, as the opposition used social media networks and speeches to criticise the country's leaders, accusing them of putting personal gain above the public interest. But exchanges have rapidly become polarised as senior political figures spread conspiracy theories and use ethnic identity to garner political support. Women involved in political debates, often already marginalised within their own organisations, have in some cases been victims of abuse.¹⁰²

Since the resumption of M23 rebel activities in November 2021, the government and opposition's inflammatory anti-Rwandan rhetoric is spreading and will become an issue in the presidential election. The Congolese regularly accuse their eastern neighbour of supporting the rebel movement and harbouring expansionist ambitions, criticising it as well for its role in the series of wars in the Congo since the late 1990s.¹⁰³ Government figures use this rhetoric each time they seek to garner public support and to unite the Congolese around a common "enemy", for instance after the Goma massacre on 30 August.¹⁰⁴ Candidates will likely try to outdo each other in their stance toward Rwanda, and with far-fetched promises to solve the problems of insecurity and to restore peace.¹⁰⁵ While it is true that evidence of Rwanda's support

22 March 2022; and "DRC: Authorities Must Lift 'State of Siege' Now", Amnesty International, 6 May 2023.

⁹⁹ "DRC: Authorities Must Lift 'State of Siege' Now", op. cit.

¹⁰⁰ "En RDC, Tshisekedi annonce un allègement de l'état de siège dans l'Est", *Jeune Afrique*, 13 October 2023.

¹⁰¹ For an overview of this issue from an earlier period, see "Rapport sur les discours et messages incitatifs à la haine en République démocratique du Congo", UN Joint Human Rights Office in the DRC, March 2021.

¹⁰² Bintou Keita, "Halte à la violence et à la misogynie politiques en RDC !", *Jeune Afrique*, 31 July 2023. Crisis Group telephone interview, woman political leader, October 2023.

¹⁰³ In a speech attacking the UN, President Tshisekedi insisted that "Rwanda is undoubtedly involved and responsible for the tragedy facing [his] country and [his] fellow citizens in the areas under occupation of the Rwandan army and its M23 allies". "À l'ONU, le président Félix Tshisekedi accuse le Rwanda d'agression armée dans l'est de la RDC", *Le Monde*, 22 September 2022.

¹⁰⁴ The military officer primarily responsible for this massacre, as well as members of the central government, also referred to Rwandan special forces' deployment on the border as an explanation for the bloodbath. See "Massacre in Goma Clouds DR Congo's Elections and UN Mission's Future", op. cit., and "En RDC, la garde républicaine au centre de l'enquête sur la tuerie de Goma", *Jeune Afrique*, 4 September 2023.

¹⁰⁵ "En RDC, le Rwanda, obsession des campagnes présidentielles", Deutsche Welle, 10 October 2023; "Constant Mutamba: 'Une fois élu président de la République, nous allons faire arrêter Paul Kagame'", *Mediacongo*, 27 August 2023.

for armed groups in the eastern DRC is mounting, such rhetoric is increasingly eroding the chances of a negotiated solution of the crisis in North Kivu and fuelling the paranoia already seen in the pre-campaign period.

At a social level, the renewed military activities of M23 – which claims to defend Tutsi rights – have also exacerbated hate speech against this community. Having seized control of more territory, M23 has displaced hundreds of thousands of people into the country’s interior, while those unable to flee the rebels’ advance have been cut off from the rest of the country. Many blame Tutsis for the consequences of the war, and hate speech is spreading on social media and in public statements by political leaders.

President Tshisekedi has consistently countered this rise in inflammatory anti-Rwandan and anti-Tutsi rhetoric. He has frequently called on the Congolese to stop confusing the Rwandans (“our brothers”) with the Kigali regime (“our enemy”).¹⁰⁶ On 28 February 2023, he reiterated his position at the UN Human Rights Council in Geneva: “With regard to hate speech against our fellow Congolese Tutsis, my government has taken a firm stance against any individual or group that engages in such rhetoric and reiterates its call for individuals, organisations and international partners to report them”.¹⁰⁷ But some politicians who claim to be close to the president are not averse to propagating or supporting hate speech. On 6 July, Justin Bitakwira, a former minister from South Kivu, wrote online that “all Tutsis are born criminals”.¹⁰⁸

As the fight with the M23 is set to dominate political debate, the inflammatory rhetoric that has escalated for over a year seems tenacious. During anti-Rwandan protests in Goma in June 2022, protesters vandalised shops belonging to Rwandans and Congolese Tutsis, who were targeted because of their association with Rwandans.¹⁰⁹ In the same month in Kinshasa, youths with links to the ruling party and armed with machetes and knives tried to identify Rwandans through racial profiling and issued death threats.¹¹⁰ The following February, during voter registration, CENI security officers singled out young people identified as Tutsis and banned them from entering a registration centre in Goma, purporting that they were Rwandans.¹¹¹

The exclusion of more than one million people from the electoral process, due to insecurity in the North Kivu province and displacement, will be central to the election campaign and may exacerbate existing divisions. The displaced Congolese are mainly Hutus from Masisi and Rutshuru, areas known for frequent outbreaks of ethnic violence. The fact that they will be unable to vote or win seats in parliament could

¹⁰⁶ “Tshisekedi-Kagame : la guerre des mots”, *Afrikarabia*, 4 December 2022.

¹⁰⁷ President Félix-Antoine Tshisekedi’s speech at the 52nd Regular Session of the Human Rights Council, 28 February 2023.

¹⁰⁸ “Les propos ‘anti-Tutsi’ de Bitakwira sèment la zizanie entre Rose Mutombo et Jean-Marc Châtaignier”, *Mediacongo*, 30 July 2023. On 9 February, while campaigning in the U.S. for the “de-Rwandarisation of the country’s institutions”, national deputy Elieyer Ntambwe expressed his view in the @ACTU newspaper that “we need to denounce and hunt down all the Rwandans as the solution to end insecurity in the east”.

¹⁰⁹ Crisis Group observation, Goma, June 2022. See also “RD Congo : manifestation anti-Rwanda à Goma, les commerces tenus par des Rwandais pillés”, *France 24*, 15 June 2022.

¹¹⁰ Crisis Group interview, political leader, Kinshasa, February 2023. See also “RDC : arrestation d’anti-rwandophones ‘porteurs de machettes’ à Kinshasa”, *Le Monde*, June 2022.

¹¹¹ Crisis Group observation, Goma, February 2023.

reinforce their perception that others consider them second-class citizens. That perception, in turn, could revive antagonism between “native” and “non-native” Congolese.¹¹²

This hate speech is not confined to North Kivu or the Tutsi community; it is also prevalent in many other regions of the country and could spread further as the election campaigns enter the critical phase, since candidates are ready to use ethnic and divisive rhetoric to seek votes in their strongholds. Many online sites and individual social media accounts of people based in Kinshasa, Lubumbashi and foreign cities with significant diaspora contingents are posting rhetoric intended to stir up animosity, particularly on YouTube. Socio-political rivalries often shape these attacks.¹¹³ For example, in Katanga, media outlets with close links to the Katangese contain attacks on Kasaians and vice versa.¹¹⁴

¹¹² Crisis Group interview, elected opposition politician, Goma, September 2023. See also “Dans l’est de la RDC en guerre, le difficile enrôlement des électeurs”, *Le Monde*, 9 March 2023.

¹¹³ Crisis Group interviews, researchers in Kinshasa, Lubumbashi, August 2023.

¹¹⁴ Crisis Group interview, local expert, Lubumbashi, August 2023. On 31 May, for example, an anonymous member of Moïse Katumbi’s Ensemble pour la République party, @defenseurmk, published on X: “Why do you Luba think of #RDC as Kasai? Maniema, Katanga, let’s chase away the Bilulu who want to plunge the country into bloodshed. Dear @IsralMutombo11 tell your Kasaien brothers to pack their bags. The hunt has just begun”. See also “RD Congo : tensions au Katanga : frottements ethniques et manipulation politique (videos)”, *La Libre Afrique*, 20 January 2021.

V. Reducing Risks of Electoral Violence

Successful elections in 2023 and 2024 are essential to avoid triggering further conflicts or worsening tensions. The ruthless repression of the opposition protest in Kinshasa on 20 May; the various forms of repression of opposition parties and subsequent arrests of their representatives; and the brutal response to a planned protest by a religious sect in Goma on 30 August are all signs of rising tensions that could significantly discredit the polls.

A ceasefire is unlikely in North Kivu, but at the very least the government should avoid rushing the army into the field, as this step could damage election prospects in this region. The government presents the mobilisation against M23 as a means of securing the area and allowing as many citizens as possible to vote. But the resumption of open fighting between the M23, on one hand, and the armed forces and government-aligned auxiliaries, on the other, risks further disenfranchising citizens, causing more displacement and widening the conflict.

For a more legitimate and peaceful electoral process, the government should take strong measures to limit abuses of power and create the right environment for a fair election campaign to ensure free and transparent polling. The first step should be to ensure that the security forces respect fundamental liberties and punish violations. The prosecution of officers and soldiers involved in the 30 August Goma massacre should be only a starting point.¹¹⁵ Reducing inflammatory rhetoric, both on social media networks and in the streets, is also a vital step toward improving the electoral climate.

Amid this uncertainty, an essential first step is to secure a political consensus between the government and the opposition. Although the elections will almost certainly be held on 20 December, unforeseen security and logistical problems could cause a technical delay. It may then be necessary to reach a consensus on the operational timetable and temporary structures to be put in place before the polls begin. In this case, and also if the results are disputed, international actors, starting with the African nations with influence in the country, must be in a position to work together with the Congolese to overcome these political challenges.

Finally, the elections' management and transparency must be improved to reduce any possibility of CENI officials charging for voter registration. Transparency in the vote count and declaration of results is equally essential. Any discrepancy between results observed at the ballot box and the official tally could trigger a crisis.

A. *Limiting Abuses of Power and Reducing Inflammatory Rhetoric*

Abuses of power and restrictions of freedoms are already marring the electoral process, and could affect the campaign and the polls. President Tshisekedi should take further steps to end these abuses, specifically by sanctioning those responsible for them within the security forces. He should also tackle the perception, as documented above (see Section III.B.), that the Kasaians dominate the powerful Republican Guard and are favoured in recent recruitment drives for the security forces in general. A bal-

¹¹⁵ See "Massacre in Goma Clouds DR Congo's Elections and UN Mission's Future", *op. cit.*

anced representation of the various Congolese communities among these new recruits is essential.

The government, political leaders and civil society actors must reverse the worrying increase in inflammatory rhetoric by political leaders who incite hatred toward certain communities or neighbouring countries, notably Rwanda, simply to strengthen their political base. This rhetoric, used by political leaders of all stripes and propagated via social media networks, risks triggering an outbreak of serious violence between communities after decades of blatant or more latent hostilities. Just as the president has publicly called for an end to attacks on Tutsis (see Section IV.C), other high-profile figures from all political sides must speak out and condemn any such hate speech.

B. Consensus for a Smooth Electoral Process

The government and the CENI must step up dialogue with opposition. Although it may be too late to change the many decisions already taken (eg, on electoral legislation), the government and the CENI must communicate with opponents as the critical election dates draw near, particularly in November when the candidates for the presidential election and other polls will be confirmed.

The presidential and parliamentary polls are likely to take place in December, but the government and the CENI will need to maintain dialogue in case of delays. The CENI is not planning for any postponement. There are concerns, however, about the electoral commission's logistical and political difficulties (see Section IV.A). Former prime minister and presidential candidate Adolphe Muzito, for example, is among those suggesting that a technical postponement is inevitable, given the commission's precarious financial situation.¹¹⁶

The CENI must be as transparent as possible for talks to take place between political parties on how to handle a delay, should it become necessary. Any such delay should be brief and the decision taken by mutual agreement between government and opposition on technical grounds; it must not be perceived as giving any party a political advantage. Congo's international partners fear that a postponement could raise complex constitutional issues linked to the appointment of interim leaders. They prefer not to take that risk. But insecurity in many parts of the country, in addition to the logistical problems identified by observers, makes the electoral campaign highly unpredictable.¹¹⁷ President Tshisekedi and his opponents should therefore defuse tensions and work toward consensus on how to manage different scenarios.

C. Proper Funding and Transparency

Despite the government's efforts to finance the entire electoral process, the inadequacy of the electoral commission's resources became apparent during voter registration. The CENI paid its staff late, with some workers still not receiving their wages more than a month after the end of the registration period.¹¹⁸ Some staff have asked

¹¹⁶ "Pour Adolphe Muzito, reçu par la Ceni, le report des élections est 'irréversible'", RFI, 4 July 2023. See also "RDC : Négociations pour un report des élections ?", *La Libre Afrique*, 16 August 2023.

¹¹⁷ Crisis Group interviews, UN officials and diplomats, Brussels and by telephone, May 2023.

¹¹⁸ Crisis Group interview, CENI team members, Goma, May 2023. See also "Denis Kadima en difficulté financière pour rémunérer les agents temporaires", *Congo Profond*, 12 March 2023.

for money to register prospective voters despite the illegality of this practice. If the CENI continues to delay its payments, some staff may try to extort voters. Domestic observers could be instrumental in averting this problem. As a preventive measure, the CENI should ensure that it pays staff on time and sanctions anyone who demands money in exchange for entry into voting stations, as happened during the registration phase.

The CENI must also show transparency in other areas. For example, it should publish its budget, funding sources and procurement procedures for – and its use of – materials and supplies. Learning the lessons from the registration process, it should make the distribution of electoral equipment as fair as possible throughout the country in order to avoid any suspicion of bias in favour of regions seen as supportive of Tshisekedi. The CENI could work with politicians and civil society representatives to counter any doubts about inequality and bias. It should be open about the obstacles it faces and take the necessary corrective measures.

Transparency will be particularly important when people go to the polls, during the vote count and when the results are announced. Since the electoral law is not clear enough on how the CENI should publish the results, it should take responsibility for ensuring its own credibility and people's trust in the results, particularly by breaking down the counts by polling station. In the words of its president, it must ensure that “whoever gets the most votes is declared the winner”, to avoid worsening social and political tensions.¹¹⁹ All other polls must be handled with the same thoroughness.

Finally, the CENI should boost its communication efforts in order to build credibility. All incidents, particularly allegations of bias in how different electoral districts are treated, or of outright fraud, should be relayed immediately, along with any changes to the management of the process. So far, communication has essentially been limited to major announcements and to the activities of the CENI's teams. The lack of hard information is eroding the CENI's credibility, however, as well as feeding mistrust. The Commission should issue regular press releases and make sure that the media and electoral observers have access to all electoral information.

D. The Role of Regional and International Partners

The DRC's regional and international partners have been muted in their response to the shortcomings of preparations for the forthcoming polls. It would be in their interest, however, to engage in a process that will affect efforts to stabilise the region. The challenges are significant – some observers consider that opportunities for a smooth process have already been missed – but these partners continue to play an important role in engaging with the Congolese authorities and opposition.

Congo's main partners, namely, the EU and the AU, the member states of these blocs, and the U.S., should continue to support civil society observers and promote measures to increase transparency, particularly regarding the CENI's work. They should denounce any abuse of power and keep a close eye on political freedoms, as

¹¹⁹ “Élections de 2023 : ‘Avec notre équipe, c’est celui qui aura gagné qui sera proclamé vainqueur’ (Denis Kadima)”, *Politico.cd*, 16 July 2022.

Western foreign ministries did in Kinshasa after the crackdown on opposition protesters on 20 May.¹²⁰

In the event of a crisis, African states are likely to mediate. The more powerful nations in the region, such as Angola, Kenya or the core countries of the AU and sub-regional organisations, should therefore set aside their differences on the conflict in the eastern DRC to lay the foundation for greater coordination when appropriate. The AU – through its Department of Political Affairs, which has an office dedicated to democratic issues, and its representation in Kinshasa – should begin to play a leading role during the entire process. Action now would be preferable to waiting for possible challenges to the election results before offering its services.

Observation missions that some organisations such as the AU and the EU plan to send or finance (for example, the U.S. funds the Carter Center) could inform diplomats involved in mediation in the event of disputes over the election results. But national observers, especially those working for churches in joint observation missions, will have a better understanding of the electoral process than their international counterparts. Western donors should therefore offer them funding where appropriate. Whether the national observers accept or reject the official outcome of the polls, could be a turning point in the final stages of the electoral process.

¹²⁰ “Joint Declaration from the Embassies of the United States of America, Belgium, Canada, Czech Republic, France, Germany, Greece, Italy, Japan, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the European Union delegation”, op. cit.

VI. Conclusion

As the various elections approach, the DRC faces numerous uncertainties and risks. The government and opposition have failed to reach consensus on key aspects such as electoral lists and other issues linked to the CENI's operations. Abuses by security forces and increasing rhetoric inciting hatred between communities are fuelling tensions, particularly in the former province of Katanga and the country's eastern regions. The mobilisation of the armed forces and government-aligned fighters against the M23 observed in North Kivu since October is of particular concern, as it may displace people further ahead of the elections.

Against this backdrop, several opposition members are threatening to reject the results, which could trigger a major crisis for the state, destabilise the country and increase intercommunal tensions. The government and opposition should seek compromises and solve the most urgent problems to achieve consensus and ensure a well-run poll.

Brussels/Nairobi, 30 October 2023

Appendix A: 2023 Elections in DR Congo

2023 ELECTIONS IN DR CONGO

The elections scheduled for 20 December in Congo risk increasing intercommunal tensions across the country. In North Kivu, more than one million people have been unable to register on the electoral lists because of worsening insecurity.

44M REGISTERED VOTERS

KINSHASA
 Epicentre of political rivalries, the city could see mass protests if results are challenged.

KATANGA PROVINCE
 Competition between political heavyweights inciting intercommunal tensions, particularly between the Katangans and migrants from Kasai.

2.6M DISPLACED TOWARD NORTH KIVU

Rutshuru
Goma
M23

UPCOMING EVENTS

- 22 OCTOBER 2021**
 Tshisekedi appoints Denis Kadima as president of the Ceni, despite objections from the opposition and large sections of civil society.
- 26 NOVEMBER 2022**
 The Ceni publishes the 2022–2024 electoral timetable.
- 26 DECEMBER 2022–17 MARCH 2023**
 The Ceni registers voters but without in the Masisi, Rutshuru and Kwamouth districts
- 20 MAY 2023**
 Police forces violently repress an opposition rally in Kinshasa; dozens arrested, 30 wounded.
- 11 JULY 2023**
 The Ceni rejects the opposition’s calls for an audit of the new electoral list.
- 1 OCTOBER 2023**
 Clashes intensify in North Kivu between government supporters and M23, further endangering the electoral process.
- 19 OCTOBER 2023**
 The Ceni validates 24 presidential candidate applications received from 9 September to 8 October.
- 19 NOVEMBER–18 DECEMBER 2023**
 Election campaigns begin for presidential candidates, local and regional deputies.
- 20 DECEMBER 2023**
 D-Day: Presidential elections, national deputies, regional deputies and local councillors.
- 20 JANUARY 2024**
 Elected president sworn in.

In North Kivu, resumed conflicts between M23 and the forces aligned with the national army are again causing large-scale displacements and could make it more difficult for voters to go to the ballot boxes.

SOURCES: ACLED, IOM, MAPCREATOR, SEE “ELECTIONS IN DR CONGO: REDUCING THE RISK OF VIOLENCE”, CRISIS GROUP

Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. She first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director in 2011 and then Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the UN Secretary-General in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kyiv, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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October 2023

Appendix C: Reports and Briefings on Africa since 2020

Special Reports and Briefings

COVID-19 and Conflict: Seven Trends to Watch, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

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