

5. Rebuilding the Congo: After the Kabilas

Kris Berwouts, Filip Reyntjens

This chapter begins with an historical moment in the Democratic Republic of Congo (DRC)'s post-independence history, when a new president took over from his predecessor in a peaceful fashion. This event can only be understood by looking at the sixty years that preceded it. We first look at the Mobutist years, marked by steady state decay after a brief period of reconstruction. The current situation must be seen in light of decades-long pervasive kleptocratic rule. This profoundly rotten system was overthrown by a formidable regional coalition that brought Laurent Kabila to power. His rise was an accident of history, as was his son Joseph's accession to power after his father's assassination. Neither Laurent nor Joseph Kabila were able or even willing to break with Congo's flawed governance. After Joseph Kabila succeeded in hanging on to power for two years after the end of his constitutional second term, he was forced to abandon his ambition to run for a third one. Although opponent Félix Tshisekedi won the presidential election, Kabila managed to retain crucial levers of power. The chapter concludes by looking at the challenges and constraints Tshisekedi will be facing.

The 2018 Elections: Breaking Away from the Past?

The outcome of the presidential election held on 30 December 2018 has been hailed as “the first peaceful transition since independence”. Peaceful it has been, at least for the time being, but it was all but democratic, and the longer-term consequence may well be a dangerous stalemate.

At the end of 2016, Joseph Kabila’s second and last constitutional term came to an end, but he managed to hang on for another two years through what the Congolese refer to as *le glissement* or “sliding”. After failing to have the constitution and the electoral law amended, Kabila used the electoral commission (*Commission Electorale Nationale Indépendante*, CENI) to postpone the poll. An agreement with the opposition struck under the auspices of the Catholic Church at the end of 2016 provided for polls in December 2017, but that deadline again passed as a result of instability in certain parts of the country and alleged logistical and financial difficulties.

Under the pressure of both the international community and Congolese civil society, and the Episcopal Conference CENCO (*Conférence Episcopale Nationale du Congo*) in particular, Kabila was forced to abandon his ambitions for a third term, and he could no longer postpone the polls. So throughout 2018 the stage was set for presidential, parliamentary and provincial elections to be organised on 23 December. The road was replete with incidents and contestations. In a country without properly functioning population registers, the identification and registration of voters was not only difficult, but it also gave rise to suspicion and accusations of fraud. A series of representative nationwide opinion polls in 2017 and 2018 (the latest in January-February 2018) returned a strong negative opinion of Kabila, but at the same time showed a scattered vote for the opposition. Distrust in the ability or willingness of CENI to organise free and fair elections was widespread¹. Later on,

¹ Fondation Berci and Congo Research Group, *A Political Opinion Poll. An Update*

CENI's introduction of so-called "voting machines", meant to print ballot papers in the voting stations, caused new controversy. They were seen as technically unreliable and raised concerns over fraud and the secrecy of the vote².

An unforeseen event had a potentially major impact on the campaign. On 8 June, former Vice-President Jean-Pierre Bemba, a fierce opponent of Kabila, was acquitted by the ICC's appeal chamber, after having been sentenced to 18 years in prison for war crimes and crimes against humanity. His release was a major threat for Kabila, but it also made the opposition's attempts to mount a common front behind a single presidential candidate more complex³. This quest was complicated further in October, when a new opinion poll gave Félix Tshisekedi – chairman of the *Union pour la Démocratie et le Progrès Social* (UDPS) party – the lead with 36%, well ahead of the pack, including Kabila's anointed successor Ramazani Shadary who scored 16%⁴. This not only meant that the scale of fraud would need to be massive if Shadary was to be declared the winner, but also that, in the single-round voting system in place since 2011, Tshisekedi would win the election directly, thus making the opposition's rallying behind a common candidate even more difficult.

This was borne out in November 2018, six weeks before the elections, when the main political families of the opposition met in Geneva. They united on a platform called *Lamuka* ("Awake" in Lingala) and, encouraged by international players, agreed on a single presidential candidate: Martin Fayulu. Yet, 24 hours after Fayulu's designation, Félix Tshisekedi and Vital Kamerhe reneged on their promises, left *Lamuka* and set

on *A Contentious Political Process*, Pulse Poll Report, no. 3, March 2018.

² International Crisis Group, *Electoral Poker in DR Congo, Africa, Report* no. 259, Brussels, 4 April 2018, pp. 3-4.

³ International Crisis Group, *DR Congo: The Bemba Earthquake*, Briefing no. 140, 15 June 2018.

⁴ T. Kibangula, "Présidentielle en RDC: un sondage contesté par le camp Kabila donne Félix Tshisekedi favori", *Jeune Afrique*, 30 October 2018.

up a new coalition called Cach (*Cap pour le changement*). So it seemed the main contenders were to be Fayulu, Tshisekedi and Shadary.

After incidents such as a fire that gutted a CENI warehouse in Kinshasa and widespread violence in Yumbi, Beni and Butembo in mid-December, the polls were delayed for a week, and they eventually took place on 30 December. On 10 January 2019, the final results of the presidential election were announced by CENI: Félix Tshisekedi was the winner with 38.5%, Martin Fayulu obtained 34.7% and Shadary was credited with 23.8%. Turnout was a mere 47.6%. Although an opposition candidate ostensibly won, this was an elaborate hoax. According to two sets of data, one leaked from CENI itself and the other based on voting results collected by 40,000 CENCO observers, Martin Fayulu had won the election with between 59.4 and 62.8% of the votes; both Shadary and Tshisekedi scored well under 20%⁵. Several sources claim that, when the Fayulu victory became clear, this was seen by Kabila as a major threat because Fayulu was supported by two barred candidates, Jean-Pierre Bemba and Moïse Katumbi, who were powerful and popular opponents. To keep Fayulu out of power, Kabila then struck a deal with Tshisekedi who eagerly accepted this electoral “victory”⁶.

Given the official outcome of the parliamentary elections, this will in all likelihood prove to be a poisoned gift. Indeed, Kabila’s *Front Commun pour le Congo* (FCC) won an overwhelming majority in the National Assembly, and is thus in the position to impose a government on Tshisekedi. In addition, it captured the majority in all 26 provincial assemblies. This is not only important at the decentralised level, but also nationally,

⁵ “Congo voting data reveal huge fraud in poll to replace Kabila”, *The Financial Times*, 15 January 2019; Congo Research Group, *Congo Election Leaks*, 15 January 2019; CENCO, “Transmission du rapport intermédiaire”, sent by CENCO to CENI on 15 January 2019.

⁶ K. Berwouts, “President-on-a-Leash Tshisekedi and the DRC’s paradoxical new politics”, *African Arguments*, 24 January 2019.

as the Senate is indirectly elected by the provincial lawmakers. The senatorial elections were marred by corruption, with candidates paying tens of thousands of dollars for each vote. In the end, the FCC captured 90% of the seats. Tshisekedi thus faces an overwhelming opposition in both Houses of Parliament. Of course, the parliamentary elections have been as fraudulent as the presidential poll. Even accepting the official outcome, it cannot be explained how the FCC presidential candidate obtained around 24% of the vote while the FCC captured almost 75% of the seats in the National Assembly and a majority in all provincial legislatures. However, in the case of these elections, the CENCO observers were unable to independently verify the outcome as the results were not displayed at the compilation centres, contrary to what happened with those of the presidential poll⁷.

Tshisekedi will thus be a “President-on-a-Leash”⁸, and Kabila will retain his hold on power. So the Congolese elections of December 2018 have been all but a democratic exercise. Rather they have ignored the choice of the people and may well lead to dangerous stalemate. This may even contribute to further violence. For instance, former warlord Mbusa Nyamwisi said he was ready to mobilise his forces in North Kivu where many registered voters were barred from participating in the polls⁹. No wonder Mo Ibrahim and Alan Doss stated that “the result of the presidential election in the DRC is a defeat for democracy”, and expressed fear that “the Congolese people could resort to other methods to reverse the unbearable status quo”¹⁰. Africa and the West have sent out a signal that may be disastrous

⁷ More details on this “electoral robbery” can be found in K. Berwouts and F. Reyntjens, *The Democratic Republic of Congo: The Great Electoral Robbery (and how and why Kabila got away with it)*, Brussels, Egmont Institute, Africa Policy Brief, no. 25, 19 April 2019.

⁸ K. Berwouts (2019).

⁹ “As Tshisekedi takes over in DRC, he faces legitimacy hurdles”, *The East African*, 26 January 2019.

¹⁰ M. Ibrahim and A. Doss, “Le résultat de la présidentielle en RDC est une défaite pour la démocratie”, *Le Monde*, 1 February 2019.

for Africa and the world. While claiming to support genuine democracy, they have accepted an outcome they knew was everything but democratic, and in so doing have betrayed the right of the Congolese people to elect their leaders. This signal strongly discredits their own alleged commitment to democracy and the exercise of political rights. This ambiguous policy is not just addressed to the Congolese, but to people elsewhere who struggle against fraudulent dictatorships that cling to power, no matter what the price.

Mobutu's Zaire: The Institutionalisation of Bad Governance

The Congolese state had a very difficult start at independence. The country had gone through an extremely harsh period of predatory exploitation under one of the worst regimes in terms of human rights in history, Leopold II's personal rule over the Congo Free State (1885-1908). Under pressure of international criticism, Belgium took over control of the country which officially became a colony in 1908¹¹. Belgium developed a paternalistic regime without contemplating Congolese independence until the late 1950s. The colonial model was infantilising: a huge number of Congolese children had access to primary school, a much smaller group received training to the level of lower civil servants, but only a handful of students obtained university degrees. After an improvised decolonisation process that lasted just 18 months (4 January 1959 – 30 June 1960), Congo became independent without an intellectual elite, a political tradition or managerial capacity to take control over the state and the economy.

The take-over took place in an emerging political landscape crystallising around a basic cleavage. On the left, there was a group of radical nationalists, influenced by the movement of non-aligned countries which started to take shape after the

¹¹ A. Hochschild, *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa*, Boston-New York, Mariner Books, 1998.

Bandung Conference in 1955. They were inspired by Kwame Nkrumah's Pan-African ideology and considered independence as a first step to a totally new social order, offering better chances to the masses. Prime Minister Patrice Lumumba spearheaded this group. In 1958 he had founded the *Mouvement National Congolais* (MNC), which became the only truly national party able to mobilise people beyond ethnic and regional constituencies. On the right were leaders considered by the Belgians as much more moderate, less critical of the existing order and interested first and foremost in occupying the top echelons of the colonial pyramid as Congolese *évolués*. Their organisations, often based on region or ethnicity, transformed themselves in the late 1950s into political parties, of which Joseph Kasa-Vubu's Abako (*Association des BaKongo*) was the best organised and the most powerful. For this group, Congo's future was to be federal, with strong provinces. The financial and economic lobbies in Western Europe and in North America obviously were in favour of Kasa-Vubu's vision, and the Eisenhower administration in Washington was afraid that Lumumba could become an African counterpart of Fidel Castro, who had recently come to power in Cuba¹².

The first months of independence were particularly chaotic. The country experienced its first implosion in its first week of existence, with the secession of the provinces of Katanga and South Kasai, both endowed with abundant mineral resources. In September 1960, after ten weeks in office, elected Prime Minister Patrice Lumumba was politically neutralised by President Kasa-Vubu, arrested by commander-in-chief Joseph-Désiré Mobutu and eventually assassinated in Katanga on 17 January 1961 by troops loyal to secessionist President Moïse Tshombe¹³. After five years of political upheaval, violent conflicts and unstable governments, Mobutu took power through a *coup d'état* on 25 November 1965.

¹² K. Berwouts, *Congo's violent peace; Conflict and struggle since the Great African War*, London, Zed Books, 2017, p. 9.

¹³ L. De Witte, *The assassination of Lumumba*, London-New York, Verso, 2001.

Congo went through thirty-two years of neo-colonial dictatorship under Mobutu, supported by Western Europe and the United States to safeguard Western economic interests in the mining sector and as a bastion against communism in Africa on the geo-strategic chessboard of the Cold War. This happened at a time when a number of African heads of state declared themselves adepts of African or Arab socialism.

In the first years of his presidency, Mobutu managed to incarnate optimism after years of chaos. His rule enjoyed broad support, the country stabilised and a relatively effective administration was put in place. Mobutu “pacified” Congo (at least he killed or “bought” rebel leaders and defeated their insurrections) in 1968 and started to demilitarise his regime. He began to wear civilian clothes for public appearances and introduced the accessories of traditional chieftdom like the leopard-skin hat and the carved ebony walking stick¹⁴. He created the feeling that a better economic future was waiting just around the corner, even if a lot of money was spent and lost on the so-called “white elephants”: extremely expensive large-scale prestige projects that never functioned as planned or brought any benefits to the ordinary citizen¹⁵. But his economic stabilisation programme managed to bring inflation under control, and import and export taxes were introduced. By 1968, the previously high inflation had fallen to 2.5%, while growth rates had increased to 8%. Price stability and wage increases were felt positively, and growth continued to be significant during the early 1970s¹⁶.

The main instrument for Mobutu to exercise his rule became the political party he had founded in 1967, the MPR (*Mouvement Populaire de la Révolution*), which soon became the

¹⁴ D. Van Reybrouck, *Congo. The epic history of a people*, New York, Harper Collins, 2014, p. 341.

¹⁵ Including the Inga-Shaba power line, the Makulu steel mill and the Tenge-Fungurume copper mines.

¹⁶ G. Hesselbein, [The rise and decline of the Congolese state. An analytical narrative on state-making](#), Crisis States Research Centre, Working Paper no. 21, November 2007, p. 25.

only party allowed in Congo. The MPR became the engine of the patrimonial system Mobutu set up to manage the extensive patronage networks which covered all areas of public life, and corruption was the fuel to keep it running. But in the mid-1970s the machinery started to sputter because copper prices collapsed and oil prices skyrocketed. Meanwhile, the debt burden rose dramatically because of the prestige projects built by foreign companies and equipped with the most sophisticated materials and technology. They were conceived as beacons for Zaire's triumphant entry into modernity but in practice turned out to be total disasters because the economic output never came close to expectations.

For many people in Africa and beyond, Mobutu represented a new type of African leadership: successful, flamboyant, autocratic, with a leadership rooted in African tradition and steeped in local symbols. Mobutu increased the personality cult around his regime and invested in an international status as one of the inspiring personalities in what was then known as the Third World. In 1971, he tried to give his reign its own ideological content through *zairisation*, an authenticity campaign which was meant to be a kind of cultural upgrading of African pre-colonial identity as an attractive alternative to African socialism. Congo became Zaire, many cities and even the citizens were given new names, supposedly rooted in local history. But the main, and dramatic impact of the *zairisation* campaign was economic: the expropriation of European-owned industries and other enterprises was to become economic suicide for Mobutism in the medium term, because the means of production were distributed among the elite of the regime, often people without the vision, competence or will to manage in a responsible or sustainable way what had been entrusted to them¹⁷. By the time Mobutu organised a high mass to celebrate his access to the Pan-African pantheon by hosting the "rumble in the jungle", the fight for the heavyweight boxing championship between

¹⁷ K. Berwouts (2017), p. 13.

Muhammad Ali and George Forman in Kinshasa in October 1974, greed and incompetence had already destroyed most of Zaire's economy¹⁸. By the end of the 1970s, former architect of Mobutism Etienne Tshisekedi and other prominent members of Mobutu's MPR founded an opposition party, the UDPS which continued to grow in the eighties and nineties.

Very soon mismanagement had assumed such endemic proportions that Congo-watchers had to create the word kleptocracy and started to define the process as "self-cannibalisation of the Congolese state"¹⁹, the dismantling of the state because its assets were eaten by its agents. Beyond this turning point, the second half of Mobutu's reign has been presented by scholars as a classic example of state failure, with its often deadly cocktail of violence, dictatorship and corruption resulting in the complete failure of the economy and the total destruction of the state. Increasingly during the 1980s, Mobutu got stuck between the international creditors who started to realise that Zaire would never be able to repay its debt and growing protest within the population against the social impact of IMF-imposed austerity measures. The long decline of the bureaucratic state in favour of networks of patronage was triggered through economic decay²⁰. Mobutu was very much a product of the Cold War and his days were numbered when it finally came to an end in the late 1980s.

After the fall of the Berlin Wall and the end of the Cold War, Mobutu and many of his fellow presidents in Africa lost their relevance for the West. With the June 1990 speech of French President François Mitterand during the Summit of the French-speaking countries in La Baule as an important milestone, Western countries pressurised their African allies to democratise and respect human rights. In several African countries,

¹⁸ M. Deibert, *The Democratic Republic of Congo. Between hope and despair*, London, Zed Books, 2014, pp. 31-34.

¹⁹ R. Rotberg, *State failure and state weakness in a time of terror*, Washington DC, Brookings Institution Press, 2003.

²⁰ G. Hesselbein (2007), pp. 36-37.

the result was an accelerated democratisation process which in some cases led to the implosion of the state. In Central Africa, complex regional dynamics made local cleavages and national conflicts spill over national borders. Each country in the region has a complex internal situation and a violent recent history, where local contradictions polarised and entangled with those of neighbouring countries. Following the end of the Cold War and throughout the 1990s these regional dynamics developed into an avalanche of military conflicts, massive killings and far-reaching destruction. The DRC's natural resource wealth has been an important factor in fuelling conflict as warring factions competed for control of parallel networks engaged in the illegal flow of resources from the DRC onto international markets. The result was a collapsed state, a crisis of impunity and, most of all, profoundly victimised populations.

Laurent-Désiré Kabila: The Hour of the Rebels

After the genocide in Rwanda (April - July 1994), a massive exodus of Hutu refugees fled to neighbouring countries, including two million to the Zairean Kivu provinces. Most of them ended up in huge refugee camps, which became a base for hit-and-run actions to destabilise the new RPF (*Rwanda Patriotic Front*) regime in Kigali. In October 1996, Rwanda, with the support of Uganda, invaded eastern Zaire to stop these infiltrations. To give their campaign a local façade, the Rwandans and Ugandans handpicked an old Zairean rebel, Laurent-Désiré Kabila, as one of the leaders of a new coalition against Mobutu, the AFDL (*Alliance des forces démocratiques pour la libération du Congo-Zaïre*). In the first months of the rebellion, Kabila's PRP (People's Revolutionary Party) managed to impose itself upon the three other, even smaller members of the coalition. At independence, Kabila, born in 1939, was a young politician from northern Katanga's Luba-speaking community (the *Balubakat*) who had supported Lumumba's regime. He was a rebel leader in the sixties and the seventies, and was a footnote

in the country's history as the only insurgent of his generation who was never defeated or bought off by Mobutu. From the late 1970s, his interests seemed to shift away from his political struggle and he acquired considerable wealth through gold and timber trade on Lake Tanganyika and real estate in Tanzania.

Kabila's rebellion was supported by a broad range of African countries and the insurrection could be read as an attempt by a new generation of African leaders to get rid of Mobutu's reign. They saw it as a classical neo-colonial dictatorship which had become an anachronism of an evaporated state led by a moribund leader. As such, two years after Nelson Mandela's installation as the first post-apartheid President of South Africa, Kabila's rapidly advancing conquest was considered by a part of Western public and political opinion as a second liberation struggle of Congo²¹. The man himself was, at least for a while, seen as part of the new leaders of the "African Renaissance", like Rwanda's Paul Kagame, Uganda's Yoweri Museveni, Ethiopia's Meles Zenawi or Eritrea's Isaias Afwerki. Now that the Cold War and apartheid had disappeared, the broader international community saw a momentum for such an African Renaissance without Mobutu's Zaire²².

It took the rebels and their allies seven months to kick out Mobutu. Terminally ill, he left Zaire, and on 17 May 1997 the AFDL soldiers walked into Kinshasa. Kabila, who in all these months never had come anywhere close to a frontline, arrived in the capital on 20 May and swore in as President on 29 May. Zaire became the Democratic Republic of the Congo again. On 7 September the man who had sworn that he would never be referred to as "the ex-President of Zaire" died in exile in Morocco²³.

²¹ P. Roessler and H. Verhoeven, *Why comrades go to war: liberation politics and the outbreak of Africa's deadliest conflict*, London, Hurst & Co, 2016.

²² G. Prunier, *From genocide to continental war. The 'Congolese' conflict and the crisis of contemporary Africa*, London, Hurst & Company, 2009, pp. 113-149.

²³ K. Berwouts (2017), p. 17.

The new President developed a policy very much in line with his Maoist antecedents, with a focus on “democracy without parties” through a grassroots structure of popular people’s committees, a centrally managed state economy, the development of the rural areas and a firm rejection of Western influence. Laurent Kabila sought closer cooperation with countries like Libya, China, Zimbabwe and North Korea²⁴. The people of Congo were very relieved with the departure of Mobutu’s ruling class and enthusiastic about Mzee’s²⁵ announcement of radical change, but President Kabila was unable to hold on to this momentum for more than a few months. He could not materialise Congo’s renaissance, develop a vision or deploy a plan to rehabilitate the state, did not succeed in channelling the initial enthusiasm and never connected to other forces in society, such as the militant civil society or the lively scene of opposition parties against Mobutu, still spearheaded by Étienne Tshisekedi. He failed to respond to the huge expectations of the Congolese.

Eventually, Kabila turned out to be what Prunier has called “a political Rip van Winkle whose conspiratorial political style had been frozen at some point back in the 1960s and who still lived in a world seen strategically as a deadly struggle against imperialism and tactically as a mixture of conspiracies and informal economics”²⁶. His government was a medley of people with different backgrounds, half of them from the diaspora, some technocrats and some ideologues, some labelled as progressive and others as conservative, some experienced and others new, but all of them overshadowed by the overwhelming personality of Mzee, who “seemed to think that pitting these various men (and groups they represented) against each other would enable him to remain in full control of what one

²⁴ E. Kennes, “Laurent-Désiré Kabila, of de schaduwzijde van de Congolese geschiedenis”, *Mo*, April 2000.

²⁵ Laurent-Désiré Kabila was often referred to as “Mzee”, a very respectful Swahili term meaning “old man”.

²⁶ G. Prunier (2009), p. 149.

hesitates to call the ‘state apparatus’²⁷. He governed the country in a way not very different from how the “liberated zones” were governed at the time of his first rebellion²⁸.

Parallel to the disappearing belief (in Congo and internationally) in Kabila’s capacity to put the country back on track and embody a new order of peace and stability, relations between the regime and its most important partner, Rwanda, started to sour and eventually collapsed. This happened in part because Congolese public opinion saw that the role of Rwanda after its overwhelming contribution to the military operations against Mobutu did not decrease, and that Rwandan officials occupied strategic positions in the Congolese government and army. Many concluded that Kabila was not much more than the puppet of his ally. On 27 July 1998, seventeen months after Mobutu’s fall, Kabila ordered all Rwandan and Ugandan troops to leave the country²⁹. One week later, both countries started a new military campaign with the objective to replace Laurent Kabila as soon as possible.

This triggered an avalanche of violence which was soon labelled “The Great African War” because, in addition to a high number of Congolese and neighbouring countries’ nonstate armed groups on the ground in eastern Congo, the regular armies of nine African countries got involved in the conflict. This not only caused massive destruction and tremendous human suffering, it accelerated two devastating processes: from a culture of violence towards total impunity, and from an informal towards a militarised economy³⁰. At some point during the war, the systematic plundering of Congo’s natural resources became an objective in itself for all belligerent parties.

²⁷ Ibid., p.151.

²⁸ Between 1967 and 1988, Laurent-Désiré Kabila’s PRP controlled a small zone in the mountainous area around Fizi-Baraka.

²⁹ F. Reyntjens, *The Great African War: Congo and regional geopolitics, 1996-2006*, New York, Cambridge University Press, 2009, pp. 157-158.

³⁰ K. Berwouts (2017).

This second war created the opportunity for Kabila to take up his legitimacy as a fighter and a rebel leader, but it pushed him in even greater isolation, since he was not able to maintain himself on the international chessboard and was rapidly seen as the main obstacle to diplomatic initiatives to end the violence. On 16 January 2001, he was shot and killed in his presidential palace under circumstances which, nearly two decades later, still are not clear.

Joseph Kabila: Old-School Warlordism in Times of Globalisation

On 26 January 2001, Joseph Kabila, not yet thirty years old, took the oath as the new President of Congo as successor to his father. He became President of a war-torn country, with millions of people dying and devastated local economies, infrastructure and social cohesion, and with an extremely complex connection between conflict at grassroots level and conflicts with provincial, national and regional dimensions.

The young President was not only timid and politically inexperienced, he was barely known even in his own country. Many local and international observers considered him a compromise figure put in place to give his father's regime, after Mzee's unexpected death, the time to decide which direction to take³¹. But in the first months of his presidency, he replaced the hawks of his father's inner circle with technocrats and people with a civil society background, and he managed to put the peace agreement, signed in 1999 but never implemented, back on track³². This led to the Inter-Congolese Dialogue and the withdrawal of the foreign troops in 2002, a difficult transition (2003-2006) with the legendary 1+4 government³³, and eventually the his-

³¹ G. Prunier (2009), pp. 249-254.

³² F. Reyntjens (2009), pp. 223-226.

³³ 30 June 2003 was the day the transition started, as a result of the negotiations since the Inter-Congolese Dialogue. The country was governed by a large

torical elections of 2006, which he won with Jean-Pierre Bemba as his main challenger. Étienne Tshisekedi's UDPS boycotted the elections.

Joseph Kabila, who enjoyed support in the provinces of Katanga (where his father was born), Maniema (where his mother was born) and South Kivu (where he was born himself), owed his electoral victory to his popularity in the east of the country, where Swahili is the vehicular language and where the war had raged for a decade. For the people in the affected areas, he was the man who had managed to put an end to the hostilities and to the presence of foreign troops in Kivu. His electoral campaign had focused on "*les cinq chantiers*", the five construction sites, areas where his presidency would make the difference. Through better access to health care, education, water, electricity and work, the life of the simple Congolese citizen would look completely different by the end of his first term.

The 2006 victory boosted his confidence and his ego. He was no longer the son of the murdered arch-rebel who was thrown into the presidency by the tides of history and his mighty allies, nor the *primus inter pares* of an unworkable transitional government. He had won the first more or less free elections since time immemorial. However, not much progress could be seen on the ground. The government led by Prime Minister Antoine Gizenga (2006-2008) and later Adolphe Muzito (2008-2012) never managed to create the impression that it would go in an efficient operational modus any time soon, mainly because the old demon of corruption continued to rule the system. The insecurity in the east persisted. Although the open war had come to an official end in 2002, the low-intensity conflicts in the eastern provinces continued to expose the civilian populations to the gravest violations of human rights. Nevertheless, Kabila's position was strengthened when he brought in a new and strong partner by signing an important cooperation contract

coalition government, led by President Kabila and four Vice Presidents. The government was referred to as "1+4".

with China. During this period, the Congolese franc remained quite stable. In 2009, GNP per capita was \$200, much higher than the \$80 of 2000, but far under the \$450 of 1960³⁴.

However, the most important evolution took place in the wings of power. The way of governing and decision making changed. The semi-presidential system set out in the Constitution was steadily replaced by a more presidential system. More importantly, the political inner circle that surrounded Kabila since the beginning of the transition, and that had made the major decisions with him, started to disintegrate in the years after the elections. Already in 2007, his adviser Samba Kaputo died. His close collaborator, former spokesperson and then Speaker of Parliament Vital Kamerhe broke with Kabila in 2009 and became an opposition leader in 2010. In the same year, police chief John Numbi was suspended from office for his involvement in the assassination of human rights pioneer Floribert Chebeya. In February 2012, three months after the 2011 elections, Kabila's own Rasputin, the organiser of the system and the man with the keys to the cash box, Augustin Katumba Mwanke, died in a plane crash.

Kabila won his second term in elections that had not been held to consolidate democracy but to consolidate power. Despite the fact that the elections had been anything but free and fair, and the refusal of his main challenger Étienne Tshisekedi to acknowledge defeat, Kabila remained strongly in office but he had lost the people who had coached him for a decade. Since then, insiders of the regime called him a "ship without a compass" whom nobody dared to contradict. After the death of Katumba Mwanke, Kabila increasingly fell back on himself and a handful of family members³⁵.

³⁴ D. Van Reybrouck (2014), pp. 509-510.

³⁵ This and some other quotes in this chapter come from confidential interviews with key players on Congo's political scene, including people working in the heart of decision-making. For obvious reasons, it is not possible to mention their names.

From 2014 onwards, the political class and public opinion in general were obsessed by the question of whether Kabila would be prepared to leave office after his second and constitutionally last term. Or would he attempt to create the conditions for extending his presidency beyond its constitutional limit? The regime envisaged options to revise the constitution, but did not find the necessary political support to achieve that aim³⁶. An attempt to amend the electoral law so that Kabila could remain in office for at least three more years was blocked by demonstrations and street violence³⁷. The only strategy that did work for some time was to simply not organise elections. The uncertainties about the plans of the President on the political future of the country after 2016 had a devastating impact on governance within the regime, described by someone inside the system as “a Titanic feeling”: the panic that arises when you know that you will sink. The *fin de régime* atmosphere encouraged many within the regime to grab as much as possible while the opportunity was still there³⁸.

Joseph Kabila did not manage to reinvent the Congolese state. Neither the transition nor the elections brought peace back to eastern Congo. After the withdrawal of foreign troops at the end of 2002, armed violence remained a part of everyday life, committed by groups whose origins, structure, vision (if any) and objectives were very locally rooted, but whose impact remained global by the fact that they were one of the factors impeding the renaissance of the Congolese state and the return of the rule of law.

Like his predecessors, Joseph Kabila governed through a patrimonial system, relying on “an extremely narrow circle of trusted individuals and a network of international alliances to keep itself at the top of those scrambling for control over Congo. It is a power structure that has built a patronage system rather than a political base on which it can draw. It has not created

³⁶ K. Berwouts (2017), p. 147.

³⁷ Ibid., pp.148-149.

³⁸ Ibid., p. 147.

institutional structures that will resolve Congo's underlying issues"³⁹. As a result, the Congolese state remained very weak. Many observers considered this a deliberate choice of its rulers, because the weakness of the state offered the best opportunities for illegal accumulation.

After two elections, Congo formally had state institutions and a system of governance very similar to those in the West, with an elected President, a legislature, a government, a constitution, an army and an administration. All were framed in terms of democracy and development, which is a condition for a regime to be accepted at international negotiation tables. But underneath the surface, patrimonial and predatory governance continued to be the norm. Clientelism had shaped the democratisation process in its own image much more than democracy had managed to reign in the logic and rigour of clientelism. Indeed public assets continued to be rerouted to those in power who desperately needed them to retain their clients⁴⁰.

After a short passage in the hands of his father, Kabila inherited the state of Mobutu's Zaire where governance had been so bad that the world had to invent the word kleptocracy for it. One of the key questions had been: will he succeed in improving that legendary bad governance? Eighteen years later, the conclusion is that he did not. Many observers suggest he didn't even try. Joseph Kabila's government remained a polished version of his father's⁴¹. He sophisticated the system and adapted it smoothly to the globalised world order where new and much more diverse economic key players set the rules. But the main reason for the anger and frustration of people in Congo's villages and suburbs is that, after Mobutu's death and despite all the talk of democracy, *cing chantiers* and the Third Republic, their daily living conditions have deteriorated rather than improved.

³⁹ M. Deibert (2014), p. 202.

⁴⁰ G. Prunier (2009), pp. 333-338.

⁴¹ M. Deibert (2014), p. 202.

Félix Tshisekedi and the Chances for a New Dawn

We have seen earlier that the new regime started under extremely adverse circumstances, with Kabila remaining at the centre of the parallel kleptocratic networks which have governed the country since Mobutu's days. The challenges facing the DRC are daunting, and the observations made by the International Crisis Group in 2007, after Joseph Kabila was first elected, remain relevant today: "To rebuild the state and augment its authority, the government must strengthen democracy or risk being paralysed by recurrent unrest, structural impotence and renewed instability in ever more parts of the country. Only a change of governance can provide the legitimacy and capacity to raise the revenues necessary to distribute peace dividends to all sectors of society"⁴².

For decades, the DRC has ceased to be an empirical state. And yet, reconstructing a polity which can perform minimal state functions is an essential condition for both national development and regional stability. In light of the extent of state decay, the sheer size of the country, the degree of fragmentation, and indeed the nature of the political leadership and of the political culture more generally, this is a colossal task. Obviously, a collapsed state cannot be entirely reconstructed overnight. The cost will be immense and the effort will take many years. Therefore, putting Humpty Dumpty together again will have to happen sequentially, starting with the main functions of sovereignty.

First, the state must regain control over its territory and re-establish links with its population. Territorial control means physical control, together with the presence of an effective administration. Physical control requires the rebuilding of a truly national army and police force. The Congolese military mirrors the failed state. The *Forces Armées de la République Démocratique*

⁴² International Crisis Group, [Congo: Consolidating the Peace](#), Africa Report no. 128, Kinshasa-Brussels, 5 July 2007.

du Congo (FARDC) often behave like a militia and perpetuate the practices of their predecessors: violence against civilians, racketeering and plunder. They are a source of insecurity rather than of security. Realising that security sector reform was failing, Amnesty International warned over ten years ago that it is a precondition for peace and stability⁴³. Physical control also requires overseeing borders, including effective customs and immigration services both at land/river crossings and at airports and airstrips. Beyond physical security, territorial control means creating an effective administration as a way of establishing a link between the state and its citizens, a link that is now very weak, even in the capital city Kinshasa.

Second, the state must simultaneously recover its funding capacity. The DRC is often depicted as a “geological scandal” and as a potentially rich country that has the means of funding its own development. This is true, but one does not buy much with “potential”. Therefore, the fiscal capacity of the state must be rebuilt, with revenues collected and spent in a transparent, efficient and honest fashion, and resources (mines, forests, hydro-power and agriculture) harnessed as public goods. This presupposes that the criminalisation and privatisation of the state and the economy come to an end, again a matter of state capacity. A vicious circle needs to be broken: while the “de-privatisation” of natural resources will prove an essential element of state reconstruction, only a reconstructed state can garner these assets as public goods.

A third priority is legal security and the rule of law, essential not only for the protection of the Congolese people’s fundamental rights and for the fight against impunity, but also because considerable domestic and international investments will be needed for Congo’s reconstruction. However, venture capital will be attracted only if, for instance, contracts are honoured, and, when they are not, if contract parties can rely on

⁴³ Amnesty International, [DRC: Stability threatened as country fails to reform army](#), London, 25 January 2007.

a well-functioning, predictable and honest judicial system to offer relief. In a similar vein, entrepreneurs will need a reliable judiciary in their dealings with the state, e.g. in the areas of tenders, taxation and investment incentives.

Finally, if the regime is to gain the legitimacy its predecessors have lacked, credible democratic institutions need to be built. For this, ensuring the integrity of electoral processes and substantive popular representation will prove essential, also in light of the aspirations consistently expressed by Congolese citizens.

While the rebuilding of state capacity is crucial, a number of other lessons can be learned. One is that impunity and international tolerance of aggressive and criminal behaviour can only encourage the perpetrators. They test the limits of that tolerance, and – when realising there are none – they cross one Rubicon after the other. They must be reined in at an early stage. Second, local and regional engineers of violence are constantly engaged in a rational calculation of costs and benefits, knowing that war, instability and state decay are more profitable than peace, stability and state reconstruction. In these conditions the only way to come to terms with the spoilers is to make conflict more expensive and peace more attractive. Third, lessons one and two can only be applied if the so-called international community is minimally united and coherent. The opposite has happened, and the consequences of division have been disastrous for millions of people in the Great Lakes region. Recently, the way in which Africa and the West have accepted the electoral robbery of December 2018 for the sake of short-term stability at the expense of structural change may have dire consequences in the longer term. Fourth, the question is how far the residual legacy of the Mobutist state, continued under the Kabilas, will remain an obstacle to the promotion of political stability and development.

It remains to be seen how Tshisekedi will face these many and difficult challenges in the extremely adverse and constraining environment described earlier. His political experience is limited, although he is seconded by his chief of cabinet Vital

Kamerhe who is an astute veteran of Congolese politics. A former ally of Kabila, he knows the inner workings of the system very well. Tshisekedi spent most of his adult life in Belgium, where he worked in occasional jobs and was active in the UDPS branch. After having been the party's national secretary for international relations from 2008 to 2016 and deputy secretary general from 2016 to 2018, he became chairman in 2018, a year after his father Étienne's death. Despite, or perhaps because of, his lack of intimate knowledge of Congolese political culture, barely one month after his inauguration, Tshisekedi published a "programme of urgency" for the first 100 days of his tenure⁴⁴. This document contains rather technical interventions in areas such as roads, health, education, housing, energy, labour, transport and agriculture. The amount needed for the initial phase is estimated at 304 million USD, money that is to come from the treasury, the road maintenance fund (*Fond national d'entretien routier*, FONER) and the industrial promotion fund (*Fonds de Promotion de l'Industrie*, FPI). It is unclear how all this could be implemented in just three months. However, the document also includes a one page outline of crucial "sectoral actions" in the areas of justice (release of political prisoners), security (disarmament, demobilisation and reintegration of armed groups), politics (return of exiled opponents), fight against corruption (through the justice system and other structures), good governance (code of institutional ethics), diplomacy (political cooperation based on openness and respects for national sovereignty) and mines (creation of a focal point in the president's office). While this ambitious project will obviously take years to implement, this list does address many of the ills of Congolese politics. If steps can be made towards the realisation of these sectoral actions, perspectives of state reconstruction could become more real than they have been during decades of decay.

⁴⁴ République démocratique du Congo, Présidence de la République, "[Programme d'urgence pour les 100 premiers jours du chef de l'Etat](#)", 27 February 2019 (last retrieved on 14 April 2019).

It is unclear whether Tshisekedi will be able to pursue that path. Article 166 of the constitution provides that the two Houses of Parliament, assembled in a joint session, can decide to prosecute the president by a two-thirds majority. The FCC have the majority needed to put this provision in practice in case of a political stalemate or even as blackmail if Tshisekedi embarks on policies, e.g. in the area of fighting corruption, seen by FCC leaders as threatening their privileges. On the other side, if he doesn't deliver on his promises, Tshisekedi may rapidly lose the support of his UDPS constituency and the Congolese population more generally. At the regional level, the skirmishes between Rwanda and Uganda and between Rwanda and Burundi, just across Congo's porous borders, could render efforts to restore state authority in the east of the country even more difficult than it is today.

Conclusion

The challenges the new President is facing are daunting and the political environment in which he will function is very constraining. Rebuilding the state almost from scratch, harnessing the country's assets, tackling a deeply corrupt political culture, meeting the expectations of the Congolese people: all this will require considerable political skills. At the time of writing, it is impossible to predict whether Tshisekedi will be able to deliver on his promises, particularly in the context of a political dispensation in which those intent on maintaining the status quo retain considerable power. For both the development of the DRC and regional stability, this uphill struggle must succeed. For this to happen, Félix Tshisekedi will need all the support he can muster.