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The constitutional court on 9 January certifies the results of the December 2023 presidential election, confirming that incumbent president Felix Tshisekedi (2019-present) has won a second five-year term. After 25 years in the country, the United Nations (UN) says on 13 January that it will withdraw its 13,500-strong peacekeeping force from the DRC by the end of 2024. China's CMOG Group Limited confirms it increased its output by more than 170% last year due to surging production at its massive new mine in the DRC, the \$1.8 billion Kisanfu mine, which helped the company to officially surpass Swiss mining giant Glencore as the world's largest producer of cobalt.

Constitutional court confirms Tshisekedi's electoral win...

The constitutional court on 9 January certified the results of the December 2023 presidential election, confirming incumbent president **Felix Tshisekedi's** (2019-present) victory, paving the way for him to serve a second five-year term.¹ The **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) announced provisional results on 31 December that revealed that Tshisekedi won 73.3% (73.5% in the final tally) of all votes cast.² Opposition candidate and prominent businessman **Moise Katumbi** was the runner-up with 18.1%, followed by former oil company executive **Martin Fayulu** with 5% of the vote, and **Nobel Peace Prize** winner Dr **Denis Mukwege**, with less than 1%.³ CENI's results were almost parallel to those of the respected local Catholic church which is a key monitor of elections in the DRC. Following CENI's announcement of the results, Tshisekedi in a broadcast from his campaign headquarters in **Kinshasa** on 31 December, told supporters that they "*mobilised as one*" to "*consolidate our young democracy*".⁴ Tshisekedi also told supporters that the result is a symbol of "*the trust that you've renewed in my modest self*".⁵

One citizen and one out of 18 presidential candidates, **Theodore Ngoy**, petitioned the results and asked the court to annul the poll results, claiming that they were "*flagrant violations of the electoral law*."⁶ However, the court ruled that Ngoy's appeal to annul the vote was unfounded, adding that the irregularities could not have impacted the electoral outcome between Tshisekedi and other candidates, with his closest challenger, **Moise Katumbi**, attaining only 18.1% of the votes.⁷ The court's president, **Dieudonne Kamuleta**, added that Ngoyi, who only attained 0.02% of votes, did not have evidence to support his claims that the tabulation process had undermined the polls' fairness.⁸

Other opposition candidates refused to lodge appeals despite calling the outcome a "*scam*" because of a lack of trust in the state institutions, including Katumbi who also accused the tribunal of being biased towards Tshisekedi.⁹ Speaking on the matter, Fayulu, said "*our position remains the same. we*

¹ Anadolu, 8 Jan 2024; Reuters, 9 Jan 2024

² Commission Electorale Nationale Indépendante, 31 Dec 2023

³ Commission Electorale Nationale Indépendante, 31 Dec 2023

⁴ Bloomberg, 31 Dec 2023

⁵ Bloomberg, 31 Dec 2023

⁶ Anadolu, 8 Jan 2024

⁷ Africa News, 10 Jan 2024; Reuters, 9 Jan 2024

⁸ Africa News, 10 Jan 2024; Reuters, 9 Jan 2024

⁹ Reuters, 9 Jan 2024; Bloomberg, 31 Dec 2023

did not witness credible elections".¹⁰ However, in a statement released on 31 December, Fayulu, Katumbi and seven other presidential candidates called the results a "fraud" and called for a new election.¹¹ They also called on their supporters to "protest massively in the street" against "thieves of our voices".¹² The subsequent small protest organised by opposition candidates was stopped by police with tear gas.¹³ Contingents of police and soldiers were also deployed on 31 December across parts of **Kinshasa** and **Katanga** province, where Katumbi was governor, to quell any possible protests. A local source told **Africa Risk Consulting and Briefing (ARC Briefing)** that:

"With several international leaders already affirming Tshisekedi's victory, there's not much left for the opposition to do".¹⁴

...but election plagued with irregularities and logistical challenges

The constitutional court's ruling is considered controversial as there were several reports by independent observers noting irregularities during and after the December polls that resulted in the main opposition candidates calling for a re-run.¹⁵ The 25,000-member observer mission of the powerful Catholic and Protestant churches also commented that "irregularities" threatened the credibility of the polls in some locations.¹⁶ Logistical challenges and delays stretched voting over several days, and a questionable tabulation process infuriated opposition candidates and their supporters.¹⁷ Several polling stations were burned or ransacked, and voting machines were destroyed, and CENI intends to rerun the election in several of those places. Despite those issues, observers noted that the polls were generally peaceful.

Approximately 43.3% or 18 million people voted out of the nearly 44 million who registered to vote, though the registration figure also includes some individuals who were under 18 as of 20 December and were not eligible to vote.¹⁸ More than 1.5 million people were also not able to vote due to ongoing armed conflict in the eastern region that limited voter registration and led to intimidation of electoral advisers.¹⁹ Tshisekedi confirmed in mid-November that parts of **North Kivu** province would "unfortunately" not be able to vote in the December polls due to violence caused by **M23** rebels.²⁰ The violence was a major campaign issue for all candidates, and Tshisekedi was particularly frustrated because the continued conflict in the eastern DRC was undermining efforts to bolster his political campaign for re-election.²¹ Tshisekedi wanted to have neutralised the M23 by the December election so he could fulfil his promise made to voters in the eastern DRC four years ago that he would eliminate the rebel threat.

Tshisekedi's party, the **Union pour la Démocratie et le Progrès Social (UDPS)**, is also leading in the legislative elections, also held in December. As of 16 January, the UDPS has won 69 seats, placing it ahead of 44 other parties that won one or more seats in the 500-member parliament.²² The party won 35 seats in the 2018 polls. Provisional results announced by CENI on 14 January indicate that parties led by some of Tshisekedi's allies, including senate president, **Modeste Bahati Lukwebo**, economy minister, **Vital Kamerhe**, and defence minister, **Jean Pierre Bemba**, won 35, 32 and 17 seats respectively.²³ The combined seats won by the UDPS and its allied parties in the **Union Sacrée de la Nation (USN)** coalition, will likely enable Tshisekedi to strengthen his power and give him the

¹⁰ Reuters, 9 Jan 2024

¹¹ Bloomberg, 31 Dec 2023; Reuters, 9 Jan 2024

¹² Bloomberg, 31 Dec 2023; Reuters, 9 Jan 2024

¹³ Africa News, 10 Jan 2024; Reuters, 9 Jan 2024

¹⁴ ARC Source, Local Resident

¹⁵ Reuters, 9 Jan 2024

¹⁶ Ground News, 28 Dec 2023

¹⁷ Reuters, 9 Jan 2024

¹⁸ Reuters, 9 Jan 2024; Bloomberg, 31 Dec 2023

¹⁹ Bloomberg, 2 Oct 2023

²⁰ The East African, 6 Dec 2023

²¹ The East African, 10 May 2023

²² Reuters, 14 Jan 2024

²³ Reuters, 14 Jan 2024

majority necessary to name a new government.²⁴ The USN coalition controlled over 390 seats in the outgoing legislature.

While the Congolese election faced several irregularities and was marred by logistical issues, a key difference between this and the 2018 election is that they were peaceful and there is general agreement among observers that Tshenedi won the polls. In 2018, leaked results from CENI and a parallel count by observers from the Catholic church indicated that Fayulu had actually won the elections. Tshenedi would go on to win the highly disputed vote after striking a deal with former president **Joseph Kabila** (2001-2019).²⁵

Another factor that helped Tshenedi's victory was that the opposition was weaker and less united in this election. Before the 2018 general election, Fayulu was selected as the joint opposition candidate in an agreement that allowed the formidable coalition to ultimately win the election despite Tshenedi striking a deal with Kabila.²⁶ While Katumbi appeared to emerge as the opposition consensus candidate in this election after picking up endorsements from several candidates who dropped out of the race, he ultimately failed to secure the support of major candidates, including Mukwege, Fayulu, and former minister and member of parliament (MP) **Delly Sesanga**. While Tshenedi will feel emboldened by the court's validation of his victory, and will seek to continue building on his perceived success of his first term. Tshenedi will be sworn in on 20 January.

UN peacekeepers to leave DRC by end of 2024 after 25 years...

After 25 years in the country, the **United Nations (UN)** will withdraw its 13,500-strong peacekeeping force from the DRC by the end of 2024, despite ongoing conflict that has left thousands dead and displaced at least seven million people.²⁷ The UN said in a joint statement with the DRC government on 13 January that its mission in the DRC - **Mission de l'Organisation des Nations Unies pour la Stabilisation en République démocratique du Congo (MONUSCO)** - will "*definitively*" leave before end of 2024 and will close its military and police deployments in **South Kivu** province no later than April.²⁸ That process will be followed by an assessment requested by the **UN Security Council (UNSC)** and the closure of bases in North Kivu and then **Ituri** provinces.²⁹ MONUSCO, which has been pushing to remain in the country, also added:

"MONUSCO reiterates its determination to implement its mandate to protect civilians alongside the Congolese defense and security forces."³⁰

UN peacekeepers first arrived in the DRC in 1999 at the height of the **Second Congo War** that involved forces from more than six other African countries.³¹ For many years MONUSCO was the UN's largest peacekeeping force and cost more than \$1 billion dollars annually.³² However, despite the heavy presence of MONUSCO, conflict has continued to ravage eastern DRC with more than 100 rebel groups fighting over territory and control of natural resources. Despite **Forces Armées de la République Démocratique du Congo (FARDC)** (DRC armed forces) struggling to contain the violence, the government has pushed hard for MONUSCO to leave the country because it sees the force as "*ineffective*".³³

Regular protests against UN and **East African Community Regional Force (EACRF)** forces in the DRC have also become common in recent years. A dispatch sent after the 23rd **East African Community (EAC) Heads of State Summit** on 24 November also confirmed that the EACRF will not

²⁴ Reuters, 14 Jan 2024

²⁵ Al Jazeera, 15 Nov 2023

²⁶ Al Jazeera, 15 Nov 2023

²⁷ Africa News, 14 Jan 2024; Al Jazeera, 13 Dec 2024

²⁸ United Nations, 13 Jan 2024

²⁹ United Nations, 13 Jan 2024

³⁰ United Nations, 13 Jan 2024

³¹ Bloomberg, 13 Jan 2024

³² Bloomberg, 13 Jan 2024

³³ Africa News, 14 Jan 2024; Al Jazeera, 13 Dec 2024

extend its term in the DRC.³⁴ Government spokesperson **Patrick Muyaya** had previously said in August that the EACRF has been “*ineffective*” and is too friendly with the rebels.³⁵ The EACRF officially exited DRC on 31 December, however, EAC leaders have expressed their desire to remain a part of peacekeeping efforts in the DRC, even if it is only for the stability and shared prosperity of the region.³⁶ The regional force’s mission in the DRC will be undertaken by the **Southern African Development Community (SADC)** forces.³⁷

Many Congolese feel that the deployment of the MONUSCO and EACRF has done little to benefit them and their exit from the country has been celebrated. Conflict has ravaged the eastern DRC since the 1990s when violence in the aftermath of the 1994 **Rwandan** genocide spread across the border. It remains to be seen whether SADC forces will be more effective in dealing with rebel groups in the DRC, however, if the combined forces of UN peacekeepers, EACRF and FARDC could not halt the violence, major doubts persist about their chances of success.

CMOC becomes world’s largest cobalt producer after opening new Congo mine...

China’s CMOC Group Limited increased its output by more than 170% in 2023 due to surging production at its massive new mine in the DRC, the \$1.8 billion **Kisanfu mine**, which helped the company to officially surpass **Swiss** mining giant **Glencore** as the world’s largest producer of cobalt.³⁸ Cobalt is a critical mineral used to manufacture batteries for electric vehicles and the DRC possesses an estimated 70% of the world’s known reserves. The company’s copper output also increased by 51% to 419,539 tonnes, solidifying its status as one of the world’s top producers at a time when many global miners are struggling to increase production.³⁹ CMOC said in a filing on 4 January that it had produced 55,526 tons of cobalt in 2023, with Glencore previously forecasting in October that it would produce 42,000 tonnes.

While traders and investors had expected a large boost in CMOC’s output after it brought online the massive Kisanfu mine in the second quarter of the year, the Chinese company’s full-year results exceeded its own production guidance by more than 20%.⁴⁰ However, CMOC’s production surge at Kisanfu, a rebound of exports at its **Tenke Fungurume Mine (TFM)**, one of the world’s largest battery-metal mines, and increasing production in **Indonesia** triggered a sharp 30% slump in global cobalt prices last year.⁴¹ The large mismatch between demand and supply became so severe by mid-2023 that Glencore began to stockpile surplus cobalt at its DRC bases in order to bring the market back into balance.⁴²

CMOC’s control of two of the world’s largest mines that produce cobalt and copper gives it massive leverage in controlling global supply and prices. That has led to major concerns among **United States (US)** officials who are seeking to weaken China’s dominance of global supply chains. In November, US lawmakers pushed for much more stringent measures to counter Chinese dominance of the global cobalt chain, including sanctions that would restrict all imports of the precious metal mined by Chinese firms in the DRC (*see ARC Briefing DRC Nov 2023*).⁴³ A bipartisan group of legislators from both the US house of representatives and senate on the **Congressional-Executive Commission on China** held a public hearing on 14 November that mainly blamed Chinese firms for the reportedly extensive and well-documented human rights violations that are common in the DRC mining sector.⁴⁴ However, there is “*virtually no chance*” that the proposed legislation to restrict import of Chinese

³⁴ East African Community Statement, 24 Nov 2023

³⁵ Bloomberg, 29 Aug 2023

³⁶ The East Africa, 27 Nov 2023

³⁷ The East Africa, 27 Nov 2023

³⁸ China Global South Project, 12 Jan 2024; Bloomberg 4 Jan 2024

³⁹ Bloomberg 4 Jan 2024

⁴⁰ China Global South Project, 12 Jan 2024; Bloomberg 4 Jan 2024

⁴¹ China Global South Project, 12 Jan 2024; Bloomberg 4 Jan 2024

⁴² China Global South Project, 12 Jan 2024; Bloomberg 4 Jan 2024

⁴³ China Global South Project, 15 Nov 2023

⁴⁴ China Global South Project, 15 Nov 2023

mined and refined cobalt will ever become law in the US as it will push up prices of electronics for consumers in the country.⁴⁵ For the DRC, CMOC's new mine employs thousands of citizens and the treasury will benefit from billions in increased royalty payments from the mine's activities.

Planner

20 Jan 2024 **(DRC)** President **Felix Tshisekedi** sworn in for a second term;

Apr 2024 **South Kivu (DRC) Mission de l'Organisation des Nations Unies pour la Stabilisation en République démocratique du Congo (MONUSCO)** to close its bases in South Kivu province;

Dec 2024 Kinshasa **(DRC)** End date of peacekeeping mission **Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo (MONUSCO)**;

Chronology

16 Jan 2024 **Kinshasa (DRC)** *The East African*. **Rwanda's** military says it has killed a Congolese soldier and arrested two others who crossed their shared border amid tensions between the two countries. DRC's military has not independently confirmed that the deceased was a soldier;

15 Jan 2024 **Kinshasa (DRC)** *Reuters*. A report by the **European Union-funded Centre for Research on Public Finance and Local Development** says the **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) has failed to account for \$400m in funding it received from the state and awarded opaque procurement contracts ahead of the December presidential election;

12 Jan 2024 **Kinshasa (DRC)** *World Health Organization*. The **World Health Organisation (WHO)** says that flooding along DRC's riverbanks damaged or destroyed dozens of health centers and schools and put hundreds of thousands of people at risk of disease;

11 Jan 2024 **Kinshasa (DRC)** *AFP*. **United States** congratulates President **Felix Tshisekedi** on winning a second term in office but joins the **European Union (EU)** in calling for electoral reforms in the country;

9 Jan 2024 **Katanga (DRC)** *BBC*. Security forces briefly surround the home of main opposition politician **Moïse Katumbi**, who came second in December's disputed elections, and prevent him from leaving his home in Katanga province;

7 Jan 2024 **Kinshasa (DRC)** *EWN*. **United Nations** voices alarm about rising ethnic tension and calls to violence in the DRC following the disputed December elections;

6 Jan 2024 **Kinshasa (DRC)** *Reuters*. **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) cancels the votes cast for 82 candidates, including three ministers and four governors, who contested in the legislative and local council elections and who it says were involved in illegal activities including fraud, illegal possession of voting material and intimidation;

3 Jan 2024 **Kinshasa (DRC)** *Africa News*. Principal opposition candidates formally declare their

24 Dec 2023 **Kinshasa (DRC)** *Commission Electorale Nationale Indépendante*. The **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) releases another sampling of results from the 20 Decmbee election that indicates that

⁴⁵ China Global South Project, 15 Nov 2023

incumbent President **Felix Tshisekedi** holds a significant lead, amid calls from opposition candidates to cancel the polling over alleged fraud;

22 Dec 2023 **Kinshasa (DRC)** *Bloomberg*. The **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) defends the major delays snarling the country's 20 December polls as the commission begins to release a small sampling of results;

20 Dec 2023 **Kinshasa (DRC)** *Commission Electorale Nationale Indépendante*. The **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) announces that elections will continue into a second day amid massive delays across the country that left multiple polling stations unable to open;

16 Dec 2023 **Kinshasa (DRC)** *Times Live*. DRC recalls its ambassadors to **Kenya** and **Tanzania** for consultations following the launch of the **Congo River Alliance** on 15 December in Kenya which comprises Congolese politicians and groups including the **M23** rebel group;

13 Dec 2023 **Kinshasa (DRC)** *AFP*. Former **Zambian** vice president **Enoch Kavindele** is appointed to head the **Southern African Development Community Election Observer Mission (SEOM)** to DRC and is expected to arrive on 15 December ahead of the mission's launch and deployment countrywide;

13 Dec 2023 **Kinshasa (DRC)** *Africanews*. **Commission Electorale Nationale Indépendante (CENI)** (independent national electoral commission) reports that conditions in **Rutshuru** and **Masisi (North Kivu province)** are not right for polls to open in the 20 December presidential election, adding that in Rutshuru fewer than 10% of voters have been enrolled and fewer than 1% in Masisi;

11 Dec 2023 **Kinshasa (DRC)** *Reuters*. The **United States (US)** announces that parties involved in the conflict in eastern DRC have agreed to a 72-hour ceasefire, which both the DRC and **Rwandan** governments back;

10 Dec 2023 **Kinshasa (DRC)** *Africanews*. President **Felix Tshisekedi** continues his re-election campaign in Goma (**North Kivu**), asking citizens for their votes so the fight against rebels that control large areas of the province can continue;

About Africa Risk Consulting:

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