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**RUMBLE IN THE DR CONGO:
PRESIDENT TSHISEKEDI IS
TAKING CONTROL**

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EXECUTIVE SUMMARY

Two years after the peaceful transition that ended the presidency of Joseph Kabila, the Democratic Republic of Congo (DRC) is experiencing another decisive turn. After a long-drawn-out fight, President Felix Tshisekedi has skilfully turned the tables on his predecessor, whose position had seemed impregnable. In a series of reversals, former President Kabila's political platform, the Common Front for the Congo (FCC) lost control over the judiciary, the two chambers of parliament and the government. On 15 February 2021, President Tshisekedi appointed his prime minister, Sama Lukonde Kyenge, who will head a government of the new Union Sacrée de la Nation (USN) coalition. These are undoubtedly major steps forward. But while breaking the Kabila-system's hold on the Congolese state is a necessary condition for change, it is only the beginning. President Tshisekedi, the incoming government and other forces for change are now in a unique position to renew governance practices and govern in the interest of the Congolese people. This Egmont Paper analyses the recent political developments in the DRC and identifies the main priorities and challenges facing President Tshisekedi and the country.

INTRODUCTION

After the December 2018 elections, it took two years for President Tshisekedi to turn the tables on his predecessor Joseph Kabila and break the hold of the kleptocratic system that has ruled the country for two decades. The recent political reconfiguration in Kinshasa was a necessary step and builds on the resilience of the Congolese, who refused in 2015 to be dragged down the path toward a third mandate and a life presidency for Kabila of the kind that is still all too common on the continent. Far from being clearly scripted, the following events demonstrate that President Tshisekedi has been very adept at seizing the opportunities left by his over-confident opponents. With the next elections slated for December 2023, fewer than three years remain to focus on the pressing needs of the Congolese population and to effectively put the people first. The transformation observed so far has been a gradual process, not a revolution. Most of the players remain on board and even though the new government will see some new faces, such as the incoming prime minister, there are no guarantees that the old practices that have shaped Congolese politics in recent decades will become a thing of the past. A smaller and leaner government (principles that will also have to be applied to the presidency) will have to focus on reform. This Egmont Paper provides an analysis and overview of the political transition set into gear since Felix Tshisekedi's inauguration in January 2019 and looks at the most pressing challenges moving forward.

CHALLENGING CARDS

President Felix Tshisekedi assumed office on 24 January 2019. This first and historic peaceful transition of power in the DRC followed a four-year political crisis and brought an end to the 18-year reign of President Joseph Kabila.¹ Most observers considered Felix Tshisekedi as an inexperienced puppet without real power or influence.² Joseph Kabila's platform, the Common Front for the Congo (FCC), had readily conceded the presidential election. Still, it secured a majority in the national and provincial assemblies, and the main state institutions, including the Constitutional Court and the security forces, appeared to remain under the control of Kabila-loyalists. In January 2019, the two camps reached a political agreement. The terms, as recently communicated by the FCC, demonstrate the Kabila camp's strong intent to maintain firm control over these institutions.³

Through its dominance of parliament, the FCC automatically became the leading force in the coalition with Tshisekedi's Heading for Change (CACH) alliance.⁴ Tshisekedi, with no experience in government, had to rely on his more experienced CACH partner Vital Kamerhe, who became his chief of staff. The presidential office was quickly (over)staffed, but other than a few exceptions, such as the security advisor François Beya, few incomers had any meaningful political experience.⁵ To make matters worse, the new president found the state coffers to be mostly empty.⁶

¹ Joseph Kabila became president on 16 January 2001 following the assassination of his father Laurent Désiré Kabila. Kabila led the post peace-agreement transition government (2003–2006) and was elected in 2006 and 2011. In January 2015 large-scale protests were violently repressed in Kinshasa as the people expressed frustration about the lack of clarity regarding Kabila's intentions to run for a third term in 2016. For lack of resources, but mostly Kabila's lack of will to leave power, these elections were delayed for two years. The delay was based on a political agreement negotiated by the Catholic Church, the 2016 Saint Sylvester Agreement. Despite this agreement, the electoral process and its result was highly contested and its result was not deemed credible by numerous observers.

² 'DRC: Is President Tshisekedi a puppet of Kabila?', Deutsche Welle, 26 August 2019, available from: <https://www.dw.com/en/drc-is-president-tshisekedi-a-puppet-of-kabila/a-50171782>; Stephanie Wolters, 'Opportunities and challenges in the DRC', Central Africa Report, Institute for Security Studies, 3 December 2019, available from: <https://issafrica.org/research/central-africa-report/opportunities-and-challenges-in-the-drc>.

³ 'Deal entre Tshisekedi et Kabila en 7 points: PPRD confirme, UDPS observe le silence', mediacongo.net, 30 October 2020, available from: https://www.mediacongo.net/article-actualite-78512_deal_entre_tshisekedi_et_kabila_en_7_points_pprd_confirme_udps_observe_le_silence.html According to the information released by the FCC, it is also interesting to note that Kabila's national witnesses to the agreement were all members of the military leadership and not his political allies of the FCC.

⁴ The Cap pour le Changement (CACH) alliance was created in Nairobi on 23 November 2018 after the break-up of the Geneva opposition front that had selected Martin Fayulu as the single opposition presidential candidate. CACH was composed of Tshisekedi's Union for Democracy and Social Progress (UDPS) and Vital Kamerhe's Union for the Congolese Nation (UNC). 'Congo's Tshisekedi and Kamerhe form presidential pact', Reuters, 23 November 2018. Available from: <https://www.reuters.com/article/us-congo-politics-idUSKCN1NS1YV>.

⁵ 'RDC: Félix Tshisekedi nommé près de 110 conseillers mais toujours pas de Premier ministre, Jeune Afrique, 11 March 2019, available from: <https://www.jeuneafrique.com/747651/politique/rdc-felix-tshisekedi-nomme-pres-de-110-conseillers-mais-toujours-pas-de-premier-ministre/>.

⁶ 'RDC: "inquiétudes" du FMI, qui juge "réaliste" de revoir le budget à la baisse', Le Soir, 26 February 2020, available from: <https://www.lesoir.be/282928/article/2020-02-26/rdc-inquietudes-du-fmi-qui-juge-realiste-de-revoir-le-budget-la-baisse>.

Despite these odds, the Tshisekedi presidency quickly gathered steam. From the start, Tshisekedi also reached out to several leaders of the unruly Lamuka opposition alliance. Two prominent Katangese opposition figures, Godefroid Muyambo and Gabriel Kyungu, spoke out in support of Tshisekedi.⁷ On the surface, Lamuka remained united, but its main leaders – in particular, Moïse Katumbi – developed their own approach to the new situation while Martin Fayulu stuck to his narrative.⁸

In his first year in office, Tshisekedi invested massively in his regional and international outreach. The international recognition, driven by regional actors and the United States, brought considerable political legitimacy.⁹ This stands in sharp contrast with the more solitary Joseph Kabila who had travelled little, even during his most favourable first years in office. Especially from 2015 onwards, the Kabila regime was increasingly isolated in the region and on the wider international scene.¹⁰ While Tshisekedi's travels were met with some criticism at home, it is undeniable that the international recognition contributed to boosting domestic popular confidence in the president. This also served as a source of authority and protection against potential physical threats emanating from the former regime, and it continues to serve Tshisekedi as a solid base to curtail Kabila's influence. A remarkable sign of such support was the brief show of force in Kinshasa by two Angolan fighter jets in November 2020, just a few days after Tshisekedi had paid a visit to his Angolan counterpart João Lourenço.¹¹ From 6 February 2021, President Tshisekedi took over the chair of the African Union (AU).¹²

Negotiations between the FCC and CACH to form a government were laborious. President Tshisekedi reportedly vetoed Kabila's foremost candidate as head of government: the controversial and influential chairman of the state copper/cobalt

⁷ Both Muyambo and Kyungu are close allies of Moïse Katumbi. The support from these leaders, from the heartland of the Kabila-regime, had an important symbolic effect. It mitigated – but did not end – the strong tension between the Katangese and Kasaian communities in an area that remains particularly vulnerable to exploitation by elements close to the former regime. 'Mineral Concessions: Avoiding Conflict in DR Congo's Mining Heartland', International Crisis Group, Africa Report N°290, 30 June 2020, available from: <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/290-mineral-concessions-avoiding-conflict-dr-congos-mining-heartland>; and Jeroen Cuvelier, 'Making Sense of Repressive Actions Against Artisanal Miners in Southeastern Democratic Republic of Congo' Social Science Research Council, October 2020, available from: <https://www.ssrc.org/publications/view/making-sense-of-repressive-actions-against-artisanal-miners-in-southeastern-democratic-republic-of-congo/>.

⁸ Nelleke van de Walle, 'Moïse Katumbi's Return Portends Shifting Alliances in Congolese Politics', International Crisis Group, Q&A, 23 May 2019, available from: <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/moise-katumbis-return-portends-shifting-alliances-congolese-politics>

⁹ Aymar Nyenyezi Bisoka, Koen Vlassenroot, Hans Hoebeker, 'The Limits of President Tshisekedi's Security Strategy in the Democratic Republic of Congo', LSE blog, 28 April 2020, available from: <https://blogs.lse.ac.uk/crp/2020/04/28/the-limits-of-president-tshisekedis-security-strategy-in-the-democratic-republic-of-congo/>.

¹⁰ Including the adoption of sanctions by the EU and United States against close allies of President Kabila.

¹¹ 'RDC: Deux avions angolais survolent Kinshasa en signe du "soutien militaire" de Luanda', RFI, 21 November 2020, available from: <https://www.rfi.fr/fr/afrique/20201121-rdc-deux-avions-angolais-survolent-kinshasa-en-signes-du-soutien-militaire-de-luanda>.

¹² 'President Felix-Antoine Tshisekedi Tshilombo, Takes Over as the New Chairperson of the African Union (AU) for 2021', African Union, 6 February 2021, available from: <https://au.int/en/pressreleases/20210206/president-felix-antoine-tshisekedi-tshilombo-takes-over-new-chairperson>.

mining giant Gécamines, Albert Yuma. On 20 May 2019, Sylvestre Ilunga Ilunkamba (FCC) was appointed prime minister instead. Two months later, both sides agreed on a government programme and, at the end of August, an agreement was found on the composition of the government.¹³ The protracted negotiations were a source of frustration for many observers, but the period provided an opportunity for the Tshisekedi-Kamerhe tandem to occupy the political space and push an ambitious ‘one hundred day’ investment plan.¹⁴ It also served as a reminder that, despite his overwhelming parliamentary and institutional dominance, Kabila had to find a balanced compromise with Tshisekedi. Before the coalition government was formed, a political conflict over the control of crucial state enterprises was a critical sign of the political challenges to come.¹⁵

From the outset, it was also clear that the FCC’s unity was fragile. An early example was the election of the speaker of the FCC-dominated Senate, which led to a falling out with Modeste Bahati, the leader of its second-largest party, the Alliance of the Democratic Forces of the Congo (AFDC-A).¹⁶ The FCC was strong enough to lose some wagons, but the episode clearly demonstrated that its main glue was the promise of transaction, opportunism and fear.

¹³ Romain Gras, ‘Formation du gouvernement en RDC: Sylvestre Ilunga Ilunkamba fixe les règles’, *Jeune Afrique*, 7 August 2019, available from: <https://www.jeuneafrique.com/813916/politique/formation-du-gouvernement-en-rdc-sylvestre-ilunga-ilunkamba-fixe-les-regles/>.

¹⁴ ‘RDC: Félix Tshisekedi présente son programme d’urgence pour les 100 premiers jours ce samedi’, *Radio Okapi*, 2 March 2019, available from: <https://www.radiookapi.net/2019/03/02/actualite/politique/rdc-felix-tshisekedi-presente-son-programme-durgence-pour-les-100>.

¹⁵ In June 2019, the President appointed a partially renewed leadership of the strategic Gécamines parastatal. Kabila’s agent, Albert Yuma was re-appointed as chair of the Gécamines board, but Tshisekedi appointed one of his own allies, Sama Lukonde Kyenge, as CEO. The FCC, in control of the public portfolio ministry, blocked these appointments. It would take more than a year to effectively implement them. With the situation blocked, the Presidency kept Albert Yuma, a pivotal kingpin of Kabila’s extensive business interests, in the crosshairs. Stanis Bujakera Tshiamala ‘RDC: le parcours très politique de Sama Lukonde Kyenge, nouveau directeur general de la Gécamines’, *Jeune Afrique*, 17 October 2019, available from: <https://www.jeuneafrique.com/842973/economie/rdc-le-parcours-tres-politique-de-sama-lukonde-kyenge-nouveau-directeur-general-de-la-gecamines/>; Stanis Bujakera Tshiamala, ‘RDC: Albert Yuma, l’influent patron de la Gécamines, pris entre Kabila et Tshisekedi’, *Jeune Afrique*, 26 January 2020, available from: <https://www.jeuneafrique.com/mag/885762/politique/rdc-linfluent-patron-de-la-gecamines-albert-yuma-pris-entre-kabila-et-tshisekedi/>; Aaron Ross, ‘Congo president wins approval for nominees at state mining company’, *Reuters*, 26 June 2020, available from: <https://www.reuters.com/article/congo-mining-gecamines/congo-president-wins-approval-for-nominees-at-state-mining-company-idUSL8N2E25NY>.

¹⁶ Stanis Bujakera Tshiamala, ‘RDC: Alexis Thambwe Mwamba face à Modeste Bahati Lukwebo, un duel crucial pour prendre a tête du Sénat’, *Jeune Afrique*, 22 July 2019, available from: <https://www.jeuneafrique.com/mag/806226/politique/rdc-alexis-thambwe-mwamba-face-a-modeste-bahati-lukwebo-un-duel-crucial-pour-prendre-la-tete-du-senat/>.

THE CHRONICLE OF AN INEVITABLE DIVORCE

Late August 2019 the Ilunga government was installed. While the initial disagreements could be considered to be natural growing pains of a 'cohabitation' in a complex semi-presidential system, the public messages that all was well did little to disguise the fundamental political stand-off between both camps.¹⁷ Tshisekedi looked for emancipation from Kabila's hold, stretching the margins of his authority to the maximum, occupying all the political space he could get. Kabila, on the other hand, was there to maintain the status quo, manipulating the real levers of power behind the scenes. Fayulu and the radical elements in the Lamuka opposition alliance tried to chisel away at Tshisekedi and, while they were little more than a distraction, acted as de-facto Kabila allies. In order to manage the coalition, numerous meetings between the two principals, Tshisekedi and Kabila, were organised.¹⁸ Committees were set up and regularly re-arranged, but the stand-off remained. Increasingly, these attempts looked like Potemkin villages – symbols of a peaceful transition – while the reality, was more akin to two boxers circling each other looking for the other's weak spot. This tension at the top was also reflected at the bottom with several confrontations between UDPS and PPRD militants, mostly in Kinshasa but also in former Katanga province.¹⁹ Despite the constitutional limitations, the struggle also shows the extent of power and symbolism vested in the office of the presidency. In contrast, the FCC seems to have been hampered by its arrogance and the disconnect between its different talking heads and its only source of authority, former President Kabila.²⁰

After months of difficult negotiations on the 2020 budget and widely publicised divergences on the appointment of managers of public enterprises, tensions heated up on the issue of future elections. In late 2019, the FCC floated the idea of a return of Kabila as a presidential candidate in 2023.²¹ In response, in his first 'State of the

¹⁷ Joan Tilouine, Françoise Joly, 'Félix Tshisekedi: "J'ai trop de travail et pas de temps à perdre avec des règlements de comptes"', *Le Monde*, 22 September 2019, available from: https://www.lemonde.fr/afrique/article/2019/09/22/felix-tshisekedi-j-ai-trop-de-travail-et-pas-de-temps-a-perdre-avec-des-reglements-de-compte_6012599_3212.html; 'Tension FCC-Cash: Felix Tshisekedi optimiste pour l'avenir de la coalition', *Politico.cd*, 14 November 2019, available from: <https://www.politico.cd/encontinu/2019/11/14/tension-fcc-cash-felix-tshisekedi-optimiste-pour-lavenir-de-la-coalition.html/50126/>.

¹⁸ 'DRC: Félix Tshisekedi and Joseph Kabila meet for direct talks', *The Africa Report*, 16 March 2020, available from: <https://www.theafricareport.com/24687/drc-felix-tshisekedi-and-joseph-kabila-meet-for-direct-talks/>.

¹⁹ 'Effigies de Tshisekedi et Kabila brûlées: Kabund suspend les discussions avec le FCC, Mwilanya appelle à l'apaisement', *Radio Okapi*, 11 November 2019, available from: <https://www.radiookapi.net/2019/11/11/actualite/politique/effigies-de-tshisekedi-et-kabila-brulees-kabund-suspend-les>.

²⁰ 'Le FCC de Kabila ou une coalition au bord de la crise de nerfs?', *Congo Research Group*, 17 July 2019, available from: <http://congoreserchgroup.org/le-fcc-de-kabila-ou-une-coalition-au-bord-de-la-crise-de-nerfs/?lang=fr>.

²¹ "'Aucun obstacle" au retour de Kabila comme president en 2023 (partisans)', *Voice of America*, 24 October 2019, available from: [https://www.voafrique.com/a/aucun-obstacle-au-retour-de-kabila-comme-president-en-2023-\(partisans\)/5137746.html](https://www.voafrique.com/a/aucun-obstacle-au-retour-de-kabila-comme-president-en-2023-(partisans)/5137746.html).

Nation' speech on 13 December 2019, President Tshisekedi laid out his vision for future elections.²² This included a return to the original two-round system abolished in 2011. He also called for the constitutional provisions on the number and duration of mandates to be respected. Tshisekedi further denounced the corruption that characterised the indirect senatorial and provincial elections and proposed the introduction of direct elections for provincial governors and senators. Most of these measures require constitutional amendments and thus a firm majority in parliament and are in opposition to the FCC-supported concept of indirect elections for the presidency.²³

In January 2020, both sides pulled out their big guns. In a speech to the Congolese community in London, President Tshisekedi openly threatened the dissolution of the National Assembly in the event of persistent political blockage.²⁴ The FCC speaker of parliament responded with a threat to impeach the president.²⁵ The confrontation heated up further concerning the country's Covid-19 response.²⁶ On 24 March, President Tshisekedi declared a national state of emergency to limit the spread of Covid-19. The FCC speakers of the National Assembly and the Senate considered this unconstitutional as it had not been approved by a joint session of parliament.²⁷ Considering the speaker's comments in January about an impeachment, the UDPS was highly suspicious of such a move that could potentially qualify Tshisekedi's measure as an act of high treason. The Constitutional Court came to the rescue, and on 13 April, it provided the legal backing for the presidential initiative.²⁸ The episode would lead to the FCC attack on Jean-Marc Kabund, the first vice-president of the National Assembly, President Tshisekedi's most senior UDPS ally in parliament. In a vote on 25 May Kabund was evicted from his position by the FCC majority.²⁹

²² 'Allocation de son excellence Monsieur Félix-Antoine Tshisekedi Tshilombo, Président de la République Démocratique du Congo, chef de l'État, sur l'état de la Nation devant le Parlement réuni en Congrès', Présidence de la République, 13 December 2019, available from: https://www.matininfos.net/wp-content/uploads/2019/12/Discours-Allocutions_-Etat-de-la-Nation_1312019.pdf.

²³ 'Présidentielle 2023: le FCC favorable à l'élection au suffrage indirect', cas-info.ca, available from: <https://cas-info.ca/2020/09/présidentielle-2023-le-fcc-favorable-a-lelection-au-suffrage-indirect/>.

²⁴ 'Tshisekedi menace de "virer" des ministres ou de dissoudre l'Assemblée', Voice of America, 20 January 2020, available from: <https://www.voaafrrique.com/a/rdc-tshisekedi-menace-de-virer-des-ministres-ou-de-dissoudre-l-assemblée/5252876.html>.

²⁵ 'RDC: Mabunda réplique à Tshisekedi et brandit la menace de la "destitution"', politico.cd, 21 January 2020, available from: <https://www.politico.cd/la-rdc-a-la-une/2020/01/21/rdc-mabunda-replique-a-tshisekedi-et-brandit-la-menace-de-la-destitution.html/52764/>.

²⁶ Pascal K. Kambale, 'Impacts of COVID-19 on the democratic process in the DRC', Congo Research Group, 9 June 2020, available from: <http://congoresearchgroup.org/impacts-covid19-on-democratic-process-in-the-drc/>.

²⁷ 'État d'urgence sanitaire en RDC: que comprendre de l'arrêt de la Cour constitutionnelle?', RFI, 14 April 2020, available from: <https://www.rfi.fr/fr/afrique/20200414-état-durgence-sanitaire-en-rdc-que-comprendre-larrêt-la-cour-constitutionnelle>.

²⁸ 'RDC: la Cour constitutionnelle coupe court à la polémique sur l'état d'urgence', RFI, 13 April 2020, available from: <https://www.rfi.fr/fr/afrique/20200413-rdc-cour-constitutionnelle-polemique-etat-urgence-coronavirus>; Colette Braeckman, 'RD Congo: la Cour constitutionnelle appuie le coup de balai de Félix Tshisekedi', Le Soir, 14 April 2020, available from: <https://plus.lesoir.be/294461/article/2020-04-14/rd-congo-la-cour-constitutionnelle-appuie-le-coup-de-balai-de-felix-tshisekedi>.

²⁹ Romain Gras, Stanis Bujakera Tshiamala, 'RDC: Kabund destitué au terme d'une séance agitée à l'Assemblée', Jeune Afrique, 26 Mai 2020, available from: <https://www.jeuneafrique.com/987654/politique/rdc-kabund-destitue-au-terme-dune-seance-agitee-a-lassemblee/>.

During that time, another crisis unfolded in the presidency. On 8 April 2020, in an unprecedented move, Tshisekedi's chief of staff and CACH ally, Vital Kamerhe was arrested as part of an anti-corruption probe connected to the one hundred day plan.³⁰ This plan proved to be a magnet for murky deal-making and risked damaging Tshisekedi's presidency. A few months before Kamerhe's arrest, the UDPS and President Tshisekedi asked for an audit, and it was a factor in rising tensions between the UDPS and Kamerhe's UNC.³¹ Kamerhe, whose career had successfully meandered through Congolese political life, had at the time of his arrest also outlived his usefulness to the president. His conviction and the public nature of Kamerhe's trial were unprecedented in Congolese politics.³² By allowing the legal system to do its work, Tshisekedi placed the spotlight on the former regime, making it clear that nobody was impervious to the rule of law. This stood in sharp contrast with the FCC, which had started a campaign against what it portrayed as 'a republic of judges'.³³

In a political landscape defined by impunity, the symbolic impact of the Kamerhe conviction cannot be underestimated.³⁴ It also set the stage for political struggles on two issues that directly mobilised citizens and civil society, including the influential churches: the future of the electoral process and the rule of law.

In June, the religious denominations failed to find a consensus on proposing a replacement for the head of the Independent Electoral Commission (CENI).³⁵ The FCC majority in parliament took the opportunity to appoint Ronsard Malonda, a CENI official with considerable involvement in the controversial 2018 election.³⁶ This

³⁰ Michael Kavanaugh, William Clowes, 'Congo President's Heir Apparent Arrested in Corruption Probe', Bloomberg, 9 April 2020, available from: <https://www.bloomberg.com/news/articles/2020-04-08/congo-president-s-aide-held-amid-corruption-probe-radio-okapi>. Before and after Kamerhe several other senior individuals and businessmen were placed under investigation for corruption related to the 100-day program.

³¹ Stanis Bujakera Tshiamala, 'Vital Kamerhe, bouc émissaire idéal des retards accumulés par le programme des cent jours?', Jeune Afrique, 3 March 2020, available from: <https://www.jeuneafrique.com/mag/903461/politique/vital-kamerhe-bouc-emissaire-ideales-retards-accumules-par-le-programme-des-cent-jours/>.

³² Romain Gras, 'Sans Vital Kamerhe, Félix Tshisekedi seul face à Joseph Kabila', Jeune Afrique, 27 July 2020, available from: <https://www.jeuneafrique.com/mag/1020093/politique/sans-vital-kamerhe-felix-tshisekedi-seul-face-a-joseph-kabila/>.

³³ Kash, 'Caricature: le FCC lance ses premières flèches contre la "République des juges", les combattants de l'UDPS réagissent', Actualité.cd, 24 June 2020, available from: <https://actualite.cd/2020/06/24/caricature-le-fcc-lance-ses-premieres-flechtes-contre-la-republique-des-juges-les>.

³⁴ Vital Kamerhe is appealing his sentence and the Court proceedings for the appeals trial have started in February 2015. 'RDC: Reprise du procès en appel de Vital Kamerhe' RFI, 15 February 2021, available from: <https://www.rfi.fr/fr/afrique/20210215-rdc-ouverture-du-proces-en-appel-de-vital-kamerhe>.

³⁵ Since the installation of the CENI's predecessor, the CEI in 2004 (during the 2003–2006 transition) there is a consensus amongst civil society that the presidency of the electoral commission is to be reserved for a candidate selected by the religious denominations. The selected candidate is then appointed by the National Assembly. 'RDC: le case-tête des religieux pour élire le président de la Ceni', RFI, 11 June 2020, available from: <https://www.rfi.fr/fr/afrique/20200611-rdc-casse-tete-religieux-president-la-ce>.

³⁶ Romain Gras 'RDC: Ronsard Malonda sera t'il le prochain président de la Ceni?', Jeune Afrique, 2 July 2020, available from: <https://www.jeuneafrique.com/1009064/politique/rdc-ronsard-malonda-sera-t-il-le-prochain-president-de-la-ceni/>; 'Kimbanguistes et Musulmans désavouent Ronsard Malonda', mediacongo.net, 5 July 2020, available from: https://www.mediacongo.net/article-actualite-71583_kimbanguistes_et_musulmans_desavouent_ronsard_malonda.html; 'CENI: Ronsard Malonda succède à Corneille Nangaa', Digitalcongo, 3 July 2020, available from: <https://www.digitalcongo.net/article/5eff1ec09f8bd4001778d858>.

move was rejected by the religious communities, and President Tshisekedi refused to accept the nomination.³⁷ Direct talks on the matter between Tshisekedi and Kabila did not lead to a breakthrough. The controversy led to violent protests in several cities, including loss of life.³⁸ With the appointment of a new CENI leader effectively blocked, the Catholic Church, the opposition and others moved their focus to broader electoral reforms. On 11 July, this led a group of MPs and some civil society representatives to form a platform, the G13, to start wide-ranging consultations on the issue.³⁹

Also in June, two FCC MPs introduced legislative proposals that would seriously affect the independence of the judicial system. Acting without broader government backing, these were supported by the FCC Deputy Prime Minister and Minister of Justice, Célestin Tunda.⁴⁰ The initiative was part of a broader offensive by the FCC against the judiciary that had become emboldened after significant reshuffles in the judiciary since early 2020.⁴¹ The proposals were rejected by the magistrates union, the Catholic Church and civil society and led to considerable popular protest.⁴² In his speech commemorating the sixtieth anniversary of the Congo's independence, President Tshisekedi strongly supported the independence of the justice system.⁴³ Under intense pressure, on 11 July, Célestin Tunda resigned from the government, leaving the management of the strategic justice department to the UDPS deputy minister, Bernard Takahishe.⁴⁴

³⁷ 'RDC: Plusieurs sources à la présidence confirment l'authenticité de la lettre de Félix Tshisekedi à Jeanine Mabunda refusant d'investir Ronsard Malonda comme président de la CENI', actualité.cd, 17 July 2020, available from: <https://actualite.cd/2020/07/17/rdc-plusieurs-sources-de-la-presidence-confirment-lauthenticite-de-la-lettre-de-felix>.

³⁸ Benoit Nyemba, 'At least three killed in protests over Congo election chief', Reuters, 9 July 2020, available from: <https://www.reuters.com/article/us-congo-protests-idUSKBN24A33P>.

³⁹ The G13 started their consultations with an appeal published on 11 July 2020, the final report 'Consensus sur les réformes électorales', was published in September 2020. Romain Gras, 'Réforme électorale en RDC: le "G13" propose sa loi', Jeune Afrique, 18 September 2020, available from: <https://www.jeuneafrique.com/1046000/politique/reforme-electorale-en-rdc-le-g13-propose-sa-loi/>.

⁴⁰ Stanis Bujakera Tshiamala, 'Tensions à Kinshasa: pro-Tshisekedi et pro-Kabila se déchirent sur la réforme judiciaire', Jeune Afrique, 24 June 2020, available from: <https://www.jeuneafrique.com/1005557/politique/tensions-a-kinshasa-pro-tshisekedi-et-pro-kabila-se-dechirent-sur-la-reforme-judiciaire/>.

⁴¹ Stanis Bujakera Tshiamala, 'DRC: Félix Tshisekedi's new judges, and their many challenges', The Africa Report, 19 February 2020, Available from: <https://www.theafricareport.com/23539/drc-felix-tshisekedis-new-judges-and-their-many-challenges/>.

⁴² 'RDC: CENCO craint que les propositions de lois Minaku-Sakata portent atteinte à l'indépendance de la justice', ZoomEco, 28 June 2020, available from: <https://zoom-eco.net/a-la-une/rdc-cenco-craint-que-les-propositions-de-lois-minaku-sakata-portent-atteinte-a-lindependance-de-la-justice/>; 'Congo police disperse parliament protesters with tear gas, water cannon', Reuters, 24 June 2020, available from: <https://www.reuters.com/article/us-congo-protests/congo-police-disperse-parliament-protesters-with-tear-gas-water-cannon-idUSKBN23V2YQ>.

⁴³ 'Discours du Président de la République Démocratique du Congo, Chef de l'Etat, à l'occasion de la célébration du 30 juin 2020', available from: https://www.mediacongo.net/dpics/files/2020-06-30-07-37-29_Discours_du_pres_dent_de_la_republique_independance_30_juin.pdf.

⁴⁴ 'DR Congo Justice Minister Celestin Tunda resigns after dispute' Al Jazeera, 11 July 2020, available from: <https://www.aljazeera.com/news/2020/7/11/dr-congo-justice-minister-celestin-tunda-resigns-after-dispute>.

The events of June and July clearly showcased that, both socially and politically, the FCC was isolated in its attempts to hijack the future elections and muzzle the judiciary. More importantly, it demonstrated the Kabila camp's catch-22 situation. Engaging fully in a political fight with Felix Tshisekedi would have exposed Kabila and his allies to the major risk they hoped to avoid by allowing the 2019 transition in the first place. Tshisekedi, on the other hand, had succeeded in building considerable domestic support and was free to grab the initiative.

In addition to these strategic battles, the gradual erosion of Kabila's power became apparent in a series of small but telling incidents that challenged the wide-ranging privileges his key allies had been enjoying. In December 2019 Albert Yuma was blocked from leaving Kinshasa as part of an investigation regarding a deal between Gécamines and the controversial Israeli businessman and Kabila ally, Dan Gertler.⁴⁵ Shortly thereafter, former presidential candidate Ramazani Shadary and Kabila's twin sister and MP, Jaynet Kabila, were stopped at the airport for incorrect use of diplomatic passports.⁴⁶ Kalev Mutond, the notorious former head of the national intelligence agency (ANR), was briefly arrested later that month and saw his privileges revoked.⁴⁷ Furthermore, on 28 February, General Delphin Kahimbi, another prominent ally of Kabila and head of the military intelligence agency, died under unclear circumstances. His body was discovered just before he was to appear before the DRC's security council to answer charges about his involvement in a 'plot to destabilise the president'.⁴⁸

⁴⁵ 'Glencore, Gertler, Gécamines: \$150 Million at Risk' Raid, 1 July 2020, available at: <https://www.raid-uk.org/blog/glencore-gertler-gecamines-150-million-risk>; Stanis Bujakera Tshiamala, 'DRC: Albert Yuma and Dan Gertler in complex Gécamines loan dispute', The Africa Report, 7 January 2020, available from: <https://www.theafricareport.com/21839/drc-albert-yuma-and-dan-gertler-in-complex-gecamines-loan-dispute/>.

⁴⁶ Marie-France Cros, 'RD Congo: adieu passeports diplomatiques!' La Libre Afrique, 6 February 2020, available from: <https://afrique.lalibre.be/46413/rdcongo-adieu-passeports-diplomatiques/>.

⁴⁷ Marie-France Cros, 'RD Congo: Kalev Mutond révoqué pour sa participation à une manifestation du FCC?' La Libre Afrique, 10 August 2020, available from: <https://afrique.lalibre.be/53100/rdcongo-kalev-mutond-revoque-pour-sa-participation-a-une-manifestation-du-fcc/>.

⁴⁸ 'DR Congo probes death of army military spy chief Delphin Kahimbi' BBC, 29 February 2020, available from: <https://www.bbc.co.uk/news/world-africa-51689390>.

SEIZING THE INITIATIVE

The presidency moved quickly to seize the initiative on two strategic fronts: the security forces and the Constitutional Court. On 17 July 2020, profiting from the absence of the prime minister, the presidency announced several significant changes in both.⁴⁹ The presidency significantly reshuffled the commanders of the Congolese armed forces (FARDC). The notorious General John Numbi, a close ally of former President Kabila, lost his position and has since retrenched at his farm in Haut-Katanga.⁵⁰ Equally strategic were decisions made regarding the composition of the Constitutional Court. Three new judges were appointed, replacing two judges who were appointed (to their surprise) to the Court of Cassation and the former President of the Court, who had resigned earlier in July and travelled abroad for medical reasons.⁵¹ On 14 October, during a visit to President Tshisekedi, the members of the bureau of the Conseil Supérieur de la Magistrature declared that the ordinances were both lawful and constitutional.⁵² A few days later, on 21 October, the three new judges were sworn in.⁵³ While there may be some concerns about the legal finesse of some of these moves, the FCC and the Ilunga government proved utterly incapable of stopping the presidential initiatives.⁵⁴

With the partial renewal of the Constitutional Court and after the previous blows to Kabila, the door was opened for an effective reconfiguration of the political scene. On 23 October, in a brief and assertive speech, President Tshisekedi announced the imminent organisation of political consultations with a wide range of stakeholders.⁵⁵ Following these consultations, on 6 December, President Tshisekedi announced the

⁴⁹ 'Des ordonnances de nominations au sein des FARDC et dans les instances judiciaires'. Agence Congolaise de Presse, 19 July 2020, available from: <https://acpcongo.com/index.php/2020/07/19/des-ordonnances-de-nominations-au-sein-des-fardc-et-dans-les-instances-judiciaires/>.

⁵⁰ 'Remaniement dans l'armée en RDC: Sylvestre Ilunga demande des explications à Felix Tshisekedi', Jeune Afrique, 22 July 2020, available from: <https://www.jeuneafrique.com/1018508/politique/remaniement-dans-larmee-en-rdc-sylvestre-ilunga-demande-des-explications-a-felix-tshisekedi/>.

⁵¹ 'Polémique à la Cour constitutionnelle en RDC: les dessous du bras de fer FCC-Cach', Jeune Afrique, 15 October 2020, available from: <https://www.jeuneafrique.com/1058431/politique/polemique-a-la-cour-constitutionnelle-en-rdc-les-coulisses-du-bras-de-fer-fcc-cach/>.

⁵² 'MONUSCO, Report of the Secretary general', UN, 30 November 2020, available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/328/40/PDF/N2032840.pdf?OpenElement>. In February 2020, the composition of the Conseil Supérieur de la Magistrature had already been altered by a series of nominations in the judiciary. Several Kabila-heavyweights were removed from their position. 'Nominations à la magistrature: la procédure de Felix Tshisekedi était légale, estime le procureur général Jean-Paul Mukolo', Radio Okapi, 14 October 2020, available from: <https://www.radiookapi.net/2020/10/14/actualite/politique/nominations-la-magistrature-la-procedure-de-felix-tshisekedi-etait>.

⁵³ Romain Gras, Stanis Bujakera Tshiamala, 'RDC: bataille entre Kabila et Tshisekedi pour le contrôle de la Cour constitutionnelle', Jeune Afrique, 20 October 2020, available from: <https://www.jeuneafrique.com/1060796/politique/rdc-bataille-entre-kabila-et-tshisekedi-pour-le-controle-de-la-cour-constitutionnelle/>.

⁵⁴ 'RDC: les nominations à la Cour constitutionnelle sont "légales" selon le procureur général', RFI, 15 October 2020, available from: <https://www.rfi.fr/fr/afrique/20201015-rdc-polemique-nomination-cour-constitutionnelle-recadrage-tshisekedi>.

⁵⁵ 'Message de Félix Tshisekedi... 23 octobre 2020', YouTube, 24 October 2020, available from: https://www.youtube.com/watch?v=bDe7_OxxL7k.

end of the coalition with the FCC and the imminent appointment of a negotiator to identify a new majority, the Union Sacrée de la Nation (USN).⁵⁶ He also mentioned a large number of concrete proposals and initiatives that emerged during the consultations. In case a new majority could not be formed, Tshisekedi threatened the dissolution of parliament and thus the organisation of new elections.⁵⁷ On 7 December, the day after his speech, President Tshisekedi asked Prime Minister Ilunga to resign, which the latter refused to do.

The focus then shifted to parliament. After a few tumultuous days, on 10 December 2020, a majority of 281 MPs (200 against) voted to dismiss the Mabunda bureau at the National Assembly. On 31 December, President Tshisekedi appointed the head of the AFDC-A, Modeste Bahati, as the negotiator, and on 3 January, he met with 300 members of the National Assembly who had joined the USN.⁵⁸ The movement of (mostly FCC) MPs to join the USN was initially held up by the uncertain interpretation of the legal restrictions on individual liberty for the MPs. According to the FCC, MPs were bound to their party or grouping to avoid forfeiting their mandate. In a ruling on 15 January, the Constitutional Court freed the MPs from this 'imperative mandate'.⁵⁹ This decision opened the floodgates, and on 27 January, 367 MPs accepted the motion of censure against Prime Minister Ilunga.⁶⁰ The FCC denounced the process but Ilunga finally resigned on 29 January. On 3 February, the National Assembly elected a new bureau led by Christophe Mboso N'Kodia Mpwanga, formerly FCC. As the most senior MP, Mboso led the Assembly through the entire episode. He got the support of 389 MPs.⁶¹ UDPS leader Jean-Marc Kabund, who was removed from his position as first deputy vice-President on 20 May 2020, was re-elected to his former post. Kabund had played an important role since early December as one of the key organisers in the parliament of the new majority.⁶²

After the National Assembly, the clouds gathered over the FCC majority in the Senate and on 2 February, a petition signed by more than 50 per cent of senators, calling for

⁵⁶ 'RDC: Félix Tshisekedi annonce la fin de la coalition avec Joseph Kabila et se cherche une nouvelle majorité', *Le Monde*, 7 December 2020, available from: https://www.lemonde.fr/afrique/article/2020/12/07/rdc-felix-tshisekedi-annonce-la-fin-de-la-coalition-avec-joseph-kabila-et-se-cherche-une-nouvelle-majorite_6062470_3212.html.

⁵⁷ 'RDC: Tshisekedi brandit la menace d'élections anticipées' *Le Soir*, 6 December 2020, available from: <https://www.lesoir.be/342041/article/2020-12-06/rdc-tshisekedi-brandit-la-menace-delections-anticipees>.

⁵⁸ 'RDC: le président Tshisekedi reçoit ses nouveaux alliés au sein de l'Union sacrée', *RFI*, 4 January 2021, available from: <https://www.rfi.fr/fr/afrique/20210104-rdc-le-president-tshisekedi-recoit-ses-nouveaux-allies-au-sein-de-l-union-sacree>.

⁵⁹ Stanislas Bujakera Tshiamala, 'RDC: l'arrêt de la Cour constitutionnelle qui affaiblit Kabila', *Jeune Afrique*, 19 January 2021, available from: <https://www.jeuneafrique.com/1107313/politique/rdc-larret-de-la-cour-constitutionnelle-qui-affaiblit-kabila/>.

⁶⁰ The FCC boycotted the session 377 MPs participated.

⁶¹ 'RDC: Christophe Mboso élu à la tête de l'Assemblée nationale', *RFI*, 3 February 2021, available from: <https://www.rfi.fr/fr/afrique/20210203-rdc-christophe-mboso-elu-a-la-tete-de-l-assemblee-nationale>.

⁶² 'RDC: la stratégie de Kabund pour convaincre les députés de Kabila de rallier Tshisekedi', *Jeune Afrique*, 8 December 2020, available from: <https://www.jeuneafrique.com/1087832/politique/rdc-la-strategie-de-kabund-pour-convaincre-les-deputes-de-kabila-de-rallier-tshisekedi/>.

the removal of the Senate bureau, led by Alexis Thambwe, was introduced.⁶³ In the days running up to a vote on Thambwe's fate, several legal proceedings were also launched against him. On 5 February, Thambwe decided to resign.⁶⁴ Modeste Bahati was elected as the Senate speaker on 2 March.⁶⁵ This effectively ended the dominance by Kabila over the national institutions, and it is now inevitable that most of the provincial assemblies and governments will reconfigure in the coming weeks and months.⁶⁶

On 15 February, little over two weeks after the resignation of Ilunga Ilunkamba, President Tshisekedi announced the appointment of Jean-Michel Sama Lukonde Kyenge (Avenir du Congo, ACO) as prime minister, thereby also ending the mandate of the informer, Modeste Bahati.⁶⁷ Like his predecessor, Sama Lukonde is from Haut-Katanga and he was briefly minister of youth and sports under Kabila before joining the opposition alongside Moïse Katumbi.⁶⁸ His party, led by Dany Banza Maloba, who is currently ambassador at large at the presidency, joined Tshisekedi before the December 2018 election. In July 2019, Sama Lukonde was appointed as director-general of Gécamines. The appointment was immediately welcomed by Katumbi and was generally considered a shift to a new generation. In his initial remarks, the incoming head of government confirmed a focus on restoring peace in the eastern provinces and setting social development and justice as priorities.⁶⁹ The forming of what is announced to be a smaller government should be concluded by the start of the new session of parliament on 15 March 2021.

⁶³ 'Sénat: plus de 60 sénateurs déposent une pétition contre le bureau Alexis Thambwe Mwamba ce mardi', CAS-INFO.CA, 2 February 2021, available from: <https://cas-info.ca/2021/02/senat-plus-de-senateurs-depo- sition-la-petition-contre-le-bureau-alexis-thambwe-mwamba/>.

⁶⁴ Romain Gras, 'RDC: Alexis Thambwe Mwamba démissionne de la présidence du Sénat', Jeune Afrique, 5 February 2021, available from: <https://www.jeuneafrique.com/1116820/politique/rdc-alexis-thambwe- mwamba-demissionne-de-la-presidence-du-senat/>.

⁶⁵ Romain Gras, 'RDC: élu à la tête du Sénat, Modeste Bahati Lukwebo prend sa revanche', Jeune Afrique, 2 March 2021, available from: <https://www.jeuneafrique.com/1130025/politique/rdc-elu-a-la-tete-du-senat- modeste-bahati-lukwebo-prend-sa-revanche/>.

⁶⁶ 'Les Gouverneurs des provinces adhèrent à la vision de l'Union sacrée de la nation', Radio Okapi, 30 December 2020, available from: <https://www.radiookapi.net/2020/12/30/emissions/dialogue-entre- congolais/les-gouverneurs-des-provinces-adherent-la-vision-de->; 'Haut-Katanga: le bureau de l'Assemblée provinciale destitué', Radio Okapi, 12 February 2021, available from: <https://www.radiookapi.net/2021/02/ 12/actualite/politique/haut-katanga-le-bureau-de-lassemblee-provinciale-destitue->; 'Tshopo: le regroupement politique "Ensemble" conteste le nouveau gouvernement provincial', Radio Okapi, 18 February 2021, available from: <https://www.radiookapi.net/2021/02/18/actualite/politique/tshopo-le-regroupement-poli- tique-ensemble-conteste-le-nouveau->.

⁶⁷ 'Sama Lukonde Kyenge nommé Premier ministre de la RDC', Agence Congolaise de Presse, 15 February 2021, available from: <https://acpcongo.com/index.php/2021/02/15/jean-michel-sama-lukonde-kienge- nomme-par-le-president-de-la-republique-premier-ministre-chef-du-gouvernement/>.

⁶⁸ Stanis Bujareka Tshiamala, 'De Kabila à Tshisekedi en passant par Katumbi: ce qu'il faut savoir sur Sama Lukonde Kyenge', Jeune Afrique, 18 February 2021, available from: <https://www.jeuneafrique.com/ 1123770/politique/de-kabila-a-tshisekedi-en-passant-par-katumbi-ce-quil-faut-savoir-sur-sama-lukonde- kyenge/>.

⁶⁹ 'PM Sama Lukonde: "le gouvernement de l'Union sacrée sera au service du peuple congolais"', DeskEco, 15 February 2021, available from: <https://deskeco.com/2021/02/15/pm-sama-lukonde-le-gouvernement-de- lunion-sacree-sera-au-service-du-peuple-congolais->.

A NEW ERA? POLITICAL CONSOLIDATION AND MANAGING RISK

Entering his third year in office, President Tshisekedi has effectively reshaped the Congolese political landscape. With the possible exception of some hold-outs in the security forces and in the economy, the Kabila system has lost its grip on the state and faces an uncertain future in opposition. The USN – composed of CACH, parts of the Lamuka opposition alliance and several parties and individual MPs that have left the FCC – is now taking over.⁷⁰ This reconfiguration creates new levels of complexity and volatility and will require considerable effort to convert into a functioning parliamentary majority. The new majority and its leaders will soon discover that creating a dynamic to get rid of the old regime is not the same as maintaining cohesion between quite diverse and competing political forces.

As is to be anticipated, there will be many expectations of compensation among MPs and their entourage. Furthermore, there is the management of the delicate relationship with the political heavyweights Moïse Katumbi and Jean-Pierre Bemba. Both participated in the consultations and joined the USN in the course of January 2021.⁷¹ As contenders to the previous presidential election, they are likely to maintain the ambition to occupy the throne themselves one day. The next national elections are to be held in 2023, and while Katumbi and Bemba may, in theory, agree to delay their ambitions until 2028, this will not come without some cost, and in the meantime, new challengers may appear. Over the coming years, the first domestic challenges are thus likely to remain political.

Despite the progress made in recent months, the USN will have to maintain unity of purpose in neutralising the remnants of the Kabila system and finding a stable solution for the former *raïs*. The political wing of the Kabila system, the FCC, has imploded rapidly, and given his experience with the volatility of the Congolese political class, it is unlikely that this has much surprised its leader. The political support he retains, mostly in the PPRD party, does not carry much numerical weight in parliament. The FCC will also not be able to mobilise much popular support in the streets of Kinshasa or most other cities except for those in former Katanga province.⁷²

⁷⁰ Marie-France Cros, 'RD Congo: les rats quittent le navire FCC', *La Libre Afrique*, 14 December 2020, available from: <https://afrique.lalibre.be/56622/rdcongo-les-rats-quittent-le-navire-fcc/>.

⁷¹ 'RDC: Comment la coalition de Lamuka s'est déchirée', *RFI*, 30 January 2021, available from: <https://www.rfi.fr/fr/afrique/20210130-rdc-comment-la-coalition-de-lamuka-s-est-dechirée>.

⁷² In 2015 in a wider process known as 'découpage', also involving several other provinces, Katanga was split in four new provinces: Haut-Katanga, Haut-Lomami, Lualaba and Tanganyika. 'Katanga: Tensions in DRC's Mineral Heartland', *International Crisis Group, Africa Report N°239*, 3 August 2016, available from: <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/katanga-tensions-drcs-mineral-heartland>.

Joseph Kabila can still count on a considerable network in this highly strategic and volatile region. Throughout the Kabila presidency, Katangese networks in the (mining) economy and the security forces, have formed the basis of his power. It is no coincidence that on 11 December 2020, shortly after losing his majority in parliament, Joseph Kabila left the capital Kinshasa for his farm in his native Katanga. In doing so, he followed his ally Gen. John Numbi, who retreated to his farm *Beijin* after losing his position in the FARDC in July 2020 (cfr. supra).⁷³ The former president also got closer to his younger brother Governor Zoë Kabila who heads the Tanganyika Province.⁷⁴

There are different factors of tension in the relationship between Katanga and Kinshasa; these were also present under the Kabila presidency. The Lualaba and Haut-Katanga provinces form the heart of the Congolese copper and cobalt mining economy and are thus of critical national importance.⁷⁵ The former province had (and later, claimed) a particular status dating back to colonial times. Immediately after Congolese independence this led to a violent experiment in separatism, a sentiment that still has considerable following.⁷⁶

The difficult relationship with the strong Kasaian community is a particular factor in this Katangese nationalism. It has become even more tangible since the start of the Tshisekedi presidency. Since President Tshisekedi has his roots in the Kasai and the UDPS has a strong following in the Kasaian community in the former Katanga province, there is a considerable threat of political instrumentalisation among the youth on both sides.⁷⁷ This potentially explosive dynamic was noticeable during the brief Kabila-Tshisekedi honeymoon and has now become particularly outspoken. On 16 January 2021, in the heat of the battle for the dismissal of Kabila's prime minister, the head of the CENI during the 2011 elections, Pasteur Daniel Ngoy Mulunda – a close ally of the former president – gave an assertive speech in Lubumbashi. Mulunda threatened separatism 'in the event of a lack of respect for Katangese leaders, in particular Kabila'.⁷⁸ He was subsequently arrested and condemned to

⁷³ 'John Numbi: "Les gens pensent que les Katangais sont faibles"', politico.cd, 21 July 2020, available from: <https://www.politico.cd/encontinu/2020/07/21/john-numbi-les-gens-pensent-que-les-katangais-sont-faibles.html/65173/>; 'RDC: Joseph Kabila est arrivé à Lubumbashi', Actualité.cd, 18 December 2020, available from: <https://actualite.cd/2020/12/18/rdc-joseph-kabila-est-arrive-lubumbashi>.

⁷⁴ 'Tanganyika: Zoë Kabila Mwanza Mbala, Élu Gouverneur de Province', Vision de Midi, 10 April 2019, available from <https://visiondemidi.net/2019/04/10/tanganyika-zoe-kabila-mwanza-mbala-elu-gouverneur-de-province/>.

⁷⁵ In 2015, Katangese copper and cobalt production represented 82 per cent of extractive revenue to the government.

⁷⁶ Miles Larmer, Erik Kennes, 'Rethinking the Katangese Secession', *The Journal of Imperial and Commonwealth History*, Volume 42, Issue 4, 2014, available from: <https://www.tandfonline.com/doi/abs/10.1080/03086534.2014.894716>.

⁷⁷ Christophe Rigaud, 'RDC: zones d'ombre autour de la mort des militants UDPS de Lubumbashi', 17 August 2020, available from: <http://afrikarabia.com/wordpress/rdc-zones-dombres-autour-de-la-mort-des-militants-udps-de-lubumbashi/>.

⁷⁸ Stanislas Bujakera Tshiamala, 'RDC: ce que la justice reproche à Daniel Ngoy Mulunda', *Jeune Afrique*, 20 January 2021, available from: <https://www.jeuneafrique.com/1108257/politique/rdc-ce-que-la-justice-reproche-a-daniel-ngoy-mulunda/>.

three years imprisonment for ‘incitement to tribal hatred, spreading false rumours and threatening state security’.

While not at the same level of intensity as the eastern provinces, Haut-Katanga and Tanganyika are also prey to the activities of several nebulous armed groups. In recent years these have been responsible for several short, yet intense, incursions into several cities including Lubumbashi, Kasumbalesa and Likasi.⁷⁹ Rumours are abounding about the presence of such groups around Lubumbashi. There are strong suspicions that the most important of these, the Bakata Katanga (Cut-off Katanga) led by Gédéon Kyungu, has intricate linkages to Kabila allies in the security forces. In early February 2021, the FARDC increased their presence in the vicinity of John Numbi’s farm.⁸⁰ Rampant violent crime and agitated political protest by political and socio-cultural youth movements further add to this volatile context.⁸¹

This duality and the presence of numerous Katangese in the security forces is a source of concern. However, several senior Katangese political leaders have joined the USN. The popular former governor Gabriël Kyungu has also come out strongly against the divisionism.⁸² The arrest and conviction of Pasteur Ngoy passed without much popular reaction. The presidency has mixed firmness with strong signs of appeasement in its attitude to the Katangese clans. With new Prime Minister Sama Lukonde Kyenge and the new director of cabinet at the presidency, Guylain Nyembo Mbwizia (Tanganyika Province), President Tshisekedi has appointed Katangese to two of the most senior positions. Furthermore, while on the one hand, Tshisekedi pardoned those condemned for the assassination of Laurent-Désiré Kabila, on the other hand, he also participated in the annual ceremony at the former president’s tomb in the year commemorating the twentieth anniversary of his assassination.

The consolidation of the control of the two parliamentary assemblies and the building of an effective and stable government will have to progress quickly. After years of stagnation, expectations for change are enormous. Both the presidency and the incoming prime minister are clearly aware of this but nevertheless the new government will be inundated by priorities that were also highlighted during the broad-based political consultations organised by President Tshisekedi in November 2020.⁸³ They include:

⁷⁹ The latest attack on Lubumbashi, on 14 February, cost the lives of at least 11 people. ‘RDC: onze morts dans des attaques sur deux sites militaires à Lubumbashi’, RTBF, 14 February 2021, available from: https://www.rtb.be/info/monde/detail_rdc-onze-morts-dans-des-attaques-sur-deux-sites-militaires-a-lubumbashi?id=10697762.

⁸⁰ Communication with local analyst, February 2021.

⁸¹ ‘La police demande l’aide de la population contre l’insécurité à Lubumbashi’, Voice of America, 15 January 2020, available from: <https://www.voafrique.com/a/rdc-la-police-demande-l-aide-de-la-population-contre-l-insécurité-à-lubumbashi/5246653.html>.

⁸² ‘RDC: “Les propos de Ngoy Mulunda n’engagent pas le Katanga”, affirme Kyungu Wa Kumwanza’, Radio Okapi, 20 January 2021, available from: <https://www.radiookapi.net/2021/01/20/actualite/politique/rdc-les-propos-de-ngoy-mulunda-nengagent-pas-le-katanga-affirme>.

⁸³ ‘Discours de Félix Tshisekedi à l’issue des consultations (intégralité)’, Actualité.cd, 6 December 2020, available from: <https://actualite.cd/2020/12/06/discours-de-felix-tshisekedi-l-issue-des-consultations-integralite>.

- Building the foundations for **peace and stability** throughout the country. Today, the eastern provinces of Ituri, North and South Kivu and areas of Maniema, Tanganyika and the Uele's remain prey to persistent violence claiming thousands of lives on a yearly basis and hampering social and economic developments.⁸⁴ While regional factors are a significant driver, local and national factors remain at the basis of these dynamics. The enduring violence and the recurring massacres of civilians also have a broader effect on the legitimacy of the state. The Tshisekedi presidency has committed to national and regional initiatives, including the quadripartite process with Angola, Rwanda and Uganda. These require urgent investment and follow-up.⁸⁵

Beyond security sector reform (SSR) and the effective implementation of the newly proposed Disarmament, Demobilisation and Community Reintegration and Stabilisation (DDRCS) programme, the stabilisation of these provinces and building social and political resilience in areas recovering from conflict is a priority.⁸⁶ Improved local governance, including the organisation of local elections, is a crucial factor, as is the building of peaceful mechanisms of arbitration and conflict resolution between communities. Incendiary notions, such as the repetitive references to the threat of a 'balkanisation' of the country, as were repeated during the recent upheaval on Minembwe, also need to be countered.⁸⁷

- Finding **consensus on the modalities for future elections**. This will require extensive legislative and constitutional reform (such as the return to a two-round system) as well as clarity on funding and a fundamentally reformed CENI.
- **Fighting corruption**. Since Congolese independence, corruption has become entrenched as the 'operating system' of Congolese politics. Reorienting resources away from the political class towards the population and development goals is necessary, but it will require more than a reboot of the political system. President Tshisekedi, following other national and international examples, has given a great deal of attention to this issue and, as expected, the fight against

⁸⁴ 'Violations des droits de l'homme documentées dans les provinces affectées par les conflits', BCNUDH – MONUSCO, 25 January 2021, available from: https://monusco.unmissions.org/sites/default/files/bcnuhd_-_vdh_dans_les_provinces_en_conflit_1.jpg; 'The Landscape of Armed Groups in Eastern Congo – Missed Opportunities, Protracted Insecurity and Self-Fulfilling Prophecies', Kivu Security Tracker, February 2021, available from: <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/39/2021%20KST%20report%20EN.pdf>.

⁸⁵ Aymar Nyenyenzi Bisoka, Koen Vlassenroot, Hans Hoebek, 'The Limits of President Tshisekedi's Security Strategy in the Democratic Republic of Congo', LSE Blog, 28 April 2020, available from: <https://blogs.lse.ac.uk/crp/2020/04/28/the-limits-of-president-tshisekedis-security-strategy-in-the-democratic-republic-of-congo/>.

⁸⁶ 'RDC: Tshisekedi demande aux gouverneurs des provinces de soutenir le programme DDR en "s'impliquant dans la démobilisation des groupes armés"', Actualité.cd, 29 December 2020, available from: <https://actualite.cd/2020/12/29/rdc-tshisekedi-demande-aux-gouverneurs-des-provinces-de-soutenir-le-programme-ddr-en>.

⁸⁷ Judith Verweijen, 'DRC: Opportunistic use of 'balkanisation' theory in Minembwe', The Africa Report, 2 November 2020, available from: <https://www.theafricareport.com/48160/drc-opportunistic-use-of-balkanisation-theory-in-minembwe/>; 'A la fin de son séjour dans l'Est, le Cardinal Ambongo tranche: "le risqué de balkanisation est bien réel"', Actualité.cd, 30 December 2019, available from: <https://actualite.cd/2019/12/30/la-fin-de-son-sejour-dans-lest-le-cardinal-ambongo-tranche-le-risque-de-balkanisation>.

corruption has been weaponised against the Kabila clan – most recently in the fight for the control over the Senate.⁸⁸ However, it will require more solid instruments and institutions and an effective zero-tolerance policy which is nigh impossible in times of a delicate and murky political battle.

- Closely related to the fight against corruption, there is an urgent requirement for improved **economic and fiscal governance**: with an (only partially executed) annual state budget of approximately \$5 billion and an estimated fiscal capture of less than 12 per cent of GDP, the Congolese government has few resources to effectively redress the situation on the ground.⁸⁹ Government income is also susceptible to the price fluctuations of the primary export commodities copper and cobalt, which represent more than 80 per cent of exports.⁹⁰ In the coming years, the Congolese people, donors and potential investors will expect considerable growth in fiscal revenue and thus useful margins for policy (such as the announced measures on free education and healthcare) and a more welcoming business climate.
- **Reforming the security and justice system.** In the past two decades, effective reform of the security sector has been limited as the Kabila regime was closely entrenched with a mostly dysfunctional, repressive and corrupt security apparatus. There are concerns about the active complicity of elements of the security forces in the ongoing conflicts in the east, and the security forces remain responsible for a large part of the human rights violations.⁹¹ Recent attempts to weaken the independence of the justice system have been halted, but there is a need for increased investment in and support to the justice system. Making progress on security sector reform, scaling up the fight against impunity and building confidence between security forces and the civilian population are prerequisites for stability.
- Reinforcing the **rule of law and combating impunity.** There have been renewed calls for a follow-up to the recommendations made in the UN Mapping Report

⁸⁸ 'RDC: L'IGF demande à Thambwe Mwamba de justifier l'utilisation de plus de 107 milliards CDF', politico.cd, 4 February 2021, available from: <https://www.politico.cd/encontinu/2021/02/04/rdc-ligf-demande-a-thambwe-mwamba-de-justifier-lutilisation-de-plus-de-107-millions-cdf.html/76328/>.

⁸⁹ 'RDC: le Projet de Budget rectifié de l'exercice 2020 approuvé à 5,7 milliards USD connaît une baisse de 43%', ZoomEco, 26 September 2020, available from: <https://zoom-eco.net/economie/rdc-le-projet-de-budget-rectifie-de-lexercice-2020-approuve-a-57-milliards-usd-connaît-une-baisse-de-43/>; 'Statistiques des recettes publiques en Afrique 2019 – République Démocratique du Congo', OCDE, available from: <https://www.oecd.org/fr/pays/republiquedemocratiqueducongo/statistiques-recettes-publiques-afrique-congo-rep-dem.pdf>.

⁹⁰ Jean-Pierre Okenda, 'How the DRC Can Defend its Mining Interests During the Pandemic', National Resource Governance Institute, 30 April 2020, available from: <https://resourcegovernance.org/blog/drc-defend-mining-pandemic-congo-coronavirus>.

⁹¹ 'Principales tendances des violations des droits de l'homme – Janvier à décembre 2020, BCNUDH-MONUSCO, 27 January 2021, available from: <https://monusco.unmissions.org/principales-tendances-des-violations-des-droits-de-l'homme-janvier-decembre-2020>; 'Stabilising the Democratic Republic of Congo after an Apex Power Struggle', EU Watch List 2021, International Crisis Group, 29 January 2021, available from: <https://www.crisisgroup.org/global/watch-list-2021#DRC>.

investigating crimes committed between 1993 and 2003 and covering the activities of neighbouring countries on Congolese territory.⁹² President Tshisekedi has declared his support for setting up measures for dealing with the crimes of the past, and two decree proposals were drafted to this end by the minister of human rights.⁹³ While pursuing justice and redress for mass human rights violations may contribute to conflict transformation and rebuilding the state's legitimacy, such efforts can also heighten regional and domestic tensions. Another case, with a serious national impact, concerns the murder in 2010 of Congolese human rights activist Floribert Chebeya. In February 2021, new witnesses emerged, directly implicating former President Kabila and General John Numbi, who, at the time of the murder was head of the Congolese National Police (PNC).⁹⁴ A few days later, a fugitive former police officer was arrested in Lubumbashi.⁹⁵ There is mounting pressure by national and international actors for a re-opening of this case.⁹⁶ Other cases are likely to follow given the violent repression of protest under the previous regime.

- Effective progress in **decentralisation**. Decentralisation is one of the main characteristics of the 2006 Constitution, but several measures, such as the retrocession of financial resources have only seen partial implementation, and both the local and decentralised administrations remain under-resourced. Local elections have never been organised, and provincial elections were skipped in 2011. National developments also affect the balance of forces at provincial levels. At the end of December 2020, during a conference of the provincial governors in Kinshasa, these questions were discussed, but a balance will need to be struck between the need for stability, the commitment of provincial governments to broader policies and the oversight-role and priorities defined by the provincial assemblies.⁹⁷

⁹² 'Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, UN Office of the High Commissioner for Human Rights, August 2010, available from: https://www.ohchr.org/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf.

⁹³ 'RDC: Félix Tshisekedi opte pour une "justice transitionnelle" face aux divers crimes et abus commis au pays', Actualité.cd, 8 August 2020, available from: <https://actualite.cd/2020/08/08/rdc-felix-tshisekedi-opte-pour-une-justice-transitionnelle-face-aux-divers-crimes-et>.

⁹⁴ 'Affaire Chebeya: "C'est à l'inspection générale de la police qu'on les a étouffés"', RFI, 9 February 2021, available here: <https://www.rfi.fr/fr/podcasts/invite-afrique/20210208-affaire-chebeya-c-est-a-l-inspection-generale-de-la-police-qu-on-les-a-etouffes>; Stanis Bujakera Tshiamala, 'RDC – Annie Chebeya: "Le vraie responsable de la mort de mon mari, c'est Joseph Kabila"', Jeune Afrique, 9 February 2021, available from: <https://www.jeuneafrique.com/1118782/societe/rdc-annie-chebeya-le-vrai-responsable-de-la-mort-de-mon-mari-cest-joseph-kabila/>.

⁹⁵ 'RDC: arrestation de Jacques Migabo, l'un des assassins présumés de Chebeya et Bazana', RFI, 18 February 2021, available from: <https://www.rfi.fr/fr/afrique/20210218-rdc-arrestation-de-jacques-mugabo-l-un-des-assassins-presumes-de-chebeya-et-bazana>.

⁹⁶ 'RDC: la société civile demande la réouverture de l'affaire Chebeya', RFI, 10 February 2021, available from: <https://www.rfi.fr/fr/afrique/20210210-rdc-la-societe-civile-demande-la-reouverture-de-l-affaire-chebeya>.

⁹⁷ Stanis Bujakera Tshiamala, 'RDC: Félix Tshisekedi obtient l'adhésion des gouverneurs pro-Kabila', Jeune Afrique, 30 December 2020, available from: <https://www.jeuneafrique.com/1097747/politique/rdc-felix-tshisekedi-obtient-ladhesion-des-gouverneurs-pro-kabila/>.

In most of these areas, an inventory of priorities has been made, and initial steps have been taken at different levels of Congolese society. This includes the well-developed considerations on the electoral process by the G13, initiatives on pacification of the east and the setting-up of new anti-corruption structures.⁹⁸ There is an abundance of capacity and talent in the DRC to develop policy and tackle these challenges, but there is also urgency. The role of the international community, predominant as it has been in recent decades, will be redefined with the projected departure of MONUSCO.⁹⁹ While MONUSCO is often criticised and is perceived as ineffective, not least by the population in the conflict-affected areas, the mission remains a crucial actor in Eastern DRC, providing support to the Congolese security forces.

⁹⁸ Romain Gras, Stanis Bujakera Tshiamala, 'Présidentielle en 2023 en RDC: ce que le "G13" a proposé à Tshisekedi', *Jeune Afrique*, 14 September 2020, available from: <https://www.jeuneafrique.com/1041453/politique/presidentielle-2023-en-rdc-ce-que-le-g13-a-propose-a-tshisekedi/>. 'RDC: Tshisekedi demande aux gouverneurs des provinces de soutenir le programme DDR en "s'impliquant dans la démobilisation des groupes armés"', *Actualité.cd*, 29 December 2020, available from: <https://actualite.cd/2020/12/29/rdc-tshisekedi-demande-aux-gouverneurs-des-provinces-de-soutenir-le-programme-ddr-en>; 'RDC: la renaissance de l'Inspection générale des finances', *RFI*, 1 November 2020, available from: <https://www.rfi.fr/fr/podcasts/20201101-rdc-la-renaissance-inspection-generale-finances>.

⁹⁹ 'Joint strategy on the progressive and phased drawdown of MONUSCO, October 2020', UN, 26 October 2020, available from: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2020_1041_E.pdf.

CONCLUSION

To a population impatient for change in their daily lives, a considerable part of this near-two-year political struggle seems like an opaque waste of time – politics for politics' sake. Furthermore, it is most likely, given the nature of (Congolese) politics, that the shifts in parliament, unfinished as they are, involved dubious practices and have stretched executive authority. Despite these valid concerns, the continuation of the kleptocratic regime was untenable. The new government needs to be formed quickly and both in its composition and its actions it has to represent a clear break with the past. The principled positions that have been important in the struggle against the Kabila regime and that resonate in President Tshisekedi's discourse – the fight against corruption, respect for the rule of law, a consensual framework for elections – all resonate strongly outside the realm of politics. Ensuring respect for these principles is not without risk, but it is a necessary precondition for change.

As popular demands for change by a young, frustrated population will only increase in strength, the Congolese political class and civil society will have to come out of the woods and assume their responsibility. The conflicts in Eastern DRC, the endemic corruption, etc. require a broad-based engagement. After decades of conflict and institutional, economic and social decay, the Congo needs unity and constructive engagement. International and regional partners, tired of the permanent crisis, are also looking for ways to change the dynamic – which includes the future departure of the international community's most visible presence, MONUSCO. This necessary move is not without risks, and the most dangerous dynamics are regional. But here as well there is the beginning of something new: as the DRC assumes the chair of the AU the country has re-entered the international scene after a long period of absence. The DRC is no longer only on the menu; it now also sits at the table.

ANNEX 1: CHRONOLOGICAL OVERVIEW OF KEY POLITICAL EVENTS (2019-2021)

30 Dec 2018	National elections (Presidential, National and Provincial Assemblies).
24 Jan 2019	Oath of Office, President Tshisekedi.
31 Mar 2019	Organisation of delayed national election in Beni, Butembo (N Kivu) and Yumbi (Equateur).
24 Apr 2019	Jeanine Mabunda Lioko (PPRD, FCC), elected as speaker of the National Assembly (375 votes).
20 May 2019	Sylvestre Ilunga Ilunkamba (PPRD, FCC), appointed prime minister.
27 Jul 2019	Alexis Thambwe (PPRD, FCC) elected as speaker of the Senate.
6 Sep 2019	National Assembly invests Sylvestre Ilunkamba government (375 votes).
25 Oct 2019	Government consensus over national budget (revised several times since, lastly to \$5.7 billion).
19 Jan 2020	Speech of President Tshisekedi to Congolese community in London, mentioning presidential prerogative to dissolve National Assembly and dismiss ministers.
21 Jan 2020	Response to London speech, Jeanine Mabunda, speaker of Parliament, threatens impeachment of president.
24 Mar 2020	State of Emergency Covid 19.
8 Apr 2020	Arrest of Vital Kamerhe (UNC/CACH), director of President Tshisekedi's cabinet (trial started 11 May).
12 May 2020	Désiré-Cashmir Kolongele Eberand appointed as interim director of presidential cabinet.
25 May 2020	Jean-Marc Kabund (UDPS/CACH) ousted as first vice-president of the National Assembly (286 votes).
8 / 9 Jun 2020	Leaders of the eight religious organisations meet to deliberate the selection of a new head of CENI. No consensus is found.
20 Jun 2020	Court finds Vital Kamerhe guilty of embezzlement.

2 Jul 2020	The National Assembly designates Ronsard Malonda as head of CENI.
2 Jul 2020	Meeting of Tshisekedi and Kabila; reaffirmation of commitment to coalition.
11 Jul 2020	Célestin Tunda Ya Kasende (PPRD, FCC), deputy prime minister and minister of justice, resigns from the government.
17 Jul 2020	Presidential ordinances appointing three new judges at the Constitutional Court; reshuffle of armed forces (including removal of General John Numbi).
21 Oct 2020	Oath of Office by three new judges of the Constitutional Court.
23 Oct 2020	Speech by President Tshisekedi announcing the organisation of the national consultations.
2 / 25 Nov 2020	National consultations.
6 Dec 2020	Speech by President Tshisekedi announcing end of coalition between CACH and FCC, building of new coalition the 'Union Sacrée'.
10 Dec 2020	National Assembly votes on motion to remove speaker Jeanine Mabunda (PPRD, FCC) (281 votes).
31 Dec 2020	President Tshisekedi appoints Modeste Bahati (AFDC/A, ex-FCC) as informant.
25 Jan 2021	President Tshisekedi appoints new director of cabinet: Guylain Nyembo Mbwizia.
27 Jan 2021	National Assembly votes out Prime Ilunga (367 votes).
29 Jan 2021	Prime Minister Ilunga presents resignation to President Tshisekedi.
3 Feb 2021	The National Assembly elects a new bureau and speaker, Christophe Mboso N'Kodia Mpwanga (ABCE, ex-FCC) (389 votes).
5 Feb 2021	Alexis Thambwe (PPRD, FCC) resigns as speaker of the Senate.
6 Feb 2021	President Tshisekedi takes over as chair of the African Union (AU) for 2021.
15 Feb 2021	Start of Vital Kamerhe's appeal trial.

15 Feb 2021	President Tshisekedi appoints Sama Lukonde Kyenge (ACO), former director-general of Gécamines, as incoming prime minister.
22 Feb 2021	Incoming prime minister starts consultations to form a new government.
02 Mar 2021	Modeste Bahati Lukwebo elected as speaker of the Senate