

Testimony
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Bureau of African Affairs
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Good afternoon, Chairman Coons, Ranking Member Isakson, honorable Members of the Committee: Thank you for the opportunity to testify before you on the United States’ policy toward the Democratic Republic of the Congo, the DRC.

The DRC is the largest country in Sub-Saharan Africa. With a population of over 71 million, it lies at the core of Central Africa and is bordered by nine other countries. It is also a country of enormous economic potential, with vast natural resources and large mineral deposits. This economic wealth has contributed to the DRC’s turbulent history and the current complex political situation. This is the site of what has been dubbed Africa’s World War – a series of conflicts that devastated the country for some seven years and led to continued violence in the eastern provinces even after a peace agreement concluded in 2003. Rebuilding the DRC, establishing security, and helping its people to improve governance are some of our highest priorities on the continent. It is critical for us to stay engaged in the DRC, because the DRC’s trajectory is pivotal to security and stability in the region.

The United States is the DRC’s largest donor, having committed over \$900 million this past fiscal year bilaterally and through multilateral organizations for peacekeeping, humanitarian and development assistance. We have supported the

DRC's efforts to emerge from conflict and realize a just and lasting peace that is based on democratic principles, the rule of law, and respect for human rights. The top priorities for the United States in the DRC are promoting credible elections, strengthening capacity to govern and protect, improving economic governance and reducing violence and conflict in the eastern DRC. My statement will focus on our immediate concern in the DRC – the stability of the country and the current election cycle.

Elections

On November 28, the DRC held its second democratic election since the end of the Mobutu era. Eleven candidates vied for the presidency, and almost 19,000 candidates competed for 500 seats in Parliament. The Independent National Electoral Commission (known by its French acronym – CENI) announced the provisional election results on December 9 declaring the incumbent, President Joseph Kabila, the winner with approximately 49 percent of the vote. Second place went to leading opposition candidate Etienne Tshisekedi with 32 percent of the vote. In a distant third place, per the CENI's provisional results, was Vital Kamerhe with 7.7 percent of the vote. Both national and international observer missions (including the U.S.-funded Carter Center observer mission) identified flaws with the vote tabulation process as well as other problems that occurred ahead of the actual vote. Mr. Tshisekedi responded to the announced results by calling them a “provocation of the Congolese people” and declaring himself president. He has also called on the international community to help address the problems in the electoral process.

On December 10, the Carter Center released a public statement on its assessment that the CENI's provisional results “lack credibility”, noting that “the

vote tabulation process has varied across the country, ranging from the proper application of procedure to serious irregularities.” The statement goes on to say, however, that “this assessment does not propose the final order of candidates is necessarily different than announced by the CENI, only that the results process is not credible.” Other observer groups, including the EU, have since issued similar assessments.

We share the deep concerns expressed in the assessments of the Carter Center and others over the execution of the election and the vote tallying process. It is clear that the elections were deficient in many ways. The CENI did not meet internationally-accepted standards in the vote counting process. The U.S. government along with some of our international partners has found the management and technical aspect of these elections to be seriously flawed, the vote tabulation to be lacking in transparency, and not on par with positive gains in the democratic process that we have seen in other recent African elections. However, 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 candidates would have been different from the provisional results had the management of the process been better. Further assessments by elections experts could determine whether the numerous shortcomings identified were due to incompetence, mismanagement, willful manipulation, or a combination of all three.

President Kabila has publicly acknowledged that there were “mistakes” in the process but has reportedly rejected any assessment that the results were not credible. An opposition candidate has formally filed a petition with the DRC Supreme Court which is presently reviewing the results and has until December 19

to issue its ruling, which is just one day before the inauguration planned for December 20.

We have been watching the electoral process for months. I have met and spoken with all of the major candidates numerous times. Last week, I spoke with Mr. Tshisekedi and CENI Chair Pastor Mulunda. We continue to advocate that all Congolese political leaders and their supporters act responsibly, renounce violence, and resolve any disagreements through peaceful constructive dialogue and existing legal remedies. We believe that a rapid technical review of the electoral process by the Congolese authorities may shed light on the cause of the irregularities, suggest ways in which governance could be structured to give better effect to the will of the Congolese people, and provide guidance for future elections. The United States stands ready to provide technical assistance for such a review and will encourage other countries to contribute as well.

It is important that the relevant Congolese authorities complete the remaining steps in the electoral process with maximum openness and transparency. We are urging them to put forward greater efforts for an improved tabulation process throughout the rest of the Congolese election cycle. This is especially important as the tabulation process is ongoing for 500 National Assembly seats where, unlike with the presidential election, a small number of votes could determine the winners.

We are also engaging with other governments at the highest levels, particularly in the region, asking them to reach out to President Kabila and Etienne Tshisekedi and other relevant actors to embrace a peaceful solution to this potential impasse. We have called on all Congolese political leaders to renounce violence

and resolve any disagreements through peaceful dialogue and existing legal mechanisms.

Although there are major challenges with these elections, I want to emphasize that these elections demonstrated important and positive attributes of a democracy—the election was competitive, and the voters who turned out in large numbers were committed to selecting their government through peaceful, democratic means. Unlike in 2006, the Government of the DRC was principally responsible for the organization and, conduct for much of the financing of these elections. This was an important step forward. The CENI was able to register over 32 million Congolese voters, and over 18 million voters endured admittedly difficult conditions to cast their votes.

The United States played an active role in assisting in the elections process. We committed approximately \$15 million from multi-year bilateral and multilateral funding in election assistance through USAID. The funding supported The Carter Center (\$4 million) and the International Foundation for Electoral Systems (IFES) (\$11 million) projects on civic and voter education, national election observer training, ,and capacity-building of human rights organizations. In addition, we deployed Mission observer teams in each of the ten provinces and Kinshasa enabling wide coverage and observance of the elections.

On the Public Diplomacy side, VOA and Embassy Kinshasa conducted a program to strengthen democratic and social institutions. VOA spear-headed a “citizen journalist” training of key opinion-makers (non-journalists) in local communities to report on important domestic issues, including elections. By using

inexpensive mobile phones, the citizen journalists posted texts, videos, photographs and audio directly to the “100 Journalistes” Facebook page.

Continuing Insecurity

Both in the context of the elections, and more broadly across many of our key objectives, the United States strongly supports the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and its efforts to help the Congolese government bring peace and stability to the DRC. The Mission is essential to the international community’s efforts to promote the protection of civilians, which remains its number-one objective, as outlined in UN Security Council Resolution 1991 (2011). It has undertaken new initiatives in the last few years – including the deployment of Joint Protection Teams, Community Liaison Assistants, and Community Alert Networks – that have made it more responsive to the vast needs of the eastern provinces. We continue to believe MONUSCO must remain in the DRC until the government can effectively take over protecting civilians and legitimately take over the security function. Any decision on the Mission’s drawdown or eventual withdrawal must be conditions-based to avoid triggering a relapse into broader insecurity.

At the same time, MONUSCO cannot be in the Congo forever. Sustainable peace and stability in eastern Congo will require professional and accountable Congolese security forces and a strong and independent judicial system. The Congolese Armed forces (FARDC) is faced with numerous challenges partly due to integrated former armed groups who continue to maintain parallel command structures. The FARDC remains a force that is continuously trying to integrate former rebels into a force structure that is itself oversized, unprofessional, and lacking training on almost all levels. The DRC government has no real command

and control over many of these forces, particularly the ex-CNDP forces that remain under the command of the ICC-indicted Jean Bosco Ntaganda, whose forces continue to commit human rights abuses and engage in illegal minerals trafficking and whose arrest we continue to call for. In many cases, the Government of the DRC is unable to properly provide its forces with the necessary logistical support. Helping the DRC develop professional forces that are able and disciplined enough to protect civilians is essential to ending sexual and gender-based violence and other serious human rights abuses.

U.S. government assistance attempts to address some of these underlying problems by providing military and police professionalization training with an emphasis on rule of law, respect for human rights and developing leadership skills that set a high moral bar for subordinates to emulate. For FY2011, the State Department funded approximately \$30 million in bilateral security assistance to support peace and security in the DRC. One critical component of this support is our training and assistance to the Congolese military justice sector. Effective and independent military judges and prosecutors helped prosecute and convict the officers accused of responsibility for the January 1 mass rapes in the town of Fizi. We continue to urge the DRC government to take vigorous and effective actions in investigating and prosecuting security force officials accused of rape or other crimes.

Helping the governments of the region, including the DRC government, to counter the threat of rebel armed groups is another key element of our approach to help the DRC establish sustainable security. As this Committee knows, countering the Lord's Resistance Army (LRA) continues to be a particular priority for us. The LRA's continued atrocities are an affront to human dignity and a threat to regional

stability. In line with the legislation passed by Congress last year, we are pursuing a comprehensive, multi-year strategy to help our partners in the region to better mitigate and ultimately the threat posed by the LRA.

As part of developing that strategy, we reviewed how we could improve our support to national militaries in the region to increase the likelihood of apprehending or eliminating the LRA's leaders. In October, President Obama reported to Congress that he had authorized a small number of U.S. forces to deploy to the LRA-affected region, in consultation with the region's national governments, to act as advisors to the militaries that are pursuing the LRA. Starting this month, advisor teams are beginning to deploy forward to certain LRA-affected areas, subject to the consent of the host governments. Let me also stress that although these advisors are equipped to defend themselves if the need arises, the U.S. forces in this operation are there to play only an advising role to the militaries pursuing the LRA.

We continue to work closely with the people and government of the DRC on countering the LRA and enhancing the protection of civilians. With our encouragement, earlier this year, the government of DRC deployed a U.S.-trained and -equipped battalion to participate in counter-LRA efforts in the LRA's areas of operations in the DRC. We continue to work with this battalion. We are also working to help MONUSCO augment its protection efforts in LRA-affected areas. At MONUSCO's request, the United States has embedded two U.S. military personnel into MONUSCO's Joint Intelligence and Operations Center in Dungu. These personnel are working with MONUSCO, FARDC, and UPDF representatives there to enhance information-sharing, analysis, and planning with regard to the LRA threat. Finally, we are also funding projects to expand existing

early warning networks and to increase telecommunications in the LRA-affected areas of the DRC. In addition to the LRA, we are also working with the DRC government to address other violent armed groups that continue to destabilize the country's eastern region.

Illicit Minerals Trade

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 activities. It has also denied the Congolese population opportunities for livelihoods in the mineral trade market. Consistent with the provisions of the Dodd-Frank Act, the Department has updated its strategy to break the links between the illicit minerals trade and abusive soldiers and armed groups. Using a variety of tools and programs, our strategy aims to help end the commercial role of DRC security forces in the minerals trade; enhance civilian regulation of the DRC minerals trade; protect mining communities; promote corporate due diligence; support regional and international efforts to develop credible due diligence mechanisms, particularly the certification scheme of the International Conference on the Great Lakes Region; and, contribute to establishing secure trade routes for legal mining.

We currently have approximately \$11 million in funds specifically aimed at increasing the transparency and regulation of the illegal trade in key minerals in the eastern DRC.

These efforts, as well as the Public-Private Alliance (PPA) that we recently launched with our private and civil society partners, are aimed at supporting the

creation of pilot conflict-free supply chains. These are intended to demonstrate that minerals can be “cleanly” sourced from the DRC and that the legitimate, conflict-free trade in minerals can continue even as companies begin to apply internationally-agreed principles of due diligence. The PPA has already received commitment from more than 20 companies, trade associations, and NGOs prepared to contribute their funds or expertise to these efforts. More notably, the Secretariat of the International Conference on the Great Lakes Region (ICGLR), a group comprised of representatives of each of the Great Lakes countries, is a participant demonstrating that the initiative has regional buy-in to support the intended pilot supply chain efforts.

We recognize that there are great challenges in the DRC. However, the DRC and the United States have a solid and positive relationship, and our governments continue to engage at the highest levels on all of these issues.

Thank you, Mr. Chairman. I welcome your questions.