

AFRICA RISK CONSULTING

DRC Monthly Briefing November 2016

DRC Summary 29 November 2016

Prime minister Augustin Matata Ponyo and his cabinet resign to demonstrate the commitment of president Joseph Kabila (2001-present) to a transitional unity government until elections in April 2018. Kabila appoints Union pour la Démocratie et le Progrès Social (UDPS) member of parliament (MP) Samy Badibanga as the new prime minister. The opposition Rassemblement bloc, including the UDPS, rejects the new government. UDPS leader Etienne Tshisekedi and other senior opposition figures tell the media that escalating violence and civil war are increasingly likely if Kabila remains in power. The security forces prevent all opposition gatherings in capital Kinshasa and Katanga provincial capital Lubumbashi. The Rassemblement plans for a major demonstration on 19 December when Kabila's second term formally ends. The communications ministry jams the signals of Radio Okapi and Radio France International (RFI) and bans international news agencies from 24-hour broadcasting in DRC.

Government resigns to allow for 'unity administration'...

The prime minister and cabinet of the **Democratic Republic of the Congo (DRC)** resigned on 14 November.¹ The move is an effort to ease tensions over president **Joseph Kabila** (2001-present) staying in power beyond his constitutionally mandated term limit.² Prime minister **Augustin Matata Ponyo** released a statement saying that the move was designed to honour the spirit of the agreement in October between Kabila's government and a few opposition parties:

"I have just handed in my resignation and that of my government to the president of the republic in line with the spirit of the political accord signed on 18 October."³

Kabila named **Union pour la Démocratie et le Progrès Social (UDPS)** member of parliament (MP) **Samy Badibanga** as the new prime minister on 15 November.⁴ The appointment was unexpected as **Vital Kamerhe**, leader of the **Union pour la Nation Congolaise (UNC)** opposition party had led the October dialogue. Local media and opposition sources tipped him for the prime minister's job (see *ARC Briefing DRC October 2016*). Badibanga played an active role in the leadership of the UDPS in the run up to the 2011 elections but does not currently hold a formal role within the party administration. He participated in the national dialogue against the will of the UDPS and party leader **Etienne Tshisekedi**.⁵ Figures in the UDPS described Badibanga's appointment as a "provocation"⁶ and told the media that it in no way represented support for the so-called unity government; "it is a non-event."⁷ There is no current information on the composition of the rest of the government, but it will reportedly include mainly Kabila loyalists from within the **Majorité Présidentielle (MP)** ruling coalition.⁸

¹ Radio Okapi, 14 Nov 2016.

² Radio Okapi, 14 Nov 2016.

³ Reuters, 15 Nov 2016.

⁴ Reuters, 15 Nov 2016.

⁵ La Phare, 14 Nov 2016.

⁶ Al Jazeera, 15 Nov 2016.

⁷ Al Jazeera, 15 Nov 2016.

⁸ La Phare, 14 Nov 2016.

Communications minister **Lambert Mende** told the media that the move demonstrated Kabila had respect for the constitution and the national unity dialogue.⁹ The constitution prohibits a third term and Kabila has agreed a deal in which he will remain in office until elections can take place in April 2018 (see *ARC Briefing DRC October 2016*).¹⁰ Kabila's agreement with Kamerhe and Badibanga has satisfied the **African Union (AU)**-appointed facilitator **Edem Kodjo** that the agreement had cross-party support.¹¹ **United Nations (UN)** secretary general **Ban Ki-moon** also endorsed the agreement and called for Kabila to ensure a peaceful transition of power.¹² However, Kabila released a statement hinting that he may attempt to alter the constitution to run again, like president **Pierre Nkurunziza** (2005-present) in Burundi and president **Paul Kagame** (2000-present) in Rwanda:

*"I have never stopped saying that the constitution will be respected and it excludes the possibility of a third term... This does not in any way remove the right of the Congolese, like all sovereign people, to modify the constitution in three, four or five years, if they so desire."*¹³

Kabila may have a hard time winning the popular vote to endorse a constitutional change. He currently has a popularity rating of just 7.8%.¹⁴

...which opposition rejects and hints at escalating direct resistance

The main opposition bloc **Rassemblement** – formerly the **Front Citoyen** (see *ARC Briefing DRC September 2016*) – which includes the UDPS, rejected the new government as non-inclusive.¹⁵ Rassemblement spokesperson **Raphael Katebe Katoto**, who is the half brother of exiled opposition leader and former **Katanga Province** governor **Moïse Katumbi**, told the media that the bloc will protest to reject the transitional deal:

*"With all his behaviour, Kabila is making the situation worse, and is only toughening the position of the Rassemblement, because he has not shown any gesture of goodwill. On the contrary, he continues to arrest people, he appoints a prime minister while we negotiate, he carries out a political coup d'etat."*¹⁶

Lambert Mende rejected the idea that the extension is a coup, arguing that it is to ensure a fair and free vote:

*"Only someone who has not read the constitution, or wants to discredit the president, would call this a constitutional coup d'état... We have had problems with the electoral process and we had to find a way to manage these problems and give the Congolese people the opportunity to vote in the best electoral conditions possible."*¹⁷

However, the opposition is taking an increasingly strong tone against the government. Katoto hinted that the opposition would resort to increasingly direct measures following the end of Kabila's term on 19 December:

*"The international community can take whatever position it wants, what matters is what the Congolese want: they no longer want Kabila in power after 19 December... there will be an insurrection movement... whoever will preach against the people's wish will be rejected. This means there is no peace. Everything is imaginable. It is terrible."*¹⁸

UDPS leader Tshisekedi echoed this statement telling the press that:

⁹ La Phare, 14 Nov 2016.

¹⁰ La Phare, 14 Nov 2016.

¹¹ Al Jazeera, 15 Nov 2016.

¹² Al Jazeera, 15 Nov 2016.

¹³ La Phare, 14 Nov 2016.

¹⁴ Congo Research Group, 22 Oct 2016.

¹⁵ Africa News, 17 Nov 2016.

¹⁶ IB Times, 22 Nov 2016.

¹⁷ Deutsche Welle, 15 Nov 2016.

¹⁸ IB Times, 22 Nov 2016.

*"The people will take over. Kabila has performed a coup d'etat against himself by signing that agreement because he made an oath to protect the constitution."*¹⁹

Valentin Mukabe, a UDPS MP and adviser to Tshisekedi said that there was a risk of civil war if there were no elections:

*"Elections are the only solution. Anything else will lead to war. The people will take to the streets. Kabila will kill one or two million of them but he won't be able to kill 70 million."*²⁰

The government appears aware of the risk of an escalating conflict and is using the security forces to disperse opposition demonstrations.²¹ It argues this is to prevent escalation of the violence that left approximately 50 dead in **Kinshasa** in September (see *ARC Briefing DRC September 2016*). Police blocked off major roads and fired tear gas into all large groups to disperse them at pre-agreed meeting sites for a major opposition protest on 19 November.²² Police also fired tear gas to disperse around 60 young people gathered outside Tshisekedi's house in Kinshasa on 5 November.²³ Police in **Lubumbashi** (Katanga Province) also arrested opposition youth leaders wearing yellow clothing on 19 November –yellow signifies the opposition giving Kabila a yellow card, or warning, to leave office on 19 December.²⁴

Rassemblement supporters are continuing to attempt to organise protests. They launched a new campaign 'Bye bye Kabila' on 23 November in order to bring people together to protest the extension of his time in office.²⁵ They are calling for a major demonstration at the end of Kabila's constitutionally defined mandate:

*"The ... (main opposition bloc) invites all Congolese ... to a mass rally to kick off the countdown to the end of Kabila's mandate on 19 December."*²⁶

Government restricts broadcasting signals for international news agencies

The government called for a ban on 14 November on all 24-hour foreign broadcasters in DRC.²⁷ The government has reportedly jammed the signals of UN-backed **Radio Okapi** and **Radio France International (RFI)** in Kinshasa and Lubumbashi from 5 November onwards.²⁸ Radio is the primary news medium in DRC and has played a key strategic role in past election campaigns and during the wars of the 1990s as a way to spread information and propaganda. Lambert Mende told the media on 15 November that news stations had turned into "mouthpieces for the opposition".²⁹ He added that:

*"Since [Radio Okapi] has systematically deviated from being a UN radio station to become a partisan station, it has violated its agreement with the government. RFI [is] conveying false information... [and has forced the authorities] to take provisional measures."*³⁰

The government will now require all broadcasters to apply for an hour-by-hour programming licence with local government controlled operators.³¹ The broadcasters have until 15 December to apply for licences to continue their operations.³² The government has jammed the signal of RFI several times

¹⁹ Guardian, 10 Nov 2016.

²⁰ Guardian, 10 Nov 2016.

²¹ Reuters, 19 Nov 2016.

²² Reuters, 19 Nov 2016.

²³ AFP, 5 Nov 2016.

²⁴ Reuters, 19 Nov 2016.

²⁵ EWN, 23 Nov 2016.

²⁶ Reuters, 19 Nov 2016.

²⁷ Deutsche Welle, 15 Nov 2016.

²⁸ AFP, 15 Nov 2016.

²⁹ Deutsche Welle, 15 Nov 2016.

³⁰ Deutsche Welle, 15 Nov 2016.

³¹ Deutsche Welle, 15 Nov 2016.

³² Deutsche Welle, 15 Nov 2016.

over the past two years; however it has never jammed the UN-backed Radio Okapi before.³³ **David Smith**, Radio Okapi founder, told the media that:

*“Kabila is evidently trying to see how far he can go in securing his hold on power...we will continue to report and broadcast online and via **Twitter**.”³⁴*

Alexis Lamek, co-leader of a **UN Security Council (UNSC)** delegation visiting the country to assess the situation, said:

“We are concerned [this decree] in no way goes in the direction of the confidence building measures we are talking [to the government] about.”³⁵

Implications

The political and operational risk in DRC remains high. However, the main question – whether there will be another conflict in DRC – remains difficult to answer with any certainty. The new unity government makes little effort to reach out to the majority of the opposition – even Kamerhe appears too vocal for Kabila’s taste – and it will have little credibility with the general public. If Kabila actually wanted to ease tensions he would have stepped down himself and let the ministers remain in place – it is the presidential term that is defined by the constitution, not the terms of the cabinet. The government will continue to rule in the interests of Kabila who appears intent on extending his own term in office. If he does not have the popularity to win a free vote on the issue he has the political infrastructure to ensure that it passes nonetheless.

What is highly likely is ongoing unrest in Kinshasa, Lubumbashi and **Goma**. The opposition will resort to increasingly direct tactics to get round police barricades, rubber bullets and tear gas. This will lead to further loss of life and a cycle of reprisals by the security forces. The next major flashpoint is 19 December, and any moves by Kabila to extend his term will result in further protests and disruption. It is also likely that the government will take further action against opposition leaders of the kind they took against Katumbi.

However, this does not mean that the country will devolve into a third war. Both previous conflicts were the result of external forces invading the country – both times from Rwanda – to unseat a sitting president, as well as action from well-armed and experienced militia groups in DRC. While there are numerous militia groups active in the east of the country, none are aligned to the opposition. Regional powers including Rwanda and **Uganda** are also unlikely to enter another costly conflict at the present time – they have much more to lose by destabilising the region. The DRC opposition are not experienced guerilla fighters, and would have to gather much more cross-country support to start a conflict – something they claim they do not want to do. There is an element of brinkmanship in their increasingly warlike rhetoric in the media – the threat keeps the world watching. With two wars in living memory, most people in DRC are likely to want peace – even with a third Kabila term.

One of the ways the government will retain control in DRC is to limit the spread of information. In Kinshasa it is possible to pick up the RFI signal from the **Republic of Congo (RoC)**, however for most of the country the only independent news sources are no longer broadcasting. Preventing radio stations from broadcasting allows Kabila and his government to control the narrative and prevent any unrest from spreading. If Kabila were preparing for conflict – shutting down the radio would be a first step to take.

³³ Deutsche Welle, 15 Nov 2016.

³⁴ Deutsche Welle, 15 Nov 2016.

³⁵ Deutsche Welle, 15 Nov 2016.

About Africa Risk Consulting:

Africa Risk Consulting (ARC) is a pan-African consulting company that provides timely, relevant information and advice that enables its clients to take informed investment decisions and to safeguard their reputations.

ARC's core consulting services include integrity due diligence and corporate investigations, political advisory and country assessments, opportunity monitoring and reputation risk management. Most relevant to private equity firms is ARC's integrity due diligence and corporate investigations capability. Specifically, ARC offers pre-deal integrity checks to highlight red flags before negotiations start; full detailed multi-jurisdictional reputation due diligence; and supplier and senior hire vetting and repeat due diligence for compliance programmes. ARC is unique in that it offers a 10-day delivery for a routine integrity due diligence. ARC also offers a suite of corporate investigations services from immediate investigation, evidence gathering, e-discovery, forensic accounting and whistleblower support on one end to crisis media management and regular monitoring on the other.

www.africariskconsulting.com

About ARC Briefing:

ARC Briefing is ARC's essential online business information service.

Companies at any stage in their Africa expansion, whether building or communicating an Africa strategy, investing directly, expanding current operations, financing other investors, doing the legal leg-work or researching the Africa growth trend, need ARC Briefing.

ARC Briefing is an online information service keeping you:

- Up to date with Country Chronologies of business-critical events
- In the know via Country Briefings on political, economic, business and operating trends. Written in-country, ARC experts analyse and comment
- Ahead with Country Planner which details future elections, budgets, regulatory changes etc.

www.briefing.africariskconsulting.com

Getting in touch

Please contact us by email info@africariskconsulting.com or call + 44 (0) 20 7078 4080

Follow us on Twitter: [@ARCBriefing](https://twitter.com/ARCBriefing)