

MANAGING POLITICAL IMPASSE THROUGH DIALOGUE: A VALIDATION OF CLIENTELISM IN AFRICA

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Introduction

The experience of national dialogue as a method for peace goes back to the democratization process that witnessed the end of the Cold War, particularly in French-speaking Africa. Popularly known as Sovereign National Conferences (SNC), these broad-based and inclusive fora were designed to manage the political transition in times of crisis and facilitate the organization of multiparty elections in fragile states such as Benin, Gabon, Congo Brazzaville, Zaire (now the Democratic Republic of Congo) and Togo, to name but a few. While some dialogues had a few hundred delegates in attendance and lasted a couple of weeks, others covered many months with thousands of participants (Brandt, Cottrell, et al. 2011). Even though most deliberations reached an agreement, only half of such agreements were implemented (Paffenholz, Zachariassen, and Helfer, 2017). What is more, inconclusive national conferences provided a fertile ground for armed conflicts particularly in Rwanda (1993), Burundi (1993), and the Democratic Republic of Congo (1997). To end the 'Africa's World War', warlords and a portion of non-armed opposition entered a 52-day Inter-Congolese Dialogue in Sun City (South Africa) which provided a legal framework for a transition government headed by Joseph Kabila, assisted by four vice presidents (Prunier 2009; Sagare 2002; Meredith 2006). However, in recent times, young democracies have continued to experience political impasse following the incumbents' attempt to remain in power indefinitely by ways of breaching agreements, amending constitutions, rigging elections among other things. In a fashionable style,

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the ruling parties have resorted to national dialogues as a political tool to reclaim lost legitimacy while maintaining their power grips.

Using the Democratic Republic of Congo (DRC) as a case study (Bayart 2009), this paper analyses the call for national dialogue initiated by the former President of the Democratic Republic to discuss the future of the country at the end of his constitutional term in office in 2015. The study relies on secondary data (review of extant literature) and adopts a theoretical framework of neopatrimonialism in an attempt to address the question as to whether the call for national dialogue was meant to generate innovative solutions to the Congolese perennial problems of governance or to legitimize the continuation of the regime by way of rewarding a few sympathizers to the regime with political appointments. As an alternative to a fruitless dialogue, the paper underscores the political will that is gradually turning things around under the new leadership of President Felix Tshisekedi. The argument is thus articulated in four sections, as follows. First, the paradigm of neopatrimonialism unveils the dominant characteristic of patronage politics in Africa, namely elite clientelism. Second, a call for a national dialogue that came at the end of President Joseph Kabila's last term in office is taken at face value as a nice way of finding an appropriate solution to Congolese current affairs. Third, the dialogue's failure to produce a roadmap for a peaceful transfer of power testifies is critically discussed. Fourth, an alternative to endless dialogue transpires in the political will which the new president has demonstrated in gradually dismantling elite clientelism in the DRC.

Theoretical Framework

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). The concept is derived from Max Weber's term of "patrimonialism", suggesting 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*. From Latin America, Middle East, Far East, and Europe, the practice of neopatrimonialism has attracted scholarly works (Erdmann and Engel 2006). It has also provided an important key to understanding why many African countries lag behind the rest of the world in terms of economic development, democratization, transparency,

accountability, and the rule of law. In the literature, it appears that neopatrimonialism, prebendalism, patronage, and clientelism are sometimes used interchangeably to describe a kind of political system that concentrates political power in a single individual with ultimate control of networks. Before proceeding further, it is important to provide a conceptual clarification of the above terms.

Prebendalism takes place when public offices are held by key elites and allies of the ruling party, granting personal access over state resources. However, the difference between prebendalism and patronage can be found in fiscal implications 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 but allowing the customs officer to use the position for personal enrichment by manipulating import and export taxes is an example of a prebend" (van de Walle 2007, 4). Accordingly, leaders of low-income countries are attracted to prebendalism when they do not control a high level of resources but are characterized by a lack of professional civil service. In this case, government officials use their positions to embezzle public funds but go unpunished because political stability which is construed as the survival of the ruler compels the latter to recycle criminals 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 and clientelism point to a relationship between two unequal parties whereby one gains political power and the other economic benefits, but both are not synonymous. Whereas clientelism stresses the supportive role of the elite, patronage is an institutionalized form of resource distribution: a ruling party leader acting as a patron allows public jobs and services to beneficiaries of the regime at his discretion to gain the needful support. Patronage politics is most practiced in democratic regimes and growing economies, while clientelism is a trademark of poor and autocratic regimes.

As far as Africa is concerned, the origins of a neopatrimonial state can be traced back to the colonial era where indirect rule (by kings, chiefs, and elders) combined with modern bureaucracy to produce hybrid regimes or a mixture of patrimonial and legal-rational domination. According to Chabal and Daloz (1999), such hybrid regimes reflect an institutionalized 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). In the same way, van de Walle (2001, 116) contends that "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 were quickly attracted to and inspired by the unquestionable authority of traditional rulers. Being treated as life presidents by their respective populations, many heads of state awarded themselves the prestigious titles of Emperor, Field Marshal, Father of the Nation, Supreme Leader, and the like (Ohene 2015).

Following the democratization drive at the end of the Cold War, the practice of clientelism allows politicians to engage in electoral competition without political ideology. According to van de Walle (2007), three categories of clientelism exist, namely traditional, elite, and mass clientelism. Traditional clientelism was practiced under customary law, in traditional kingdoms, whereby the ruler and the subjects developed a bond of reciprocity through tribute and gift exchange. When independent states grew out of a colonial state in Africa, elite clientelism developed within the executive branch of government with the sole objective of keeping the president and his cronies in power as long as possible. Instead of redistributing the wealth of the nation, clientelism facilitates the growing gap between the elite and the masses through extractive institutions of governance. It also opens political space for mass clientelism to take center stage as the democratization process unfolds. At this third level, power struggle and its attendant access to resources become the norm, especially at the party level where candidates seek tickets in primaries. Victory at the polls depends on the ability of the candidate to dispense cash to the electorate.

Neopatrimonialism can be appreciated as a process of state formation but many years after independence, elite clientelism as practiced in young democracies constitutes a clog in the wheel of economic progress: state resources are distributed within members of an inner circle of government to undermine economic reforms and prevent political change. In a patron-client relationship, the fate of an entire population has to depend on one ‘Big Man’ who is capable of giving generously and it becomes difficult to draw a line between what is public and private fund. As a result, party members can easily shift ground and identify with the winning camp to remain in the lucrative business of governance. 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 on patronage to buttress parties is a fairly standard feature of a wide number of democracies (van de Walle 2007, 7).

It is worth stressing that beneficiaries of state patronage are not the bottom millions that lack any political leverage, but the critical power brokers of the inner caucus. The theory of neopatrimonialism has shed some light on the politics of patronage in vogue in many African countries, whereby incumbents tend to hold on to power indefinitely. Using the DRC as a case study of entrenched elite clientelism, the next section examines the rationale behind the call for national dialogue at the end of the second and last constitutional term of office of Mr. Joseph Kabila.

Call for National Dialogue

Article 70 of the 2006 Constitution of the DRC stipulates that the president is elected according to 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 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 general elections. However, in a televised broadcast to the nation on 28 November 2015, Mr. Kabila made a call for a national dialogue to discuss the future of the country before the expiration of his last term in office as if the constitution was silent about the organization of elections by the national electoral commission and the possible transfer of power. Inclusion and ownership are the main ingredients for national dialogues as a method for peace (Paffenholz, et al. 2017). But the opposition party was not prepared to negotiate power with the government that was about to change hands. It also cautioned the outgoing regime against a violation of the constitution, while reiterating their demand for a peaceful transfer of power at the end of fair and credible general elections. On its part, the ruling coalition 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 avert cycles of violence similar to what followed the fall of dictator Mobutu in the 1990s (Meredith 2006; Prunier 2009; Stearns 2011).

At the African Union (AU) Commission, the option of the national dialogue for a political solution was eventually adopted with the appointment on 6 April 2016 of former Secretary-General of the Organization of African Unity (OAU), Edem Kodjo to facilitate the Congolese national dialogue between the government and opposition groups. Worthy of note however is the fact that many members of the opposition boycotted the proceedings

while the government seized the opportunity to identify a few personalities that were willing to compromise. Together they signed an agreement on October 18, 2016, to share power in a transitional government. In the end, the Constitutional Court legitimized the extension of the Kabila regime by interpreting Article 70 of the Constitution (as amended in 2011) in favor of the incumbent, stating that “The President remains in power until a newly elected President takes office” (VOA 2016). Security agents were soon mobilized nationwide to preempt any action that might trigger a popular movement similar to the one that ended the regime of Blaise Compaore of Burkina Faso in 2014. Despite police brutality, peaceful protesters still occupied the streets of Kinshasa to manifest their popular discontent on 19 December 2016. They called on President Kabila to let the Independent National Electoral Commission organize general elections for a peaceful transfer of power to take place for the first time in the DRC, but to no avail.

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 (Gittleman 2017). On 31 December 2016, another compromise agreement known as the St. Sylvester Accord was reached. This was after a series of talks between those who signed the Kodjo deal of 18 October 2016, including the government, and those who held out. According to a clause of this new agreement, the leader of the opposition, late Etienne Tshisekedi was chosen to head the Transition Council and so pave the way for Kabila to leave power in 2017. Another area of agreement was to appoint a Prime Minister from the opposition *Rassemblement* who was to form a transition government. All in all, it appears that the Kabila government was just buying time and more supporters of the regime, including members of the opposition party. In other words, the incumbent made use of both the Kodjo-led national dialogue and the CENCO initiative to identify potential allies and strengthen his grip on power. In the next section, the paper argues that the inconclusive nature of national dialogue to proffer a consensual solution to the Congolese problem of political instability is an indication of elite clientelism that sacrifices the rule of law embodied in the constitution on the altar of continuity of the regime that benefits only a few.

Political Impasse

Why should incumbents resort to national dialogue at the end of their mandate instead of preparing for a peaceful handover of power? Communication theorists contend that conflicts are primarily communication problems.

At the heart of every dialogue is the willingness of the parties involved in a conflict to communicate. Even though a dialogue does not imply a binding agreement between two conflicting parties, it is an integral part of negotiation and mediation processes. A facilitator in a negotiation process meets the parties separately and ensures that they are not only ready for dialogue, but also committed to work together for a mutually satisfactory outcome. He or she makes preliminary contacts with relevant stakeholders to gather their interests and needs before facilitating the dialogue and eventually proposing a compromise agreement to be signed by all participants (Ramsbotham, Woodhouse and Miall 2007, 167; Harowitz 2007). In a democracy, it is, however, imperative that the government of the day improves not only on service delivery but also on communication about important issues if they want to remain in power.

As far as the government is concerned, the Minister of Information is usually seen as the government's mouthpiece who should regularly communicate with the citizenry, not only by keeping the latter in the know about government action but also gathers feedback on issues of national interest. Even when one government goes out and another takes power, the political dialogue continues, given that the incoming administration is keen on fulfilling its electoral promises. It is also believed that issues of national interests ought to be discussed in parliament. Individual members of parliament (MPs) have the opportunity to organize interactive sessions with their respective constituencies in a bid to explain the rationale behind new bills proposed in the National Assembly and gather the views of the grassroots that will help in the decision-making processes. To the opposition parties is assigned the role of watchdogs that scrutinize the agenda of the ruling party and exploit the gap between what citizens expect and what they receive from the government, in a sustained effort to win the hearts of the electorate at the next polls.

Lack of communication that guarantees the freedom of information is alien to a democratic dispensation and likely to generate rejection, frustration, and aggression from the electorate. Arguably, searching for solutions to political impasse through government-initiated dialogue is a mechanism that points in the direction of elite clientelism, whereby state resources are mobilized to buy the support of loyalists to maintain the status quo (Bayart 2009). A close look at the Kodjo-led dialogue reveals that opposition parties were not committed to negotiating unconstitutional solutions with the government at the end of President Kabila's last term in office. They equally rejected the services of the AU-appointed facilitator, who could not pass the test of impartiality. As Jackson (2009, 243) contends, a third party can

enhance the chance of success, but the latter depends on the willingness of the conflicting parties to settle their differences. The AU Peace and Security Report links the failure of the Congolese dialogue with the appointment of Mr. Kodjo when it said that “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” (Report 2016). Among the elite that participated in it, not everybody signed the final document (agreement). There is, therefore, a need to interrogate the role of the political elite in maintaining the status quo in the DRC.

It is worth recalling that at the beginning of his second term in office, the then DRC president Joseph Kabila launched national consultations. As a result, the ruling party and a large number of opposition parties were able to form a coalition government in December 2014 in exchange for ministerial portfolios. It was in the context of patronage that the Independent National Electoral Commission lost its independence to organize general elections in 2016 while the Constitutional Court ruled in favor of the incumbent to remain in power. Following the death of Etienne Tshisekedi as renowned leader of the opposition on 1 February 2017, the St. Sylvester Accord became another false start. Even though the country was able to avert bloodshed through the good office of the Congolese Bishops’ Conference (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 Joseph Kabila decide the fate of the country alone. 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 head a unity government under the authority of the Head of state.

Capitalizing on a divided opposition, the Head of State met with a few malleable dissidents of the opposition parties and on April 7, 2017, appointed Bruno Tshibala as the new Prime Minister who would then form a government of national unity. By picking someone who had been recently expelled from the *Rassemblement*, the incumbent disregarded the St. Sylvester Accord (Aljazeera 2017). As the European Union analysts in Kinshasa put it, 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? Going against the interests of a large portion of the opposition demonstrated simply that the national dialogue was synonymous with a divide-and-rule mechanism at the service of the ruling party. Eventually, the whole exercise plunged the country into a political impasse that only hurts the masses. To propose an alternative to an endless

dialogue, the last section takes note of a series of victories stemming from the political will under the new leadership in DRC.

Change through Political Will

At a book launch in Addis Ababa in 2008, renowned economist George Ayittey urged African leaders to apply “African solutions to African problems” instead of recycling colonial clichés that no longer work for the people of the continent in the 21st century (Figuremariam 2008). 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 what African problems are. Former president Yayha Jammeh ruled the Gambia for 22 years but refused to step down after losing the December 2016 elections. Thus, he created an African problem that, if left to him alone, would have led the country into a civil war. An African solution came from the Economic Community of West African States (ECOWAS) that threatened to use force against Jammeh before the latter accepted to leave the country. In the DRC, Joseph Kabila who succeeded his slain father (Laurent Desire Kabila) in 2001 stepped down after 18 years in power when the call for national dialogue failed to extend the constitutional term limit imposed on him. Accordingly, DRC experienced in January 2019 for the first time since independence in 1960, a peaceful transfer of power between Kabila and the flag bearer of the main opposition party, Felix Antoine Tshisekedi, thanks to mounting pressure nationally and internationally over many years. It is important to note however that Mr. Kabila created a political impasse by attempting to prolong his regime by proxy after the failed dialogue.

Through an electoral commission that was bought to the cause of the regime, a political alliance, ‘Common Front for the Congo’ (FCC) was formed to safeguard the interests of the patron. Endorsed by the Constitutional Court, the December 2018 general elections’ results produced pro-Kabila officials to lead provincial governments, National Assembly, and the Senate. It begs the question as to how a defeated party at the general election could still retain the majority of seats in parliament. The answer to this critical question is not far-fetching because as Stearns puts it:

A key word in the Congolese lexicon of corruption is *the envelope*. If you want to buy votes in Parliament to squelch the audit of your state-run company, you pass around envelopes. When you want to obtain a lucrative contract to supply the police with beans and rice, you make sure the officials on the procurement boards all get envelopes delivered to their homes (Stearns 2011, 321).

On his part, the newly elected president had to form a coalition with pro-Kabila loyalists. It was a disguised form of an endless dialogue between two parties that stood for change on one hand and continuity of the old regime on the other hand. Accordingly, the head of a new government (Prime Minister) would come from the majority in parliament, according to Article 78 of the Constitution. Equally important to mention is the fact that to ensure Kabila's grips on power by remote control, two-thirds of ministries out of 65 had to go to FCC, including defense, justice, finance, and budget among others. In the same way, the outgoing president ensured that the army, the police, and the intelligence services were headed by staunch clients of his predatory regime.

After two years of paralysis at the heart of the coalition government, the new leader decided to terminate what many analysts have described as a 'marriage against nature' with Kabila. In his address to the nation on December 7, 2020, President Tshisekedi admitted publicly the coalition government's failure to move the country forward and challenged honorable members of parliament to have a rethink as representatives of the people rather than servants of one patron. As he puts it:

The reasons for dissolution were met, given there has been a persistent crisis, crystallized in particular by the parliament's refusal to support certain government initiatives; as was the case during the swearing-in of the members of the Constitutional Court, I will use the constitutional prerogatives granted to me to come back to you, sovereign people and ask you for this majority (Gras and Tshiamala 2020).

Starting from 3 November 2020, President Tshisekedi has demonstrated his political will to make the expected change happen. Without distributing envelopes to a few, he has opted for intense consultations with different stakeholders including the political elite, opinion leaders, and representatives of civil society. Rather than calling for another national dialogue involving the opposition only, he has the opportunity of not only listening to the aspirations of the great majority of people, but also selling his vision of a new Congo in which officeholders would be servants of the people.

To materialize such a vision at the end of the consultations, he has launched a new platform, the Sacred Union for the Nation (SUN) in which willing political actors across the board would freely join hands in putting an end to the system of impunity. As attested by presidential informant Senator Modeste Bahati Lukwebo in his report of 29 January 2021, the wind of change has quickly turned the tables upside down when 381 out of 500 Members of Parliament have taken a U-Turn and reconfigured the new pro-Tshisekedi majority under the umbrella of SUN. This reversal of loyalty has enabled lawmakers to vote the speaker of the lower house, Madam Jeanine Mabunda out with her entire team before filing a similar no-confidence vote against the Prime Minister and his cabinet (Asala 2021). As if that was not enough, the upper house followed suit and removed Senate President Alexis Thambwe Mwamba and his team from office through ballot papers, all within a matter of weeks.

Conclusion

The concept of national dialogue subscribes to the mantra of African solutions for African problems and its application as the preferred option of managing political impasse, especially in the aftermath of contested election results, is gaining currency. Although a dialogue brings antagonists closer and makes communication possible, it can become ineffective when parties to the conflict hold asymmetric powers. What's more, it can be used as a tool in the hands of an autocrat that clings to power. This paper has adopted the case study of DRC to underscore the impact of patron-client politics on regime change in Africa. The study has argued that President Joseph Kabila opted for national dialogue to enlarge his political base and ensure the continuity of his regime at all costs. Even though delayed elections were conducted in December 2018, the transfer of power was only ceremonial because real power was held by the majority of the pro-Kabila coalition (FCC) which controlled all institutions of government, including the National Assembly and Senate, the central and provincial governments, the army, the police as well as state security service. In a typical patron-client regime, local actors are not willing to sacrifice their benefits on the altar of power alternation, and whatever initiative taken by the Big Man is designed to perpetuate elite clientelism. The ensuing coalition government between Kabila and Tshisekedi was nothing more than a continuous tension between continuity and rupture. Having summoned his political will after two years of political stalemate, Felix Tshisekedi launched large consultations with various segments

of the population to share his vision for a new DRC. Using constitutional prerogatives, he moved on to terminate the fruitless coalition and evoked the possibility of dissolving the parliament if lawmakers failed to live up to their constitutional mandate as representatives of the people. Consequently, a new majority that allied with the pro-Tshisekedi Sacred Union of the Nation was identified, and it precipitated the downfall of key figures of the ancient regime without the use of force. This is a demonstration of political will that produces tangible results, as opposed to inconclusive national dialogue at the service of the elite in power.

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ABSTRACT

Political impasse occurs each time an African leader breaches peace accords, rigs elections, or amends the country's constitution to remain in power indefinitely. In a fashionable style, the ruling party would resort to a political tool of national dialogue to reclaim lost legitimacy while maintaining their power grips. Using the Democratic Republic of Congo (DRC) as a typical case study of elite clientelism, this paper analyses the call for national dialogue initiated by the former President of the Democratic Republic to discuss the future of the country at the end of his constitutional term in office in 2015. It relies on secondary data (review of extant literature) and adopts a theoretical framework of neopatrimonialism to address the question as to whether the call for national dialogue was meant to generate innovative solutions to the Congolese perennial problems of governance or to legitimize the continuation of the regime by way of rewarding a few sympathizers to the regime with political appointments. As an alternative to a fruitless dialogue, the study underscores the political will under the new leadership of President Felix Tshisekedi, that is gradually dismantling the ancient régime in the DRC.

KEYWORDS:

Dialogue. Constitution. Kabila. Elite Clientelism. Term Limit. Tshisekedi.

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