

IMPROVING GOVERNANCE IN THE DEMOCRATIC REPUBLIC OF CONGO

HEARING BEFORE THE SUBCOMMITTEE ON AFRICAN AFFAIRS OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS

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IMPROVING GOVERNANCE IN THE DEMOCRATIC REPUBLIC OF CONGO

THURSDAY, DECEMBER 15, 2011

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:25 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Christopher A. Coons (chairman of the subcommittee) presiding.

Present: Senators Coons and Isakson.

OPENING STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE

Senator COONS. I am pleased to call to order today's hearing of the African Affairs Subcommittee of the Senate Foreign Relations Committee, and I am honored to, once again, serve with my friend and colleague, Senator Isakson. I would like to welcome the other members of the Senate Foreign Relations Committee who will be joining us later and thank our distinguished witnesses: On the first panel, Ambassador Johnnie Carson, the Assistant Secretary of State for African Affairs; and on the second panel, Mark Schneider, Senior Vice President of the International Crisis Group; Mvemba Dizolele, fellow at the Hoover Institution; and Anthony Gambino, a fellow at the Eastern Congo Initiative.

Today's hearing on the elections and governance of the Democratic Republic of the Congo is both timely and important. Last month's elections have been marred by reports of widespread irregularities that are symptomatic of greater challenges of governance. Today we will consider steps that can and should be taken to improve governance in the Democratic Republic of the Congo. We will look at U.S. policy toward this country that has been tragically plagued by decades of conflict, poverty, and insecurity.

The recent Presidential and legislative elections in the Congo have become the subject of intense international scrutiny. Election observers from the European Union and the Carter Center have both recently concluded that the results are lacking credibility. Reports have detailed mismanagement of the tabulation process, restricted access for international observers, missing ballots, and voter turnout in some districts allegedly greater than 100 percent. This was clearly not a well-run election, and I insist that Congolese authorities must now engage in a thorough and transparent review of the results to address important unanswered questions.

Now that the Congolese Independent National Election Commission, known as CENI, has released data from all polling stations, there should be a thorough review of the results taking into account reports of irregularities from the many observer missions. As the U.S. State Department said last night, the United States stands ready to provide technical assistance for such a review that will shed light on whether these irregularities were caused by a lack of organization or by outright fraud.

New questions surrounding the election are emerging each day this week, and I have received a steady flow of both information and phone calls from concerned Congolese Americans reporting fraud and concerns about post-election violence. Today I call on both President Kabila and Mr. Tshisekedi to urge their supporters to resolve their disagreements peacefully and avoid an escalation of violence. The unresolved issues surrounding this election cannot be answered through violence in the streets. Instead, all sides should engage in dialogue about the best next steps and consider establishing a formal mediation process with the active support of the United States and the international community.

It has been the hope of many in the DRC and around the world that these elections would help move the Congo further toward peace and stability after a terrible civil war that left, by some estimates, 5 million people dead between 1998 and 2003. The United States and many in the international community have invested significant resources and diplomatic capital into improving governance and human rights in the DRC, including more than \$13 million to support free and fair elections in this election cycle alone.

A stable and democratic Congo is in America's interest because of its critical role in the region, its large population, and its vast natural resources, but also because it is in our interest to promote fundamental values, human rights, transparency, freedom of expression, and rule of law. These values we hold dear have been sadly routinely trampled on in the DRC where in some instances gender violence and rape has been used as a weapon of war to punish and silence civilians, especially women and children.

As I said earlier, the problems with this election are indicative of far greater problems facing the DRC, rooted in a lack of strong, democratic, and transparent governance which we hope, in partnership, to move the Congo toward over time. Without government control over its territory and security forces, armed soldiers and militia members will continue to prey on Congolese civilians. Weak institutions prevent the DRC from upholding human rights and the rule of law and successfully addressing complex issues surrounding conflict minerals and sexual violence. The recent elections presented a great opportunity to further strengthen the foundation of a more effective and credible government, and I am concerned that this goal has not been achieved.

I look forward to hearing from our experienced and talented witnesses about what concrete actions the United States can and should take to help resolve the pressing and difficult questions both about the conduct of the recent elections in order to improve governance, but also how best to mitigate post-election violence and strengthen the rule of law and human rights in the Congo. We

stand with the Congolese people in their attempt to advance democracy and hope it can be achieved peacefully.

I would now like to turn to Senator Isakson for his opening statement.

Senator.

**OPENING STATEMENT OF HON. JOHNNY ISAKSON,
U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Well, thank you, Chairman Coons.

First of all, I want to recognize my friend, Johnnie Carson, the Under Secretary of State. He and I are the only two guys over 50 named "Johnnie" in Washington, DC, and I am proud to be one of the two. [Laughter.]

I also want to thank Chairman Coons for calling this hearing. I was thinking, as I heard his opening statement, he and I traveled to Nigeria earlier this year where they had just completed their first really successful democratic election with the election of Goodluck Jonathan. And we later went to Ghana where President Mills has a great country, a great, free, open, transparent democracy, and the benefits that are coming to them.

So we think this is a particularly important time to focus on the elections in the DRC, some of the alleged difficulties with those elections, and hopefully find ways we can lead the DRC to have more transparent, secure elections in the future and be a role model democracy in that part of Africa. As Chairman Coons has said, it is a critical country and a critical continent to the United States of America, and we appreciate our relationship and friendship with the DRC. And we understand the problems with the Lords Resistance Army, with lots of other things, but we also know there is a long way we can go in terms of democracy, ending gender-based violence, and having a more civil society.

So I commend you today on calling this year. I look forward to hearing from my buddy, Johnnie Carson, and our other witnesses who are here today.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator.

I join you in welcoming Ambassador Carson, a real leader in United States-Africa policy and someone to whom we both look for a close and effective partnership between this committee and the committee and the United States Department of State. So I will now turn it to Ambassador Johnnie Carson for your opening statement.

STATEMENT OF HON. JOHNNIE CARSON, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador CARSON. Thank you very much. Good afternoon, Chairman Coons, and also good afternoon, Ranking Member Isakson. It is an honor and a pleasure to appear before this committee this afternoon to testify before you about United States policy toward the Democratic Republic of the Congo.

The DRC is the largest country in sub-Saharan Africa with a population of over 71 million people. It is bordered by nine other countries and is connected regionally and geographically with east

Africa, southern Africa, and central Africa. It is also a country with enormous natural resources, valuable minerals, and abundant water sources. But despite its great potential, the Democratic Republic of the Congo is one of the poorest countries in Africa. The DRC's turbulent pre- and post-independence 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 are centered around a lack of functioning state authority throughout much of the country. The state is unable to provide basic services such as health care, education, and an infrastructure. The bureaucracy is weak and sometimes dysfunctional and lacking in power. The security forces are frequently undisciplined and certainly ill-equipped and poorly trained and irregularly paid. Corruption is widespread and the problems go on from there.

The United States, nevertheless, is the DRC's largest donor, having committed over \$900 million this past year bilaterally and through multilateral organizations for peacekeeping, humanitarian and development assistance projects. 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 and 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 this afternoon on our immediate concern in the DRC, the stability of the country after the current 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 electoral commission, known frequently as CENI, announced the provisional 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, and a distant third the CENI's provisional results accorded Vital Kamerhe with 7.5 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.

On December 10, the Carter Center released a public statement on its assessment that the CENI's provisional results "lack credibility" noting "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 necessarily different than announced by the CENI, only that the results process is not credible."

We share these deep concerns expressed in the Carter Center's assessment over the execution of the election and the vote tallying process. It is clear that the elections were deficient. The CENI did

not meet internationally accepted standards in the vote counting process.

We have been watching the electoral process for months. I have met with and spoken with all of the major candidates on numerous occasions. Last week I spoke with Mr. Tshisekedi and also with the CENI chair, Pastor Mulunda. The State Department 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 a 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 election 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 creditable. 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.

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 determine ways to provide more creditable results, shed light on whether irregularities caused by lack of organization or fraud or whether they will provide guidance for future elections. The United States stands ready to provide technical assistance for such a review.

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 improved tabulation 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 the Presidential election, a small number of votes could determine the winner.

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 note a few accomplishments. Unlike in 2006, the Government of the DRC was principally responsible for the organization and for much of the financing of these elections. This was an important first step. 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 voter turnout and enthusiasm for

these elections broadly reflected the determination of the Congolese people to have their voices heard through the democratic process.

The United States played an active role in assisting in the electoral process. We committed approximately \$15 million from multi-year bilateral funding in election assistance through USAID. The funding supported the Carter Center's 4 million dollars' worth of projects, and we also supported the International Foundation for Electoral Systems, known as IFES, with an additional \$11 million. This funding was used for civic and voter education, for national election observer training, and capacity-building of human rights organizations. In addition, we deployed mission observer teams in each of the 10 provinces and Kinshasa, enabling wide coverage and observation of the elections.

On the public diplomacy side, VOA and Embassy Kinshasa conducted a program to strengthen democratic and social institutions.

Our involvement and observation of the elections was indeed extensive.

Moving beyond the recent elections, I would like just to take a few minutes to state that the United States strongly supports the United Nations stabilization mission in the Democratic Republic of the Congo and its efforts to help the Congolese Government bring peace and stability to the DRC. Although MONUSCO cannot be in the Congo forever, any decision on the mission's drawdown or eventual withdrawal must be condition-based to avoid triggering a relapse into broader insecurity. 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, and we are working with other nations to promote these.

The United States also wants to help the Government of the Democratic Republic of the Congo to counter the threat of rebel armed groups and to help the DRC 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 countering the LRA and enhancing the protection of its civilian population.

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 funds specifically aimed at increasing the transparency and regulation of the illegal trade in key minerals in the eastern DRC.

The United States also has other major objectives in the Congo. We want to help to strengthen good governance, promote economic development, improve human rights, support judicial reform, and end the cycle of impunity. We recognize that there are great challenges across the DRC. 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 number of issues.

Thank you very much.

[The prepared statement of Ambassador Carson follows:]

PREPARED STATEMENT OF ASSISTANT SECRETARY JOHNNIE CARSON

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 7 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 multiyear 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 10 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 opinionmakers (nonjournalists) 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 Journalists” 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 U.N. 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 FY 2011, 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, multiyear 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 Dungen. 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.

Senator COONS. Thank you, Assistant Secretary Carson.

Let me begin, if I might, what will be a 7-minute first round.

Please, if you would, describe the technical assistance that the United States is prepared to offer the Congolese authorities to facilitate their conducting a transparent and thorough review of the election process. And what steps can be taken by CENI and by other Congolese institutions to improve the credibility of both the outcomes and the process and create stronger institutions both as the next steps of the tabulation of the national assembly elections are moving forward and in advance of future elections?

Ambassador CARSON. Mr. Chairman, thank you for that excellent question.

First, let me say that we pushed very hard for CENI to release all of the numbers that are currently being reviewed, contested, and disputed. I spoke with the chairman of the CENI, Pastor Mulunda, and encouraged him not just to release the aggregate totals, but to release all of the numbers from the 63,478 polling stations across the country, as well as the 169 compilation centers. It was our nudging and pushing that resulted in all of these numbers coming out.

We have said to the authorities, in response to your question, Mr. Chairman, that we are prepared to help come up with resources to fund a technical assessment of the elections. We are prepared to look for resources, in conjunction with others, to have groups such as IFES, the Carter Center, and other respectable and internationally acknowledged election organizations go into an in-depth audit of exactly what occurred. This would permit an examination of the logistical, the administrative, and the management processes that are part of the election, as well as any irregularities that would also be discovered in such an audit.

We think that this is important to do in order to develop an understanding of what went wrong in the loss of ballots and votes by individuals, but most importantly, it would provide a foundation on which to improve the next set of elections for that country. We all know that this is not a one-only process. Our desire is to see better elections in the future. The only way that can happen is to be able to identify the reasons why this election did not live up to the expectations of the people of the Congo, as well as many in the international community who support democracy.

So it would be an audit. We would not attempt to do it with our own individual resources, but would go out and contract groups that are election experts to do this to provide a foundation to find out what went wrong and to provide a basis and a roadmap for improvements as we move ahead.

Senator COONS. Let me ask a next question, if I might, about post-election violence. Given how quickly developments may unfold in the DRC, both the Supreme Court ruling and the scheduled inauguration, how quickly can the international community, the U.N., the AU, SADC, other partners of ours, get engaged with the United States, get engaged with the Congolese Government and conduct this audit? And what impact might this have on post-election violence, and what do you think the international community and the United States can and should do to minimize the risks of widespread violence?

Ambassador CARSON. Mr. Chairman, we have been sending a very loud and clear signal to all of the candidates to not engage in violence. We have said repeatedly that violence has no part in the electoral process or in democracy. We have encouraged them to resolve any differences that they have had or might have with the process through legal means.

We have reached out to a number of key leaders around the region to ask them to reinforce this message as well. I myself spoke this past weekend to the chairman of the African Union and encouraged him to convey the same message to officials there.

I think that with respect to the issue of violence, all violence is unacceptable and should not be tolerated, but the reality thus far, Mr. Chairman, is that there is significantly less violence following this election so far than there was after the second round of the 2006 election in which President Kabila beat his closest rival, Mr. Bemba. Following the elections in 2006, there were armed battles in the streets of Kinshasa and in a number of other major towns between rival armies of the two contending candidates. That had to be eventually put down over several weeks by the Congolese military, supported by the U.N. I am not saying that the prospect for violence does not exist going forward, but thus far, we have not seen anywhere near the level of violence that we saw in 2006.

We continue to encourage all candidates to act responsibly. We have encouraged neighboring state leaders to enforce that message as well, and we will continue to do so.

Senator COONS. Thank you, Ambassador.

Senator Isakson.

Senator ISAKSON. Secretary Carson, when the chairman and I were in Nigeria, we had an interesting, if I remember correctly, 2½-hour meeting with Mr. Yaeger who is the head of the election commission that was put together in Nigeria to conduct the election that was so successful. And one of the things that they used, which was impressive to both of us, is cell technology to communicate from the polling place to Lagos—Abuja what the count was at the polling place, so if it got to Abuja and it was different, they had some idea there was some fooling around. And evidently it was the key cog in having transparency and accountability in the vote process.

I know we have talked about—you used the term “improved tabulation process.” That was an improved tabulation process in Nigeria. Could we recommend or ask the Nigerian Government if they would invite Mr. Yaeger in to consult with them on reforms like that that could help to have more transparent and fair elections?

Ambassador CARSON. Senator Isakson, the answer is “Yes,” and I hope that as we go out and try to put together an effort to have a technical assessment made, that those who might win the contract to do this would, in fact, invite in people like the Nigerian election commissioner. I think he did an extraordinarily good job also in very difficult circumstances.

You are absolutely right about the importance of cell phone communication there where people were able to send their results in telephonically so that there was a way to double and triple track the numbers that were being received at the central compilation centers.

But something else was also there that was missing from the DRC process which I think is useful in many elections across Africa, and that is a parallel vote count in which there is a system put in place to have a very good, legitimate counting and tabulation that runs parallel to that of the government’s or the electoral commission. So that is an important thing.

One of the other things I might add too is that there were enormous logistical and technical complications with this election, but this election also took place in the worst time of the year for the DRC, right in the middle of their rainy season, and that also helped to add complications on top of very serious additional shortcomings, which have already been mentioned.

Senator ISAKSON. In your testimony, you talked about a lack of functioning authority in a good area of the DRC. And as I understand it, there are places in the DRC that are really under good control and have good functioning authority, but there are some pockets that are pretty lawless, ungoverned, and hard to reach.

In the election tabulations, was there any correlation between the problems with the election as to those that did not have functioning authority and those that did?

Ambassador CARSON. I have not been able to make that kind of assessment myself, but I do know that it was, in fact, very difficult to carry out the elections in the south Kivu area, which is an area where armed groups continue to operate quite widely. But I know that the problems that were experienced in this election were widespread. They occurred in Kinshasa. They occurred in Katanga. They occurred in Equator. So I am not able to say whether they were better or worse in places where government authority was or was not effective.

Senator ISAKSON. Were any of the 100 advisors that the President sent to Uganda positioned also in the DRC?

Ambassador CARSON. At this point, there are only several there in the DRC, and they are located up in the far northeastern part of the country.

Senator ISAKSON. And that is part of the effort to go after the Lords Resistance Army?

Ambassador CARSON. It is, indeed. As we have indicated, the President authorized a mission of approximately 100 military advi-

sors who will help provide information and better training for the forces in the region to effectively track down the remnants of Kony's organization and Kony himself. We hope that over time that these advisors will be located in Uganda, in parts of the northeastern corner of the DRC, as well as the CAR, and in South Sudan.

Senator ISAKSON. Based on my mail and based on being a member of the Vietnam generation, there is a lot of concern about loaning those advisors because it is kind of an unknown mission in the public. And so I would encourage you and Secretary Clinton, in whatever way is appropriate given security, national security, and also the security of those personnel, to have a periodic reporting back to us over the progress of what they are doing in their stated mission and also what their rules of engagement are because, quite frankly, most of us between 65 and 70 remember what happened in the 1960s with a handful of advisors that actually President Eisenhower sent in to Southeast Asia that later became a major deployment. I am not suggesting that is either the intent or possible, but I think the transparency that people look for in elections I think they are also going to be looking for in terms of this assignment of personnel. And I would appreciate it, to the extent you can and it meets our national security and the interest of those advisors, that we be periodically advised of their progress, the rules of engagement they operate under, and their mission.

Ambassador CARSON. Yes, sir. I actually agree and I think there is probably no reason, Senator Isakson, that we cannot in fact do this. And I will make sure, when I go back to the building, that we have no problems with doing so, but I have no problem with giving you a periodic update. If I do not do it, I will make sure that my colleagues over in the Department of Defense are aware of this request and transmit it for them to make sure that it happens. But I think that is certainly a suggestion that we can follow through on.

Senator ISAKSON. Thank you. My suggestion is not just for myself and Senator Coons, but we could be the conduit to ensure that the Senate understands that issue because if it were to bubble up, a lack of knowledge can be a real threat to the mission. I have not talked to the chairman about this, but I would be happy to be a part of a conduit to periodically give that report to the Members of the Senate.

Ambassador CARSON. Absolutely.

Senator COONS. I would like to follow up, if I might, on that same line of questioning. During the runup to the elections, the idea of having Ugandan troops on DRC soil pursuing the LRA was increasingly controversial. Now that the elections have passed, is there any confidence in your part that there will be improved collaboration between the DRC, Uganda, and other regional players in pursuing Kony and the LRA? And what do you see as the scale of the ongoing—the scope and the nature of the ongoing threat that the LRA poses to civilians in the DRC and the region?

Ambassador CARSON. The LRA continues to pose a serious threat to civilians in a wide area, extending from the northeastern part of the Congo into the Central African Republic and all the way to the South Sudan border. They continue to kidnap young men for

conscription into their ranks and women to be sex slaves and porters. We believe that the total strength of the LRA probably does not exceed any more than approximately 250 individuals, but these 250 individuals are known to be killers and to be extraordinarily ruthless. They are dispersed in a number of groups fanning out over a very, very large and heavily treed and forested area. So they do continue to be a threat in the area, and we think that it is important to continue to help the countries in the region go after them.

The DRC Government did ask for a reduction in the number of Ugandans on their soil in the runup to the elections. We hope that following the conclusion of these elections that we will see a return to the stepped-up cooperation that has led to the degrading of the LRA over the last year/year and a half.

I note that the DRC has committed one battalion, the 391st Battalion, to operations in the northeast in the Gorompa forest. It is a battalion of soldiers trained by DOD and AFRICOM. They remain very much engaged in the search and the fight against the LRA. They are using information that is shared among Uganda, the DRC, and the United States. And that information-sharing between the countries has not ceased, and we know that those who are sharing this information from both armies in the DRC and Uganda work together across the border.

Senator COONS. What is the likely role of the new special advisor?

First, let me commend the administration for appointing Ambassador Walkley as the Special Advisor for DRC and Great Lakes Region.

Help us understand, if you would, how he is going to focus and elevate U.S. policy in the region around LRA, around conflict minerals, around improving governance, and resolving ongoing disputes in the region. What will his role be?

Ambassador CARSON. Well, first of all, we are extremely pleased with the presence and selection of Ambassador Walkley. He is an enormously experienced diplomat, having served a great deal in Francophone Africa, as Ambassador to Gabon, Ambassador to Guinea Conakry, and about a decade ago/decade and a half ago, was deputy chief of mission in Kinshasa. He was most recently our consul general and chargé d'affaires in Juba. He is a highly skilled diplomat.

We hope that Ambassador Walkley's appointment will signal to all who are concerned about the DRC that the United States remains serious and deeply interested in the issues of the Great Lakes region and the DRC in particular. We hope that Ambassador Walkley will be able to effectively strengthen coordination of our policy in Washington within the interagency and within the State Department among the various offices that are responsible and have an interest in Great Lakes issues.

We also hope that he will be able to work with the governments in the region to promote greater security collaboration and information-sharing, help them work together on strengthening common economic ties that are important across the border, help them to address the issues of conflict minerals and the movement of conflict minerals illegally across one border into another state for export.

And we hope that he will be our conduit and liaison with the international community and those in the international community who are also concerned about issues in the Great Lakes.

So we see essentially a three-part role for him in his obligations for us.

Senator COONS. Thank you.

Senator Isakson.

Senator ISAKSON. I do not really have another question. I just want to thank Secretary Carson for his active engagement in the entire continent and for his keeping Senator Coons and I so well informed. I think the successes of the last year have been quite remarkable if you look at the Comprehensive Peace Agreement in the Sudan and the potential for what is happening there, the positive potential there, and some of the other things that have happened in large measure have been because of your diplomacy and your engagement. And I personally acknowledge that and appreciate it very much.

Ambassador CARSON. Senator, thank you very much. And thank you for your support as well and the chairman's support in addition. I think that both of you have been strong supporters of strengthening our engagement with Africa and developing a positive and strong relationship with the continent.

Senator COONS. Let me, if I might, just ask one or two more questions. I had understood Senator Durbin was making his best efforts to join us and now may have been unavoidably detained. So I am going to leave the record at the end of this hearing open for longer than usual. I believe he may have some questions about conflict minerals or the LRA or other topics that would be of interest.

I also wanted to just add a question about leaders like President Kabila who have made constitutional changes right before elections and the implications of such actions in the democratic process. I have heard from a number of constituents real concern about Cameroon and President Biya who modified the Cameroonian Constitution to run for a sixth term and is now beginning his fourth decade in office after their recent elections.

What more can the United States and the international community do to ensure in Cameroon that the political opposition is not silenced and to discourage other leaders in the region, including, for example, as we spoke about the other day, President Wade in Senegal, from forcing similar constitutional challenges or extending their terms of office beyond what might be positive and reasonable in the interest of their people and the democratic process?

Ambassador CARSON. Mr. Chairman, a very good question.

The decision by the President and the Government of Cameroon to end term limitations was deeply, deeply unfortunate. I think that the elimination of terms helps to fuel some of the difficulties that arise when leaders have an opportunity to extend themselves in office indefinitely.

We are clearly opposed to the extension or we are clearly opposed to the reduction and elimination of term limits. We have voiced our concern about this issue to President Paul Biya. I hope that he and others in his government will see the value of reinstating term limits. I think that it helps to create an opportunity for political mobility by the most senior political officials in any country. But the

elimination of term limits in the Cameroon, as around other parts of Africa, is regrettable.

Senator COONS. My last question. The Democratic Republic of the Congo is at the bottom in terms of the human index. The international community has contributed \$2 billion. We are, as you mentioned, the single largest donor.

Given the outcome of these elections so far, given the very real challenges facing the DRC going forward, what aspects of our assistance and of international engagement do you think have the best prospects for improving human conditions, improving governance, making the DRC a more just and positive place for its residents in the years ahead? What can we be doing to improve governance that will have a lasting impact?

Ambassador CARSON. Well, we are working to improve the judicial system. We are working with civil society organizations. We are working with the legislature. We have to continue to do all of these things. We are working with civil society to fight corruption. We are working to improve the capacity of the judicial system as well. These are things that do take an enormous amount of time.

But I would like to say that a lot of our resources going into the Democratic Republic of the Congo are there to address human needs, sexual and gender-based violence, ending the cycle of impunity that has led to enormous human rights violations against women and others across the country, improving health care as well. So it is across a wide area that we are working.

Senator COONS. Well, thank you. I would like to offer our sincere appreciation, Ambassador Carson, for your leadership, and we would like to now move to our second panel today, if we could. Thank you so much for your testimony, Assistant Secretary Carson.

Ambassador CARSON. Thank you.

Senator COONS. We would like to welcome our second panel, and we are going to begin, if we might, with Mr. Mark Schneider, proceed to Mr. Anthony Gambino, and then conclude with Mr. Mvemba Dizolele. We are grateful for your willingness to join us today and to testify.

In the interest of time, I have dispensed with a recitation of the biographies of each of our witnesses today. They are accessible through the committee Web site and online. But all three of you bring a great range and depth of experience in the challenges facing the DRC, and we are grateful for your making yourselves available to the committee today.

Mr. Schneider.

**STATEMENT OF MARK SCHNEIDER, SENIOR VICE PRESIDENT,
INTERNATIONAL CRISIS GROUP, WASHINGTON, DC**

Mr. SCHNEIDER. Thank you very much, Mr. Chairman, Senator Isakson, to you both for holding this hearing at a watershed moment in the history of the Congo.

As you know, Crisis Group is an independent, nonpartisan, non-governmental organization, and our mission is to seek to prevent and to help resolve deadly conflict.

I do not think there is any question that this second election, since the end of a brutal civil war which produced some 5 million victims, had seemed to be a moment for the Congo to move forward

on a democratic journey. Instead, we meet at a time of desperation, enormous frustration, and a great degree of fear.

There are estimates now that a total of several million voters who courageously went to vote, cast their ballots and then those votes were not counted or the results were never even transmitted to the central tabulation centers. And in some cases, it now appears that some of the original tally sheets and the ballots may not have been preserved. So the issue of auditing is going to be very difficult.

I should add that the reports that we have received, which echo the findings of the Carter Center, the European Union, and the more than 30,000 Congolese that the Catholic Church deployed as observers is, as the Carter Center stated, that these preliminary results issued by the CENI lacked credibility.

And let me just emphasize at the outset and I will then go into some detail. While I also have the highest regard for Assistant Secretary Carson, we do not believe this is a technical issue. This is a political issue. There are technical problems, but it is a fundamental political issue.

[Applause.]

Senator COONS. Mr. Schneider, let me be clear. We are not going to allow demonstrations, comments, or conversations during this hearing. I will have people removed. Please allow us to conduct the hearing in some peace and order. Thank you.

Mr. Schneider.

Mr. SCHNEIDER. You made the point about the question about the implications of the absence of functioning authority in different places in the country, and I think it is important to recognize that the initial reports that we have indicate, as Assistant Secretary Carson mentioned, that among the worst situations were in Kinshasa where the Carter Center found some 2,000 polling stations in Kinshasa where the results simply were not counted in the final tally sheets and another thousand around the country. They estimate 850,000 votes were affected.

The EU, in its detailed report that came out yesterday, now estimates 1.6 million votes that were not counted.

And I think the fundamental issue here is about the disenfranchisement of Congolese voters. This was their right. This is a right that clearly seems to have been denied to a substantial degree.

I should also add that we have now heard—and there is a report again in the EU report—that there were some polling stations where there were more votes tabulated than voters registered where close to 100 percent of the votes from those stations reported by CENI were for President Joseph Kabila. Yet, in some of those very instances, observers were able to be there through the end of the tallying and in fact they found very different results. In some cases, the results were more balanced; in other cases, the second place finisher, Etienne Tshisekedi, actually came in first.

In a sense, these results show that our worst nightmare in the preelectoral period has come to pass; that is, the results are so marred by widespread charges of fraud and dishonesty that the credibility of the entire election may be fatally impaired and so too the legitimacy of the government that follows.

But our major concern right now is that we are deeply disturbed by the loss of life that has already occurred and, unfortunately, the potential for ever-widening regional domestic conflict and upheaval. And that is where we argue that this has to be the central focus right now. We believe there is an overriding responsibility of the international community from the MONUSCO peacekeeping mission, the United States, and others, particularly the African leadership and the African Union, to join with the Catholic Church and others to find a path away from a return to national violence in the Congo. That is really where we see the gravest danger.

And I should add that while the international community now has indicated that it believes these results were fatally flawed, there must be a mechanism proposed, beyond the question of technical experts, in order to participate in the verification of these initial results and to provide some degree of mediation in the Congo. And we believe that that is crucial. The African Union, the United Nations, the European Union, and the United States should immediately be focused on what is the mechanism that can help lead the Congo in a different direction.

And I should add that ultimately the goal should be to permit that those voters who were not able to vote or whose votes were not counted to revote in those areas in order to ensure that their right is recognized. And that ultimately is the only way that you will ever really know who won this election. Essentially, what we are asking is that this be done at a time when the country is poised on whether or not there is going to be additional conflict or whether it is going to move forward in a democratic fashion.

And remember that we have not yet had even the preliminary results with respect to legislative voting. Again, that verification will need some participation of an independent international body, along with the Congolese, because of the immense amount of suspicion that has occurred.

Just let me give you four examples and the preliminary issues. One, the constitutional amendment that changed the playing field. Two was that the voter registration rolls were challenged. The political parties, the opposition parties, never had a chance to audit them. Three was the nature of the membership of the CENI with a clear bias toward the current government. And fourth was the naming in early November of a Supreme Court which is ultimately going to preside over the dispute resolution, again with a heavy partisan cast to it. These are essential questions.

And I will stop by simply noting that there are two other issues that have been raised, and I think they are crucial in terms of the future of the Congo. One is security sector reform and reform particularly within the army, and the second is the noncorrupt management of the country's natural resources.

And I should add that we agree with Assistant Secretary Carson on the need for the action that was taken with respect to the LRA, but there is far more that needs to be done with respect to the nature of the integration of militias into the armed forces of the Congo that must be changed if you are going to have an end to the kind of violations that we have seen in the past.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Schneider follows:]

PREPARED STATEMENT OF MARK SCHNEIDER

The International Crisis Group appreciates the opportunity to testify today and I would like to thank Chairman Coons, Ranking Member Isakson, and the members of this subcommittee for holding this important hearing during a precarious moment for the people of the DRC.

Crisis Group is an independent, nonpartisan, nongovernmental organization that provides field-based analysis, policy advice and advocacy to governments, the United Nations, and other multilateral organizations on the prevention and resolution of deadly conflict. Crisis Group was founded in 1995 as an international nongovernmental organization by distinguished diplomats, statesmen, and opinion leaders including Career Ambassador Mort Abramowitz; Nobel Prize winner and former Finland President; Martti Ahtisaari, the late Congressman, Stephen Solarz; and former U.N. and British diplomat, Mark Malloch Brown, who were deeply concerned at the international community's failure to anticipate and respond effectively to mass atrocities in Rwanda and Bosnia. Senator George Mitchell was our first chairman; Ambassador Thomas Pickering is our current chairman. Louise Arbour, former chief prosecutor at the International Criminal Tribunal for Rwanda and at the International Criminal Tribunal for the former Yugoslavia and former U.N. High Commissioner for Human Rights is our current president. In 2011, Crisis Group was awarded the Eisenhower Medal for Leadership and Service.

Crisis Group publishes annually around 80 reports and briefing papers, as well as the monthly CrisisWatch bulletin. Our staff are located on the ground in 10 regional offices and 16 other locations covering between them over 60 countries focused on conflict prevention and post-conflict stabilization. We maintain advocacy and research offices in Brussels (the global headquarters), Washington and New York and liaison and research presences in London, Moscow, and Beijing.

Crisis Group's Africa program oversees four projects covering Central, Southern, and West Africa, and the Horn of Africa, reporting on 21 different countries within these regions. We have produced 34 reports/briefings on the DRC and circulated an urgent statement on 8 December.

CURRENT CONTEXT

Crisis Group's DRC reporting, in particular over the last 18 months, raised alarm bells regarding the coming elections and their implications for future governance in a country which was barely 8 years removed from a state of anarchy resulting from a civil conflict and the military interventions of neighbors directly and through militia proxies. Our recent reports questioned the consequences of a hasty constitutional change in January 2011, flawed voter registration and voter roll issues, minimal outreach by Congo's Independent National Election Commission (CENI) to the political parties, the lack of transparency, a sharp increase of political tension, incidents of violence, the general inadequate preparation of the elections, and the late design of an integrated electoral security plan. And we especially pressed unsuccessfully, given all of these suspect issues, on the CENI, the government, opposition parties, MONUSCO and the larger international community, including the United States and the European Union, to insist on development of a consensual Plan B if, despite all good faith efforts, the outlook for decent elections appeared grim well before 28 November. Otherwise, we warned that without concerted and unified action by the DRC and committed international diplomacy, the November general elections, the second since the end to the Congo conflict, would result in irregularities if not massive fraud with the potential for widespread violence and the undermining of the legitimacy of any pronounced elections winner.

We recognize the international and U.S. diplomatic engagement leading up to the 28 November elections and welcome the new appointment of Ambassador Barrie Walkley as Special Advisor for the Great Lakes and the Democratic Republic of Congo to coordinate and respond to the myriad challenges for the region over the coming weeks and months. Unfortunately that engagement was not enough. The Democratic Republic of Congo faces a political crisis that already has resulted in loss of life. Every diplomatic measure needs to be exerted to avoid a return to national violence. The 9 December provisional results were announced by the electoral commission, with Kabila declared by the CENI to have won the Presidential election (49 percent of the votes) by 17 percentage points. The longtime opposition leader Tshisekedi came in second place with 32 percent and Kamerhe came in third with 7.7 percent. Both opposition candidates have rejected the results. Scheduled on 28 November, it was extended for 2 days as materials arrived late and many names were missing from voter lists. Estimated voter turnout was reported at 58 percent which reflects the courageous commitment of millions of Congolese voters to democracy. However, they along with the international community are living through

their worst nightmare, an electoral result marred by such widespread charges of fraud, deceit, and dishonesty that the credibility of the process may be fatally impaired and so too the legitimacy of the government that follows.

Tallying of the legislative elections results is not going to be concluded for many weeks and the preservation of those ballots to avoid further “losses” and the transparent verification of that vote tabulation is essential.

The Carter Center, which maintained 26 teams of international, impartial observers deployed in Kinshasa and the 10 provinces for the counting and tabulation, issued this statement: “Carter Center observers reported that the quality and integrity of the vote tabulation process has varied across the country, ranging from the proper application of procedures to serious irregularities, including the loss of nearly 2,000 polling station results in Kinshasa. Based on the detailed results released by CENI, it is also evident that multiple locations, notably several Katanga province constituencies, reported impossibly high rates of 99 to 100 percent voter turnout with all, or nearly all, votes going to incumbent President Joseph Kabila. These and other observations point to mismanagement of the results process and compromise the integrity of the Presidential election. Candidates and parties have a limited time to submit any complaints to the Supreme Court, and tabulation for the legislative elections is ongoing. The problems observed in the tabulation and announced results are compounded by inadequate access for observers at multiple compilation centers around the country and no official access to the national results center in Kinshasa. The Carter Center is therefore unable to provide independent verification of the accuracy of the overall results or the degree to which they reflect the will of the Congolese people.”

The responses from other key organizations:

- “After analyzing the results that were made public by the (election commission) this past Friday, December 9, 2011, we could not help but conclude that the results are not founded on truth or justice,” said Cardinal Laurent Monsengwo, the head of the influential Catholic Church in Congo. The Catholic Church deployed 30,000 observers, more than any other group, nationwide.
- In a 12 December MONUSCO press release: “MONUSCO notes with deep concern the findings of these observer missions relating to the significant irregularities in the management of the results process, in particular the counting and tabulation of the votes.” It went on to recommend, as we have that CENI “undertake a timely and rigorous review of the issues identified by observer missions with the full participation of witnesses and observers, including foreign observer groups . . .”
- In the EU Electoral Monitoring Mission (EUOM) preliminary statement: “a strong mobilization of the electorate in a process inadequately controlled” and noted that “poor communication between INEC and the actors of the process has had a negative impact on transparency and trust.”

The lack of credibility of the preliminary results already has sparked opposition protests that, in turn, prompted heavy-handed repression by Congolese security forces in Kinshasa and could lead to wider disorder. To avert further violence, Congolese authorities must make possible the in-depth verification of the counting process. The United Nations, African Union, and European Union must work together to impress on Congolese leaders the need for immediate action to allow transparent, independent verification of the initial results and full participation of international observers as an essential first step to find a way out of the crisis.

The vote marked the culmination of a troubled year of preparations, with the playing field increasingly skewed toward incumbent President Joseph Kabila. Constitutional changes dropped the requirement for a runoff, which, with opposition leaders failing to unite behind a candidate, effectively split their vote. Kabila loyalists were appointed to the election commission at the beginning of the year and to the Supreme Court on 9 November, which settles electoral disputes. Despite discrepancies in registration figures, opposition parties and observers were unable to audit voter rolls. The state-run media drummed up support for the President. Nonetheless, considerably less popular than when he won the 2006 polls, Kabila faced stiff competition, especially from veteran opposition leader Tshisekedi. With another candidate, Vital Kamerhe, threatening to sap Kabila’s votes in the Kivus—vital to his win 5 years ago—the President’s reelection was far from secure.

As requested by the international community, the electoral commission published results by polling station, which in theory would permit their verification by opposition parties and observers. However, the Carter Center noted that the tabulation process lacks transparency, the votes of the results of 2,000 voting stations in Kinshasa and 1,000 voting stations in the rest of the country were lost or at least never made it to the final compilation, indicate that at least 850,000 voters who

reached the polls and voted were effectively disenfranchised. This is all the more disconcerting as the criteria for disqualifying ballots are unclear, with Kinshasa—an opposition stronghold—disproportionately affected and Katanga—a Presidential stronghold—overestimated. Results returned from Katanga—a Presidential stronghold—show, on the other hand, an extraordinarily high turnout, as noted by the Carter Center, suggesting skewed representation. Moreover, electoral material is now at risk of being lost because of poor storage conditions.

Election day flaws were bad enough; but perceptions that results are fiddled behind closed doors remain. Congo's electoral woes reflect the country's broader lack of democratic and institutional development since 2006. But they also stem from weak international and continental engagement, from MONUSCO and the AU to donors—especially the EU and the U.K., who partly funded the polls, and the U.S. All have been largely ineffective in preventing Kabila's consolidation of power and stacking the decks.

A sense of foreboding now hangs over Kinshasa. The fierce crackdown by the security forces against opposition protesters on the eve of election, according to Human Rights Watch, which left 18 dead and more than 100 injured, has been followed by violence on the day of elections and repression the days after. Thousands of Congolese reportedly crossed into neighbouring Congo-Brazzaville, fearing violence. Rumours of machetes distributed, gangs mobilizing and a heavy security presence risk spreading panic in the capital where all activities are suspended since Thursday evening. The International Criminal Court (ICC) prosecutor, meanwhile, has stated that the DRC situation was under watch.

Given the electoral commission's partisanship and the widespread irregularities, the preliminary results cannot inspire much confidence. Opposition politicians have already rejected them out of hand and Vital Kamerhe lodged a complaint to the Supreme Court. The Supreme Court should resolve disputes, but with that body also dominated with Kabila loyalists, some additional support may be needed to avoid losers taking their grievances to the streets. To this point, the opposition leaders have shown some restraint in that respect.

While the focus is on Presidential election, legislative elections are forgotten. In the absence of international observers to ensure results counting and compilation are transparent, frauds and irregularities are to be expected. The Carter Center and the EU mission either have left or are planning to soon leave the country and the legislative results will not be under watch. Already governmental security forces are threatening opposition MP candidates from Kasai Occidental, Bas-Congo, North Kivu, and the U.N. is providing them with temporary protection.

NEXT STEPS?

The key problem now is how to get a peaceful outcome out of a messy, polarized, and fraudulent electoral process. The management of the electoral process has been extremely difficult and the management of the coming weeks will be much more difficult. The preliminary electoral results have already been rejected by Etienne Tshisekedi and Vital Kamerhe and most of the Congolese voters have a firsthand experience of the bad performance of the electoral commission (general lack of confidence in the electoral commission, the 2011 elections are a step back compared to 2006 elections). In addition, President Kabila has been reelected with what appears to be a much lower turnout this year (70 percent turnout in 2006 at the first round and 58 percent this year). The key issue is to avoid more post-electoral violence and to design a government that will provide stability for the next 5 years. The publishing on CENI's Web site of the detailed results by polling station, as called for by the United States and others, now requires in-depth verification and the monitoring of the dispute resolution. If not, the electoral process cannot be regarded as credible.

Election Recommendations

- The published results polling station by polling station must now be verified by the political parties and independent observers from civil society and international organizations in order to ensure the transparency of the tabulation process.
- Electoral authorities must explain clearly how political parties and observers can contest the results of any polling station and provide free access to the relevant information and explanations about the lost results of several thousands of voting stations. Those stations that returned suspicious results or where observers report irregularities should be subject to rigorous investigation—again in the presence of observers—with clear criteria applied when disqualifying ballots. Voters in areas where polling did not take place or where the results have been lost should be given the opportunity to vote.

- The rules of the Supreme Court must be revised, notably the proceedings must not be in camera.
- The tabulation process for the legislative results must urgently be corrected on the basis of the errors and problems encountered during the tabulation process of the Presidential results and the electoral material secured. Given the poor work done by the electoral commission and the failure to secure voting results from more than 3,000 polling stations covering some 850,000 votes demonstrates the absolute requirement for independent monitoring of the tabulation process for the parliamentary election.
- All Congolese leaders must avoid inflammatory language. Given that protests will almost certainly turn violent, opposition politicians should appeal to their supporters to stay off the streets.
- If protests do occur, security forces must refrain from heavy handed responses—with clear instructions along those lines given by military and police commanders and by the President. Violence that happened since the end of the electoral campaign should be subject to investigation by Congolese and international human rights groups, as well as the ICC, if appropriate.
- The U.N., AU and EU should urgently dispatch a high-level team, perhaps comprised of distinguished African leaders, to mediate between factions. Mediators should explore options as part of the verification process for alternative dispute resolution, modifications of the Supreme Court's rules or independent oversight of existing mechanisms—possibly under AU auspices and with international support—given distrust in the responsible Congolese institutions. The mediators should also engage the factions on the long-term stability of the country and the necessity of an inclusive government.
- In the meantime, the U.N., donors and regional leaders must make clear that any interethnic violence between Kasaians and Katangans will be condemned as such as harassment of opposition candidates. They must avoid statements that could legitimise a badly flawed vote and destroy what is left of their credibility in the Congo. They cannot paper over electoral flaws. No leader should be congratulated until all disputes are resolved.
- The U.N. should deploy additional peacekeepers to the Western provinces and Kinshasa and should increase its surveillance in Katanga where anti-Kasaian feeling is presently on the rise. The return of ethnic violence in Katanga or/and a bloodbath in the capital of a country hosting the world's largest U.N. peace operation are unthinkable.

In addition to resolving the current electoral crisis, there are other serious questions affecting DRC's future stability.

We believe that two critical challenges to development, governance, and civilian protection in the Congo are army reform and more competent and noncorrupt management of the country's natural resources—both of which are conspicuous failures at the moment. The result has been participation by an array of militias as well as FARDC units in rape and marauding in the Eastern Congo and an unending competition over conflict minerals that sows the seeds of violence throughout the region.

SECURITY SECTOR REFORM

Leading the agenda for stability in the aftermath of the elections remains the question of army reform. The army is undisciplined and too often, unpaid. The ineffective integration of militias into the army and military operations against armed groups combined to increase the insecurity of communities throughout the Kivus. It also produced militarization of mineral production sites during the last 2 years. The consequence of this is violence against civilians and the emergence of mafia behavior by mine operators. Corruption in the natural resources sector overwhelms attempts to police and regulate the sector. Altogether, these problems indicate that there must be major reform of the army and general reform of the security sector as a whole.

Also, there has been an almost grotesque incapacity to manage the demobilization and integration of former armed militias into the FARDC. Too many former militia members have not been vetted; too many have not been paid or trained; and too many have not been held accountable for past crimes against humanity.

A critical mistake was made by allowing the militias to operate as an army within an army by not dissolving militia command structures after integration. Violent outbreaks persist throughout the country, particularly in the Kivu provinces, which will likely only intensify with growing tensions. As well, the justice system, plagued with corruption and limited resources from the DRC Government, has to be fundamentally reformed with an emphasis placed on holding accountable those who are

accused of vicious crimes such as rape and sexual violence. Until prosecution and conviction become the norm for violators of fundamental principles, it will be very difficult for national development to take place.

It also tends to underscore the rising unhappiness of sectors of the military over nonpayment of salaries, and the failure of integration of various armed groups (Mai Mai, FRF, PARECO and CNDP) in the FARDC. With respect to the CNDP, it once again shows that the failure to dismantle CNDP units as they were integrated into the FARDC harmed international efforts, including those of the EUSEC, to restructure the national army.

With respect to army reform, the critical steps—regardless who ultimately is sworn in—are the following:

- Comprehensive review of the chain of payment in the army;
- Vetting of officers and investigation of suspected involvement into natural resources trade by a special commission of inquiry;
- Design of a pension plan and retirement for the soldiers;
- Restoring and reforming the military justice (revision of the military code, training, screening of military magistrates, appointment of “clean military judges,” etc.)

SEXUAL AND GENDER-BASED VIOLENCE

DRC has made little if no progress on sexual and gender-based violence. Suspected rapists among FARDC are almost never charged or arrested. Impunity is still the norm concerning FARDC. DRC Government and MONUSCO publicized the very few FARDC officers who were tried but prosecutions are usually cosmetic.

The National Strategy against SGBV has been elaborated without deep civil society involvement and lacks ownership. There is no genuine political commitment by the Congolese Government. There is very little coordination between the various national civil society actors, international organizations, United Nations Agencies and local authorities.

LORD’S RESISTANCE ARMY

The LRA legislation that President Obama signed into law in May 2010, which received broad bipartisan support in Congress, was an enormous step forward and reflected steps that Crisis Group had recommended, including: increased institutional capacity, enhanced coordinated DDR alongside greater military pressure which would include greater shared intelligence resources by UN/EU/US, and greater humanitarian support to LRA victims.

On 14 October, 2011, the Obama administration announced the deployment of 100 military advisors to the region, making the clear point that they will be there in an advisory capacity, helping the UPDF, and are not authorized for combat unless in self-defense. A majority of the military advisors will stay in Kampala, with the rest to advise in the field. The move is part of a broader ramping up of its political and military engagement against the LRA. It has also offered to train more Congolese soldiers and has given equipment to the CAR army in order to win the operation political space. The few score field advisers should be able to improve the Ugandans’ performance. The deployment, the Obama administration has made clear, will be short term.

Uganda, with U.S. advice and support, should, therefore, lose no time in launching a reinvigorated attack on the LRA, if possible while most of the group’s senior commanders and fighters are still in the CAR and before they can return to the DRC’s more restrictive operational environment. A key part of the advice the United States should press on the Ugandan army is the need to prioritise protecting civilians, provide access to humanitarian agencies and accept stricter accountability for its actions. At the same time, full coordination with the AU is essential, particularly if it is able to oversee a multidimensional regional initiative, continuing after Kony’s death or capture. Greater cooperation from Kinshasa with combined effort to put an end to Kony is essential.

CONFLICT MINERALS

We still have a long way to go to halt illegal trade of conflict minerals in the Great Lakes Region. On 10 September 2010, Kabila appeared to have banned the production and trade of minerals in the Kivus and Maniema and ordered the demilitarization of the mining zones. However, that declaration neither ended the mineral smuggling nor militarization of the mining zones, and the ban was lifted on 10 March 2011.

International actors responded by attempting to preemptively resolve the illegal trade problem by developing regulations aimed to prevent the flow of conflict minerals into the raw materials market, such as with the Dodd-Frank Act passed by Congress in July 2010.

The provision mandates identifying the mines under the control of armed groups, introducing traceability and certification mechanisms to cover transfer from the mines to the trading counters, and encouraging importers to only buy certified minerals. The delay in the final SEC regulations (due in April, 2011 and now expected by the end of December, 2011) and the resulting required annual report submissions have stalled the full implementation of the Dodd-Frank measure.

CONCLUSION

DRC faces enormous challenges: Only one 1 of 10 Congolese has access to electricity; three-fourths of the population is undernourished according to the Global Hunger Index; less than a third of the rural population has access to clean water, less than half in the cities. The DRC ranks last, 187 out of 187 in the Human Development Index in 2011.

During this tense and uncertain time in the DRC's history, it is imperative that the United States and the international community remain engaged.

Thank you and I look forward to your questions.

Senator COONS. Thank you, Mr. Schneider.
Mr. Gambino.

STATEMENT OF ANTHONY W. GAMBINO, FELLOW, EASTERN CONGO INITIATIVE, BETHESDA, MD

Mr. GAMBINO. Thank you very much, Chairman Coons, Ranking Member Isakson. Thanks for the opportunity to testify before you at this historic, crucial moment for the Congo.

I am a fellow at the Eastern Congo Initiative, but the views in this statement are mine alone.

The Congo's recent election was clearly fraudulent. The way in which the aftermath of these fraudulent elections is managed will affect every issue of interest to the United States in the Congo. The outcome will decide whether Congo, after badly stumbling, can regain a democratic path. But the outcome also will have a determinative effect on U.S. efforts on sexual and gender-based violence, on broader respect for human rights, on security sector reform, on conflict minerals, on general development prospects, and on all other issues of interest to the United States regarding the Congo. If this crisis is not successfully resolved, it will not be possible to improve governance in meaningful ways, and Congo could descend into a deeper humanitarian disaster becoming unstable once again, affecting all of Central Africa and beyond.

In 2006, the Congo held relatively good, free, and fair elections. Mvemba Dizolele and I were election monitors in 2006. We saw this. The elections had flaws, but ultimately and most importantly it was clear that the person announced as the winner in the Presidential election, Joseph Kabila, indeed had won.

How did Congo so rapidly descend from successful 2006 elections to chaotic, brazenly fraudulent elections last month?

As these elections approached, alarming signs grew that the Congolese electoral commission was fumbling badly in its role to plan and manage the elections.

Just within Eastern Congo Initiative, we have been working all year for good elections, and an ECI delegation, headed by Cindy McCain, wife of Senator McCain, and ECI CEO Whitney Williams, was in Congo for the elections. A little earlier, in September of this

year, my good friend, Mvemba Dizolele, and I published a paper in which we recommended greater engagement by the United States. Our paper's title was not particularly terse, but it certainly was clear: "Technical Issues Threaten Free, Fair, and Transparent Elections in the Democratic Republic of the Congo, Urgent Steps Required." Mr. Chairman, I respectfully request that this ECI paper be included in the record.

Senator COONS. Without objection.

Mr. GAMBINO. Thank you, Mr. Chairman.

Even earlier, in March, ECI's founder, Ben Affleck, sounded the alarm. This is what he said. "The United States must do more to support the 2011 elections. Once these elections occur, the free and fair nature of the results should be above reproach. A finding of anything less risks Congo's stability and democratic progress." He then provided a long list of concrete recommendations for U.S. policymakers. I am sad to say every one of those recommendations was ignored. He said "if we continue to place the Congo on the back burner of U.S. policy, it will come back to haunt us." That is precisely where we are today.

Let us be clear about the facts. The election results lacked credibility for two central reasons. First, the head of the electoral commission, Reverend Mulunda, badly botched preparations for the elections and was complicit in the preparation and reporting of clearly fraudulent results. Second, there has been a massive attempt by other supporters of President Kabila to steal the election.

One clear implication of these facts is that Reverend Mulunda should immediately be replaced. No reasonable person can have any confidence in his ability to play a useful role in this process from this point on.

A second implication is that the United States needs to think through what it means that supporters of a sitting head of state just organized a massive effort across multiple provinces to fraudulently alter and manipulate election results. And right now, it is clear that President Kabila's security forces are working hard to suppress, harass, and intimidate opposition supporters through the threat and in some instances the use of violence.

Intense discussions are underway around the world to consider what to do next. Many different scenarios and options are under discussion. Whichever specific route is taken, the required end point is clear. The Congolese people must see the man they have democratically chosen as their next President as the man who takes office for the next 5 years. And I want to emphasize that as of today, it is simply not possible to know whether Joseph Kabila or Etienne Tshisekedi is that man, the legitimate democratically elected President of the Congo, based on a credible electoral victory.

Absent a reasonable process, if President Kabila continues to function as head of the Congo, he governs without a shred of democratic legitimacy. That is not a formula for stability in the Congo or in Central Africa as a whole. Such an outcome would be deeply counter to both the interests and the values of the United States and would risk another humanitarian crisis and greater prolonged conflict and instability in Central Africa.

Secretary Clinton and President Obama need to state now, both publicly and privately, that the United States is engaged both to help diffuse this crisis and to find a way forward that respects and honors the democratic aspirations of the Congolese people. They should communicate this directly to a number of people, including President Kabila and Mr. Tshisekedi.

Thank you very much. I am happy to answer your questions.
[The prepared statement of Mr. Gambino follows:]

PREPARED STATEMENT OF ANTHONY W. GAMBINO

Chairman Coons, Ranking Member Isakson, members of the Subcommittee on African Affairs, thank you very much for the opportunity to testify before you at this historic, crucial moment for the Democratic Republic of the Congo (DRC). I am a Fellow at the Eastern Congo Initiative (ECI), but today I am not here representing ECI; the views in this statement are mine alone.

The Congo's recent election clearly was fraudulent. The way in which the aftermath of these fraudulent elections is managed will affect every issue of interest to the United States in the Congo. It is apparent that the outcome will show whether Congo, after badly stumbling, can regain a democratic path. But the outcome also will have a determinative effect on U.S. efforts on conflict minerals, on sexual and gender-based violence, on broader respect for human rights, on general development prospects, on security sector reform, and on all other issues of interest to the United States. If this crisis is not successfully resolved, it will not be possible to improve governance in the Congo in meaningful ways. If the present situation is not managed successfully, Congo could descend once again into a deeper humanitarian disaster.

I first went to the Congo in 1979 as a Peace Corps Volunteer and have followed it ever since. Please allow me to emphasize what a great, important program the Peace Corps is. I wouldn't be doing what I am doing now—I wouldn't be before you today—if the Peace Corps had not given me the opportunity to spend 3 years as a teacher in a country then called Zaire. I left Zaire with the clear sense that my Congolese students, colleagues, and many new friends had given me so much more than I was able to give them.

I continued to look for ways to work on the Congo after my Peace Corps service, and, in 1997, after Mobutu fell, I moved from the State Department to USAID to coordinate USAID's reengagement. In 2001, I was given the honor to return to Congo to run the USAID mission, which I did from 2001–2004. Despite the many difficulties in governance in the Congo, USAID supported programs that had great success in many areas, including improving the health of Congolese and fighting corruption.

During my 3 years in Zaire as a Peace Corps Volunteer, I saw the life-diminishing, debilitating effects that a corrupt dictatorship had on the citizens of a country. During my 3 years in Congo with USAID, I witnessed something positive and life-affirming: the ending of a horrible war and the start of a transition to democracy. President Joseph Kabila deserves tremendous credit for leading his country away from the path of war, division, and destruction taken by his father, Laurent, and toward reconciliation, unity, and peace. And the United States deserves credit for supporting the move to peace and reconciliation. I was in Congo when the transition began in mid-2003, and saw firsthand all the work that our able diplomats did to support this fragile, complex process.

In 2006, at the end of the transition period, the people of the Congo voted for their national leaders. I returned to the Congo then as an elections observer for the Carter Center. I saw what can happen when a government and its citizens are strongly, effectively supported by the international community. The 2006 elections had flaws, but, ultimately and most importantly, it was clear that the person announced as the winner in the Presidential election—Joseph Kabila—indeed had won. Following these elections, the Carter Center noted: "The Carter Center election observation mission to the Democratic Republic of the Congo is confident the results announced by the Independent Electoral Commission (CEI) are consistent with the results obtained in the polling stations. The provision of original tally sheets to candidate witnesses, combined with the publication of results by polling station, introduced a strong measure of transparency that virtually eliminated the possibility of significant fraud after the ballots were counted."

The Congo has just held its next national election. Here is what the Carter Center published on December 10: "The Carter Center finds the provisional Presidential

election results announced by the Independent National Election Commission (CENI) on December 9 in the Democratic Republic of the Congo to lack credibility.” The head of the Catholic Church in Congo, Cardinal Laurent Monsengwo, said on December 12 that “after analyzing the results made public by the CENI on Friday, December 9, 2011, it is appropriate to conclude that these results do not conform to the truth, nor to justice.”

What happened? How did the Congo backtrack from relatively good elections in 2006 to the brazenly fraudulent elections of last month? What role did U.S. actions play?

The United States saw the 2006 national elections as an exit strategy from heavy political/diplomatic involvement in the Congo. In 2006, the United States and others felt that the situation finally was good enough in the Congo because successful elections had taken place. This conclusion was reached despite evidence to the contrary both from the Congo itself and from careful international research on the trajectory of conflicts. After years of serious diplomacy to help the Congolese transition succeed, key international actors succumbed to wishful thinking, reducing their levels of political engagement with the new Congolese Government.

Research on fragile states like the Congo strongly suggests that these states become more, not less, fragile after elections, and are acutely vulnerable in the period following elections. Such elections are not an exit strategy; rather, successful democratic elections require maximum support and engagement from the United States in the months and years immediately afterward. Instead of doing this, the United States did the precise opposite.

In the runup to the 2011 elections, the United States, the U.N. Mission in the Congo, known as MONUSCO, and other international actors chose not to engage adequately to support free, fair, transparent, and credible elections in the Congo. As the 2011 elections approached, alarming signs grew that the Congolese Electoral Commission (known by its French acronym as the CENI) was fumbling badly in its role to plan and manage the elections.

In a Special Election Report released by the Eastern Congo Initiative in September of this year, Mvemba Dizolele and I recommended greater engagement by the United States and others in the international community. The paper’s title was not terse, but it certainly was clear: “Technical Issues Threaten Free, Fair, and Transparent Election in the Democratic Republic of the Congo: Urgent Steps Required.” I respectfully request that this ECI report be included in the record.

Even earlier this year, in March, Eastern Congo Initiative’s founder, Ben Affleck, sounded the alarm loudly in a hearing on the other side of Capitol Hill. He said then that “the U.S. must do more to support the 2011 elections. . . . Once the elections occur, the free and fair nature of the results should be above reproach. A finding of anything less risks Congo’s stability and democratic progress.” He provided a long list of concrete recommendations for U.S. policymakers, all of which were ignored.

He ended his testimony by stating his belief “that if we continue to place the Congo on the back burner of U.S. policy it will come back to haunt us.”

That is precisely where we are today.

Now that the Congo has held clearly fraudulent elections, the United States faces another crisis in the Congo. To move forward, the United States must come to terms with a series of uncomfortable facts. First, as the Catholic Church, the Carter Center, the European Union Observer Mission, and others have said, these election results lack basic credibility. Second, they lack credibility because of disorganization on the part of the CENI, and also because of a massive attempt by supporters of President Kabila to steal the election. Third, the present head of the Congolese Electoral Commission, Reverend Mulunda, not only badly botched preparations for the election, he was complicit in the preparation and reporting of clearly fraudulent results.

One clear, immediate implication of these three facts is that Reverend Mulunda should immediately be replaced. No reasonable person can have any confidence in his ability to manage this process from this point on. A second implication is that all of us need to think through what it means that supporters of the sitting Head of State just organized a massive effort, across multiple provinces, to fraudulently alter and manipulate election results.

Inside and outside the Congo, inside and outside the U.N. and governments like our own, intense international efforts are under way to help the Congolese avert disaster. Many different scenarios and options are under discussion. Whichever path is taken, the end point is clear: The Congolese people deserve the leader that they have democratically chosen as their next President. As of today, it is not clear who that man is. A way must be found to do so.

The way in which the aftermath of these fraudulent elections is managed will affect every issue of interest to the United States in the Congo. It is apparent that the outcome will show whether Congo, after badly stumbling, can regain a democratic path. But the outcome also will have a determinative effect on U.S. efforts on conflict minerals, on sexual and gender-based violence, on broader respect for human rights, on general development prospects, on security sector reform, and on all other issues of interest to the United States. If the crisis is not successfully resolved, it will not be possible to improve governance in the Congo in meaningful ways. If the present situation is not managed successfully, Congo could descend once again into a deeper humanitarian disaster.

A new development in the State Department is the recent appointment of a Special Advisor to the Assistant Secretary of State for African Affairs for the Great Lakes and the Democratic Republic of the Congo. ECI and other organizations have long bemoaned problems of coherence within the U.S. Government—that the United States has many people working on many different issues relating to the Congo, but not in a well-coordinated fashion. This was a central reason that ECI and other organizations called for the appointment of a special envoy. The newly appointed Special Advisor to Assistant Secretary Carson, Barrie Walkley, should be given the authority within the State Department and elsewhere within the U.S. Government to forge much better coordination across issues. Of course, his ability to be effective will depend on actions by senior U.S. officials, including President Obama and Secretary Clinton, to successfully resolve the present crisis.

Why has the United States encountered so much difficulty in wrestling with problems like conflict minerals and continued high levels of sexual and gender-based violence in eastern Congo? Will the appointment of a Special Advisor fix the problem? On one level, the answer is simple: When senior officials in the Congolese state are, at best, uninterested and, at worst, complicit in the abuses, how much progress can outside actors make? When a government is unresponsive to the suffering of its own people, how much progress can outside actors make?

After the 2006 elections, the Congolese national government continued to struggle to exercise the essential functions of an effective state. Instead of focusing on key development priorities, the Congolese state took a different path. The dominant ruling party moved to further concentrate and centralize its power. This was done despite strong decentralization provisions in the Congolese Constitution and general agreement that effective decentralization is essential for improved governance the Congo.

These governance problems are so daunting, in fact, that some argue that in the face of so little political will, the right decision is withdrawal. I utterly reject that option. Withdrawal by the United States and others is not a plausible option since it necessarily leads backward to catastrophic collapse, humanitarian disaster, regional instability, and renewed warfare. Disengagement runs counter to both the interests and values of the United States.

The dilemma of engagement, however, remains: What should international actors do when the state is not fulfilling its basic functions? There is a straightforward set of actions that, if followed, provide a coherent framework of action to improve governance in the Congo. The heart of this proposal, which I call “TPA,” is that successful programs to improve governance require consideration of and, if necessary, action on three specific elements:

- Effective Training,
- Adequate Pay, and
- Accountability for actions.

First, the “T.” Training is a staple of U.S. activities, but training is normally done as a stand-alone intervention, with the regularly unrealistic assumption that somehow disparate, scattershot, uncoordinated training will lead to better performance and on-the-job results. Facts on the ground from around the world, including in the Congo, amply prove otherwise. Even assuming well-coordinated and effective training (far from today’s reality), training alone, while necessary, remains insufficient.

The key is the “P.” Pay affects performance: When trained officials return to their horribly paid positions, they revert to poor performance. Adequate salaries, with salaries paid on time every month, to both civil servants, police, and soldiers, is essential to improve governance in fragile states like the Congo.

However, efforts to accomplish salary reform at a national level almost always fail in states like the DRC. To pay adequate, sustainable salaries to all civil servants requires fundamental civil service and budget reform. In the Congo, the government is presently unwilling to do this. Under TPA, the donors do not have to choose between the equally unpalatable options of pushing the government toward politically dangerous comprehensive civil service reform or doing nothing.

The optimal approach is for the Congolese Government to provide all the necessary resources, including salaries that are at least minimally adequate, using its own funds. Determining the actual capacity of the Congolese state to do so should be done by the IMF and the World Bank. If the IMF and Bank believe that the Congolese Government does not possess sufficient resources, or if the Congolese Government is unwilling to do so, donors must engage in a frank dialogue with the Government regarding the provision of these resources.

Of course, adequate pay is only one of the necessary requirements to create incentives for acceptable on-the-job performance. Officials require adequate resources in a variety of areas relating to the conditions of their service in order for them to perform their functions effectively.

The United States present approach to providing these resources, including paying salaries or salary supplements, is incoherent. In lower priority countries, U.S. officials say that they cannot pay salaries because it is not sustainable. Yet, the "T" and "P" part of TPA describes the way the United States does business in countries of particular interest. For example, in Afghanistan and Iraq, the United States has trained and paid enormous numbers of officials. The United States has paid police salaries in Liberia and elsewhere.

My point is not that the United States should be paying salaries everywhere; rather, it is that the United States must recognize the key importance of this issue and think through coherent, sensible, workable approaches. Too often in countries like the Congo—I made this mistake myself when serving as the USAID Mission Director—U.S. officials just refuse to think carefully through these issues, because they raise difficult, uncomfortable questions both for U.S. and Congolese policy-makers.

Finally, the "A" of accountability. It is particularly in the context of accountability that Congolese civil society has a crucial role to play. The United States should support civil society's role in monitoring and evaluating the government's implementation. This is an essential part of a durable solution.

Assuming that Congo emerges from its present electoral crisis and regains a democratic path, TPA can help guide the U.S. Government toward a more effective approach to improve governance.

If the Congolese military and police continue to be ill-paid and unaccountable for their actions, no amount of training will change that, and the Congolese security forces' role in committing sexual crimes will continue.

If the Congolese justice sector continues to be severely underfunded and staffed by unqualified, untrained personnel who are poorly paid and receive few incentives for good performance, do we think that impunity will be reduced through legal action and occasional aid projects? If so, we, too, are engaging in wishful thinking.

If customs officials and others responsible for maintaining a responsible chain of supply from the mines are ill-paid and subject to harassment from armed men who act with impunity because the legal system is dysfunctional, do we believe that the conflict minerals problem will diminish?

The US needs to work with Congolese actors and a wide spectrum of international agencies, from the IMF to USAID-funded NGOs, to attack the fundamental deficiencies underlying poor governance.

Following the 2006 elections, the United States based its actions in the Congo on President Kabila's new legitimacy, gained through reasonably free and fair elections. Last month, millions of Congolese turned out to vote for their leaders at the national level. The vast majority of Congolese want peace and development. They want a better life for their children. Human aspirations are the same, whether you live in Bukavu or in Bethesda.

As of today, it is not possible to know whether Joseph Kabila or Etienne Tshisekedi is the legitimate President of the Congo based on a credible electoral victory. Absent a reasonable process, the next person who declares himself head of the Congo would govern minus democratic legitimacy. This is not a formula for stability in the Congo or in central Africa as a whole. Such a result would be deeply counter to both the interests and values of the United States and risks another humanitarian crisis and greater, prolonged conflict. The United States must dramatically ratchet up its efforts to find a way to defuse this crisis and find a way forward that respects and honors the democratic aspirations of the Congolese people.

Senator COONS. Thank you, Mr. Gambino.
Mr. Dizolele.

**STATEMENT OF MVEMBA PHEZO DIZOLELE, FELLOW, HOOVER
INSTITUTION, WASHINGTON, DC**

Mr. DIZOLELE. Chairman Coons, Ranking Member Isakson, 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 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. I am a native Congolese and a naturalized U.S. citizen. I would like to note that I received my American citizenship through service in the United States Marine Corps Reserve where I was a noncommissioned officer and served in infantry, intelligence, training and operations, and public affairs positions.

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

I am neither a member of the opposition nor a supporter of the Presidential majority. 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, my views are my own today.

I would just like to put a little bit of context in this. The most widely accepted narrative of U.S. Congo policy defines the predicament of the country 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 like yourselves build your work around this prism. Not only is this narrative wrong, it has led to misguided initiatives such as the Dodd-Frank Act which contains an important resolution on Congo's conflict minerals, effectively turning U.S. Congo policy into a Kivu policy. 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.

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.

The crisis, as we know it and as we discussed today, started, of course, on December 9 when Daniel Ngoy Mulunda, chairman of the electoral commission, declared President Kabila winner of the contentious election with 49 percent of the vote. Tshisekedi who placed second 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.

Meanwhile, the government has reacted swiftly and forcefully unleashing armed antiriot 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. An unconfirmed number of young men have been abducted from their homes by the same agents and driven to undisclosed locations.

The government has cut off text messaging services and Internet access is now limited, slow, and intermittent. The diplomatic community has exhorted Tshisekedi 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 more violence.

But the real genesis of the crisis goes back to December 2010 when Tshisekedi, who had been sick and seeking treatment in Europe, returned unexpectedly to Congo and announced his candidacy for the Presidency. Kabila's advisors panicked and the President's parliamentary majority passed a hasty constitutional revision in January 2011 that scrapped the two-round voting process in favor of a one-round, all within 1 week.

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. Throughout all of this, Western embassies appeared content to look the other way. Diplomats from the United States, France, Britain, and Belgium 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 the crisis that could have easily been averted.

At stake is nothing less than the stability of the country of 70 million people. Unless the international community takes its responsibility to help protect the Congolese from conflict seriously, Congo will slide into greater post-election violence. If this fits with the mandate of your committee, the U.S. Senate should investigate this electoral disaster. 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 inconsistencies that have caused this crisis. The alternative is to let the Supreme Court certify Kabila's provisional victory and hand him another 5-year term, in which case we better 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.

I thank you.

[The prepared statement of Mr. Dizolele follows:]

PREPARED STATEMENT OF MVEMBA PHEZO DIZOLELE

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 U.S. citizen. Let me note that I received my American citizenship through service in the United States Marine Corps Reserve, where I was a noncommissioned 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 4 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 U.S.-India or U.S.-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 November 28 Presidential polls. The legitimacy crisis threatens to trigger another round of civil war in a country that has already lost over 6 million of its people to the repercussions from a long and senseless conflict.

On December 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 3 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 antiriot 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 DC, 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 policy-making by the pro-Kabila Presidential majority in Parliament. After Jean-Pierre Bemba, former Presidential hopeful and Kabila's main challenger in the 2006 elec-

tion, 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 8 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 1 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 7 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 cofounded 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 facades 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 5-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.

Senator COONS. Thank you, Mr. Dizolele.

All three of you have made direct reference to what is our primary focus today which is our grave concern about the legitimacy crisis that is produced by the widespread concerns and questions about not just the technical mechanics, but the actual outcome of the elections. And I have a question for all of you, if I could.

You have all referred, either in your written testimony or your spoken testimony, to a reasonable process, to a plan B, to an active engagement by relevant powers in the multinational community to opportunities missed in the runup to the elections to insist on constitutional changes, or to push back on constitutional changes, to insist on better preparations of a technical and logistical nature. The Assistant Secretary spoke of the United States having offered active, prompt engagement in an audit and review, and several of you have spoken of that as insufficient. I agree with you that this

is fundamentally a political problem and no matter what the outcome is here in the short term of the review of the election, there is a real risk of Congo slipping back into the tragic violence that caused what has been referred to as Africa's world war.

If you would for our benefit review more concretely exactly what it is you think the United States or at least this committee can and should do to engage the international community to deploy the moral authority and resources of the United States in a way that will make a positive contribution to airing the real challenges of this election and to moving forward toward a productive and peaceful future for Congo. What exactly would you urge us to do?

Mr. Schneider.

Mr. SCHNEIDER. I think the point that you made is very important in terms of lessons learned. There were moments in the pre-electoral process when, at that point, a combined international diplomatic message strongly to President Kabila that he was going down the wrong path and this would result in the country being isolated—that was not done. The kind of effort that was done on Nigeria was not done early enough here. That is one.

Second, now it seems to us that there is an essential need to use, as you stated, all of the moral and political suasion of the international community. You have the largest United Nations peacekeeping force currently in the Congo. They also have political capabilities. The Secretary General should be engaged on this. The African Union has a major stake in the Congo moving in the direction of stability, and we believe that the United States can help to generate engagement by the African Union and the United Nations in a concerted and unified message to the Government of the Congo to permit independent, international verification of the process, either with the current government and CENI or parallel to it. There needs to be full international involvement and engagement at a very high diplomatic level. That, thus far, is not satisfied by contracting with electoral experts. That is No. 1.

No. 2 is the Catholic Church which took a leading role in the observation with civil society in the Congo. They need to be a very strong dialogue partner in how to move forward. Similarly, civil society in the Congo is very active. They too need to be engaged fully in this process. And here again, the United States does have a record of dealing with civil society and it should be part of what we do moving forward in order to, in a sense, give them some of the resources necessary to engage in this process.

But the fundamental issue is independent international verification and with the purpose, as I said earlier, of enfranchising those who were disenfranchised in order to try and move to a position that you do know who won the election and initially aiming at preventing the country from slipping down the path into regional and ethnic violence. And we already see in Katanga some of that taking place.

Senator COONS. Thank you, Mr. Schneider.

Mr. Gambino.

Mr. GAMBINO. Thank you, Mr. Chairman.

You certainly have asked a question that all of us are thinking about a lot and talking to people in the Congo and around the world about what are appropriate, very concrete steps to take.

In addition to agreeing strongly with the points that Mark just made, let me just add two. Then, I would like to comment specifically on some of the points that Assistant Secretary Carson made, because what we can see is movement in the policy of the United States.

At the beginning of this year, when the constitutional changes were made by President Kabila, moving from a two-round system to a one-round system, the only comment on this came from our Ambassador in Kinshasa, who referred to the change as an internal matter. He made no criticism whatsoever of the change.

Many of us urged much greater involvement and concern; we kept getting replies that things were on track, that the electoral commission was really doing a good job, that the elections, with the support from the U.N. mission known as MONUSCO, would work out fine. We were looking at it closely. It really did not look that way to us. We kept saying please think about it more. It did not happen.

Now we have this deeply flawed election and we are starting to see some movement in United States policy in a statement released yesterday by the State Department spokesperson.

But here are the two points that I want to make. We still talk about working within existing legal remedies, but let us look at the electoral commission. Does one really think, given that the personnel of this electoral commission that were responsible for this charade in front of us, that we should expect the people of the Congo to rely upon them and have faith in anything they do? I do not see how one can credibly assert that. You keep the institution, but you certainly have to change the personnel. That seems to me very fundamental. I spoke about that in my testimony.

The Supreme Court is to make a ruling, and in the present system there, they are supposedly the ultimate arbiters. On that point, I would defer to the head of the Catholic Church in Congo, Cardinal Monsenguo, who in a superb statement of just a few days ago urged the Congolese Supreme Court to do the right thing. But reading between the lines, if you will, there is the sense that for the Cardinal the Court is not the end of this process unless it does the right thing. So let us see what the Court does. If they do the right thing, whatever that might be, then we move in one direction. If, on the other hand, they reach a decision that looks as flawed as some of the actions we have seen from the electoral commission, then we are going to have to look very seriously at other activities like the ones talked about by Mark Schneider.

The final point on that is that Assistant Secretary Carson in his testimony before you, in addition to using the phrase "existing legal remedies," also used the word "rapid," that we need to work on these things rapidly. Now, I recognize that one wants to get out of this crisis as quickly as possible. But if you look at the mess that has been created by all these irregularities and vote manipulation and everything around this country with 18 million votes cast and all the myriad problems, it is not going to be sorted through in a matter of a few days or a few hours. It is just not possible given the scale of this.

So we have to start to be reasonable about two things.

One, how long is it going to take? And then if it is going to take a period of time, which I strongly suspect it will, what are the implications for maintaining short-term stability in the Congo in terms of governance structures, and for the support that comes from us and others around the world?

Senator COONS. Thank you, Mr. Gambino.

Mr. Dizolele.

Mr. DIZOLELE. Thank you very much, Chairman.

I think the first step is really the message of the United States. Our message has been, frankly, pathetic. I mean, at a time when Secretary Clinton is urging the Russians to march in the streets and reclaim their rights, we are getting the message that is very rosy when it comes to the DRC. Between the two countries, we know which country has suffered more calamities and which country needs this more than the other. You can answer that yourself. But it is ridiculous that for the entire process my colleagues have mentioned, the United States has given a nod to the process when everybody knows it has been really despicable, and I think we need to change that, if your committee can start sending a strong message that the United States stands for something. We should not be sounding like the Chinese. And so far in Congo, the United States diplomacy is not different from the Chinese. We cannot continue like that.

So I think we need to put pressure. So like my friend Tony has just said, we should put pressure so that the process is not expedited. There is no point to expedite the process if this is going to unravel not maybe in 6 months, but maybe in a year. As things are, this is a ticking bomb. So we need to insist. Congo depends on us. I know that it is a sovereign country. It is my homeland but it is also a sick country that depends on us. We have tremendous leverage on the Government of DRC. The State Department does not like to acknowledge this, but I am sure they know that they have tremendous leverage that is not being used. We should use those levers and insist on a delay on the certification of results, and then we will follow what both Tony and Mark have just recommended, to start looking beyond the technical review, the politics of it so that disenfranchised Congolese voters finally will get their voice heard. This may mean that Kabila is proclaimed President, but people will have confidence in the process.

And also, I think more importantly—this is something that has not been discussed often—is the crisis of personalities, as we look at this. Mr. Tshisekedi and his group of opposition leaders have a terrible relationship with the diplomatic community, and in the process, the diplomatic community loses sight of what really is at stake and start shortcutting people. But that is not really the issue here. The issue is beyond President Kabila and beyond Tshisekedi. So we need to look at the process, keeping that in mind.

Thank you.

Senator COONS. Let me, if I might, Mr. Dizolele, seek a clarification of your earlier testimony because you spoke in fairly stark terms as if the United-States-focused efforts by the Congress to make some impact on conflict minerals or on sexual violence were misplaced or misguided or ineffective or wasteful. What I think you were trying to convey to us was that these are important and vital

issues that deserve attention, but that they exist within the larger context of a country whose politics and whose governance are the main enduring problem, and if we do not fix political legitimacy and we do not, on behalf of the United States, engage in governance questions, then we can do all the work we want to through Dodd-Frank and conflict minerals and so forth, and we will not have addressed the real driver. Was that your point?

Mr. DIZOLELE. Very much so, Mr. Chairman. And I will just illustrate a little bit.

Congo is the size of Western Europe. So for us in the United States, it is one-third of the United States from the Canadian border to Florida. If we look at Vermont as eastern Congo, what is happening in Vermont is important for the country, but to claim that solving the problem in Vermont would solve the larger crisis in the country would not be correct. Part of the problem is that women that are being raped need help. There is no doubt about the fact they needed help yesterday, urgently. But the Kivus are part of the greater country. What is happening in the Kivus is happening because of what is not happening in the rest of the country, not the other way around. If women are being raped in the Kivus—there are about three questions that anybody asks whether you are a Tibetan or Chilean or Congolese. Why—pardon my French—the hell are these women being raped. Where is the government? Is anybody protecting them? We have lost sight of that when we look at these issues.

Or if we look at the conflict minerals issue, then the issue is like, hey, why is this looting happening. Is anyone responsible? Is there any adult in the house, and where is this adult in the house? We should be starting putting pressure on the adult in the house and not create a set of schemes that keep on perpetrating the problems.

The main problem with Dodd-Frank is that the legislation builds on the false premise that cleaning the mineral supply chain will cut militias' funding, reduce their access to weapons, and therefore bring peace. But even before it is implemented, this legislation has already put hundreds of thousands of Congolese out of work. In the meantime, mineral smuggling across the border, particularly with Rwanda, has increased. This smuggling is run by militia leaders who continue to benefit greatly from the illicit trade. More importantly, however, militias have other sources of income, as they tax all business activities in the territories that they control. In the end, with or without minerals, the conflict in eastern Congo will continue as long as we ignore the bigger context of the Congolese crisis. As such, if or when the legislation is implemented, Dodd-Frank will effectively certify the looting of DRC's mineral resources to everyone else's benefit but at the expense of the Congolese people.

I will just finish with a story. I once visited Panzi hospital in Bukavu, and Dr. Denis Mukwege told me a story of a young woman. I will name her Sifa. Sifa was about 13 years old. She came from Shabunda, a few hours by road from Bukavu, where she had been raped. She came to Panzi. For those of you who have been to Panzi, Panzi is a small hospital. It is famous but it is very small. While this young woman was being treated, she used to do her makeup every morning and talk to the doctor and say, "Papa,

you see how beautiful I am. Whatever happens, do not send me back to Shabunda.”

Six months later after she was fully healed, Dr. Mukwege against his own judgment and against the will of the woman, but because of capacity problems, sent her back to Shabunda. She came back about 6 months later. She had been raped again and this time it was worse. The surgery did not take and they ran further testing on her only to find out that she was HIV-positive.

So this woman, this Shabunda girl—she does not want the United States to just give \$17 million, as Secretary Clinton promised when she did the tour of the area. She wants this sexual violence to stop. And in order for it to stop, we, the international community and humanity, have to have the courage and say this has to stop, start arresting people, start putting pressure on the adult in the house, which is the Congolese Government, not just on the U.N. because often we displace the discourse. Then we blame the U.N. We blame everybody else and we give a free ride to the Government of DRC. That is not the kind of policymaking that the Congolese people want.

Thank you very much.

Senator COONS. Thank you.

Senator Isakson.

Senator ISAKSON. Mr. Schneider, you said that there was obvious fraud in certain regions or provinces and there ought to be a revote in those provinces.

And then, Mr. Gambino, you said the whole election was clearly fraudulent. Do you think there should be a revote in the entire country?

Mr. GAMBINO. Senator Isakson, that is an extraordinarily important issue. I think the Congolese themselves are going to have to think that through, with help from international actors, experts, and others to think through a way to get to a reasonable democratic outcome.

As I look at it—and I have looked pretty closely at the results around the country—we see obviously fraudulent results in Katanga. You have three large areas amounting to about three-quarters of a million votes where in two of them the results are 100 percent of the voters voted for President Kabila. So you can go through—and I have done this—hundreds of pages of results for each voting station where there were roughly 400 or 500 Congolese voting. Every single voter, we are to believe, went and cast his or her ballot for President Kabila in these polling places in each of these areas. That is one example.

In certain areas of north Kivu, there are very clear reports of intimidation and extremely troubling results as you start looking at specific areas.

Others have referred to the Kinshasa results. There were votes lost, perhaps as many as a million—and Mark Schneider has talked about this—where they know people voted and then the votes disappeared. So we have this as well.

Are you going to be able to sort all that through and somehow come out to something and say we are absolutely confident that either Joseph Kabila or Etienne Tshisekedi did? If you can, fan-

tastic. I am a little skeptical, frankly, given the scale that one sees. I would defer to experts.

If we do not do it, then we have quite a problem. If you can revote in certain areas, OK. But if those areas amount to most of the province of Katanga, which is the size of Texas and which where over 3 million people voted, a lot of Kinshasa, a city of 10 million people and millions of voters, and substantial portions of other provinces—you know, you see where I am going. That starts to look like another full round of voting.

I will just put out one more question for you to consider, and I do not have the answer.

The Congolese had a system in 2006 which was a two-round system. You had over 30 candidates for President in 2006. If no one got over 50 percent, you went to a second round with the top two candidates. That is what happened. You had a second round against the top two candidates. President Kabila beat Jean Pierre Bemba 58 to 42.

It seems to me that as you look at these horribly complex and flawed results right now, there are probably two things that we can all agree on. Nobody won more than 50 percent and the two top vote-getters are Joseph Kabila and Etienne Tshisekedi. It may be cleaner to think about some kind of competition that way. One can organize such an election relatively quickly. The Congo is slated to have its next round of elections nationwide in March. So we do have something coming forward. So as you think it through—I am certainly not making a proposal. I am just trying to think through with you some of the options that people are discussing right now to work through what is a mess without a clear, clean, rapid outcome right now that most of us see.

Senator ISAKSON. Well, the reason I asked the question is from listening to all three of you, in particular Mr. Dizolele and his comments, I do not think a revote right now is really possible or would bring a result that would be any different without fundamental change in the process. Do you agree with that, Mr. Dizolele?

Mr. DIZOLELE. I am sorry. I missed—

Senator ISAKSON. I really do not think a revote would be possible to create any other change in the result immediately because of the given corruption that exists today. Is that correct?

Mr. DIZOLELE. I think there is a lot of truth to that in the sense that Tony just mentioned that there are so many things that have to change. I mean, if we are going to have a revote, does that revote happen with the same team that we have in place? And if it does, then what does that mean?

Senator ISAKSON. Well, let me interrupt you because you made the statement parenthetically. You said, well, maybe we ought to just let the President stay in for another year, but then charge them to have another election and structure the vote better. I think that is what you said.

Mr. DIZOLELE. No; I did not make that statement.

Senator ISAKSON. You did not make that statement?

Mr. DIZOLELE. No. That was not me.

Senator ISAKSON. OK. Somebody said that.

Mr. GAMBINO. I did not say it, Senator, but I think what you asked is so important. But I am actually more optimistic about this than perhaps some others.

We sometimes get a false dichotomy between the 2006 and the 2011 elections. People pretend that in 2006 the international community did everything, and so the elections went reasonably well, and that in 2011 the Congolese did most everything and the results have turned out poorly. That is actually not true.

In 2006, yes, the international community did more, played a better role, was more engaged. But there was a huge role played by a much better Congolese electoral commission and a much cleaner election all around. The Congolese did a fantastic job in 2006.

I think this time around, as I have said and the others have said, one should make some changes in personnel, obviously, but also get the kind of heightened international engagement that Mark Schneider and others are talking about. If you came to a second round early next year, for example, Senator, surely you should have some people placed in some of those areas, Congolese observers, where we got the highly dubious reports that 100 percent of the voters were for Kabila. You know, some of these can be done. The Catholic Church had 30,000 observers at this election. Some of these things can be done to get us to the kinds of credible outcomes that must be attained.

Senator ISAKSON. Well, more transparency brings about a lot more accountability. There is no question about that.

Mr. SCHNEIDER. If I could, it does seem to me that while we can come up with a variety of scenarios to get to an end, that has to be the result of negotiation in the DRC. And that is where I think you need to have a combined, unified international view, high-level, former Presidents from African countries that are authorized by the African Union, in a sense blessed by the United Nations and supported in terms of trying to bring about a mediation that says, OK, we believe there should be a second round for those two or revoting for these areas and we will have essentially a parallel process to determine the outcome.

But there needs to be—and here is where I guess I disagree a little bit. I do think we need immediate international engagement in this effort at this time because I am very concerned that December 19—you heard the Supreme Court. That is the last date. Well, the Supreme Court decides on these disputes in-camera, closed sessions. Given what we have had thus far and what we know, it issues a result that says the preliminary results stand. Then you have essentially lit a match. And it just seems to me that between now and then you need to engage the international community to try and bring about some process of discussion aimed at a compromise.

Senator ISAKSON. Well, my time is up and we are about to have a vote I think.

But let me just add a comment to our Marine. Mr. Dizolele, when you made your comment, I reflected back 2 years ago when I was on the USS *Eisenhower* in a NATO exercise in the Atlantic and went down to the mess hall and sat at the Congolese table. There were 10 Congolese volunteers in the United States Navy serving

our country on a fast track to citizenship basis. And I want to thank you for doing that and thank you on behalf of the American people.

Mr. DIZOLELE. Thank you very much, Senator.

Senator COONS. Senator Isakson was referring to—we had a scheduled 4 o'clock vote on the authorization for the Defense Department.

Senator ISAKSON. Actually Senator Isakson was trying to make an excuse to make an exit because I have one other stop I gave got to make. [Laughter.]

Thank you all for your testimony.

Senator COONS. Well, then let me thank Senator Isakson for his good nature, his disciplined and steady contributions to the work of this subcommittee, and for the honor of serving with him.

You have presented focused and concrete concerns about this election. I am sorry we have not gotten into more detail about the many other issues and challenges that face the DRC, the role of the newly appointed special representative to the DRC and the Great Lakes, the role that the U.N. peacekeeping mission can and should play in security sector reform, whether it is reasonably possible to certify conflict minerals as being conflict-free and whether that is relevant to improving future governance and outcomes in the east and northeast, what if anything more we can and should be doing to promote civil society and transparency, what we can do to ensure a more effective electoral commission and Supreme Court. These are all questions that I think are valued and important.

Let me first say that I—and I suspect all the other members of this subcommittee—welcome your ongoing input as this very fluid situation continues to evolve. It is my hope to put out a statement promptly, possibly jointly with Senator Isakson, that reaches our conclusions from this hearing, from all the input that we have gotten. And our offices have gotten quite a bit of input from the Congolese community in the United States, for which we are grateful. And it is my hope that the United States will take an active and engaged role in convening the international community to try and ensure that we do not miss an opportunity. We may well have missed them in the runup to this election. And as I said in my opening statement, many of us have really hoped that this election would secure steady forward progress for the people of the Democratic Republic of the Congo toward a sustained democracy.

I agree with you that this is a moment of great risk and that there is a real possibility that it will slip as Cote d'Ivoire did after a challenging contested election into enormous difficulty. There is a moment here, I think, for the faith community, for NGOs, for Congolese civil society, and for the international community to negotiate an appropriate resolution of what is a flawed election that could produce a political crisis.

I am grateful for your testimony today. I look forward to your continued input, and as we move to a vote on an equally important issue for our Nation, I am grateful for your passion about improving the lives of the people of the Congo and about continuing America's role as one of the leaders in advancing democracy around the world. Thank you very much.

We will leave the record open for 1 week from today given the number of other members of this subcommittee who had expressed strong interest but were unable to join us today.

Thank you very much.

[Whereupon, at 4:05 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF ASSISTANT SECRETARY JOHNNIE CARSON TO QUESTIONS SUBMITTED BY
SENATOR BARBARA BOXER

Question. In late November, elections were held in the DRC, and all signs suggest that they were anything but free and fair. The Carter Center stated that it found “the provisional Presidential elections results . . . to lack credibility.” And the head of the Catholic Church in the DRC said that the “results are not founded in truth or justice.”

The State Department’s Web site describes our relations with the DRC government as “very strong.” The United States is also the largest donor to the DRC. For example:

The United States provided more than \$300 million in bilateral foreign aid to the DRC last year alone.

The United States is the largest contributor to the U.N. Stabilization Mission in the DRC, contributing to almost one-third of its annual \$1 billion budget.

The U.S. military has trained a Congolese Army battalion, to which it is providing ongoing support.

- How is the United States using its “very strong” relationship with the DRC government to help prevent a widespread outbreak of post-election violence?
- Can we use our influence to help explore a negotiated solution to the current election?

Answer. The United States has been working hard to prevent post-election violence in the Democratic Republic of the Congo (DRC). Our Ambassador to the DRC and I have been in constant contact with the Congolese authorities, key opposition leaders, the U.N. Special Representative in the DRC Roger Meece, other donors, and regional leaders to forestall violence resulting from the elections. Our message has been that all Congolese political leaders and their supporters act responsibly, renounce violence, and resolve any disagreements through peaceful constructive dialogue.

At this time, we do not see a need for international negotiation; however. A rapid technical review of the electoral process by the Congolese authorities and outside experts may determine ways to provide more credible results, minimize irregularities, and generally provide guidance that will improve future elections.

Question. Far too often, the perpetrators of sexual violence in the DRC are members of the Congolese Army, or FARDC.

The FARDC is made up of ill-trained and ill-equipped soldiers, many of whom are former member of militias. Few are regularly paid or fed by the DRC Government. In turn, many prey on the communities that they are ostensibly responsible for protecting.

A story told to Human Rights Watch by a 15-year-old-girl illustrates the devastation of the problem: “There were six soldiers who came into my house. They first raped my 3-year-old sister, and then two of them raped me while the other looted our house. They threw my newborn baby onto the ground . . . the soldiers were wearing military uniforms . . . after they raped me, they took my mother away with them. She hasn’t come back yet, and I think she must be dead. Five other houses . . . were visited the same night by the soldiers.”

- How is this outrage [Congolese Armed Forces committing sexual and gender-based violence] allowed to continue?
- What pressure can the international community bring to bear on President Kabila to reform the military?
- Has the Congolese Government made any significant efforts to pay members of the FARDC and remove those responsible for past crimes?
- What, specifically, is the U.S. Government doing on this front?

Answer. The perpetrators of this horrific sexual and gender-based in the Democratic Republic of the Congo (DRC) include the Democratic Forces for the Liberation of Rwanda (known by its French acronym—FDLR), various Mai Mai groups and

some elements of the Congolese Army (FARDC). This abuse is inexcusable and occurs largely because the state security forces—the police and military forces are largely unprofessional and in need of significant training and reform. The DRC has also been slow to remove those in its military who abuse human rights including Bosco Ntaganda and senior commanders such as Innocent Zimurinda. We have called on the DRC and regional states to honor their international obligations and arrest those for whom international arrest warrants have been issued. In addition, we have called on the DRC to arrest other senior commanders. We have pressed the DRC Government to make security sector reform a greater priority and more diligently pursue and prosecute perpetrators. The United States and the international community also are assisting the DRC Government to establish institutional structures and processes to support stabilization, including security sector reform, as well as to develop a professional military that will allow for an eventual drawdown and withdrawal of the U.N. Organization Stabilization Mission in the DRC (MONUSCO). With our and other international assistance, the DRC Government has begun paying the members of its armed forces more systematically. The European Union has helped the government implement a census of soldiers and a biometric database that is linked to the armed forces' payment system. As a result, more soldiers are receiving their regular salaries—though these salaries are often meager, and some elements of the armed forces have attempted to remain outside the biometric system. We insist that elements receiving U.S. training be paid on time.

We also have assisted the DRC's judiciary and the investigations and prosecutions of a growing number of cases, including the high-profile conviction in early 2011 of a colonel and several other officers for rape. The DRC Government is taking legal action against three of the so-called "FARDC five" officers whom the U.N. Security Council in 2009 alleged raped civilians. But tackling the problem effectively requires further prosecutions, which we and the international community continue to press for at the highest level.

Question. In May of this year, I spearheaded a letter with Senator Moran and 12 of our colleagues to President Obama calling for the appointment of a Special Representative to the Great Lakes Region of Africa.

In the letter, we noted the multitude of challenges facing the Great Lakes Region, including those in the DRC where "extrajudicial killings and the systemic and pervasive use of rape and sexual violence, has destroyed the lives of countless civilians."

In particular, we stressed how helpful the appointment of a Great Lakes Special Representative could be, noting that such a position could help build upon the work of the ambassadors in the region and would send an important message that the Great Lakes Region is a high priority for the Obama administration.

That is why I was so pleased to see the recent appointment by Secretary Clinton of Ambassador Barrie Walkley as the Special Advisor to the Great Lakes and the DRC.

- Will Ambassador Walkley be fully empowered to negotiate with regional governments, the Kabila government and international entities, particularly at this critical time in the DRC. What role will he play? Will there be any limitations placed on his position?

Answer. Yes, Ambassador Barrie Walkley will be negotiating with regional governments, the DRC Government and with others in the international community on Great Lakes issues. As Special Advisor, Ambassador Walkley will work closely with Secretary Clinton, Assistant Secretary for African Affairs Johnnie Carson, our ambassadors and missions in the field, and other State Department officials to devise, shape, and coordinate U.S. policy on cross-border security, political, economic, and social issues arising in the Great Lakes and the DRC. He will also coordinate with the interagency, the U.S. Congress and other nongovernmental organizations, and the private sector to address issues that cut across borders and bureaucratic divisions, including conflict minerals and sexual and gender-based violence.

RESPONSES OF ASSISTANT SECRETARY JOHNNIE CARSON TO QUESTIONS SUBMITTED BY SENATOR RICHARD J. DURBIN

Question. According to some estimates, more than 1,100 women and girls are raped every day in the Congo. That is nearly one woman every minute. That is the worst record of sexual violence of any nation on Earth. During my most recent visit to Eastern Congo, I had the chance to return to Heal Africa, a hospital in Goma that specializes, in part, in treating victims of sexual violence. The scene of these

women lining up in the dust to be treated for obstetric fistula and other horrific consequences of sexual violence is one I will never forget. I know Secretary Clinton had a chance to visit the hospital as well during her visit.

- What steps are State and USAID taking to help reduce the level of gender-based violence in the DRC?

Answer. The U.S. Department of State shares your concern and sense of urgency about the continuing sexual and gender-based violence (SGBV) waged against women and children in the Democratic Republic of the Congo (DRC). In FY 2011, USAID's SGBV programs helped 1,286,595 people gain access to critical SGBV care and treatment services. In order to prevent SGBV, USAID's programs engage both men and women at the community and provincial levels through targeted advocacy campaigns. We are working with the DRC Government, the United Nations, and our international and regional partners to empower women, including increasing their involvement in the political process and their role in economic development.

In addition, to make inroads on SGBV prevention, more needs to be done on security sector reform and strengthening the judicial sector. The absence of professionalism in the police and military forces is a key driver of many instances of this violence, and we have pressed the DRC Government to prosecute perpetrators and provided assistance to better enable them to do so. Our support to Congolese military justice institutions and the American Bar Association has enabled investigations and prosecutions of a growing number of cases, including the high-profile conviction in early 2011 of a colonel and several other officers for rape. The DRC Government is also prosecuting several of the so-called "FARDC five" officers identified in 2009 by the Security Council, who are alleged to have committed direct rape. The progress in these cases is welcome, but grossly insufficient and requires that the Congolese develop an independent and robust mechanism to try politically sensitive cases of high ranking officers. For this reason, we supported the Minister of Justice's legislative proposal to establish specialized mixed courts to address atrocity crimes, which would include international personnel on a temporary basis. Parliament recommended that the legislation needed to be modified to address constitutional issues, and we look forward to reengaging with the government, Parliament, and civil society on this issue. At the same time, we urge the GDRC to arrest known perpetrators, such as ICC-indictee Bosco Ntaganda, in accordance with their international obligations. We will continue to press for these reforms at the highest level.

Question. One of the problems mentioned to me in Congo by very brave and dedicated human rights NGOs was the impunity with which known human rights violators operated in Congo, notably in the ranks of the Congolese military. I spoke last year with then-U.N. Under Secretary General for Peacekeeping, Alain LeRoy, about ensuring that the important and sizeable U.N. peacekeeping forces in eastern Congo did not cooperate or assist any Congolese military units with known human rights violators in their ranks.

- Can State comment on the Congolese Government's seeming inability to go after these known criminals—is it a matter of capacity or political will?
- Can you also comment on the Congolese warlord, Bosco Ntaganda, who is wanted by the International Criminal Court but seems to operate and live with impunity in Goma?

Answer. The Government of the Democratic Republic of the Congo (DRC) does not currently have sufficient political will or security and judicial capacity to arrest, prosecute, and imprison known or suspected criminals. The military and police require professionalization and the capacity and independence of the judicial system must be bolstered. To do so will require significantly more commitment on the part of senior Congolese leaders including the President, the Ministry of Defense, the Ministry of the Interior, and the Ministry of Justice.

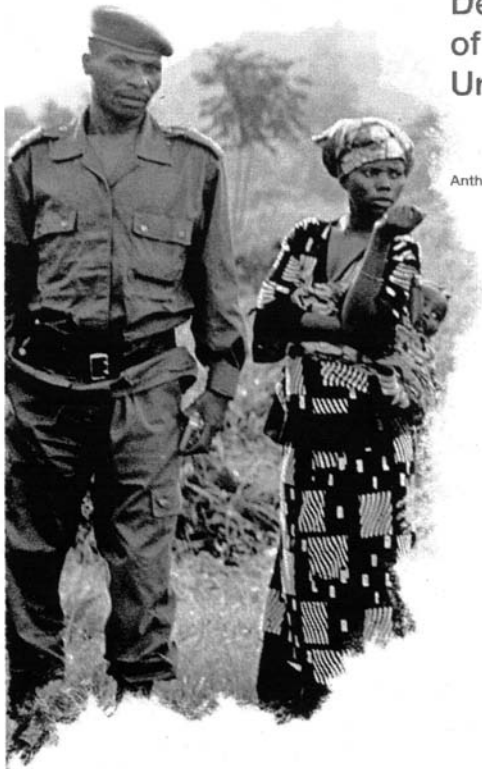
The National Congress for the Defense of the People (CNDP), the ex-armed group led by ICC-indictee Bosco Ntaganda, and formerly backed by Rwanda, has been poorly integrated in the Congolese Armed Forces and maintains its own parallel command structure in eastern Congo where the Government of the Democratic Republic of the Congo (DRC) has little control or influence. Ntaganda surrounds himself with CNDP soldiers loyal to him and has threatened that if any of his men are investigated or prosecuted, he will pull the CNDP out of the Congolese Army and return to fighting the government. Nonetheless, it is the obligation of the DRC to arrest Bosco. We continue to urge the DRC Government to ensure that perpetrators of serious human rights and international humanitarian law are brought to justice in accordance with the DRC's international obligations. We also continue to call on regional states including Rwanda, to support Bosco's arrest. This support is key

to the GDRC's willingness to arrest Bosco, as well as mitigating any potential violent fallout.

ECI PAPER "TECHNICAL ISSUES THREATEN FREE, FAIR, AND TRANSPARENT ELECTIONS IN THE DEMOCRATIC REPUBLIC OF THE CONGO: URGENT STEPS REQUIRED" SUBMITTED FOR THE RECORD BY ANTHONY W. GAMBINO

Technical Issues Threaten Free, Fair, and Transparent Elections in the Democratic Republic of the Congo: Urgent Steps Required

Anthony W. Gambino and Mvemba P. Dizolele



EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is scheduled to hold presidential and parliamentary elections on November 28, 2011. These elections will determine whether Congo secures the democratic gains from 2006 and solidifies its new democratic tradition or whether Congo slides back towards authoritarianism. The present round of national elections provides the best route to peace, stability, and economic growth to a country that has been devastated by public mismanagement and protracted conflict for decades.

In mid-2011, after decades of decline, Congo is beginning to show signs of economic, political, and social recovery. Yet, this recovery is fragile and could unravel. Due to multiple delays and a lack of transparency in the electoral process, there is a serious risk that elections could set off unrest if they are held under current conditions and plans. Recent election-related violence in Kinshasa underscores this risk. The United States, United Nations Stabilization Mission to the Congo (known by its French acronym, MONUSCO), and other interested actors must immediately intensify their efforts and engagement with the Congolese so that the integrity of the elections process is clearly re-established and the likelihood of potential turmoil is reduced. The last thing Congo needs is another protracted, tumultuous, and violent period.

As of early September, it is uncertain that the Congolese Independent National Electoral Commission (known by its French acronym, CENI) will be able to organize elections on November 28, 2011 that meet the expectations of Congolese voters, as well as basic international standards. During the course of 2011, more and more Congolese and outside observers have become concerned over elections preparations. These concerns presently focus on the CENI's ability to organize and implement the delivery of voting materials to polling stations on time.

Another serious problem is that, because of the deterioration of Congo's educational system over many decades, many rural Congolese of voting age are illiterate. On the 2006 election day, it was clear that many—almost certainly most—rural Congolese women (and many

men) did not know how to vote since they could not read and understand the ballots. For the upcoming 2011 elections, it is important that a clear procedure be in place so that illiterate voters can understand the process by which they can vote for themselves and can cast their ballots in secret.ⁱ

Beyond these problems, there are other complex issues which, if left unsolved, will undermine the credibility of these elections. These include ensuring fair access to media for all candidates; promoting a peaceful environment, without intimidation and violence against candidates; and installing transparent safeguards to deter and catch attempts at electoral fraud. These issues require serious and sustained attention.

To help resolve these technical issues, the CENI should take the following steps:

- Urgently convene a meeting with major opposition parties, including the Democratic Union for Social Progress (known by its French acronym, UDPSⁱⁱ), to agree to a rapid analysis by elections experts of the various technical and logistical issues related to holding successful elections that meet international standards.
- Hold open meetings as frequently as necessary—at least weekly—of technical experts to ensure that elections preparations proceed as well as possible. These meetings must be run in the spirit of encouraging open exchange on technical issues, including asking tough questions and looking for credible and detailed responses.
- Urgently develop a plan, including voter education, to ensure that all voters, including those who cannot read, can understand the ballot and vote in secret. MONUSCO's electoral division, the Carter Center, the International Foundation for Electoral Systems (IFES), and others should work closely with the CENI in developing and implementing this plan.

The United States has a major role to play in supporting this process. In addition to urging the CENI to move forward rapidly on the above recommendations, the U.S. needs to work with all parties, including

MONUSCO, to ensure successful execution of the complex logistical elements of the elections. The U.S. also should publicly denounce any efforts to intimidate candidates or voters, all incidents of violence, and any other attempt to subvert the process.

In addition, U.S. Ambassador to the Democratic Republic of the Congo James Entwistle and senior State Department officials such as Secretary Clinton, Under Secretary of State for Democracy and Global Affairs Maria Otero, Assistant Secretary of State for Africa Johnnie Carson, Assistant Secretary for Democracy, Human Rights & Labor Michael Posner, and, ultimately, President Obama need to make strong, detailed public statements in support of free, fair, transparent, and credible elections. President Obama should be prepared to provide unambiguous support and to make timely statements via video and radio, as he has already done with great effect for other elections in Africa, to emphasize support for this goal. While private quiet diplomacy is beneficial, public statements that are clear and effective also are needed to send the message to all Congolese that the U.S. stands foursquare behind the holding of free, fair, and transparent elections.

Finally, major observation missions organized by the Carter Center and Congolese civil society—with U.S. Government support—need to be able to operate freely and without interference. The U.S. must continue to give its full support to these important efforts.

BACKGROUND

Five years after the Democratic Republic of the Congo held its first multiparty elections in four decades, the Congolese are preparing to go to the polls on November 28, 2011 for presidential and parliamentary elections. Current President Joseph Kabila is running for re-election and is opposed by Étienne Tshisekedi, the leader of the Union for Democracy and Social Progress (known by its French acronym, UDPS), and nine other Congolese politicians, including Vital Kamerhe, Nzanga Mobutu, and Kengo wa Dondo.ⁱⁱⁱ

Leading Congolese and members of the international community have regularly stated that these elections must be reasonably free, fair, and transparent. President Kabila himself stated on September 14, 2011 that he is “committed to holding November’s presidential election on time” and that the election “should be credible and democratic.”^{iv} The United Nations Security Council stated in its most recent resolution on the DRC “that the successful holding of timely, inclusive, peaceful, credible, and transparent elections, in accordance with the constitution and international standards, is a key condition for the consolidation of democracy, national reconciliation, and restoration of a stable, peaceful, and secure environment in which stabilization and socio-economic development can progress....”^v

After a three-year transition, the Congolese, assisted by the international community, organized and held reasonably free, fair, and transparent elections in 2006. Those elections are an important touchstone for the present situation. In 2006, Congo was emerging from a long and horrible period marked by two catastrophic wars. To organize elections, the Congolese government created the Independent Electoral Commission (known by its French acronym, CEI) two years prior to the 2006 elections.

The international community saw the 2006 elections as a key element marking the end of a successful political transition. Since Congo had not held free and democratic elections since 1965, the international community recognized that they needed to provide extremely high levels of funding, as well as technical support and assistance.

International actors, coordinated by the United Nations Organization Mission in the Democratic Republic of the Congo (known by its French acronym, MONUC) played a central role in every aspect of the elections. The CEI head, Abbé Apollinaire Malu-Malu, worked closely and effectively with MONUC and other international actors to organize the elections.

In 2006, the president had to be elected by a majority vote, with a second round of voting if no candidate received a majority vote. President Kabila won the first round, but without a majority. This, therefore, required a second round of voting, which resulted in President Kabila defeating his principal opponent, Jean-Pierre Bemba.^{vi}

In early 2011, the Parliament rapidly approved President Kabila's proposed changes to the Constitution, including altering the manner of electing the president. With these constitutional changes, there will only be one round of voting: whoever wins the most votes is elected president, without the need to obtain a majority. The President's motivation for proposing this change was widely seen as coming from a desire to increase his reelection chances. This change appeared to dramatically increase skepticism among the Congolese elite over prospects for a genuinely democratic election.

The CEI's successor organization, the CENI, headed by the Reverend Daniel Mulunda-Nyanga, only began functioning in late February 2011, just months before the scheduled election date. Because the CENI began its work so late, the CEI under Abbé Apollinaire Malu-Malu released an initial electoral calendar in August 2010 which set out the main tasks required to organize elections, with the amount of time needed per task. The CENI released its own electoral timetable in late April, followed by a revised partial calendar in mid-August.

The two initial calendars are extremely similar, but the third calendar, released in August, contains a remarkable omission. In the calendar published by the CEI in 2010, the key task of producing and distributing non-sensitive voting materials, including voting booths, ballot boxes, and other critical materials (but not the actual ballots) to the more than 60,000 polling places in Congo was scheduled to take

more than 2 ½ months. In its April calendar, the CENI maintained this amount of time for these actions, with distribution of non-sensitive voting materials scheduled to start on July 1 and to be completed by September 18. However, the timeline discussed by CENI President Mulunda in his August 18 speech^{vii} omits the entry for the distribution of these non-sensitive materials. He includes only a timeline for the production and distribution of ballots. Instead, CENI President Mulunda's only reference to non-sensitive materials in his remarks is to say that "the ballot boxes, voting booths, and other materials for the electoral kits have been ordered..."

As of the second half of September, the distribution of voting booths, ballot boxes, and other materials to polling stations has not yet begun. Until recently, electoral materials had been waylaid in various locations around the world, from China to South Africa. Late on September 13, important election materials from China, including the voting booths, finally arrived. This crucial process, scheduled to begin on July 1, is now months behind schedule. Using the CENI's April timetable, even if distribution of these materials begins immediately, it would take until early December, well past the November 28 election date, to complete.

The CENI now asserts that all these essential and logistically complex tasks can be completed in less than 2 ½ months. The CENI has stated privately that the distribution of non-sensitive, as well as sensitive, election materials can occur simultaneously, instead of in sequence, and that this would save a substantial amount of time. This assertion does not address the issue of how much time is required for distribution of non-sensitive materials. Some elections experts question the feasibility of the CENI's present timetable on purely technical and logistical grounds, due to the shortness of time. To date, the CENI has not provided any detailed operational plan or explanation on how this dramatically compressed timeline can be achieved.

While it will play a greatly reduced role from that of MONUC in 2006, MONUSCO still has an essential, large role in elections preparations, including planning and logistics. Key MONUSCO personnel now state that they have serious doubts that these and other logistical actions

can be completed prior to the scheduled election day of November 28. As time gets shorter and shorter, the CENI's list of requests for MONUSCO logistical support gets longer and longer. Yet MONUSCO's capacities are significantly lower than they were in 2006.

Concerns over logistical and other difficulties are not new. On May 5, 2011, the International Crisis Group released a comprehensive report, *Congo: The Electoral Dilemma*, calling attention to these issues.^{viii} That report reached a stark conclusion:

The Congolese authorities face a dilemma: respect the constitutional deadline and organize botched elections, or ignore that deadline and slide into a situation of unconstitutional power. In both cases, the government's legitimacy would be seriously questioned. ... Instead of signaling consolidation of democracy, the coming elections present at best a logistical problem and at worst a new cause of destabilization for a country that has still not recovered from the long wars that marked the end of the Mobutu era and its denouement.

CENI head Mulunda-Nyanga has suggested on numerous occasions that in order to hold the presidential election on schedule, he would consider decoupling presidential and parliamentary elections. Under this arrangement, the presidential elections would occur as scheduled on November 28, 2011, with parliamentary elections postponed until an unspecified date in 2012. Not only is this beyond his authority, as it is incumbent on the parliament to decide any such action, such a delay would increase the risk of unrest, since most political party leaders and civil society strongly oppose such an arrangement.

To ensure, as the United Nations Security Council stated, that "timely, inclusive, peaceful, credible, and transparent elections, in accordance with ... international standards" are organized, there are other complex issues, beyond those raised above. These include ensuring the validity and integrity of the voter registration process; fair access to media for all candidates; a peaceful environment, without intimidation and violence against candidates; and installing transparent safeguards to avoid and catch attempts at electoral fraud. All these issues also require serious and sustained attention.

An additional issue that has received no attention relates to a result of Congo's multi-decade decline. Due to the deterioration of Congo's educational system over many decades, many rural Congolese of voting age, particularly women, are illiterate. On the 2006 election day, it was clear that many, if not most, rural Congolese women (and many men) did not know how to vote since they could not read the ballots. On the spot, it was decided in many polling places that individuals, mainly women, would assist these people, sometimes even marking the ballots on their behalf. While this procedure was certainly irregular, it was viewed by the Congolese and international observers as an acceptable way to preserve the right of these illiterate voters to cast their ballots, under these circumstances, even though it meant that their ballot was not secret. However, for 2011, it is important that a clear procedure be in place so that illiterate voters understand the procedure by which they can vote by themselves and can cast their ballots in secret.^{ix}

Further complicating these issues, there is a high level of mistrust not only between the Congolese government and opposition parties, but also between many Congolese and much of the international community, including MONUSCO, the U.S., and other Western governments. Many in the Congolese political class believe that MONUSCO, the U.S., and the West in general engineered President Kabila's 2006 victory and are only interested in doing the same in 2011. While this is a perception, it is an important factor since many Congolese believe it, and many political and intellectual elites assume international actors are actively working against the opposition.

RECOMMENDATIONS

The holding of free, fair, transparent, and credible elections that meet basic international standards is *sine qua non* for continued stability in the Congo. To avoid the serious risk of another round of highly destabilizing violence and to help resolve the technical issues that presently imperil timely and credible elections, the CENI should take the following steps:

- Urgently convene a meeting with major opposition parties, including the Union for Democracy and Social Progress (known by its French acronym, UDPS), to agree to a rapid analysis by elections experts of the various technical and logistical issues relating to the holding of successful elections that meet international standards.
- Hold open meetings as frequently as necessary—at least weekly—of technical experts to ensure that elections preparations proceed as well as possible. These meetings must be run in the spirit of encouraging open exchange on technical issues, including asking tough questions and looking for credible and detailed responses.
- Urgently develop a plan, including voter education, to ensure that all voters, including those who cannot read, understand the ballot and can vote in secret. MONUSCO's electoral division, the Carter Center, IFES, and others should work closely with the CENI in developing and implementing this plan.

CENI and leading opposition parties should agree to a rapid analysis by elections experts of the various related technical and logistical issues. Qualified and independent election experts must examine technical issues and make their best recommendations on how to achieve free, fair, and transparent elections.^{x1} The team of technical experts should have the confidence of both the CENI and the leading opposition parties, including the UDPS, since it is essential that all key Congolese actors accept the validity of this technical mission and its results. Such a mission must be undertaken as quickly as possible, and needs to complete its work and make its recommendations by early October. In particular, the experts group should provide its best responses to the following questions:

- What are the major technical challenges to holding elections on November 28, 2011?
- Can these challenges be met in time? If so, what is required? If not, when would it be technically feasible to hold free, fair, and transparent elections?

MONUSCO, working closely with the CENI, has a major role to play in the distribution of electoral materials and in many other crucial aspects of free, fair, and transparent elections, including security. With the delays in the calendar, Congolese authorities are asking MONUSCO to do more and more. Ultimately, MONUSCO's capabilities must be carefully and accurately aligned with the tasks it agrees to perform. This should be seen partly as a technical exercise, although demands for additional resources, such as helicopters, are also political questions. The central goal is to ensure that credible elections are held, and MONUSCO's crucial political and technical roles must be executed with this as its unambiguous objective.

The U.S. has a major role to play in supporting this process. In addition to urging the CENI to move forward rapidly on the above recommendations, the U.S. needs to work with all relevant parties, including the CENI and MONUSCO, to ensure that the complex logistical elements of the elections are successfully planned and executed.

We recommend that U.S. Ambassador to the Democratic Republic of the Congo James Entwistle and senior State Department officials such as Secretary Clinton, Under Secretary of State for Democracy and Global Affairs Maria Otero, Assistant Secretary of State for Africa Johnnie Carson, Assistant Secretary for Democracy, Human Rights & Labor Michael Posner, and, ultimately, President Obama, make strong, detailed public statements in support of free, fair, transparent, and credible elections. It is especially critical that President Obama offer unambiguous support and make timely statements via video and radio, as he has already done with great effect for other elections in Africa in support for this goal. We agree with the value of private and quiet diplomacy. However, public statements are needed to send the clear message to all Congolese that the U.S. stands four-square behind the holding of free, fair, and transparent elections.

Major observation missions organized by Congolese civil society and the Carter Center—with U.S. government support—need to be able to operate freely and without interference. The U.S. must continue to give these missions its full support and use their observations from the field to inform U.S. assessment of the electoral process.

In addition, the State Department intends to deploy a half-dozen French-speaking employees through the Office of the Coordinator for Reconstruction and Stabilization (s/CRS) to observe, report on, and otherwise support elections. Team members must have prior African and/or elections experience, speak French, and be well-trained and coordinated in order to complement election observation work already being organized on the ground by the Carter Center and others.^{xii}

Some analysts believe that a similar s/CRS deployment for the Sudanese referendum on independence earlier this year was useful. However, there are sharp differences between the U.S. approach to the Sudanese referendum and its approach to date to elections in the Congo. In the Sudan, the U.S. devoted substantial financial, technical, logistical, and political support to the Sudanese referendum, and it was unambiguously clear to Sudanese and members of the international community that the U.S. wanted the referendum to be free, fair, transparent—and successful. In contrast to its involvement in Sudan, where the U.S. was among the leaders in providing financial, technical, and logistical support, the U.S. has provided a paltry amount of resources for the elections, only \$12 million (out of more than \$200 million provided by all donors), and has not devoted anything comparable to its successful Sudan efforts in technical, logistical, or political support.

About the Authors

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Footnotes

- ⁱ Gambino, a Carter Center elections observer in 2006, personally witnessed this in the polling places he visited in rural North Kivu.
- ⁱⁱ The UDPS boycotted the 2006 elections and, therefore, is not represented in the parliament. Yet, as one of the leading opposition parties, it is essential that it be represented at such meetings.
- ⁱⁱⁱ Jean-Pierre Bemba, President Kabila's major opponent in 2006 and the head of the Movement for the Liberation of the Congo (MLC), is presently in prison in The Hague, under indictment for war crimes and crimes against humanity. It is highly unlikely that he will be able to run in the 2011 election. He nevertheless continues to insist that he will be a candidate.
- ^{iv} Associated Press, September 14, 2011.
- ^v UN Security Council Resolution 1991, June 28, 2011.
- ^{vi} Although the process ultimately was successful, it was marred by serious violence, including, most spectacularly and disturbingly, street battles with multiple casualties in August 2006 in downtown Kinshasa between forces loyal to President Kabila and Jean-Pierre Bemba, the two remaining Presidential candidates.
- ^{vii} "Mot du Président de la CENI à l'occasion de la convocation du corps électoral," August 18, 2011.
- ^{viii} International Crisis Group, "Congo: The Electoral Dilemma," May 5, 2011. This excellent, detailed report remains highly relevant today.
- ^{ix} Gambino, a Carter Center elections observer in 2006, personally witnessed this in the polling places he visited in rural North Kivu.
- ^x The UDPS boycotted the 2006 elections and, therefore, is not represented in the Parliament. Yet, as one of the leading opposition parties, it is essential that it be represented at such meetings.
- ^{xi} Inter alia, these recommendations also must discuss the appropriate timing of elections in order to meet international standards. Even though any delay would move Congo onto shaky constitutional ground, there is a Congolese precedent for such a step. The International Crisis Group (ICG), in its recent report, discussed such an action in the context of the 2006 elections: "In 2006, the second round of the presidential election was postponed beyond the two weeks provided for in the Constitution after the CEI requested postponement. The Supreme Court validated the measure in view of the exceptional material and logistic difficulties and the fact that the postponement would not affect the regularity of the ballot." (ICG, "Congo: The Electoral Dilemma," p. 17)
- ^{xii} The last major deployment to the Congo organized by S/CRS, following Secretary Clinton's visit in 2009, proved counterproductive. Most of its recommendations were considered uninformed and based on inaccurate information from the deployed personnel, many of whom deployed to the Congo for a relatively short time period, had no prior Congo experience, little to no knowledge of French, and engaged in activities better carried out by Embassy personnel.

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