DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE ASSESSMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO
FINAL REPORT
Cover Photos: left: A USAID-supported agricultural cooperative in Lubumbashi; center: the extraordinary wealth enjoyed by a limited elite, as seen in this shiny new mall in Lubumbashi; right: poverty that most Congolese experience, as seen in this street scene in Kinshasa. Credit: Photos provided courtesy of Dr. Timothy Longman.

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FINAL REPORT

JULY 2020

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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADFL</td>
<td>Alliance of Democratic Forces for the Liberation of Congo/Zaire</td>
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<tr>
<td>CACH</td>
<td>Heading for Change</td>
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<tr>
<td>CAFCO</td>
<td>Permanent Framework of Congolese Women</td>
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<tr>
<td>CENI</td>
<td>National Independent Electoral Commission</td>
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<td>CENCO</td>
<td>National Episcopal Conference of Congo</td>
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<tr>
<td>CRG</td>
<td>Congo Research Group</td>
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<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>DRG</td>
<td>Democracy, Human Rights, and Governance</td>
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<tr>
<td>ECC</td>
<td>Church of Christ in Congo</td>
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<tr>
<td>ETD</td>
<td>Decentralized Territorial Entity</td>
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<tr>
<td>FARDC</td>
<td>Armed Forces of the Democratic Republic of the Congo</td>
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<td>FCC</td>
<td>Common Front for Congo</td>
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<td>FILIMBI</td>
<td>Front Line Defenders</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>IRI</td>
<td>International Republican Institute</td>
</tr>
<tr>
<td>LGBTQ+</td>
<td>Lesbian, Gay, Bisexual, Transgender, Queer or Questioning</td>
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<tr>
<td>LUCHA</td>
<td>Struggle for Change</td>
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<td>M23</td>
<td>March 23 Movement</td>
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<tr>
<td>MLC</td>
<td>Movement for the Liberation of Congo</td>
</tr>
<tr>
<td>MONUSCO</td>
<td>United Nations Organization Stabilization Mission in the Democratic Republic of Congo</td>
</tr>
<tr>
<td>NGO</td>
<td>Nongovernmental Organization</td>
</tr>
<tr>
<td>OECD</td>
<td>Organization for Economic Cooperation and Development</td>
</tr>
<tr>
<td>PALU</td>
<td>Unified Lumumbist Party</td>
</tr>
<tr>
<td>PPRD</td>
<td>People’s Party for Reconstruction and Democracy</td>
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<tr>
<td>RCD</td>
<td>Congolese Rally for Democracy</td>
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<tr>
<td>RPF</td>
<td>Rwandan Patriotic Front</td>
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<tr>
<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>UDPS</td>
<td>Union for Democracy and Social Progress</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>USG</td>
<td>United States Government</td>
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Figure 1. The new provincial map put into place in 2015
EXECUTIVE SUMMARY

In January 2019, the Democratic Republic of the Congo (DRC) experienced its first peaceful transfer of power since independence. Despite the highly contested and controversial nature of the elections, the rise to the presidency of Félix Tshisekedi, leader of the Union for Democracy and Social Progress (UDPS), has created important political openings in the DRC, and the country has experienced rapid improvements in at least two democracy, human rights, and governance (DRG) areas: human rights and competition. Tshisekedi has committed his government to improving the country’s human rights record and fighting corruption.

Yet, the challenges facing the DRC remain immense, and the Tshisekedi administration must clearly deliver on its commitments to provide better government services, curb corruption, and promote democracy and human rights. Despite a strong constitution and legal framework, the country has weak democratic traditions and a long history of authoritarian rule, creating particular challenges in the areas of rule of law, political accountability, and government responsiveness and effectiveness. The retention of power by the ex-president’s political coalition in every institution other than the executive branch severely handicaps the new president’s ability to enact his political agenda.

The ex-president’s continuing power is based largely on his control of a substantial portion of the DRC economy. The practice of using the state for personal enrichment is deeply rooted in Congolese history. In his 17 years in office, Kabila placed himself at the head of a patrimonial system that established a monopoly over the country's natural resource extraction. In fact, despite the country’s abundant mineral resources, most of Congo’s population lives in dire poverty. The capture of the DRC’s economy by private interests results in severe underfunding of the government, which undermines its ability to provide basic public services. Yet, many within the political, civil service, and private sectors who profit from the status quo will fight to protect their opportunities even in the face of strong popular frustration over corruption. The country’s poorly developed infrastructure also hinders the government’s hopes for economic development.

The threat of conflict remains a serious challenge in the DRC. Two large-scale wars devastated the DRC in the 1990s and left a legacy of insecurity. Armed groups have continued to operate, particularly in the east of the country, some sections of which have experienced prolonged insecurity for over two decades. The government’s failure to provide basic services and the country’s stalled economy and massive inequality feed insecurity, even as the continuing presence of armed groups undermines both service delivery and opportunities for economic investment. A vicious cycle persists where insecurity and poor governance feed one another.

THE DRG CHALLENGES IN THE DRC

While challenges exist in all five elements analyzed under this DRG assessment, the core challenges to democratic governance in the DRC lie in competition and political accountability, government responsiveness and effectiveness, and rule of law, particularly in the problem of corruption. The former regime’s continuing control over the political system protects deeply rooted systems of corruption and limits the ability of the new regime to respond to public demands for better services and a more accountable government. By manipulating the electoral process and deftly deploying his massive wealth, former President Kabila has maintained substantial influence over state institutions.

Fortunately, the transition offers new possibilities to address these challenges. President Tshisekedi has great public support, and if he can provide tangible benefits to the population relatively quickly, this popular support could prove a valuable resource in his efforts to take greater control of the government. The opening up of political space creates opportunities for civil society groups and the
media to play a more active role in supporting efforts to fight corruption, promote electoral reform, and institute other changes necessary to foster democratic development in the DRC. Local elections have the potential to make local government more accountable to their populations and provide better public input and oversight in the provision of public services, which happens above all at the local level.

Consensus is the least concerning DRG factor. Despite Congo’s history of conflict and insecurity, the population’s great diversity, and the physical challenges to national unity, the Congolese have a strong sense of national identity. Although the government’s control over much of the territory is weak, Congolese share a desire for greater national unity and a more effective government, more capable of equitably distributing the benefits of the country’s abundant natural resources. The DRC’s population also widely supports the 2006 Constitution and the institutions it creates. As many people told us, “Our laws and constitution are great. If only they were applied.”

In terms of inclusion, although there are some concerns about the exclusion or targeting of specific social groups, the most widespread and problematic form of exclusion in the DRC today is the domination of the political and economic system by a small class of wealthy individuals that effectively marginalizes the vast majority of Congo’s population. The exclusion of women from equal political participation is widely recognized and the focus of numerous interventions, while the problem of youth inclusion is barely discussed, despite the large youth population in the DRC and its recent important political engagement.

Civil and political rights are the areas that experienced the most pronounced improvement since the 2019 transition, with a sharp reduction in the harassment of civil society, the media, and opposition politicians, with hundreds of political prisoners released from prison. Although many human rights abuses persist, as the police and army have long faced criticism for abuses against civilians—arbitrary arrest, torture, and extrajudicial killings—as well as engaging in armed robbery and other crimes, the regime has committed itself to improving respect for human rights. Establishing and ensuring the rule of law continues to pose a major challenge in the DRC. In practice, laws are applied arbitrarily, if they are even known.

The greatest rule of law issue is corruption, which is deeply ingrained in the Congolese system. In Congo, corruption starts among the highest ranks of society and trickles down to every level of public life, making corruption an unavoidable factor of life in the country. The political, social, and economic systems are set up so that virtually every Congolese has to participate in some form of black-market activity or payment of bribes to survive on a daily basis. While for average Congolese, these technically illegal activities are a necessary survival strategy that they begrudge, the higher up the system one goes, the more corruption serves as a source of personal enrichment. As the head of Congo’s patrimonial system, Joseph Kabila accumulated massive amounts of wealth. Kabila’s continuing dominance of the Congolese economy allows him to continue to buy support and thereby exercise considerable control over state affairs even after leaving office. Since taking office, Tshisekedi has condemned corruption repeatedly, and his administration has taken a few visible steps to bring those responsible for large-scale corruption to justice. Corruption is a major problem for government responsiveness and effectiveness.

The area of competition and political accountability holds both serious challenges and important strengths for the DRC. Although ostensibly a constitutional democracy in which the government is chosen by and beholden to the population, in practice, most political power in the DRC continues to be exercised by a limited collection of individuals and groups. The DRC was governed for four decades by unelected autocrats, and the authoritarian practices and patrimonial systems established then have proven difficult to overcome. There is now a multitude of political parties rather than a single party as under Mobutu, but power is scarcely distributed more widely. The relatively successful elections that marked the end of the peace process in 2006 gave hope that democratic traditions could be established, and the DRC could begin to develop civilian control. Those elections proved to be anomalous, as power
quickly became concentrated in the hands of the president and his supporters. The two subsequent national elections have been deeply flawed, despite extensive campaigning and widespread voting. Much of the public believes that the announced results of elections in 2011 and 2018 did not reflect the actual votes cast, so that those in office should be thought of as “named, not elected,” as several people interviewed for this report reported.

Despite the problems with Congo’s elections and the control of the government by narrow interests, some positive elements should be noted in terms of political competition and accountability. The DRC has a large and active civil society that has played an important role in shaping the recent political process. The media, particularly radio, are diverse and reach much of the territory. The more democratic style the new president has embraced and his government’s greater respect for civil and political rights has opened up space for civil society and media to become even more active and for the free exchange of ideas to become more diverse. Furthermore, despite the problems with national elections, the population continues to have faith that electoral processes can bring about change, as we found very strong support for the idea of holding local elections.

Government responsiveness and effectiveness is an area of particular concern for the DRC, where long-term mismanagement and corruption have critically undermined state capacity, resulting in a derelict infrastructure and failures to adequately provide basic services. Healthcare, education, justice, agricultural services, and economic development programs, when available at all, are poorly run and require people to pay for any services they need rendered. More than any other factor, the failure to provide necessary public services undermines popular support for the Congolese government and drives conflict and insecurity. The population has great hopes for the Tshisekedi regime, following its promises to fight corruption and make the government serve the population, but the new government will be judged largely on its ability to materially improve the lives of the Congolese people. Tshisekedi is constrained by the reality that the former president, Kabila, still holds considerable influence in many aspects of governance through his coalition, the Common Front for Congo, and their majorities in the national assembly, senate, and provincial governments and large stake in the executive branch. Nevertheless, Tshisekedi has committed to making his government more responsive to the population and improving the delivery of public services, which provides an opening for interventions to improve governance.

DRG cannot be understood in the DRC without recognizing the country’s context of persistent fragility. The legacies of the country’s devastating wars, the presence of numerous armed groups, and the threat of renewed conflict create challenges for DRG, even as authoritarianism and poor governance play a major part in feeding conflict.

STRATEGIC RECOMMENDATIONS FOR THE DRC

The research conducted for this assessment found substantial good will for the new Tshisekedi regime and cautious hope that his administration might be able to use the government to improve the lives of Congolese citizens. For likely the first time since the 1960s, the public has a sense that the country’s leadership is on their side rather than merely serving its own interests. The Tshisekedi regime will ultimately be judged on its ability to bring about tangible material improvements to people’s lives—better security; improved access to healthcare, education, and justice; and increased economic opportunities. We thus suggest a DRG strategy that focuses on improving competition and political accountability, tied closely to increased government responsiveness and effectiveness to improve service delivery and efforts to combat corruption to improve rule of law. The strategy that we propose seeks to build a foundation at the grassroots for the efforts by the new regime to promote DRG.

A strategy that focuses on the following eight interconnected areas of focus could help empower Congolese citizens to demand the rights and benefits the new regime claims it is committed to providing, while strengthening the government’s ability to enact the changes needed to provide public
services more effectively. In short, we recommend a DRG strategy that focuses on **enabling responsive and effective government through citizen empowerment.**

1. **Strengthen civil society to build connections between the population and the state.**

Civil society represents USAID’s strongest potential partner in efforts to promote democracy, human rights, and good governance in the DRC. Congo’s civil society is strong, diverse, and geographically dispersed. In the years leading up to the 2018 elections, civil society organizations demonstrated their ability to bring pressure on the government and to force change, even in the face of a recalcitrant, undemocratic regime. The opening of political space due to the new regime’s improved record on civil and political rights creates important new opportunities for civil society to engage with the state. If the state is committed to providing public services, then as the voice of the population, civil society groups can play an important role serving as a conduit for information, offering public feedback, and providing oversight. Monitoring by civil society will be key to government efforts to improve human rights and rule of law, as civil society groups can play an important part in ensuring that the new regime continues to improve its human rights record and identifying those government actors who continue to abuse power. Civil society monitoring will be key to efforts to build rule of law by fighting corruption. Civil society groups could help the government in efforts to combat trafficking in persons (TIP) and perhaps help realize the reforms necessary for the DRC to move and stay off the State Department’s list of Tier 3 TIP countries. A strengthened civil society can furthermore help build the social capital necessary to improve the country’s resiliency and diminish the chances of renewed conflict.

2. **Strengthen media to improve oversight and increase access to information.**

The media represent another strong potential partner for USAID’s programs to promote democracy and good governance. Radio, television, print media, and social media have regularly helped expose official corruption, investigate human rights abuses, and provide valuable information about issues of public importance. Their work was vital for the efforts to push for elections, helping to expose the government’s crackdown on protests and repression of civil society groups. Social media played a key role not only in providing up-to-date information about events as they happened but also in allowing civil society groups and political parties to organize their activities. As with civil society, the opening up of political space presents the possibility for the media to play an even more significant role in promoting democratic governance. Programs to improve professionalism of the media, help the media develop viable business models, and promote increased access to the media by women and marginalized groups could make major contributions to democratic development. The media can play an important role in providing access to information and are key to increasing government transparency—something essential for controlling corruption. The information the media provides helps empower the public to demand more responsive government. The local media particularly could play an important part in helping to shine a light on government actions including budgeting and expenditures.

3. **Prioritize local-level work to promote democratic engagement and improved service delivery.**

The municipalities, sectors, communes, and chiefdoms, known collectively as decentralized territorial entities (ETDs), have the greatest direct impact on the population. Local governments are the primary providers of public services and the main level at which most Congolese encounter their government. Very poor service delivery at the local level currently undermines popular support for the state and feeds conflict. Working to improve the relationship between the Congolese public and their local governments, and to improve local service delivery, could help build a foundation of support for the reform program being promoted by the new regime. Training, better monitoring and accounting systems, and strengthened local civil society engagement could help reduce corruption and improve the capacity of ETDs. With better management of finances, the ETDs could provide better services, which would in turn improve popular perceptions of the state. If local elections are to be organized at some
point in the next few years, work at the local level around those elections will be essential. Interventions at the local level could help to change how people interact with the ETDs, and therefore change their relationship to, and overall attitude about, government.

4. Support free and fair local elections.

Among the most common demands that the research team heard was for the organization of local elections. Congolese blame many inadequacies of their local governments on the fact that local officials have never been chosen by the people but always appointed from above. The population is frustrated at the continued delays in organizing these elections, which have been promised for over a decade but consistently delayed. We recommend working with the government, if possible, to overcome the barriers to local elections. We also propose that USAID develop programming to support popular participation in elections, particularly at the local level. Training candidates, particularly women and youth, could help to improve the quality and diversity of officeholders. Work could also be done with civil society groups to develop their monitoring capacity. Local elections could play an important role in making government more responsive to the population and serve as a tool to fight corruption.

5. Promote fiscal transparency and responsive service delivery.

Programs helping to improve fiscal responsibility, particularly at the local level, remain important. Financial constraints are among the biggest obstacles to improvements in governance in the DRC. Continuing work on participatory budgeting can help to give the public a larger role in providing input and oversight. If local elections take place, the newly elected local government officials will become key players in efforts to make government more responsive and improve service delivery. Participatory budgeting work needs to be complemented by better oversight of expenditures.

6. Focus on youth as a means of empowering a neglected segment of the population.

A major finding of our research is that the question of youth in the DRC is widely neglected. Despite a massive youth population (over half the population is under the age of 18 and two-thirds are under the age of 30), and despite the particular problems that youth face—disproportionate poverty, inadequate educational opportunities, and limited access to employment—we found that few leaders in government, political parties, civil society, or even religious organizations discuss youth as a specific group needing attention. This neglect of youth issues is true despite the fact that youth have been a driving force in recent politics, and whose activism has shaped the direction of political events. Creative youth protests were a significant factor pressuring Kabila to give up on his plans to seek a third term and ultimately to organize elections. Integrating a youth focus into all DRG programming could have a significant multiplier effect. Youth are among the most neglected populations in the country, so addressing youth concerns, such as poverty and unemployment, could go a long way to addressing these issues more generally. A new expanded focus on youth in programs for civil society, human rights, electoral processes, local governance, the media, and other areas could do much to improve inclusion of youth, particularly at the local level.

7. Focus interventions around specific issues to multiply effects.

The challenges for DRG facing the DRC are vast, and we have suggested a wide range of interventions to try to address them. By choosing and focusing programming on a few specific issues, we believe that programming could have a greater impact. The possible issues that programming could center around are numerous: security, corruption, environmental protection, employment, land rights, sexual and gender-based violence, conflict prevention, access to justice, elections, improved infrastructure, national parks, mining, access to markets, education, and healthcare.
8. **Act at multiple levels to enable and reinforce local interventions.**

The recommendations focus on programming at the local level as a means of building a foundation for realizing the reforms to which the new regime has committed itself and because of the potential for maximum impact. Yet, effective local action will require interventions at other levels. The proposed strategy seeks to empower the local population to push their local governments to be more responsive, because this pressure from the grassroots could effectively complement initiatives undertaken by the new president to create a more responsive government. Depending on the issue area that USAID chooses to focus on, there may be a need for legislative reform in the national assembly or work with provincial governments, national ministries, or the courts.
1.0 INTRODUCTION

In January 2019, the Democratic Republic of the Congo (DRC) experienced its first peaceful transfer of power since independence. After delaying elections for two years, while seeking to divide, coopt, and manipulate the opposition, President Joseph Kabila ultimately bowed to domestic and international pressure to renounce a third term and allowed elections to go forward in December 2018. With his hand-picked successor receiving only a small percentage of votes, Kabila and his supporters sought to nevertheless secure their continuing hold on power by striking a deal that allowed the leader of a long-time opposition party to become president while packing the national assembly, senate, and provincial parliaments with members of their political coalition (Englebert, 2019; Englebert & Kalumba, 2018).

Despite the highly controversial nature of the elections and doubts about announced results, the rise to the presidency of Félix Tshisekedi, leader of the Union for Democracy and Social Progress (UDPS), has created important political openings in the DRC, and the country has experienced rapid improvements in at least two democracy, human rights, and governance (DRG) areas: human rights and competition.1 Tshisekedi has committed his government to improving the country’s human rights record, and he ordered the release of political prisoners after taking office. He has also denounced corruption and taken some public actions to hold those involved in high-level corruption accountable (Englebert, 2020). While recognizing that the official elections results were intensely disputed, much of the Congolese population is glad to be rid of Kabila and believes that Tshisekedi is well intentioned, giving him a degree of political capital—at least for the time being.

Yet, the challenges facing the DRC remain immense, and the Tshisekedi administration must deliver on its commitments to provide better government services, curb corruption, and promote democracy and human rights. Despite a strong constitution and legal framework, the country has weak democratic traditions and a long history of authoritarian rule, creating challenges in the areas of rule of law, political accountability, and government responsiveness and effectiveness. The retention of power by Kabila’s political coalition in every institution other than the presidency severely handicaps the new president’s ability to enact his political agenda. Kabila’s coalition even retains considerable influence within the executive branch due to the semi-presidential nature of the system, which grants the legislature significant influence over appointments.

The ex-president’s continuing power is based in large part on his control of a substantial portion of the DRC economy. The practice of using the state for personal enrichment is deeply rooted in Congolese history (Young and Turner, 1984; Nzongola-Ntalaja, 2002). In his 17 years in office, Kabila placed himself at the head of a patrimonial system that established a monopoly over the country’s natural resource extraction (Trefon and Ngoy, 2007). In fact, despite the country’s abundant mineral resources, most of Congo’s population lives in dire poverty. According to the United Nations Development Program’s (UNDP) Human Security Index, the DRC ranks 179th out of 189 countries (UNDP, 2019a). The capture of the DRC’s economy by private interests results in severe underfunding of the government, which undermines its ability to provide basic public services. Yet, many within the political, civil service, and private sectors who profit from the status quo will fight to protect their opportunities even in the face of strong popular frustration over corruption. The country’s poorly developed infrastructure also hinders the government’s hopes for economic development.

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1 While still listing the DRC as “Not Free,” Freedom House’s ranking for the country improved from 15/100 to 18/100 between 2018 and 2019, noting in particular improvements in the freedom of association (Freedom House, 2020).
The threat of conflict remains a serious challenge in the DRC. Two large-scale wars devastated the DRC in the 1990s and left a legacy of insecurity. Armed groups have continued to operate, particularly in the east of the country, some sections of which have experienced prolonged insecurity for over two decades. The government’s failure to provide basic services and the country’s stalled economy and massive inequality feed insecurity, even as the continuing presence of armed groups undermines both service delivery and opportunities for economic investment. A vicious cycle persists where insecurity and poor governance feed one another.

1.1 Methodology

This DRG assessment was based on the United States Agency for International Development’s (USAID) most recent DRG assessment framework (USAID, 2014), which specifies four analytical steps. The first step involves identifying key DRG challenges, focusing on five aspects: consensus, inclusion, competition and political accountability, rule of law and human rights, and government responsiveness and effectiveness. The second step involves a political economy analysis of major actors and institutions and their likely ability to support or impede democratic development, the promotion of human rights, and improvements in governance. The third step reviews USAID’s interests and its comparative advantages in relationship to other stakeholders and donors. Finally, the fourth step involves programmatic recommendations drawn from the analysis in the previous sections.

To develop this DRG assessment of the DRC, a team of USAID staff from the DRC and Washington, DC combined with outside researchers, organized by Tetra Tech, conducted three weeks of field research in the DRC in February and March 2020. The team would like to thank the USAID/DRC staff for their assistance with logistics. Members of the team also conducted interviews with US government (USG) officials in Washington in February.

The team reviewed extensive academic research, as well as reports from previous research projects by USAID and other donors. The team conducted individual and focus group interviews in Kinshasa, Goma, Lubumbashi, Likasi, and Mbuji-Mayi with national, provincial, and local government officials; representatives of political parties; religious communities; academics; civil society groups; women’s organizations; human rights organizations; and international donors. It also conducted focus group interviews with USAID implementing partners, civil society leaders, parent organizations, farmers, and development cooperative members.

1.2 Background

The DRC is a large and geographically diverse country that stretches from the Atlantic Ocean in the west, across a high jungle plateau and vast savanna scrublands, to the mountainous Rift Valley in the east. At nearly one million square miles, the DRC’s territory is vast—as large as the United States east of the Mississippi River. The physical structure of the DRC would make governing a challenge even under the best circumstances. The country is crisscrossed with rivers, only portions of which are navigable, and much of the territory is covered by dense rainforests. These natural obstacles are compounded by poorly developed infrastructure, with only limited portions of the country connected by paved roads and commercial air service, which is costly and unreliable (Britannica Academic).

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2 The two wars in Congo have been the focus of numerous books. Some of the best include Kisangani, 2012; Autesserre, 2010; Lemarchand, 2009; Reymotens, 2009; Stearns, 2011; Prunier, 2009; & Clark (ed.), 2002.

3 The selection of research locations was limited by the logistical challenges of travel in the DRC, limiting the team’s focus to major metropolitan areas, while excluding smaller provincial capitals and most rural areas. Our plans to visit Kisangani, a large city that is rarely the focus of outside research, were stymied by cancelled flights.
The United Nations (UN) Department of Economic and Social Affairs estimates that DRC’s population was 84 million in 2018, with an annual population growth rate of 3.2%. They indicate that 42% of the DRC’s population is currently urban, but that with a high rate of urbanization, most of Congo’s residents will live in cities within the next decade. The capital, Kinshasa, is now estimated to be home to more than 10 million people, while four other cities have a population of over 1 million (United Nations Department of Economic and Social Affairs, 2018b). The population of the DRC is diverse, with over 300 ethnic groups and four main regional languages spoken—Lingala, Tshiluba, Kikongo, and Kiswahili—plus French as a national language of education and governance. Cultural diversity has not been a primary source of conflict in the DRC, though language exploiting ethnic and regional differences is contributing to social tensions in some areas. The population of the DRC is also quite young, with more than half under the age of 18 (United Nations Department of Economic and Social Affairs, 2018a). As we discuss below, youth have become increasingly politically engaged in recent years, and inclusion of youth is a growing political challenge.

The DRC has struggled with persistent insecurity, driven principally by poor governance and struggles over control of resources (Nest, Grignon & Kisangani, 2006). The DRC is among the most resource-rich countries in the world, holding major reserves of copper, cobalt, tin, tungsten, coltan, gold, diamonds, and petroleum, as well as abundant fertile land. Yet, in practice, these natural resources have made Congo a classic case of the “resource curse,” where the abundance of resources serves to feed inequality and undermine democracy and human rights rather than provide peace and prosperity to the populace (Karl, 1997; Ross, 2015). A common complaint among Congolese is that, “Congo is a wealthy country with a poor population.” Achieving more equitable distribution of the profits from the extraction of these resources and employing them to improve the provision of public services will be a key metric by which the public assesses the government.

Fragility, poverty, and inequality not only contribute to the risk of conflict in the DRC, but also contribute to risks of health and humanitarian crises. In just the past year, the DRC has dealt with major outbreaks of Ebola, measles, and cholera (Tracy & Myers, 2019; International Monetary Fund, 2019).

### 1.2.1 A HISTORY OF VIOLENCE AND AUTHORITARIANISM

The DRC’s long history of violence and authoritarianism established persistent institutional and cultural obstacles to the promotion of human rights and democracy (Schatzberg, 2012). Without repeating the political history detailed in the previous DRG assessment (USAID, 2012, see section 1.2), several key aspects of history are important for understanding some of the country’s current DRG challenges. First, the Congolese state, since its origins, has been better equipped to control the population and extract resources than to respond to popular interests and provide public services. Congo’s colonial state was particularly brutal, with the violence surrounding the rubber and palm oil industries leading to the deaths of an estimated one-third of the population in the first decades of colonial rule (Slade, 1962; Anstey, 1966; Hochschild, 1999).

The colonial state established an economic system focused on extracting the DRC’s vast natural resources in a manner that provided maximum profit for a limited national and international elite while providing minimum benefits to most of the population. This system required the state to use force to gain popular compliance. Although independence in 1960 transferred leadership positions to Congolese, the state mechanisms for repression and extraction remained in place (Young, 1994). Under the long dictatorship of Mobutu Sese Sekou (in office 1965–1997) and the regimes of Laurent Kabila (1997–2001) and his son, Joseph Kabila (2001–2019), the state continued to facilitate resource extraction and use...
extensive force against its population. (Schatzberg, 1991; Young, 1978; Young & Turner, 1984; Nzongola-Ntalaja, 2002).

Another development under President Mobutu that continues to resonate in the DRC today was the establishment of an elaborate patrimonial system with the president at the top. Mobutu doled out political positions that gave officeholders access to lucrative opportunities for self-enrichment in exchange for loyalty and a cut of the spoils (Schatzberg, 1991; Young & Turner, 1984; Nzongola-Ntalaja, 2002). Observers called Mobutu’s regime the quintessential “kleptocracy,” and the practice of using the state for personal enrichment persisted under his successors. While Mobutu’s fall from power in 1997 swept away his patrimonial network, Laurent Kabila swiftly moved to build his own patrimonial system, putting into office individuals from his military group, the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL), and his home region of Katanga. When Joseph Kabila was named to the presidency after his father’s assassination, he was initially thought to be a weak figure, controlled by his father’s inner circle, but he established his personal authority quickly. During his 17 years in office, Kabila built an elaborate patrimonial structure of his own that brought together government officials and Congolese and international businesspeople. Kabila secured his power by providing access to state coffers and the profits from natural resource extraction, as well as using his vast personal fortune to buy loyalty from many powerful people in the DRC (Trefon and Ngoy, 2007; Trefon, 2014).

Finally, the experience of war and insecurity has left a profound mark on the DRC. The first five years after independence in 1960 were marked by enormous instability and sharp economic decline. National leadership shifted multiple times, as the military briefly stepped into office in 1960, and the country’s first prime minister, Patrice Lumumba, was executed in 1961.5 Efforts at secession by the regions of Katanga and Kasai were put down through a UN military intervention, but rebellions arose in Bandundu province and the east of the country. When head of the military, Mobutu, took power in November 1965, many Congolese greeted his coup with enthusiasm, hoping that a strong military ruler could enforce order on the country. Mobutu retained considerable popular support for many years by claiming to have brought peace to the country and warning that without his firm hand, the country could descend into chaos (Young & Turner, 1984; Nzongola-Ntalaja, 2002).

The 1996–1997 war that drove Mobutu from power and the 1998–2003 war between the Kabila regime supported by Zimbabwe, Angola, and other states, and various rebel groups supported by Rwanda, Uganda, and other states, had devastating impacts on the DRC, particularly the eastern part of the country. The persistence of armed non-state groups and their exploitation of natural resources to fund their operations has continued to sow instability in the region. As in the Mobutu era, the Congolese government under the Kabillas justified violations of civil liberties and human rights as necessary to establish order. Concerns over violence and insecurity have continued to dominate international interest and intervention in the DRC (Turner, 2007; Prunier, 2009; Reyntjens, 2009; Lemarchand, 2009; French, 2010).

1.2.2 THE KABILA ERA AS PRELUDE TO PRESENT CHALLENGES

Many Congolese, weary from three decades of Mobutu’s corrupt and authoritarian rule, supported the ADFL as it fought its way to power in 1996–1997. Congolese hoped that as president, the ADFL’s leader, Laurent Kabila, would establish a more democratic system that would be more responsive to popular interests. After taking power, however, Kabila showed little interest in fundamentally reforming the system. Many had expected Kabila to work with the most respected opposition leader, Etienne Tshisekedi, a long-time critic of President Mobutu, but Kabila named a government without consulting Tshisekedi or other opposition figures, comprised mostly of ADFL officers. His regime quickly faced

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5 Between 1960 and 1965, the presidency changed hands three times, while the post of prime minister changed hands eight times.
criticisms for human rights abuses and for preventing the investigation of massacres by the Rwandan Patriotic Front (RPF) of Rwandan Hutu (Human Rights Watch, 1997a, 1997b; Nzongola-Ntalaja, 2002).

In 1998, Congolese Tutsi in the national army, mostly Banyamulenge from South Kivu, who had been key supporters of the ADFL, rebelled and joined forces with a new rebel group, the Congolese Rally for Democracy (RCD). With support from Rwandan and Ugandan troops, they quickly occupied much of eastern DRC and airlifted troops across the country in an effort to capture Kinshasa. The intervention of troops from Zimbabwe, Angola, and Namibia kept the Kabila regime in power, but the situation deteriorated. Rwandan and Congolese Hutu militia groups and other ethnic militia in the east, generally known as Mai-Mai, sided with Kabila and took up arms against the rebel forces. The rebel groups themselves splintered, with Uganda sponsoring the Movement for the Liberation of Congo (MLC), led by Pierre Bemba and the RCD itself fractured into several groups, some supported by Rwanda and others by Uganda. An unstable stalemate ensued, with the Kinshasa government controlling only about a third of the country’s territory and Kabila showing little interest in serious peace negotiations. The civilian population suffered severely, as insecurity displaced millions and the economy ground to a halt (Reyntjens, 2009; Stearns, 2011; Clark, 2002; Human Rights Watch, 1999; Longman, 2000).

In January 2001, President Kabila was assassinated by one of his presidential guard. Leaders of the ADFL appointed Kabila’s son, Joseph, who was only 29 at the time, as president. Despite expectations that he would be a weak leader, Joseph Kabila moved quickly to restart negotiations, backing an Inter-Congolese Dialogue that included not only the various warring parties, but also representatives from civil society and Congolese political parties. The 2002 Sun City Agreement allowed Kabila to remain as president with four vice-presidents, one each from the RCD and MLC, one from Kabila’s government, and one from the political opposition. Further negotiations led to a new constitution, adopted by popular referendum in 2005. Presidential elections were held initially in July 2006, with a runoff in October that Kabila won against runner-up Bemba (Weiss, 2007; International Crisis Group, 2006, 2007).

The constitution that went into effect in 2006 included strong guarantees of human rights protections and numerous checks and balances, including new institutions—particularly provincial assemblies with the power to select governors and name the members of a new senate. The elections went off relatively well, and the transition inspired considerable optimism that the new system might be more democratic and better able to curb the country’s rampant corruption. Yet, within just a few short years, Kabila successfully consolidated power in his own hands using a combination of co-optation, subterfuge, and intimidation. Kabila accumulated considerable personal wealth that he used effectively to buy off support, much in the tradition of Mobutu. A few months after Kabila was inaugurated, violent clashes broke out in Kinshasa between former MLC fighters and the army, forcing Bemba to flee into exile, eliminating a major political rival. Kabila progressively reined in the independence of parliament, the courts, and provincial governments. Vital Kamerhe, the prominent leader of Kabila’s party (the People’s Party for Reconstruction and Democracy [PPRD]), became speaker of the national assembly. Although several provincial assemblies initially appointed governors from opposition parties, within a few years, Kabila had bribed and cajoled most into replacing them with members of the PPRD (Trefon, 2014; ASADHO, 2011, 2012).

Étienne Tshisekedi and his party, the UDPS, had chosen to boycott the 2006 elections, but in the next elections in 2011, Tshisekedi presented himself as a candidate. Kamerhe, who had broken with Kabila in 2010 over Kabila’s agreement to allow RPF troops to participate in joint exercises within eastern Congo, also ran as a candidate. Many domestic and international observers doubted the fairness of the elections, and the announced results showing Kabila beating Tshisekedi by over 17% led to riots in Kinshasa and Kasai (Nganje & Nganje, 2019; Pourtier, 2012). Nevertheless, the elections left Kabila in an even more powerful position. A privatization program encouraged by the international community allowed him and his family to gain private control of major parts of the economy. In 2015, a
decentralization program envisioned in the 2006 Constitution—the division of large provinces to create 26 out of 11—was implemented after a decade of delay. While ostensibly a decentralization program, the division of provinces provided extensive opportunities for Kabila to strengthen his control at the regional level. Kabila integrated most of the provinces into his patronage system, installing loyal elites who also used their positions for their own personal enrichment. Areas with strong opposition support, such as Mbuji-Mayi and Lubumbashi, were politically neutralized by making them part of much smaller political entities. In particular, the division of Katanga province into four new provinces undermined the power of then Katanga Governor Moïse Katumbi, an independently wealthy businessman whose effective management and resistance to corruption made him highly popular (Lezhnev, 2016; Jené & Englebert, 2019).

1.2.3 ALTERNATION AND CONTINUITY

The 2006 Constitution limits presidents to two five-year terms. Kabila pressured the parliament to change the constitution to allow him to run for a third term in 2016. In the face of widespread public protests and international resistance, however, he shifted to a strategy of delaying elections, which the constitution requires take place every five years. He first claimed that a census needed to be organized before elections. He also moved to preclude possible opposition candidates from standing. First, Katumbi faced questions about his citizenship and was accused of trumped up charges of real estate fraud, causing him to flee the country. When he later tried to return to the DRC, he was stopped at the border. Bemba was excluded because of charges against him in the International Criminal Court (for actions of his troops in the Central African Republic). Étienne Tshisekedi was expected to pose the greatest challenge to Kabila, but he died unexpectedly in 2017 at the age of 84. After more than a year of controversy, Étienne’s son, Félix Tshisekedi, was appointed to lead the UDPS, though some within the party challenged his appointment, feeling he lacked the necessary political experience. In the face of Kabila’s continued attempts to delay holding the election, the leadership of the Catholic Church and the National Episcopal Conference of Congo (CENCO) organized negotiations in late 2017 that allowed Kabila to stay in office until elections, without specifying a date, but only if he agreed to forgo a third term. A few months later, though, the National Independent Electoral Commission (CENI) announced plans to use electronic voting machines throughout the country. Many felt these machines were not only unnecessary but potentially problematic and some denounced the move as a tactic to further delay the vote until later in 2018 (Titeca & Thamani, 2018; Englebert, 2019).

In the fractured world of Congolese political parties, Kabila sought to build a coalition that would guarantee his continued power. He first formed a coalition of parties called the Presidential Majority, then in July 2018 created an expanded coalition of parties known as the Common Front for Congo (FCC). They selected Emmanuel Ramazani Shadary as the FCC presidential candidate—a somewhat surprising choice due to his lack of charisma. Because Kabila changed the Congolese electoral system so that it does not require a majority to win the presidency, the opposition sought to unify around a single candidate to prevent Shadary from gaining a plurality. In November 2018, the main opposition parties met to select a unity presidential nominee and settled on a compromise candidate, Martin Fayulu. They named their coalition Lamuka, which means “wake up” in Swahili and Lingala. The next day, however, the UDPS pulled out of the coalition, as Tshisekedi announced his intention to run on his own. He formed an alliance known as Heading for Change (CACH) with Kamerhe’s party. Nevertheless, both Katumbi and Bemba lent strong support to Fayulu, and his broad support across the country’s regions and from various opposition parties made him seem poised to win the presidency (Titeca & Thamani, 2018; Englebert, 2019).

Initially set for December 23, 2018, the vote was delayed until December 30, after a warehouse fire destroyed many voting machines. Election day was relatively peaceful, although the voting was delayed in parts of the east because of an Ebola outbreak, and in Yumbi in the west because of ethnic violence. As
the CENI delayed announcing results into the first week of January, despite promises that the electronic voting machines would allow quick tabulation, suspicions spread that Kabila was obstructing their release. The Catholic Church had undertaken a massive nationwide electoral observation program, and on January 3, CENCO announced that they knew the winner of the presidential election and urged the CENI to announce. On January 10, the CENI announced that Tshisekedi had edged out Fayulu, 38.6% to 34.8%. Since the CENI was headed by a close Kabila ally and the announced results were given only as national totals, without a regional breakdown, they were met with incredulity. Confidence in the results was further undermined by two anonymous leaks: both CENI’s initial internal tally and CENCO’s tally from its observation showed that Fayulu won an overwhelming majority (59.4% by one count, 62.8% by the other), with Shadary and Tshisekedi coming in a distant second and third. These were both consistent with a pre-election poll carried out by the Congo Research Group (CRG) that showed Fayulu far ahead of the other candidates (Englebert, 2019).

How the results were decided remains unknown, but observers of Congolese politics have offered abundant speculation about the process. The leaked results and widespread public protests clearly put pressure on Kabila and limited his ability to impose his will. Many Congolese we spoke with believe that Kabila had hoped to name Shadary, but in the face of strong resistance, struck a deal with Tshisekedi to name him in exchange for retaining substantial political and economic control. Some speculated that the deal with Tshisekedi might have pre-dated the elections. Whatever happened behind the scenes, the announced results clearly bear little resemblance to the actual vote tally. While people were initially baffled as to why Kabila might turn over power to the most outspoken opposition party, the announcement of results for the national assembly and provincial assembly elections made the strategy clearer. Kabila’s FCC coalition purportedly won 341 out of 500 seats (68%) and a majority in all but four of the provincial legislatures. These results meant that even though Kabila might cede the presidency, his coalition would retain considerable control of policy and access to resources. The failure of the Constitutional Court to back Fayulu’s challenge to the elections also demonstrated the control that Kabila exercised over the judicial system (Englebert, 2019, 2020; interviews February and March 2020).

Table 1. Official and Unofficial Results of DRC’s December 2018 Presidential Elections (% of Vote)

<table>
<thead>
<tr>
<th></th>
<th>CENI</th>
<th>Leaked CENI</th>
<th>CENCO</th>
<th>CRG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marin Fayulu</td>
<td>34.8</td>
<td>59.4</td>
<td>62.8</td>
<td>39.2-43.4</td>
</tr>
<tr>
<td>Emmanuel Shadary</td>
<td>23.8</td>
<td>18.5</td>
<td>18.0</td>
<td>14.3-17.4</td>
</tr>
<tr>
<td>Félix Tshisekedi</td>
<td>38.6</td>
<td>19.0</td>
<td>15.0</td>
<td>21.3-25.0</td>
</tr>
</tbody>
</table>

Source: Englebert, 2019, p. 131.

The DRC is thus faced with a situation in which a formal presidential alternation has taken place, but the previous regime retains considerable—some say overwhelming—control of the political system. As a former president, Kabila himself remains a senator for life, and he can use his political power and considerable personal wealth to wield great influence. He has maneuvered his supporters into controlling positions within the government. The deal between the FCC and CACH distributed ministries between the two coalitions, but the FCC controls several of the most powerful ministries. The parliament chooses the prime minister, so a strong Kabila loyalist, Sylvestre Ilunga, now holds that position. The FCC coalition is fractious, since it was created as a loose coalition, a vehicle to secure power, with no unifying ideological basis or even personal loyalty to Kabila to unite it. Yet, even as many FCC partners are disgusted by the rapaciousness of the PPRD, the ability to break away from Kabila’s control is limited. Parliamentary seats are held by the parties, not by the individual parliamentary members, which constrains the ability of individuals to break with the coalition. Furthermore, several

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The claims of a backroom deal to bring Tshisekedi to power have been made publicly by some Congolese politicians, like former presidential candidate Pierre Honoré Kasadi Ngube-Ngube. See Crux Staff, 2020.
informed sources told us that Prime Minister Ilunga required all ministers to sign undated resignation letters, so that those who would break with the FCC can be easily removed. While this claim cannot be independently verified, it reflects the impression among many Congolese that cabinet members have limited political flexibility (Englebert, 2020; interviews February and March 2020).

Despite all these limitations, Tshisekedi has attempted to walk an independent path. He has publicly advocated civil and political rights; and in his year in office, suppression against civil society activists, opposition politicians, and journalists has diminished markedly. Many political prisoners have been released. In addition, he has denounced corruption, and his administration has taken actions against some people accused of high-level corruption. The minister of health was arrested on accusations of misusing funds donated for the fight against Ebola, and the head of the state mining company and a prominent Israeli-American businessman were questioned about dubious financial dealings. Most recently, Vital Kamerhe, Tshisekedi’s CACH partner, who was serving as his chief of staff, was arrested on corruption charges and ultimately convicted and sentenced to 20 years in prison (Mwalungu, 2020; Wilson, 2020).

Many Congolese we interviewed during our fieldwork in February and March 2020 took a strongly realistic approach to the recent political changes, appreciating Kabila’s removal from office as a positive step and feeling that Tshisekedi might not have fairly won the elections but was nevertheless an improvement as president. As one church leader told us, “We’re an emerging democracy, so what we have isn’t perfect. Yes, Fayulu won the election, but Félix isn’t bad. So we advance, and we’ll do better the next time.” (Kinshasa interview, February 26, 2020). A September 2019 poll by the International Republican Institute (IRI) found that 53% of those interviewed were satisfied or very satisfied with the way democracy was developing in the country compared with 42% who were dissatisfied or very dissatisfied (IRI, 2020). The poll, however, found considerable regional variation, with support strongest in Kasai and Katanga and weakest in eastern Congo, a more qualified attitude borne out by our fieldwork in Goma.

For the moment, Tshisekedi benefits from considerable popular goodwill. The IRI survey found that 73% of those polled had a very or somewhat favorable opinion of Tshisekedi, while only 34% had a favorable opinion of Kabila, against 57% with a somewhat or very unfavorable opinion. Two-thirds (66%) report having a favorable opinion of the president’s office (IRI, 2020). Most Congolese we spoke with during our research believe that Tshisekedi has good intentions. They point not only to his commitment to improving human rights and fighting corruption, but also to his decision to offer free primary education to all Congolese children. While this policy was not well planned and has not been effectively implemented, most people we spoke with felt that it showed a significant commitment to an issue that the population views as important—education—and they now look forward to improvements in its application (Verhaghe, 2020).

The public’s good will toward Tshisekedi faces a serious, though uncertain, time limit. People we spoke with at all levels made clear that they expect concrete changes in the material conditions of their lives sooner rather than later. Most of the population struggles with poverty, but they are aware that a small minority in the country lives extravagantly with wealth they have gained largely through corrupt means. Eighty-one percent of the respondents to the IRI survey report that corruption has had at least a somewhat negative impact on their lives, and the impunity powerful individuals enjoy contributes to an overall negative opinion of courts and various other public institutions (IRI, 2020). Unless the public begins to see improvements in their standard of living—better access to education and healthcare, more opportunities for employment, greater availability to affordable food and other necessities, and the security needed to invest in agriculture and other economic activities—they will likely turn against the

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7 The motivations of corruption allegations are not always clear and may include political considerations, but some people we interviewed did indicate that they had important symbolic value.
regime. Whether they turn toward apathy or rebellion remains unclear, but the clock is ticking, and improvements cannot come fast enough.
2.0 KEY ELEMENTS OF DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE

2.1 Consensus

In the DRG assessment framework, consensus refers to agreement “on questions of national identity, historical narrative, and fundamental rules of the game” (USAID, 2014, p. iv). Despite Congo’s history of conflict and insecurity, the population’s great diversity (with over 300 ethnic groups and five national languages, including French), and the physical challenges to national unity, the Congolese have a strong sense of national identity. Congolese take collective pride in their music and art and culture. Although the government’s control over much of the territory is weak, Congolese share a desire for greater national unity and a more effective government, more capable of equitably distributing the benefits of the country’s abundant natural resources. Nearly all violent conflicts that have taken place over the last three decades have involved groups seeking greater influence over and access to the Congolese state rather than seeking separation from it. The one exception—the Bakatakatanga Katangese separatist movement—is driven more by a desire to control Katanga’s natural resources than by nationalist sentiments.

In addition to basic consensus about the Congolese state, the DRC’s population widely supports the 2006 Constitution and the institutions it creates. As many people told us, “Our laws and constitution are great. If only they were applied.” A broadly based commission drafted the DRC’s Constitution during the transitional period that began in 2003, and it was adopted by referendum in December 2005 with 84.31% voting to approve. The constitution, which went into effect in 2006, guaranteed an extensive range of civil, political, social, and economic rights. It created new political institutions to have better checks and balances and more decentralized power. The newly created provincial assemblies were empowered with naming both governors and members of the senate in the newly bicameral parliament. In addition to the constitution, various important legal reforms have been adopted since 2006, such as revisions to the family law that grant greater rights to women.

Unfortunately, in practice, the rights guaranteed in the constitution and laws are not fully respected, and the institutions created by the constitution do not function as they are envisioned; there is nonetheless wide agreement around them and a desire for what exists on paper to become Congo’s reality. Opposition parties resisted amendments in 2011 that, among other things, allowed the president to take office with a plurality vote rather than majority, but the constitution overall remains a strong basis for the country’s political system. Widespread consensus also exists around a number of political ideas: that Kabila needed to be removed from office; that the results of the election were deeply flawed, but that the alternation of power is a good step; and that positive political change is going to be difficult and will take time. At the same time, political progress is hampered by a negative consensus around the ways in which people expect the political system to work. The Congolese grudgingly view corruption and inefficiency as inevitable features of how social and political life in the country function. Most Congolese are frustrated that they are forced to pay bribes and rely on personal connections, but because there are no alternatives to participating in the system, practices that undermine democracy and good governance are continually reinforced. Although our research suggests that, of the five DRG factors, consensus is the area of least concern, creating the political system that the Congolese desire will necessitate overcoming these deeply ingrained practices in Congolese politics and society.

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8 The Katanga separatist movement in the early 1960s was clearly promoted by Belgian business interests that wanted easier access to the region’s resources. The failed invasions of the region in 1977 and 1978 are also believed to have been motivated by economic interests (O’Brien, 1966; Vinckel, 2015).
2.2  INCLUSION

The question of inclusion focuses on whether portions of the population are excluded and disenfranchised from full social, economic, and political participation (USAID, 2014). Although there are some concerns about the exclusion or targeting of specific social groups, as discussed below, the most widespread and problematic form of exclusion in the DRC today is the domination of the political and economic system by a small class of wealthy individuals that effectively marginalizes the vast majority of Congo’s population. In our interviews, we heard over and over that “all Congolese suffer.” Political power has allowed a limited elite the ability to gain personal wealth through embezzling state funds and gaining access to the profits of resource extraction. The privatization of state funds—whether the acceptance of bribes in lieu of tax payments, embezzlement of allocated funds, or other forms of corruption and embezzlement—impoverishes the state, severely undermining its ability to provide basic services.9 The departure of Kabila from the presidency in early 2019 has so far done very little to change the elite’s political and economic monopoly. As one person told us, “Before [the 2018 election], 2,000 families dominated Congo. Now it’s maybe 3,000” (interview in Kinshasa, February 26, 2020).

The patronage system that restricts benefits to a limited elite nevertheless distributes political access and power across most regions and ethnic groups in Congo. The party coalitions that control the political system are diverse and spread access geographically. Regions with greater natural resources obviously present greater opportunities for enrichment, but the political and economic leaders throughout the country have access to wealth and influence that is unavailable to most Congolese.

2.2.1  WOMEN

The exclusion of women is widely recognized as the greatest challenge to inclusion in the DRC. Women do a considerable amount of the work in Congolese society, doing much of the farming and dominating local marketing and trading, but they have little social or political power. Congolese tradition values women mostly as wives and mothers and discourages public engagement. One woman lawyer we interviewed told us that even though she is highly successful, having earned a university degree, held an important job, and earned a generous salary, many people nevertheless hold her in low regard, because she is not married (interview in Kinshasa, February 27, 2020). The DRC ranks second to last—128th out of 129 countries measured—in Equal Measure 2030’s Social Development Goals Gender Index (Equal Measure 2030, 2019).

Women are disproportionately affected by violence, including rampant sexual and gender-based violence. Although sexual and gender-based violence has been a major focus of Congolese civil society and international assistance, it remains a severe problem in the DRC. As the Office of the Special Representative of the UN Secretary General on Sexual Violence in Conflict (2019) notes, rates of conflict-related sexual and gender-based violence in the DRC correlate to the prevalence of conflict. In 2018, of 1,048 cases documented by UN Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO), nongovernment armed groups perpetrated about 70% of the sexual and gender-based violence, but about 30% were perpetrated by government soldiers and police (Office of the Special Representative of the UN Secretary General on Sexual Violence in Conflict, 2019). Despite the focus on conflict-related sexual violence, sexual and gender-based violence is also a major problem in the DRC outside of conflict settings, including domestic violence. According to the UN Global Database on Violence against Women, 51% of Congolese women report that they experience intimate partner physical or sexual violence at least once during their lifetime (UN Women, n.d.).

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9 For more on the impact of corruption and the privatization of state resources in the DRC, see DFID, 2016.
While many African countries have moved effectively toward a goal of having women hold at least 30% of political positions, women continue to have little presence in government in the DRC. Article 14 of the 2006 Constitution states, “Women are entitled to equitable representation in national, provincial and local institutions. The State guarantees the achievement of parity between men and women in said institutions. The law determines the conditions for the application of these rights” (DRC, 2005). Nevertheless, these provisions have been largely ignored in practice. In the 2006 elections, women gained only 8.4% of the seats in the national assembly, worse than the 12% of seats in the provisional government, and in 2011, the national figure rose only slightly to 8.9%. The 2018 elections saw an increase to 10.3% of seats. Women make up only 4.6% of the senate, and they make up less than 5% of nearly all provincial assemblies (Inter-Parliamentary Union, 2019).

Despite women’s persistent exclusion from political offices, some hopes for improvement remain. President Tshisekedi has publicly recognized the need for more women in government, and he appointed a record number of women to his cabinet: 18%. Women’s rights activists we interviewed, including the national umbrella group Permanent Framework of Congolese Women (CAFCO), told us that women have been unwilling to challenge their political exclusion, feeling that the corruption of political office makes it unseemly for women to hold office (interviews in Kinshasa, February 27 and 28, and Lubumbashi, March 3). A young woman activist in Lubumbashi reiterated this point. “Women here vote for men. Women discourage each other. As a woman, I want a political career, but I find more support among men than among women” (interview in Lubumbashi, March 2, 2020). Yet the inclusion of women has become an increasing part of the national discourse. The IRI survey indicates that 64% of respondents believe that electing more women to office would be a good thing (IRI, 2020). Several people we interviewed told us that they thought local elections would provide opportunities for women to enter politics, and local positions might serve as a launching pad for women to enter higher office.

2.2.2 YOUTH

While the failure to fully include women is widely recognized as a problem by both Congolese and international observers, the problem of youth inclusion is barely discussed. The median age of the population in the DRC is 17, which means that more than half of the population is under age 18 (United Nations Department of Economic and Social Affairs, 2018). Congo’s youth face numerous problems, including facing disproportionate unemployment and limited access to education. About 70% of Congo’s children complete primary school, while 35.8% of children ages five to 14 are involved in labor (Bureau of International Labor Affairs, 2018a). Limited employment prospects as young people come of age is also a widespread problem. While the official youth unemployment rate is listed as around 8%, the real unemployment rate is thought to be much higher, as youth work as occasional day laborers and in the informal economy in positions with unreliable income (International Labor Organization, 2020). In our interviews, we were struck by how little the concerns of youth are part of the national discourse. Almost no one independently raised issues related to youth, and when we brought up the topic ourselves, most interlocutors were dismissive, arguing that the problems of youth exclusion are the same that all Congolese face and therefore not deserving of special focus.

Despite the failure of most Congolese and international observers to take serious note, in recent years, youth have become major players in the political process in the DRC. Youth have not had a voice in the formal political process, but youth have increasingly made their concerns known through informal political means, such as protests and social media. In the years leading up to the 2018 elections, youth organized public protests, such as a “Bye-Bye Kabila” campaign to prevent Kabila from standing for a third term. The Kinshasa-based Front Line Defenders (FILIMBI) and Goma-based group Struggle for

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10 On the move to increase women’s representation in Africa and beyond, see Krook, 2009; Bauer & Britton, 2006; Trip, Casimiro, Kwaresiga, & Mungwa, 2009.
Change (LUCHA) have been particularly vocal and creative in organizing protests on a wide range of subjects. Many of the people we interviewed, both Congolese and expatriate, were dismissive of LUCHA, FILIMBI, and other youth organizations, seeing them as poorly organized and easily manipulated by politicians. The Kabila regime, however, clearly viewed youth activism as a threat, as they regularly cracked down on these groups and arrested their leaders (Chick, 2018; Human Rights Watch, 2016a, 2016b). We see youth inclusion as a major—and largely overlooked—need in the DRC for improved DRG results. The recent IRI survey reveals some hope regarding youth inclusion: 62% of those interviewed believe that electing more youth to public office would be a good thing (IRI, 2020).

2.2.3 People Living with Disabilities, LGBTQ+, and Ethnic Minorities

The concerns of people living with disabilities are part of the national discourse, particularly albinos, who are recognized to be vulnerable to violent attack. Yet, people living with disabilities benefit from very little public support in practice. Most services for them are provided by religious and civil society groups.¹¹ Albinos are widely recognized as a particularly vulnerable population within the DRC, subject to abuse and violence.

Lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ+) individuals face social stigma, but the DRC does not have a visible gay or lesbian community, and there is little active government repression, in contrast to some countries in the region. Homosexuality is not officially banned under Congolese law, though LGBTQ+ individuals have occasionally been prosecuted for vaguely defined morality offenses. According to the International Lesbian Gay Bisexual Trans and Intersex Association, those perceived as LGBTQ+ in the DRC are particularly subject to police violence, extortion, and other forms of harassment and discrimination (ILGA World, 2019, pp. 35-36).

Despite the general regional and ethnic distribution of elite power, a few ethnic groups do face discrimination and exclusion. The Mbuti, Twa, and other Pygmy groups are subject to widespread social prejudice, despite some political leaders expressing public concern for them. They are occasionally targeted for violence and face widespread social exclusion.

Ethnic tensions remain a source of insecurity in some parts of the country. In the east, conflicts over claims to autochthony and control of resources have periodically led to violence. Clashes between the Lendu and Hema in Ituri have been among the bloodiest over the past decade. In December 2018, members of the Batende ethnic group massacred over 500 members of the Banunu ethnic group over land conflicts in Yumbi, Mai-Ndombe province, leading the CENI to delay holding a vote there until March 2019 (Human Rights Watch, 2019a).

The treatment of Kasaians in Katanga remains a topic of particular concern. Over the decades, large numbers of Luba from Kasai have immigrated to the major mining cities in the former Katanga province. In the early 1990s, in part to undermine his chief rival Étienne Tshisekedi, Mobutu and his supporters blamed the Kasaians for economic problems in Katanga, leading to massacres that left over 5,000 dead. Facing similar challenges from Tshisekedi, both Laurent and Joseph Kabila intentionally impoverished Kasai, driving many Kasaians to seek opportunities in Katanga and elsewhere (International Crisis Group, 2016; Vinckel, 2015). In a context where Kabila continues to struggle to retain his power against Félix Tshisekedi, anti-Kasaian tensions continue to be exploited. The level of extreme poverty our research team saw in Kasai made clear why many Kasaians have fled to Katanga. In Lubumbashi and Likasi, we were struck by the prevalence of anti-Kasai sentiments. Many people we interviewed in Haut Katanga told us that Kabila had little support in their region—an assertion borne out by the IRI survey

¹¹ Article 49 of the Constitution states that, “Aged and handicapped persons have the right to special measures of protection with regard to their physical, intellectual and moral needs. The State has the duty to promote the presence of handicapped persons in national, provincial and local institutions.”
that found only 9% support for Kabila’s party, the PPRD—but many also spoke disparagingly about Kasaïans as a major source of problems in their region. The research team was surprised at the degree to which these sentiments were shared by well-educated individuals, including civil society and human rights activists. One university-educated woman told us, “They’re not like us. They come here, and they speak a different language, and they have a different culture. They beg in the streets and cause crime” (interview in Likasi, March 3, 2020). These sentiments raise concerns about the possibilities for violence, particularly given the history of violence against Kasaïans in Katanga. Several people we interviewed expressed concern that some politicians, particularly those loyal to Kabila, were actively fostering hostility against Kasaïans as a means of creating insecurity and undermining the new regime.

2.3 Rule of Law and Human Rights

Civil and political rights are the area that has experienced the most pronounced improvement since the 2019 transition. Repression of journalists, civil society activists, and opposition politicians has been a feature of Congolese political life since colonial times. The transitions from Mobutu to Laurent Kabila and then to Joseph Kabila did nothing to reduce political repression. The fact that the DRC had such a vibrant civil society and press was due to the bravery of activists and journalists, not the tolerance of the government. In 2018, Freedom House gave the DRC only three points out of 40 on political rights and 12 points out of 60 on civil liberties (Freedom House, 2019), but the Freedom House rankings for 2019 showed modest improvement to four and 14 (Freedom House, 2020).

2.3.1 Modest but Important Improvements in Human Rights

Tshisekedi’s father, Étienne, was imprisoned by Mobutu and harassed by both Kabila; and his party, the UDPS, was often prevented from organizing and campaigning. Félix Tshisekedi came into office promising to change the government’s attitude toward human rights, and at least in terms of freedoms of speech, assembly, and press, he has largely done so. He released hundreds of political prisoners, and he has allowed people to criticize him and his administration, generally without harassment (Gonzales, 2019; Englebert, 2020). In our interviews, people across the country affirmed that the situation for civil rights had improved markedly. One Congolese professor told us, “In terms of human rights, liberty of expression has expanded substantially. The opposition is less and less harassed. Only one or two remain in prison. Nearly all from before have been released. There are critics who give their opinions about the state, even really critical opinions, and they are not arrested” (interview in Kinshasa, February 25, 2020). A civil society activist told us, “Today, people can say whatever they want, even strong criticisms of those in power. There is a real democratic opening” (interview in Kinshasa, February 26, 2020). A women’s rights activist told us, “In human rights, there really has been a major improvement. The president promised to release people and close prisons, and he followed through. The liberty of expression is real. Previously, it was enough to say something to get taken in, but now you can say what you want without consequences. Someone can even go on TV and criticize the government and still be on the air the next day unharmed” (interview in Kinshasa, February 28, 2020).

Still, many human rights abuses persist. The police and army have long faced criticism for abuses against civilians—arbitrary arrest, torture, and extrajudicial killings—as well as engaging in armed robbery and other crimes. In Haut Katanga, the research team heard widespread complaints about the police engaging in criminality, killing and robbing people, apparently at random. Some observers felt that insecurity was being encouraged by politicians and officers tied to the Kabila regime as a way of undermining the transition and punishing the population for supporting the opposition. Armed forces in eastern Congo continue to be accused of attacks on non-combatants and of failing to protect civilians from abuses by other armed groups. Gender and sexual-based violence, including by security forces, continues to be a problem in the DRC (Amnesty International, 2020). Several Congolese human rights activists also told us that they believe the country needs to focus more strongly on social and economic
rights, which are guaranteed in the constitution. One activist in Lubumbashi told us that in the face of Congo’s rampant corruption, he thought laws should be written to criminalize socio-economic abuses, like stealing government funds allocated for healthcare and education, thereby denying the public’s right to those services (interview in Lubumbashi, March 4, 2020).

2.3.2 WEAKNESSES IN RULE OF LAW AND ACCESS TO JUSTICE

Establishing and ensuring the rule of law continues to pose a major challenge in the DRC. The 2006 Constitution remains widely popular, and most people we interviewed said that the laws in place were good on most issues, but the problem lies in the application of the constitution and laws. In practice, laws are applied arbitrarily, if they are even known. The leaders of CAFCO, for example, talked about improvements in laws protecting women from domestic violence and granting women inheritance and other property rights, but they told us that little has changed for women in most of the country, because most officials do not even know that the laws have been revised (interview in Kinshasa, February 27, 2020). A lawyer and human rights activist in Lubumbashi told us, “What we need is political will. We have the laws already, but it is their implementation that is lacking” (interview in Lubumbashi, March 4, 2020).

A major reason for problems in rule of law is the severe weakness of the Congolese judicial system. The 2006 Constitution guarantees the independence of the judiciary, a point that was reiterated in the 2011 amendments. The budget for the judicial system is drafted by an independent body (Democratic Republic of Congo, 2005). In practice, however, the courts are underfunded and understaffed. As we witnessed in our research, court facilities are in dismal shape, in buildings that are in desperate states of disrepair, often without electricity or paper or other necessary supplies. Judges and magistrates and other court officials are concentrated in urban areas, while rural areas have almost no access to formal judicial proceedings. As one Bar Association official told us, “Even those magistrates appointed to rural areas find excuses to avoid their jobs, claiming to be sick and finding other excuses” (interview in Kinshasa, February 27, 2020).

Because too few courts function outside urban areas, customary courts are the most common judicial body in rural areas, and most function with little relationship to national law. A 2004 European Commission study estimated that customary law prevailed over 80% of Congolese territory, so that “modern justice is residual, not the inverse” (quoted in Rubbers & Gallez, 2015, p. 146). In many ethnic communities in the DRC, criminal issues are taken to customary chiefs, who act as judges. Human rights activists have been critical of customary law particularly for failing to take sexual violence seriously and for denying judicial rights to women (Aroussi, 2018). Despite a major program to promote access to the lowest levels of official Congolese courts during Kabila’s first elected term, customary courts remain the primary “court of proximity” in rural areas (Rubbers & Gallez, 2015).

Salaries for judicial officials are insufficient, which makes them particularly susceptible to bribery, and we heard complaints that the wealthy and poor do not receive equal justice. As one civil society organizer in Lubumbashi told us, “The poor don’t have justice. Justice here costs money. People are arrested and you can see them outside the next day. And the poor don’t understand the procedures anyway. Why would anyone have confidence in the justice system here?” (interview in Lubumbashi, March 2, 2020). Because of the costs involved in going to the police and pursuing a case in the courts, many poor people simply choose not to pursue justice when they are the victims of crimes.

The low salaries discourage many people from entering the legal profession, and there is also a need for ongoing training. As the Bar Association official told us, “We have magistrates who don’t even know the law. You can bring up a case file, and they haven’t read anything. You try to bring up the law, and they think you’re trying to cause problems. They need a better knowledge of the law. There are
notetakers who don’t know how to read and write. The quality of the people really matters” (interview in Lubumbashi, March 2, 2020).

As a result of the inadequacies of the judicial system, government officials, police, and others feel that they can act with impunity. The chances of being tried for human rights abuses, corruption, or even common criminality are so low that the courts provide almost no deterrent. Political interference remains a problem in the judicial system as well. Many interlocutors complained that Kabila had stacked the courts with loyalists who would protect the interests of his patronage system and resist attempts to implement reform. Human Rights Watch has critiqued the independence of the justice system, noting in particular its reluctance to investigate and prosecute officials involved in war crimes and grave human rights abuses (Human Rights Watch, 2015). The murder in May 2020 of the judge presiding over the Kamerhe corruption trial highlights the fragility of independent judiciary in the DRC (Bujekera, 2020c).

2.3.3 THE CONTINUING CHALLENGE OF CORRUPTION

The greatest rule of law issue in the DRC is corruption, which is deeply ingrained in the Congolese system. Since the Mobutu era, state office has been used for personal gain, with political positions from ministries down to local clerkships given as opportunities for individuals in exchange for political loyalty and a cut of profits. Individual officeholders treated the state as a resource to accumulate wealth through embezzling state funds, demanding bribes, and charging “unofficial taxes,” whereby civil servants and other state officials require numerous fees to carry out their official functions. The patronage system that Mobutu used to enrich himself and organize his power was swept away in 1997 but was soon replaced by a new patrimonial system, with Laurent and then Joseph Kabila at the top (Trefon & Ngoy, 2007).

The installation of Tshisekedi as president marks something of a shift in the organization of patrimonialism in the DRC, as Kabila—at least for now—retains his position at the top of the country’s main patron-client system though his only political position is as senator. While the patrimonial system remains closely integrated with the state, some economic power shifted to the private sector under Kabila, as he developed strong alliances with international and domestic businesspeople (Marriage, 2018). Kabila accumulated sufficient wealth while in office that he can continue to exert influence even after leaving the presidency—a situation that Congo has not previously experienced. Many of those we interviewed expressed hope that Tshisekedi might crack down on the corruption linked to Kabila, but some worried that Kabila would do anything to retain his position at the head of the system that provides him wealth. Others worried that Tshisekedi might seek to develop his own patrimonial system rather than breaking with the tradition established by his predecessors.

In Congo, corruption starts among the highest ranks of society and trickles down to every level of public life, making corruption an unavoidable factor of life in the country. The political, social, and economic systems are set up so that virtually every Congolese has to participate in some form of black-market activity or payment of bribes to survive on a daily basis. While for average Congolese, these technically illegal activities are a necessary survival strategy that they begrudge, the higher up the system one goes, the more corruption serves as a source of personal enrichment. Many national-level officials are able to use their positions to amass considerable personal wealth. A World Bank survey of firms doing business in the DRC found that 56.5% reported having to pay at least one bribe, more than double the sub-Saharan African average of 21.8%. Bribes were necessary in 51% of public transactions (World Bank, 2014). Transparency International ranks the DRC 168th out of 180 countries surveyed in its Corruption Perceptions Index (Transparency International, 2019). Eighty percent of respondents to a Transparency International general survey in the DRC in 2013 considered corruption a problem, and 61% considered it a serious problem (Transparency International, 2015).
As the head of Congo’s patrimonial system, Joseph Kabila managed to accumulate massive amounts of wealth. Historically, much of Congo’s mineral extraction was done by parastatal corporations that provided ample opportunities for officials to skim off profits, but a privatization scheme undertaken in the past decade provided even greater opportunity for President Kabila to gain personal control over major parts of the economy (The Carter Center, 2017; Marriage, 2018). People interviewed in Mbuji-Mayi reported that there is only one large-scale mining facility still operating in Kasai-Orientale and that Kabila owns a personal controlling interest. As one nongovernmental organization (NGO) worker told us, “When Kabila was there [in the presidency], people mistakenly believed that he was all powerful. But in fact, he wasn’t. He paid off a lot of people to buy their support” (interview in Kinshasa, February 28, 2020). Kabila’s continuing dominance of the Congolese economy allows him to continue to buy support and thereby exercise considerable control over state affairs even after leaving office.

Since taking office, Tshisekedi has condemned corruption repeatedly, and his administration has taken a few visible steps to bring those responsible for large-scale corruption to justice. The Minister of Health, Oly Ilunga Kalenga, was accused of having embezzled international funds given to support the fight against Ebola. He was forced to resign in July 2019 and was later arrested. In March 2020, a court found him guilty of stealing over $400,000 of Ebola funds (Bujakera, 2020a). Two of Kabila’s close associates in business, Albert Yuma, head of the state-owned mining company Gecamine, and Israeli billionaire Dan Getler have been forced to answer questions regarding apparently fraudulent loans (Bujakera, 2019). Most recently, Tshisekedi’s main partner in his CACH coalition, Vital Kamerhe, who held the position of his chief of staff, was arrested on charges of having diverted millions of dollars from the infrastructure funds that he was overseeing to his own personal accounts (Bujakera, 2020b). During our research, many people spoke of a scandal involving accusations that Kamerhe stole 15 million dollars in tax revenue paid by petroleum companies. A scandal broke out in mid-2019 when he apparently attempted to prevent the Inspector General of Finances from investigating the case. The charges brought against Kamerhe were ultimately much broader, involving even larger sums of money, and his case was watched particularly closely to judge Tshisekedi’s commitment to fighting corruption. In late May 2020, the murder of the presiding judge, Raphael Yanyi, raised concerns about the trial (Bujakera, 2020c), but on June 20, 2020, the DRC’s high court convicted Kamerhe of embezzling at least $48 million and sentenced him to 20 years of hard labor. Kamerhe is an important political ally who has a strong political base, having served as president of the national assembly, and run as a presidential candidate. Some observers view his arrest and conviction as a blow to Tshisekedi, while others see it as a demonstration of his commitment to cracking down on corruption (Deutsche Welle, 2019; Bujakera, 2020b; Wilson, 2020). As one employee of an NGO that monitors the mining industries told us, “Things have evolved—not at the rate that Congolese want, but gradually things are changing. There is a change in discourse. The president says that he wants to fight corruption. For all these years, working in this sector, this message has been missing” (interview in Kinshasa, February 27, 2020).

Many people told us that demonstrations of accountability for those engaged in large-scale corruption at the national level could have an important impact throughout the system. Some people expressed concerns, however, about how committed Tshisekedi is about honestly fighting corruption and worried that his people were seeking to gain their own access to state resources. Congo’s Catholic bishops issued a statement in March 2020 that condemned the Tshisekedi regime for failing to stop corruption and suggested that his own people may have begun their own involvement in corruption (Crux Staff, 2020). Others believe in Tshisekedi’s commitment but doubt his ability to fight corruption because of Kabila’s substantial continuing power. Some fear that Kabila is well equipped to quash any efforts to limit his control over national resources.

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12 Tshisekedi vowed to fight corruption in his inauguration and has denounced corruption in several subsequent speeches and events. See, for example, Associated Press, 2019; Afrique Panorama, 2019a; Afrique Panorama, 2019b.
To deal with corruption will ultimately require focusing on improvements in governance. As one Congolese professor told us, “The big problem is not [small-scale] corruption. Someone who works for fifteen years without pay has to charge people for paperwork. The issue is to pay them! If you just taxed those stealing from the state, you could have enough money to pay them” (interview in Kinshasa, February 25, 2020).

2.4 Competition and Political Accountability

Competition and political accountability refer to “popular sovereignty, the right of citizens to govern themselves” (USAID, 2014, pp. 15–18). Although ostensibly a constitutional democracy, in which the government is chosen by and beholden to the population, in practice most political power in the DRC continues to be exercised by a limited collection of individuals and groups. The DRC was governed for four decades by unelected autocrats, and the authoritarian practices and patronymial systems established then have proven difficult to overcome. There is now a multitude of political parties rather than a single party as under Mobutu, but power is scarcely more widely distributed. The relatively successful elections that marked the end of the peace process in 2006 gave hope that democratic traditions could be established, and the DRC could begin to develop civilian control. But those elections proved to be anomalous, as power quickly became concentrated in the hands of the president and his supporters. The two subsequent national elections have been deeply flawed, despite extensive campaigning and widespread voting. Much of the public believes that the announced results of elections in 2011 and 2018 did not reflect the actual votes cast, so that those in office should be thought of as “named, not elected,” as several people we interviewed told us. Since, as the DRG Strategic Assessment Framework asserts, “Free and fair elections are the most important formal mechanisms of competition and political accountability,” the DRC faces major challenges in this area (USAID, 2014, p. 15).

Despite the problems with Congo’s elections and the control of the government by narrow interests, some positive developments should be noted in terms of political competition and accountability. The DRC has a large and active civil society that has played an important role in shaping the recent political process. The media, particularly radio, are diverse and reach much of the territory. The more democratic style the new president has embraced and his government’s greater respect for civil and political rights has opened up space for civil society and media to become even more active and for the free exchange of ideas to become more diverse. Although the Congolese widely condemn the FCC’s control of the parliament, many ministries, and most provincial governments—because they lack popular support13—the fact that the presidency and other ministries are held by a different political coalition does create some possibilities for checks and balances, though these have yet to be realized. Furthermore, despite the problems with national elections, the population continues to have faith that electoral processes can bring about change, as we found very strong support for the idea of holding local elections, something required in the 2006 Constitution but that has never taken place.

2.4.1 Deeply Flawed Elections

The 2018 national elections in the DRC were highly problematic. Delayed for two years, plagued with logistical problems and undemocratic practices, and culminating in announced results that clearly did not reflect the actual popular vote, the 2018 elections demonstrated serious challenges to the Congolese public’s ability to exercise its sovereignty. While the public greatly appreciated that the elections led to the alternation of presidential power, the new president cannot be said to have been freely and fairly

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13 According to the 2019 IRI survey, 48% of respondents have a negative opinion of the FCC, and 56% of respondents have a negative opinion of the PPRD (IRI, 2020).
chosen by the public, something that undermines his legitimacy, no matter his personal popularity or his manner of governing.

After years of bloody conflict, a broad-based dialogue among Congolese politicians and activists produced the 2003 Sun City Peace Agreement. This agreement established a three-year transition period, in which both international and domestic groups worked to prepare for elections in 2006. While some irregularities were reported in these elections, the elections were overall regarded as successes (Vircoulon, 2011; Merckx & Weyden, 2007). In contrast, the 2011 elections received much less attention from the international community and proved much more problematic. Less than a year before the polls, the government unilaterally amended the constitution to eliminate run offs and allow a presidential candidate to win with a plurality of the votes. Revisions to the law for the electoral commission created a CENI composed not of independent commissioners but of representatives of the various political party coalitions in parliament, with a minority representation for civil society. One Congolese human rights group reported bluntly that, “The preparation, organization, and conduct of the November 2011 elections were a failure for democracy and the consolidation of rule of law. These elections, which constituted an opportunity to promote human rights, instead led to their violation” (ASADHO, 2012). Many Congolese believe that Étienne Tshisekedi gained the most votes in 2012, but the announced results showed him 15% behind Kabila, who reportedly received an implausible 49% of the vote. Among the implausible results announced, Kabila supposedly won South Kivu, the home region of third-place finisher Kamerhe. The parliamentary vote was similarly problematic, with large discrepancies between what election observers noted and the announced results (The Carter Center, 2011; Pourtier, 2012).

The 2018 elections proved even more problematic than those held in 2011, though they did result in Kabila’s replacement as president by a candidate from an opposition party. The constitution limits presidents to two terms of five years and requires that elections be held every five years. In 2015, Kabila attempted to have the parliament amend the constitution to eliminate term limits, but widespread strikes and protests, some organized by the Catholic Church, others by youth organizations like LUCHA and FILIMBI, brought hundreds of thousands of Congolese to the streets to show their opposition to this change. While Kabila had enjoyed substantial support in 2006 for his willingness to negotiate peace and his handling of the transition, 10 years later, his corruption and mismanagement of the government and economy had made him a deeply unpopular figure.

In September 2015, a group of seven major opposition parties formed a coalition called the G7 to oppose Kabila’s attempt to seek a third term, with Moïse Katumbi as its leader. Katumbi was a highly popular political figure, having effectively managed Katanga as governor since 2007, and regarded as less corrupt than most Congolese leaders. In mid-2015, Kabila implemented a long-delayed plan to divide provinces into smaller units, a process known as decoupage. While decoupage had been called for in the constitution as part of a program of decentralization, the move to divide Katanga just before planned elections was seen as a move to weaken Katumbi. In response, Katumbi resigned as governor and left Kabila’s political party, the PPRD. His leadership of the opposition bloc made Katumbi a formidable political opponent to Kabila. In early 2016, Kabila’s government brought specious charges of real estate fraud against Katumbi, pushing him to leave the country. (Charnas, 2015; Marriage, 2018; Englebert, 2019).

Realizing that he would not be able to seek a third term, Kabila started a process of delaying elections that the Congolese called glissement—slippage. Kabila started a series of negotiations with the G7 and other opposition parties, ostensibly to plan for the elections but actually to justify their delay. An accord was announced in October 2016 for Kabila to stay in office, but with an opposition politician, until elections planned for April 2018. In November 2016, Kabila named as prime minister a defector from the UDPS, a party that had refused to participate in the negotiations. Working with the UDPS and other opposition parties, CENCO, the leadership organization of the Catholic Church, brokered another deal
in which Kabila agreed that he would not seek a third term, promised to choose a prime minister acceptable to the opposition, and agreed to reforms, including releasing political prisoners. Not surprisingly, Kabila swiftly found ways to backtrack. Kabila claimed that elections could not take place until a census had been undertaken, something that would delay the vote for years. In February 2017, UDPS leader Étienne Tshisekedi died, eliminating another of Kabila’s most powerful foes. Kabila sought to foster divisions within the party by naming as prime minister a UDPS figure who had previously broken with Tshisekedi (interview in Kinshasa, February 26, 2020; Marriage, 2018; Englebert, 2019).

Civil society played a key role in forcing the Kabila regime to move forward with elections. The Catholic Lay Coordination Committee organized a series of protests in many Congolese cities in December 2017 and January and February 2018, with support from FILIMBI and other groups, to demand that a date for elections be set. The regime used violence in an attempt to crush the protests. Amnesty International reported concern over “excessive use of lethal force during peaceful demonstrations, arbitrary arrests and detentions, intimidation and harassment” and documented 17 killed by the police, army, and presidential guard, many more injured, and the arbitrary arrest of 405 people (Amnesty International, 2018a). Despite announcing in March that they had lifted the ban on demonstrations, protest organizers continued to be harassed and protests violently suppressed. LUCHA faced particular harassment, with marches in Beni and Goma violently closed down in late March and again in Goma in May, and a demonstration in Lubumbashi banned in April 2018 (Amnesty International, 2018a). Several human rights activists, particularly youth activists, were arrested. Some were quickly released, having been detained merely as a means of intimidation, but others were held incommunicado for long periods, and some faced long prison sentences for organizing protests (Amnesty International, 2018b). The harassment of civil society drew international condemnation, and that combined with the persistence of the protests ultimately forced the regime to move forward with plans for elections.

Prior to the 2018 polls, the government instituted no electoral reforms, despite calls for reform after the troubled 2011 elections. Most significantly, the constitutional revision allowing a president to win with a simple plurality of votes rather than a majority remained in place. CENI was led by a Kabila loyalist, Corneille Nangaa, and many observers felt that CENI was not independent. Elections, scheduled for April 2018, were delayed until December when CENI announced plans to use electronic voting machines. Many stakeholders, inside and outside the DRC, opposed the introduction of voting machines as not only unnecessary but highly impractical, and the refusal of CENI to allow an audit of their software further undermined confidence in their impartiality (Englebert, 2019). In August 2018, CENI disqualified MLC leader Jean-Pierre Bemba, the second-place candidate in the 2006 elections, because of his conviction at the International Criminal Court. While Kabila acceded to demands that he step aside, as elections approached, he worked to secure his continuing power. With Étienne Tshisekedi dead and Katumbi and Bemba prevented from running, no top-tier candidates remained in the race. Kabila brought together several parties into the FCC coalition and chose a relatively obscure presidential candidate, Emmanuel Shadary, whom many people believed he hoped to control (rather like Putin controlled Medvedev in Russia). Kabila was able to use the vast personal wealth he had accumulated to coopt many political actors. One analyst who explored Kabila’s connections to Congolese companies and offshore investments observed before the elections in 2018 said, “Kabila may capitulate in the face of unacceptable costs, but he has already extended his power” (Marriage, 2018).

In November 2018, a large coalition of opposition parties formed a common platform known as Lamuka and selected Martin Fayulu, a former ExxonMobil executive with limited political experience but regarded as a good choice to develop the economy. The next day, the UDPS pulled out of the coalition, and Félix Tshisekedi, who had succeeded his father as party leader, announced plans to run. Kamerhe ultimately threw his support behind Tshisekedi in the CACH coalition. Nevertheless, with seven major parties in Lamuka and the active backing of both Katumbi and Bemba, who had very strong bases of
support in Katanga and Equateur, respectively, Fayulu seemed to be in a solid position to win the presidency (Englebert, 2019).

Slated for December 23, CENI delayed the polls until December 30 after a significant number of voting machines were destroyed in a warehouse fire and postponed polls in two provinces in the east until March because of the Ebola outbreak. In much of the country, election day went relatively well (though our team heard complaints about problems with the polls, particularly in the east). Despite promises that the electronic voting machines would speed the release of results, CENI delayed an announcement, leading to speculation that the results were being manipulated. CENCO called for CENI to release results, stating that based on reports from the more than 39,000 observers they deployed, the winner was clear, but the results that CENI announced a week later proved a surprise. Neither Fayulu, the presumed winner of the most votes, nor Shadary, Kabila’s hand-picked successor, was named president. Instead, Tshisekedi was reported to have edged out Fayulu, 38.6% to 34.8%. While Tshisekedi was a relatively popular political figure, the results seemed implausible, since his CACH coalition had strong support only in Kasai and South Kivu. Observation data leaked from CENCO showed Fayulu earning almost four times as many votes (62.8% of the total) as Tshisekedi (who received 15.0%), with Shadary coming in second at 18.5%. An anonymous leak from within CENI reported similar results, though with Tshisekedi slightly ahead of Shadary. The CENI leak had Fayulu winning nearly 59.4% of the vote, a clear majority. In short, the results announced by CENI bear little resemblance to the actual votes cast. CENI’s official results were given as national totals, with no provincial breakdown, thus making them difficult to assess. In contrast, the leaked CENCO data showed Shadary winning five provinces where he and Kabila had strong support, Tshisekedi winning three provinces, and Fayulu winning the 18 others. As political analyst Pierre Englebert noted, “It is almost certain that Fayulu was the real winner. It is possible, moreover, that he gained an absolute majority. By the same token, it is unlikely that Tshisekedi exceeded 30%” (Englebert, 2019, p. 132).

We cannot at this time know exactly how the final result came about, but most observers speculate that there was some backroom deal between the FCC and CACH to allow Tshisekedi to become president while retaining substantial power for Kabila and the FCC. While Shadary and Tshisekedi each apparently received less than a fifth of the vote, Tshisekedi was at least a popular figure. One well-placed Congolese observer told us that Fayulu had been unwilling to negotiate with Kabila, while Tshisekedi was open to negotiation (interview in Kinshasa, February 26, 2020). As Englebert writes, “Kabila’s first choice would have been Shadary as president, but the Tshisekedi option was a good fallback for Kabila under the circumstances. By splitting the opposition, he reduced the chance of blowback” (Englebert, 2019, p. 135). While allowing an opposition party to take over the presidency, Kabila protected his power in several ways. The FCC coalition was announced to have won 341 of 500 seats in the national assembly, compared to only 47 for CACH and 112 for Lamuka, giving the FCC a super majority. The FCC was also announced to have won a majority in 22 of 26 provincial assemblies. Since the provincial assemblies name both governors and senators, this gave Kabila an additional hold on power (Ngoma-Binda, 2019).

Since the return to democratic elections in 2006, each election has involved lively campaigning by a diversity of political parties with broad participation by the Congolese population. These are positive indicators of a popular commitment to political competition. Yet, political manipulations and flawed institutions have impeded the public from exercising its will through voting. The announced results have proven less credible with each poll (Saint Moulin, 2019). As the leader of the NGO Action for Transparent and Peaceful Elections told us about the 2018 vote, “The elections were held in a context of almost complete mistrust. The system sought to preserve its power. They changed the laws and sought a third term. There was instrumentalization of the electoral institutions, which they unfortunately used to preserve their power” (interview in Kinshasa, February 26, 2020).

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14 He told us, “Fayulu was inflexible, but Felix … was more flexible.”
The role and independence of CENI is an area of particular concern. Many Congolese were critical of CENI’s stewardship of the 2018 elections, with numerous people we interviewed reporting a belief that it had lacked independence and instead worked on behalf of Kabila. The mandate for the members of CENI expired in 2019, but the government delayed naming a new slate of commissioners. Several civil society activists we spoke with argued that a new CENI should not be named until reforms were put in place to make CENI truly independent. Nevertheless, in early July 2020, the FCC-dominated national assembly proposed Ronsard Malondo as new CENI chairperson, inspiring protests from civil society groups and parties opposed to the FCC. A spokesperson for the Lamuka Coalition claimed that Malondo was involved in “abetting every stolen election since 2006” (Al Jazeera, 2020). Tshisekedi’s party, the UDPS, has also opposed Malondo’s nomination. At the time this report was being finalized, Tshisekedi had not yet approved Malondo’s nomination.

2.4.2 Active Civil Society and Media

The brightest lights in Congo’s democratic landscape have long been the country’s vibrant civil society and active media. Despite facing years of harassment and serious financial challenges, civil society and the media have provided important opportunities for the open exchange of ideas and possibilities to hold the government accountable. Civil society and the media played vital roles in pushing for political transition, and since the installation of the new president in January 2019, the political context for both has improved, though they still face significant challenges.

We have discussed the 2018 elections at some length above because they set an important context for the current political situation in the DRC. As discussed in the section on government accountability and responsiveness, because former president Kabila retains substantial power, the new regime remains highly constrained on many issues. On civil society and the media, however, Tshisekedi has taken actions since assuming office that have improved the landscape. No laws have been changed, as the 2006 constitution and laws already guarantee freedoms of expression, association, and assembly, but Tshisekedi has pushed government officials and the police to respect the law. He has made public commitments to improving the government’s respect for human rights, beginning with a pledge in his inaugural address to support human rights and release political prisoners (Paris, 2019). In March 2019, Tshisekedi pardoned 700 political prisoners, a combination of opposition politicians and civil society activists, who were then released from prison (Al Jazeera, 2019). Under his leadership, security forces have been discouraged from harassing civil rights activists and journalists, and Human Rights Watch reports that, “There has been a significant decline in political repression” (Human Rights Watch, 2020a). Some more sporadic harassment of civil society activists continues, primarily by provincial and local governments, but the general improvement in the situation for civil society opens up possibilities for it to play an even more extensive role in promoting democracy, human rights, and good governance in the DRC in the future.

Congo’s civil society is large and diverse. While more widespread in urban areas, civil society groups function throughout the country and involve a large portion of the country’s population, including rural people and those with limited education and few resources. They range from grassroots farming cooperatives and parent committees in schools to large national organizations for good governance and environmental protection. Civil society groups, along with religious organizations, have played important roles in helping to provide basic services to individuals that the government has proven unable to provide. The DRC’s civil society is well organized, with umbrella groups that bring together numerous associations working around issues such as economic development, human rights, and women’s rights at the municipal, provincial, and national levels. Civil society groups long faced harassment from both the central state and individual politicians, with activists occasionally even killed, but they showed great

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15 See, for example, Human Rights Watch, 2020b.
courage by nevertheless persisting in their work. The new political climate creates the potential for civil society to make even greater contributions to the DRC’s development. Given the poverty of the country and the limited availability of outside funds, civil society groups face serious financial hurdles, yet they have found creative means of supporting their activities. Civil society groups are particularly important as workshops of democracy, as they generally run on democratic principles, holding regular elections for officers and encouraging open debate and regular voting on issues. We heard from several people involved in civil society that they are now trying to learn to shift from being government critics to finding ways to support and partner with government. As one activist in Mbuji-Mayi said, “Even human rights groups have come to see that they don’t need to work against the regime but can be their partners” (interview in Mbuji-Mayi, March 6, 2020).

The media likewise has persevered in the face of harassment and now is poised to take an even more important role in supporting democratic development. The most significant form of media in the country by far is radio. The vast majority of the population, even in rural areas, has access to radio broadcasts. The 2019 IRI survey found that radio is the main source of news for 55% of the population (IRI, 2020). Most urban areas have multiple radio stations, and there are many small-scale community-run radio stations. Community radio stations have been a major initiative sponsored by numerous international donors and community groups in an effort to provide broader access to radio, diversify available information, and provide more local news (UNESCO, 2014). Congolese have access to the British Broadcasting Corporation, Radio France Internationale, Voice of America, and Radio Okapi, a UN-sponsored station, in addition to Congolese National Radio and Television. Television is available mostly in urban areas, but the reach of channels in urban areas is fairly high, with 21% of respondents to the IRI survey reporting that television is their main source of information (IRI, 2020). But, as participants in a media roundtable pointed out, receiving news from television is more dependent upon reliable electricity than radio (interview in Kinshasa, February 28, 2020). In addition, there are a few daily newspapers and many weekly or monthly publications. Though their circulation is usually limited, they have substantial influence with the elite. Social media has become increasingly important as a source of information and tool for organizing, though only 5% of respondents told the IRI survey that social media was their primary source of information (IRI, 2020). One media organization told us that only 3.5% of the Congolese population had internet access (interview in Kinshasa, February 28, 2020). Social media has been used extensively in organizing protests, beginning with those in 2016 against Kabila’s attempts to extend his mandate and continuing with ongoing protests in places like Goma and Mbuji-Mayi.

Despite harassment by the police and politicians in the previous regimes, including assassinations of journalists, the media has played an important role in monitoring government actions and providing information about elections and other issues. Although the situation for the media has improved considerably under Tshisekedi, some harassment persists. The NGO Journaliste en Danger documented 91 cases of attacks on the freedom of the press during the first year of the new regime, but most seem to have been the actions of individual politicians or police rather than state policy. The only case of an assassination of a journalist was by a militia group in Ituri (Journaliste en Danger, 2020). As a roundtable with journalists and press NGOs, as well as interviews with other journalists, made clear to us, the greatest challenge they now face is financial. Both radio and print journalism lack an adequate funding model, with very limited advertising revenue and few other sources of income (interview in Kinshasa, February 28, 2020). This restricts the ability of the press to act as a government watchdog.
2.4.3 FRACTURED POLITICAL PARTIES

The picture for political parties in the DRC is more mixed. Hundreds of parties are registered across the country, and competition between parties is fierce. But the parties tend to be highly localized and personalistic. Many seek to represent a single ethnic group or community. Others are the project of individuals, particularly businesspeople seeking economic opportunities through political office. Very few parties are organized around clear philosophical or political principles. Party coalitions are unstable and constantly shifting. In elections, voting takes place to a great extent along regional or ethnic lines. Party leadership is overwhelmingly male, and few parties make any serious attempt to promote female candidates. After legalizing party competition, Mobutu encouraged the proliferation of political parties to divide political society and limit its ability to check executive power; sadly, the situation today appears little different. While the UDPS has been around since 1982 and has stood for principle more than most parties, consistently challenging the authoritarian practices of the regimes, it has always gained its greatest support from Tshisekedi's home region, Kasai. The UDPS's other party partner in CACH draws most of its support from South Kivu. Not only does the ruling coalition have a very limited geographic base of support, but it also has little financial means to support its agenda. In contrast, the FCC is a broad, though fragile, coalition that includes parties from throughout the country. The PPRD draws its greatest support from parts of Katanga where Kabila is most popular, but Kabila has effectively used his resources to buy support throughout the country. Katumbi, part of the PPRD until 2015, recently formed his own political party, but it is unclear how much support it will have outside of Haut Katanga. Overall, parties have failed to provide an effective means for the population to express a coherent political vision. The parties are too numerous, too poorly funded, and with alliances too shifting to provide much opportunity to develop the political system. Because of the weakness of parties and the very high turnover rate in parliament and provincial assemblies, we were told that most candidates feel little loyalty to their parties and feel that they earned their office on their own. This situation shows no sign of changing in the near future.

2.4.4 HOPES FOR LOCAL ELECTIONS

Despite the near universal condemnation of the 2018 elections, one of the most strongly expressed hopes of the people we interviewed was for the organization of local elections. The DRC has never in its history held local elections, and the ability to appoint all local officials has been a major source of power for the central state. Although the 2003 Sun City Accord called for local elections, they were never scheduled. In the run up to the 2011 national elections, plans were made for local elections in 2013, but again, they were never scheduled. Countless reasons have been given for delaying local elections. The term used to refer to local governments in the DRC is ETDs, which encompasses municipalities, communes, sectors, and chiefdoms. The need for legal clarity on the differences between each of these local institutions, their boundaries, and their functions is one of the reasons offered for delaying elections. The need for a census is also often raised as necessary before local elections can be held. The logistical challenges and potential cost for holding ETD-level elections are immense and are probably the most often cited excuse for delaying elections. In addition, even many who strongly support the idea of local elections worry that important reforms to CENI are necessary first.

Regardless of any of the reasons that have justified the delay in electing ETD officials—and none of these can be easily dismissed—the desire to finally choose local officials through a vote is one of the most widely supported ideas that we encountered in our research. As was explained to us time and again, the
local government is the primary level at which most Congolese encounter the government. Laws may be passed by parliament, and ministries may offer directives, but it is local governments that are empowered to enforce the laws and implement policies, whether they fulfill that duty or not. It is ETDs that issue land titles and birth, marriage, and death certificates; provide agricultural services to farmers; and ensure access to water, sanitation, and electricity.

Yet, for most Congolese, their encounters with local government are disagreeable and costly, since they are required to pay fees and bribes. The authorities treat their subjects with disrespect and sometimes abuse. The ETD officials make little attempt to connect with their communities. Since the government in Kinshasa currently selects the ETD officials, many Congolese believe that the officials are more responsive to the central government than to those they are chosen to serve. The popular hope is that elections will change the thinking of leaders to understand that they serve the local population. One civil society activist in Mbuji-Mayi explained the thinking of many of the Congolese we interviewed. “Local elections are absolutely necessary. We need leaders who are responsive to us. The lack of local elections is the lack of democracy. The effectiveness of ETDs is undermined by the fact that they are not elected” (interview in Mbuji-Mayi, March 6, 2020). The head of one agricultural cooperative explained, “Even if the elections are badly run, they will help to change the mentality of people. Administrators now are picked by parties and respond to them. Elections will make leaders respond to people. We need new authorities. Even bad elections will bring in new people” (interview in Lubumbashi, March 4, 2020). The president of CAFCO expressed her belief that the lack of local elections was one of the things that prevented women from advancing politically. “These local elections would be closer to where women live and would create opportunities for women. … We need to really advocate that these local elections take place” (interview in Kinshasa, February 28, 2020).

Expectations for the results that local elections can produce are likely unrealistically high. In Mbuji-Mayi, one woman told us, “Local elections are necessary. They could be the solution to our crisis. People could feel like those close to us are the ones we chose” (interview in Mbuji-Mayi, March 6, 2020). A young farmer in Lubumbashi went even further, stating, “Local elections are 99% of the solution” (interview in Lubumbashi, March 3, 2020). Yet if part of our task with this DRG assessment is to express the political hopes of the Congolese public, we would be remiss not to emphasize the degree to which people regard local elections as essential. Given the high expectations, ensuring that local elections, when they do take place, are as free and fair and well run as possible is essential to avoid further public alienation and disaffection. Beyond the political considerations, creating more accountable and responsive ETDs could make a major contribution to the improvement in public service delivery.

2.5 Government Responsiveness and Effectiveness

Government responsiveness and effectiveness refers to how much a government responds to public needs and provides public services, such as basic infrastructure, healthcare and education, justice and security, and support for economic growth. According to the DRG Assessment Framework, “A government is effective when it harnesses the capacity of its administrative infrastructure for consistent provision of desired services and when it is responsive to changing conditions and needs” (USAID, 2014, p. 23). Government responsiveness and effectiveness is an area of particular concern for the DRC, where long-term mismanagement and corruption have critically undermined state capacity, resulting in a derelict infrastructure and failures to adequately provide basic services. Healthcare, education, justice, agricultural services, and economic development programs, when available at all, are poorly run and require people to pay for any services they need rendered. More than any other factor, the failure to provide necessary public services undermines popular support for the Congolese government and drives conflict and insecurity. The population has great hopes for the Tshisekedi regime, following its promises to fight corruption and make the government serve the population, but the new government will be judged largely on its ability to materially improve the lives of the Congolese people.
2.5.1 **HOPES AND CONSTRAINTS FOR THE TSHISEKEDI REGIME**

President Tshisekedi stands in a tenuous position. On the one hand, legally and constitutionally, the presidency has considerable independent power, and the Congolese population expects him to use his power to make the government more responsive to their needs and interests. At the same time, the former president, Kabila, still holds considerable influence, which he seems intent upon using it to preserve the corrupt system that has benefited the limited elite in his patrimonial network. Observers are not unified in their perception of how free Tshisekedi is to take independent actions to accomplish the reforms he has promised. Kabila’s coalition, the FCC, controls the national assembly, senate, and provincial governments but also still has a large stake in the executive branch. The constitution requires that the prime minister come from the majority in the parliament. A formal power-sharing deal between the FCC and CACH distributed ministries, granting the FCC 42 ministries, including several of the most powerful, such as Finance, Mines, and Justice, compared to CACH’s 23. According to several people we interviewed, the ministers were all required to present the prime minister with a signed, undated resignation letter so that they could be easily removed. Beyond these formal ways in which Kabila has retained power is the fact that most Congolese believe that Kabila installed Tshisekedi in office, giving Kabila continued sway over him. As one person told us, “The shadow of the former president is still very long” (interview in Kinshasa, February 24, 2020).

Despite all the chicanery and manipulation around the election, the Congolese public has reacted to the evolving political situation with impressive practical realism. Although the official results were disputed by a variety of actors, most Congolese are nevertheless willing to accept Tshisekedi’s leadership. They are first and foremost happy to have Kabila out of office. They also recognize that Tshisekedi and the UDPS embrace a different style of politics than Kabila. As one NGO worker told us, “They were longtime critics. Some of them bear the physical marks of having been beaten for opposing the regime” (Interview in Kinshasa, February 26, 2020). People told us time and again that they felt Tshisekedi has good intentions, and that he is trying to implement changes. “The philosophy has changed. For the first time, we have had a peaceful transition. There is a spirit of accountability” (Interview in Kinshasa, February 25, 2020).

During his first year in office, Tshisekedi has shown some ability to exert independent power. He delayed naming a prime minister until May, apparently rejecting Kabila’s initial choices for the post, before compromising on a little-known candidate, Sylvestre Ilunga. Despite threats of their dismissal, ministers from CACH have shown a willingness to defy Kabila. The foreign minister has acted to replace diplomats appointed by Kabila, and the interior minister has resisted pressures to appoint Kabila loyalists. Tshisekedi has also exerted some pressures on the military. General John Numbi, the Inspector General of the Armed Forces, was transferred to Beni to lead troops in combat against militia groups (Wondo Omanyundo, 2019). In February, the former intelligence chief and a close friend of Kabila, Kalev Mutond, whom Tshisekedi had recently accused of monitoring his movements, was arrested on charges of passport fraud, showing some willingness to reach even into Kabila’s inner circle (Gras & Bujakera, 2020). Two weeks later, another close Kabila associate, General Delphin Kahimbi, the head of the military intelligence service, apparently committed suicide after he was told that he was under investigation for corruption (Mugabi, 2020).

Tshisekedi will ultimately be judged on whether he can back up his promises with real changes. A May 2019 survey by the CRG found that although Tshisekedi was personally popular, 58% of respondents opposed his coalition with the FCC (CRG, 2019, p. 4). A human rights activist in Lubumbashi told us, “Tshisekedi has good words, but these words need to be made a reality” (interview in Lubumbashi, March 4, 2020). This will require his more thoroughly challenging the existing power structure that he

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16 One Congolese put it well: “We are in a semi-presidential system, because you have to go through parliament” (interview in Kinshasa, February 24, 2020).
inherited and taking greater direct control. As one civil society activist in Kinshasa said, “Tshisekedi replaced someone who was in power for 18 years, who put war criminals into strategic positions. He has to work with the same courts, the same administration. He is dealing with a deeply rooted system and needs to create his own” (interview in Kinshasa, February 28, 2020). The Congolese people are looking for Tshisekedi to show a greater willingness to challenge those associated with Kabila to make the government more responsive to them. The possibility of Congo developing a more accountable political system will rest largely on Tshisekedi’s ability to take more firm control of the government and bring in people more responsive to the public interest.17

One possibility for Tshisekedi to gain greater control over the government is to coopt some currently associated with Kabila. The FCC is a loose coalition of 24 political groups and 166 parties, many of whom have limited loyalty to Kabila. The visible corruption among Kabila’s closest associates clearly makes them deeply unpopular and rankles some of his FCC allies. The leader of the largest party in the FCC, Modeste Bahati Lukwebo, broke with Kabila in July over his choice of parliamentary leaders. He was kicked out of his party, but his willingness to risk his political career suggests the level of discontent that may exist within the FCC and the potential for Tshisekedi to find allies there (Englebert, 2020).

2.5.2 CHALLENGES FOR PUBLIC SERVICE DELIVERY

Despite its enormous wealth in natural resources, most of the Congo’s population lives in poverty and struggles to put food on the table each day. Over the past two decades, the country has experienced steady improvements in life expectancy, average years of education, and average income, and a slight decrease in poverty, but conditions faced by most Congolese remain bleak (UNDP, 2019b). According to the World Bank, 73% of the population lived in extreme poverty in 2018, earning less than $1.90 per day (World Bank, n.d.b). Economic concerns are clearly the most important issues facing Congolese. The August 2019 IRI survey found that 42% of the population considered unemployment the most important problem facing the country, and 63% put it in their top three concerns. Another 11% consider high prices and the cost of living the country’s most serious problem (IRI, 2020).

The Congolese government has proven ineffective in the face of these economic concerns. The infrastructure is in terrible condition, with few paved roads, with many parts of the country largely inaccessible and some only accessible by water. Air travel is expensive and unreliable and links only major cities. One university professor told us, “Congo is like an archipelago, where you go from one island to the next by canoe” (interview in Lubumbashi, March 4, 2020).

The delivery of public services in the DRC, including education, healthcare, agricultural services, justice, and security, is woefully inadequate. Public service delivery is arbitrary and privatized, as churches and other private organizations sometimes step in to provide vital services that the government is unwilling or unable to provide. In a few cases, private enterprises have partnered with the state to develop necessary infrastructure, as in the construction of roads around Goma and linking Kolwezi and Lubumbashi to the Zambian border. Services tend to be most widely available in urban areas and in more prosperous regions, like the southern copper belt. More inaccessible regions with fewer mineral resources, like the former Equateur and Orientale provinces, and rural areas in general, receive few resources from the central state.

State employees are underpaid, and some are not paid at all, while many lack professional training. One municipal civil servant in Likasi told us that in his 20 years of working there, he had never been paid, a claim confirmed by others in the office (interview in Likasi, March 3, 2020). There have been some

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17 One agricultural development worker told us, “You can’t have the head change and the body stay the same. If you have a broken vehicle, even if you change the driver, the car still won’t run. We need to push out all these people who have mismanaged the country and start with new people” (interview in Lubumbashi, March 4, 2020).
improvements in the past decade in paying state employees through bank deposits, but many challenges remain, and not all employees have been integrated into the new payment system. The new provinces created in 2015 have particularly weak administrative capacity. An administrator in Haut Katanga explained that the newly created provinces had to hire all new staff and acquire new buildings for their operations with little support from the central government (interview in Lubumbashi, March 2, 2020).

Even where salaries are paid, state employees often charge fees and embezzle state funds both to benefit themselves and to pay the patrons who put them into their positions. This focus on fundraising and enrichment often gets in the way of service delivery. As a recent Department for International Development (DFID) analysis explained, “Financial flows are the lubricants and lifeblood of the political economy system in DRC. The primary flow is upwards, from individuals to the network that appointed them. This overrides formal function. Bodies that we think of as service providing—from the police to the Ministry of Health—are instead revenue raising in nature, either via extraction by police or tax on medication” (DFID, 2017, p. 5).

The public’s frustration with the failures of the government to provide services and improve the lives of the Congolese people is exacerbated by the corruption that high officials so blatantly display. The recent IRI survey found that corruption was among the public’s top three concerns (IRI, 2020). As the municipal employee who had never been paid stated, “It’s a political problem. Politicians work for themselves. They don’t care about the people and their needs” (interview in Likasi, March 3, 2020). As many people told us, the embezzlement of state funds denies the state the revenue that it needs to develop the infrastructure and provide services. In a country with extraordinary wealth, the state is starved for resources. A large number of ministries, agencies, and oversight institutions play a role in revenue collection, but tax revenues are far below what they should be based on actual economic production, as enforcement is arbitrary and a substantial portion is diverted into private hands. A DFID study of corruption in the public finance system explained that in the country’s patrimonial system, “Those appointed to leadership positions in the revenue authorities are typically obliged to funnel funds and favours back through the patronage network that appointed them. This obligation has considerable impact on how revenue authority bureaucrats do their jobs, and on the overall performance of these authorities” (DFID, 2016, p. 4). According to Organization for Economic Cooperation and Development (OECD) estimates, tax revenues in 2017 amounted to only $3.8 billion. The tax-to-gross domestic product (GDP) ratio declined from 11.3% in 2012 to 6.6% in 2017. This compares to a 17.2% tax-to-GDP ratio in Africa and 34.2% ratio in OECD countries (OECD, n.d.). In practical terms, this means that the government does not have the money to cover even the meager services that it currently provides, much less to expand service delivery. The World Bank notes that the DRC government’s fiscal deficit widened in 2019 to 2% of GDP (World Bank, n.d.b).

The revenue problems are particularly acute for ETDs, where most service delivery occurs. Provinces and ETDs were empowered to raise limited taxes of their own, and in a system known as “retrocession,” the national government was supposed to return 40% of tax revenues collected by the provinces back to the provinces. In practice, however, this system has never been fully implemented. As Englebert and Mungongo say, “Far from letting provinces retain 40% of the domestic revenue they generate, the central government has continued to collect all revenue then retrocede a portion to the provinces, the actual amount of which hovers between 6 and 10% from 2007 to 2013” (Englebert and Mungongo, 2016, p. 9). This means that provinces have far less funds than they need, and they share an even smaller portion with ETDs, leaving them starved for funds. As Englebert and Mungongo also point out, even if the system worked as planned, it would still not solve the revenue problems for most provinces, because of massive disparities in the tax base between provinces. The provinces that were Katanga, Bas-Congo, and Kinshasa until 2015 supplied 90% of total tax revenues (Englebert and Mungongo, 2016). A new mining law is returning taxes from mining operations to the local level, but as mines are unevenly distributed across the country, these revenues will be unevenly distributed. In an
interview in Likasi, a local civil servant explained that even within that municipality, mining tax revenues benefitted only the two of the city’s four districts that had mines.

Public financial management is also an area of serious concern. The 2006 Constitution sought to decentralize the DRC’s state system, giving provinces substantial authority over several policy areas, but the legal and institutional framework was slow to be revised to make real decentralization possible, including by providing sufficient funding to local governments. Although a 2011 Organic Finance Law adapted the system in some important way, more legal reforms are needed (Baudienville, 2012). Transparency in budgeting has gradually improved, as budget information is now being made public on a more regular basis, but information about actual expenditures remains inaccessible. The systems of internal control within the government remain underfunded and inadequate, which allows corruption to run rampant (CABRI, 2017).

2.5.3 SEEKING SUPPORT THROUGH POPULIST POLICIES

Tshisekedi enjoyed strong public support in his first year in office, in part because he promised to make the government work more for the people. Yet observers recognize that the new regime must provide results to expand its popular support. As one NGO worker told us, “Beyond good will, there will need to be actions” (Interview in Kinshasa, February 27, 2020). On March 2, 2019, Tshisekedi announced an emergency program for his first 100 days in office, allocating $304 million to focus on roads, health, education, housing, energy, employment, transport, and agriculture. Although many Congolese expressed appreciation for the initiative, few concrete steps were taken. The initiative was hampered by the inability for Tshisekedi and Kabila to agree on a cabinet, so the government lacked the infrastructure to implement its promises (Afrique Panorama, 2019a). Furthermore, much of the money failed to reach its intended targets; It is money from this emergency fund that Chief of Staff Kamerhe was in part convicted of having embezzled (Mwalungu, 2020; Wilson, 2020).

Tshisekedi initiated a more concrete program for public service delivery in October 2019, when he announced an executive order to provide primary education for free to all Congolese children. The program included higher salaries for teachers, but in practice, it was poorly planned and executed. Existing school buildings, many of which are already in terrible condition, cannot accommodate the huge increase in the number of students. In one school we visited, parents told us the school had to divide into two sections—one in the morning and one in the afternoon—and that some classes were as large as 100 students, but no additional teachers were added. The massive response, with classes growing by double, triple, or even more, indicates the pent-up demand, and even as people complained about the problems posed by the increase in students, they nearly universally expressed support for the policy change. Many people we interviewed indicated that despite the problems in implementation in the first year, they expected that the program would be better managed the second year. In short, the initiative to offer free education is widely popular, but the lack of preparation for the new policy has led to terrible overcrowding in schools and other problems. People will judge the government on its ability to resolve some of these issues.

Tshisekedi has declared 2020 the “Year of Action,” suggesting that he may announce additional populist initiatives in an attempt to win over the population and gain political capital. While these sorts of initiatives may gain popular support in the short term, if poorly executed, they may lose popular support in the long term. In the end, people are going to look primarily for things that improve the economic conditions of their lives, particularly initiatives that can help to create jobs. As one Congolese political analyst told us, “Focusing on education was not the first priority for the population. That is something that will be helpful for the future. But they need food now” (interview in Kinshasa, February 25, 2020).

Ultimately, if the government hopes to provide services equitably to the population, they will need to gain access to more resources. Tshisekedi has made some progress in increasing state revenues, in part
through an improved natural resource tax system and through international assistance. There is some movement on a retrocession system of revenue sharing. In interviews conducted with ETD officials, we heard that for the first time, funds began to arrive, but they remained a trickle, and their distribution was uneven across local governments. Ultimately, if the government hopes to gain the resources it needs to support its activities, it will need to gather taxes more regularly and be much more effective at reining in corruption so that revenues gathered actually make it into government coffers. As Englebert points out, however, “The former president still controls the heads of most state enterprises that are Congo’s cash cows.” Tshisekedi will need to find ways to divert public funds now going into private hands back into the government accounts where they can be used to support state activities.

2.6 THE CONTEXT OF CONFLICT AND FRAGILITY

DRG cannot be understood in the DRC without recognizing the country’s context of persistent fragility. The First Congo War in 1996–1997 succeeded in pushing out the Mobutu regime with only minimal destruction, despite some serious human rights abuses, particularly targeting Rwandan Hutu refugees. The Second Congo War that began in 1998, however, ravaged the country and left a legacy of insecurity from which the DRC has never fully recovered. For the better part of a decade, competing armed alliances divided the territory, with troops from several other African countries backing up both government forces and rival rebel groups, and myriad local militias allying with various sides in the conflict. The DRC’s abundant natural resources fueled the conflict, as various armed groups used the profits from resource extraction to fund their armed struggle. The conflict displaced millions of people and severely disrupted economic activity (Reyntjens, 2009; Clark, 2002). The International Rescue Committee, through an analysis of excess mortality, estimated that the conflict caused the death of 5.4 million people, primarily from the illness and malnutrition that resulted from the war’s social disruptions (International Rescue Committee, 2007). Although some analysts challenged these numbers as too high, even their corrected estimate still saw over 2 million deaths between 1998 and 2007 (Human Security Report Project, 2010).

Although the war officially ended in July 2003 when the Transitional Government took office as agreed upon in the 2002 Sun City peace accord, insecurity in the country did not disappear, despite massive international intervention, including a large UN mission. The main rebel groups—the various branches of the RCD and the MLC—were integrated into the Armed Forces of the Democratic Republic of the Congo (FARDC), but retained distinct identities within FARDC, a source of persistent tensions. Several months after the 2006 elections, for example, fighting broke out in the heart of Kinshasa between former MLC fighters and troops from Kabila’s FARDC. Several organized rebellions have spawned out of the FARDC, as disaffected factions have broken away—the National Congress for the Defense of the People (CNDP) in 2007 and March 23 Movement (M23) in 2013 being the largest. The Hutu rebel group, the Forces for the Democratic Liberation of Rwanda, has remained a persistent problem in eastern DRC. Dozens of local militia groups, generally known as Mai-Mai, retained their arms and have continued to operate, mostly in eastern Congo. A 2013 analysis estimated at least 40 different active armed groups (New Humanitarian, 2013). Despite international efforts to control conflict minerals, natural resource extraction has continued to fuel armed groups in the DRC.

The eastern DRC, particularly the provinces of North and South Kivu and Ituri, have experienced the greatest conflict and have the largest number of armed groups, but conflict has periodically occurred in other parts of the DRC as well. In 2016 and 2017, a dispute between customary chiefs and the provincial and national governments in Kasai and Kasai Central provinces led to over 3,000 deaths (Mercy Corps, 2019). Since 2013, militia groups from the Twa and Luba ethnic groups in Tanganyika province have periodically clashed (Search for Common Ground, 2017). Ethnic clashes in the Yumbi region of Mai-Ndombe province left over 500 dead in 2018 (Human Rights Watch, 2019b). Sexual and gender-based violence remain major features in conflict throughout DRC and are a major concern.
The Fund for Peace ranked the DRC as the fifth most fragile state among the 178 countries they ranked in 2019 (Fund for Peace, 2019). The roots of the DRC’s fragility lie not simply in the legacies of the two wars but also in the country’s low level of economic development and poor governance. Frustrations over limited economic opportunities drive some Congolese to take up arms to control access to natural resources. The lack of government responsiveness and accountability pushes Congolese to use violence to protect their interests and gain attention. Conflict and DRG deficiencies are caught in an unhealthy cycle, where poor service delivery, abuse of power, and other DRG failures feed conflict, while conflict itself undermines the ability to provide services and weakens democratic development. In our fieldwork, we heard repeatedly about the connections between public frustrations with corruption and abuse of power and continuing insecurity. USAID has an ongoing long-term commitment to promoting peace and resiliency and reducing the threat of conflict in the DRC, with a particular focus on eastern DRC (USAID, 2020b). DRG strategies for the DRC must be understood in the context of the country’s fragility, while at the same time, strategies to promote peace and resiliency must include efforts to address drivers of conflict, including increased democratic responsiveness, promotion and protection of human rights, fighting corruption, and improved service delivery.

2.7 Synthesis of DRG Elements

While challenges exist in all five elements analyzed under this DRG assessment, the core challenges to democratic governance in the DRC lie in competition and political accountability, government responsiveness and effectiveness, and rule of law, particularly in the problem of corruption. The DRC faces serious challenges in improving its record on DRG, but the political transition that took place in 2019 has presented rare opportunities to take significant steps forward on many fronts. The new president, Tshisekedi, is the son of one of Congo’s longtime democracy crusaders and his party has been in opposition for decades, fighting authoritarianism and calling for fair elections. Tshisekedi has indicated that he is committed to a more democratic and accountable government. He has already instituted changes to improve civil and political rights.

Even if he in fact has the best of intentions, Tshisekedi faces daunting obstacles. The former regime’s continuing control over the political system protects deeply rooted systems of corruption and limits the ability of the new regime to respond to public demands for better services and a more accountable government. Authoritarian practices and arbitrary application of the law are deeply ingrained in the Congolese system, and the presidential alternation did little to change the patrimonial system that facilitates corruption. By manipulating the electoral process and deftly deploying his massive wealth, former President Kabila has maintained substantial influence over state institutions. Our analysis indicates that the former regime’s continuing control over the political system serves to protect deeply rooted systems of corruption and thus limits the ability of the new regime to respond to public demands for better services and a more accountable government. The persistent failures of the electoral process have allowed groups not chosen by the population to hold considerable political power, and they have used this power to monopolize the country’s economic production, thereby denying the funds needed for the government to function and undermining the delivery of public services.

Fortunately, the transition offers new possibilities to address these challenges. President Tshisekedi has great public support, and if he can provide tangible benefits to the population relatively quickly, this popular support could prove a valuable resource in his efforts to take greater control of the government. The opening up of political space creates opportunities for civil society groups and media to play a more active role in supporting efforts to fight corruption, promote electoral reform, and institute other changes necessary to foster democratic development in the DRC. Local elections have the potential to make local government officials more accountable to their constituents and provide better public input and oversight in the provision of public services, which happens at the local level.
3.0 ACTORS AND INSTITUTIONS

3.1 THE LEGAL FRAMEWORK

The most recent Constitution of the DRC went into effect on February 18, 2006. This constitution was drawn up by the senate in the form of a preliminary draft that was amended and then adopted by the national assembly. Eighty-five percent of the DRC's then 24.5 million registered voters approved the proposed constitution in a popular referendum that took place in December 2005. Expert observers were surprised by this massive turnout; it indicated that ordinary Congolese were ready to exercise their rights in a context of emerging political agency, contrasting with a long period of political apathy, fear, and distrust. These experts also tend to agree that the legal framework of the DRC is fairly well designed. Laws correspond to international standards in terms of human rights, governance practices, and the rule of law. Fundamental modifications instituted by the constitution related to the improvement of the justice system and the provision of greater local-level decision-making autonomy. The constitution guarantees freedom of speech and expression and numerous other rights. Experts also agree, however, that the legal framework is “more honored in the breach than the observance.” Article 5 of the Constitution states that, “National sovereignty belongs to the people. All power emanates from the people as exercised directly by way of referendum or elections or indirectly through their representatives.” Yet, in practice, those in power have failed to respect the sovereignty of the people, ignoring their votes in the last two national and provincial elections and not even bothering to hold elections at the local level. Various other provisions of the constitution have never been implemented. Until recently, most of the constitutional human rights guarantees have been ignored.

Some legal reform is still needed; for example, the electoral law, the requirement of Congolese co-ownership of private investments (la loi de sous-traitance and article 16 of the Agriculture Law), and certain provisions in the Mining Code need to be revised. There is likewise an urgent need to harmonize laws, by-laws (mesures d’application), and international agreements, because there are inherent contradictions between them. The Mining Code, for example, makes certain provisions about revenue sharing that are in contradiction with the terms of the decentralization process. There are also contradictions between the mining and forest codes over land rights. By-laws do not always follow the principals of the law: victims of sexual violence are entitled to compensation, but the steps to take to benefit from this compensation are not defined. Overall, the legal framework is solid. The challenge now is to see that the constitution and laws become the basis for the actions of state institutions.

3.2 THE EXECUTIVE

Since the inauguration of President Felix Tshisekedi on January 24, 2019, a crucial preoccupation for the Congolese people and international partners has been: Who is in control? According to the constitution, the president is the head of state and commander-in-chief of the armed forces. The president is the symbol of national unity and ensures respect of the constitution. Legally, in other words, President Tshisekedi is the “big man.” Furthermore, he enjoys very strong grassroots support. While his greatest support is in the UDPS strongholds in the Kasai provinces from where his father hailed, he has proven popular with people throughout the country. People generally believe that he has good intentions, and they are very happy that Kabila is no longer in office (IRI, 2020).

President Tshisekedi’s power is handicapped because former President Kabila retains significant influence on government actions through his political and business connections. As president, Kabila was a distant and quiet leader, communicating rarely in public and relying instead on a coterie of powerful military and business leaders, but over the years, he successfully consolidated his power. During his 18 years at the helm (2001–2019), he was able to amass a vast fortune for himself and close family members. His
business activities extend into mining, oil, aviation, agro-industry, and port infrastructure, to name a few. His actions as president gave him a well-endowed war chest from which he can buy political loyalty. With money and an accumulated sense of political and business acumen, Kabila still commands significant influence. Many stakeholders we interviewed during the mission portrayed Kabila as a cleverly malicious puppet master.

Through the manipulation of the 2018 election results, Kabila was able to secure his political party coalition, the FCC, a supermajority in the national assembly. Article 78 of the constitution states that, “The President of the Republic appoints the Prime Minister from the ranks of the parliamentary majority after consultation of the latter.” Hence, Tshisekedi had to select someone from the FCC as prime minister. Reportedly, he had planned to appoint his partner in the CACH coalition, Vital Kamerhe, as prime minister, but Kabila rejected this proposal. A process of negotiation took place between the FCC and CACH, in which Tshisekedi apparently rejected several of Kabila’s proposed candidates for prime minister. In the end, they settled on Sylvestre Ilunga, a little-known political figure, but the FCC received the lion’s share of ministerial posts: 42 out of 65. Several of the most important ministries—Defense, Justice, and Finance—are controlled by Kabila’s coalition. The result is that the executive branch is not unified but divided between members of the FCC and members of CACH. Nevertheless, some ministries might have potential as partners for reform on specific issues. Not all FCC members have strong personal loyalties to Kabila. Since the cabinet was not named until August 2019, it remains difficult at the time of this assessment’s fieldwork in March 2020 to know which ministers might be the most likely partners for DRG activities.

The 2018 election results also gave the FCC a majority in 22 of 26 provincial legislatures. Since these provincial bodies name both the governors and the senators, the FCC obtained commanding control over both the upper house of parliament and regional governments. Furthermore, in 18 years in power, Kabila’s government named nearly all the sitting justices in the country’s courts. Thus, Kabila’s coalition controls both branches of the parliament, most provincial governments, the courts, and a majority of the posts in the cabinet.

If these sources of power for the former president were not enough, the security services are also an important source of continuing power for Kabila. Joseph Kabila’s father, Laurent, initially came into office through military conquest, and as president he based much of his power on his military comrades. After succeeding his father, Joseph Kabila continued to rely on the armed forces as a primary source of support. In exchange for backing Kabila, military officials from the Congolese army (FARDC), Republican Guard, National Intelligence Agency, and Congolese National Police gained extensive opportunities to profit from parastatal corporations, gain interests in privatizing firms, and otherwise enjoy lucrative opportunities for personal enrichment. Kabila has maintained his commanding grip on the various armed forces, and they pose a major potential source of resistance to Tshisekedi’s power.

The question of who is in charge thus remains unclear. Many Congolese believe that Tshisekedi came to power through a backroom deal that would give him the presidency but allow Kabila to control the political arena. Some thus believe that Tshisekedi remains beholden to Kabila. His actions in his first term, such as his opening up of political space, his condemnation of corruption, and his efforts to expand access to primary education give cause for hope that his intentions are good. While Kabila retains impressive influence, the presidency is a powerful post and Tshisekedi is not without tools at his disposal. The public is willing to give him the benefit of the doubt, at least for now. Much of the international community has chosen to provide Tshisekedi with strong backing. He has access to international loans and financing that were long denied to Kabila. The International Monetary Fund and World Bank authorized loans for the Tshisekedi regime based on its promises to fight corruption and commitment to improved government management (IMF, 2019). He must tread carefully in his efforts to expand his control so as not to inspire a backlash from Kabila’s powerful supporters. As one USG
official in Washington asked us, “Are [the new regime] serious partners or will they simply get caught in the kleptocracy?”

His efforts to gradually exert control can be seen in his approach to the military. Recognizing the challenge that the military leadership poses to his power, Tshisekedi has taken some steps to assert control. Many of the top military brass are under international sanction, particularly from the United States, for their involvement in human rights abuses and corruption, which provides some support for Tshisekedi as he seeks to curtail their power. In December, former intelligence chief General John Numbi was transferred; in February, another military intelligence chief, General Kalev Mutond, was arrested and released; and in March, General Muhindo Akili Mundos was called to Kinshasa from his post as commander of forces in South Kivu and Maniema, apparently because of accusations that he had supported the recruitment of members to armed militia groups. The death of General Delphin Kahimbi in February, reportedly by suicide, also sent a chill through the armed forces. President Tshisekedi has not instituted a whole-scale reform of the military. As one journalist observed, “The majority of generals under sanction have been retained by Tshisekedi. There are several reasons for this: the Congolese president is seeking balance with his coalition partner, Joseph Kabila, and several of the senior officers concerned are very close to the latter. Their influence remains significant, and a too brutal takeover of the military services would have been perilous in this country where generals have already been accused of fueling the rebels” (The Africa Report, 2020).

While certainly preferable to Kabila for most Congolese, Tshisekedi is not without problems in his own administration. His political experience is somewhat limited, and he does not have a broad national political base. He spent much of his adult life outside of Congo living in Belgium, and he has brought in many of his Congolese friends from Europe to serve as advisors. Several of the people we spoke to felt that these individuals are not well qualified, do not understand the country well, and are getting involved in corruption. Caution must be taken to ensure that Tshisekedi does not fall into the established practices of Congolese governance and begin to develop his own patrimonial structures.

It is worth noting that the new system marks an important shift in the organization of power in the DRC. Until recently, holding political power was the primary means of gaining economic power in the DRC. Individuals sought public office so that they could enrich themselves, and there were few opportunities for enrichment outside the state. Much of the economy was dominated by parastatal companies, allowing state officials to divert substantial sums into their own pockets. Yet, with the 2018 elections, Kabila’s continuing power is no longer due to the office he holds (senator). Instead, he is using his economic power to secure his political power. He has considerable personal wealth, much of it now deriving from private investments (particularly from state enterprises that were privatized) rather than directly from the state. Obviously, the state still dominates the economy in many ways, and control of the state remains highly desirable and important, but a shift has taken place that will be important to watch in the future. One of the most important politicians in the DRC, Moïse Katumbi, became independently wealthy, mostly from investments in Zambia, before he became governor of Katanga. His independent wealth allowed him to approach his position as governor differently than most others, and he gained a reputation not only for good management but also for limiting corruption. The relationship between money and political power in the DRC obviously remains important, but it is undergoing some significant changes. It will be interesting to see how Tshisekedi, as someone without much economic capital, fits into this system of money and power.

3.3 The Legislature and Political Parties

The Parliament of the DRC is bicameral, with a 500-member national assembly and 109-member senate. Deputies in the national assembly are elected in a combination of first-past-the-post single member districts and proportional districts, while senators are chosen by the provincial legislatures. In theory, the Congolese parliament has considerable power to pass legislation and provide oversight of the
executive branch. In practice, however, the legislature has been overshadowed by the executive branch and has rarely asserted independence. Most legislation has originated in the executive branch, while the parliament has rarely carried out significant oversight.

Party fragmentation has been a characteristic of Congo’s political scene since the origins of the multiparty system in the early 1990s. Hundreds of parties are registered, most gaining support from only a single ethnic group or in a limited geographic region. Each powerful Congolese politician tends to create his own political party as a means of advancing his political fortunes. He (and it is usually he, since few Congolese women have started parties) may gather several additional acolytes who hope to advance their own careers by tying themselves to a prominent figure. Anyone who gains prominence on their own is likely eventually to form their own political party. Tshisekedi’s UDPS and the Unified Lumumbist Party (PALU) founded by Antoine Gizenga in 1964 are among the only parties that have been consistent players on Congo’s political scene with platforms based on principles beyond personal or ethnic and regional loyalty. Even the UDPS, however, was dominated by Etienne Tshisekedi and has fractured since his death, while PALU has declined since Gizenga’s death. Kabila founded the PPRD in advance of the 2006 elections, and in those elections, the party won 111 of the 500 seats. In subsequent elections, even as Kabila has increased the number of parliamentary members allied with him, the number of seats won by his party has been unstable, falling to 62 in 2011 and then rising to 108 in 2018.

For the 2018 elections, 599 parties, 77 party coalitions, and more than 20 parties gained seats in the national assembly. With so many parties, party coalitions have been a major tool for organizing political life. In advance of the 2018 elections, Kabila created an expanded coalition, the FCC, bringing in parties less closely tied to him personally. The FCC was awarded 341 of the seats in the national assembly, giving them a majority of 68%. In advance of the 2018 elections, the opposition parties tried to form a united front with the creation of Lamuka, but the defections of Tshisekedi and Kamerhe and their parties to form CACH undermined this unity. The future of Lamuka itself is in doubt, since Katumbi founded his own political party in December 2019, and Bemba is unlikely to give up his own presidential ambitions (Englebert, 2020).

Because the FCC was granted a majority in 22 of the 26 provinces, the senate—which is appointed by the provincial assemblies—is similarly dominated by the FCC: 90 of the 109 senators come from FCC parties. For the most part, the senate is composed of more seasoned politicians who play a less prominent role in drafting and approving legislation, rather like the House of Lords in the United Kingdom. While the senate could help provide oversight of the executive branch and help constrain the national assembly, in practice, the senate has played only a limited political role since its foundation.

Despite the apparent dominance of the parliament by Kabila supporters, there may be opportunities to work with parliament, particularly around specific issues or pieces of legislation. The coherence of the FCC and its loyalty to Kabila should not be exaggerated. In many ways, the FCC was an alliance of convenience, a way for politicians to gain a seat in parliament. While parties have the power to expel individuals who challenge the FCC—as happened with Bahati, the leader of the party that won the most seats, the Alliance of Democratic Forces of Congo and Allies—and Kabila's financial resources provide incentives for loyalty, some members of the FCC may prove potential allies in efforts to promote democracy and good governance. For example, Jeannine Mabunda, President of the National Assembly, is widely respected. Although she is part of the FCC, with a background in banking and finance, she is seen as competent and reasonable. Additional competent and committed members of parliament could be cultivated as partners. A major challenge in working with parliament, however, is that nearly all its members lack experience. The turnover rate in both 2011 and 2018 was extremely high—around 80%—so most members of parliament still understand little about their jobs. With such a high turnover rate, developing relationships with members of parliament and providing training and support may not have a long-term payoff. In its first session in 2019, the parliament focused on organizing itself and passing a budget. As the parliament turns during its 2020 session to tackling a range of delayed issues,
such as a media law, we will be able to gain a sense of both its commitments and its capacities. This will provide a better idea of how useful collaboration with the parliament might be and which deputies and senators might serve as potential partners.

3.4 The Judiciary and Legal Professionals

A strong judiciary is an essential instrument for building rule of law and promoting democratic and accountable governance by checking the executive and legislative branches and monitoring provincial and local governments. In a country like Congo, where corruption is a massive problem and many state authorities ignore the written law, a strong judiciary is particularly necessary. According to the constitution, the independence of the judiciary in the DRC is guaranteed, but the reality is that the judiciary is not perceived by the population to be independent from the executive, because it fails to stem corruption and financial embezzlement by politicians. Senior magistrates are generally regarded as subservient to whoever appoints them, and as a result, economic crimes by politicians go largely unpunished (Woodrow, 2016).

The government has consistently underfunded the justice sector in what many consider an intentional strategy to keep the judiciary weak and dependent. The International Bar Association reported a decade ago that, “The DRC's judicial sector continues to suffer from under-investment, corruption, and a severe lack of resources and infrastructure” (International Bar Association, 2009, p. 7). Few improvements have been made since that time. Salaries of judicial officials are low, making recruiting magistrates, court recorders, and others difficult. Funds are not provided to support the necessary physical infrastructure or to provide necessary supplies. Although most of Congo’s people still live in rural areas, much of rural Congo lacks access to justice, since there are no courts or magistrates. In rural Congo, customary authorities—local ethnic chiefs—administer most of the justice, based more on customary law and tradition than on the national legal system.

Even for those living in areas where courts and magistrates are available, access to justice is unequal. Because of low salaries and inadequate funding, courts generally require fees that are arbitrarily set by magistrates to function. As Woodrow explains, the system of payments for services in the justice system has become deeply entrenched. “For many, this becomes a matter of survival, both in terms of gaining sufficient means for supporting their families, and due to possible reprisals from those who enforce corrupt practices” (Woodrow, 2016). As a result, many people and groups do not have the financial means to defend their interests in court. The system of paying for justice opens the system up to considerable corruption. People complain that decisions in court cases are based less on the facts than on who can pay the most. Justice is riddled with patronage and ethnic and regional loyalties, not only in the judgment of cases, but also in appointments to positions in the judiciary. Recourse to the formal judicial system is conditioned by assets or relationships; for those who do not have these two resources, the only option is informal justice.

The lowest level of court in the DRC is the Tribunal de Paix, which in principle should be present in all communities and be where most cases are heard. The next judiciary level is the Tribunal de Grande Instance, which is found at the provincial subdivision level, known as territories. People who do not have access to a Tribunal de Paix can take their case to a Tribunal de Grande Instance, but as these are located only in urban areas, they are not accessible to many people. The 2006 Constitution reorganized the national judiciary, dividing it into three branches: ordinary civil and criminal law, public and administrative law, and constitutional law. Rather than a single supreme court, each branch has a highest court: the Appeals Court (Cour de Cassation) for ordinary law, the State Council for administrative law, and the Constitutional Court for constitutional issues. Among other functions, the Constitutional Court certifies the results of national elections. In addition, there is a system of military justice with a Military High Court at the top. The judicial system is administered by the High Council of the Judiciary (Conseil
Supérieur de la Magistrature). Led by the president of the Appeals Court, the High Council is responsible for the budget, hiring, and other aspects of managing the judicial system.

To build rule of law and rein in corruption will require a strong and independent judiciary, which is something that the DRC currently lacks. The constitution stipulates that “The judicial power is independent from the Legislative Power and the Executive Power,” and that “In the exercise of their functions the judges are subject only to the authority of the law” (DRC, 2005, Articles 149 and 150). Article 151 goes on to state that “The executive power may neither give instructions to the judges in the exercise of their jurisdiction, nor rule on controversies, nor obstruct the course of justice, nor oppose the execution of a judicial decision” (DRC, 2005, Article 151). In practice, however, the executive branch exerts considerable influence on the courts. The Constitutional Court’s certification of the results of the 2018 elections, for example, is widely seen as an indication of Kabila’s influence over the court.

The weakness of the judicial system makes it a problematic potential partner for DRG programming, yet efforts to fight corruption will necessitate working with the prosecutor’s offices and the courts. In his first year, Tshisekedi has encouraged investigation of several high-profile individuals. If he is serious in his efforts to control corruption and build rule of law, he will need to put his imprint on the judiciary. His efforts are constrained by the fact that Minister of Justice Célestin Tunda ya Kasende is a founding member of the PPRD and presumed to be fairly loyal to Kabila. He also serves as deputy prime minister. Nevertheless, he is a lawyer who is an experienced politician and fairly well respected, and he has made public commitments to promoting justice in the country. The High Council of the Judiciary and the various appeals courts are also still composed mostly of people appointed by Kabila. Yet, there may be some opportunities to work with the High Council or the Ministry of Justice on specific issues.

3.5 Provincial and Local Government

At the foundation of the DRC in 1960, one of the issues that divided President Kasavubu and Prime Minister Lumumba was whether Congo should be a unitary or federal state. As a politician with a strong ethnic base among the Kongo people, Kasavubu advocated for greater autonomy for the provinces, while Lumumba’s vision for African socialism called for a centralized state. Although Lumumba was driven from power and assassinated, Congo remained a centralized unitary state. Under Mobutu, the provinces and local governments were merely administrative units used to implement the policies of the central state.

In the negotiations that led to the 2002 Sun City Agreement, the idea of decentralizing power and allowing greater regional autonomy was embraced as a means of helping to defuse conflict in the country and promote greater government accountability. The 2006 Constitution grants legal personality to provinces and local governments, and it creates several new institutions that empower the regional governments. The constitution created new provincial assemblies and empowered them to name both provincial governors and members of the new senate. Governors were previously appointed by the president, so granting the power to name and dismiss governors to provincial assemblies shifts the focus of governors from Kinshasa to their own provinces. The constitutional provisions defining the senate state that, “The Senator represents his province, but his mandate is national.” Thus, the senate serves as an institution that at least in part also seeks to represent the interests of the provinces.

Part of the purpose of making the DRC a quasi-federal system was to provide checks on the national government. Immediately after the 2006 transition, some of the newly created provincial assemblies did seem to be acting with independence. Assemblies took up issues relevant to the concerns of their provinces, and in several cases, provincial assemblies removed governors whom they felt were not doing their jobs or were involved in corruption. Within a few years, President Kabila had used his influence to bring the provincial governments under his control. Observers claimed that the president had bribed
provincial deputies to support his candidates for governor, so that ultimately nearly all the governors came from parties loyal to him. With 22 of the 26 provincial assemblies dominated by the FCC, Kabila continues to exert influence over provincial governments.

The constitution envisioned dividing the provinces as part of the attempt to decentralized power. The physical size of several provinces made their governments far removed from their populations, with capitals sometimes hundreds of miles away and not accessible by road. A 2008 law on decentralization scheduled the division of Congo’s 11 provinces into 26 in 2009, but that law was later suspended, and the division did not take place until 2015. Bandundu was divided into three provinces, Equateur into five, Kasai Occidental into two, Kasai Oriental into three, Katanga into four, and Orientale into four. Kivu had been split into three provinces under Mobutu, while Kinshasa and Bas Congo (whose name was changed to Congo Central), remained the same. The creation of 15 new provinces involved many start-up costs, including acquiring or building facilities for the provincial assembly, governor, and ministries and hiring and training new staff, but the central government provided very little support. Just five years into the new system, provincial governments can be divided into two tiers, with the historic provinces generally well equipped and adequately staffed, while the new provinces generally lack adequate facilities and staffing.

The provinces are divided into 145 territories (territoires), but these have little legal function in the new system, as they are not mentioned in the constitution. Instead, the local level of government in the DRC is a patchwork of institutions known collectively as ETDs. Many rural people live in chiefdoms governed by customary authorities, but not all of Congo’s ethnic groups were historically governed by chiefs, so other rural areas are organized in sectors. Municipalities are generally divided into communes, governed by mayors and burgomasters. The municipalities, communes, and sectors have both politically appointed leaders and civil servants who carry out the functions of the local government. In the absence of local elections, a variety of institutions have a role in appointing ETD officials, including the governors, local legislative council, and the Ministry of Decentralization, which is controlled by a close Kabila ally.

Both provinces and ETDs struggle with limited finances. The constitution requires that the national government return funds to provincial and local governments in a process called “retrocession.” According to the constitution, retrocession should amount to 40% of “revenue of national character” (DRC, 2005, Article 175). The 2008 law on ETDs further specifies that 40% of this 40% is to be transferred to ETDs (Article 115). In practice, the central government has starved the ETDs and provinces of necessary resources, returning much less than 40% to them. A law to return some taxes to the provinces and ETDs from which they were gathered has gone into effect and begun to provide funding to some regional and local governments. However, the sources of revenue are not distributed equally across Congo’s territory. Mineral-rich provinces like Haut Katanga and Lualaba have the potential to see large sums returned to them, while impoverished provinces like those in what was previously Equateur and Kasai, have very limited financial prospects. Although the constitution gives provinces the right to levy taxes, in practice, the central government has retained most taxation power until recently, leaving to the provinces and ETDs taxes that are more difficult to collect. Because of the lack of taxes coming from above, ETDs have been forced to develop alternative sources of revenue, sometimes adding onto national taxes, creating redundancies, often fees and unofficial taxes that help to pay the salaries of those who would otherwise not be paid. Financing provincial and local governments is one of the key elements necessary to secure their independence and to make them more capable of providing public services.

Provinces and ETDs present among the most promising opportunities for partnership. They play the primary role in providing public services to the population and are the main face of the government for the vast majority of Congolese. The ETDs are the most accessible government institutions and thus provide the greatest opportunity for the public to influence governance if the population is better connected to the ETDs. Improving local governance could have a direct impact on individuals by
ensuring that basic service delivery is improved. If local elections are organized, building strong local capacity will be essential.

### 3.6 The Security Sector

Insecurity has been a major concern in the DRC since independence. The stability that Mobutu brought to Congo after the first five years of post-independence chaos pushed the public to tolerate Mobutu’s corruption and personal excesses long beyond what they otherwise might have. The two devastating wars that ravaged Congo from 1996 to 2003, and the instability and violence that have persisted in parts of the country since have been a primary focus of the international community. MONUSCO, the UN stabilization mission, had a massive presence throughout the country for over a decade; and now as it prepares to scale down operations in the last provinces where it is working in the east, filling the vacuum that it will leave and guaranteeing security are major concerns of both the Congolese government and the international community.

The security forces in the DRC are disorganized and factionalized but are also important centers of political power. President Mobutu was the leader of the armed forces before he took the presidency in a coup, and Laurent Kabila fought his way to the presidency as the leader of the ADFL. The military played an important role in both of their administrations. While Joseph Kabila did not come to power through military intervention, he had served in the ADFL, and the security forces remained an important basis of his support. Many of those regarded as Kabila’s key supporters have been military officers: John Numbi, Inspector General of the Congolese National Police; Kalev Mutond, Director of the National Intelligence Agency; and Delphin Kahimbi, Deputy Chief of Staff of FARDC.

Tshisekedi comes out of a political rather than a military background, and although he is officially the commander-in-chief of the armed forces, he is now struggling to exert his control over the various security services. The various armed forces—or at least their leadership—remain largely loyal to Kabila, and they serve as a potential check on his power.

The FARDC, the central armed force in the country, has about 150,000 troops, about half of whom are deployed in the Eastern Congo. The core of FARDC is the former ADFL, the armed group that brought Laurent Kabila to power in 1997. Other troops are from former rebel groups that have been integrated into FARDC. Troops from Bemba’s MLC were integrated into FARDC in the 2003–2006 transition. Subsequently, troops from CNDP and M23 rebel movements and from the various Mai-Mai militia groups have been integrated into FARDC. While initial integration into FARDC involved efforts to blend troops from different backgrounds, later integration efforts allowed groups to join the armed forces as a bloc, retaining their previous leaders. This has limited their loyalties to the FARDC and made them prone to mutiny. M23, for example, was formed in 2012 from CNDP soldiers who had been integrated into FARDC but under their former commander, Bosco Ntaganda.

Despite the massive deployment of FARDC troops in eastern Congo as well as the presence of MONUSCO, instability remains a major problem in the east. Conflict has gradually shifted. Initially concentrated in southern parts of North Kivu, conflict has shifted into Beni and Butembo and further north into Ituri province. Similarly, while South Kivu used to be a primary hotspot, violence has spread increasingly south into Tanganyika and west into Maniema. An ever-shifting range of armed groups is present in the east. The remnants of the Hutu army and militias that carried out genocide in Rwanda in 1994 continue as the Democratic Forces for the Liberation of Rwanda. Various ethnic communities have militia known as Mai-Mai. While most of these were initially formed to protect the interest of a particular ethnic group, many have evolved into mere banditry, often preying most on the people they initially sought to protect. One of the most problematic groups these days is the Allied Democratic Forces, an Islamist group that moved into Congo from Uganda. While these militias are engaged in many atrocities, the FARDC itself has been guilty of massive human rights abuses, including rape and murder.
of civilians. Various local dynamics drive much of the conflict in the east as does struggle to control the region’s abundant natural resources (Autesserre, 2010, 2012). Governance failures are also at the heart of the conflict, as people who are frustrated at their lack of opportunities and who feel that they lack a voice may turn to armed resistance. As one religious leader from the east told us, “The problem of armed groups is above all a problem of governance. It is a symptom of the government’s weakness” (interview in Kinshasa, February 27, 2020).

In addition to FARDC, the Republican Guard are the personal troops of the president, in principle; but the Republican Guard were appointed by Kabila and comprised primarily of loyalists from Kabila’s Tanganyika province. Considering that Joseph Kabila was assassinated by one of his own Republican Guard, naming troops loyal to him will necessarily be a priority for Tshisekedi. The National Police number about 100,000, and while charged with enforcing the law and preserving public order, they are particularly notorious for engagement in harassment, corruption, and human rights abuses.

3.7 **Civil Society, Religious Organizations, and the Media**

Civil society and the media are the most significant potential partners for programming to promote DRG and grew exponentially in the 1990s. Congolese civil society has a number of strengths, though it faces a number of challenges as well. The civil society is diverse and spread throughout the country, even if it is most prevalent in urban areas and among the educated. Civil society groups have played important roles in responding to societal needs, from food insecurity to police harassment to sexual violence, and are a valuable resource to many Congolese. Umbrella groups for development, women’s rights, human rights, and other issues as well as overall umbrella groups in each region and municipality provide important coordination. One strength of civil society compared to other political actors in the DRC is the greater involvement of women as members and leaders. Links between elite organizations and the grassroots are sometimes weak, and finding adequate funding is a problem. Perhaps in part because of their origins as inherently illegal organizations, civil society groups in the DRC have tended to remain relatively independent politically and to have an adversarial relationship with the state. For most of modern Congolese history, civil society has faced harassment and threats. With a regime now that is much more tolerant of dissent, civil society has an opportunity to become even more active and to shift away from a purely adversarial role to finding ways to coordinate with government where possible to realize shared objectives.

Religious organizations are sometimes treated as part of civil society and sometimes viewed separately. In the DRC, the line between the two is particularly unclear, as churches have been major organizers, funders, and supporters of civil society groups and as churches themselves take on overtly political issues. In fact, the Catholic Church is the largest and most important institution in the DRC outside the state. It has a presence throughout the country, considerable financial resources, and important international connections. CENCO, the council of Catholic bishops, is one of the most important political actors in the DRC. They regularly speak out on issues of human rights and have been particularly important in defending democracy. CENCO deployed nearly 40,000 election monitors in 2018, providing what are believed to be the most accurate results. Pressure from CENCO is one reason that Kabila felt he needed to not only cede power but allow someone other than his handpicked successor to become president. The new president seems to have a better relationship with the Catholic Church than his predecessor, who was often the target of CENCO’s criticisms. Tshisekedi is a devout Catholic, and church leaders we interviewed spoke approvingly of him and expressed their hopes that he could transform the country.

Approximately 90% of the DRC’s population is Christian, with another 2–5% Muslim. Just over half of the country is Catholic, while the rest are divided between several other traditions. The Church of Christ in Congo (ECC), the coalition of mainline Protestant churches that counts some 20% of the population as members, has sometimes cooperated with CENCO on public issues, but they generally
take a less confrontational approach, preferring to engage with state officials behind the scenes. The two other major Christian traditions are less engaged in politics. The Kimbanguist Church combines indigenous religious practices with Christianity but considers itself a Protestant church. There has also been major growth in recent years in Pentecostal churches. All these religious communities could be important potential partners for DRG interventions, but particularly the Catholic Church and ECC.

In addition to civil society and religious organizations, the media sector is also quite strong in the DRC, despite having faced threats, harassment, and financial challenges. During the democracy movement of the early 1990s, several publications emerged, reflecting a wide variety of perspectives. Most cities have at least one daily or weekly newspaper. More recently, radio and television stations have proliferated, with over 300 major radio stations now across the country and hundreds more community radio stations. One organizer of community radios told us that there are 100 community radio stations in just the four provinces that used to make up Katanga (interview in Lubumbashi, March 4, 2020).

The media are limited, however, by inadequate resources, as they generally lack a feasible financial model. Several media outlets, thus, are the personal projects of wealthy individuals who sometimes use them to promote their own political fortunes. Some people also spoke about the problem of others seeking to buy favorable coverage, which financial insecurity makes particularly tempting. The media also lacks professionalism, as few journalists are trained. Journalists who criticize politicians, whether at the national or local level, faced threats, and there have been attacks on several journalists and offices, though this intimidation of the press has diminished significantly since Tshisekedi took office. Despite these challenges, radio, television, and print media continue to proliferate, and lively debates on public issues do occur. Criticisms of the regime also continue, despite risks to journalists. Much of the media is politicized, but not in a single direction, as politicians from all sides create media outlets.

The media could be important DRG partners, as they can play a significant part in investigating and publicizing corruption and other abuses of power. The new political opening makes possible a more robust media. Bringing more diverse voices into the media and strengthening its presence at the local level, particularly outside major urban centers, would be important developments. The media is currently regulated under a 1996 law that allows imprisonment of journalists. A revised media law has been developed in consultation with media and civil society groups but awaits approval within parliament (RSF, 2019; interview in Kinshasa, February 28, 2020).
US foreign policy on the DRC is strongly supportive of the Tshisekedi administration, sharing many of its stated policy priorities. While noting some problems with the December 2018 election, the USG offered some of the earliest and strongest international support to the announcement in January 2019 of Tshisekedi’s election to the presidency of the DRC (United States Department of State, 2019a). Throughout Tshisekedi’s first year in office, the US sought to support several of the new president’s initiatives while continuing to pressure him to follow up on his positive promises. US support for the regime was reiterated when Secretary of State Michael Pompeo met with President Tshisekedi in Washington on March 3, 2020. According to an official press release, “Secretary Pompeo expressed support for President Tshisekedi’s reform agenda to tackle corruption, strengthen democratic institutions, improve human rights, end impunity, combat trafficking in persons (TIP), and promote peace in eastern DRC” (United States Department of State, 2020). According to USAID’s Journey to Self-Reliance metrics, the DRC rates moderately well in terms of commitment but very low in terms of capacity.

Even before Tshisekedi’s election, the DRC was a high-priority country for USG policy. The United States is the single largest bilateral donor to the DRC and the largest contributor to the UN mission, MONUSCO (United States Department of State, n.d.). Funding for DRG programming in the DRC is reasonably abundant, but the vast majority is encumbered with stipulations, so that only a relatively modest budget is available for discretionary DRG funding. The last DRG assessment in 2012 recommended integrating governance programs into other areas of USAID programming as a means of multiplying impact. Our analysis in this assessment finds that governance remains essential to addressing other areas of USAID concern such as food security, public health, education, environmental protection, and conflict mitigation and prevention. The country’s poor infrastructure and dismal state capacity are major obstacles to interventions in all policy areas.

The greatest focus of USAID programming is in public health, where USAID supports major ongoing programs for Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome prevention and care, malaria, polio, tuberculosis, and maternal health and a focus on health system strengthening. The highest overall priority for USAID work in the DRC over the past two years has been combating the Ebola outbreak in North Kivu and Ituri, with over $319 million spent on efforts to contain and mitigate the outbreak (USAID, 2020a). Agricultural development and food security are also important areas of USAID programming. The DRC is both a Feed the Future and a Food for Peace country, with programs designed to improve household income and promote economic development as a means of promoting resilience and stability. Under the current administration, economic growth and private sector engagement have become increasing priorities, with a focus on mining industries. Creating opportunities for US business is a top priority. Given the DRC’s important biodiversity and vast rainforests, environmental protection is another policy priority. USAID has supported wildlife protection in the DRC’s national parks, particularly in the east, where environmental work is tied to livelihood promotion and security. Education has also been an area of focus, though the regime’s move to provide universal primary education will likely require shifts in programming in this area.

Promoting peace and security has been a major focus for international intervention in the DRC since the First Congo War began in 1996. With numerous armed groups continuing to operate in eastern DRC and periodic violence destabilizing the region, promoting a durable peace in the east is a major priority. Sexual and gender-based violence in a conflict setting has been a major concern. The drawing down in the near future of MONUSCO operations, which have increasingly focused on North and South Kivu
and Ituri provinces, is one reason that USAID has decided on a “Pivot to the East,” a reorientation of programming increasingly to the provinces in the east that face the greatest insecurity and where Congolese government authority is least felt.

Security concerns and conflict prevention must clearly inform USAID interventions in the DRC, but we strongly believe that democracy and governance issues are the primary source of conflict in the DRC. The frustrations that arise from inequality and the lack of opportunities for employment and income drive people to turn to violent means to pursue their interests. When elections have little meaning and the government is unresponsive, with government officials who seem to care little about the population and instead are only pursuing their personal profit, taking up arms becomes a way to gain attention and to express discontent. If Congolese felt that they could actually choose those who govern them, and if those officials were more responsive to them, working more effectively to provide public services and to create opportunities, then they would be more likely to turn to non-violent means of engagement.

The DRG weaknesses feed fragility throughout the DRC, even if the problems are felt most acutely in the east. One concern that we heard repeatedly, particularly in Kasai Oriental, was a sense that most international attention and a disproportionate amount of international aid go to the east, even though poverty is much greater in areas such as Kasai and Equateur. As some pointed out, the current system provides a perverse incentive to take up arms to gain attention and funding. We worry that the “Pivot to the East,” if pushed too far, might actually exacerbate this problem, increasing the likelihood of conflict in other areas. While addressing issues in the east is certainly key, most issues there are not unique to that part of the country but derive from the same problems of corruption, inefficiency, repression, and autocratic governance that affect the entire country.

Despite the many remaining challenges that we have outlined in this report, the change in regime provides important opportunities to make significant advances in DRG, which could have a major impact on other areas of USAID intervention. As the State Department website explains, “A new chapter in U.S.-DRC bilateral relations was ushered in following the country’s December 2018 elections and the first peaceful transfer of power to President Tshisekedi. This new relationship was marked by the April 2019 announcement of the ‘Privileged Partnership for Peace and Prosperity’ (PP4PP), a joint commitment to work together on areas of mutual concern” (United States Department of State, n.d.). As the largest bilateral donor in the DRC, USAID has several comparative advantages. USAID’s strong record of working on decentralization and supporting the development of civil society and the media are a good basis for continuing work in these areas in the new more open environment. While in our analysis we identify access to justice as an area of concern, we do not recommend it as a primary focus for programming for several reasons: this has not been an area of extensive USAID work in the past decade, it is addressed by a number of other donors, and the problems in this area seem so vast and government commitments to instituting change in this sector seem less strong.

The strategy that we suggest in the next section complements the work supported by other donors. The European Union focuses governance work on justice and the police. DFID focuses on human rights, rule of law, and financial management at the provincial level. Swedish DRG work focuses on improving judicial capacity and human rights promotion. The French Development Agency focuses on improving revenue collection and the budgeting process and improving training for civil servants. One major development since Tshisekedi took office is the International Monetary Fund’s approved $368 million in loans for the DRC after several years of refusing work in the country because of corruption and authoritarianism.

One constraint of concern for USAID work in the DRC is the issue of TIP. The DRC is listed as a Tier 3 country by the State Department’s Office to Monitor and Combat Trafficking in Persons, which means that under ordinary conditions, USAID is not allowed to work directly with the government on most of its programs. This will put a serious constraint on DRG programming moving forward (US Department
of State, 2019b). As a result, much of what we propose is in our strategy can be done without working directly with government—work with civil society, press, and other non-state actors—though we do include suggestions that could involve direct work with government if that is possible. Work with human rights groups, the media, and others could also focus on combatting human trafficking to help the DRC get off Tier 3.

Successful USAID DRG interventions may require select diplomatic support. USG sanctions on Congolese officials involved in corruption provide incentive for other DRC officials to support Tshisekedi’s anti-corruption efforts. We heard strong public support for the sanctions from civil society activists and others. Successful local elections will require electoral reform at the national level, including revisions to the CENI to make it more independent. Diplomatic interventions to push the regime to organize local elections—and to ensure that they are organized well—may prove essential.
5.0 PROPOSED DRG STRATEGY

The DRC stands at a liminal moment. Deeply flawed elections have nevertheless produced a welcome change in national leadership. After more than a decade of authoritarian consolidation, a new president has publicly committed his administration to respecting human rights, fighting corruption, and making government more accountable to the population. Empowered by considerable popular support, the new regime has taken initial steps to make the state more responsive to the people. Yet, efforts to promote democratic development face substantial obstacles. The transition did not sweep away the patrimonial system that has diverted the country’s wealth into private hands. Instead, the ancien régime retains considerable power that it is wielding to protect its autocratic control and monopoly over the national economy.

Improving the situation for DRG in the DRC will require not only working with the new regime to realize its stated commitments, but also finding allies in local government, the provinces, parliament, ministries, the courts, civil society, and the media.

The research conducted for this assessment found substantial good will for the new Tshisekedi regime and cautious hope that the administration might be able to use the government to improve the lives of Congolese citizens. For likely the first time since the 1960s, the public has a sense that the leadership of the country is on their side rather than merely serving its own interests. Even though Tshisekedi appears not to have won the popular vote in the 2018 election and seems to have entered into a deal with the previous president to allow him to gain office, his actions since taking office have indicated a greater commitment to basic civil and political freedoms, support for fighting corruption, and a commitment to making public services more available to the population.

The Tshisekedi regime will ultimately be judged on its ability to bring about tangible material improvements to people’s lives. This point was reiterated to us time and again by people we interviewed at all levels of society. People made clear that they thought the regime had good intentions but that they needed to see concrete results, which above all meant material benefits—economic opportunities, jobs, food, water, healthcare, education, security, justice. As one young woman farmer in Lubumbashi told us, “What gives me hope now? When I see our plants growing. When there’s hope for our food” (interview in Lubumbashi, March 3, 2020).

We thus suggest a DRG strategy that focuses on improving competition and political accountability, tied closely to increased government responsiveness and effectiveness to improve service delivery and efforts to combat corruption to improve rule of law. The strategy that we propose seeks to build a foundation at the grassroots for the efforts by the new regime to promote DRG. Programs that build on the existing strengths in the civil society and media sectors can bolster the new regime’s commitments to fight human rights abuses, combat corruption, and make government more responsive to public interests. Elections are the greatest weakness in terms of competition, so we recommend a focus on supporting local elections. Successful local elections could not only advance popular sovereignty but also help make government more responsive and effective, since local governments are the primary providers of public services. Fiscal responsibility and transparency could be an important focus for civil society and media work. We recommend a focus on interventions at the local level as the area of greatest need, given the ongoing effort to realize decentralization, as the most likely place to find government partners for improving democratic development, and as a place where interventions may have the maximum impact, because local governments are the primary providers of public services. At the same time, we recognize that organizing local elections and securing improvements in fiscal transparency will require interventions at multiple levels. Selecting a few key issues as a focus for
programming could amplify results, as interconnected interventions with civil society, the media, and local governments around an issue could reinforce one another. The Tshisekedi regime has committed itself to supporting many of the goals that we outline here, so there will be likely partners in the executive branch, but partners for specific issues may be found in the parliament, courts, and provinces as well. Finally, we recommend an increased focus on youth programming, as an essential population that has not been fully included in the political process.

A strategy that focuses on the following eight interconnected areas of focus could help empower Congolese citizens to demand the rights and benefits the new regime claims it is committed to providing while simultaneously strengthening the government’s ability to enact the changes needed to provide public services more effectively. In short, we recommend a DRG strategy that focuses on enabling responsive and effective government through citizen empowerment.

1. **Strengthen civil society to build connections between the population and the state**

Civil society represents USAID’s strongest potential partner in efforts to promote democracy, human rights, and good governance in the DRC. Congo’s civil society is strong, diverse, and geographically dispersed. It engages people at all levels of society around a variety of issues and has a record of effective public engagement. Civil society groups generally cut across ethnic, regional, and gender lines, and they have played major roles in raising awareness of human rights abuses and promoting peaceful solutions to the country’s persistent insecurity. In the years leading up to the 2018 elections, civil society organizations demonstrated their ability to bring pressure on the government and to force change, even in the face of a recalcitrant, undemocratic regime.

The opening of political space due to the new regime’s improved record on civil and political rights creates important new opportunities for civil society to engage with the state. A number of Congolese with whom we spoke both within and outside civil society noted that having a regime that was committed to addressing issues of public concern—like access to education—provided opportunities to shift from being exclusively antagonistic to the state to finding ways to cooperate with the state. If the state is committed to providing public services, then as the voice of the population, civil society groups can play an important role serving as a conduit for information, offering public feedback, and providing oversight. Monitoring by civil society will be key to government efforts to improve human rights and rule of law, as civil society groups can play an important part in ensuring that the new regime continues to improve its human rights record and identifying those government actors that continue to abuse power. Civil society monitoring will be key to efforts to build rule of law by fighting corruption. Civil society groups could also help the government in efforts to combat TIP and perhaps help realize the reforms necessary for the DRC move off the list of Tier 3 TIP countries. A strengthened civil society can furthermore help build the social capital necessary to improve the country’s resiliency and diminish the chances of renewed conflict.

Importantly, this strategy builds on existing programming strengths. USAID has a long history of working with civil society in the DRC, and in our research, we heard positive feedback from many civil society activists who have engaged with USAID implementing partners. DRG programming should absolutely take advantage of the new political openings in the DRC to strengthen civil society groups through training and other interventions, including helping civil society groups transition from antagonistic to advocacy engagement. This action alone could make vital contributions to both further opening political space and improving service delivery. As the recent USAID political economy analysis of integrated governance intervention programs noted, “Civil society is in general not very active in terms of

We want the president to prove that he is competent. We want change—less corruption, less violence, economic growth. The Congolese people want material change in their lives.”

– Church official
monitoring governance in the three provinces [covered in the study], and even less so on a sectoral level” (USAID, 2019, p. 20). Working with civil society to include a greater focus on monitoring governance could have an important impact. We would urge that particular attention be paid to civil society groups that work with underserved and vulnerable populations, such as youth, women, the handicapped, and the LGBTQ+ community, as well as with human rights groups, whose work defending civil liberties will be particularly crucial to protecting the open space that civil society will need to function effectively.

2. **Strengthen media to improve oversight and increase access to information**

The media represent another strong potential partner for USAID’s programs to promote democracy and good governance. The radio, television, print media, and social media have regularly helped expose official corruption, investigate human rights abuses, and provide valuable information about issues of public importance. Their work was vital for the efforts to push for elections, helping to expose the government’s crackdown on protests and repression of civil society groups. Social media played a key role not only in providing up-to-date information about events as they happened, but also in allowing civil society groups and political parties to organize their activities.

As with civil society, the opening up of political space presents the possibility for the media to play an even more significant role in promoting democratic governance. In the DRC, people say that “politics happens behind closed doors.” The Congolese have the impression that the most important decisions, like the apparent deal between Tshisekedi and Kabila, happen outside public view, without public consultation, and are never publicly reported. On Tshisekedi’s rise to power, for example, we cannot even know for sure that a deal was struck, because there has never been a public announcement. While most decisions do not have the significance of choosing a president, the process of elites making important decisions out of the public eye happens at all levels and for various policies, from the awarding of contracts to hiring decisions. This secretive approach excludes citizen input and limits the ability of the public to pursue its interests. It is also one of the factors that allows corruption, embezzlement, and nepotism to flourish in the DRC.

Programs to improve the professionalism of the media, to help the media to develop viable business models, and to promote increased access to the media by women and marginalized groups could make major contributions to democratic development. The media can play an important role in providing access to information and are key to increasing government transparency, something essential for controlling corruption. The information the media provides helps empower the public to demand more responsive government. The local media particularly could play an important part in helping to shine light on government actions, including budgeting and expenditures.

USAID has an established record of working with the media in the DRC and should continue to build on focus in this area. Participants in our roundtable of journalists and media NGOs argued that pushing through the media law that has been in the works for several years and ensuring its successful implementation are key. DRG programming could continue to assist with these efforts. Programs that seek to increase the participation of youth and women and other marginalized groups in the media would be important as well.

3. **Prioritize local-level work to promote democratic engagement and improved service delivery**

The municipalities, sectors, communes, and chiefdoms, known collectively as decentralized territorial entities, or ETDs, have the greatest direct impact on the population. Local governments are the primary providers of public services and the main level at which most Congolese encounter their government. Very poor service delivery at the local level currently undermines popular support for the state and feeds conflict. According to people we interviewed, interactions with local officials are often challenging

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and unpleasant, not only because of the requirements to pay fees, but also because of the attitude of those working at ETDs who lack the sense that they serve the public.

Working to improve the relationship between the Congolese public and their local governments and improve local service delivery could help build a foundation of support for the reform program being promoted by the new regime. Training, better monitoring and accounting systems, and strengthened local civil society engagement could help reduce corruption and improve the capacity of ETDs. With better management of finances, the ETDs could provide better services, which would in turn improve popular perceptions of the state. If local elections are to be organized at some point in the next few years, work at the local level around those elections will be essential. Interventions at the local level could help to change how people interact with the ETDs and therefore change their relationship to and overall attitude about government.

Again, this proposal builds on existing USAID strengths. Work at the local level could help to bring some of the changes being implemented at the summit of the state to the where the population lives. In our research, we found the effects of the regime change to be felt inconsistently in different parts of the country. In all five cities where we conducted research, people noted an improvement in political rights, but the relationship between the population and local and provincial governments varied. In Mbuji-Mayi, where the UDPS victory appears to reflect the popular will, people view their local and regional governments more positively, and they have felt free to organize protests to pressure the government on issues important to them. In contrast, in Haut Katanga, where an FCC government was imposed despite overwhelming evidence that the population actually supported Lamuka, Katumbi’s coalition, the population feels that the government treats them with hostility. People we spoke with in Lubumbashi and Likasi seemed afraid of the government and accused it of fostering insecurity. Working at the local level to strengthen human rights monitoring and improve communication between the local government and the population could have broad positive effects. Local-level civil society and media work could be an important part of any local-level interventions. We suggest working in the newly created provinces, where capacity is generally much weaker.

4. Support free and fair local elections

Among the most common demands that we heard in our research was for the organization of local elections. Congolese blame many of the inadequacies of their local governments on the fact that local officials have never been chosen by the people but always appointed from above. The population is highly frustrated at the continued delays in organizing these elections, which have been promised for over a decade but consistently delayed. The people we interviewed disagreed over how much needed to be done before local elections could be held. Some argued that elections could not take place until substantial reforms were adopted, such as a law clarifying the definition of the ETDs or revisions to the voting roles or a census or a revision of CENI. Yet many others felt that even flawed elections would change the mindset of those in local government, reorienting their allegiances away from the provincial and national officials who currently appoint them toward the population who, at least in principle, would choose them through elections. Some people we interviewed insisted that local elections need not be prohibitively expensive or complicated but that these government claims were being used as an excuse for delay.

High-level officials in Kinshasa are generally dismissive of the calls for local elections. The members of parliament and party officials we interviewed, for example, were quick to make excuses for why these local elections could not take place. In fact, both Kabila and Tshisekedi have incentives for not organizing local elections. They both currently have some influence over the selection of local governments that they would lose by turning that power over to the public. The UPDS has a very limited national reach, and its party coalition CACH is quite small, so it is unlikely that CACH or the UPDS would gain many local government seats outside of their strongholds in Kasai and South Kivu. The FCC coalition is much
broader, but holding elections opens up the possibility of losing elections. While the FCC had successfully manipulated the last parliamentary and provincial elections, there is no guarantee that they would be able to manipulate elections moving forward.

Whether or not to hold local elections will, of course, ultimately be a decision for the Congolese government, but we feel it important to at least report the strong popular desire for them to take place. We recommend working with the government, if possible, to overcome the barriers to local elections. DRG programming could contribute to efforts to resolve the legal uncertainties about the various ETDs and their roles and responsibilities. Logistical support for organizing local elections will be key. DRG interventions could promote creative thinking about how to carry out the elections in an effective manner. For example, as some people we interviewed pointed out, local elections need not take place in every province on the same day but could be staggered as a means of addressing challenges in logistics and cost. Local elections could play an important role in making the government more responsive to the population and could serve as a tool to fight corruption.

We also propose that USAID develop programming that could support popular participation in elections, particularly at the local level. Training candidates, particularly women and youth, as USAID has done in other countries such as Uganda, could help to improve the quality and diversity of officeholders. Work could also be done with civil society groups to develop their monitoring capacity. In addition, some of our respondents talked about the problem of confusion over the distinction between civil and political society, complaining that civil society groups sometimes served as a platform for people to enter politics or that politicians sometimes attempted to develop civil society groups to promote their platform. They suggested that training on understanding the appropriate role for civil society in elections would be valuable.

Whether or not local elections take place, national and provincial elections are scheduled for 2023. Some of the people we interviewed complained that international support for elections only comes in the year before an election, or even a few months before. They argued that preparation for elections need to happen well in advance. Focusing on elections now could help prepare not only for local elections, but also set the groundwork for better national and provincial elections in 2023. Improving the quality and fairness of elections is a key requirement for increasing political competition and accountability in the DRC.

5. **Promote fiscal transparency and responsive service delivery**

A major reason for the poor provision of public services and the poor quality of local governance is the lack of financial resources. Corruption, embezzlement, and the misuse of government funds remain major concerns for the Congolese, but these are not the only reasons that governments are poorly funded. Funds allocated by law are not distributed to provincial and local governments at required levels. Information about expenditures is difficult to find, making it difficult for administrators at various levels to trace whether money has been spent as it should have been. Information about government expenditures is often treated as sensitive and concealed. A bill to increase access to public information, an initiative that USAID helped support, has been stuck in parliament since 2014.

We suggest that programs helping to improve fiscal responsibility, particularly at the local level, remain highly important. Financial constraints are among the biggest obstacles to improvements in governance in the DRC. Continuing work on participatory budgeting can help to give the public a larger role in providing input and oversight. As the recent PEA analysis indicates, civil society has not generally engaged in monitoring of governance, so developing the capacity for local civil society to play a watchdog role will be important. The PEA analysis also encourages developing “working relationships with mayors and city councils and encourage them to take up a role in the multi-stakeholder platforms” (USAID 2019, p. 22). If local elections take place, the newly elected local government officials will become key players in efforts to make the government more responsive and improve service delivery.
Participatory budgeting work needs to be complemented by better oversight of expenditures. Audits of expenditures need to be conducted regularly and made public. While some focus has been placed on developing budgets, almost no information is publicly available regarding how money is actually spent. Ensuring that budgeted money arrives and is expended as planned can help improve delivery of public services. Corruption remains a primary problem for rule of law in the DRC, with major impacts on both the ability of the population to hold the government accountable and the ability of the government to respond to public interests by providing services.

6. **Focus on youth as a means of empowering a neglected segment of the population**

A major finding of our research is that the issue of youth in the DRC is widely neglected. Despite a massive population of youth, with over half the population under the age of 18 and two-thirds under the age of 30, and despite the particular problems that youth face, including disproportionate poverty, inadequate educational opportunities, and limited access to employment, we found that few leaders in government, political parties, civil society, or even religious organizations discuss youth as a specific group needing attention. While some observers note that youth comprise a major part of those migrating to cities, the degree to which issues specific to youth are excluded from Congolese political discourse is striking.

This neglect of youth issues is true despite youth having been a driving force in recent politics, and whose activism has shaped the direction of political events. Creative youth protests were a significant factor pressuring Kabila to give up on his plans to seek a third term and ultimately organize elections. The youth activists that we interviewed were among the most impressive people we encountered in our research. Many others we interviewed, both Congolese and expatriate, were quick to dismiss youth organizations and youth activists as disorganized and easily manipulated. Youth are poorly represented in the political system, and in recent years, youth organizations have been particularly vulnerable to repression and violence. The neglect of youth issues is all the more surprising given the reality that youth are a major factor in conflict in the country, with youth comprising large portions of the militia members and the populations needing demobilization. The poverty and frustration of youth makes them particularly vulnerable to recruitment to private military forces.

Programming by USAID and other donors to promote inclusion has focused extensively on gender inclusion, which remains important, but youth have been a relatively less central focus for interventions. We propose that integrating a youth focus into all DRG programming could have a significant multiplier effect. Youth are among the most neglected populations in the country, so addressing youth concerns, such as poverty and unemployment, could go a long way to addressing these issues more generally. A new expanded focus on youth in programs for civil society, human rights, electoral processes, local governance, the media, and other areas could do much to improve the inclusion of youth, particularly at the local level. Finding ways to provide DRG support to practical programming like vocational training could be particularly useful. USAID already has strong programming capacity for working with youth, and some existing youth-oriented programs could be expanded while adding others.\(^\text{18}\)

Groups such as LUCHA and FILIMBI have already shown the new energy and creativity that youth can bring to efforts to promote human rights, fair elections, and better governance. Most Congolese youth are not engaged in politics or civil society. Instead, most feel disengaged and disenfranchised. Youth face particular financial struggles, and they are often the last to receive public services. Finding ways not only to encourage youth to form their own specific organizations but also to integrate youth and youth concerns into women’s organizations, human rights groups, community radio, political parties, and

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\(^{18}\) See USAID, n.d., and as an example of possible programming, see USAID’s program in Malawi promoting self-reliance among young people.
elsewhere will positively affect not only the youth and the sectors with which they engage. Involving youth in civil society groups and elsewhere could contribute to conflict reduction in significant ways.

7. **Focus interventions around specific issues to multiply effects**

The challenges for DRG facing the DRC are vast, and we have suggested a wide range of interventions to try to address them. By choosing and focusing programming on a few specific issues, we believe that programming could have greater impact. The possible issues that programming could center around are numerous: security, corruption, environmental protection, employment, land rights, sexual and gender-based violence, conflict prevention, access to justice, elections, improved infrastructure, national parks, mining, access to markets, education, healthcare. The choice of issues will depend on USAID priorities and should take into account other areas of USAID action. DRG programming can be used to reinforce USAID and USG activities on issues such as management of national parks or reducing food insecurity. Focusing each area of intervention around a specific issue could allow the interventions to reinforce one another. In other words, for example, programming could support local civil society groups involved in promoting financial transparency and monitoring expenditures, work with local governments on implementing practices for financial transparency, train local journalists on how to monitor local government finances, and engage youth to use social media to distribute information about local financial management. Each of these interventions would complement and reinforce the other.

8. **Act at multiple levels to enable and reinforce local interventions**

We have focused on programming at the local level as a means of building a foundation for realizing the reforms to which the new regime has committed itself, and because of the potential for maximum impact. We recognize that effective local action will require interventions at other levels. Local elections, for example, cannot happen without authorization and organization by the parliament and executive branch. The proposed strategy seeks to empower the local population to push their local governments to be more responsive, because this pressure from the grassroots could effectively complement initiatives undertaken by the new president to create a more responsive government. Depending on the issue area that USAID chooses to focus on, there may be a need for legislative reform. This will require working with select deputies in the national assembly or with a particular committee and might also require cooperating with a particular ministry to see that the law is implemented. It could require working with courts on related issues, and it will almost certainly require working with provincial assemblies and provincial governments, since ETDs must coordinate their work with their provinces. In addition, provincial and national civil society groups and provincial and national media will be needed to provide support to local civil society and media. Effective local elections will require revisions to the CENI and electoral laws, which must happen at the national level. Although the local level appears to be the level at which most effective interventions can take place, failure to work at the national and provincial levels to create a favorable environment for the local work could undermine the efforts.
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