

Testimony
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Bureau of African Affairs
U.S. Department of State
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Subcommittee on Africa, Global Health and Human Rights
“U.S. Policy Toward Post-Election Democratic Republic of the Congo”
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Good afternoon Chairman Smith, Ranking Member Payne, and honorable Members of the Committee. Assistant Secretary Carson sends his regrets that he could not be here today. I appreciate the Committee’s willingness to accept me as a witness in his place.

Thank you for this opportunity to testify before you concerning the post-election situation in the Democratic Republic of the Congo, or the DRC, and U.S. policy toward the DRC in the aftermath of a seriously flawed presidential election and the ongoing challenges with respect to legislative elections. We are very concerned about the many problems that have come to light regarding the conduct of these elections and are seeking ways to ensure that these problems do not divert the country from the path toward lasting peace and stability based on democratic principles. Today I would first like to briefly share our understanding of the context in which these recent elections were held. I will also very briefly outline U.S. pre-election efforts to help set the stage for free and fair elections in the DRC. Finally, I will address the effect of these flawed elections on our efforts to promote democratic principles and long-term stability in the DRC.

The importance of the DRC to the United States is multifaceted and profound. Our humanitarian obligations to this country that has brutally suffered

so much drive our policy and underpin our commitment to the Congolese people. Moreover, the stability of central Africa in the near and long-term depends on the still precarious stability of the DRC. If the country returns to the 1993 to 2003 levels of violence, all the countries in the region could yet again be involved, leading to humanitarian crises and regional instability.

The DRC's turbulent history has never allowed it to live up to its economic promise nor has it been able to achieve the peace and stability its people desperately need and seek. The Congo's problems center around a lack of functioning state authority throughout much of the country. The state lacks the capacity to provide basic services such as health care, education and infrastructure. The justice system and bureaucracy are weak and lack capacity leaving them dysfunctional and lacking in power. The security forces are frequently undisciplined and often ill-equipped, poorly trained and irregularly paid. Corruption is widespread and impunity is the norm. The problems are huge and pervasive.

It is in this context that the DRC held its second democratic election since the end of the Mobutu era. These were also the first elections wholly organized and directed by the Congolese themselves since independence. Unlike in 2006, when the elections were largely managed by the UN and others in the international community, this time the international community played a supporting rather than a leading role.

There were numerous problems with the elections, beginning with an abbreviated preparation period. The November 28, 2011 elections did not begin in earnest until last March when the National Independent Electoral Commission -- or

CENI -- was established, allowing just eight months to mount a national election in the largest country in Sub-Saharan Africa, a country the size of the United States east of the Mississippi River with a population of 71 million and almost no infrastructure. With very few roads, a dilapidated and limited rail system, and poor telecommunications, the logistical challenges alone were enormous. Further, in one of the poorest, least literate countries in Africa -- despite its vast resources and great potential -- the management, technical, and human resource challenges associated with establishing more than 63,000 polling places and 169 counting centers were equally daunting. Under these circumstances problems were inevitable.

Both national and international observer missions, including the U.S.-funded Carter Center observer mission, identified multiple flaws and irregularities in the election process, beginning with the registration process and continuing through the vote tabulation process. The State Department has found the management and technical execution of these elections to be seriously flawed, lacking in transparency and not on a par with positive gains in the democratic process that we have seen in other recent elections in the region and elsewhere. The Secretary of State noted that we were deeply disappointed that the electoral commission's provisional results were affirmed by the Supreme Court without a full investigation of alleged irregularities, despite opportunities to do so.

Eleven candidates vied for the presidency and almost 19,000 candidates competed for 500 seats in parliament. The CENI announced the provisional presidential results on December 9, declaring the incumbent, President Joseph Kabila, the winner with approximately 49 percent of the vote. Second place went to the leading opposition candidate, Etienne Tshisekedi, with 32 percent of the

vote. On December 20, 2011, President Kabila was sworn in for his second five-year term in office. It is important to note that we do not know, and it might not be possible to determine with any certainty, whether the final order of presidential candidates would have been different from the final results had the management of the process been better.

Mr. Tshisekedi and his supporters have refused to accept defeat, going so far as to hold their own swearing-in ceremony declaring that he is the rightful winner and, therefore, President of the DRC. In the run up to the election, Mr. Tshisekedi made several inflammatory statements, including declaring himself president before the elections and calling on his supporters to “terrorize” the security forces and to break his party’s political detainees out of jail. Currently, Mr. Tshisekedi’s home remains surrounded by police and his movements are severely restricted. Since the election, he has made calls for the public to mobilize against the Kabila government. Most recently he called on the Congolese people to stage a general strike this past Monday. While he continues to be very popular within his constituency and many supporters turned out for his parallel inauguration, his calls for general mobilization have fallen flat. Still, Mr. Tshisekedi’s political party remains the strongest opposition party in the Congolese landscape and it is important that its voice be included in the political dialogue.

This election clearly fell far, far short of internationally-accepted election standards in many ways, but I cannot complete my discussion without also acknowledging a few significant accomplishments represented by these elections:

1. Unlike in 2006, the government of the DRC was responsible for the majority of the financing of these elections, an important first step.

2. The CENI registered over 32 million voters—some in virtually inaccessible areas of the country— an important feat as the voter card serves as the country’s principal identity card.
3. Over 18 million voters endured admittedly difficult conditions – including long distances to polling places on unpaved roads and heavy rains -- to cast their votes.
4. The significant voter turnout on November 28th and enthusiasm and interest for these elections were clear demonstrations of the determination of the Congolese people to have their voices heard through the democratic process.

The United States supported the election process throughout, both through diplomatic engagement and programmatic assistance aimed at civic education to prepare the Congolese people to participate actively and productively in these elections. Since FY 2009, we have provided approximately \$11.4 million to the International Foundation for Electoral Systems (IFES) for civic and voter education activities. In FY2010, we provided approximately \$4 million to The Carter Center for training some 6,000 election observers. We also provided training in crowd control as well as non-lethal equipment to the Congolese National Police as part of efforts to professionalize their conduct leading up to and following the elections.

We met continuously with all of the major candidates throughout the election cycle. We have advocated and continue to advocate that all Congolese political leaders and their supporters act responsibly, renounce violence and resolve any disagreements through peaceful, constructive dialogue. We also deployed observer teams from the U.S. Mission in Kinshasa in each of the 10

provinces and Kinshasa, allowing us to conduct first-hand observation of the election process across a wide area of the DRC.

We continue to coordinate our efforts with international partners on the continent, including the UN Organization Stabilization Mission in the Congo, known as MONUSCO, which played a key role in providing logistical support for the elections. It was our diplomatic efforts -- taken in conjunction with other donors -- that were decisive in providing some degree of transparency in the tabulation process by demanding the CENI provide the data from the individual polling stations that eventually revealed the extent of election flaws.

Congo's neighbors and other countries in the region remain concerned about the political aftershocks in the DRC and look for a political solution that will keep the country and the region stable. The fact that only one head of state from any continent -- Zimbabwe's Robert Mugabe -- attended Kabila's December 20th inauguration speaks volumes about the level of international concern about the elections. President Kabila has publicly acknowledged that there were, quote, "mistakes," unquote, in the process but has reportedly rejected any assessment that the results would have been any different were the process more credible.

Since the presidential election results were announced, we have spoken with President Kabila, Mr. Tshisekedi, the CENI chair Pastor Mulunda, along with many other Congolese leaders of political parties and civil society organizations. We meet regularly with Congolese political party members and diaspora leaders in Washington, Kinshasa, Brussels, and elsewhere. We value the input of these varied political actors and respect and admire their dedication to democratic principles. Our ongoing conversations with these Congolese leaders as well as our

international partners and our analysis of reports on the elections by The Carter Center, the EU, and our own election experts are helping us assist Congolese actors in determining the best way forward with respect to these elections.

We continue to urge the relevant Congolese authorities to complete the remaining steps in the legislative electoral process by proceeding with maximum openness and transparency. This is especially important for the 500 National Assembly seats, where, unlike the presidential elections, a small number of votes can determine the winner.

To coordinate our efforts in the DRC and the region on December 9 Secretary Clinton announced the appointment of Ambassador Barrie Walkley as the new Special Advisor for the Great Lakes Region and the DRC. As we speak, Ambassador Walkley is in the region. He spent last week in the DRC focusing on armed groups and conflict minerals issues. He also went to Rwanda and Burundi. In addition, Ambassador Walkley is convening a group of European partners here in Washington next week to further discuss the way ahead in the DRC and the region. He also will be available to meet with Committee members about his initial travel in Central Africa as the Special Advisor.

The United States and its international partners can play an important role in the future of democracy and stability in the Congo and the region. To move forward and consolidate any modicum of democratic gains, the United States Government presently is exploring how to best help the Government of the DRC improve its electoral architecture. Elections, however, are but one part of democracy and governance. There also needs to be increased space for political

participation. We are determining both short-term and longer term ways in which we can assist.

In addition, as a way of moving forward, we support the formation of an inclusive DRC government. There are many democratic benefits to an inclusive government. Giving the opposition a voice will assure their stake in government operations and will advance the broader goal of political inclusion and stability. We are not advocating a coalition government in encouraging this inclusivity. Finally, an expected delay in the Provincial Assembly elections originally scheduled for March may allow time for the CENI to implement reforms based on the lessons learned from the presidential and legislative elections. These elections are crucial, as the members of the Provincial Assemblies elect the members of the Senate and the governors of the provinces.

In addition to the current political situation, there are other elements that are essential to addressing the concerns about the long-term stability of the DRC. One of those critical elements is to counter the threat of rebel armed groups and establish sustainable security, something that has eluded the country for decades. We continue to work closely with the people and government of the DRC on enhancing the protection of its civilian population through professionalization of the police and the military.

Combating the Lord's Resistance Army (LRA) continues to be a particular priority for us. The LRA's atrocities are an affront to human dignity and a threat to regional stability. In line with the legislation passed by Congress in 2010, we are pursuing a comprehensive, multi-year strategy to help our partners in the region to better mitigate and ultimately eliminate the threat to civilians and regional security

posed by the LRA. A key part of this strategy is the deployment of a small number of USG military advisors to enhance the capacity of the regional militaries pursuing the LRA to better bolster civilian protection, expand early warning networks, and address the humanitarian needs of communities terrorized by the LRA. The United States will continue to stand with the people and governments of Africa as they stand up and work together to end the LRA's reign of terror, and establish sustainable peace and security. Doing that is on the right side of history, on the right side of our values, and on the right side of our strategic interests.

We are also concerned about the illicit trade in the DRC's natural resources. Unregulated exploitation and illicit trade in minerals have exacerbated the climate of insecurity in the Eastern DRC as armed groups have used profits from such trade to fund their illegal activities. We currently have approximately \$11 million in FY 2010 funds specifically aimed at increasing the transparency and regulation of the trade in key minerals in the eastern DRC, much of which is conducted illegally. We also recently notified Congress of an additional \$4.7 million in FY 2011 Complex Crisis Fund resources that we will apply to promoting traceability and monitoring in the regional minerals trade.

Continued support for MONUSCO and its efforts to help the Congolese government bring peace and stability to the country is also critical. We recognize that sustainable peace and stability in Eastern Congo will require professional and accountable Congolese security forces and a strong and independent judicial system. To that end, in addition to our own efforts to provide human rights training to security forces and strengthen judicial courts, we, along with the European Union, MONUSCO and other donors, coordinate efforts to strengthen the democratic nature of these important institutions.

The United States is also very much focused on other very important issues in the Congo, several of which relate closely to what I have already discussed today. We want to help strengthen good governance in the long term, promote economic development, improve human rights, support judicial and wider security sector reform and end the cycle of impunity. We recognize that there are a number of significant challenges to making meaningful and long-term gains in these areas.

However, the DRC and the United States have a solid and positive relationship and our governments continue to engage at the highest level on a range of issues that aim towards a more democratic, peaceful and stable Congo.

Mr. Chairman and Members of the Committee, thank you again for the opportunity to appear before you today. I will be happy to answer any questions.