

Review

National dialogue as solution to African problems: The D. R. Congo in focus

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Some African leaders cause problems in Africa when they breach peace accords, rig elections or manipulate their respective constitutions in order to remain in power indefinitely. At the same time, they expect a frustrated opposition to come along through national dialogues and help to quench the fire which they have deliberately ignited. It appears however that lasting solutions to political crisis are yet to be found in countries such as Burundi, Congo and Gabon to name but a few. This paper focuses on a series of actions initiated by the government of Democratic Republic of Congo (DRC) in recent times. Such actions included the reluctance of the Kabila administration to fund the Independent Electoral Commission, the Constitutional Court's interpretation of Article 70 of the Constitution that ruled in favour of the incumbent to remain in power until a new president is elected and the inconclusive nature of the national dialogue to discuss the future of the country beyond 2016. The study relies on secondary data (review of extant literature) and adopts a paradigm of elite clientelism in order to make sense of the current political stalemate. Findings suggest that the government-initiated political dialogue was a sophisticated strategy of dividing the opposition and rewarding a few sympathisers to the regime with political appointments in order to maintain the status quo ante. The study calls on donor countries to step up pressure on the regime and condition their development aid on its readiness to hold credible elections in order to avert another major crisis looming.

Key words: National dialogue, constitution, Kabila, elite clientelism, term limit, conflict.

INTRODUCTION

At a book launch in Addis Ababa in 2008, renowned economist George Ayittey coined the catchall phrase 'African solutions to African problems' (Figuremariam, 2008), urging political leaders to stop recycling colonial clichés that no longer work for the people of Africa in the 21st century. In his early publication, *Africa Unchained: The Blueprint for Africa's Future*, the same scholar made

his point clear when he deplored the "so-too-must-we" syndrome of uncritical imitation of the West: "If all they can do is to imitate, they might as well bring back the foreigners to come and rule Africa" (Ayittey, 2005: 85). However, one thing is for African politicians to claim ownership of the solutions they adopt in their respective constituencies and another thing is for them to agree on

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what African problems really are. Former president Yayha Jammeh who had ruled the Gambia for 22 years and refused to step down after losing the December, 2016 elections created an African problem (refusal to hand over power peacefully) which if left to him alone, would have led the country into a civil war. An African solution had to come from the Economic Community of West African States (ECOWAS) that threatened to use force against Jammeh before he was able to leave the Gambia.

Elsewhere on the continent, incumbents create similar problems when they breach peace agreements, rig elections or manipulate their respective constitutions in order to remain in power indefinitely. Whether in Gabon, Congo or Niger and Chad, government-initiated dialogues have been used as a template in the management of post-electoral violence with little or no success. As far as the DRC is concerned, President Joseph Kabila invited the Congolese people to a national dialogue in order to discuss the country's future toward the end of his second term in office. This paper addresses the question as to whether the said dialogue was meant to generate innovative solutions to the Congolese problem or to legitimise the continuation of the Kabila regime. The study relies on secondary data (review of relevant literature) and its argumentation is divided into five sections as follows. A call for national dialogue that came at the end of the Kabila's last term in office is taken at face value as a nice way of finding an appropriate solution to the Congolese perennial problem of leadership. The latter transpires in the political history of the country through a series of legitimacy struggle at the helm of power right from the beginning of the First Republic and throughout subsequent regimes. The paradigm of neopatrimonialism provides the study with a theoretical framework which is followed by a discussion on the failure of the dialogue to produce a roadmap for a peaceful transfer of power in the near future as a result of elite clientelism coupled with an institutional weakness of regional communities.

GOVERNMENT-INITIATED DIALOGUE

According to Article 70 of the 2006 Constitution of the Democratic Republic of Congo (IDGPA, 2015), the president is elected according to the universal suffrage for a five-year term renewable once. At the beginning of his second term in office, President Joseph Kabila launched a round of national consultations in a symbolic gesture of reaching out to the losers of the 2011 general elections. Accordingly, the ruling party and a large number of opposition parties were able to form a coalition government in December, 2014 which was expected to end by December, 2016 with the general elections. However, in a televised broadcast to the nation on 28th November, 2015, the incumbent made a call for a

national dialogue to discuss the future of the country beyond 2016. As usual the opposition camp was not prepared to negotiate power with the government that was about to change hands whereas the ruling coalition known as *Famille Presidentielle* (Presidential Family), beefed up massive campaigns locally and internationally in an attempt to induce selected audiences that another inter-Congolese dialogue was necessary if the country was to escape another cycle of violence.

Little wonder that major power players in Washington and Brussels supported the move for such a political dialogue construed as the best way of finding 'African solutions to African problems'. At the AU summit a former Secretary General of the Organisation of African Unity, Edem Kodjo of Togo was chosen to facilitate the Congolese dialogue. Worthy of note however is the fact that many members of the opposition boycotted the proceedings but the government seized the opportunity to identify a few personalities that were willing to compromise and together they signed an agreement on October 18, 2016. To cap it all, the Constitutional Court interpreted the Art. 70 of the Constitution (as amended in 2011) in favour of the incumbent: "The President remains in power until a newly elected President takes office" (VOA, 2016).

On 19 December, 2016, street protesters issued a red card to the regime, calling on President Kabila to step down despite the Constitutional Court's ruling in his favour. Security agents were mobilised nationwide to preempt any action that might resemble the popular movement that ended the rule of Blaise Compaore of Burkina Faso in 2014. It was at this critical juncture that the National Conference of Catholic Bishops (CENCO) came on board to revive the stalled dialogue between government and opposition parties (Gettleman, 2017). On 31 December, 2016, a compromise agreement to be known as the St. Sylvester Accord was reached after a series of talks between those who signed the Kodjo deal of October 18, including the government and those who held out. According to the new compromise, Mr Etienne Tshisekedi was expected to lead the Transition Council and so pave way for President Kabila to leave power in 2017. Another point of agreement had to do with the appointment of a Prime Minister from the opposition quarters known as *Rassemblement*, to be charged with the duty of forming a transition government.

Even though the country was able to avert bloodshed through the good office of CENCO, the latter lacked political muscles to oversee the implementation of the St. Sylvester Accord. Out of frustration the Congolese prelates decided to discontinue their services on 28 March, 2017 and let Mr Kabila face the impasse alone. Capitalising on a weakened opposition, the President met with a few malleable dissidents of the coalition of opposition parties and on April 7, 2017 appointed Mr Bruno Tshibala as new Prime Minister that would head the government of national unity. In short, the current

power struggle cannot be appreciated in isolation. Far from being an innovative strategy of the Kabila administration to remain in power, it translates the legacy of the past being re-enacted by new actors as the historical narrative below suggests.

A BRIEF HISTORICAL BACKGROUND

The struggle for political power goes back to the First Republic. The fundamental law of 1960 (Constitution) which was modelled after the Belgian parliamentary system of democracy assigned constitutional power to a Premier Minister while the office of the President was meant to be purely ceremonial. Unlike in the Belgian monarchy in which the King reigns and the Prime Minister rules, the Congolese parliamentary system was a time bomb that went off right on the Independence day (June 30, 1960) when Mr Lumumba broke the protocol with an improvised speech that contradicted an earlier address made by the President in the presence of King Baudouin of Belgium (The Guardian, 1960). In the following days, both President and Prime Minister used their respective offices to dismiss each other as illegitimate leaders, The ensuing power struggle caused the assassination of Mr Lumumba under the watch of the Blue Helmets and plunged the country into a civil war (Makiashi, 2015: 42; Nzongala-Ntalaja, 2015: 26).

The Luluabourg Constitution (August 1, 1964) which was drafted during the civil war adopted a federal character of government but it rejected Parliamentary democracy. By strengthening the powers of the presidency, the constitutional change actually facilitated the military coup that brought the army chief, Joseph Desire Mobutu to power in 1965. In April, 1967 the new strong man launched a one-party system of government with the creation of the Popular Movement for the Revolution known as MPR (*Mouvement Populaire de la Revolution*) and so began the tradition of constitutional amendments that only reflected the modus operandi of the party (Fombad and Murray, 2010). Being the pawn of the Western powers during the Cold War, Mr Mobutu emerged as the archetype of Big Man who used the country's foreign aid (cash and ammunition) to either satisfy the needs of his fearful clients downward or silence the dissidents of kleptocracy (Moss, 2007; Diamond, 2010).

Having lost his prestige at the end of the Cold War, the dictator eventually promised to introduce multiparty politics in April, 1990 but three months later, he settled for a national conference. In August, 1992 the 'Sovereign National Conference (CNS) passed the Transition Act (Provisional Constitution) which established a parliamentary system to be headed by a Prime Minister while assigning ceremonial roles to the President. But as it was the case in the First Republic, the CNS-approved Constitution provoked another crisis of legitimacy

between the two offices which turned out to be the beginning of a long and bloody struggle for the control of a devastated country called Zaire. Until his death in Morocco in 1997, he wielded absolute power to appoint as prime ministers only loyal members of the regime who owe their survival to him. He eventually left behind less order, less peace and less security (Ferguson, 2006; Dowden, 2009).

Accordingly, foreign troops took advantage of the mess and moved into Zaire like hungry dogs fighting each other over the leftover bones (Prunier, 2009: 337). The ensuing networked war in which external actors connived with local counterparts for the purpose of plundering the country's mineral resources began in the aftermath of the 1994 Rwandan genocide. In order to disguise their economic interests in a sovereign country, these foreign armies needed the cooperation of insiders (Stearns, 2012). Accordingly, the Alliance of Democratic Forces for the Liberation (AFDL) was formally launched when leaders of neighbouring countries met with a long-time Congolese freedom fighter, Laurent-Desire Kabila (Nest et al., 2006: 23). The allies pledged to provide needed troops and logistics for the clean-up mission of both Hutu militiamen and dictator Mobutu (Stearns, 2012: 29; Coleman, 2007: 117; Ramsbotham et al., 2007: 99). Under the banner of AFDL, the Tutsi-led government in Kigali launched a manhunt across the border with Zaire, tracked down the fleeing Hutus accused of genocide and turned the refugee camps in the Kivu region into slaughterhouses (Meredith, 2005: 534). Without any form of resistance on her way to power, AFDL eventually took hold of the Capital Kinshasa on May 17, 1997 and it was greeted by a popular ovation as liberators.

The new Big Man, Laurent-Desire Kabila renamed the country, the Democratic Republic of Congo and decreed the Constitutional Law of May 27, 1997, which established a presidential system with a strong concentration of power in the hands of the President. Here the country recorded a third power struggle between CNS-appointed Prime Minister Tshisekedi and self-proclaimed President Kabila. Even though the government's decision to repatriate all foreign troops that had assisted him in toppling the regime of Mobutu was well received at home it angered foreign allies namely Uganda, Rwanda and Burundi that eventually connived in launching a second war of aggression against the Congo. After pulling out of the 'unholy alliance', L. D. Kabila sought the cooperation of southern states by bringing the country under the umbrella of the Southern African Development Community (SADC) in February, 1998.

As soon as the news of aggression reached the SADC quarters, an emergency meeting of Member States took place in Victoria Falls, Zimbabwe on 18 August, 1998. The next day the leaders of Angola, Namibia, and Zimbabwe launched 'Operation Sovereign Legitimacy' (OSL) to shore up the Kabila government (Coleman, 2007). On 23 August, 1998, while the fighting had already

taken a heavy toll on the civilian populations, President Mandela held a meeting in Pretoria with representatives of SADC Member States over the Congo war but his diplomatic approach resulted in a long chain of broken peace accords that only fuelled the continental war in the interests of its many actors and spoilers. As Ayittey (2005: 371) clearly argues:

“The fact is, war is ‘profitable’ to warlords as a conflict situation provides them with the opportunity to rape women, pillage villages, and plunder natural resources such as gold and diamonds... The war also gives the government an excuse (‘national security’) to suspend development projects and provision of social services and keep its defence budget secret, thereby shielding padded contracts to cronies from scrutiny”.

Finally, representatives of the SADC, OAU and UN circumvented the stalemate when they met (June 21-27, 1999) and drafted a cease-fire agreement in Lusaka, Zambia which was to be ratified by the leaders of various countries involved in the continental war on July 17, 1999 (United Nations, 1999). However, the assassination of Laurent D. Kabila on 16 January, 2001 opened a new chapter in the Annals of the DRC. Upon succeeding his slain father, President Joseph Kabila had no choice but to rely on the power base of the international community (Prunier, 2009: 258). Having passed what looked like a leadership test after his first trips abroad, he returned to the country with the determination to resurrect the Lusaka Ceasefire Agreement (Talbot, 2001). Through the financial assistance of donor countries, the stalled Inter-Congolese dialogue resumed its course at the Sun City resort, in South Africa (February, 2002), with the full participation of all sections of the Congolese society, under the facilitation of former president of Botswana, Sir Ketumile Masire, as stipulated in the 1999 Lusaka Ceasefire Agreement. On 17 December, 2002, the Global and All-Inclusive Accord for the transition or *Accord Global Inclusif* (AGI) was signed in Pretoria under the watch of South Africa’s government.

The ensuing transitional government saw the light of the day on April 7, 2003 when Joseph Kabila was sworn-in as Transition President for a period of two years. He had to share political power with other warlords. According to a magic formula of 1+4, one president and four vice-presidents assisted by ministers and vice-ministers would form a power-sharing government which could easily be taken for a blueprint for joint plunder of the State (Ayittey, 2005: 370). The transition included a legislative assembly of 500 appointed members and a senate of 100 appointed members (Weiss, 2010). The AGI also provided for the creation of an international committee to accompany the transition, known by its French acronym CIAT (*Comite International d’Accompagnement de la Transition*) whose main role during the transition was to provide assistance for the

Independent Electoral Commission (CEI) in organising general elections thereafter. On the whole, it took 15 years of bloody transition before the Congolese people were allowed to cast a vote of confidence on a proposed constitution in a referendum (18-19 December, 2005). Finally on February 18, 2006, President Joseph Kabila promulgated a new Constitution.

In the following months, the Electoral Law was made public, giving the CEI the mandate to fix the first round of both presidential and parliamentary polls on 30 July, 2006 (Reyntjens, 2001). However, there was growing fear of uncertainty among major players both within and outside the country as far as the security of the ballot was concerned. For the first time in the history of democracy in Africa, the then Under-Secretary General for Peacekeeping Operation, Mr Jean-Marie Guehenno requested the Presidency of the European Council on 27 December, 2005 to make available a force reserve that, if necessary, could be deployed to the DRC to support MONUC during the electoral process (Mbombo, 2008). Accordingly, the UNSC authorised on 25 April, 2006 the deployment of the European force (EUFOR) to the DRC for the period encompassing the country’s elections (UNSC Resolution 1671). Speaking from Brussels a few days before the polls, the German commander, Lt. Gen K. Viereck made the following statement: *“If deterrence does not succeed we shall fight against any spoiler. We could use force, even lethal”* (ISS TODAY, 2006). Thus, in a coordinated effort, the MONUC played the role of police fore while the EUFOR, acting under the Chapter Seven of the UN Charter, took a military position to securitize the 2006 elections before Joseph Kabila could emerge as elected president (ICG, 2006). All in all, the incumbent has ruled the country for the past 15 uninterrupted years. In order to make sense of such a long stay in power by Mobutu and Kabila as described above, the next discussion centres on the paradigm of neopatrimonialism as a theoretical framework.

PARADIGM OF NEOPATRIMONIALISM

Most scholarly studies about post-independent Africa revolve around the concept of neopatrimonialism under different labels: personal rule, big man syndrome, politics of the belly, godfatherism, warlordism and the like (Chabal and Daloz, 1999; Bratton and van de Walle, 1997; van de Walle, 2001; Bayart, 2009; Bach and Gazibo, 2012). Derived from Max Weber’s term of ‘patrimonialism’ (a system of rule in which administrative and military personnel were only answerable to the ruler), the neologism first appeared in the work of Eisenstadt (1973), *Traditional Patrimonialism and Modern Neopatrimonialism* (Erdmann and Engel, 2006). Since then, it has been used as an important key to understand the fact that most African countries lag behind the rest of the world in terms of economic development,

democratisation, transparency, accountability and the rule of law.

In Africa, a neopatrimonial state has its origin in colonialism as a combination of indirect rule (by kings, chiefs and elders) and modern bureaucracy that eventually produced hybrid regimes or a mixture of patrimonial and legal-rational domination. Chabal and Daloz (1999) capture such hybrid regimes as 'an institutionalised disorder in which modern and traditional lifestyles are bedfellows. As they put it: "what is distinct in Africa is the creative manner in which this overlap of modernity and tradition combines to create a form of political accountability which is rooted in the instrumentalization of disorder" (Chabal and Daloz, 1999: 147). According to van de Walle (2001: 116), "the style of rule that emerged combined the authoritarian legacy of the colonial administration and village traditions of patrimonialism." It is little wonder that post-independent leaders soon abandoned parliamentary democracy and inspired by the unquestionable authority of traditional rulers, they saw themselves as supreme heads of big villages that deserved to be called Emperor, Father of the nation, Supreme leader and the like.

Even though neopatrimonialism, prebendalism, patronage and clientelism are sometimes used interchangeably in the literature to describe a kind of political system that concentrates political power in a single individual with ultimate control of networks, van de Walle's conceptual clarification is worthwhile. To begin with, prebendalism is understood as "the strategic political allocation of public offices to key elites, granting personal access over state resources" (van de Walle, 2007: 4). Prebendalism and patronage mean the same thing but fiscal implications set them apart as evidenced in the following illustration: "Hiring a member of one's ethnic group to a senior position in the customs office is an example of patronage. Allowing the customs officer to use the position for personal enrichment by manipulating import and export taxes is an example of a prebend (ibid.). Simply put, leaders of low income countries that do not control high level of resources but are characterised by the lack of professional civil service are attracted to prebendalism. As a result, government officials may use their positions to enrich their pockets but go unpunished because political stability which is construed as the survival of the ruler compels the latter to recycle culprits at the next cabinet reshuffle instead of sending them to jail. Political stability is such that "membership within the elite is relatively stable as removal from one position usually leads to appointment to another" (van de Walle, 2001: 125).

Patronage politics is most practiced in democratic regimes and growing economies as an institutionalised form of resource distribution: a ruling party leader acting as patron allots public jobs and services to beneficiaries of the regime at his own discretion in order to gain the needful support. The practice of patronage in young

democracies allows politicians to engage in electoral competition but lack of political ideology is such that politicians move out of their political parties and identify with the winning party so as to remain in the lucrative business of governance. Instead of redistributing the wealth of the nation therefore, patronage networks facilitate the growing gap between the rich and the poor through the accumulation of wealth by the elite in power (van de Walle, 2001: 119). Patronage and clientelism refer to a relationship between two unequal parties whereby one gains political power and the other economic benefits but both concepts are not synonymous.

Van de Walle (2007) identifies three categories of clientelism, namely traditional, elite and mass clientelism. Under customary law, traditional clientelism as it was practised in traditional kingdoms places the ruler and the subjects in a bond of reciprocity by means of tribute and gift exchange. When an independent state grows out of a colonial state in Africa, elite clientelism (prebendalism) develops within the executive branch of government. It is incompatible with democracy because it works primarily to keep the president and his cronies in power as long as possible. More important is the fact that state resources are distributed within the members of inner circle of government to undermine economic reforms and prevent political change. However, as the democratisation process is unfolding, a political space is open for mass clientelism to take centre stage. At this third level, power struggle and its attendant access to resources takes place at the party level. It is a form of struggle that is similar to patronage and compatible with democracy because as van de Walle argues:

"In mass clientelist systems, the objective is to win elections, and the key instrument of electoral competition is likely to be the political party. The centrality of competition is the hallmark of electoral politics, and the reliance of patronage to buttress parties a fairly standard feature of a wide number of democracies" (van de Walle, 2007: 7).

The good news however is that neopatrimonialism is not the trademark of African societies. From Latin America, Middle East, Far East and even Europe, the practice of neopatrimonialism has attracted scholarly works (Erdmann and Engel, 2006) and it can be appreciated as "a process of state formation and modernization" (van de Walle, 2001: 127).

The above conceptual discourse has shed some light on the current power struggle in the Democratic Republic of Congo which aligns itself with elite clientelism that is actively implicated in the survival of the Kabila regime. Therefore, any hope for change of power rests on the respect of the 2006 Constitution that has fixed presidential term limit to two. The remainder of this study revisits the national dialogue and highlights the

instrumentality of elite clientelism in the Congolese politics and across national borders.

WHY HAS THE NATIONAL DIALOGUE BEEN INCONCLUSIVE?

Political dialogue is a feature of democratic system of government. It is supposed to identify and redress existing practices that conflict with the rule of law (constitution). Even though any form of dialogue constitutes an integral part of negotiation and mediation processes, it does not imply binding agreements between conflicting parties at a go. A facilitator in a negotiation process meets the parties separately and ensures that they are not only ready for the dialogue but also committed to work together for a mutually satisfactory outcome whereas the role of a third party remains crucial throughout the mediation process. He or she makes preliminary contacts with relevant stakeholders in order to gather their individual interests and needs before facilitating the dialogue and eventually proposing a compromise (agreement) to be signed by all participants (Ramsbotham et al., 2007: 167; Harowitz, 2007).

However the political dialogue in the DRC hung in the air: opposition parties were not committed to negotiate unconstitutional solutions with the government at the end of President Kabila's last term in office. As for the mediation process, not all participants accepted the choice of Mr E. Kodjo as a neutral and impartial third party to the dialogue contrary to what happened in 2002 in Sun City Resort (South Africa). The AU Peace and Security Report identifies the failure of the Congolese dialogue with the appointment of Mr Kodjo: "he has stepped into a process initiated by the Congolese government that does not have the buy-in of the opposition, which views it as a waste of time with the ultimate objective to extend Kabila's stay in power" (ISS, 2016). As a result many stakeholders boycotted the rendezvous, including the main opposition party (UDPS) and among those who participate in it, not everybody signed the final document (agreement).

Following the death of Mr. Tshisekedi on February 1, 2017, the St. Sylvester Accord became another false start in the likeness of the Sovereign National Conference decisions of the 1990s. Once again the divided opposition was unable to propose not only a credible figure to lead the Transition Council but also a Prime Minister with the power to lead a unity government as agreed upon in the 30th December Accord. By picking a candidate that had been recently expelled from the coalition (Aljazeera, 2017), the incumbent clearly disregarded the St. Sylvester Accord. As the EU analysts in Kinshasa put it, the Kabila's move was "contrary to the letter and spirit of the compromise agreement" (Wembi, 2017). How can a co-opted minister challenge his boss without being fired and replaced the next day by a more loyal servant of the regime and agent of the status quo?

What goes on in the DRC is a demonstration of elite clientelism whereby politicians sell their conscience for a mess of potage and shun political change. Arguably many so-called members of the opposition today are potential clients that are yet to be offered portfolios.

Nevertheless, this analysis will not be complete if it is limited to the lackadaisical behaviour of the small elite surrounding the Kabila's presidency without taking a comparative look at what goes on across national borders. For the masses that are left behind and betrayed by their elected representatives (Members of Parliament), political solutions must come from the country's partners and neighbours.

REGIONAL INFLUENCE

Across the Congolese borders, constitutional amendment to abrogate term limits for incumbent presidents, contested results of the polls as reported by both local and international observers as well as post-electoral violence are ubiquitous. Though geographically located in the Central Africa's region, the DRC belongs to the Southern African Development Community (SADC). Spearheaded by South Africa in need of an expanded market for her goods and services, SADC is actually a grouping of countries for the purpose of economic integration. As such, it pays lip service to issues related to good governance, elections or peaceful transfer of power. Zimbabwe under President Mugabe remains a test case for SADC's weakness to promote human rights, democratic alternation and the rule of law.

It is worth mentioning that DRC also belongs to the International Conference of Great Lakes Region (ICGLR). The conference was created in the aftermath of the 'Africa World War' in 2003 in collaboration with the UN and AU for the purpose of finding lasting solutions to armed conflicts in the region. ICGLR core membership is made of the country's close neighbours: Angola, Central African Republic, Republic of Congo, South Sudan, Uganda, Rwanda, Burundi, Kenya, Tanzania and Zambia. However, the weakness of the ICGLR to nip personal rule in the bud is such that all Member States with the exception of Kenya, Tanzania and Zambia are headed by long-standing Presidents. It did not come as a surprise during the Luanda summit (14 June, 2016) when participants congratulated the governments of the People of the Republic of Uganda and the Republic of Congo for having conducted peaceful, fair and transparent general elections even though international observers had held negative assessments of the polls in these same countries (ICGLR, 2016). In the same spirit, regional leaders also commended the DRC's government for initiating a national dialogue to address the country's crisis without paying attention to the people that longed for credible elections as a prelude to peaceful transfer of power as stipulated in the 2006 Constitution. Fabricius

(2017) argues that “the dominance of well-entrenched incumbents in office makes it highly unlikely that the political will to dislodge one of their club from office could be mustered in the foreseeable future.”

The bad neighbour influence cannot be overemphasized. The successful manipulation of Ugandan constitution that granted President Museveni unlimited terms in power and transformed the country into a presidential monarchy (Mwenda, 2010; Barkan, 2011) is fast becoming a rule rather than an exception in the Great Lakes region. Murray et al. (2016) contend that “Self-styled as Pan-African leader, Museveni has relied on his reputation and on the nation’s armed forces to exert influence in neighboring countries.” The Ugandan influence has indeed paid off President Kagame of Rwanda who perceives competitive democracy as a catalyst for genocide while capitalising on the guilt conscience of donor countries to remain in power (Prunier, 2009; Zurcher, 2011:77). There is no question of Kagame’s expected victory at the presidential elections come August 3, 2017 (Louw-Vaudran, 2017). Across the border, Burundi has been on the brink of another civil war since President Pierre Nkurunziza decided to overturn the Arusha Accord and went for a third term amidst popular discontent in April, 2015. Since then, his contested administration has been using the full force of the State to suppress opponents, aware that “the international community has proved powerless to stop him” (Allison, 2017). On the other bank of the River Congo, the influence of longstanding President Sasou Nguesso of Congo Brazzaville is crystal-clear. Having obtained a Yes vote in 2015 referendum to be followed by Constitutional amendment in which presidential term and age limits were scrapped, Mr Sasou was able to emerge the winner of the 2016 presidential elections amidst civil protest which is still on-going. The Angolan 2010 Constitution stipulates that the largest party in the National Assembly selects the head of state, setting Angola aside as a country without an electoral democracy (Freedomhouse, 2013). There is no gainsaying that the Congolese elite has enough of case studies to learn from when it comes to mobilising state resources for the survival of the Kabila regime.

However, institutional weakness in both SADC and ICGLR begs the question as to why some African states seem to cling to personal rule while others gradually break the trap of neopatrimonialism by promoting the rule of law. As Louw-Vaudran (2017) contends, “Any strong continental action about disputed results largely depends on the political will of the regional organisation dealing with the matter.” Taking West Africa as an example, it is worth mentioning that the Protocol on Democracy and Good Governance which the Economic Community of West African States (ECOWAS) adopted in 2001 has helped regional leaders to play by the rule. Since then, the once embattled region in terms of military coups and civil wars has witnessed peaceful transfers of power in a

number of countries such as Senegal, Ghana, Nigeria, and Benin Republic to name but a few. During the 46th Summit in Abuja (December 15, 2014), ECOWAS leaders saw the need to adapt the said Protocol to the changes in the governance architecture and so agreed to the following principles: restriction of the term in office for incumbents to a maximum of two; accession to power through free, fair and transparent elections; zero tolerance for power obtained or maintained by unconstitutional means and appropriated sanctions against defaulters among other things (ECOWAS, 2015).

The implementation of the revised Protocol coupled with the political will of ECOWAS leaders to promote credible elections in each Member State were instrumental to the successful presidential elections in Nigeria that witnessed for the first time a peaceful change of power from one party to another in 2015. ECOWAS also played a vital role in preventing President Boni Yayi of Benin Republic from seeking a third term in office in 2016. With the same force of law, it contributed to the restoration of democracy in Burkina Faso by denying the coup plotters the chance to rule the country against the will of the people. As mentioned earlier, the Gambia provided another test case for the commitment of ECOWAS to a democratic rule by engaging in a psychological warfare (a threat of military intervention) which eventually forced former leader Y. Jammeh to retreat in exile and enabled the winner of the December 1st, 2016 Presidential elections, Mr Barrow to take office. It is therefore high time for other regional communities to live up to their treaties and protocols so as to move the continent forward.

CONCLUSION

The study has argued that the presidential call for a national dialogue was not intended to produce appropriate solutions to the problems of the D.R. Congo for a number of reasons. More than fifty years of independence have only witnessed the institutionalization of clientelism in the Congo under the dictatorship of Mobutu and thereafter. The liberation movement that began in the Kivu provinces quickly transformed itself into a networked war between local and foreign actors for the purpose of milking dry the country’s vast mineral resources. After a long and bloody period of transition, Congolese people went to the polls in 2006 under the protection of the MONUC and European forces to elect their political leaders among former warlords who had specialised in terrorising the masses and political elite who had a long experience of clientelism of the Mobutu era. Having amended the Electoral Law in 2011, the ruling party was able to finance the 2011 presidential elections which enabled the incumbent to secure a second term in office but it fell short of doing the same in 2016. It therefore became clear that the call for a

national dialogue was not only a tacit admission that Mr Kabila would jeopardize his legitimacy to rule the country beyond the constitutional term-limit but also a desperate move to apply the “so-too-must-we” quick fix. Beneficiaries of the regime are prepared to defend the status quo and shun democracy.

To paraphrase J.F. Kennedy (1917-1963), violent change is likely to happen when peaceful change through ballots is made difficult because street protesters cannot be easily co-opted by elite clientelism. It is therefore expedient that the ‘good offices’ of particular countries with a sound record of conflict resolution practices (the Scandinavian states, Austria, and Switzerland) should take over from where the mediation of the Catholic Bishops’ Conference ended in order to avert a disastrous spillover in the sub-region of another legitimacy crisis looming. In a similar vein, numerous development partners should condition their Overseas Development Aid (ODA) on the government’s readiness to organise elections before the end of 2017 given that a stalemate only hurts the masses (Ramsbotham et al., 2007:167). SADC and Regional organisations in Central and East Africa ought to borrow a leaf from ECOWAS and transform themselves into political communities that have the political will to enforce the rule of law in Member States.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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