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THE DEMOCRATIC REPUBLIC OF THE CONGO: A COMPETITIVE ELECTORAL OLIGARCHY

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Introduction

Despite a recent uptick in armed violence, on the face of it, the Democratic Republic of the Congo (DRC) has achieved a remarkable feat in replacing bullets with ballot papers as the means to achieving power. Following the Global and Inclusive Agreement of 2002 between former belligerents, which put an end to five years of conflict, the country agreed on a new constitution, enshrining in law a series of new democratic institutions. Since then, it has held four rounds of parliamentary and presidential elections, some of which have been credible, while others have been deeply flawed. It has also seen executive power change hands once at the national level and numerous times at the provincial level.

However, as Arblaster (1994, 3) has argued, democracy is "a concept before it is a fact." This maxim unfortunately applies well to the DRC, where the stipulations of the 2006 Constitution—which codifies the separation of powers, independent judiciary, protections for individual and civil rights, and democratic oversight bodies—have been regularly transgressed by the ruling elites (Esambo, 2020a). This contrast between "democracy on paper" and "democracy in reality," we believe, is one expression of the paradox of the Congolese political system.

In this paper, our first objective is to describe the characteristics of the political regime in the DRC. We argue that the DRC is what we define as an "electoral oligarchy," where power changes hands within a narrow political elite, sometimes through elections and sometimes through negotiations. However, while these transfers of power produce some checks and balances among elites, very little accountability—vertical, horizontal or diagonal—exists between these elites and the population at large. In this system of "political transhumance," as one Congolese scholar puts it, there are few partisan cleavages and little political loyalty (Ntwali, 2022).

How did we get here? We go back to the period of political transition 2003-2006, after which the Congolese state was captured by a narrow political elite who had benefited from a huge windfall from the privatization of the economy, particularly the mining sector. This influx of money into the political system, unwittingly facilitated by the "liberal peace" approach adopted by international donors, eroded the nascent democratic institutions that were being put in place (Stearns, 2022). The 2006 Constitution, which ushered in multiparty democracy, and the subsequent electoral law, which codified a proportional representation electoral system, produced a political landscape with a proliferation of weak political parties. Simultaneously, a turbulent media landscape and civil society were characterized by lively debate, but also by political manipulation and fragmentation that undermined accountability (Melmoth, 2007; International Crisis Group, 2015).

This report draws on Congolese democracy literature from scholars, researchers, and NGOs. Other data forming the body of this report was collected during interviews conducted by the authors prior to this study as part of their previous research. These elements are supplemented by the authors' experience and observations of the Congolese political system. Each of them has been a privileged witness to one of the aspects developed in this case as an actor, expert, researcher, or analyst.

The state of Congolese democracy

The high point of Congolese democracy was undoubtedly the 2006 elections. Organized by the transitional government, this period saw the government constrained by the power-sharing agreement of the peace process, in which the main belligerents shared power with civil society and opposition parties, as well as by the strong influence of the United Nations and the international donor community (Matagne et al., 2010). The United Nations Mission in the DRC was the official guarantor of the peace process, and the role of the main donors, grouped within the Comité International d'Appui à la Transition (Eng: the International Committee in Support of the Transition), was also enshrined

in the Global and Inclusive Agreement (2002, Annex IV). This balance of power and foreign intervention, together with the democratic fervor palpable at the time of the country's reunification and entry into the Third Republic, gave considerable independence to the various democratic institutions then being set up, notably the Commission Électorale Nationale Indépendante (CENI, Eng: the Independent National Electoral Commission). Despite a boycott by one of the main political parties, the Union pour la démocratie et le progrès social (UDPS), the 2006 elections saw a higher turnout than any subsequent elections (71%), far fewer logistical problems, and were considered by election observers to be generally free and fair (Carter Center 2007). As Table 1 shows, turnout rates declined in every subsequent election, while criticisms of the process proliferated.

TABLE 1

Elections in the DRC in the Third Republic

	2006	2011	2018	2023
Number of registered voters (millions)	25.4	31	40.3	41.7
Turnout rate	70.51% (round 1) 65.15% (round 2)	58.81%	44.58%	43.23%
Number of polling stations	50,045	63,865	75,781	64,196
Number of election officials	250,000	350,000	511,000	591,191
Number of political party witnesses	200,180	1,700,000	1,500,000	1,228,446
Number of registered observers	111,000	109,023	156,000	181,622
Budget (millions USD)	430	530	983	1,000
Electoral violence (number of reported deaths)	354	59	650	50
Defining characteristics	Landmark polls, first biometric voter registration, good communication and public awareness campaigns.	Gaining of national sovereignty over the electoral budget, start of system installation for data transmission via satellite.	Introduction of semi-electronic voting (voting machine), start of polling station mapping, audit of electoral register and voting machine.	Only some local elections held, publication of detailed presidential election results on the CENI website, elections for Congolese abroad at embassies.

SOURCE: For rows 1-7, CENI (2007, 2012, 2019, 2024) and Carter Center (2006, 2011, 2018, 2024l; for row 8, Gerold and Merino (2022); for rows 9 and 10, author's own analysis; for row 11 Carter Center (2006, 2011, 2024).

TABLE 1

Elections in the DRC in the Third Republic

	2006	2011	2018	2023
Main criticisms	Non-organization of local elections, strong international involvement in all aspects of process.	Non-organization of provincial and local elections, controversial and unaudited electoral register, chaotic compilation process, with over one million votes excluded in the compilation of results (Carter Center 2011).	Non-organization of local elections, lack of consensus among political parties on whether the use of voting machines is fair, interrupted compilation and incomplete publication of results, exclusion of voters in Beni, Butembo, and Yumbi electoral districts, no publication of final results.	Controversial electoral register, non-compliance with the legal framework for the publication of provisional voter lists, polls organized over 7 days in violation of electoral law, publication of results not compiled.
Outcomes	Considered by most independent observers to be broadly free and fair, resulted in the election of Joseph Kabila, the head of the 2003-2006 transition, as president. No party won a majority in the National Assembly, but the President was able to forge a ruling coalition.	Considered by most independent observers to have been deeply flawed, resulted in the re-election of Joseph Kabila. No party won a majority in the National Assembly, but the President was able to forge a ruling coalition.	Considered by most independent observers to have been rigged, resulted in the negotiated transfer of executive power to Felix Tshisekedi. Most independent observers believe that Martin Fayulu won the presidential elections, the National Assembly and senate elections were won by Joseph Kabila's coalition.	Considered by most independent observers to have been flawed, resulted in the re-election of Felix Tshisekedi. The ruling presidential coalition won an overwhelming majority in the National Assembly.

SOURCE: For rows 1-7, CENI (2007, 2012, 2019, 2024) and Carter Center (2006, 2011, 2018, 2024l; for row 8, Gerold and Merino (2022); for rows 9 and 10, author's own analysis; for row 11 Carter Center (2006, 2011, 2024).

EXECUTIVE POWER CONSOLIDATION: 2006-2019

The consolidation of the 2001-2019 Kabila government coupled with its inability to make progress on security or socioeconomic challenges, led it to attempt to undermine democratic checks and balances. Following Vital Kamerhe's coerced resignation from the presidency of the National Assembly in 2009, which is explained in more depth in section three, this body became increasingly tame, leading Congolese academics to describe it as an "echo chamber" or an "antechamber of the executive" (Djambewa, 2017). TV broadcasts of parliamentary debates declined in frequency, disappearing for months at a time, while oral and written questions by MPs for government ministers became rare. The budgetary prerogatives, one of the main levers of legislative power, were eroded, as the execution of the budget lines varied dramatically, leading one IMF expert in an interview with us to speak of a "budgetary fiction." Similarly, the judiciary—in particular the Supreme Court, which is the arbiter of presidential elections—had clearly come under the influence of the presidency, notably through the latter's influence within the Conseil Supérieur de la Magistrature (CSM, Eng: High Council of Judges), the professional body for judges (Liwanga, 2012; Mbombo, 2017; Binda et al., 2010). Other independent agencies—the media regulatory body, the human rights observatory, and the ethics and corruption commission—have ended up withering away, deprived of budget and political power (Ebuteli, 2024; Ebuteli, 2025).

Perhaps the area in which the Kabila regime's influence was clearest was the "inféodation" (subordination) of CENI by the executive (Binda et al., 2010). While the electoral body's internal regulations stipulate that civil society and the political opposition must be represented, the ruling coalition has secured a majority in the bureau, CENI's executive body, which is clearly the center of gravity in charge of day-to-day operations (Ibid.). The president of CENI, who enjoys extensive power, is supposed to be appointed by religious organizations. However, this provision has only spurred the elites to intensify their efforts to gain influence within civil society and over powerful religious organizations. In 2010, the Kabila government managed to secure the appointment of Daniel Ngoy Mulunda, the President's personal pastor, as chairman of CENI. In the following two electoral cycles, the body was headed by figures opposed to the Catholic Church, the country's largest denomination, and perceived as close to President Kabila (CRG, 2021).

POWER OF THE RULING COALITION: 2019-PRESENT DAY

The 2023 elections were a showcase for the weaknesses of Congolese democracy. It was the first election since the rigged elections of 2018, when Joseph Kabila, having failed to secure victory for his chosen successor, Emmanuel Shadari, struck a deal with the runner-up, Félix Tshisekedi (Wilson et al. 2019). Tshisekedi thus became president, while Kabila retained de facto control of most provincial governments, as well as the national Parliament.

The run-up to the 2023 elections once again saw political interests clash for control of key electoral institutions, demonstrating their vulnerability. In 2021, Tshisekedi's coalition pushed through the appointment of Denis Kadima as chairman of CENI, despite protests from the Catholic Church and the main council of Protestant churches, using their influence within smaller and institutionally weaker churches (Batumike, 2024). In the end, all CENI members were considered close to the ruling coalition, given the latter's ability to co-opt civil society and the political opposition, taking advantage of their disorganization.

As with CENI, the drafters of the 2006 Constitution had attempted to insulate the Constitutional Court—a key player, since it arbitrates all disputes relating to national presidential and legislative elections—to prevent it from being controlled by the ruling coalition. Its nine members are appointed in equal numbers by the President, the Parliament, and the professional CSM. However, due to the power of the presidency and its control over the legislature, as well as the weakness of the CSM, the ruling coalition has been able to impose itself, forcing some judges into retirement and influencing the appointment of their replacements (Batumike and Nyenyezi, 2021). By the time the 2023 electoral process was in full swing, the majority of

judges had been appointed during Tshisekedi's first term and were considered close to him (International Crisis Group 2023).

For its part, the Conseil Supérieur de l'Audiovisuel et de la Communication (Eng: Superior Audiovisual Council), which is supposed to ensure equitable access to the media for all candidates, was clearly biased in favor of the President, regarding him as a "special candidate." (Infos.cd 2023). The Commission Nationale des Droits de l'Homme (Eng: National Human Rights Commission), for its part, remained virtually inactive, despite the many abuses committed by the government during this period. Before, during, and after the elections, opposition demonstrations were suppressed by security forces or private militias close to the government, and opponents and journalists were arrested or killed (Carter Center, 2024).

Finally, while foreign donors and, in particular, civil society, had mobilized massively before the 2018 elections to prevent Kabila from obtaining a third term and plunging the country into a constitutional crisis (Englebert and Kasongo, 2020), these same groups were far less energetic for the 2023 elections, considering Tshisekedi's victory a fait accompli, as, despite the flaws, the published results corresponded with what many believed they would be.

Characteristics of the Congolese political regime

Drawing on previous criteria and typologies of democracies, (Lührmann, Marquardt, and Valeriya Mechkova, 2020; Huntington 1995; Stokes 1999) the Congolese political system can be evaluated through a few key features: the party system; civil-military relations; and the levels of vertical accountability, epitomized by the extent of free and fair elections, restrictions on voting, and degree of political decentralization; diagonal accountability, showcased by legal restrictions on rights to organize or media reporting; and horizontal accountability, reflected in the legislature, electoral management bodies, audit agencies, anti-corruption bodies, and the judiciary.

On the one hand, the DRC scores well on several of these criteria. It is clearly a multi-party system with high levels of political competition. The army has largely refrained from making a place for itself in politics and the formal economy (although the same cannot be said of the informal economy of conflict). The country has held four rounds of competitive national and provincial elections and witnessed a handover of executive power in 2019 (Englebert and Kasongo, 2020). At the legislative level, as well, each election brings a renewal of many parliamentary seats, with a large proportion of outgoing MPs having lost (Talatala, 2024). The media landscape is diverse and dynamic, with hundreds of print, radio, TV, and online outlets vying for the public's attention and often issuing scathing criticism of the government (Kabemba, 2005). Finally, at least on paper, there is a series of horizontally accountable institutions: the judiciary, the Parliament, the finance inspectorate, the Cours des Comptes (Eng: Court of Auditors), the electoral commission and several other bodies.

And yet, since the 2006 elections, the Congo has become a competitive oligarchy, combining elections and liberal rights with a clientelist system characterized by an unaccountable political elite (Jacquemot, 2020; Mouiche, 2015; Reyntjens, 2015). There is considerable fluctuation in measures of the five features, with most of them seeing a significant deterioration since the first multiparty elections in 2006. The 2011 and 2018 elections were particularly flawed, with significant evidence that the latter presidential election was rigged in favor of the runner-up. While there were some improvements ahead of the 2023 elections—a greater respect for civil liberties and more transparent management of the electoral process—those polls were also significantly flawed, as argued below.

The rituals of public life in the DRC are organized around democratic institutions: a parliament, a judiciary, regular elections, and a vibrant civil society. Yet these bodies serve more to distribute patronage and manage dissent than to be accountable (Englebert and Kasongo, 2016). Successive ruling coalitions have

been able to erode and co-opt the institutions and procedures enshrined in the Constitution. While these political elites have been able to guard against the danger of military coups, this has had the side-effect of investing in violence, particularly in eastern DRC, as is explained more in a later section.

The DRC does not exactly fit other descriptions of hybrid democracies (Diamond and Gunther, 2002). It is not necessarily illiberal, since there is a vibrant civil society and active media, and executive power has changed hands. Nor is it competitive authoritarianism, since the central government, while often repressive and abusive, lacks the heavy bureaucracy and control that characterize authoritarian states (Levitsky and Way, 2010). Instead, the DRC is closer to other instances that have been described as oligarchic democracies. Oligarchy is usually defined as a political system dominated by politicians who possess enormous material wealth that they use to impose themselves in social and political spheres. (Winters and Page, 2009). Olga Kryshtanovskaya (1996) popularized the term "oligarchy" in the 1990s, referring to the wealthy who emerged from the privatization of state-run companies after the fall of the Soviet Union. In the Philippines, this "cacique democracy" was attributed to colonial rule, which granted much of the land and economic resources of the country to a small elite, who then built political dynasties through elections (Anderson, 1988). In these places, much like in the DRC, elections took place regularly, but elites used their wealth and control of the political system to rig the results. "Democracy" thus consisted in the passing of power from one group of elites to another.

There are, of course, some nuances to this. The oligarchs of Russia today and the Philippines of the 1970s are of a different nature than those in the DRC. There, they emerged from the business sector––in Russia, out of the massive oil, automotive, and metals conglomerates (Guriev and Rachinsky 2005); in the Philippines out of the landed plantation elites (Bulaong et al., 2024). In the DRC, political elites have emerged as a class of their own. The largest economic asset at their disposal has been the state, from which they have extracted massive rents. Figures like Mobutu Sese Seko, Joseph Kabila, Félix Tshisekedi and the large elites who have surrounded them are mostly products of state rentierism (Lutz, 1997; Malukisa 2024). While these politicians have strong connections to business elites, the latter are largely subservient to them, not vice versa. We argue that five features further detail the nature of competitive oligarchy in the DRC: the role of political elites, the outsized strength of the presidency in contrast to weak institutions, the proliferation of political parties, a turbulent media landscape, and the links with violent conflict.

THE POLITICAL ELITES' STRANGLEHOLD ON THE CONGOLESE STATE

Researchers such as Amartya Sen (1999) have argued that democratization should lead to greater accountability, thus improving governance in the long term. In the DRC, the opposite relationship seems to exist, as political elites have insulated themselves from democracy by seizing the main economic stake: the state. This would confirm Acemoglu and Robinson's (2008) conjecture that the influence acquired by the population through democracy can be undermined or even cancelled out when wealthy elites increase their de facto power.

The story of this capture is closely linked to the 2003-2006 peace process and the attitude adopted by donors and foreign capital during this critical period. The logic of the peace process—as formulated by South African, U.N., and Western donors—was to bring about a feedback loop between democratization and economic growth by pursuing a liberalization of both the political and economic spheres (Stearns, 2022). This is a central tenet of liberal peacebuilding: The assumption that a rights-based democracy and a market economy are the best foundations for a lasting and equitable peace. (Paris 2004).

At the start of the transition in 2003, the Congolese economy was tiny, at around $8.5 billion in real GDP terms, with state revenues of just $475 million (World Bank 2008). However, its size rapidly increased, as the peace process led to the privatization of many of the country's most valuable mining and oil concessions, which then-President Mobutu Sese Seko had nationalized. This privatization process rapidly and consid-

erably enriched the new ruling elite. Global trends, fueled by booming demand in the electronics and construction sectors—particularly in China—reinforced the influx of foreign capital: Copper prices rose from $0.65 per pound in 2001 to a peak of $4.50 in 2011, an increase of 592% in ten years. Cobalt prices also doubled over this period (Trading Economics, 2025a; Trading Economics, 2025b).

When the World Bank helped draft the 2002 mining law and reform state-owned enterprises (World Bank 2008; Carter Center 2017), and foreign embassies encouraged the development of private enterprise, they chose not to examine too closely the close links between politics and business. Some investments in the mining sector, for example, were extremely dubious, made well below market prices by shadowy offshore companies (CNPAV 2021). Estimates of losses associated with some of these transactions range from $1.36 billion to $5.5 billion (Africa Progress Panel 2013, Joyce 2011). One of the players in these deals, Israeli businessman Dan Gertler, is said to be worth around $1.5 billion, based on a fortune amassed almost entirely in the Congo. (Forbes 2025) Meanwhile, an analysis of the largest state-owned mining company revealed that $750 million in infrastructure loans from Chinese banks had gone unaccounted for (Carter Center 2017).

Although highly publicized, this large-scale corruption was probably less of a problem than transfer pricing and tax evasion by well-known multinationals. Since the Congolese government mainly taxes the profits of mining companies, many companies reported losses for their local subsidiaries while transferring profits to more lenient tax jurisdictions. For example, a study of Glencore, the DRC's largest mining company, revealed that its Congolese subsidiary Kamoto Copper Company reported losses of around $1.5 billion between 2009 and 2013. During the same period, Glencore's Canadian subsidiary Katanga Mining Ltd. made a net profit of over $400 million, resulting in a loss of $150 million for the Congolese state coffers (Peyer et al. 2014). Civil society organizations have made similar criticisms of other multinationals. (Carter Center 2017).

This transfer pricing, together with the concealment of corruption money by elites, has led to massive flows of money out of the country. According to one calculation, $19.6 billion left the DRC in capital flight between 1996 and 2004, including $4.2 billion during the three years of the transitional government (Ndikumana et al., 2010) —almost as much as the government's entire income for that period. Much of this money went to Europe or North America. During this period, the country's economy grew rapidly thanks to the influx of foreign investment in mining, banking, and telecommunications (Marysse and Tshimanga, 2013).

It is difficult to pinpoint how this income was distributed, as tax records are not publicly available and household surveys tend not to take into account the incomes of the very wealthy. Nevertheless, it is clear that the enormous wealth accumulated by the ruling elite during this period strengthened their grip on power and undermined democracy.

Examples abound. Indirect elections for governors and senators were deeply corrupt, as it was easy enough to bribe several dozen provincial legislators. In every round of these indirect elections, the media reported that votes had been sold for up to $50,000, suggesting that some governors would have had to spend millions of dollars to win (Kodi, 2008). Even direct elections were costly, as campaigns across the country were expensive. According to sources within their respective campaigns, the 2006 presidential election cost Joseph Kabila at least $10 million, and the 2011 campaign for Étienne Tshisekedi, an opposition candidate of relatively modest means, cost $5 million (Stearns, 2022). In 2017, the ruling coalition amended the electoral law, so that political parties must obtain 1% of the vote in legislative elections to be able to sit in the National Assembly (Esambo, 2020b). Running candidates in all national elections costs a political party $1 million in non-refundable deposits, not including the cost of the campaign itself. These conditions clearly favor those with access to state resources and power (Forite, 2024).

There are no laws governing the financing of election campaigns. Although public officials, including the president, are required to declare their assets to public

institutions (in the case of the president, to the Constitutional Court), these declarations are confidential and there is no evidence of any prosecutions having been brought on the basis of these declarations (Constitution 2006, Article 99).

THE DOMINANCE OF THE PRESIDENCY OVER INSTITUTIONS OF ACCOUNTABILITY

Although the DRC has a decentralized, semi-presidential system, the presidency dominates the political scene. The presidency has always been able to forge a majority coalition in the National Assembly, enabling it to form the government and appoint the prime minister. Even in situations, such as in 2019, where a rival party obtains a clear majority in the lower house—in this case, Joseph Kabila's Front Commun pour le Congo (FCC)—President Félix Tshisekedi was able to use the power of his office to co-opt members of this coalition and create his own majority (Batumike and Nyenyezi, 2021).

The power of the presidency derives in part from Congolese political culture; the presidency is the ultimate seat of power for many Congolese, revered in terms of pomp and public discourse. The nickname "Fatshi Béton" ("Felix Tshisekedi is strong like concrete") shows the extent to which a certain opinion insists on a powerful and omnipresent presidential stature in the political game.

This can be seen in public finance: In 2022, the budget for the presidency amounted to some $975 million, or 10% of the total budget—more than justice, health, agriculture and infrastructure combined––while the prime minister's office received a meagre $134 million (Ministry of Budget, 2023). Like the French model that inspired it, the Congolese Constitution also grants extensive powers to the president: He appoints the army's top brass, the governor of the Central Bank, senior civil servants, and the directors of public agencies and state-owned companies. This last attribute has been a particularly important means of granting favors and favoritism. Finally, the main state agencies report directly to the presidency, in particular the intelligence agency and the financial inspectorate.

The Constitution also sets clear limits on presidential power. However, these checks and balances, designed to avoid the excesses of the Mobutu era, have proved weak in practice. Parliament, government, courts, and tribunals are all overshadowed by—and often under the control of—the presidency, undermining the separation of powers and, above all, their independence (Binda et al., 2010; Tréfon, 2013).

Presidentialism took root in the DRC in the very first year of the Congolese state, following the conflict between former Prime Minister Patrice Lumumba and President Joseph Kasavubu. The ensuing political crises between the two heads of the executive branch, even after Lumumba's assassination, led to the establishment of a presidential regime as a means of resolving the state's protracted crisis. The 1964 Constitution, drafted in Luluabourg (now Kananga), provides for a presidential regime that gives the president control of the government (Kamukuny Mukinay, 2011). Under Mobutu, this presidentialism was reinforced.

The first years of the Third Republic were marked by the consolidation of presidential power after the democratic transition (2003-2006), in which years the president was forced to share power with four vice presidents. After the 2006 elections, freed from the constraints of the power-sharing agreement, President Kabila began to consolidate his power, despite the semi-presidential regime introduced by the 2006 Constitution (Binda et al., 2010). In 2007, Kengo wa Dondo, a well-known politician with close ties to the opposition, was elected head of the Senate, while Vital Kamerhe, president of the National Assembly from Kabila's coalition, retained a degree of independence from the presidency. In 2009, however, Kabila succeeded in removing Kamerhe from office because of his opposition to joint military operations between the DRC and Rwanda. Kamerhe's successors then aligned themselves with the president's wishes, transforming the National Assembly into a sounding board for the executive. Between 2009 and 2021, no member of the government was sanctioned by the legislature, despite numerous corruption scandals, and audits and challenges to ministers were rare (Ebuteli, 2024).

In 2015, however, presidential power seemingly began

to crumble, with the Senate blocking an attempt to delay elections by making them conditional on a population census. In order to postpone the elections, Kabila was forced to open up his government to parts of the opposition, undermining his authority, while fostering dissent within opposition parties (Namegabe and Batumike, 2022). This weakening of the presidency was initially accentuated by the accession of Félix Tshisekedi to the presidency following a secret agreement with his predecessor, whose FCC coalition retained control of the national and most provincial parliaments (Nyenyezi 2020).

Despite this initial appearance of a more accountable presidency, the arrangement between Kabila and Tshisekedi ultimately undermined the legitimacy of the elections—since the results were determined by a political agreement and not by the actual election results (Wilson et al. 2019)––and eventually increased presidential power (Englebert and Kasongo, 2020). With his rival in control of the Parliament, Tshisekedi delayed the formation of a government, governing for six months through his presidential cabinet, whose staff and budget grew considerably (Kibangula 2019). While the FCC finally formed a government in August 2019, tensions between the FCC and Tshisekedi's Union coalition quickly escalated. Intent on forming a new parliamentary majority, Tshisekedi began co-opting rival MPs, threatening them and offering them lucrative ministerial and public sector posts to join the new government coalition, the Union sacrée de la Nation (USN) (Nyenyezi and Batumike, 2021).

These maneuvers reveal the power of the presidency. While some political parties chose to join the USN, several elected representatives did so without the endorsement of their parties (Nyenyezi and Batumike, 2021), which remained in the FCC, now in the opposition. As deputies are elected on political party lists, their mandates were previously considered as belonging to their party, creating a legal problem for this type of "political transhumance," as it is known in the DRC. Article 110 of the Constitution clearly states that "any deputy or senator who deliberately leaves his or her party during the legislature is deemed to have renounced the parliamentary mandate he or she obtained for the said party." However, the Constitutional Court, over which Tshisekedi had increasingly succeeded in asserting his dominance through a series of controversial appointments, issued a ruling in January 2021 prohibiting these kinds of "imperative mandates" (Constitutional Court 2021). As a result, deputies became free electrons who could be mobilized for the president's causes, in defiance of their parties.

The dissolution of the parliamentary majority in 2020 underlined the dominance of the presidency in contemporary Congolese politics. Tshisekedi increased the number of agencies within the presidency and dramatically increased its budget. Although he has regained control of all institutions since 2021, power remains concentrated in the presidency. This is where all major issues are negotiated, sometimes to the exclusion of legally competent institutions. (Kasongo, 2024; Rubbers, 2023).

The dominance of the executive is also attested to in several other areas. First, the outcome of parliamentary work depends on presidential approval. According to the Constitution, the president must promulgate laws passed by the Parliament within 15 days of their transmission–unlike in Kenya, Zambia or the U.S., the president has no veto power. Once this deadline has expired, laws are supposed to be automatically promulgated. In practice, however, some laws forwarded for promulgation have been frozen due to presidential intransigence. For example, a law on the Constitutional Court passed in 2013 remained in legal limbo as President Kabila refused to sign it. It was finally re-examined two years later and promulgated in 2015. The Official Gazette, the body responsible for publishing laws, depends on the presidency. It therefore cannot publish a text that has not been validated by the president, a discretionary power that has given the executive a de facto ability to veto the Parliament. Another example came in December 2020, when President Tshisekedi refused to approve the National Assembly's appointment of Ronsard Malonda as the new president of CENI, fearing that he was too close to his rival Kabila (Nyenyezi and Batumike, 2021).

Secondly, the Parliament theoretically has the power to impeach the president. To do so, it must appoint a prosecutor and obtain a two-thirds majority against the

president. However, when Jeanine Mabunda, president of the National Assembly, raised the possibility of impeachment in response to President Tshisekedi's threat of dissolution of the National Assembly in January 2020, she was subjected to threats and verbal attacks (Nyenyezi and Batumike, 2021). It became clear that this constitutional right was an affront to the conception of presidential power held by those close to Tshisekedi. Talk of impeachment was quickly abandoned.

Thirdly, the executive has a habit of blocking the execution of judicial decisions. In 2021, the Association Congolaise pour l'Accès à la Justice (ACAJ, Eng: Congolese Association for Access to Justice), a civil society organization, reported that judicial decisions were not being enforced due to political influence, including those of the Constitutional Court, the country's highest court, which are binding and come into force immediately (ACAJ 2021). For example, following the 2023 elections, the Court prohibited the government of the previous legislature from serving as an interim administration, tending to official affairs (Constitutional Court 2024). Nevertheless, President Tshisekedi kept the cabinet in place. The same applies to decisions settling disputes between provincial institutions, whose execution depends on the goodwill of the minister of the interior. The central government has continued to interfere in the governance of provincial institutions, despite their constitutionally guaranteed autonomy. For example, in 2017, the minister of the interior kept the governor of Haut-Katanga in his post despite a constitutional court ruling confirming his dismissal by the provincial assembly; a similar situation occurred with the governor of Kongo Central in 2019. Finally, on several occasions, the central government suspended the work of provincial assemblies, despite a ruling by the Constitutional Court prohibiting this type of behavior (Constitutional Court 2022a).

In addition to blocking unfavorable court decisions, presidents have also been able to manipulate the judiciary to decide in their favor. In 2016, the Constitutional Court ruled, in line with President Kabila's interests, that the government was not obligated to respect constitutional deadlines regarding elections, as it was more important that the electoral commission had sufficient time to organize good quality polls (Namegabe and Batumike, 2022). This decision enabled the government to delay the elections by two years. However, the same body did an about-face in 2023, in line with Tshisekedi's conviction that "to consolidate our young and still fragile democracy, respect for electoral cycles remains a requirement," (Nsiesi 2022) prompting CENI to go ahead with the elections when most observers suggested that it did not have enough time.

This decision gave more importance to the presidential election than to other ballots, as this decision meant that only some local elections would only be organized, reinforcing the idea that the president is the true repository of state power. This view dominates the political class, without distinction between majority and opposition. Similarly, the extension of the terms of office of provincial governors, provincial assemblies, and the Senate between 2012 and 2019 have been widely tolerated, in contrast to the outcry over the two-year extension of the presidential term in 2016-2018 by civil society and opposition parties.

Finally, the mythical aura that surrounds the presidency, a legacy of the Mobutu era, encourages attacks on the public freedoms necessary for democracy to flourish. The penal code still makes "outrage au chef de l'État" (Eng: insulting the Head of State) a criminal offense, a law that has existed since 1963. In 2022, the former vice president of the National Assembly, Jean Marc Kabund, who had fallen out with the President, was arrested on this charge (Batumike and Nyenyezi, 2023).

THE PROLIFERATION OF WEAK POLITICAL PARTIES

The presence of strong parties increases the transparency of political outcomes and strengthens accountability between voters and their representatives (Diamond & Gunther 2001, Kölln 2015). Political parties in the DRC have become increasingly personalized and weak. The absence of strong parties has contributed to the personalization of politics and the larger-scale erosion of constitutional checks and balances (Kamukuny 2011).

The weakening of parties in the DRC can be attributed in part to their rapid proliferation. There are currently 920 political parties registered in the country (Ministry of Interior, 2023), with 43 represented in the 500-seat National Assembly (CENI, 2024a). This stems from two factors: One is the proportional representation electoral system, which was designed to be as representative as possible in order to forge post-conflict stability, with the result that some electoral districts have as many as 19 seats. In the city of Lubumbashi, for example, 595 candidates vied for 14 seats in the National Assembly in 2023; one candidate was elected with a mere 1,700 votes in a city of over 2 million people (CENI, 2024b). In contrast, in the city of Beni, one national MP was elected with 67,913 votes. Both of those legislators have the same formal power in parliament, even though one of them received forty times as many votes as the other.

The other factor was originally an electoral strategy, inaugurated in 2011 by former President Kabila advisor Katumba Mwanke, called "electoral mosaics." (Berwouts, 2017) This strategy stems from another provision of the electoral law: The rule of the strongest remainder. If a party or "regroupement" list––the coalition of parties that often vie for seats––in a given constituency has enough votes to obtain 1.75 seats, for example, it automatically obtains 1 seat. The next seat is then awarded to the groupement or independent candidate who has reached the electoral quotient (Malumalu and Feghali, 2006). If no other party has reached the electoral quotient, the next seat is awarded to the groupement with the highest remainder, i.e. the one with the highest number of votes, and so on until all the seats in the constituency have been allocated. The logic of this mosaic system is to create artificial parties in order to obtain additional seats. For the 2011 elections, for example, Kabila's ruling coalition created dozens of these auxiliary parties in the hope of winning remainder seats, and this trend was reinforced in subsequent elections (Berwouts, 2017). Few, if any, of these parties stand out for their political programs.

Political party financing also contributes to this state of affairs. Political parties are largely based on clientelism—there is no public funding of parties, and party leaders expect to be repaid for their contributions through access to the state apparatus. The state provides economic opportunities through legal and extra-legal means. For example, while the average secondary school teacher earns around $140 a month (Curnis 2024), in 2020, the base monthly salary of a member of parliament (before their numerous benefits) was reported to be around $4,200, that of a minister $17,500, and the head of a state-owned company earns over $20,000 (Zoomeco, 2020; Bakutweni, 2021). For senior civil servants, these figures exclude the many privileges, per diems, and bonuses that elected and appointed officials can earn, as well as the possibility of enriching themselves through embezzlement and bribery.

THE TURBULENT LANDSCAPE OF MEDIA AND CIVIL SOCIETY

In terms of civil liberties, the country has come a long way. Under Mobutu, civil society worked under extremely difficult conditions. But since the liberalization of politics in 1990, and especially since the democratic transition from 2003 to 2006, civil society has flourished, engaging in service provision, development work, human rights monitoring, civic education, and aid provision. The media has undergone a similar transformation, particularly since the rise of online media in the 2010s. During Kabila's second term, the country also saw a growth in social movements which, together with the Catholic Church, blocked his attempts to stay in power.

This section describes this evolution and highlights its mercurial influence on democracy in the DRC: While the dynamism of civil society and social movements has helped preserve elements of accountability and a vibrant public sphere, it has also been partially co-opted by political elites. The environment of civil society and the media underwent multiple transformations from the Mobutu period until today, leading on the one hand to specialization but also to concentration, thus weakening its capacity to mobilize the masses.

This section outlines three main stages in the evolution of civil society: the formation of post-Mobutu civil society, the simultaneous politicization and disconnec-

tion of civil society, and the rise of citizen movements as a critique of civil society.

The birth of Congolese civil society

The origins of Congolese civil society in its current form lie in the political upheavals that followed the fall of the Berlin Wall in the late 1980s. Until then, the single party of the Mouvement populaire pour la révolution (MPR) left no room for civic or political organization outside the party. Professional organizations, community structures, youth movements, and national and local press agencies were all controlled by the MPR and its political and security instruments. Repression of any attempt at dissident organization was the rule, involving both the judiciary and more decentralized bodies such as the Corps des activistes pour la défense de la révolution, a branch of the MPR youth movement responsible for repression of the opposition and other critical voices (Library of Congress, 1993). Since then, the ruling parties under Joseph Kabila and Félix Tshisekedi organized similar youth wings and paramilitary groups. The latest example is the Forces du progress (Eng: forces of progress), a militia formed by members of UDPS (Polet 2024).

The Mobutu period was characterized by two internal dynamics contributing to a general feeling of malaise in the nation. First, Mobutu's dictatorship was increasingly challenged in Kinshasa with the creation of the opposition party UDPS, but also partly thanks to the actions of political education structures within the Catholic Church. The second dynamic was the social and economic crisis facing most of the DRC in the late 1970s and early 1980s (Library of Congress, 1993). This crisis, initially triggered by the nationalization of key sectors of the economy in the early 1970s and the OPEC oil crisis, intensified following the failure of structural adjustment policies imposed by international financial institutions, which forced the already weakened Congolese state to further disengage from certain vital sectors (Peemans 1997). In the east of the DRC, this failure accentuated the feeling of abandonment of the populations of the former Kivu province, who had benefited little from public investment and even less from development projects (Library of Congress, 1993).

To compensate for the state's inability to meet the population's basic social needs, Congolese civil society began to organize around the needs of peasants, the sector of society arguably most affected by the crisis. Thus was born Solidarité Paysanne (Eng: Peasant Solidarity), which many consider to be the mother of Congolese civil society in its current form. Originating in the province of South Kivu, the movement rapidly spread to other regions of the country, organizing peasant communities around the provision of services and economic development (Salumu, 2014). On the eve of the National Sovereign Conference (1991-1992), there was already a significant network of grassroots organizations in operation, sometimes with the support of foreign donors (Bagalwa, 2002).

Influenced by left-wing movements in Europe and Latin America, this new movement played a role in political education and mobilization against the Mobutu regime, which equated it with the nascent opposition (Josiah Bushoki, civil society leader, interview October 20, 2024; Observatoire Humanitaire, N.D.). This grassroots movement helped to raise awareness among the masses and inaugurated new forms of political participation through local, broadly participatory development committees as well as cooperatives (Muchukiwa, 1993; Josiah Bushoki, author interview, October 20, 2024; Roy Maheshe, author interview, October, 2024).

At the same time, another civil society movement was born, focusing on demands for civil and political rights. Although it had its roots in the development movements formed in eastern DRC, as well as in the specialized structures of the Catholic Church (the Justice and Peace Commissions), this movement gained momentum mainly through Kinshasa-based organizations such as the Voix des Sans-Voix (Eng: the Voice of the Voiceless) and the Association Africaine des Droits de l'Homme (Eng: African Association for the Defense of Human Rights), which specialized in documenting and denouncing human rights violations (Pascal Kambale, civil society leader, author interview October 20, 2024). These organizations' exposure to the media and international structures made them key players during the transition to democracy, documenting human rights violations and massacres in various regions of the DRC (Nzongola-Ntalaja, 2013).

The two scourges of civil society: Politicization and depoliticization

Today, according to a USAID-commissioned report, over 30,000 civil society organizations are registered in the DRC (USAID et al., 2020). This figure is undoubtedly underestimated, given the number of informal structures and other associations registered only at the town and village levels. Many of these organizations have contributed to the country's democratization process. Their activities and advocacy enabled them to position themselves as players in the process, from the National Sovereign Conference to the peace process negotiations in Gaborone, Lusaka and Sun City between 1999 and 2003. (Nzongola-Ntalaja, 2013). Their activism also led to important victories in terms of rights such as freedom of association, gender parity, the right to education, and many others which were enshrined in the 2006 Constitution (Nzongola-Ntalaja, 2013).

However, two opposing trajectories—politicization and depoliticization—within civil society movements have weakened them.

On the one hand, while their contribution to the various peace processes has enabled them to advance rights-based legislation and other reforms, it has also had a cost in terms of image: From interviews we have conducted, it is clear that civil society has been perceived as increasingly aligned with the government and as a stepping stone to a political career. Indeed, in the course of the various peace negotiations, several influential civil society players ended up participating in the various transitional or national unity governments. Personalities such as Pierre Lumbi, and, more recently, Rose Mutombo and Leonie Kandolo—all key civil society leaders—have since accepted ministerial positions within the government.

Based on previous research and interviews with civil society leaders, the most organized migration between civil society and politics occurred with the creation of the Mouvement social pour le renouveau (MSR), a party allied to President Kabila. Pierre Lumbi, a leading figure in civil society and co-founder of Solidarité Paysanne and MSR, joined Kabila's government—first as minister of infrastructure, then national security advisor. Several other leaders have also joined various levels of government. This politicization of civil society has also reinforced its polarization. Several civil society movements aligned with the opposition or the government have emerged.

On the other hand, under pressure from donors and development agencies, some parts of civil society have moved towards greater sectoral specialization and away from direct involvement in politics. This trend, which began in the early 1990s with the creation of the Conseil régional des organisations non gouvernementales de développement (Eng: Regional Council of Development Non-governmental Organizations), then the Conseil national des organisations non gouvernementales de développement (Eng: National Council of Development Non-governmental Organizations), has led to a gradual professionalization of civil society (Weijs et al., 2012). In line with the neoliberal logic of limiting rather than strengthening the state, this part of civil society specializes more in the provision of public services in the fields of healthcare, agriculture, education and others. This trend has been amplified by the massive influx of international NGOs into the country (Seay, 2009; Trefon, 2009). Congolese organizations have become subcontractors to these INGOs to respond to humanitarian crises. The result has been a gradual depoliticization of civil society and a move away from its roots in society. When unable to engage politically, civil society loses its principal and vital ability to hold the state accountable, encourage democracy, and mobilize the public.

Citizen movements: A critique of civil society

It is in this context of apparent depoliticization of one part of civil society and politicization of another that citizen movements were born, principally the Lutte pour le changement (Lucha, Eng: Fight for Change) movement. This movement, born in 2012 in the city of Goma, a hub for international humanitarian organizations, is characterized by its refusal to register as a non-profit association or NGO, its non-violent direct actions, and its campaigns for access to basic goods such as water, roads, and electricity (Perera et al., 2018). This approach distinguishes the move-

ment from civil society organizations that Lucha feels no longer represent the people. As we have seen ourselves in our interactions with them, Lucha has developed a critique of the NGO-ization of civil society, arguing that the high degree of professionalization isolates civil society from its base and distances it from the latter's priorities. It also echoes the localization movement's recognition of the power differential and perverse relationship between Northern and Southern organizations (Firchow and Wingender, 2023).

Based on previous research and interviews with civil society leaders, we argue that Lucha quickly adapted its philosophy into a critique of the Kabila government at national level, and the movement expanded during the 2015-2018 protest period. It played an important role in mobilizing against a third term for Joseph Kabila and for the holding of national elections. In the same context, other movements emerged, such as Filimbi, with a similar modus operandi. However, as was the case for the pioneers of post-Mobutu civil society, these citizen movements have had to rise to the challenge of advancing the people's agenda without succumbing either to pressure from international players or to solicitations from opposition or government players.

The depoliticization and political instrumentalization of civil society, has made it an imperfect counterweight to the state. Officially, the sectoral specialization and professionalization of civil society make it more effective. In reality, they have reinforced civil society's accountability to its donors rather than to the population it serves or represents. It also makes it compatible with autocratic regimes, which civil society does not necessarily challenge, but "accompanies" in Congolese parlance. On the other hand, the excessive politicization of civil society sometimes leads to confrontations between pro-regime and pro-opposition groups. This feeds the partisan image of civil society and disconnects it even further from the population. How to be effective without being cut off from its base, how to get involved in political processes without appearing to be co-opted by political players, how to reconnect with the masses––these are the challenges facing Congolese civil society.

COMPETITIVE OLIGARCHY AND VIOLENT CONFLICT

The emergence of a competitive oligarchy in the DRC has gone hand-in-hand with the persistence of violent conflict in the east of the country. These two dynamics are not disconnected. Over time, the Congolese government has weakened its security services and used violent conflict in the distant Kivu and Ituri provinces as a means of controlling the army and coup-proofing their regime. (Stearns 2022)

To understand this investment in disorder, we have to analyze the dynamics within the security forces at this critical juncture of the 2003-2006 transition. It was here, at the heart of the state and army, that the logic of violent order emerged.

The terms of the peace deal required President Kabila to integrate his army, bringing his former enemies into the senior ranks of the new Forces armées de la République démocratique du Congo, raising the possibility that they could overthrow him. One author of this report describes the predicament faced by Kabila in a previous book:

> After all, his father was killed in office by his own bodyguard, and Kabila was said to be worried about his personal safety, wearing bulletproof vests in public. However, the threat was not just from his former enemies, but also from so-called loyalists, as violence had become a means of bargaining. In 2004, Eric Lenge, a major in the Republic Guard, attempted to overthrow the government, briefly occupying the national radio and television station before fleeing. According to several sources, he was protected, perhaps even encouraged, by General John Numbi, then the head of the air force. Numbi was not arrested or questioned. This reluctance to crack down on insubordination was not unusual. According to a senior security official in the UN peacekeeping mission, General Dieudonné Banze, the commander of the Republican Guard, would even hire out units of the presidential guard to work for a private security company in South Africa, unbeknownst to President Kabila (Stearns, 2022, 70).

This was the context in which a mutiny erupted in eastern DRC in 2003-2004 among former Rassemblement Congolais pour la Démocratie (RCD) officers, which eventually morphed into the paramilitary group Congrès national pour la défense du peuple's (CNDP, Eng: National Congress for the Defense of the People) rebellion. This rebellion was seen not merely as a threat at the periphery of the state, but as having the potential to destabilize the political transition and provoke a coup in Kinshasa against Kabila, drawing on former RCD officers and units that had been integrated into the national army (Stearns, 2012).

The threat of a coup was further hammered home in August 2006 and March 2007, when soldiers loyal to a former rebel leader, Jean-Pierre Bemba, battled with the national army in downtown Kinshasa, killing several hundred civilians and many soldiers. Bemba had been vice president during the transition and had arrived in Kinshasa with several hundred soldiers, an arrangement that had been accepted in order to reassure the former rebels integrating into the new government (International Crisis Group, 2018).

These threats pushed Kabila to invest in weakening the army. He placed the capital under the control of the Republican Guard, sent the bulk of the troops to the restive east, and defanged and co-opted the army by reinforcing patronage networks. Political elites inoculated themselves against coups by deploying most of the army far from the capital, using patronage to keep officers loyal to them, and by allowing security services to enrich themselves through illegal taxation and racketeering (Stearns, 2022).

Those patronage networks—from Kabila's government and rebel groups—persisted even if they undermined government operations against armed groups. On numerous occasions, there have been credible accusations that senior army officers have been complicit with enemy action on the battlefield or have embezzled operational funds. This was the case for General Gabriel "Tango 4" Amisi, who, while nominally working for Kabila's government, was accused of working with the CNDP rebellion in 2006 as commander of North Kivu province (Stearns 2022). Another example is General Akili Mundos, who was accused by the United Nations Group of Experts of supporting the Alliance of Democratic Forces rebellion in 2015 (United Nations 2016).

Conclusion

The DRC is a paradoxical political system. Its recent history offers numerous examples of assassinations and arrests of opposition and civil society leaders, while public discourse in the country is full of vehement criticism of government officials, right up to the highest level. We have described a clear centralization of power within the presidency, yet Joseph Kabila—unlike many of his peers on the continent—was unable to amend the Constitution to allow a third term or impose his chosen successor (though he did strike a deal with his successor Tshisekedi to remain in control of the National Assembly). And while liberal democracy is clearly enshrined in the Constitution, it contrasts sharply with the practice of government in the DRC, where the separation of powers, liberal rights, and the integrity of elections are frequently flouted.

We have assessed this political system based on five criteria:

- **Political parties:** These are excessively numerous, personalized, and poorly institutionalized, with little internal accountability, limited ideological clarity, and few mechanisms to promote transparency.

- **Civil-military relations:** The government has been able to successfully insulate itself from coup attempts but, in the process, has fragmented the army and created competing patronage networks within its ranks.

- **Vertical accountability:** Elections are held on a regular basis at the national and provincial level, but with the exception of the 2006, they have been deeply flawed. While an element of competition remains, electoral institutions have been politicized, opposition candidates and civil society members regularly face repression, and voting and compilation process lacks transparency.

- **Diagonal accountability:** Media and civil society are active in criticizing the government and mobilizing protests. There are, however, regular crackdowns on their activities.

- **Horizontal accountability:** There are many institutions of horizontal accountability, including the Parliament, an election commission, national auditing and anti-corruption bodies, and judicial institutions. However, these institutions have all progressively become politicized and weakened since the 2006 elections and are often beholden to the executive.

These characteristics are consistent with a hybrid democracy, but we argue that "competitive authoritarianism" is an inadequate description. Although in their original formulation, Levitsky and Way (2002) admit significant competition in this type of regime, the use of the term "authoritarianism" is misleading in this case. Although the Congolese regime uses force to intimidate opponents, flouts the rule of law, and uses state resources to organize elections in its favor, it currently appears too weak to be able to stay in power beyond constitutional deadlines, which is a key element of authoritarianism. The country is therefore closer to Nigeria or Kenya, where the renewal of executive and legislative powers is regular, albeit marred by scandals, than to the Republic of the Congo, Ethiopia, or Rwanda.

Instead, we propose the term "competitive oligarchy." This term underlines the great promiscuity of the political elites, with a regular rotation of political leaders between the ruling coalition and the opposition. For example, many of Kabila's senior officials—including Evariste Boshab, Lambert Mende and Julien Paluku—have since joined Tshisekedi's USN coalition. More importantly, this highlights the "rule of the few"—the lack of accountability that exists between the ruling elite and the population at large. In fact, responsibility flows horizontally between the elites, who are primarily concerned with their political and military rivals, as our discussion of coup-proofing suggests.

Despite this oligarchy—and perhaps adding another paradox—many Congolese still seem deeply attached to the liberal democracy enshrined in the Constitution. In a poll conducted in 2022, 77% said they preferred democracy to any other form of government; only 24% said military rule would be preferable (Ebuteli 2022). This situation may not last. If regular elections continue to perpetuate the rule of the few, characterized by conspicuous consumption and the flaunting of wealth by those in power, electoral legitimacy will most likely diminish. In the near future, it will probably be put to the test by the current government. At the end of 2024, opinion leaders close to those in power began talking about amending the Constitution, including the "locked" provisions on term limits and decentralization (Wuilbercq and Bujakera, 2024). With Tshisekedi's term of office coming to an end in 2028, it remains to be seen whether the few existing democratic norms and institutions In the DRC will be upheld.

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