

Improving Governance in the Democratic Republic of Congo

Senate Committee on Foreign Relations

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Testimony

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Chairman Coons, Ranking Member Isakson, and Members of the Subcommittee on African Affairs: Thank you for the invitation and honor to testify before your committee today. I greet you on behalf of the millions of Congolese in the homeland who look up to the United States of America as a beacon of democracy. I would also like to thank you on behalf of the Congolese community of the United States for your interest in the alarming developments in the Democratic Republic of Congo. Thank you.

My name is Mvemba Phezo Dizolele, a native Congolese and a naturalized US citizen. Let me note that I received my American citizenship through service in the United States Marine Corps Reserve, where I was a non-commissioned officer and served in infantry, intelligence, training and public affairs positions. I am a writer, foreign policy analyst, independent journalist, and a Visiting Fellow at the Hoover Institution on War, Revolution and Peace at Stanford University.

Over the last decade, I have returned to Congo several times as a journalist, researcher, businessman, vacationer, and election monitor. In 2006, I was embedded with United Nations peacekeepers in Ituri, Lake Albert and South Kivu as a reporter. I also covered the first round of the election that summer and returned in the fall to serve as an election monitor with the Carter Center. In March 2007, I was stranded at the Grand Hotel in Kinshasa for four days while troops and militiamen loyal to President Joseph Kabila and Jean-Pierre Bemba fought each other in the

city streets and around the hotel. I recently returned from Congo where I observed the contentious presidential and legislative elections that have led to the current legitimacy crisis between Joseph Kabila and his main challenger, Etienne Tshisekedi.

Today, however, I represent neither the Marine Corps nor the Hoover Institution. I speak on behalf of the Congolese people. While I do not represent all 70 million Congolese, I am confident that I speak for a good many of them. Still, the views expressed in this statement are my own.

The most widely accepted narrative of U.S. Congo policy defines the predicament as a humanitarian crisis through the binary prism of sexual violence and the so-called conflict minerals. This narrative has now become the standard perspective through which Americans view Congo, and most NGOs, activists, academics and policymakers build their efforts around this prism. Not only is this narrative wrong, it has led to misguided initiatives, which have effectively turned U.S. Congo policy into a Kivu policy.

Tremendous efforts have been devoted to sexual violence and Congress passed the Dodd-Frank Act, which contains an important resolution on Congo's conflict minerals. This narrative oversimplifies the problem and makes American taxpayers believe that if only the challenges of sexual violence and conflict minerals were solved, then Congo will get back on track and peace will follow.

Nothing, however, is farther from the truth. The Congo crisis is first and foremost political and requires political solutions. Sexual violence and the looting of natural resources are ramifications and symptoms, not the causes of the political crisis. Focusing U.S. Congo policy primarily in the eastern province, particularly the Kivus, which are but a fraction of the country, has not helped

the people of Congo solve the bigger problem. This would be akin to designing a US-India or US-Pakistan policy based on the conflict in Kashmir.

The disproportionate attention that policymakers directed to sexual violence and conflict minerals distracted them from the many other important core issues, such as governance, security sector reform, mining sector reform, decentralization, and the elections.

The result has been catastrophic for the Congolese. For instance, nowadays, nowhere are crises more predictable than in the Democratic Republic of the Congo. And yet, when they unfold as anticipated, Western policymakers and diplomats always seem caught off guard -- raising questions about the competence, willingness, and commitment of the Kinshasa-based diplomatic corps and the United Nations mission to discharge their responsibilities.

Nothing underscores the apathy and inconsistency that characterize Western diplomacy in Congo more than the current impasse between incumbent President Joseph Kabila and veteran opposition leader Etienne Tshisekedi, each of whom has claimed victory in the Nov. 28 presidential polls. The legitimacy crisis threatens to trigger another round of civil war in a country that has already lost over six million of its people to the repercussions from a long and senseless conflict.

On Dec. 9, Daniel Ngoy Mulunda, chairman of Congo's Independent National Electoral Commission, declared President Kabila winner of the contentious election, with 49 percent of the votes. Tshisekedi, the main challenger, placed a distant second with 32 percent. Tshisekedi has rejected the results, called Mulunda's statement a "provocation of the people" and declared himself president-elect. The main opposition parties have rallied behind Tshisekedi and are calling on the international community to help solve the impasse.

The opposition has a strong case. A day after Mulunda declared Kabila the winner, the Carter Center's election monitoring mission issued an unequivocal statement charging that the results announced by the electoral commission lacked credibility. The observers noted that the mismanagement of the vote tabulation process compromised the integrity of the election, which was fraught with damning legal, technical, and logical deficiencies from the outset. The Carter Center cited serious irregularities, including the loss of nearly 2,000 polling station results in Kinshasa, a Tshisekedi stronghold, representing as many as 350,000 voters. Another 1,000 polling station results were mysteriously lost elsewhere in Congo, representing 500,000 voters.

Meanwhile, according to the Carter Center, multiple locations in Katanga province, a bastion of Kabila supporters, reported impossibly high rates of 99 to over 100 percent voter turnout, with all or nearly all votes going to the incumbent. The observers also noted that a review of locations with similar high percentage votes for Tshisekedi did not reveal the same coincidence of perfect collection of polling station results and extremely high voter turnout - meaning that voter turnout in Tshisekedi's strongholds was within expected norms. The Catholic Church, arguably Congo's most influential institution, which deployed 30,000 election observers across the country, backed the Carter Center's statement. Cardinal Laurent Monsengwo, Archbishop of Kinshasa, told journalists the electoral commission's results conformed with neither truth nor justice. "These observations pose a serious credibility problem for the election," the cardinal said.

Kabila waited nearly three days to hold a news conference and react to the Carter Center's statement and Tshisekedi's rejection of the results. He conceded that there had been problems with the process, but dismissed the mission's conclusion that the results were not credible. "The credibility of these elections cannot be put in doubt," the president insisted, as he accused the

Carter Center of going beyond what was expected. Throughout the process, the electoral commission had maintained that the role of monitors was only to observe, not to ask questions.

While Kabila remained silent, his government was reacting swiftly and forcefully, unleashing armed anti-riot policemen and elements of the elite presidential guard into the streets of Kinshasa to confront Tshisekedi's partisans. Several people have been killed in clashes between state security agents and the protesters, and an unconfirmed number of young men have been abducted from their homes by these same agents and driven to undisclosed locations.

The bustling capital of nearly 10 million has turned into a ghost city, as the people are afraid to venture out of their homes. The government has cut off text-messaging services, and Internet access is now limited, slow and intermittent. The diplomatic community has exhorted Tshisekedi's supporters to refrain from violence, but has not condemned abuses by state security agents. As of this writing, the Limete neighborhood where Tshisekedi's residence and party headquarters are located is under heavy police siege. The movement and activities of his supporters are curtailed by state security agents who harass and manhandle them at checkpoints, provoking them into violence.

In the meantime, Tshisekedi is threatening to appoint his ministerial cabinet and Congolese diaspora communities have taken to the streets in Pretoria, Brussels, Washington D.C., and Toronto to protest these abuses and demand that the international community respect the will of the people as expressed through their vote. Some exiled groups, however, are speaking of potential armed insurrection.

How did we get here? The root cause of the crisis can be traced back to bad policymaking by the pro-Kabila presidential majority in parliament. After Jean-Pierre Bemba, former presidential hopeful and Kabila's main challenger in the 2006 election, was arrested by the International Criminal Court in 2008 for crimes committed by his soldiers in Central African Republic, Kabila's reelection in 2011 seemed all but certain. Tshisekedi, who had boycotted the 2006 election, was old, sick, and seeking medical care in Europe. No other potential candidate had either the stature or the funds to compete with Kabila.

All that changed when Tshisekedi decided to return home in December 2010 and announced that he would run for president. With thousands of supporters turning out to greet him at the airport, his cortege took eight hours to travel 10 miles to his party's headquarters in Limete. Kabila's advisers panicked, and the president's parliamentary majority passed a hasty constitutional revision in January that scrapped the two-round voting process in favor of one round within one week.

Without the possibility of a runoff, Kabila -- with his 10 years in office, an organized network of parties, and substantial government funds not available to the opposition -- gained a disproportionate advantage as the incumbent. The constitutional revision meant that the president only needed to garner the most votes of all 11 candidates, rather than a majority.

Opposition parties along with civil-society groups denounced the constitutional revision, calling it irresponsible and dangerous for the security and stability of the country. Major powers in the West, however, especially the United States, France, and Belgium, wrote off the power play as an internal affair.

For reasons that elude Congolese analysts, Western diplomats feel more comfortable with Kabila, whom they see as the defender of stability and peace in Congo. It is true that the government in Kinshasa has recently made economic gains. The country coasted through the global financial crisis relatively unscathed. In 2010, the International Monetary Fund and the World Bank approved a \$12.3 billion debt relief package to help alleviate Kinshasa's financial burden, which was part of the Mobutu legacy. And largely because of investment in the country's extractive sector, particularly copper, the World Bank expects Congo's economy to grow over the next several years at around seven percent annually, one of the fastest economic growth rates in Africa. But over the last decade of Kabila leadership, little has changed for the average Congolese -- who is worse off than he or she was in the previous decade. With a chronically weak state, Congo has consistently performed poorly on human development rankings and continues to place at the bottom of most indexes.

These same diplomats view Tshisekedi as intransigent and difficult, and often dismiss him as irrational. In private, they point to his uncompromising positions and the statements he made last month in South Africa (declaring himself president) as signs of an unsuitable personality for the nation's highest office. But many Congolese see him as the father of the modern democratic movement. His partisans revere him as a messiah -- in part, no doubt, because he is everything that Kabila is not: He has no money, no militia, and no state machinery behind him.

A former close associate of the late President Mobutu, Sese Seko, Tshisekedi broke off with the strongman to fight for democracy in 1982 when he co-founded the Union pour la Démocratie et le Progrès Social (UDPS). He has built a loyal and committed base over three decades. Over the

years, Tshisekedi was imprisoned, tortured, and deported to his native village by both the Mobutu and Kabila regimes. But he never relented.

Western diplomats' bias notwithstanding, the crisis also stems from the inadequate performance of Congolese leaders, who waited until March 2011 to set up the electoral commission, known as the CENI, to carry out the vote. The delay -- the law mandated that it be established in 2007 -- undermined the complex operations ahead. Just days before the election, ballots and boxes had still not made their way to all of the country's polling places.

Tshisekedi's Democratic Union for Social Progress sounded the alarm in July about potential problems with the process and filed an official complaint with the CENI about what it called massive fraud and corruption of the voter registry. UDPS alleged that the CENI had been stocking voter rolls with potential Kabila supporters. They also alleged that more than 2 million voters listed in areas favorable to Kabila were either redundancies or phony names. For its part, the CENI has repeatedly rejected UDPS's call for a transparent, independent audit of voter lists.

As grievances and disputes over electoral law arose, the CENI failed to provide an adequate forum for dialogue with the opposition, holding meetings on an ad hoc basis, driven by events or crises, not by a set schedule. As a result, UDPS staged weekly street protests in Kinshasa to demand that the integrity of the electoral process be reinstated through an independent audit of the voter registry. Police and security services cracked down on the protests and intimidated members of the opposition.

The CENI consists of four members from the majority, including Chairman Daniel Ngoy Mulunda, and three representatives of the opposition. But, the independence of these

commissioners has been called into question as the CENI has regularly shown bias against the opposition. Mulunda is very close to President Kabila and the other commissioners rarely took a public stance on the electoral debate to assert their independence. The media landscape also tilted heavily in the president's favor.

In its preliminary report on the election, the European Union Election Observation Mission noted that state-run radio and television channels did not grant opposition parties equal access to programming time as required by law. During the news slot, Kabila received 86 percent of the time consecrated to presidential candidates, Kengo Wa Dondo received 7 percent, Vital Kamerhe received 3 percent, and Etienne Tshisekedi received 1 percent. Indeed, the state media made no effort to hide its bias: Gigantic posters of a smiling Kabila hung (and still hang) on the two façades of the national radio and television headquarters. In Kinshasa, the road from the airport to downtown was (and is still) saturated with billboards of Kabila. All of these violations were ignored.

Throughout all of this, Western embassies appeared content to look the other way. Diplomats from the United States, France, Britain, and Belgium have praised the CENI for enrolling 32 million voters, no doubt an impressive feat considering the enormous logistical challenges. But voter enrollment was the first step of an electoral process -- not the end. These same international actors remained silent about the allegations of fraud and irregularities, even as Congolese and international human rights organizations denounced violence and abuses. Their silence has helped spawn a crisis that could have easily been averted.

Inexplicably, even with the strong statements by the Carter Center and the Catholic Church, Western diplomats -- from the U.S. State Department to the French and Belgian ministries of

foreign affairs to the United Nations -- remain ambivalent. They continue to hedge their positions, hesitant to speak in the strongest of terms in favor of a transparent, credible, and fair process. They further worsen the crisis by consistently blaming street violence on the opposition even as they ignore the massive human rights abuses by state security agents. This blatant bias in favor of perpetrators of gross human rights violations erodes the fig leaf of credibility the international community has in the eyes of the Congolese voters and opposition.

At stake is nothing less than the stability of a country of 70 million people. Unless the international community takes its responsibility to protect the Congolese from conflict seriously, Congo will slide into greater post-election violence. A mixed panel of highly respected Congolese and outside negotiators should be selected with the full support of the United States, France, Belgium, and other relevant powers to review and address the inconsistencies that have caused this crisis. The alternative is to let the Supreme Court certify Kabila's provisional victory and hand him another five-year term. In which case, watch out: The opposition will reject this victory, but an emboldened Kabila, with questionable legitimacy, will assert his power with greater popular repression, triggering a cycle of violence with untold ramifications.

After decades of mismanagement and chronic conflict in Congo, this election presented the people with a chance to rebuild their country. With its vast natural and human resources, Congo has the potential to be a regional power, as it once was, providing stability and leadership in an area known for turmoil. But if the Congolese are robbed of a fair and honest say in their national politics, such potential will remain but an illusion.