# BERCI/CRG Poll: An Ambiguous Election Tshisekedi's First 100 Days in Office











### More and more despair have been gnawing at the hearts of Congolese men and women. Recent sociopolitical events have not really fulfilled our people's dreams.

Archbishop of Kinshasa, Mgr Fridolin Ambongo April 21, 2019 Democratic Republic of Congo

The Congo Research Group (CRG) is an independent, non-profit research project dedicated to understanding the violence that affects millions of Congolese. We carry out rigorous research on different aspects of the conflict in the Democratic Republic of the Congo. All of our research is informed by deep historical and social knowledge of the problem at hand. We are based at the Center on International Cooperation at New York University.

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#### **Executive Summary**

The Democratic Republic of the Congo held national presidential and legislative elections on December 30<sup>th</sup>2018. The elections, which had been delayed by two years, were mired in controversy. The national electoral commission declared opposition leader Felix Tshisekedi the winner of the presidential poll. However, a leak from the same commission, whose results were extremely similar to those released by the Catholic Church's observation mission, showed that Martin Fayulu, another opposition leader, clearly won the elections. Despite this controversy, the postelectoral scene has been relatively stable. Tshisekedi was inaugurated on January 24th and has spent his first months traveling abroad—meeting with at least 17 heads of state since January—and in the country. Meanwhile, Martin Fayulu has launched a campaign to contest the election results, holding rallies in several towns across the country.

How do Congolese feel about these events? In order to assess public opinion at this critical juncture, the Congo Research Group (CRG) at the New York University (NYU) and the Bureau d'Études, de Recherches, et Consulting International (BERCI) conducted two nationally representative telephone polls in March and May 2019, polling a total of 2,506 people. The poll supports the following conclusions:

- Congolese have ambivalent feelings about the elections:
  - Around half believe the polls were rigged, but still accept the results;
  - In May, a majority of the respondents (56%) does not trust the election commission, and yet in march 62% are happy with the way democracy is working in the country.
  - Around 67% of the respondents have a favorable opinion of Felix Tshisekedi's performance as president, a significantly higher approval that for last two DRC president after their first 100 days in office (Joseph Kabila (44%) in March 2001 and Laurent-Désiré Kabila (51%) in August 1997);
  - For the first time in many years, respondents feel optimistic about the direction the country is headed (51%) in March 2019 and 61% in May, an increase of 34% over November 2017.
- A clear majority Congolese (58%) disapproves of the current alliance between Tshisekedi's coalition

- and that of the former President Joseph Kabila, in May --an increase of 5 points over March.
- Unlike in December 2018, Martin Fayulu is no longer the most popular political figure, but 48% are in favor of him leading the opposition, an increase of 10 points over March and more than twice as many as for other opposition leaders Moise Katumbi or Jean-Pierre Bemba. However by march, Katumbi was once again the most popular politician in the country with a 67% approval rating in March and 70% in May.
- The top 3 priorities for the newly elected president are related to "improving Congolese well-being or living conditions", followed by "peace and security reform", "the rule of law and fight against impunity --including launching legal proceedings against Kabila and his ministers"; and "social infrastructure spending";
- Although most respondents (57%) get their news from local medias, international medias are considered as being more neutral for the great majority of them (70% vs 53%).

The two polls were conducted from March 27 to April 6, 2019 and from May 4 to 9, 2019, with a sample size of 1,212 and 1,294 people of 18 years of age and above, respectively. The interviews were recorded on electronic tablets using Open Data Kit (ODK). The respondents were recruited in the 26 provinces from a list of cell phone numbers obtained from the BERCI/ CRG 2016 face-to-face nationally representative poll across more than 400 sampling sites. The faceto-face database provided geographical spread and socioeconomic information about the respondents-their class, education levels, geographic locations, and age--as well as GPS location. The data were uploaded directly to a cloud-based server hosted by Ona.io, accessible to all partners in real-time. The results were weighted by gender and geographical location in order to match national demographic distributions according to data of the National Statistical Institute (INS). There was no significant difference between the weighted and raw data. The following analysis presents only weighted data and percentages resulting from rounding to the nearest integer, which may add up to more or less than 100 percent. The margin of error for the two polls was +/-3 percent.

#### The Context

For the past several years, Congolese politics have been in upheaval. Kabila, who had been in power since 2001, was term-limited and scheduled to step down in December 2016. He initially contemplated changing the constitution to stand for another term, as had been done in neighboring Rwanda, Uganda, Burundi, and Congo-Brazzaville. Facing enormous pressure from civil society and social movements, he backed down. Instead, he played for time, orchestrating delays in the electoral process that pushed the election date back by two years.

During this period, the government cracked down on protests around the country led by a broad coalition of civil society organizations, opposition parties, and the Catholic Church. Hundreds of civilians were killed during this repression and hundreds more arrested. At the same time, strikes were initiated by several professional organizations, including doctors, nurses, teachers, due to their poor living conditions. Students from several universities also demonstrated, clashing with security forces. According to Human Rights Watch, almost 300 people were killed in the run-up to elections. 1 The Joint United Nations Human Rights Office documented 6.497 human rights violations in 2017, an increase of 25% compared to the year 2016, with a majority of abuses committed by government services.2

During the same period, President Kabila tried to tighten his grip on power by co-opting prominent opposition leaders, promoting loyalists in the security services—including those under international sanctions—and by forming the Front Commun pour le Congo (FCC), a large political coalition.

In August 2018, he named Emmanuel Ramazani Shadary, his former interior minister, also under international sanctions, as the presidential candidate for his FCC coalition, even though 59% of respondents in our October 2018 poll disapproved of this choice. Shadary faced twenty-one presidential candidates in the polls. The two most formidable challengers were

Felix Tshisekedi, the son of veteran opposition leader Etienne Tshisekedi, and Martin Fayulu, an opposition leader and a successful businessman.

Civil society groups and diplomats alike criticized the electoral process. As argued in two CRG reports, the process suffered from politicized institutions, technical flaws, and the instrumentalization of the state by the ruling coalition.<sup>3</sup> In addition to targeted repression of the opposition, numerous incidents made clear that the presidency had significant influence over the electoral commission and the constitutional court, which would settle any disputes in the presidential race. The ruling FCC coalition controlled the state apparatus and used police, army, and administrative officials to harass and constrain the opposition. In addition, the voter register included almost seven million voters without biometric identification, and there were large, suspicious variations in the growth of the electorate across the 26 provinces.

#### **Electoral Turmoil**

The results of the elections surprised many. On January 10th, the head of the electoral commission announced that Felix Tshisekedi had won the presidential elections with 38,57% of the vote. Fayulu was second with 35,80%, and Shadary trailed with 23,80%.

Within several days, however, several organizations, including CRG, published two leaks that sharply contradicted those figures.<sup>4</sup> The first, a partial tally of election results from the central database of the Independent National Electoral Commission (CENI), puts Fayulu's vote share at 59,42%, followed by Felix Tshisekedi with 18,97% and Emmanuel Ramazani Shadary with 18,54%. CENCO's tallies were 62,80%, 15,00%, and 17,99%, respectively. The CENI leak represented 86% of tallied votes, while the CENCO document was a randomized sample of 43% of polling stations.

<sup>&</sup>lt;sup>1</sup> Human Rights Watch, "DR Congo: Opposition under assault," August 28, 2018.

 $<sup>^{\</sup>rm 2}$  The Joint United Nations Human Rights Office (JUNHRO), January 24, 2018.

<sup>&</sup>lt;sup>3</sup> Congo Research Group, "Politicization of the institutions responsible for the electoral process," October 2018; "RDC, les élections de tous les dangers: Imbroglios techniques," November 2018.

<sup>&</sup>lt;sup>4</sup>Congo Research Group, "Who Really Won the Congolese Elections?", January 16th 2019.

The two documents, obtained independently and from organizations that had few political or personal ties, provided extremely similar results at the provincial level. These results also roughly matched two simultaneous polls conducted jointly by CRG, BERCI, and IPSOS a week ahead of the elections: The figures were Fayulu 45%/49% (BERCI/IPSOS), Tshisekedi 28%/20%, and Shadary 20%/18%.

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# The Catholic Church stated that their results from 40,000 elections observers showed a different winner.

CENCO, January 2019

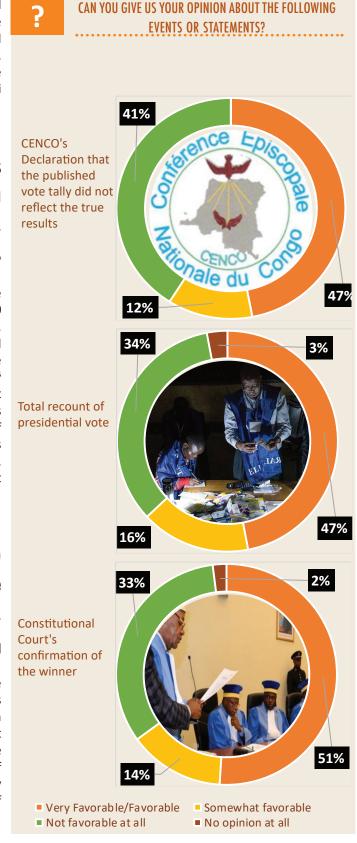
The Catholic Church, which did not officially release these results, stated that their results from 40,000 election observers showed a different winner. The African Union, in an uncharacteristically bold statement, said there were "serious doubts" about the results, as did the Belgian and French governments. Nonetheless, the Congolese constitutional court confirmed the official results, and Tshisekedi was inaugurated on January 24th. Since then, almost all of these organizations, social movements, and embassies have ceased to actively contest the election results, although some have stated clearly that they do not consider them legitimate.

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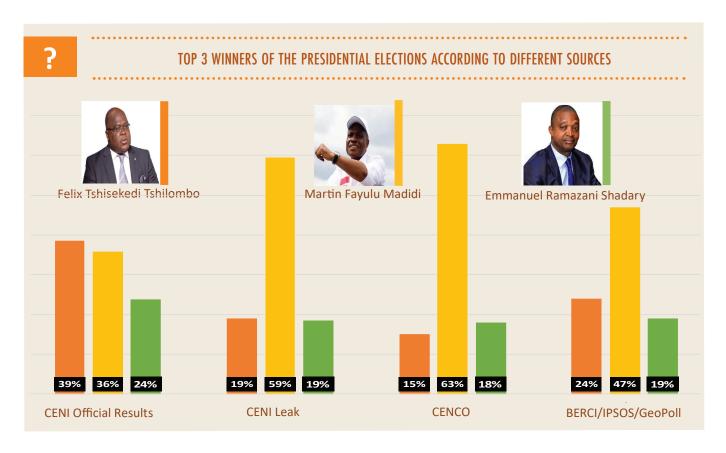
# The majority of the respondents (53%) approves of the court decree, while 50% were favorable to a total recount of vote tallies.

March 2019 Poll

Our March poll indicates that, regarding the presidential winner's proclamation, the respondents seemed divided about the court ruling. Although in October 2018, 71% of the respondents stated that they did not trust the constitutional court, 53% of the respondents approves of the court decree (vs 47% of and disapproval), while 50% were favorable (34% "very favorable" and 16% "favorable") to a total recount of presidential vote tallies (vs 47%), in March 2019



<sup>5</sup> Cf. Https://www.lemonde.fr/afrique/article/2019/01/18/rdc-l-union-africaine-demande-la-suspension-de-la-proclamation-des-resultats-definitifs\_5410734\_3212.html



#### The Legitimacy of The Process

#### The legitimacy of the elections and the new government

Despite the strong mobilization of 2015-2018, and despite the contestation of the results, there were no spontaneous major protests following the declaration of the results or Tshisekedi's inauguration, although celebrations outside the winners' headquarters were also muted. The predominant attitude seems to be cautious acceptance. According to our March 2019 poll, only 27% of the respondents were enthusiastic and 18% were angry about the presidential elections outcome. Nonetheless, Fayulu has held several rallies in major cities, including in Goma, Butembo, Kinshasa, Kikwit, Moanda, and Matadi, which have been attended by tens of thousands of people, and the Catholic Church has continued to state clearly that the elections were rigged.

Futhermore, our polling results clearly reveal a striking ambiguity:

 May 2019, around 67% of respondents had a good opinion of Felix Tshisekedi, a five percentage increase over March, and 63% of them are happy with the way democracy is working;

- The majority of the respondents (57%) were either "very satisfied" or "somewhat satisfied" with the way the presidential elections were conducted (compared with 43% and 42% for the national and provincial legislatives elections, respectively).
- And yet, 50% say they think the presidential elections were "most probably" or "probably" rigged, 53% think the proclaimed presidential elections results did not reflect the true results, while the same percentage (53%) do not trust the electoral commission;
- About a third of the respondents regretted having participated in the elections (32% in March and 35% May 2019), and felt "disappointed or sad" about the outcome of the presidential election (32%), provincial elections (33%), provincial elections (36%), and senatorial elections (45%);

### How can the electorate not trust the results, and yet be happy with the new president?

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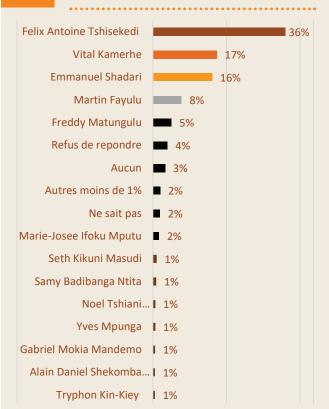
# I believe the presidential elections were rigged, but I accept the results.

March 2019 Poll

It is important to remember that Fayulu's popularity is relatively recent and premised on his ability to bring about change. In polls conducted by CRG/BERCI in November 2017, February 2018, and June 2018, when respondents were asked for whom they would vote in presidential elections, Fayulu did not obtain more than one percent of votes. It was only with the disqualification of two of the most popular opposition leaders, Jean-Pierre Bemba and Moise Katumbi—who were eliminated from the elections on dubious legal charges—that Fayulu reached 8% of intended votes in an October 2018 poll.

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#### INTENDED PRESIDENTIAL VOTES IN OCTOBER 2018



### What is the underlying logic of these dynamics?

Fayulu clearly benefited from Bemba and Katumbi's backing. However, as previous BERC/CRG polling has shown, even the popularity of those candidates is relatively thin and based more on their personalities and the hope that they could bring about change. None of these figures had placed much emphasis on policy or ideology in their public appearances. It is likely that the Congolese electorate was looking for a candidate who would be able to defeat Joseph Kabila and bring about systemic change. When asked what qualities they were looking for in a candidate: 55% of respondents replied "He represents a change," and "can beat the Majorité [Kabila's coalition]". By Décember 2018, Martin Fayulu represented the best hope of the Congolese electorate to produce real change.

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## By December 2018, Fayulu represented their best hope to produce real change.

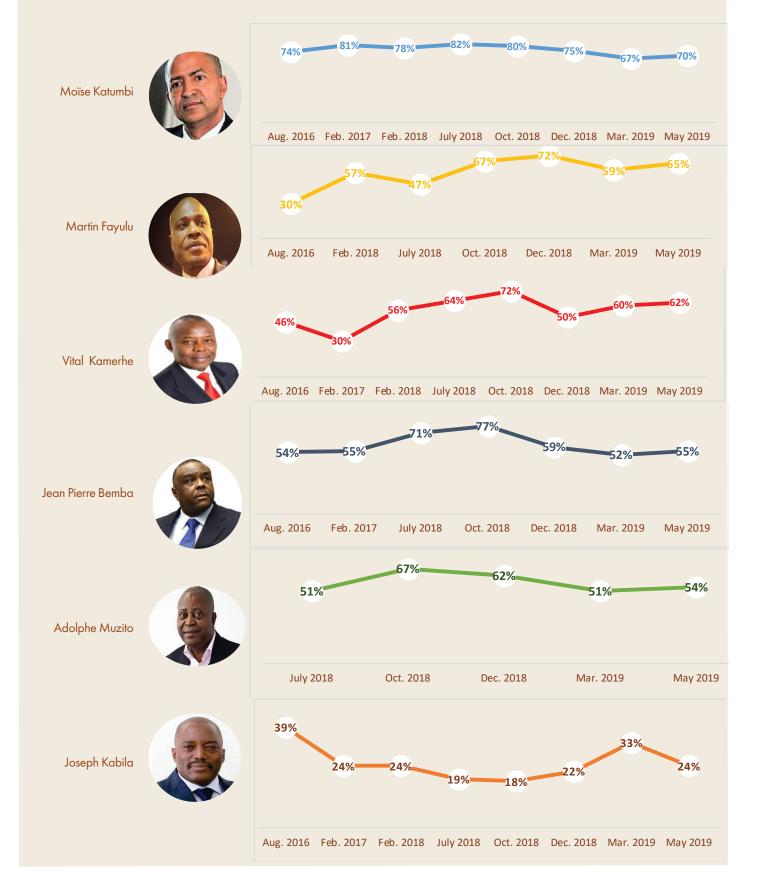
March 2019 Poll

It is also likely—and borne out by conversations with people from across the social spectrum—that when Tshisekedi was declared the winner of the elections, many Congolese thought the results were rigged, but accepted them because their main goal had been fulfilled: Kabila has been ousted from power. Fifty percent of respondents said they agreed with the statement: "I believe the presidential elections were rigged, but I accept the results." Only 37% thought the elections had not been rigged. In the same spirit. When asked what Martin Fayulu should do now:

- Accept the results and retire altogether (14%);
- Become leader of the opposition (28%);
- Mobilize a protest movement (13%);
- Moblize support for new elections (29%);
- Accept a position in government (16%).

The elections did, however, propel Fayulu to become the main opposition figure. When asked who should lead the opposition, 48% thought it should be him, an increase of 10 points over March --more than twice as many as those who backed Bemba (16%) or Katumbi (23%). If the alliance between those three individuals' frays, it will be interesting to see how their popularity evolves.

#### WHAT IS YOUR OPINION OF THE FOLLOWING PERSONALITIES ? (GOOD OPINIONS ONLY %)



#### Felix Tshisekedi's first 100 days

#### How has Tshisekedi fared?

Tshisekedi had been in office for about 100 days when the May poll was taken. During this time, he made a quick and energetic effort to project a different, more engaged vision of the state toward its citizens and foreign partners.

Domestically, Tshisekedi is opening up the shrinking the public and political space:

- By March 2019 he had freed 574 political prisoners, out of the 700 previously announced by his government;
- He replaced the notorious head of the National Intelligence Agency (ANR), Kalev Mutond, and reportedly shut many of the informal jails run by the intelligence services;
- He has paved the way for important exiles—including Moise Katumbi, Jean-Pierre Bemba, and Sindika Dokolo —to return home,
- His government has allowed several TV and radio stations that had been shuttered by Kabila to reopen, and the state-run medias has begun to give air time to the opposition. This could change popular perceptions of the media: while a majority of Congolese (54%) say they get their news from local radio and television, they are also critical of them, with 34% saying they are biased in favor of the government. In contrast, there is a higher trust in foreign media, although 18% see them be biased in favor of the opposition;
- For the most part, the government has allowed opposition and civil societies rallies to proceed without restraints imposed by the authorities; and legal proceedings were launched against police officers for the use of disproportionate force during a demonstration by student in Lubumbashi.

On the economic front, Tshisekedi has presented himself as the flag-bearer of the fight against corruption. He has suspended several officials and parastatal representatives for mismanagement, although no court cases have been open. He has also launched an emergency program of investments, promising to spend \$304 million in the first 100 days on roads, schools, health centers and health care, electricity grids, ports, and other infrastructure needs. While there has been some progress on this front, and the president attended several ribboncutting ceremonies, it is difficult to come to many conclusions based on only three months of the new administration. In addition, the IMF is currently assessing the possibility of restarting a budget support program that had been suspended since 2012.

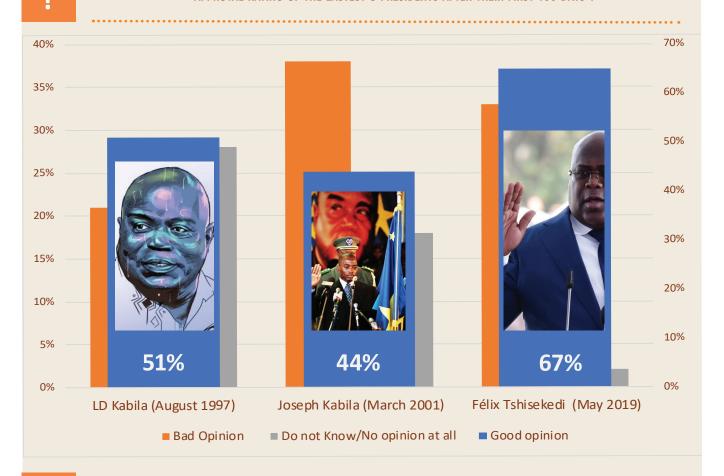
On the diplomatic front, in March 2019 Tshisekedi reopened the European Visa Center (Schengen center), which had been closed in January 2018 to protest against the suspension of Belgian aid and EU sanctions. At the same time, he did not publicly protest against the sanctions imposed in March 2019 by the United States government against members of the electoral commission, constitutional court and the National Assembly.7 Overall, around 60% of respondents to the March 2019 poll approved of these sanctions: the CENI president (60%); the CENI vice president (60%); the CENI senior presidential Advisor (59%); the National Assembly president (64%); and the constitutional court president (57%). In May 2019, Tshisekedi relaunched the military cooperation program with the Belgian Government that had been suspended since April 2017.

Most importantly, perhaps, Tshisekedi is sharply constrained by the semi-presidential system of government in the country. The prime minister and government are named by the President, but within the majority in parliament.

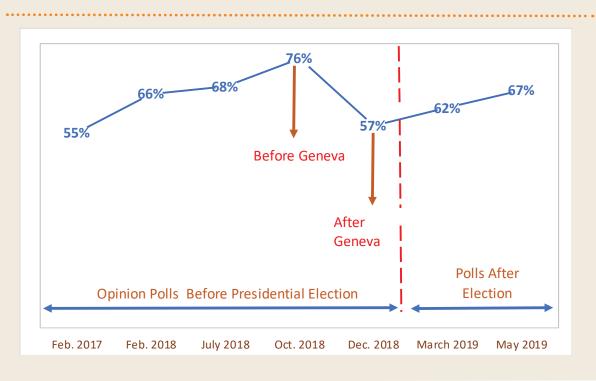
<sup>&</sup>lt;sup>6</sup> Cf. Http://www.presidentrdc.cd/IMG/pdf/-46.pdf, accessed May 17, 2019.

<sup>&</sup>lt;sup>6</sup> Corneille Nangaa, CENI President, Norbert Basengezi, CENI vice-president de la CENI, Marcellin Mukolo Basengezi, Senior advisor of CENI's President, Aubin Minaku, Nation Assembly President; Benoît Lwamba, President of the constitutional court.





#### APPROVAL RATING OF FELIX TSHISEKEDI SINCE FEBRUARY 2017 ?



While Tshisekedi's CACH has entered into a coalition with the FCC, the latter controls over two-thirds of the seats in both two chambers of parliament, as well as the provincial governments in 23 of the 26 provinces. At this writing, the government had not yet been formed, but the prime minister has, and the majority of other ministers to be named were very likely to be FCC members, probably chosen by Joseph Kabila himself. A similar situation is likely to prevail in state-owned enterprises, the judiciary apparatus, and other state agencies. Nonetheless, many respondents were happy with Tshisekedi's initial steps: Sixty-seven percent have a "very good" or "good" opinion of his performance. Tshisekedi's approval rating is 23 points higher than that of Joseph Kabila<sup>8</sup> and 16 points higher than that of Laurent-Désire Kabila9 after their first 100 days in office.

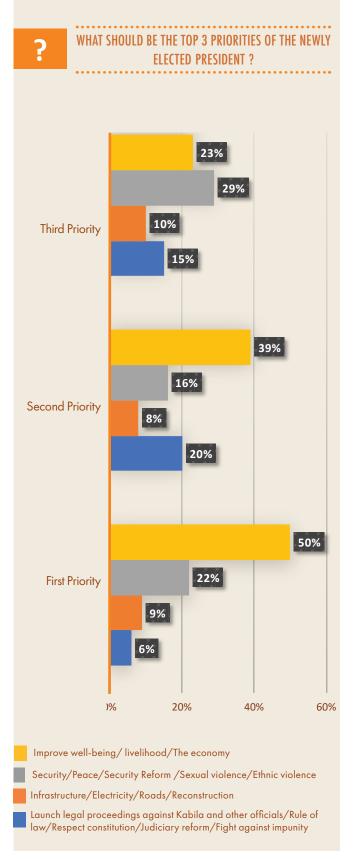
# I am saying it without fear. I am here to dismantle the dictatorship was in place.

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#### Felix Tshisekedi, April 4, 2019

Tshisekedi's popularity, however, will likely depend on the extent to which he can distance himself from Kabila and "oust the dictatorial system," as he himself put it. His alliance with the FCC is less and less popular: 58% of the respondents said they had a bad opinion of it in May 2019, a progression of 5% since March. This is likely linked to the popularity of the FCC coalition itself: its disapproval rate has declined only slightly, from 73% in July 2018 to 68% in May 2019. And, while Kabila is viewed more favorably than before the elections, when only 22% had a good opinion of him, he was still unpopular in March 2019: a mere 33% had a good opinion of him. This also appears to have an approval bump linked to the elections—his popularity subsequently dropped to only 24% two months later. In May 2019, 72% of respondents did not think that he should be involved in politics, compared with 65% in March – an increase of seven points.

While signs of reform are still halting, for the first time in several years, a majority of respondents are optimistic about the direction in which the country is headed: 51% in March 2019, compared with 19% in a CRG/BERCI poll of February 2018, and 27% in November 2017.



<sup>&</sup>lt;sup>8</sup> BERCI poll undertaken in Kinshasa, Bukavu, and Goma in March–April 2001. Results on file.

<sup>&</sup>lt;sup>9</sup> BERCI, « Les Cent jours de Laurent Désiré KABILA au pouvoir », August 1997.

#### The Newly Elected Institutions

#### The legitimacy of other institutions

While Congolese seem broadly supportive of the new president, they do not feel the same way about most other institutions.

- A majority (53%) do not trust the electoral commission, although that is an improvement over the 68% who did not trust it in December 2018.
- Many were unhappy with the national (56%) and provincial (57%) legislative elections, which gave a large majority to Kabila's FCC.

In fact, when asked for which party they voted in the national legislative elections, at least 51% said they voted for one of the major opposition parties—including Tshisekedi's UDPS—and 34% percent said they voted for another, smaller party. While nationwide polling is not a good proxy of parliamentary elections, in which candidates are elected by territory through proportional representation, this clearly shows that the parliament does not reflect the parties for whom the population voted.

The institution that appears to have the least support is the senate, which is indirectly elected by provincial parliaments. Given the small size of the electorate, this vote is more susceptible to corruption. The senate elections were roundly criticized for this, and on March 18<sup>th</sup> President Tshisekedi bowed to public pressure and suspended the inauguration of the senate pending investigations into corruption. In our poll;

- 59% of respondents supported that decision;
- 68% said that the senate results made them "angry" or "disappointed and sad,"
- 72% said they did not approve of these elections because they were corrupt.
- for 50% the senate elections should simply be invalidated.

Only eleven days later, however, facing blowback from the FCC, Tshisekedi allowed the inauguration of the senate to go ahead as planned.

#### Civil Society Opinion Leaders

Other Stakeholders

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The hopes of an entire people have been broken and sacrificed on the altar of egoistic calculations and interests of a few individuals, thereby creating frustration and discouragement.

Archbishop of Kinshasa Fridolin Ambongo, April 21, 2019

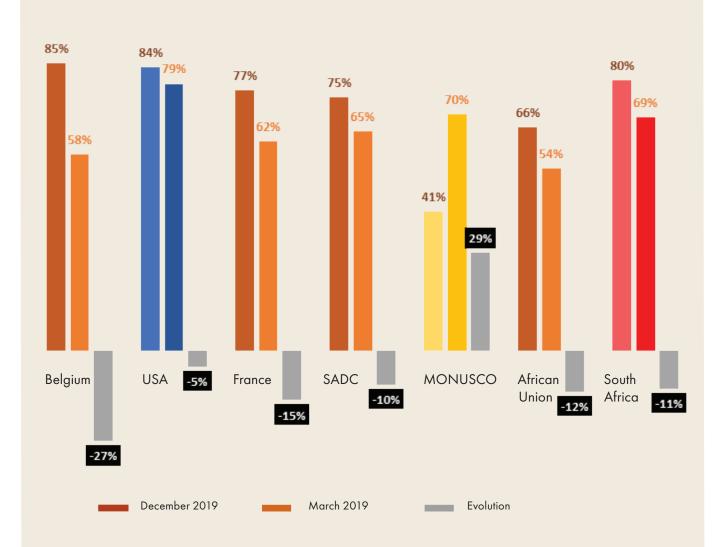
The Congo is a distinctly plural society, with many actors playing critical roles in the political process. The leadership of Catholic Church has been particularly vocal in criticizing the Kabila regime throughout the electoral process and has not minced its words regarding the official results. In his recent Easter message, the Archbishop of Kinshasa Fridolin Ambongo said: "The hopes of a people have been broken and sacrificed on the altar of egoistic calculations and interests of some, thereby creating frustration and discouragement." While only 35% of respondents were Catholic, 67% said they had a positive impression of the Catholic Church. Eightthree percent of respondents said that religion should play an important role in politics.

Similar levels of support prevailed for social movements, such as *Lutte pour le changement* (LUCHA) (with 67% of approval rating) and Filimbi (with 68% of approval rating), who rallied persistently against the Kabila government during the electoral process, but who have taken a more subdued stance since the results were announced. LUCHA, for example, has sharply criticized the elections as fraudulent, but has focused its protests on public service provision and high mobile phone charges, up until recently.

Our polls indicates, however, Dr. Denis Mukwege, the Nobel Peace prize winner, remains the most popular public figure surveyed with an approval rating of 82%.

<sup>&</sup>lt;sup>10</sup>The question was in regards to their leadership body, the National Episcopal Conference of the Congo (CENCO).





#### International Community

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# The U.S. position in acknowledging Tshisekedi's victory while sanctioning the election organizers is very coherent.

Tibor Nagy, U.S. assistant secretary of state for African Affairs, January 2019

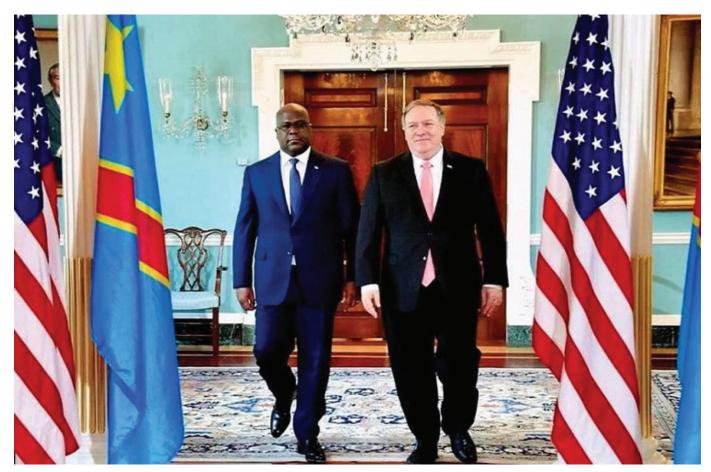
In some regards, public opinion seems stuck in the pre-election period. For example, despite high levels of support for organizations that are harshly critical of the election results, 79% respondents still had a good opinion of the United States government, which has celebrated the elections, calling them "probably the best the Congo has ever known." MONUSCO, the UN peacekeeping mission that has also praised the elections, was also popular, with a 70% approval rating. However, apart from for MONUSCO, the approval ratings of most foreign actors has dropped compared to before December 2018.

#### Conclusion

One hundred days after momentous elections, President Tshisekedi is enjoying widespread approval and support, both inside and outside the Congo. Beneath the surface, however, there are fissures. His power is considerably constrained by the dominance of Kabila's FCC coalition in the national assembly, the senate, and in provincial assemblies and governments. Tshisekedi has chosen to enter into a coalition with the FCC, but our poll reveals this to be unpopular (53% of disapproval rating).

It also shows an electorate impatient for reforms, and for Kabila to retire all together from Politics (66%).

On the balance, respondents to this survey seem to accept the election results—although at least half think they were rigged—but only because they believe it will bring about change. If those changes do not materialize, the new government is likely to face renewed contestation.



<sup>11</sup>Tibor Nagy, U.S. assistant secretary of state for African Affairs, January 2019, as cited by Chidinma Irene Nwoye in https://theintercept.com/2019/04/03/congo-elections-ussanctions/



Created in 1990, the "Bureau d'Études, de Recherches, et de Consulting International" (BERCI) is a limited liability Company dedicated to undertakes research and evaluation projects to improve evidence-based decision-making in DRC. The first Congolese public opinion research firm, BERCI's activities focuses on development, good governance, statebuilding and peacebuilding related research. Our non-profit polls are jointly coordinated with Fondation BERCI.



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