

DRC: ‘Greater involvement of international civil society is needed to better protect Congolese defenders’

As part of our 2018 report on the theme of [reimagining democracy](#), we are interviewing civil society activists and leaders about their work to promote democratic practices and principles, the challenges they encounter and the victories they score. CIVICUS speaks to Albert Labani Msambya, Head of Advocacy and Policy Engagement Officer at the Anticorruption Research Centre (Centre de Recherche sur l’Anti-Corruption, CERC). Founded in 2017, CERC is an independent, non-partisan and not-for-profit organisation that aims to empower citizens through education and civil engagement, and to enhance transparency and accountability in the Democratic Republic of the Congo (DRC).



Much-delayed elections are finally scheduled for December 2018. What are the main concerns of civil society regarding these elections and the pre-election period?

According to the Congolese Constitution of 18 February 2006 and its subsequent amendments, the elections should have taken place on 27 November 2016, three months before the end of President Joseph Kabila’s term. They were, however, repeatedly postponed for no valid reason. At this stage, the electoral process in the DRC is at risk.

In view of the growing deterioration of the socio-political situation and the lack of consensus among stakeholders, Congolese civil society in general, and CERC in particular, believe that the management of the electoral process underway is inimical to the consolidation of democracy, and we call for the building of a strong consensus involving all stakeholders. More specifically, the ruling power, the opposition, the National Independent Electoral Commission (CENI), civil society and all other institutions supporting democracy must reach consensus to settle the ongoing controversies, a necessary precondition for this year's democratic election process.

Scheduled for 23 December 2018, the elections still raise terrible doubts, including over the audit of the electoral roll. CENI data show disturbing increases in the number of voters in some provinces, suggesting that the distribution of seats was made on the basis of an unstable registry. We also note controversies and a lack of consensus regarding voting machines. [CENI's decision to use a new voting machine](#) is not supported unanimously by the political class and does not reassure the population either, suggesting that the results will be contested. We do not understand why CENI still maintains its decision to impose these machines, if not as a way to delay the elections in case the machines have to be taken back as a result of the criticisms. This situation weakens the consensus that is necessary for holding credible and peaceful elections.

Several clauses of the [New Year's Eve Agreement](#), signed by the government and the opposition under the auspices of the Catholic Church on 31 December 2016, have been deliberately violated by its signatories - and particularly chapters 4 and 5 about the electoral process and the easing of political tensions. We have also denounced serious violations of the freedom of peaceful assembly and other human rights.

What would it take for the elections in the DRC to be credible, free and fair?

The credibility, freedom, fairness and transparency of elections in the DRC will remain mythical if CENI remains subordinated to the incumbent power. For there to be a clear, credible, free, fair and transparent electoral process in the DRC, there needs to be full independence of CENI, the establishment of an independent joint election observation commission, consensus among stakeholders on key issues currently under discussion and respect for the clauses of the New Year's Eve Agreement and for the rights and civil liberties enshrined in articles 11 to 67 of the Congolese Constitution.

What challenges are caused by corruption and other illicit activities in the DRC?

The prospects for good governance, and more particularly democracy in the DRC, are confronted by the reality of a socially and politically fragile state and face profound difficulties. Ranked 161st in [Transparency International's 2017 Corruption Perceptions](#)

[Index](#), the DRC is among the most corrupt countries in the world. And the situation is getting worse because there is no punishment for corruption. Corruption causes gangrene in all key areas of public policy-making including education and health agencies as well as the legislature. The range of illicit practices is very wide: it encompasses corruption, nepotism, influence peddling, abuse of public goods and the crime of interference, along with looting in its most violent forms in conflict areas. Take the example of elections: wealthy political actors corrupt the commission responsible for organising the electoral process; against the popular will, the person who was in fact elected by the citizenry is deprived of the position and the one who lost is declared the winner. Democracy suffers from a huge legitimacy deficit.

Another example, perhaps the most emblematic in the DRC, relates to the porous nature of borders, which through illicit practices offer the possibility for insurgents to enter DRC, fuelling conflict and creating insecurity. A lot of money, the result of unpaid taxes and money laundering, also disappears at the borders, while it should be used for building schools or hospitals.

It is possible to say that many people see corruption as 'legitimate', as the prevailing form of social and political management of some state institutions and services, although it constitutes a major impediment to the government's ability to meet the basic needs of citizens. Formal institutions - administration agencies, the justice system, the police and the armed forces, among others - exist, but they are accommodated or bypassed. A form of anomie prevails in the DRC: our society is lacking in ethical and social standards. In such context, the agenda of 'good governance' and democracy is proving a very difficult one.

Starting in January 2018, CERC has a Centre for Legal Assistance and Citizen Action (Centre d'Assistance Juridique et d'Action Citoyenne, CAJAC) whose daily tasks are to provide assistance, moral support and legal advice to victims and witnesses of corruption in the DRC. It functions mainly thanks to the voluntary commitment of lawyers who are members of the organisation and put their expertise to the service of this project in order to deal with this anomie and create awareness that corruption is not normal.

What are the main constraints to the exercise of the fundamental freedoms of association, peaceful assembly and expression experienced by civil society in the DRC, and in particular by the civil society that advocates for human rights and democratic freedoms?

Congolese civil society seeks to give a voice to the silenced part of the population - those who cannot express themselves freely, unlike the well-protected political actors. Numerous reports and cases collected from the DRC show that the human rights that guarantee a margin of manoeuvre to civil society have been steadily decreasing. Most of

the peaceful protests of civil society to demand compliance with the Constitution and the New Year's Eve Agreement have been banned or repressed, both in the capital and the provinces. The questions and demands for information by civil society to the authorities and the National Council for Monitoring the Agreement and the Electoral Process (Conseil National de Suivi de l'Accord et du Processus Electoral, CNSA), regarding particularly the issue of easing political tensions, have so far not been answered. These restrictions represent a major challenge, especially for actors working in fragile and conflict-affected contexts, as they make dialogue, inclusion, participation and ownership virtually impossible - and these are key elements of peace and democratic processes.

To what extent are civil society organizations (CSOs) able to fight corruption and promote democratic freedoms and practices in the pre-electoral period? What challenges does civil society encounter, and what successes has it achieved in its work?

CSOs need to engage with various actors from government, the opposition, democracy support institutions and others at both the national and international levels to properly play their roles leading to elections. It is not efficient or effective to develop action plans without engaging in dialogue with these stakeholders. Civil society also has a duty to inform people about their rights and freedoms before, during and after elections, and must denounce power abuses and the violations of those rights that take place during the pre-election period. It must also regularly hold discussion forums to exchange information and collect a variety of opinions on issues of community interest before the elections. Further, civil society must monitor, raise awareness and advocate for civil liberties and democratic practices.

Currently, Congolese civil society leads a movement that demands democratic reform. Given the weakness of government institutions in the DRC, civil society is proving to be an essential player in the country's reform process. But civil society has only had minimal success in its actions aimed at putting pressure on the authorities. It is worth noting the 'dead cities' initiatives of Congolese civil society - peaceful demonstrations and sit-ins that are often followed by the population. This was the case, for [example](#), in the Uvira territory, where in late 2017 civil society called for a 'dead city' action to demand that the South Kivu provincial government rehabilitate a bridge, following which a solution was quickly found. But this kind of successful mobilisation only makes the authorities react slightly. Most of these claims fall on deaf ears.

What kind of support does Congolese civil society need? And how can international civil society and the international community support it better?

Civil society in the DRC is very much in need of support given the importance of its actions and the enormous challenges it faces. These include a shortage of financial and technical means to carry out its actions, weak mobilisation due to limited citizen engagement, communication difficulties, security constraints, a lack of networking opportunities and the suffocation of its actions by the authorities, among others.

In addition, the dispersal of society's efforts, due to a divergence of interests, remains another major challenge. We are witnessing a crumbling of Congolese civil society; however, the goal remains the same. Many civil society actions are carried out in a disorganised and unprofessional way, whereas if carried out with cohesive force, they would produce more direct reactions.

We also see a politicisation of civil society and a certain instrumentalisation of civil society by political parties. This increases the mistrust of the population and political actors towards civil society.

Finally, civil society actors, and especially those working on human rights, are often the victims of violence, are killed or are targeted with endless judicial processes.

For all these reasons, greater involvement by international civil society and the wider international community is needed to better protect Congolese human rights defenders. We believe that it would be useful to have regular alerts by the international community and international civil society on the protection of Congolese civil society actors, and to demand fair and equitable trials of those who commit offences against civil society personnel. The most obvious example of this is the case of [Floribert Chebeya](#), president of Voice of the Voiceless, a prominent human rights activist murdered in 2010. His alleged murderers are still at large.

Civic space in the DRC is rated as 'closed' by the [CIVICUS Monitor](#).

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