



انتخابات الكونغو الديمقراطية 2023: بين رؤى التقييم ومداخل الحوكمة

Les Elections au Congo Démocratique:
Entre Visions d'Evaluation et Approches de Gouvernance

Democratic Republic of Congo Elections 2023:
Between Evaluation Visions and Governance Approaches



Introduction

Africa and its five regions, North, South, East, West, and Central Africa, monitors different connotations of democratic trends and principles and is full of wide debates of transformations in support of and contrary to democratic theses. Although military coups took place in several African countries in 2022, it wasn't affected by them, and it's even preparing to host various electoral entitlements: presidential, parliamentary, local, and partisan, estimated at 17 and 13 electoral experiences in 2023 and 2024, especially the Democratic Congo elections scheduled for December 2023. In this context, this paper seeks to shed light on the features of the Congolese electoral system, analyze the facts of the Congolese electoral experience, monitor its tracks and challenges, and draw the approaches to the governance of the 2023 Congolese elections.

First: Facts of the Congolese Elections System: Presidential and Parliamentary

Like other countries in the world, the electoral practices of the Democratic Republic of the Congo's electoral practices are based on constitutional, legal, and national entitlements, mainly mentioned in the Congolese Constitution of 2006 and the Elections Law of July 2022, which in their entirety represent the Congolese electoral system, and can be presented as follows:

1. Presidential Election System

The Congolese presidential elections are organized and derive their content from the constitutional and legal frameworks in the Democratic Republic of the Congo (DRC), in particular under Articles 72, 103, and 106. The president is elected by direct universal suffrage for a presidential term for 5 years, renewable only once, and the first round takes place at least 30 days and more than 40 days before the expiration of the term of the outgoing President. If a candidate dies before the first round or is permanently disabled, the Constitutional Court must postpone the election if one of the candidates who received the most votes in the first round withdraws, the elections will be held with the third-best candidate to replace the candidate who withdrew and the President shall remain in office until the end of his term, except for cases of force majeure approved and declared by the Constitutional Court, it must coincide with the assumption of his state's successor, and if the president's term ends without the election of a new president, the outgoing President shall remain in place until the election is organized. The conditions for the election of the

President shall be as follows: Congolese origin, good morals, and at least 15 years of age professional experience, minimum age of 40 years and maximum age of 70 years¹.

2. Parliamentary Election System

The legislative elections of the Congolese Parliament are held as the legislative institution of the Democratic Republic of the Congo. The eligibility requirements for the legislative elections and the Congolese Senate by the constitutional entitlements of articles 102 and 106 revolve around the requirement of eligibility of the candidate as a Congolese and a minimum age of 25 for the candidate of the National Assembly and 30 for the candidate of the Senate, and full enjoyment of civil rights and political. As this becomes available, candidates for the Senate and the National Assembly are presented by political parties or stand as independent candidates, The Assembly consists of 500 seats, of which 61 are elected according to the highest percentage of votes in single-member constituencies, and 439 members are elected by open lists according to proportional representation in multi-member constituencies. The term of office is five years against the indirect vote of about 108 adult senators, it's renewable by proportional multi-member voting with open lists and one preferential vote².

Once the senators and the National Assembly are elected, their term begins on the second Tuesday after their election, if there is a vacancy in the chairmanship of either chamber or after death, resignation, or any other form of permanent disability, a new president is elected within 15 days after leaving the vacancy in Parliament. The Constitutional Court adjudicates disputes over the validity of parliamentary elections, and the Constitutional Court may extend the conditions - at the request of the President of the Republic - when extraordinary circumstances prevent legislative elections from being held normally. Senators and the National Assembly may not retain another office of a general nature or engage in any other activity prohibited from engaging in applicable laws. They also lose their status as members of Parliament if they violate eligibility or incompatibility requirements if they resign or are sentenced to prison for a violation or misdemeanor and partial elections are held to find an alternative³.

3. Independent National Electoral Commission

The Congolese constitutional entitlements approve the establishment of the National Electoral Commission for free and fair elections, especially since 1960. The constitutional

¹ 2023 Democratic Republic of the Congo general election, access date 4 April 2023, <https://bit.ly/3nIBUhM>

² Élections en république démocratique du Congo, access date 4 Avril 2023, <https://bit.ly/40YruZH>

³ Élections en république démocratique du Congo, access date 4 Avril 2023, <https://bit.ly/40YruZH>

entitlements under Article 154 require the establishment of 21 members, the President is nominated by civil society and his appointment is approved by the National Assembly and the other commissioners are jointly appointed by various entities of the Inter-Congolese Dialogue for the duration of the transitional period. They can only be removed from office for failure to perform their functions, embezzlement of public funds, or conviction for high treason or corruption. It must also be ratified by the National Assembly Article 6 of the Constitution defines the functions of the commission, it's responsible for the free and fair conduct and supervision of elections during the transitional period in addition to administrative independence, the Constitution also guarantees financial independence to the Commission and the committee has its own budget⁴. The Commission is a general assembly responsible for its management, it consists of the president and seven other commissioners the last one supervises the various special units within the authority while the president is the general supervisor of these special units. These units of the Commission are divided around electoral and civic education, voter and candidate registration, logistics, electoral training, legal issues, conflict, results-gathering polls, communication, and public relations.

4. Election Law 2022:

Elections Law No. 22/029 of June 29, 2022 amends and complements Law No. 06/006 of March 9, 2006 on the organization of presidential, legislative, regional, civil, municipal, and local elections. It endorses a number of new innovations in the Congolese electoral system, revolving around the introduction of a minimum admission of lists of 60% of seats in the competition, the observance of the gender dimension in the constitution of lists in accordance with article 14 of the Constitution, the definition of a comprehensive legal system for electronic voting, the obligation of Independent National Electoral Commission to publish the results of polling stations at the level of polling stations and local centers to gather the results, the obligation of the National Electoral Council to publish electoral maps thirty days before the start of the electoral campaign, the commitment of the National Presidential Elections Commission to ensure the transfer of dedicated folds to courts and tribunals before handling disputes, and the obligation of courts and judicial bodies to use folds that contain minutes while dealing with disputes⁵.

Second: Congolese Electoral Experience: Presidential and Parliamentary

The Democratic Republic of the Congo and its historical developments show a legacy full of endeavors to settle and consolidate democracy intellectually, constitutionally, and

⁴ ECF, DRC - Commission Electorale Nationale Independante (CENI), Access date 4 April 2023, <https://bit.ly/3TL2m6r>

⁵ Africa news, RDC : l'élection présidentielle fixée au 20 décembre 2023, 27 November 2022, <https://bit.ly/40CDqQZ>

practically, especially since the colonial era, the electoral process became evident shortly before independence, beginning in 1957, after the creation of the so-called "electoral consultations" or "municipal elections as a means of establishing the urban and rural institutional structure, with the Democratic Republic of the Congo experiencing numerous, intermittent and interactive electoral experiences with its security and political contexts.

1. The first generation of Congolese elections

A reader of Africa's changes, electoral experiences, and democratic transformations may refer to the first electoral procedures of the Democratic Republic of the Congo to the municipal and regional council elections and then to the 1960 legislative elections, the third election resulted in 137 male seats - over the age of 21 - being elected to the Chamber of Deputies under the control of the Congolese National Movement with 81.8% and 84 senators elected by members of the regional assembly, in turn, Joseph Casa Fubo was elected; So that the elections succeed in forming the first government of the Republic of Congo⁶.

In contrast, in the mid-1960s, the Democratic Republic of the Congo (DRC) parliamentary elections allowed 223 political parties to compete for 167 seats in the House of Representatives and ended with the victory of political parties allied with the Congolese National Congress, led by former separatist leader Moise Tshombe, with 80 seats and the appointment of Évariste Kimba of the front Congolese democracy as prime minister, and the political and security conflict intensified, which ended in a military coup led by Joseph Mobutu, so that the 1965 elections were the last elections in which opposition parties were allowed to participate until 2006.

2. The Second Generation of Congolese Elections

The presidential electoral experience in the 1970s was mainly affected by the political and security contexts, especially the military coup in 1965, it was based solely on the procedure for a referendum and a yes or no vote along the lines of the elections of 1 November 1970 and 3 December 1977. Where the first ended with a yes vote of only candidate Joseph Mobutu of 30,000 yes compared to 157 no vote, and the second ended with a vote for him also with 98.2%, besides the control of the Popular Movement for the Revolution (MPR) in the parliamentary election cycles. Where the first parliamentary elections were held since Joseph Mobutu assumed the presidency on November 15, 1970, and one list was presented to voters from President Mobutu's party and the MPR, they had only the option to vote yes

⁶ Media Congo, RDC : la loi électorale promulguée par le Chef d'Etat Félix Tshisekedi, 7 Juillet 2022, <https://bit.ly/3MdKnUo>

or no on the list of 420 candidates for the National Assembly; The second was held in November 1975 , and only referred to a list of 244 candidates for the MPR in public places such as stadiums and the audience approved them by cheering; The third was held in October 1977 before its scheduled date in 1980, where 2074 candidates competed for 289 seats, 92.8% voter turnout; The fourth was held in September 1982, where 1409 candidates competed for 310 seats in 154 constituencies; and the fifth was held in September 1987, where 1075 candidates participated in 210 seats⁷.

3. The third Generation of Congolese Elections

The third generation of the Congolese elections came as a result of the period of the Democratic Republic of Congo's civil war (1996: 2003), and as a constitutional entitlement under the Constitution of the third republic issued in February 2006, For the 2006 Democratic Republic of the Congo elections to be held as the first multi-party electoral experiments since Joseph Mobutu came to power, where it was conducted on July 30, 2006, with the registration of 25 million voters, 80% of the voters and 33 people were registered as presidential candidates and it took two rounds, claiming that none of the candidates could not obtain a majority; As no candidate obtained more than 50 % of the votes in the first round, the second round decided the victory of Joseph Kabila on November 15, 2006. Parliamentary elections were held with it, with the result that no party won 251 seats to secure a majority, Joseph Kabila's party won 111 seats and the Movement for the Liberation of the Congo (MLC-Bemba) won 64 seats. The second cycle of the third generation elections in 2011 achieved the registration of 32 million voters, and its results led to the victory of Joseph Kabila on December 9, 2011, and its parliamentary elections ended with 98 political parties sharing seats in the House of Representatives, with 340 for the Presidential Movement Party, 61 for the People's Party for Reconstruction and Democracy, and 41 seats for the Union Party for democracy and social progress (UDPS).

The electoral experiment was postponed for more than two years before it took place in November 2018, 46 million of the 41 expected voters were registered and 21 presidential candidates were nominated, to end with the victory of Felix Tshisekedi, the new president of the Democratic Republic of the Congo, after winning 38.57% of the vote, compared to 34.38% and 23.9% in favor of Martin Fayulu and Emmanuel Ramazani Shadari respectively. Unlike the presidential elections, the Joint Front of the Congo succeeded in controlling 341 seats from out of 500 seats in the National Assembly, it managed to exceed the estimated majority of about 250 seats; while the Party of Social

⁷ Groupe d'étude sur le Congo, perception des femmes en politique: les congolais sont ils portés à élire une présidente de la république, Août 2022, p 50-53.

Democracy and Progress and its allies, the Union for the Congolese Nation won only 46 seats; while the Fayulu's Lamuka alliance won 94 seats⁸.

Third: Features of the 2023 Congolese Elections

The Democratic Republic of the Congo (DRC) threatens its security, political and economic complexities and is betting on its capabilities and the possibility of its institutions to hold Congolese elections at their levels: presidential, parliamentary and municipal, starting in December 2023, according to the electoral calendar issued on November 26, 2022 by the Independent National Commission. As the electoral calendar refers to the holding of presidential elections alongside the election of 500 members of the National Assembly and members of regional councils, additionally the implementation of the first experience of electing 300 municipal councils under the constitution issued in 2006, and it declares its willingness to host 6 other electoral events for the year 2024, 5 of them indirectly⁹, the DRC election contexts can be monitored as follows:

1. Electoral context

The elections, which are expected at the end of 2023, are part of a complex political and social context, characterized by the absence of consensus among the concerned parties (the opposition) and citizens' discouragement towards the electoral process or the fragile condition of the party system after the exit of the Holy Union. It also shows several concerns, including the desire of the authorities to organize elections at the constitutional deadline of December 2023, as well battles over the reconfiguration of the leaders of the Independent National Electoral Commission are crystal clear examples of this. Each of these elements is part of a general climate of insecurity in the east of the country and the rise of tribal divisions and hate speech, which is raising fears of violent post-election protests.

There is reason to wonder how the current context of the country could affect the conduct of elections, lead to the postponement of polls, exclude certain areas of the country, or even disrupt peaceful demonstrations or peaceful opposition rallies during election campaign. In addition to the political and social context, many practical and technical challenges remain, raising fears of a new delay to the election as in 2016. Indeed, like the last three

⁸ Group débute sur le Congo, présidentielle 2023: l' abstention pourrait atteindre un taux record, février 2023. P3-8.

⁹ Radio okapi, EcoNews : « Après la publication du calendrier électoral, la CENI en attente de la loi sur la répartition des sièges », 28 November 2022, <https://bit.ly/3UmTAFn>

elections, the current process does not offer sufficient guarantees of regulation and completion within the constitutional deadline.

2. Citizen participation in the 2023 elections

Despite the existence of many organizations and platforms, the representation of Congolese civil society actors is regularly questioned. Civil society is struggling to mobilize the Congolese population around the electoral process. This is due in particular to the necessary means and/or funding, but also to deep divisions among members of civil society that weaken the potential for synergy even though they have an essential role in monitoring the electoral process.

3. Political participation of women and youth

Gender equality is an essential element for the consolidation of democracy. In the Democratic Republic of the Congo, the political participation of women and girls faces many challenges, including economic, political, and cultural. Women represent 50.54% of the Congolese voters. However, they remain seriously underrepresented at the political level. Only approximately 12.8% of women are represented in the National Assembly and 23.9% in the Senate.

In the Democratic Republic of the Congo, parity is a constitutional principle that in theory represents an opportunity that must be seized. Despite the Congolese constitution, the current electoral law reaffirms this need for equal representation of men and women, but doesn't provide for any obligation or result regarding the acceptance of electoral lists. Several factors are behind this underrepresentation of women in political institutions. These include:

The lack of transparency in the electoral process, which is reflected in its subordination to the Independent National Electoral Commission; poor organization of elections or electoral offices; inappropriate working hours; long waiting lines that extend for hours, which have become incompatible with women's housework; the remoteness of the centers; lack of means and unwillingness of opposition parties; and finally, the patriarchal performance of Congolese society, which strengthening the control of men. These various factors have remarkable results, first and foremost discouraging female voters from participating in various electoral activities, reducing the number of female voters who support female candidates, and losing their self-confidence.

Regarding the political participation of youth, the electoral legislation does not provide for binding procedures requiring the inclusion of youth in the lists of candidates by political parties. After that, election beginning questions and very high deposits stand out, with a large proportion of poverty and unemployment among young people in the Democratic Republic of the Congo.

4. Elections from the perspective of the electoral calendar

Theoretically, the electoral calendar singled out an extended period between December 24, 2022: and March 17, 2023, to carry out executions in three consecutive phases during the periods between December 24, 2022: January 25, 2023; January 25: February 23, 2023; and between February 23 until March 17, 2023, to begin in the provinces of Congo Central, Kinshasa, Kwango, Kwelo, Mai-Ndombe, Équateur, Mongala, Nord-Ubangi, Sud-Ubangi, and Tshuapa. And then in the provinces of Kasai, Central Kasai, Oriental Kasai, Lomami, Sankuru, Haut- Lomami, Haut-Katanga, Lualaba, and Tanganyika also for expatriates in South Africa, Belgium, and France. Then in the three areas of operations in the provinces of Pas-Uélé, Haut-Uélé, Ituri, Tshopo, North Kivu, South Kivu, and Maniema also for expatriates in Canada and the United States. The calendar also requires conducting registration statistics for each constituency - determining the size of regional and local councils on May 21, starting the process of proportional distribution of seats during the period between May 23 until June 15, 2023, and then registering candidates for the position of president and assembly National during June 26: July 15; then candidates for county and municipal councils during the period from 3: August 22, 2023; then campaigning from November 19 to December 18, 2023; then holding elections on 20 December and being sworn in on 20 January 2024¹⁰.

5. Elections from the electoral competition perspective

The indications of electoral competition are increasing in the Congolese presidential elections, as a list of potential candidates includes Felix Tshisekedi - the incumbent president - Moise Katumbi - former governor of Katanga and leader of the Lamoka party - Martin Fayulu - former presidential candidate for 2018 and head of the political party for citizen participation for development and Denis Mukwege - Nobel Peace Prize Laureate and Augustine Matata Bunyo - Former Prime Minister, and Bernadette Tokwa and Lu Aina, Chair of the Tongan Maikono Foundation¹¹.

¹⁰ Radio Okapi, Calendrier électoral de la CENI: « utopique » pour le PPRD mais « réaliste » selon l'UDPS, 28 November 2022, <https://bit.ly/3im103u>

¹¹ Radio Okapi, RDC : Bernadette Tokwaulu annonce sa candidature à la présidentielle 2023, 13/3/2023, <https://bit.ly/3Jgksbs>

6. Elections from the popular public opinion

The Democratic Republic of the Congo and its interactions capture widespread interest in the electoral process at all levels. Opinion polls in 26 regional capitals, on a sample of 2,716 people, have detected an increasing interest on the part of the Congolese regarding the electoral benefits scheduled to take place in December 2023, with increasing rates distributed by about 88%, 83%, 82%, and 81 in favor of the presidential, national, municipal, and regional legislative elections, respectively; Especially in the Greater Kasai Region, which pays attention to the presidential elections by 96%. Opinion polls show a decline in interest and abstention by 81% regarding the regional legislative elections, as there is no impact of their actions, according to 57% of Congolese, compared to 27, due to the weakness of the electoral campaign¹². Only 37% believe in the ability of the Independent National Electoral Commission to organize elections and respect their constitutional deadlines.

7. Elections from the Perspective of Congolese civil society

Civil society expresses successive and intense doubts about the possibility of organizing elections within their constitutional dates and preserving their integrity, in addition to its repeated and noticeable condemnation of the difficulties of registration processes and the lack of a secure registration process for the 2023 elections. On March 7, 2023, the Consortium New Civil Society of the Congo expressed concern about the restrictions raised by the Independent National Electoral Commission, those related to finances, logistics, security in some provinces, voter identification, and those relating to electoral law. On March 2, 2023¹³, civil society in Kalemie Region (Tanganyika) announced that some registration centers are not functioning due to machines that break down regularly. On March 23, 2023, civil society in North Kivu, especially in the Beni region, proposed extending registration processes for three months instead of just 15 days to overcome the challenges of electoral registration processes¹⁴.

8. Elections from the Perspective of international public opinion

The Democratic Republic of the Congo retains the support of the international system and its state and non-governmental organizations. On 7 December 2022, 17 countries and the European Union, partners of the DRC, welcomed the publication of the electoral calendar

¹² RDC-Élection 2023: les Congolais semblent plus intéressés par la présidentielle 88% suivie législatives nationales 83% et municipales 82% (Etude Target), 27 Jan 2023, <https://bit.ly/3JqAcA>

¹³ Radio okapi, Processus électoral : des experts de la société civile proposent la révision des lois électorales, 11 Février 2022, <https://bit.ly/3noc3vg>

¹⁴ Radio okapi, Beni : la société civile propose 3 mois pour enrôler tous les électeurs à Banande Kainama, 27 mars 2023, <https://bit.ly/3KironA>

by the Independent National Electoral Commission and the announcement of the date of the local, regional, national, and legislative elections scheduled for 20 December 2023. They also affirmed their support to the Congolese government in organizing the elections on time stipulated in the Constitution. These countries include Germany, Belgium, Canada, Spain, the United States, France, Greece, Italy, Japan, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland, the Czech Republic, and the European Union. On July 6, 2022, the United States Government announced an additional \$3 million to support the DRC's transparent, credible, and inclusive political processes.

Fourth: Challenges of the Democratic Republic of the Congo Elections 2023

The electoral experiences in the Democratic Republic of the Congo, like others in the African continent, depict many challenges, as follows:

1. Lack of political confidence related to the elections

The Democratic Republic of the Congo suffers from growing mistrust. Civil society and political parties record cases of mistrust in the electoral register and question the credibility of the elections; they are increasingly suspicious of the intention to hold free and independent elections that would achieve the peaceful transfer of power due to the weak democratic structures and lack of respect for the popular will. This aspect calls for stopping the political and social forces from any planned fraud attempt. On April 1, 2023, the People's Party for Reconstruction and Democracy described the current electoral process as "vicious" and regretted that the deterioration in the security, social and political situation, characterized by a vicious electoral likely to lead the country towards chaos¹⁵.

2. Double registration processes

Historically, Congolese electoral experiences point to the increasingly technical and logistical challenges facing voter identification and registration processes, so the Electoral Commission is unable to meet the dates and timings of registration operations scheduled for registration operations in its three areas of operations. At the end of March 2023, the electoral commission was limited to registering only 34 million out of 49 million voters, expected to be close to the end of the registration process in the three regions. To achieve only 70% of the expected percentage compared to the registration of 11,000 Congolese and the registration of only 41% of the population of the Kwilo region before the end of the registration date within a week, according to the statistics of February 7, 2023. And to

¹⁵ ACTUALITE CD, Enrôlement dans l'AO 2: la CENI confirme la fermeture des centres d'inscription ce mardi sauf pour les détenteurs des jetons. 20 mars 2023, <https://bit.ly/3ZDjkF5>

prevent the registration of more than one million expected voters and the electoral commission to reach only 400,000 in Kwangou province, although the registration processes have been extended by 25 days according to the statistics of February 6, 2023¹⁶.

3. Controversy over the exclusion of competitors

The 2018 Democratic Republic of the Congo presidential election saw an exclusion of competitors; some think that may happen again in 2023. The Independent Electoral Commission refused to nominate six potential candidates: Sami Badibanga, former Prime Minister Jean-Pierre Bemba, former vice president and rebel leader, and Antoine Gizenga, former aide Patrice Lumumba, former Prime Minister of the Democratic Republic of the Congo under Kabila, Moise Katumbi, former Governor of Katanga Province, Adolphe Muzito, former Prime Minister and Bruno Tshibala, former Prime Minister. It may be repeated in the 2023 elections in the event of the adoption of a bill known as the Chiani Law on the allocation of senior positions in the state to Congolese born to a Congolese father and mother and then preventing Moise Katumbi from running for elections and excluding him from them for the second time¹⁷.

4. Election financing challenges

The Electoral Commission is now observing escalating logistical and technical challenges facing the electoral process and the weakness of the funding to hold the parliamentary elections for a vast country like the Democratic Republic of the Congo. On March 14, 2023, the Independent National Commission requested government funds estimated at \$474 million in 2023, excluding arrears in 2022. It indicates its optimism about the electoral process and warns of the consequences of not respecting constitutional deadlines at the end of March 2023. The total cost was estimated at more than one billion dollars¹⁸.

In 2016 the government justified the shift in the electoral calendar with financial difficulties leading to the postponement of calling voters. The current government declares that it is determined to finance the electoral process by ensuring that funds for operations are disbursed as soon as possible. To this end, the government continues to stress its desire to organize elections on schedule, and voter registration operations have taken place in most of the country, which constitutes a strong signal for the continued consolidation of

¹⁶ ACTUALITE CD, Enrôlement dans l'AO 2: la CENI confirme la fermeture des centres d'inscription ce mardi sauf pour les détenteurs des jetons. 20 mars 2023, <https://bit.ly/3ZDjkF5>

¹⁷ Radio okapi, Lubumbashi : Jean-Claude Muyambo menace de porter plainte contre les initiateurs de la proposition de loi Tshiani, 25 Mars 2023, <https://bit.ly/3LXbGIE>

¹⁸ ACTUALITE CD, Élections en RDC : alors que la CENI exige plus d'un milliards USD, l'ODEP estime que le budget actuel ne devrait pas dépasser 600 millions USD, 23 mars 2023, <https://bit.ly/40VZwxK>

democracy, normalization, and civil life. However, there is a lack of resources for the Independent National Electoral Commission, which continues to alert the public to the lack of funds required. So far, the disbursement of funds remains a problem in the face of potential difficulties in financing the ongoing electoral process. The DRC can count on the international electoral assistance that President Tshisekedi has shown to be receptive. To this end, a United Nations Electoral Needs Assessment Mission in the Democratic Republic of the Congo (DRC) was dispatched to Kinshasa in March 2022 at the request of the Independent National Electoral Commission. It aimed to explore ways and means of supporting, in particular, the logistics of the ongoing electoral process.

5. Electoral violence

The registration and identification processes showed increasing indications of electoral violence, including crimes of obstruction, theft, and insecurity; it led to faltering registration processes and undermining their integrity in some areas.

On 24 March 2023, the Provincial Secretariat of the Independent Electoral Commission in South Kivu dismissed two agents from their duties in voter registration operations. On March 17, 2023, judicial files were opened in the various offices of the Public Prosecutor regarding sabotage and fraud in voter registration processes. Subsequently, the arrest of three Independent National Electoral Commission agents who released the issuance of 4 cards was reported. Insecurity and increased activity of rebel groups thwarted registration operations in eastern Congolese, particularly Ituri province; only 31% of voters were registered in the first two weeks before the March 17 lockdown¹⁹.

6. Escalating security complexities

The security situation deteriorated in the three eastern provinces of the DRC, and violence perpetrated by the ADF, the Cooperative for the Development of the Congo (CODECO), and the March 23 Movement escalated. In different regions of North Kivu, attacks perpetrated mainly by the FDDF, Mai-Mai groups, and the M23 movement caused the deaths of more than 200 people, and the Defense Forces were accused of causing the deaths of 187 civilians during the attacks between December and March 2023. In South Kivu Province, it continued Foreign and local armed groups committed acts of violence against civilians, killing 26 people from 1 December to 31 January 2023. In the Ituri region, 485 civilians, including 82 women and 51 children, were monitored between December 1, 2022, and March 14, 2023. In Ituri, 172 civilians, including at least 20 women and 19 children injured.

¹⁹ Radio okapi, Enrôlement des électeurs à Bukavu: deux agents de la CENI démis de leurs fonctions pour monnayage, 24 mars 2023, <https://bit.ly/3JT3u3j>

Between December and March 2023, no less than 168 civilians, including 13 women and 35, were abducted. As a result of the increased activity of the Allied Democratic Forces movement, the Codeco Organization, and the Zaire group, the March 23 Movement continued to occupy large areas in the lands of Rutshuru Nyiragongo and Masisi.²⁰

In the context of the state of siege in North Kivu and Ituri, and with elections approaching, the state of siege in these two electoral provinces is of concern. According to the latest voter registration statistics in the Democratic Republic of the Congo, North Kivu province has the second largest electoral weight after Kinshasa. Ituri remains a fragile province of security in the wake of the communal tensions that have prevailed generally between the Hema and the Lendu. The security situation in the east of the country remains worrying and does not favor holding proper elections in the areas under siege. This part still knows more or less 120 national and foreign armed groups. It is currently witnessing the resurgence of the Rwanda-backed M23 terrorists and the government-sanctioned presence of the East African Community forces. During the recent electoral cycle, these armed groups have sometimes replaced the Independent National Electoral Commission by assuming responsibility for voter registration or by playing a role in selecting candidates and elected officials at polling stations (the case of some Mai and FDLR groups in Walikale and Masisi North Kivu). They also ransomed some candidates before allowing them to pass through certain areas to hold their campaign meetings in Masisi. To this end, the government must strengthen the steering committee to secure the electoral process and its technical integrity. This exchange framework is supposed to make it possible to define a common strategy between Congolese institutions and their partners to reduce the effects of insecurity and the state of siege on holding elections within the specified constitutional dates.

7. The escalation of tribal divisions and hate speech

With the election approaching, the rise of tribal divisions is a matter of discussion. According to some observers, the current context goes further than in 2006, 2011, and 2018 when opinion was divided between West and East. Many political and civil society actors have found that since the last elections, tribalism has taken on troubling proportions, particularly with the notion of "indulgence" with the Chaney Law. There is also an increase in hate speech and messages advocating violence, discrimination, and hostility, often directed against ethnic groups or public figures. The UN Joint Human Rights Office also

²⁰ ACTUALITÉ, L'ONU s'alarme d'une montée abrupte des violences dans l'est de la RDC, 28 mars 2023, <https://bit.ly/3MnpiH0>

called for closer monitoring of tribal declarations, which have become more visible as the election approaches.

Fourth: Approaches to conducting sound elections in the Democratic Republic of the Congo

The proper administration of elections in general and the Democratic Republic of the Congo, in particular, requires a set of mechanisms and approaches to achieve them, as follows:

1. Secure voter registration

Formal recognition of the right to vote is not sufficient for a proper and complete electoral process. Safe voter registration requires a secure and reliable voter registration system, continuous and automatic updating of its voter registers, the involvement of political parties and special interest groups in promoting and monitoring the registration process, the implementation of civic education programs, and comprehensive, fixed registry operations. The Congolese legislator opted for a simple process to identify all Congolese over the age of 18 and to address the issue of deceased voters, the double registration, implement measures to prevent voting more than once such as indelible ink, prohibit voting of ineligible persons, allocate sufficient time for voter registration, and prohibit the enslavement or suspension of rights. Participate within the law, not exclude persons deprived of liberty without conviction, and remove unreasonable barriers to the exercise of the right to vote, including costly, or culturally inappropriate administrative requirements to obtain documentation for the right to vote.

2. The safety of those in charge of elections, witnesses, voters, and observers

The people's security has to be ensured for free, democratic, and transparent elections because the people are the guarantors of power in liberal democracies. People should express themselves freely, without intimidation or pressure on the candidate. The law must regulate the security of the people as a prerequisite for holding democratic elections, and the government must intervene through the mechanism of the security forces.

3. Peace: a prerequisite for holding democratic elections

Peace and security are prerequisites for elections not subject to appeal by candidates, observers, and a large part of the population. Pursuing the peace process must be a precondition before any elections in areas where armed groups operate and have control of political life. Democratic elections require the formation of a mechanism for the peaceful

resolution of armed conflicts and political crises and taking steps to restore peace before any elections in an environment of armed conflict.

4. Ensure the political participation of minorities, indigenous peoples, and internally displaced persons

Democratic Congo elections need to implement international, regional, and national norms and standards for the right of minorities to participate in the management of public affairs and to enhance their access to registration, voting, and informed choice processes.

5. Activate the safe intervention of the police and security forces:

Free and fair elections require a dual role in elections; Where the need for electoral security, maintaining order, non-interference with fundamental freedoms, and participation rights requires maintaining an environment free of intimidation, ensuring that all citizens benefit from administratively peaceful elections free from any disruptive forces, and preventing attempts at fraud, obstruction, bribery, intimidation, or any actions related to elections, and the need for the presence of the police outside the registration and polling places with secrecy, professionalism, and impartiality.

6. The role of election observers

Free and fair elections require an effective monitoring process to enhance the integrity of electoral processes, mitigate the potential for disruptions, and enhance public confidence. To achieve this, the government must grant observers freedom of movement and access to polling stations, protect them from harm and interference with their official duties, and enhance the capacities of domestic observers to be aware of election challenges, marginalized groups, culture, and local context.

7. Respect the rules and standards of human rights

The Democratic Republic of the Congo has to strengthen its respect for human rights as vital to conducting free, fair elections and guarantee freedom of opinion, expression, media, assembly, association, personal security, the constitution, and legal framework for electoral rights by international law.

8. Activating the principle of electoral justice

DRC should implement the right to challenge election results, the right of affected parties to seek redress, and provide access to independent review or other complaints, appeals,

and review processes and legal frameworks should define the scope of review available and the powers of an independent and impartial judicial body charged with review and provide relevant electoral laws prompt, adequate and effective remedies.

9. Enhancing media capabilities and access

The Democratic Republic of the Congo needs fair and just media accessible to all political candidates and parties to alienate electoral campaigns and publicity, prevent political censorship, favor the government, provide equal visibility for all candidates in the media, receive complaints, and ensure coverage of candidates, women, and men.

10. Voter education

Free and fair elections require voter education and awareness through education and digital literacy programs, funding and management of objective, non-partisan voter education and voter education campaigns, and voter training for equality between men and women.