

**U.S. POLICY TOWARD POST-ELECTION  
DEMOCRATIC REPUBLIC OF THE CONGO**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED TWELFTH CONGRESS

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## U.S. POLICY TOWARD POST-ELECTION DEMOCRATIC REPUBLIC OF THE CONGO

THURSDAY, FEBRUARY 2, 2012

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
AND HUMAN RIGHTS  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:17 p.m., in room 2172, Rayburn House Office Building, Hon. Tom Marino (member of the subcommittee) presiding.

Mr. MARINO. Good afternoon, ladies and gentlemen. And to our guests, thank you for being here, and to our constituents and friends out in the audience, thank you for being here as well.

Our hearing today will examine U.S. policy options for dealing with the ongoing crisis in the Democratic Republic of the Congo, one of the priority countries in the United States' Africa policy as identified by the administration and as confirmed by congressional legislation and oversight over the past several years.

This country is two-thirds the size of Western Europe and borders nine African countries. Its problems extend well beyond its borders—and I should insert, Chairman Smith is unavoidably detained, and he asked me to fill in for him, so this is the chairman's statement that I am reading.

The subcommittee last examined the situation in the DRC in a hearing in March of last year when the storm clouds were gathering in advance of the November elections. The DRC is now struggling with the aftermath of those elections. Opposition political parties and civil society, especially the Catholic Church, appear unwilling to accept the results of the Presidential and legislative elections. Opposition leader Etienne Tshisekedi received 32 percent of the votes, but he believes he was cheated out of the votes that would have made him the winner in the elections. He has staged a Presidential swearing-in ceremony and announced that he will form a government. He also has called on supporters to march with him to government headquarters. However, government armed forces have surrounded his home since the Presidential results were announced on December 9th, and even his aides have been prevented from meeting with him.

Suspicion persists that this election was manipulated in favor of incumbent President Joseph Kabila. The Carter Center, who observed the vote, as well as the United Nations Organization Stabilization Mission in the DRC and most of DRC's civil society, all cast serious doubt on the announced outcome of the election. Ac-

According to the Carter Center, ballots were missing in some areas while results for Kabila in other areas were deemed unrealistic. Calls for new elections not only continue but appear to be growing in intensity.

Perhaps government intimidation has minimized any uprising by a discontented population, or perhaps the Congolese have accepted that Kabila will do whatever it takes to ensure his victory. It could be that poverty and a lack of information among the population has restrained the widespread resort to protest. Still, there is significant instability throughout the country. This calls into question the long-term stability of a country that is critical to U.S. interests, which includes the continued flow of strategic minerals.

Congolese have reason to be skeptical that they will ever have a stable government that functions on their behalf. There has been one crisis after another since independence in 1960, caused by the selfish actions of predatory leadership. An estimated 4 million Congolese lost their lives in two wars from which they are still recovering. Most Congolese remain poor, hungry, and in danger of violence. Their government cannot provide the most basic necessities for their families. Public administration is virtually nonexistent, with civilian servants demanding payment for even the most routine services.

MONUSCO is handling security, and the World Health Organization is dealing with the country's public health issues. The challenge for the international community is to help build the capacity and the political will of the Congolese officials to assume the responsibility for caring for and protecting their citizens.

Since November, violence attributed to the Congolese military, the Rwandan rebel group, the Democratic Force for the Liberation of Rwanda, and local militia, have caused more than 100,000 Congolese to become internally displaced persons or refugees. Local vigilante groups have clashed with the Rwandan rebels in North Kivu Province and displaced about 75,000 people from 30 villages in North Kivu Province. Similar clashes in Ituri and northern Katanga have had a serious impact in those areas as well.

This raises serious concerns for a potential humanitarian crisis. Women continue to be targeted for abuse in the DRC. A study that recently appeared in the American Journal of Public Health concluded that an average of 48 women and girls are raped every hour in this country. So before our hearing today has ended, more than 100 females in the DRC will have been raped.

However, there remains hope for the DRC despite the current crisis. Even during the worst stages of the global financial crisis, the World Bank was predicting that the DRC's economy would grow by 7 percent annually over the next several years, making it one of the world's fastest growing economies. At the local level, Congolese reportedly have developed coping methods for an absent government. Women have developed rotating credit systems to compensate for an inaccessible banking system, and farmers have banded together to rent trucks to jointly take their product to market.

Since the early days of Congolese independence, the United States has been involved in the DRC and continues to play a significant role there. In Fiscal Year 2011, economic support funds

were targeted to support the Government of Congo stabilization and recovery program through support to community, recovery, reconciliation, conflict mitigation resolution, and the extension of authority. International military education and training funds focus on training Congolese officers on military justice, human rights, and joint operations.

The United States also provides significant humanitarian assistance to the DRC. The United States provided bilateral aid to the DRC of more than \$205 million in Fiscal Year 2008, \$296 million in Fiscal Year 2009, \$282 million in Fiscal Year 2010, and \$215 million in Fiscal Year 2011. The Obama administration requested more than \$262 million for Fiscal Year 2012.

Our hearing today will allow the administration agencies primarily responsible for the United States' relation with the DRC to report on what our Government can and will do to help the world's 12th largest country weather this crisis.

Before I introduce our witnesses this afternoon, all full statements by members and our panelists as well as other related statements or materials will be inserted into the record.

I defer now to my colleague, Ranking Member Congressman Payne.

Mr. PAYNE. Thank you very much, Chairman Marino, and let me commend you for pinch-hitting for Chairman Smith, who is, as you know, a very strong advocate of human rights. And during all of my hearings over the last 20-some years he has been at just about every hearing. So let me just say that this is a very timely hearing, and we are certainly convening this at the right time.

Since the November elections in the Democratic Republic of Congo, bipartisan members of both the House and the Senate have called for increased U.S. involvement to stave off violence, death, and the loss of the democratic gains achieved since 2006, the last election that was held. Some of us have been calling for increased involvement for much longer. As a matter of fact, it was last year on International Women's Day that we began our subcommittee business for the 112th Congress with a hearing on the DRC. Witnesses on the private panel warned that there will be continued crisis and that the election would be a difficult task to cover. The warning was clear and precise. To quote Mr. Affleck, "If the situation continues in the same direction as it is now, Congo will have deeply flawed elections in November that will not meet minimum international standards and will be neither free nor fair."

Mr. Chairman, in the wake of that hearing, you and I, Mr. Smith, along with Mr. Carnahan, Mr. Fortenberry, Ms. Bass, Mr. Wolf, Mr. McDermott, Mr. Crowley, and Mr. McGovern sent letters to the White House asking that the President appoint a special envoy—to reappoint a special envoy. Last month the administration announced the appointment of Ambassador Barrie Walkley as Special Advisor for the Great Lakes and the DRC. While this is a great step in the right direction, the appointment came weeks after the flawed election, and in the midst of a political crisis that could have potentially been avoided.

As an adviser instead of an envoy, it is not clear that Ambassador Walkley will have the same political support and resources necessary to succeed in his very challenging mission.

Only the second election since emerging out of the brutal civil war, the November elections were supposed to represent a significant milestone along with the DRC's path toward stabilization. Instead, the elections highlight the severe political crisis that is the undercurrent of all other ailments that plague the Congolese people. It is a crisis that did not start last November or even over the last few decades. The crisis in the Congo stems from its colonial history.

As we all know, the Congo was the personal province of the King of Belgium, solely his, and he took resources and had a brutal rule where amputations were started, which we saw in the recent wars in the east of Africa. But that started under King Leopold, and we still see remnants of it today. So many of the things that began many years ago have impacts today, and the Congo went through many crises. When it became independent, there was only one college-trained person in the entire country when Belgium just left. So the country started way behind.

Then regional conflicts, when Mr. Kabila came after Mobutu's terrible reign, so the country never really has had an opportunity to develop. Then we had the Rwandan and Ugandan help of Kabila to get into office. Then, after that, the first African world war where Angola and Namibia and Zimbabwe fought with the Congo against Uganda and Rwanda. So I think it is amazing that even though things are very bleak, this country still continues to move forward. And I think that we have to look at the determination of the Congolese people, in spite of all of the terrible legacies that have been laid upon them, that they continue to move forward.

So now in the wake of the elections, the Congo is at a critical junction in the history, as they move toward peace and stability.

The legitimacy of the Kabila regime has been questioned and the future of democracy hangs in the balance. Joseph Kabila was sworn into office December the 20th. Only one head of state attended, Robert Mugabe of Zimbabwe. Ambassadors from foreign nations, including the United States, were present at the swearing in. Rejecting the results, opposition leader Tshisekedi held his own swearing in under virtual house arrest in his garden.

In December, Chairman Smith and I called on the administration to work with our partners in the international community and an inclusive group of Congolese stakeholders to conduct an independent review of reported electoral irregularities, to help mediate the crisis to avoid further political unrest.

With additional protests planned, we hope that a dialogue is underway, and we must remember that as the political standoff continues to unfold, the people of the Congo continue to suffer. They suffer at the hands of armed groups that rape and pilferage to instill fear and to keep resistance away. They suffer from the neglect of a government that lacks the capacity to provide for their basic needs. They suffer from the resource grab that has for hundreds of years, as I mentioned before, left them unconscionably in poverty while companies and governments, militiamen from their own country, but countries from around the world profit from the misery of the people of the Congo. Today for the sake of the Congolese people, we are here to examine the lessons learned and figure out a way forward.

Lastly, I must add that the American people stand in solidarity with the people of the Congo. One of my constituents, Reverend Phyllis Zoon of Newark, is a mission advocate at the Monmouth Presbytery. She sent me a passionate letter on behalf of herself and her parish and the Presbyterian Church of the USA, asking me to urge the administration to protect the human rights and democracy in the Congo. Ms. Zoon expressed concern for the citizens killed at the hands of the Congolese forces. Her letter just highlighted that she would hope that we would move toward ensuring that the people of the Congo are protected, and I would ask that the letter be submitted to the record.

Mr. MARINO. Without objection, sir.

Mr. PAYNE. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. MARINO. Thank you, Ranking Member Payne.

Now I turn to Congressman Turner who has a statement to present.

Mr. TURNER. Thank you, Mr. Chairman. I will be very brief. I am here to learn. As Congressman Payne so eloquently pointed out, the sad history of this nation began with the abrupt departure of the Belgians, the most corrupt, brutal, and unenlightened colonialists in all of Africa. The legacy, I think, was compounded with United States policy in an attempt to keep the Congo intact in the early 1960s.

Despite the religious, tribal, geographic, and other elements that may have dictated a different take, and I am not sure if that is something that this Government could look at once again—is the size and scope of this manageable, and will the representative democracy and the rule of law ever really be possible with all these distractions? But with that said, I yield back.

Mr. MARINO. Thank you, Congressman Turner.

I now recognize our colleague, Congressman Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and Ranking Member Payne for holding this hearing. The long history, both pre- and post-independence of violence and exploitation surrounding the DRC's vast natural resources has severely impacted the ability of this country to realize its enormous potential.

Eight years following the 2003 peace accords, the DRC remains enmeshed in debilitating challenges, from ethnic conflict to widespread corruption, extreme poverty, and inconceivable human rights abuses.

Last year, this committee appropriately held a DRC hearing on International Women's Day. The ongoing presence of armed militias, in the eastern Congo in particular, has continued to perpetuate civil strife and a crisis of sexual and gender-based violence against women and children, with hundreds of thousands of rapes committed.

As life becomes increasingly uncertain for the Congolese people, the U.S. and the international community must do more to advance the mediation process, meaningful security sector reforms, and improve governance to elevate civil society, and to combat the illicit mineral trade that props up militias, enables cycles of violence, and deprives the Congolese of critical natural resources.

In closing, I want to thank the panelists for being here today and sharing their expertise with this committee. I appreciate your time, and I yield back, Mr. Chairman.

Mr. MARINO. Thank you, Congressman.

I wanted to bring to your attention that Ranking Member Payne has brought to my attention that he cannot remember the last time that Chairman Smith was not here. I have been informed that he has a very serious infection in his leg and cannot be with us, and I think I can vouch for all of us saying if he could walk here, crawl here, or be drugged here, he would be here. So we hope that he gets better very soon.

I have a little bit of a tradition that, since I have been occasionally doing these, is I wait to ask my questions last. So I am going to ask the ranking member and former chairman, Congressman Payne, my colleague, to start off the questioning after we hear your testimony.

I am going to introduce the witnesses first. Ambassador Donald Yamamoto, United States Department of State. Ambassador Yamamoto is no stranger to this subcommittee, having testified before us last March at a hearing about the DRC, and on two other occasions last year. He has served since 2009 as the Principal Deputy Assistant Secretary for the Bureau of African Affairs in the U.S. Department of State. His prior assignments include serving as U.S. Ambassador to Ethiopia from November 2006 to July 2009 and as Deputy Assistant Secretary of State in the Bureau of African Affairs from 2003 to 2006.

Dr. Daniel Baer, United States Department of State. Dr. Baer has served as Deputy Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor since November 2009. He has served in many different offices in the State Department prior to his work in DRL, including the Bureau of East Asian and Pacific Affairs, the Bureau of African Affairs, the Office of Multilateral and Global Affairs, and the Internet Freedom Office. Prior to working for the State Department he taught at Georgetown's business school and had a fellowship at Harvard. Welcome.

Dr. Sarah Mendelson, USAID. Dr. Mendelson has served as Deputy Assistant Administrator in USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance since May 2010. She has brought nearly two decades of experience working on issues related to human rights and democracy to this position. She was the director of the Human Rights and Security Initiative at the Center for Strategic International Studies and worked as a program officer in Moscow with the National Democratic Institute in 1994 and 1995. She has authored numerous peer-reviewed articles and advised Human Rights Watch and the Council on Foreign Relations. Thank you for being here. Welcome.

I see that my good friend and colleague Congresswoman Bass is with us. Did you care to make a statement?

Ms. BASS. No, I will wait for questions.

Mr. MARINO. Thank you. I turn the floor over to Ranking Member Payne.

We will start with the Honorable Yamamoto. Please limit your statement to 5 minutes, but your entire written statement will be entered into the record.

**STATEMENT OF MR. DONALD Y. YAMAMOTO, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Ambassador YAMAMOTO. Thank you very much, Mr. Chairman, and again it is a great honor to appear before this subcommittee with you, Mr. Chairman Marino and, of course, Ranking Member Payne and Madam Bass and Turner and Carnahan are here, and our prayers are with Congressman Smith.

Mr. MARINO. Thank you.

Ambassador YAMAMOTO. I also ask forgiveness that our Assistant Secretary, Johnnie Carson, could not be here today.

The DRC, with its immense mineral and water wealth and strategic location, is important to the region, to international investors, and countries seeking resources. For the United States, the DRC has a special humanitarian commitment for this country and for its people. The DRC's turbulent history from outside interference to internal development challenges have never allowed it to really fully live up to its economic promise and the stability that the people of the Congo richly deserve.

The Congo lacks a functioning state authority throughout much of the country, lacks the capacity to provide basic services such as health care, education, and infrastructure, and lacks a fully functioning justice system and bureaucracy. The security forces are frequently undisciplined, ill-equipped, poorly trained, and irregularly paid.

It is in this context that the DRC held its second democratic election since the end of the Mobutu era, and the first election was wholly organized and directed by the Congolese—this is really the first election directed by the Congolese themselves since independence. Unlike 2006, the elections were largely managed by the United Nations and other international donors. The USG found the management and technical execution of these elections to be seriously flawed, lacking transparency, and not on par with the positive gains in the democratic process that we have seen in other recent elections in the region and elsewhere.

Secretary of State Clinton noted that, “We were deeply disappointed that the Electoral Commission’s provisional results were affirmed without a full investigation of alleged irregularities, despite opportunities to do so.”

Mr. Tshisekedi and his supporters went so far as to hold their own swearing-in ceremony and to declare themselves the rightful winner of this election. Mr. Tshisekedi is virtually under—in home-arrest, surrounded by the police.

We have called on due process and judicial procedures to be followed in this case. We also deployed many observers from the U.S. mission and from other areas to attend provinces throughout the Congo.

To coordinate our efforts in the DRC on December 9th, Secretary Clinton announced the appointment of Ambassador Barrie Walkley as our new Special Advisor for the Great Lakes and the DRC. We are also concerned about the savage reign of terror by the LRA and the illicit trading of the DRC's natural resources which denies its people access to its own assets.

We currently have approximately \$11 million in 2010 funds specifically aimed at increasing the transparency and regulations of the trade in key minerals in eastern DRC. We also recently notified Congress of an additional \$4.7 million in 2011 for Complex Crisis Fund resources that we will apply to promoting traceability and monitoring in the regional minerals trade.

The DRC and the United States have a solid and positive relationship, and our Governments continue to engage at the highest level on a range of issues that are aimed toward democracy, a peaceful and stable Congo. Mr. Chairman and the honorable members of this subcommittee, I look forward to answering your questions today. Thank you.

Mr. MARINO. Thank you, sir.

[The prepared statement of Mr. Yamamoto follows:]

**Testimony**  
**Principal Deputy Assistant Secretary Donald Yamamoto**  
**Bureau of African Affairs**  
**U.S. Department of State**  
**Before the House Committee on Foreign Affairs**  
**Subcommittee on Africa, Global Health and Human Rights**  
**“U.S. Policy Toward Post-Election Democratic Republic of the Congo”**  
**Thursday, February 2, 2012**

Good afternoon Chairman Smith, Ranking Member Payne, and honorable Members of the Committee. Assistant Secretary Carson sends his regrets that he could not be here today. I appreciate the Committee’s willingness to accept me as a witness in his place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. MARINO. Dr. Baer, please.

**STATEMENT OF DANIEL B. BAER, PH.D., DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE**

Mr. BAER. Thank you very much, Mr. Chairman, Ranking Member Payne, and the other members of the subcommittee. Thank you for the opportunity to testify today in light of what Secretary Clinton has described as seriously flawed Presidential and parliamentary elections held on November 28th. I know the committee has demonstrated sustained interest in the DRC, and I appreciate that, and I appreciate also your continued focus on the human rights climate in the DRC.

As Ambassador Yamamoto has just outlined, the administration is monitoring events closely and shares Congress' concerns. We are taking action as events unfold. For example, in recent days the Department spokeswoman publicly expressed our concern about reports that Radio France International had been shut down. We urged relevant Congolese authorities to reinstate RFI's frequencies immediately, which they did, and we will continue to advocate to all Congolese political leaders and their supporters, the need to act responsibly and renounce violence.

I would also like at the outset to reiterate our serious concerns about gender-based violence in the DRC, which I know has also been an interest of this committee. Every hour of the day, dozens of women are raped in the DRC, dozens of women every hour. This is why the United States continues to champion improved protection of civilians, especially an end to the epidemic of rape and gender-based violence. The United States has worked successfully to secure new Security Council resolutions—sanctions against individuals who lead armed groups operating in the DRC or are linked to crimes involving sexual- and gender-based violence and illegal child-soldier recruiting.

Additionally, the United States led the adoption of a U.N. Security Council resolution that supported, for the first time, due diligence guidelines for individuals and companies operating in the mineral trade in eastern Congo.

In general, and in part as a result of the training provided by the United States to the Congolese national police, the police in the DRC have exercised restraint when dealing with demonstrators and protestors. However, in some notable instances during the run-up to the elections and in their immediate aftermath, the Government of the Democratic Republic of the Congo resorted to excessive force to break up protests. Citizens were shot and beaten, detained without charge, sometimes in the middle of the night, and sometimes disappeared.

The government has also placed restrictions on the freedoms of speech, press, and assembly in breach of democratic norms. We expect the DRC Government will be tempted to resort to such behavior in the future. For this reason, the USG has repeatedly and will continue to forcefully make clear that such violations of civil and human rights are unacceptable and must cease immediately, and that the perpetrators of human rights violations must be brought to justice.

Now, the court system in the DRC is dysfunctional at best, and in many parts of the country nonfunctional. The electoral law, for example, calls for the establishment of a constitutional court, among whose functions would be the review of electoral challenges, but to date the new court has not been established. The existing court system will be severely challenged to judge impartially and credibly the thousands of challenges expected to be filed by disappointed parliamentary candidates. When provincial elections take place later this year, there will be more challenges. This surely will exacerbate the already troubling situation. Moreover, the Congolese Supreme Court is widely considered to be biased toward President Kabila, and its decision validating his electoral victory was extensively criticized as premature, unfair, and poorly executed.

The U.S., the international community, foreign governments, international organizations, and NGOs have contributed billions of dollars and sent thousands of advisers into the DRC over the years. To date, unfortunately, the Government of the Democratic Republic of the Congo has not shown the same commitment to reform, and we need to be clear: Without a strong and sustained commitment by the government to democracy and human rights, little can be done that will be sustainable.

We all know that the DRC is one of the least developed countries in the world. Even were the government completely committed to improving democracy and human rights, its abilities are limited, and developing the capacity of the Congolese Government, enacting laws, and transferring tools and know-how is but a small part of the solution. Helping them foster and inculcate a respect for human rights and the rule of law, and embedded into institutions as a way of doing things, is the central task and the larger part of a sustainable solution.

I have already addressed the issues surrounding the courts. In addition, a robust and free media sector must be established and allowed to function. A vibrant civil society must be supported and recognized as a vital partner in building a stronger DRC. Corruption must be tackled so that entrepreneurship and economic growth can win the day. Children must be educated and all people need to know their rights and be given a chance to understand through experience how those rights undergird democratic societies.

All these things are hard, long-term tasks. They all require leadership and commitment from the top of the government, and none can be accomplished until the government is able to provide for the physical security of its people. Democracy and human rights are both contributors to and dependent on peace and security.

In conclusion, I want to assure the subcommittee that the administration is unwavering in its commitment to move Congo to internationally accepted human rights standards and norms. Thank you, Mr. Chairman, and members of the subcommittee. I welcome your questions.

[The prepared statement of Mr. Baer follows:]

**Testimony**  
**Deputy Assistant Secretary Daniel B. Baer**  
**Bureau of Democracy, Human Rights and Labor, U.S. Department of State**  
**Before the House Subcommittee on Africa, Global Health and Human Rights**  
**“U.S. Policy Toward Post-Election Democratic Republic of the Congo”**  
**Thursday, February 2, 2012**

Good afternoon, Chairman Smith, Ranking Member Payne, honorable Members of the Committee: Thank you for the opportunity to testify on the United States’ policy toward the Democratic Republic of the Congo, the DRC, in light of what Secretary Clinton has described as “seriously flawed” presidential and parliamentary elections held last November 28. If I may, I’d like to commend the Committee for holding this timely hearing to draw attention to this large, troubled country and the recent elections. I also appreciate the Committee’s focusing on important questions about the human rights climate.

The Administration is monitoring events closely and shares Congressional concerns. We are taking action as events unfold. For example, in recent days, the Department Spokeswoman publicly expressed our concern about reports of Radio France International (RFI) having been shut down. We urged relevant Congolese authorities to reinstate RFI’s frequencies immediately (which the government did) and we continue to advocate to all Congolese political leaders and their supporters the need to act responsibly and to renounce violence.

I would also like, at the outset, to reiterate our serious concern about gender-based violence in the DRC. Every hour of the day dozens of women are raped in DRC. This is why the United States continues to champion improved protection of civilians, especially an end to the epidemic of rape and gender-based violence. The United States has worked successfully to secure new Security Council sanctions against individuals who lead armed groups operating in the DRC or are linked to crimes involving sexual and gender based violence and illegal child soldier recruiting. Additionally, the United States led the adoption of a UN Security Council resolution that supported, for the first time, due diligence guidelines for individuals and companies operating in the mineral trade in Eastern Congo.

In general, and in part as a result of the training provided by the U.S. to the Congolese National Police, the police in the DRC have exercised restraint when dealing with provocations by demonstrators and protestors. However, in some notable instances during the run-up to the elections, and in their immediate aftermath, the Government of the Democratic Republic of the Congo (GDRC) resorted to excessive force to break up protests. Citizens were shot and beaten; detained without charge; and, sometimes, “disappeared.” The GDRC also placed restrictions on the freedoms of speech, press and assembly in breach of democratic norms. We expect the GDRC will be tempted to resort to such behavior in the future. For this reason, the USG has repeatedly and will continue to forcefully advise the GDRC that such violations of civil and human rights are unacceptable and must cease immediately, and that the perpetrators of human rights violations must be brought to justice.

We expect that the GDRC’s ability to focus on substantive issues will unavoidably be attenuated until the election controversy is resolved. We are cognizant of the dangers this presents, and will work with the international community and press the GDRC to stay focused on electoral and human rights reforms.

The court system in the DRC is dysfunctional at best, and in many parts of the country nonfunctional. The electoral law calls for the establishment of a Constitutional Court, among whose functions would be the review of electoral challenges, but to date the new Court has not been established. The existing court system will be severely challenged to judge impartially and credibly the thousands of challenges expected to be filed by disappointed parliamentary candidates. If provincial elections go forward as scheduled, the number of challenges will increase substantially. This surely will exacerbate the already troubling situation. Moreover, the Congolese Supreme Court is widely considered to be biased towards President Kabila and its decision validating his electoral victory was extensively criticized as premature, unfair, and poorly considered. Its future decisions will undoubtedly similarly be criticized.

The U.S. and international community – foreign governments, international organizations, and NGOs – have contributed billions of dollars and thousands of advisors into the DRC over the years. To date, unfortunately, the GDRC has not

shown the same commitment to reform, and we need to be clear: Without a strong and sustained commitment by the GDRC to democracy and human rights, little can be done that will be sustainable. However, the very fact that the elections have been so widely condemned may provide an opening to press for internationally accepted human rights standards and norms. Certainly, as Dr. Mendelson and Ambassador Yamamoto have testified, we will be pressing the GDRC to undertake effective reforms – not just with respect to elections, but with respect to the entire spectrum of human and civil rights.

Of course, we must also acknowledge the fact that the DRC is one of the least developed countries in the world. Even were the GDRC completely committed to improving democracy and human rights, its ability to do so is limited. And, developing the capacity of the GDRC -- enacting laws and transferring tools and know-how -- is but a small part of the solution. Helping them foster and inculcate a respect for human rights and the rule of law—and embed it institutions as a way of doing things – is the central task, and the larger part of a sustainable solution. I have already addressed the issues surrounding the courts. In addition, a free and robust media sector must be established and allowed to function freely. A vibrant civil society must be supported and recognized as a vital partner in building a stronger DRC. Children must be educated, and all people need to know their rights, and be given a chance to understand through experience how those rights undergird democratic societies..

All of these are hard, long term tasks, and none can be accomplished until the GDRC is able to provide for the physical security of its people. Democracy and human rights are both contributors to and vitally dependent on peace and security. Security agencies must be better trained on civilian protection and human rights as part of overall security sector reform. This is why we are focused on improved protection of civilians. In this regard, Dr. Mendelson and Ambassador Yamamoto have described our work with the international community, particularly MONUSCO, as well as a number of important programs that they are implementing. DRL likewise has relevant programs in the DRC, totaling some \$7.5 million:

- We have granted two programs totaling approximately \$4.3 million to build the capacity of Congolese justice sector actors and local leaders to investigate

cases of mass violence and sexual and gender-based violence, and to initiate a pilot program to reform prisons and detention centers in Eastern DRC.

- Two other programs, totaling approximately \$2.5 million will strengthen protection of human rights defenders by helping them take on and fight impunity within security forces for attacks on defenders and other civilians. We're also supporting NGOs working to foster grass-roots action on security, human rights, and corruption. .

- And finally, we fund a program for \$700,000 to support the Team of Experts of the UN SRSG for Sexual Violence in Conflict in training selected security forces in the East on how to address SGBV crimes that might be committed by colleagues, and teaching civilian protection techniques that security forces can and should employ to prevent SGBV crimes.

In conclusion, I want to assure this subcommittee that this Administration is unwavering in its commitment to move the Congo to internationally accepted human rights standards and norms. Thank you, Mr. Chairman. I welcome your questions.

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Mr. MARINO. Dr. Mendelson.

**STATEMENT OF SARAH E. MENDELSON, PH.D., DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR DEMOCRACY, CONFLICT, AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Ms. MENDELSON. Good afternoon, Chairman Marino, Ranking Member Payne, members of the subcommittee. Thank you for inviting me to speak with you today about the Democratic Republic of the Congo. I am pleased to have the opportunity to discuss the work of USAID with you, such great supporters of Africa, and with my colleagues from the State Department with whom we work so closely. For me personally, it is a great pleasure to be back testifying before you, and I am very sorry Chairman Smith is ill, and our best wishes are with him.

How each country reconciles, or not, with violent episodes from its past is an important driver of political development. In the DRC, democratic institutions and processes play a vital role through which the country can overcome political divisions, reinforced by years of conflict. During the past several years some real progress has been made toward strengthening democratic institutions and processes in the DRC, including adoption of a revised Constitution and successful elections in 2006.

Through our assistance programs, the United States Government has sought to help support a stable and democratic state, one that is at peace with its neighbors and provides for its citizens. We pursue our programs with a particular focus on the costs of conflict borne by women and youth.

As you know, Presidential and legislative elections held in the DRC on November 28th were widely anticipated as an opportunity for the DRC to move beyond its past and advance toward democracy and stability. The Independent National Election Commission, the CENI, took primary responsibility for managing the elections with some international support. Established just 8 months before election day, the CENI was able to register 32 million voters. Millions of Congolese citizens went to the polls.

The CENI's accomplishments should not be underappreciated. However, the CENI's management of the electoral process was generally inadequate. Even allowing for the significant logistical challenges inherent to the DRC, nearly every step of the electoral process was delayed. International and domestic observers, as well as Secretary Clinton, have noted considerable flaws throughout the process in the pre-election period, on election day, in the tabulation of votes, and in the process for electoral dispute resolution. In my written testimony I discuss these issues more fully and describe steps that could be taken to improve the proficiency, transparency, and credibility of future elections in the DRC.

USAID supported the 2011 election process through direct funding for the International Foundation for Electoral Systems and the Carter Center to support civic and voter education as well as international election observation and capacity-building of human rights organizations to observe the elections. The IFES civic education program reached over 19 million people, providing citizens accurate information on elections and enabling them to effectively partici-

pate. The Carter Center deployed 10 two-person teams of international long-term election observers to all provinces in the months preceding the elections and on election day, working closely with domestic observers from the Catholic Church, among others. These efforts were instrumental in identifying key election-related irregularities.

Moving forward, USAID has a range of ongoing programs that support citizen involvement in democratic processes and facilitate political reforms, including strengthening the rule of law institutions, including the constitutional court once it is established, civic education activities through robust partnerships with a range of civil society organizations across the DRC, good governance activities that seek to engage productive civic participation and democratic processes, including community-based organizations and civil society groups, election monitoring and human rights work implemented by the Carter Center, which will be essential for assessing any human rights violations or conflict during upcoming elections, and of course media sector development through Internews Network that builds the capacity of Congolese media institutions, particularly community radio stations.

At the same time USAID has been providing assistance to the DRC to support the electoral process, we have also undertaken a number of activities and actions to mitigate the potential for violence, such as establishing early warning mechanisms, monitoring incidents of violence, and supporting conflict and atrocity prevention activities. Our reconciliation work provides opportunities for conflict-affected groups to interact and save spaces to address issues of mutual concern, reconcile differences, and promote understanding and trust and work on common goals.

USAID is also addressing the causes and consequences of human rights abuses that are being fueled by conflict in the DRC, including sexual- and gender-based violence and trafficking in persons. And attention to these issues is essential before the DRC can enter on a path to long-term sustainable development.

The United States and our partners in the international community remain dedicated to supporting efforts for stability and prosperity in the DRC, although ultimately, of course, advancing democracy, human rights, and good governance there requires the engagement of the Congolese people and political commitment by the Government of the DRC. We are hopeful such a path will be taken. The written testimony I submitted to the subcommittee expands on the themes I have presented. I welcome any questions you have.

Mr. MARINO. Thank you, Dr. Mendelson.

[The prepared statement of Ms. Mendelson follows:]

**Statement of Dr. Sarah E. Mendelson**  
**Deputy Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance**  
**U.S. Agency for International Development**  
**before the**  
**Committee on Foreign Affairs**  
**Subcommittee on Africa, Global Health, and Human Rights**  
**U.S. House of Representatives**  
**February 2, 2012**  
**“U.S. Policy toward Post-Election Democratic Republic of the Congo”**

Good afternoon Chairman Smith, Mr. Payne, and members of the Subcommittee. Thank you for inviting me to speak with you today about the Democratic Republic of the Congo (DRC). It is always an honor and pleasure for USAID to have the opportunity to discuss our work with supporters of Africa. For me personally, it is a pleasure to be back testifying before this Subcommittee.

U.S. foreign assistance in the DRC seeks to further the development of a stable democratic state that is at peace with its neighbors and provides for the basic needs of its citizens. To that end, the United States’ five-year strategic vision supports the security conditions and governance structures necessary for improvement of Congolese social and economic sectors and to permit extension of state authority across the country. USAID advances this vision by working with the Congolese government and local actors to fight poverty, consolidate democratic reform, and provide for the basic human needs of a Congolese population recovering from conflict. USAID supports coordinated donor efforts to provide access to health and education services, build democratic structures, contribute to economic growth in ways that also improve food security, and protect natural resources. We do this with a particular focus on the costs borne by women and youth.

How each country reconciles with violent episodes from its past is an important driver of political development. In the DRC, democratic institutions and processes can play a vital role through which the country can overcome political divisions reinforced by years of conflict. USAID’s democracy, human rights, and good governance programs in the DRC focus on strengthening the justice sector and enhancing citizens’ ability to influence democratic processes—whether working with local governments for improved basic services or encouraging participation in the recent electoral process as voters or observers.

### **The 2011 Elections and its Flaws**

The presidential and legislative elections held on November 28, 2011 were widely anticipated as an opportunity for the DRC to move beyond its past history of conflict and further advance toward democracy and stability. Millions of Congolese citizens went to the polls to vote in an election that featured 11 presidential candidates and over 18,000 legislative candidates.

In contrast with the 2006 election, a domestic election administration body, the Independent National Election Commission (CENI), established just eight months before Election Day, took primary responsibility for managing the elections, with some international support. Prior to the establishment of the CENI, the process began with the passage by Parliament of a constitutional amendment that allowed only one round of presidential elections, rather than two, where the winner needed to achieve a simple plurality, not a majority.

Despite the late start, more than 32 million voters were successfully registered out of 71 million citizens. The CENI's management of the electoral process, however, was generally inadequate. Even allowing for the significant logistical challenges inherent to the DRC, nearly every step of the electoral process as set forth on their calendar was late.

International and domestic observers, have noted considerable flaws throughout the process—in the pre-election period, on Election Day, in the tabulation of votes, and in the process for electoral dispute resolution. Most domestic and international elections observation groups concluded that the results of the presidential and legislative elections lacked credibility. Secretary Clinton stated that the presidential and legislative elections were “seriously flawed, lacked transparency and did not measure up to the democratic gains we have seen in recent African elections.”<sup>7</sup>

The environment in which citizens, political parties, civil society, news media, and other stakeholders sought to exercise their rights to participate in the political process was sometimes hostile and inequitable. Although many politicians campaigned freely, the pre-election period was marred by some incidents of intimidation and stifled speech. Some opposition candidates and their supporters suffered serious violations of their civil and political rights. The government alleged that inflammatory radio messages and SMS (Short Message Service) were used by some members of the opposition to disseminate intimidating messages. After Election Day, the Ministry of the Interior ordered a three-week suspension of SMS severely limiting communications for millions of Congolese citizens and limiting electoral accountability.

Although political violence was significantly less severe than many feared in light of the DRC's history, it was nonetheless a serious problem. Human Rights Watch reported that at least 18 civilians were killed and 100 were seriously wounded by electoral violence between November 26 and 28, 2011, and that more than 24 people were killed by security forces in the period

immediately following the December 9 release of preliminary presidential election results. Members of the opposition at times also engaged in intimidation and violence. For example, on at least two separate occasions, leading opposition leader Etienne Tshisekedi called on his supporters to employ violent methods.

A variety of steps could be taken, based on these elections, to ensure that future elections in the DRC have greater transparency and credibility and to reduce the possibility for tampering with the results. While the U.S. Government and the international community will likely have a role to play, to be meaningful and lasting, this process must be Congolese driven. A thorough investigation of incidents of election-related violence, including incidents that were perpetrated by members of the security services and opposition political parties, would send the message that the government of the DRC and the political class take seriously their commitment to promote democratic processes and human rights. Journalists and human rights defenders detained illegally for their work should also be released. The Congolese people deserve—and successful reform will require—professional and fair coverage by the media.

To regain its credibility with the Congolese people, the CENI needs to demonstrate to the Congolese people that it has the capacity to successfully manage future elections in an efficient and transparent manner.

Congo analysts and observers noted several shortcomings in these past elections that will need to be addressed in future elections. The CENI did not publish voter lists within the legally prescribed timeframe or in a way that was accessible to voters and other stakeholders. Publishing updated voter lists in advance of the Provincial Assembly elections would be a welcome start to ongoing reform of the CENI's operations.

The tabulation process was not transparent during vote counting and consolidation. Ballots and other voting materials were insufficiently secured and preserved and did not permit challenges to the official results or allow for an objective review after the election.

The election dispute resolution process also fell short on transparency and efficiency. The timeframe for submitting complaints was unreasonable by most measures and the procedures were cumbersome. Furthermore, as the judicial body designated to adjudicate election-related disputes in presidential and national legislative elections, the Constitutional Court has not been established as envisioned by the 2006 Constitution. Since the Court has still not yet been formed, the resolution of electoral disputes arising from the November 2011 elections instead fell to the Supreme Court. Looking forward to the provincial, municipal, and local elections, it is vital that the judicial personnel of the appellate and trial courts are capable and well trained on election law in advance of performing their complaint adjudication responsibilities.

### **USAID Support for the 2011 Elections**

USAID has been a dedicated supporter of the Congolese transition from conflict to stability in a range of activities—from health and education to economic growth and the environment. USAID directly contributed \$15.4 million toward the 2011 election process through the International Foundation for Electoral Systems (IFES) and The Carter Center (TCC) to support civic and voter education as well as international election observation and capacity building of human rights organizations to observe the elections.

USAID's pre-election activities implemented by IFES reached almost half of all registered voters in all 11 provinces. These civic and voter education activities provided citizens with accurate information on elections and enabled them to participate effectively—first as they registered to vote, and then as they cast their ballots on November 28. By late 2011, the IFES program had already reached over 19 million people both in person and through mass media, surpassing program goals with much time left in the program. This number includes the 2,543,525 voters reached with face-to-face civic and voter education tools designed specifically for the Congolese context. Among those voters were 1,843,349 men and 699,176 women. In addition, the program reached 31,186 persons with disabilities. Those reached also included 5,225 local leaders (2,884 men and 2,341 women), including students and persons with disabilities. These efforts, combined with key messages and public events on the importance of peaceful participation, significantly contributed to the robust and mostly peaceful voter turn-out on Election Day. USAID's election program was also designed to leverage the resources of other donors, with Canada, Germany, and the United Kingdom contributing.

USAID supported election monitoring and domestic observer training through a \$4 million grant to The Carter Center. This grant assisted the deployment of an international observation mission, as well as the training and deployment of domestic observers. The Carter Center worked especially closely with the Catholic Church which plays a unique role in the DRC due to its influence and presence throughout the country. The Carter Center deployed ten two-person teams of international long-term election observers to all provinces in the months preceding the elections, and then again to observe events on Election Day. The international observers were instrumental in identifying key election-related irregularities, and the USAID-funded reports by The Carter Center played a significant role in shaping international and domestic opinion on the credibility of these historic elections. The domestic observation program contributed to the long-term development of Congolese civil society by helping a national organization utilize its expansive network of smaller local organizations to mobilize 6,000 staff for the observer teams that were trained and deployed to 3,000 locations countrywide. This domestic observation mission facilitated a broader understanding of the electoral process far from the urban centers where international observers were based.

However, sustaining these noteworthy achievements requires DRC political leaders to remain committed to building an effective and democratic state. Through the Country Development Cooperation Strategy process now underway in keeping with USAID's reform process – USAID Forward – the USAID Mission to the DRC is developing its next five-year strategy, starting with a sound assessment of the post-transition state-building and peace consolidation process, challenges and opportunities going forward, and how to strategically focus USAID interventions and resources to advance a sustainable democratic transition to a stable, effective state in the country.

#### **Early Warning and Atrocity Prevention**

Given that the drivers of both protest and violence are often beyond the control of external actors, USAID prioritized assistance that could play a positive role on a variety of fronts. For example, at the same time that USAID was providing assistance to support the electoral process, the Agency was also undertaking a number of actions to mitigate the potential for violence, such as establishing early warning mechanisms, monitoring incidents of violence, and supporting conflict prevention activities.

*Early Warning.* USAID established its own internal violence and human rights monitoring team to coordinate action and information sharing in the weeks before and after the election. This team consolidated all reports of violence and liaised with the State Department, the United Nations Stabilization Mission in the Congo (MONUSCO), and development and humanitarian partners working throughout the DRC. USAID also established a voluntary early warning and conflict monitoring group, enlisting a broad range of partners with staff across the DRC to feed information about potential and actual violence.

*Prevention.* USAID supported a network of 32 community radio stations in four provinces to provide objective information while countering hate speech and incendiary language. USAID also supports the High Council for the Regulation of Media, an important actor in monitoring and controlling this dynamic. Working through a range of partners, USAID supported activities that focused on peace messages and legal dispute resolution, media content that emphasized peaceful protest, and forums for community leaders, provincial government officials, and civil society that encouraged dialogue.

#### **Reconciliation and Combating Trafficking**

Elections are a necessary element of a democratic and peaceful society, but in a fragmented society like the DRC, sources of communal tension must be addressed to reduce the possibility that elections can serve as a trigger for conflict. Structured as “people-to-people” programs,

USAID's reconciliation work provides opportunities for conflict-affected groups to interact purposefully in a safe space, address issues of mutual concern, reconcile differences, promote greater understanding and trust, and work on common goals with regard to potential, ongoing, or recent conflict. These people-to-people programs seek to address patterns of prejudice that reinforce the perceived differences between groups and hinder the development of relationships among parties in conflict.

USAID community-based reconciliation and conflict mitigation programs promote peace in eastern DRC by mediating conflict within communities, addressing land tenure issues, diffusing ethnic tensions, improving livelihoods through small income-generating activities and infrastructure rehabilitation projects, and bringing public administration services closer to citizens. These targeted interventions have created tangible, rapid-impact dividends that lay the foundations for peace in the medium and long term in these conflict-affected areas. USAID has provided \$9.5 million over the past three years to promote community reconciliation efforts in villages throughout North and South Kivu. USAID recently awarded CARE a \$20 million, four-year program to foster reconciliation, build capacity to prevent and manage conflict, and support livelihood activities in 70 targeted communities.

USAID is also addressing the causes and consequences of human rights abuses that are being fueled by conflict in the DRC, including sexual and gender-based violence and trafficking in persons that must be addressed before the DRC can enter on a path to long-term, sustainable development. Since 2006, USAID has supported UNICEF to address and reintegrate war-affected populations including child soldiers and women and child victims of sexual and gender-based violence. In addition, USAID's ProJustice project is working to create a stronger judicial system and increase access to justice for vulnerable people. Though not specifically focused on trafficking in persons, the project enhances the rule of law, which is fundamental for anti-trafficking efforts to succeed. Finally, through the President's Emergency Plan for AIDS Relief, known as PEPFAR, USAID is also working to address the link between HIV and gender-based violence, with over \$10 million in funding dedicated to this initiative over 2 years.

In FY 2011, USAID's anti-trafficking efforts were enhanced through a \$400,000 grant to the International Organization for Migration to research trafficking in persons and provide data so that the government can take a more active role in combating trafficking. This research will enable the government to propose amendments to existing legislation that correspond to international standards on trafficking. In FY 2011, USAID also awarded a new \$3.9 million grant to UNICEF to enable the temporary care and protection of approximately 1,500 children separated from armed groups and to support their reintegration into families and communities.

In the next few weeks, USAID will be launching its new agency-wide policy combating trafficking in persons, and we are especially focused on enhancing our work in conflict regions, and specifically, Eastern DRC.

As noted above, through the Country Development Cooperation Strategy process now underway in keeping with the USAID Forward reform process, the DRC is developing its next five-year strategy, starting with a sound evaluation of the impact of these specific activities, leading to a process that defines how to better focus USAID interventions and resources in response to atrocities and renew efforts to combat human trafficking and gender-based violence while implementing the U.S. Government's National Action Plan on Women, Peace and Security.

#### **Support for Democratic Processes**

USAID has a range of programs that continue to support citizen engagement and electoral and political reforms. These programs will strengthen the Constitutional Court once established, and expand civic education, media activities, and the capacity of local civil society organizations to undertake a range of tasks, including elections observation.

- USAID's program to *strengthen rule-of-law institutions* is providing technical support and assistance to the High Council of Magistrates and is prepared to provide the same services to the Constitutional Court when it is stood up. The Constitutional Court, combined with a more effective cadre of magistrates, will be critical in the administration of justice and the resolution of electoral disputes for upcoming elections.
- Through robust partnerships with a range of civil society organizations across the DRC, IFES is continuing *civic education activities*, and concurrently preparing to engage in voter education efforts for provincial elections with USAID support. This program, scheduled to run through September 2013, is adapting civic and voter education materials and activities to better reflect the post-electoral landscape; prioritizing amongst others, peace messaging and conflict mitigation activities.
- With a strong focus on increasing productive civic participation in democratic processes, USAID *good governance activities* engage a range of stakeholders including citizens, community-based organizations, and civil society groups. Effective citizen engagement remains critical in the DRC. With USAID support, more capable civil society actors will provide platforms for effective advocacy and foster more productive engagement between citizens and elected officials.

- *Election monitoring and human rights work* implemented by The Carter Center includes assistance in the establishment of a Congolese system to monitor human rights and conflict, and the augmentation of domestic efforts to protect human rights defenders. Additionally the program will support the limited deployment of domestic observers to monitor and assess human right violations and conflict during upcoming elections. This program also plans to host workshops to facilitate dialogue on elections between local civil society organizations, government institutions, and international actors. These workshops will focus on consolidating recommendations for upcoming elections and encouraging constructive engagement between stakeholders. With additional resources, similar efforts could be expanded to have a larger impact.
- Through Internews Network, USAID's *media sector development* program builds the capacity of Congolese media institutions—particularly community radio stations—to provide reliable, objective, and timely news and information to the public, thus allowing Congolese citizens to participate more effectively in public affairs. This program also supports civil society organizations to more effectively advocate for media regulatory reform.

These ongoing activities will allow USAID to significantly support a meaningful Congolese reform process. Furthermore, USAID is starting to develop a new strategy for the DRC for 2013-2018. This strategy will reflect the new realities in the country and is likely to prioritize strengthening the ability of Congolese citizens to participate in democratic processes across all sectors.

### **Conclusion**

Even with the international community's concerted efforts to support peace and stability in the DRC, ultimately, the commitment to democracy, human rights, and good governance is up to the Congolese. The government, political parties, civil society, and other stakeholders must together define the contours of a reformed and inclusive political system that will enable all Congolese to develop their country and enjoy the benefits of living in a peaceful, prosperous society.

Thank you. I look forward to responding to any questions you might have.

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Mr. MARINO. Now I think the timing is right for me to ask my colleague and Ranking Member Payne to lead off the questioning. Thank you, sir.

Mr. PAYNE. Thank you very much. We should have an interlude with an instrument. I finally got a chance to ask a question.

Let me thank all of the witnesses for your testimony, and let me ask a question perhaps to all the panelists, and you may want to answer it or not, but—and I will probably do that with most of the questions unless it gets to specific USAID questions, and I will certainly relate it to you.

In March of last year our subcommittee heard testimony from witnesses who warned of the current electoral crisis. As noted in today's testimony, these elections were marred by violence, reports of fraud, and logistical gaps. Yet, even if the electoral irregularities and other flaws had not emerged, administering elections of this scale in this country with little infrastructure was going to be challenging without these other problems.

As it has been mentioned, more than 31 million registered voters, estimated 19,000 candidates for 500 parliamentary seats, 11 candidates for Presidency, a country about one-fourth the size of the United States. To what extent, if at all, do these elections represent a setback for democracy and moving forward in the DRC, and do you believe that the problems would—would the outcome be the same if these election frauds were not committed? In other words, was it enough, in your opinions, to change the outcome of the election? We do know, and it is clear, that there were many problems. The question basically is: Do you believe that the outcome would have been different without these problems? Ambassador?

Ambassador YAMAMOTO. Thank you, Congressman Payne. From the 2006 elections where some of us were there as election observers and to look at the process, it was almost entirely managed and paid for by the international community, and the feeling was that for the ownership and for the people of the Congo, that they wanted to take ownership of this process. And so the next election, this second election, had a much more integrated dynamic, that the Congolese would be the authorities on this electoral process.

So is it a setback? It is one step in the process of the democratic process in the Congo. It is an issue that the people in the Congo wanted, and it is something that we had supported. We started the process of supporting this election earlier, back in 2008 and 2009, with the IFES and later on with the Carter Center. But were there sufficient funds? And of course the answer is, there is not always sufficient funding to do that, but this was a step that we took.

The other issue, too, is that if you look at the elections, this election compared to the 2006 elections, you didn't have the violence that was marred after those elections with the problems of militias, by Bemba, Kabila, and other groups. Here, the death toll was what was unacceptable, but not the level we saw in 2006.

As far as the results of the election, we were very clear from the outset, I think all of us were in the international community, that these elections were not transparent, they lacked transparency and did not measure up to the democratic gains made in other African elections. However, whether these irregularities would have been

sufficient enough to have changed the outcome of those elections is unclear.

But the issue is that the process has begun and that through our commitment after the election by Secretary Clinton and the State Department, we are committed to ensuring that the electoral process will continue to progress and address the needs and build the trust and confidence of the people of the Congo.

Mr. PAYNE. The electoral body does not—committee does not have the national—Congo Independent National Election Commission does not have any civil society, I believe, on that Commission. And I wonder if you believe that for civil society to be a part of that CENI would improve—or CIMCO would improve—well, CENI would improve the confidence that the people of the Congo would have in that body?

Ambassador YAMAMOTO. I will defer to my colleagues, but overall the CENI reflects the process established. And, of course, how the CENI is established, et cetera, will be for the Congolese to determine. But I defer to you.

Mr. BAER. Obviously the CENI is established under a statutory authority, and so the way it is established is part of the law. But I think in general our approach has been not only in the Congo but elsewhere around the world to encourage the participation of civil society and to encourage governments to make civil society partners, particularly in electoral processes where the credibility of processes can be enhanced to the extent that civil society is participating.

I think that your question speaks to a more general challenge that lies ahead in the Congo. And building off your last question in terms of whether this was a setback, certainly it wasn't a step forward. And in order to move forward, there is not only the challenge of improving the execution of elections but also mitigating the political tensions that have arisen. And one of the ways that the political problems can be solved is by making a more inclusive process across the board. So engaging with civil society on the part of the CENI would be one example of how that might be executed.

Mr. PAYNE. Dr. Mendelson, as you know, a team of international election experts from the International Foundation for Electoral Systems, IFES as we all know it, and the National Democratic Institute, the NDI, were in the DRC from January the 5th to the 13th assessing the feasibility of conducting a review of the results of the November 28th legislative elections. Please describe in detail the results of IFES and NDI assessment, and how feasible are the proposed recommendations that they made?

Ms. MENDELSON. So in Secretary Clinton's statement on December 20th, she said, "We believe a review of the electoral process by the Congolese authorities and outside experts may shed additional light on the causes of irregularities, identify ways to provide more credible results, and offer guidance for the ongoing election results for future elections."

So we funded a small team from IFES and NDI for a scoping mission to ascertain if a more comprehensive assessment was feasible. We were very clear that we would not play any role in validating or certifying electoral results or processes.

The Government of the Democratic Republic of the Congo allowed the team to meet with a range of stakeholders, and the CENI, in particular, allotted significant time to spend with this team; but unfortunately the types of activities that the GDRC was hoping that the team would undertake were not in line with the team's priorities. So by the end of the time in the DRC, it was clear that a more comprehensive assessment would not be feasible.

To your specific question, there has not been a detailed assessment done, and they have not published specific recommendations.

Mr. PAYNE. Let me ask this to Assistant Secretary Yamamoto. According to the official results, as we know, upheld by the Supreme Court on December 16th, Kabila would have gotten 49 percent of the vote while Tshisekedi received 32 percent. Tshisekedi has refused to accept these results and has inaugurated himself as President. Tshisekedi has also called for the cancellation of all legislative results, and the opposition is reportedly organizing mass protests for February the 16th.

In your opinion, what can we do to ensure that Congo does not descend into further conflict and instability as a result of the flawed elections? How likely is it that a standoff between President Kabila and opposition leader Tshisekedi will escalate into mass violence in the coming weeks or months? What is the current status of the mediation efforts between the government and opposition, and what impact, if any, has this electoral dispute had on regional stability? As we know, the Great Lakes region is very fragile.

Ambassador YAMAMOTO. Thank you, Congressman. The issue for us is that we have been in close discussions, private discussions with Assistant Secretary Johnnie Carson, our Ambassador James Entwistle, and his deputy Sam Laeuchli out in Kinshasa with every part of the opposition, particularly Tshisekedi as well as President Kabila and Mulunda from the CENI.

In respect to your question, the issue is that on the short term to avoid problems from escalating beyond where they are now is that there has to be open political dialogue first and also communication to ensure that there is transparency not only in the process but also in the discussions. We also have called and move forward in discussions privately on opening more political space, ensuring that the opposition and all people have the right to express their will but also responsibly express those wills without violence, and also to have a commitment from all parties that they will not commit themselves or that they would avoid violence, et cetera. And so in the short term is dialogue, communications, open political space, and over the long term is much more technical assistance and commitment to capacity building.

What does this portend for the regional stability in the area—to your last question—is that all the countries are clearly focused on what happens in the Congo but also what is happening in neighboring countries, from Burundi to Congo, Brazzaville, et cetera. Our special adviser, Barrie Walkley, is currently in discussions with the regional leaders. And that is important to work with our Ambassadors, to get their views, and also to bring better communications and dialogue so that it doesn't spiral out, and that there is a confidence building among the participants of this region. Thank you.

Mr. MARINO. Thank you, Ranking Member Payne. My good friend, colleague, and neighbor, Representative Karen Bass.

Ms. BASS. Thank you, Mr. Chair, and also thanks to the ranking member, but I appreciate the chair for moving forward and holding this hearing, and I definitely want to express my best wishes for Chairman Smith, that he gets better.

I wanted to ask a few questions, kind of following up on what you were saying, Mr. Yamamoto. You described what is needed, you know, in the future dialogue, communication, political space, technical assistance, and capacity building. And I have not had the opportunity to travel to the DRC, but everything that, you know, I have read and in the hearings, it sounds as though a situation of chaos is there. So how do you have dialogue, communication, political space, TA, and capacity building in the midst of chaos is one question.

And then I want to switch reels in a minute and talk about the minerals, but I just want to understand what is the impact or what has been the impact of our statements as the United States regarding the elections and the situation in the DRC?

Ambassador YAMAMOTO. Let's go to the last part first. I think the statements have been very important because it underscores, I think, our position, and also the credibility of what we have observed in the elections, electoral process. It also calls to all the parties, not only the government but also the opposition, that this is what we have seen, these are the problems, these are the issues that we need to resolve, and this is the way forward.

The other issue, too, is to work with the neighboring states on what is happening in the Congo precisely so that no one misinterprets or misunderstands what is happening or that the commitment from the international community and the United States still remains very important to that region and also to the neighboring states.

But more important is the private dialogues that we have made with Mr. Tshisekedi and Mr. Mulunda and, of course, the President himself, on what we see and what we can do together to ensure that this does not spiral out of control, and what steps are necessary to restore confidence and trust in the people in the Congo in the electoral process. And it is going to take time.

As to your first question, how do you bring chaos—or how do you bring order to what seemingly looks like chaos? It is going to take time, it is going to be difficult, it is going to be challenging, but I think the areas that we are focusing on are the right areas that we need to focus on. It is going to be in the short term is to build that confidence, to build the communication, to build transparency; and over the long term, to dedicate and commit toward capacity building, judicial reforms, and political reforms. And I would like to defer also to my colleagues who are really at the forefront of some of these programs.

Ms. BASS. But, I mean we started off this hearing talking about in the hour that we have this hearing, how many women are going to be raped?

Ambassador YAMAMOTO. Yes.

Ms. BASS. I am having difficulty understanding the difference that we make. Do we consider the Kabila government, do we consider it legitimate? I mean, what leverage do we have?

Ambassador YAMAMOTO. The leverage is not just with the President, with President Kabila and his government. The leverage is with all the parties together.

Let me just give you an example. Between 2003 and 2006, you know, with our tripartite group we made about 26 visits to the region to understand better what we need to do, what the problems were. But more important is by our mere presence in these remote areas is to underscore that we are committed to finding a solution. I think the groups that we deployed not only from the Embassy but also from the Department of State, also the support for the other organizations underscored that we remain committed toward finding solutions and toward working with the people of the Congo. Yes, it is going to be hard, as you say. The problems are enormous, but we need to tackle them one step at a time, issue by issue, and I think over the long term there will be a tremendous amount of progress.

Ms. BASS. Secretary Baer? Mendelson?

Mr. BAER. Thank you, I agree with Ambassador Yamamoto. I would just say that when we looked back 10 years ago, there were thousands of people dying every day, and one of the things, unfortunately, we have been working on is preserving enough stability to make the incremental progress that he described. And, unfortunately, when you have a territory as large as the Congo is, with as little development as the Congo has, and as poor of a justice sector and as poorly controlled of a military, the challenges can seem insurmountable.

I think that Secretary Clinton's visit to Goma 2 years ago underscored her personal commitment, particularly on the fight against sexual- and gender-based violence. Under Secretary Otero went last October. Assistant Secretary Carson has on numerous times engaged with the government on this. So I think our engagement is important. I think one of the things that are important—

Ms. BASS. Is the communication such that like the majority—I don't want to say "majority," but who knows that we go?

Mr. BAER. Oh, I was going to say one of the most important effects of our engagement is that it gives credibility to the people on the ground who are engaging. If you look at the election context, one of the most loud voices in the domestic context has been the Catholic Church. And to the extent that the international community is calling out concerns and flaws, it gives credibility to those domestic voices who are also calling out their concerns.

And we all recognize that in order to solve the governance challenges from which the violence flows, that there is going to have to be a political solution at the domestic level. It will be with our support, but it is not going to be of our doing. It is going to be of the doing of the Congolese people. And to the extent that we can give credibility to those voices that will be part of that political solution, our voices add value to theirs.

Ms. MENDELSON. I have been working on a biography, Suggested Political Transition, for over 20 years. And it is a non-linear path. And I think that again when you look at this election versus 2006,

what is really striking about it is that the international community did not shepherd it, it was Congolese. And there are going to be setbacks and certain parts that did go well. Election day itself was much more peaceful, very large turnout.

The idea that there is tremendous chaos and that we can't do any kind of assistance in that or development work in that environment isn't borne out by the actual impact that some of our investments have. I share your concern both in terms of the gender-based violence and the human trafficking costs. I think that the administration is very devoted both to the National Action Plan where we are really focused in on postconflict and conflict regions, and trying to come up with measurable interventions that we can be held accountable for.

We are about to launch a new counter-trafficking policy at USAID in the next couple of weeks. We are going to increase modestly our investments income, adding trafficking in the DRC. So we understand this is a larger piece than we alone can do, but we are very focused on trying to find evidence-based programming interventions that we know are going to work.

Ms. BASS. If you don't mind, Mr. Chair, may I ask a few more questions?

Mr. MARINO. Congresswoman, you can have all the time you need.

Ms. BASS. Thank you. I wanted to switch reels for a minute, and I believe that Dr. Baer had mentioned earlier about U.S.-issued guidelines regarding the mineral trade, and I wanted to know if you could talk a little bit about that. I am specifically interested in who is involved in the mineral trade. Are there a lot of U.S. companies involved or are they European companies? Who is engaging in the mineral trade?

Mr. BAER. Historically, the mineral trade has included every range of actors that you describe, from the small shop or the one-person show that sells to a middle man that sells to a middle man that sells to a middle man, to large multinationals. I don't know which U.S. firms are operating there now, if any. I know that many firms have, because of the violence, even made initial planning missions, but have not chosen to develop mining operations, et cetera, or have paused or withdrawn.

I believe Rio Tinto is still operating, but I believe Freeport-McMoRan has ceased recently. I may be getting them inverted. So there are a range of firms operating.

Ms. BASS. Are those firms here? I am not familiar with those names.

Mr. BAER. Rio Tinto is Australian and Freeport-McMoRan may be a U.S. firm, I am not sure. In any case, they operate with Congolese partners in most cases as a joint venture.

The challenge for whoever the operator is, whether it is a domestic Congolese operator or an international firm, the challenge is making sure that the supply chains are secure, being able to know the provenance of the minerals, because what happens is the revenues get siphoned off at various side points or get smuggled in—the minerals get smuggled into a clean supply chain, allowing rebel groups to fund their activities. And so the reason why the international community is focused on that is to try to starve the rebel

groups of this source of funding. And, of course, the rebel groups have been the primary perpetrators of the sexual- and gender-based violence.

I think it is a good thing that the OECD has developed guidelines on due diligence for supply chains. And we expect that as companies learn to better implement those guidelines that that will help solve parts of the problem. But to be completely straight with you, it is a monumental practical challenge, given all of the challenges that we have already described, the vast distance, the lack of police, et cetera. It is a huge challenge and will be one going forward, but it is one that responsible companies are going to figure out a way to solve. They figure out a way to solve problems with supply chains of all sorts all over the world, and they will figure out how to solve it and we continue to look to them to make progress on that.

Ambassador YAMAMOTO. And just to add to Dan's comments, we still await the Securities and Exchange Commission issuance of the new regulations under section 1502, because this will increase the confidence of U.S. firms of what the regulations and guidelines are in operating in the Congo so that they can make the adjustments. Right now, not knowing what the regulations are, it creates a lot of insecurity and questions about how they can manage the conflict minerals. And also it has repercussions on the people of the Congo in that area as far as unemployment and other issues. But I think after the regulations are issued that will help.

In the meantime, the ICGLO, which are the regional groups, are making plans, are moving forward. We continue to talk to American businesses about trade in the Congo because we need to be there.

Ms. BASS. And can I get that information somewhere, like who is involved? Because I am just wondering when we are talking about civil society and all that, I am just wondering if there is a way that they can be engaged. Some of the major companies, whether U.S. or otherwise.

Ambassador YAMAMOTO. Sure. We can provide you that information and we will come and brief you privately.

Ms. BASS. I would appreciate that.

Mr. BAER. One of the initiatives that we have engaged with U.S. firms on, as well as other multinational firms, is called the Voluntary Principles on Security and Human Rights, which has to do specifically with the private security contractors and public security forces that multinational firms use to protect their assets, and making sure that they are trained and ensuring their respect for human rights. And so that is something we have discussed both with the Congolese Government and with multinational firms.

When I was in Kinshasa last June I had a small meeting with a number of firms that are represented there. So we are working with firms on that. And to your question about civil society, there is a very against-all-odds and extremely vibrant civil society in eastern Congo that works on issues like this every day. And many of the firms that are operating there are in contact with them, and that partnership will certainly be part of the long-term solution.

Ms. BASS. Okay, great. I love those firms, too, the security firms.

Ms. MENDELSON. May I add that USAID has a very interesting responsible minerals trade program that began in Fiscal Year 2010. It has three basic components. It is about infrastructure and regulatory reform, the protection of communities and child-free certification, and technical assistance to develop a pilot program for this conflict-free mineral supply chain to get sector users involved.

And we have an extracted industry advisor currently out in the East with a group of users to explore how to work together. We can get you additional details if you want.

Ms. BASS. Okay. Thank you very much, Mr. Chair.

Mr. MARINO. Thank you, Congresswoman Bass. I now turn to my colleague, Congressman Turner.

Mr. TURNER. Thank you, Mr. Chairman. A question for you, Mr. Ambassador. We have recently deployed about 100 military advisors that could cross between Uganda, Rwanda, and the Congo to advise—maybe they could get involved in other things as well. But can you tell us about the progress, how we measured the progress, is there a timetable on this, will it expand?

Ambassador YAMAMOTO. Thank you very much, Congressman, for your question. In our last testimony of course we had with Assistant Secretary Vershbow, Department of Defense, explained the process of assigning up to 100 Special Forces members in the role of training, not so much in a combat role, but in training and support for the troops of the CAR and Uganda and Congo in order to help them have the capacity and capability to go after Joseph Kony, Odhiambo, and the others in the LRA process.

We are approaching, as you know, the 150-day mark for a review of the process, and at that time I think we will have more information for you. As far as training, I think the training process is going through extremely well. But the question comes in: When are they going to get Kony? When is this going to come to an end? I think we have to look at it as a very long-term process, but that our role in this is really a very small part in the sense that it is training; because ultimately it is going to be the Congolese, the Ugandans and the CAR themselves who are going to bring this to a conclusion. Our role is to support.

We did file a War Powers Act request, and we thank you very much for your support on this process.

Mr. TURNER. The mission is defined more than simply taking out Mr. Kony; is that true?

Ambassador YAMAMOTO. That is correct. The main function is to build a capacity, the training and the support to give them the capabilities, and it has capabilities to carry this out. But again it is a comprehensive approach. Not only is it militarily, but also it is to bring in other programs such as USAID has a cell phone program which provides cell phones and communications to local communities which, through the cell towers constructed by USAID communities, can communicate with each other to say where potential attacks are taking place by the LRA. As you know it is very, very difficult to go after the LRA. You are talking 150 to 200 troops operating in a size less than the size of Colorado. It is a very huge, immense area.

Mr. TURNER. I yield back, thank you.

Mr. MARINO. Thank you, Congressman Turner. I believe that Ranking Member Payne had some follow-up questions.

Mr. PAYNE. Thank you very much. I was in eastern Congo this past summer of 2011 and we visited an IDP camp in Goma where the IDPs were from villages that were attacked by Joseph Kony. At the present time—let me just make it very clear that I support the U.S. effort of sending U.S. troops to train the Ugandans and the Congolese. I think Kony has been around for 20 years. It is a disgrace, the terror that he has inflicted on people. He should have been taken out 20 years ago. It is 20 years too late. But I hope that we will be able to train the troops so that we can finally eliminate this scourge that has been around.

Do we have any assessment of where he is now? He was in the Congo at that time? Maybe, Ambassador, do you know if he is in the CAR or is out of Uganda?

Ambassador YAMAMOTO. I think, Congressman, there is obviously information and et cetera that we work with. I think we probably should give you a separate briefing on some of the details, but suffice it to say that the commitment and the enhancement that our troops are able to bring to bear in this endeavor has been extremely positive, but also it has to be in the context of a very comprehensive approach. And one of the positive results we are seeing is the number of people who are leaving the LRA. You are talking core fighters, along with some of the 800 or so people accompanying the LRA groups, so that is a very positive sign.

And then the continuation of reconciliation and reintegration, not only of Uganda, of the Acholi community, but also in other areas, has been very positive and is helping to bring these people out.

Mr. PAYNE. Let me ask you, how are the current relations between DRC and Rwanda and are they still having joint exercises together on the eastern border?

Ambassador YAMAMOTO. They did have a joint operation. Right now we continue to promote open dialogue between the two governments and that is one of the main roads that Ambassador Barrie Walkley is going to do in his discussion. As you know, he went to the ICGLR meeting in Uganda in December and will continue that process and bring all the parties together in an open dialogue. And so it continues as positive and it continues to progress.

Mr. PAYNE. In regards to MONUSCO, they have a different mandate now. It is supposedly more robust. And secondly, I understand that there is a need in their operation for attack helicopters. Do you know where that stands and whether that can be provided to the U.N.?

Ambassador YAMAMOTO. I know for the United Nations—we are talking about MONUSCO now. The core mandate for MONUSCO is stabilization which is opposite of MONUC which is much more peacekeeping. But from MONUSCO one of the main challenges has been air assets. We have spoken of this in great detail with the head of MONUSCO, Roger Meece. And you are absolutely correct; this is an issue that we continue to grapple with. We have gone to other countries to help support, and this continues to be a challenge.

Mr. PAYNE. I know in the previous election, all six elections, the South African armed forces assisted in the delivery of ballots and so forth. Were they involved in this election also?

Ambassador YAMAMOTO. Yes. And also the Angolans as well.

Mr. PAYNE. Very good. Just a final question. Could you tell me in your opinion the difference between a special adviser that has been appointed by the President rather than the special envoy that has served previously and that we asked to be reappointed?

Ambassador YAMAMOTO. I think a lot of the differences are probably more nuances. But as far as the Special Advisor is concerned, Ambassador Barrie Walkley was—as any envoy or advisor—was selected among a group of candidates, and he proved to be the best, given his linguistic abilities, also his ties to the region not only with the DRC but in other areas. And more important is because he has the trust and confidence not only of the Secretary of State, Secretary Clinton, but also of the Assistant Secretary, Johnnie Carson, and also of the Ambassadors in the region, who Ambassador Barrie Walkley knows personally and worked together with, as well as Roger Meese, the head of MONUSCO. So it has been a very productive and cooperative relationship.

Mr. PAYNE. So there is no difference in the titles?

Ambassador YAMAMOTO. There are nuances.

Mr. PAYNE. I beg your pardon?

Ambassador YAMAMOTO. There are nuances.

Mr. PAYNE. Seems like that is a sensitive question around the Department of State. No one wants to speak out on it.

Ambassador YAMAMOTO. But I don't think you will see any less commitment or any less dedication to this endeavor.

Mr. PAYNE. Thank you. Thank you, Mr. Chairman.

Mr. MARINO. Thank you, Congressman Payne.

I have a couple of questions based on my colleagues' questions and I am just going to get right to the point here. I was a prosecutor for 18 years, so that is how I get right to the point.

First of all, I was just in Africa 2 weeks ago, on the continent. I was in Ghana and Liberia. It was an extraordinary, eye-opening, heart-wrenching experience, particularly in Liberia. After 13 years or 14 years of war—civil war, albeit—the first female President, Ellen Johnson Sirleaf, has taken control of the situation and seems to be doing an excellent job, for which she has her work cut out for her, particularly the abuse of women and children. This seems to be a thread running through the entire—at least from my experience, the southern part of the Continent of Africa. But be that as it may, I get the impression that the administration is accepting the status quo, almost a hands-off approach.

And please correct me if I am wrong, but if I am wrong, please give me, Ambassador Yamamoto, and anyone else who wants to chime in on this, please give me specific examples of this not happening.

Ambassador YAMAMOTO. Congressman, you raise a very fundamental issue in the role of development. I defer to Sarah as well. But as Ambassador in both Ethiopia and Djibouti—and of course I served as Chargé in Guinea-Conakry—one of the issues that we are committed to, and Secretary Clinton really raised this during her trips to Africa, and that is the status of women. By raising the

status of women and fighting the issues of sexually-based violence, we can not only enhance the integrity, the honor, and the status of women, but also development, and also create stability in those communities. And that is something fundamental right now that has really changed dramatically. Certainly in this administration, it has come out very prominently.

All the programs that we are doing throughout the continent—and I think that Secretary Clinton received a call from Ellen Johnson Sirleaf, and I think immediately she went off for the inauguration to lend support to the efforts and the issues that she takes very personal and she supports very strongly. That is something that our Secretary has done as well throughout her trips, and she will be making another trip to Africa.

The program, I will give you one example. What we did in East Africa right now through USAID and the programs is, we have these community-based development projects where we do community schools. And for the moms we do micro-enterprise loans. For the dads we are doing agricultural progress, because 80 percent are agricultural based. We are doing land certification programs and other issues. But what we are finding out is that for daughters, their moms are their heroes. This is an issue that we are expanding, and a project and program that USAID and the State Department and our Embassies are really taking a hands-on approach and supporting. And as we talk to our Ambassadors, this is one of the things we are looking at and hearing stories throughout the Continent.

Sarah, do you want to—

Mr. MARINO. I will get back to you in just one moment. But, please, Dr. Mendelson.

Ms. MENDELSON. I had the pleasure over the last several months working very closely on the National Action Plan with my colleagues from USAID and State and the White House. And really under the leadership at USAID of Administrator Shah and Deputy Administrator Steinberg who has decades of commitment to the issue of women, war, and peace. We are really trying to advance a paradigm shift where issues of the safety and security of women and children are woven through our entire understanding of what stability and development is.

If the National Action Plan is actually fully implemented we would have, through the Department of Defense, Department of State, and USAID, a very different conception of how we engage in stability. It would be both stand-alone programs but really fully woven through every health, education, fully integrated. And I think as somebody who is a private citizen, worked on this for a long time, it is potentially extremely exciting. And of course the President of Liberia herself was one of the authors of U.N. Resolution 1325, very involved in the whole concept of women, war, and peace. So it has taken 10 years. We have come late to the game in many ways, but we are fully committed to implementing this over the next many months.

Mr. MARINO. Dr. Baer, you had a comment?

Mr. BAER. Sure. First of all, thank you for the question. You are doing a good job of channeling the chairman because it is the kind

of question I have grown used to getting from him, and of course I share others.

Mr. MARINO. There will be more following.

Mr. BAER. No person of good conscience could possibly look at the Continent of Africa and accept the status quo. And nobody that I work with in the administration does. And so first of all, let me say that I think there are a range of ways that we are engaging, and oftentimes the most important ones are in small ways. One of things, for example, that we are doing is working on helping train women journalists, because one of things we found is in order to get the problems of women and children solved, you have to get the stories of women and children out. And so training women journalists across Africa is one of the things we are focusing on.

More specifically, we have taken concrete action in the multilateral sphere to focus attention on crises in Africa that have a particular impact on women and children, like the conflict in Cote d'Ivoire last year which we raised with the Human Rights Council and have supported follow-up action since. I was out in western Cote d'Ivoire in October, that continues to be an issue of concern.

There are ways that we Ambassadors across the continent under Secretary Clinton's direction and under the support of Ambassador Verweir, are focusing their attention on women community leaders, particularly because, as Sarah says, we learned the lesson over the last 20 years that peace and security arrangements that don't include women and women's views do not work. And so it is absolutely the case that this administration is focused on improving not only the condition of women but also their participation in solving the problems that face the continent.

Mr. MARINO. I completely understand your compassion and position in this; believe me, I do. And Ambassador Yamamoto, I equate it to, as you come in here, you are walking on a tightrope with one end in our hand and we are not quite sure where the other end is connected. So you have a fine line to walk.

But let me pose this scenario, and I credit Secretary Clinton for being there for the inauguration of the President. I missed it by a couple days. I wish we could have been there, we weren't able to, but we did meet with her and have a lengthy conversation.

But all the programs that you have implemented and you hope to implement concerning raising the level of the female, to women's proper role, I mean let's face it, it always seems no matter where in the world that the wives, the mothers, the grandmothers are keeping the rest of us focused and narrow. I know that is the way in my home. That is just the way it is. When I was raised, my grandmother and my mother, and now my wife, just took over. And instead of having two kids, she calls me the third kid.

Be that as it may, as devoted as our intentions are, what do we do with Kabila who just says, I am not going to cooperate, and still has the control that he exercises? What do we do about an individual like that, regardless of the programs that are implemented? And, Ambassador, please, would you please start off?

Ambassador YAMAMOTO. As you know, we provide about \$7 billion in assistance programs, most of it is earmarked, but the issues that we distribute and implement, most of them, over 80 percent, are through NGO groups, with the social civil societies and commu-

nities in the communities locally, not through the government. And that is how we get through and around leaders or people opposed to it.

Mr. MARINO. How do you get Tshisekedi's attention, seriously get the attention?

Ambassador YAMAMOTO. Tshisekedi, that is a very—it is difficult. Speaking with him, he has a very strong-minded mind, but the question comes in talking to not only him but also to his people. And that goes back to I think the DRC on the type of government that is going to be formed after his election. And we called for an inclusive government. That means inclusion of all parties and all groups, including Tshisekedi's people, not himself, but—so that helps to influence that wing of the opposition party.

Mr. MARINO. I understand your diplomatic responsibility and approach, believe me, and I would not trade positions with you for all the money in the world. But I seem to—it just—it is just not connecting.

Ambassador YAMAMOTO. One thing is that—I am getting more notes here.

Mr. MARINO. Sorry. Please take your time, and I understand.

Ambassador YAMAMOTO. I think it is very telling that Mr. Tshisekedi called for a general strike and very few people came to the party to participate. But more important is, going back to the heart of your question, is how do we really bring a societal change? How do we bring fundamental changes? And at every level we have thought, with USAID, with our colleagues, and I will give you some examples. Some things that we have done over the last decade, we have trained 140,000 peacekeeping troops throughout Africa. AFRICOM has helped in training the 391 battalion in the DRC. It is part of that process not only for peacekeeping but also for civilian control.

The other issue is security sector reform, which is a fundamental basic, through all the countries and all the development, because SSR is really critical if you want to see rapid development.

The other issue, too, I will give you an example, is the formation of the Africans themselves forming groups like the AMISOM in Somalia. They are doing it themselves because that is an integral threat to them. And so our job is to help support those efforts. And I think by giving the societal changes and dramatic changes at the basic or life thing, that is going to speak volumes and help over the long term.

Mr. MARINO. I think we need to bring more attention on an international basis, significant attention, and expose what is taking place there for what it is worth or not worth.

Let me pose this, if you don't mind. I see the women in Liberia, and certainly in Ghana, taking a very aggressive and important role. But are we setting up perhaps an environment for the equation of an Arab Spring?

Mr. BAER. In Liberia and Ghana?

Mr. MARINO. Yes. No, excuse me, no. What we are talking about right here in the DRC, when you say you are implementing these programs. I am sorry for not being clear on that.

Mr. BAER. Obviously, Ghana remains a bright spot in the continent. And actually speaking to your comments earlier, I lived in

Ghana for a time, and one of my favorite sayings there was when an old woman dies, it is like a library has burned. And certainly the appreciation of women's leadership is something we hope to see elsewhere.

I don't think we predict—obviously there are conditions unique to every context, including in the Middle East where we have seen political transitions this year. And while there are some similarities, there have been different causes and events that have led to them. I don't think we predict any kind—that type of political transition in the near term in the DRC.

I think what we do predict is that the tensions that are there now, the political tensions between Kabila and the opposition, are tensions that need to be dealt with and they need to be dealt with in a meaningful way in order for people to be satisfied. And the good news is there are a range of things that the President can do and that others in the government can do to bring civil society in, to bring the opposition into conversation and dialogue, and to move the country forward. One of the things that they can do is commit to better election processes going forward, and that is something that they will have the support of the international community to do.

Mr. MARINO. Okay. Dr. Mendelson.

Ms. MENDELSON. Our programs did not cause the Arab Spring, for better or worse.

Mr. MARINO. If that is what you think I inferred, I did not.

Ms. MENDELSON. The dignity and respect agenda that we saw on display in both Tunisia and Egypt are obviously very powerful for people around the world, but they are fundamentally the responsibility and revolution of Tunisians and Egyptians. And I think a lot of us are very humbled in watching them.

But the programs that we conduct and the support we gave to Congolese civil society and the population are just as Dan said. I think that the ability to have independent critical media, better election architecture, civil society organizations that are robust and listening and responding to the needs of the population, are important. They are a part of our values, and they are in response to demand on the ground.

Mr. MARINO. And we have to also be addressing issues, keeping our eye on a month, 6 months, a year down the road; because we don't want to be caught in a position where we are caught off guard again, and the disasters that could happen because we are looking at this particular moment in time instead of trying to calculate and predict what the future may bring. You agree with me there.

Ms. MENDELSON. Totally agree. We are not—at least we at USAID aren't particularly good at predicting the future. Maybe our colleagues at the State Department are better at it. But I will say that we as an administration have been very focused on what is called the Presidential Study Directive 10. In August the President launched a process where we are looking at atrocity prevention. We are trying to figure out what tools we can bring to bear, where the gaps are, early warning systems, response. Obviously this is about political leadership.

In the context like the DRC, we are really actively working to try and figure out what are—are there technological fixes; should we

be using certain kinds of—we mentioned the cell phones and cell towers. Are there ways in which we can better organize ourselves to be responsive? Do we see patterns of violence?

Mr. MARINO. None of us will be able to predict the future with accuracy, but my position has always been before we make a radical change into something, we have to sit down and seriously—you folks have to sit down and seriously ask yourselves and consult with us, if you want our input or any assistance, what happens if?

Ms. MENDELSON. We are also actually in the process of a 5-year strategic planning process. We see this as an enormous opportunity to put everything on the table and say how do we get to where we want to be? Should we be doing more investments in the democracy sector? Should we be doing less in others? What does the recent past tell us about what we should be doing differently?

Mr. MARINO. Chairman Payne.

Mr. PAYNE. Just on the question of Etienne Tshisekedi. You know, I see a number of Congolese here, so there could be some Tshisekedi supporters and Kabila supporters, whatever. However, the future of the Congo is going to be with new, young, emerging leadership. I met with Tshisekedi back in the nineties when he was complaining about Mobutu, halfway with him, sometimes not with him. He had a parade back in, I don't know, 1991 or 1992 that he was going to be President. I think that he had a lot of ability and talent, but his time unfortunately was when Mobutu had control over the country and would not allow free and fair elections. Of course U.S. policy supporting Mobutu, which was wrong, but it was a Cold War policy. And so whether the election, as we know was flawed, the future of the Congo is not with Tshisekedi. Like I said, his time has come and passed.

[Disturbance in the hearing room.]

Mr. PAYNE. It must be Tshisekedi's brother or something.

The question is there needs to be a development of new leadership. There are many Congolese in the United States who are young, they want to go back, they have talent, they know the resources of the country, they know that it is probably the wealthiest country in the world, but the people suffer from poverty. And so I think we can spend a lot of time on whether it was fair or free.

I think what we need to do is to try to move forward, try to have democratic institutions strengthen so that we can then move forward. I am not pro-Tshisekedi or pro-Kabila, I am simply pro-Congo. And the future is not back in the nineties, but it is going to be in the future.

And so I just want to say that we can—still does not change the fact that the elections were flawed and they—I do have to commend the Congolese Government for trying to pull it off by itself which, without much resource, I believe the United States put about in the 2006 elections. Ambassador, do you think it was \$80 million or \$90 million?

This time we gave them \$12 million, but the country pulled off the elections with that. That shows a growth, at least in the fact that they are moving forward to some degree. So I just thought I would say that. I knew I would get someone upset, but I think the future is in the hands of the new, younger visionary Congolese that

want to see the country grow with its resources, rather than a few people who still want to keep the old system going.

Mr. MARINO. Congresswoman Bass has another question, please.

Ms. BASS. Yes, I wanted to follow up, Ambassador, with something you were telling me before about the relationship that we have with some of the neighboring countries. And I wanted to know if you could be a little more specific which countries; what is the relationship; how is it helpful?

Ambassador YAMAMOTO. I think the relationship between the Congo and the neighboring countries is such that we want to avoid the problems we had in the past. We had countries going into the Congo to exploit the wealth, and so what we are trying to do is have a protection and respect for the sovereignty of states. That is number 1.

Number 2 is to improve the relationships between these countries. One of the processes or fundamental objections we participated in the tripartite long ago, but continues today is, how do you open and maintain a dialogue between all these countries with each other? Obviously, they all have their own respect of strategic interests, but how do you support and coordinate, for instance, Rwanda, on the concerns of the FDLR, or Uganda with the problems with the LRA and other issues, with the CAR, and the Congo, Burundi?

Ms. BASS. Maybe I misunderstood you earlier. I thought you were referring to the U.S. relationships with some of the other African countries in trying to help with the situation.

Ambassador YAMAMOTO. I think, well, in that context, the United States plays a role, because we are kind of like the neutral observer, the neutral arbiter. And we have been able to give information, bring parties together, but, more important, to be a neutral person, to hear the issues on all sides. I think that is a very critical and important role that we play.

Ms. BASS. Okay.

Mr. MARINO. I do have a specific question that Chairman Smith would have asked had he been here, and I am going read it.

There has been discussion in the DRC of the formation of a government of national unity as the best remaining means of resolving what has become a post-election crisis. Similar responses to flawed elections in Zimbabwe and Kenya have not been successful. You have stated that the administration is not promoting a coalition government. What then would be your response to efforts to form a government of national unity in the DRC?

Ambassador?

Ambassador YAMAMOTO. I alluded to it a little bit earlier, but it is not so much the coalition, it is an inclusive government. I think that will help support the aspirations of the people of the Congo and make—really what I think you, Congressman, have raised with the idea of the Arab Spring, is what President Obama said in Ghana 3 years ago, and the fundamental pillar of our relationship is to ensure that there are democratic values; in other words, governments that are accountable to the people. And through an inclusive government, to have the Congolese Government accountable to all factions, whether they are supporters of Tshisekedi, supporters

of Kamerhe, supporters of Kabila. That is really the fundamental issue that we are looking at.

I am sorry the other person left because everyone, it doesn't matter the ages or whatever, the aspirations I think are there to bring about a better tomorrow for the people as you, Congressman Payne, have always done throughout your time in Africa. And that is what we are trying to achieve here as well.

Mr. MARINO. In getting to closing here, what bang are we getting for our buck in the United States? And what other countries, and to what extent, are they contributing to these efforts?

Mr. BAER. I should really let the bucks talk, but let me just say 20 seconds worth of framing. I think it is important to underscore the importance of the value of our investment in preserving stability in the places where stability is, and allowing the incremental progress and law enforcement and justice, and to remove investments would cause back sliding.

And so I think it is often difficult to value, and no one wants to overvalue keeping the ball where it is on the field, but losing yardage is really expensive, and we are always trying to push it down the field. So I just want to underscore the importance of the investments we are making on things like building the judicial sector, helping train them to investigate SGBV, help reform the way they manage prisons. All those things are having an impact, even if the progress is still very incremental.

Ms. MENDELSON. It is absolutely critical that we not penalize the Congolese people because of the way in which elements of a government did or did not execute this election. So as we think about—compared to other parts of the continent, we have actually invested or are investing relatively little. And remarkably we have, as I think others have alluded to, small investments have yielded some very interesting results where, for example, working with citizens in local governments, having citizens hold accountable local governments to make sure their tax receipts are going to support what the authorities say they are supporting.

I totally agree with the idea that going forward an emphasis on new—a new cohort and leadership is really critical, and I think that is true across the continent, I think it is true in this country.

That is sort of—those two pillars of leadership in open government are ways in which we are doing what is usually called good governance work in a kind of 21st century way, layering on the use of technology and making sure citizens have voices. But it is really critical that we not—and of course you asked the question of bang for the buck, and the answer comes out that we are going to cut. We need to be thinking about how we support Congolese people going forward.

Mr. MARINO. Please keep a very, very stern eye on our tax dollars as if that money were coming out of your individual pockets, please.

In my last question, in looking for a remark from you, what do we do about the Central African Republic coming over into the borders and kidnapping people; and even on the east, other countries coming in, the LRA? Be more specific, thank you—going into the DRC and actually doing mining?

Ambassador YAMAMOTO. That is again the hope that our Special Forces unit will bring as far as training and capacity building enhancement. More important is talking to our Ambassador Barrie Walkley in the area. He has been able to talk to the President and the people and work very closely with them.

You know, as far as the number of attacks are way down in the area, the number of groups that are leaving the LRA to go to reconciliation has been up, and so I think that part has been a progress. You want to add to that?

Mr. BAER. My only addition would be it continues to be a driving concern. The assistance we are giving in order to go after the LRA, the assistance in training is important and particularly important for the DRC, because even though the attacks are down, as the Ambassador said, down to 278 in 2011 from 306 the year before, 86 percent of those attacks are happening in the DRC.

Mr. MARINO. Do any of my other colleagues have a comment or statement, please?

Mr. PAYNE. I would just like to clarify what I was saying, that we need to have new, young, vision and ideas. I don't necessarily mean young in chronological age. I mean people who have a vision. What we need is a vision for the leadership of the Congo.

I just want to say one final thing; that we are losing a very talented person who has been a very close associate of mine for the entire time I have been in the Congress, Ted Dagne. Ted is leaving the CRS to be a special envoy to the U.N., to the President of South Sudan and we—Ted and I have traveled maybe three dozen times to Africa. He knew every leader, he knew every rebel, he knew more rebels than leaders. And he would drag me into the rebel dens and we would be talking and discussing.

We went to Congo, and we met with Kabila while Mobutu was still President. Of course, the State Department didn't like that. Do you remember that, Ambassador? He remembers.

Ms. BASS. He shook his head.

Mr. PAYNE. We have gone to the battlefields of South Sudan when Dr. Garang was leading his forces. We have been in Burundi meeting with the Hutus in villages. And in Rwanda, he has done more to stabilize Rwanda, South Sudan. I know of no other person who has dedicated himself and has really made a big difference to the lives of millions of people in Africa. And so we will certainly miss him, I will miss my traveling partner, but I want to say he was a tremendous asset to our country.

Thank you, Mr. Chairman.

Mr. MARINO. You are welcome. I want to thank Chairman Payne and Congresswoman Bass for sticking this out with me. I want to thank our distinguished panel. It was very informative.

Please see that you do get the documents and information to my colleagues for which they asked. I appreciate that very much. I thank the people sitting in here listening to this hearing, and it is again—after my trip, it is extraordinarily important that we know all these issues and make solid, concrete decisions. Thank you very much, and the hearing is adjourned.

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

# APPENDIX

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MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U. S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-0128

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS**  
**Christopher H. Smith (R-NJ), Chairman**

January 26, 2012

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

**DATE:** Thursday, February 2, 2012

**TIME:** 2:00 p.m.

**SUBJECT:** U.S. Policy Toward Post-Election Democratic Republic of the Congo

**WITNESSES:** Mr. Donald Y. Yamamoto  
Principal Deputy Assistant Secretary  
Bureau of African Affairs  
U.S. Department of State

Daniel B. Baer, Ph.D.  
Deputy Assistant Secretary  
Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State

Sarah E. Mendelson, Ph.D.  
Deputy Assistant Administrator  
Bureau for Democracy, Conflict, and Humanitarian Assistance  
U.S. Agency for International Development

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Human Rights HEARING

Day Thursday Date February 2, 2012 Room 2172 Rayburn

Starting Time 2:17 p.m. Ending Time 4:03 p.m.

Recesses 0 ( to ) ( to )

Presiding Member(s)

*Rep. Tom Marino*

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

*U.S. Policy Toward Post-Election Democratic Republic of the Congo*

SUBCOMMITTEE MEMBERS PRESENT:

*Rep. Tom Marino, Rep. Robert Turner, Rep. Donald Payne, Rep. Russ Carnahan, Rep. Karen Bass*

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

- Prepared statement from Rep. Smith*
- Question for the record from Rep. Carnahan*
- Letter from Ms. Zoon*
- Prepared statement from Mvemba Phezo Dizolele*

TIME SCHEDULED TO RECONVENE

or  
TIME ADJOURNED 4:03 p.m.

*Shari Gilbert*  
Subcommittee Staff Director

**CHRISTOPHER H. SMITH**  
4th District, New Jersey

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**Congress of the United States**  
**House of Representatives**

COMMITTEES:

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COOPERATION IN EUROPE**  
CHAIRMAN

**CONGRESSIONAL EXECUTIVE  
COMMISSION ON CHINA**  
CHAIRMAN

DEAN, NEW JERSEY DELEGATION

## **“U.S. Policy Toward Post Election Democratic Republic of the Congo”**

*Africa, Global Health and Human Rights Subcommittee  
February 2, 2012*

Today's hearing today will examine U.S. policy options for dealing with the ongoing crisis in the Democratic Republic of the Congo, one of the priority countries in the United States' Africa policy as identified by the Administration and as confirmed by Congressional legislation and oversight over the past several years. This country is two-thirds the size of Western Europe and borders nine African countries. Its problems extend well beyond its borders.

The Subcommittee last examined the situation in the DRC in a hearing in March of last year, when the storm clouds were gathering in advance of the November elections. The DRC is now struggling with the aftermath of those elections. Opposition political parties and civil society, especially the Catholic Church, appear unwilling to accept the results of the presidential and legislative elections. Opposition leader Etienne Tshisekedi received 32 percent of the votes, but he believes he was cheated out of votes that would have made him the winner in the elections. He has staged a presidential swearing-in ceremony and announced that he will form a government. He also has called on supporters to march with him to government headquarters. However, government armed forces have surrounded his home since the presidential results were announced on December 9, and even his aides have been prevented from meeting with him.

Suspicion persists that this election was manipulated in favor of incumbent President Joseph Kabila. The Carter Center, which observed the vote, as well as the United Nations Organization Stabilization Mission in the DRC (MONUSCO) and most of DRC's civil society, all cast serious doubt on the announced outcome of the election. According to the Carter Center, ballots were missing in some areas, while results for Kabila in other areas were deemed “unrealistic.” Calls for new elections not only continue, but appear to be growing in intensity.

Perhaps government intimidation has minimized any uprising by a discontented population, or perhaps the Congolese have accepted that Kabila will do whatever it takes to ensure his victory. It could be that poverty and a lack of information among the population has restrained the widespread resort to protest. Still, there is significant instability throughout the country.

This calls into question the long-term stability of a country that is critical to U.S. interests, which includes the continued flow of strategic minerals. Congolese have reason to be skeptical that they will ever have a stable government that functions on their behalf. There has been one crisis after another since independence in 1960, caused by the selfish actions of predatory leadership. An estimated four million Congolese lost their lives in two wars from which they are still recovering.

Most Congolese remain poor, hungry and in danger of violence. Their government cannot provide the most basic necessities for their families. Public administration is virtually non-existent, with civil servants demanding payment from the public for even the most routine services. MONUSCO is handling security, and the World Health Organization is dealing with the country's public health issues. The challenge for the international community is to help build the capacity and political will of Congolese officials to assume the responsibility for caring for and protecting their citizens.

Since November, violence attributed to the Congolese military, the Rwandan rebel group the Democratic Forces for the Liberation of Rwanda (FDLR) and local militia has caused more than 100,000 Congolese to become internally displaced persons or refugees. Local vigilante groups have clashed with the Rwandan rebels in North Kivu province and displaced about 75,000 from 30 villages in North Kivu province. Similar clashes in Ituri and northern Katanga have had a serious impact in those areas as well. This raises serious concerns for a potential humanitarian crisis.

Women continue to be targeted for abuse in DRC. A study that recently appeared in the *American Journal of Public Health* concluded that an average of 48 women and girls are raped every hour in this country. So before our hearing today is ended, more than 100 females in DRC will have been raped.

However, there remains hope for DRC despite the current crisis. Even during the worst stages of the global financial crisis, the World Bank was predicting that DRC's economy would grow by seven percent annually over the next several years, making it one of the world's fastest growing economies. At the local level, Congolese reportedly have developed coping methods for an absent government. Women have developed rotating credit systems to compensate for an inaccessible banking system, and farmers have banded together to rent trucks to jointly take their produce to market.

According to the latest election results, the ruling party in DRC has lost 45 seats they previously held to opposition parties, with 17 other elections yet to be rerun after being annulled. This may help in establishing grounds for political reconciliation.

Since the early days of Congolese independence, the United States has been involved in the DRC and continues to play a significant role there. In FY2011, Economic Support Funds were targeted to support the Government of Congo's stabilization and recovery program through support to community recovery and reconciliation, conflict mitigation and resolution, and the extension of authority. International Military Education and Training funds focus on training Congolese officers on military justice, human rights and joint operations. The United States also provides significant humanitarian assistance to the DRC. The United States provided bilateral aid to DRC of more than \$205 million in FY2008, \$296 million in FY2009, \$282 million in FY2010, and \$215 million in FY2011. The Obama Administration requested more than \$262 million for FY2012.

Our hearing today will allow the Administration agencies primarily responsible for the United States' relations with the DRC to report on what our government can and will do to help the world's 12th largest country weather this current crisis.

QUESTION SUBMITTED FOR THE RECORD BY THE HONORABLE RUSS CARNAHAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI, WITH WRITTEN RESPONSE FROM THE U.S. DEPARTMENT OF STATE AND USAID

*Question:*

*All Panelists:* Last year, this Subcommittee fittingly held a DRC hearing on International Women's Day. As you know, the Administration recently announced the U.S. National Action Plan (NAP) on Women, Peace, and Security—the goal of which I wholeheartedly commend: “to empower half of the world’s population as equal partners in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity.”

This marks an important step to realizing the goals of UN Security Council Resolution 1325 and subsequent resolutions, including 1888, 1889 and 1960, which prioritize combating sexual and gender-based violence. The rampant and really unimaginable level of sexual violence in the DRC acutely shows why this initiative is so urgent. I'm hoping you will be able to put the NAP into the DRC's context.

- Please discuss the Administration's overarching gender strategy in the DRC—from education and prevention, to security sector and rule of law reforms to survivor treatment and supporting women in civil society. Particularly, how are we addressing the growing socialization of violence against women, what are we doing to engage men and boys in this effort, and how are we supporting the inclusion of Congolese women in mediation and demobilization processes, and promoting their overall advancement in society?

*Answer:*

The United States government is dedicated to working toward greater empowerment of women in the Democratic Republic of the Congo (DRC) in all sectors of society—including in political, social, and economic realms—as a key to promoting peace and prosperity. To that end, we take gender into consideration when designing and implementing programs in all sectors in the DRC. Currently, the State Department and USAID are in the process of developing Agency-specific Women, Peace, and Security implementation plans as directed by the President's Executive Order 13595. These plans will incorporate time-bound, measurable, and resourced actions designed to meet the objectives established in the National Action Plan (NAP), including the engagement of women in peace building and political processes and the protection of women and girls from conflict-related violence and abuse. The State Department and USAID are working to ensure that agency implementation plans include effective, coordinated action at the country level in the DRC. These efforts are in support of the DRC's own National Action Plan on Women, Peace, and Security, which has outlined the government's commitment to promoting the crucial role of women in restoring and maintaining peace and security.

The NAP is based upon five key pillars: institutionalizing a gender-sensitive approach to diplomatic, development, and defense-related work in conflict-affected environments; encouraging the participation of women in peace processes and decision-making; strengthening the protection of women from violence; supporting the prevention of conflict; and increasing the emphasis on the needs of displaced women and girls in relief and recovery operations.

*Participation in Peace Processes and Decision-making*—The United States has supported the DRC's efforts to emerge from conflict and realize a just and lasting peace based on democratic principles, governed by the rule of law, and respectful of human rights, including those of women and girls. In order for the DRC to progress, it is critical that Congolese women are empowered to be equal partners in all sectors. Our programs in the DRC support women's participation in democracy and governance programs, security sector training, and in education and economic initiatives.

For example, the Department of State hosted a conference in October 2011 to reinforce women's participation and engagement in the political process in the DRC, bringing together women in Congolese civil society, political party leaders, and influential actors in the women's rights field from across the provinces and Kinshasa, to share experiences and reinforce networks.

*Protection from Violence*—The United States government is particularly concerned about the continuing high rates of sexual and gender-based violence (SGBV) throughout the DRC, including the use of mass rape as a weapon of war, the growing socialization of violence against women, and the need to engage men and boys in this effort. Ultimately, the responsibility for protecting civilians and holding perpetrators accountable belongs to the government of the DRC. We are working with government and non-government partners in the security, judicial, health, and education sectors to prevent and respond to SGBV.

The U.S. government funds SGBV projects that provide critical care and treatment services (medical, psychosocial, legal, and economic) to survivors of SGBV and their families. A range of community mobilization and outreach activities are striving to transform the underlying attitudes and behaviors that perpetuate SGBV and increase awareness about its costs and consequences, including its relationship to HIV risk. These activities will also strengthen the capacity of social institutions, civil society organizations, and communities to respond to and ultimately end such violence.

A key to SGBV prevention is holding perpetrators accountable and fighting impunity for these crimes. Establishing reliable judicial mechanisms is an essential first step. This includes ensuring witnesses, victims, and judicial officers are protected, which is critical to successful investigations and prosecutions. U.S.-funded judicial sector programs work to increase access to justice for vulnerable populations—including SGBV survivors—by providing legal aid through human rights organizations and by organizing mobile courts to improve access to more remote areas. We provide training to police, attorneys, health care workers, military justice personnel, and military commanders—just one of the ways we are engaging men in the effort to prevent SGBV. Our partners at the Department of Defense are helping to improve the security sector by providing support for infrastructure upgrades to facilities used by other service providers and by developing training modules for use by the Congolese military.

Furthermore, the United States strongly supports the United Nations Organization Stabilization Mission in the DRC (MONUSCO) and its efforts to help the Congolese government bring peace and stability to the DRC. We encourage MONUSCO's efforts to effectively implement its mandate, including its innovative initiatives to protect civilians through Joint Protection Teams, Community Liaison Assistants, and Community Alert Networks, and we have provided resources for the MONUSCO-facilitated Prosecution Support Cells to investigate and bring to justice perpetrators of the most egregious crimes in eastern DRC, including SGBV.

*Conflict Prevention*—The Department of State and USAID are promoting women's roles in conflict prevention, integrating gender perspectives into conflict early-warning and response systems, and investing in women and girls' health, education, and economic opportunity to create conditions for stable societies and lasting peace.

The Department of State is strengthening early warning mechanisms by incorporating communications technology—including a reporting hotline, digital mapping, and video-conferencing—into current programming to increase civilian protection in eastern DRC.

A new conflict management and mitigation program managed by USAID works with minorities and marginalized women to mitigate conflict, to address human rights issues (such as trafficking in persons and SGBV), and to support conflict prevention, early warning, and response activities. This initiative will also provide opportunities to advance women's economic empowerment through increased access to credit, livelihood training, and enterprise support activities.

Additionally, a new USAID education initiative will seek to empower adolescent girls through education by providing access to a safe, enabling learning environment conducive to leadership skills development for positive participation in society.

*Access to Relief and Recovery*—The United States government is responding to the distinct needs of women and children in conflict-affected disasters and crises, including by providing safe, equitable access to humanitarian assistance.

The U.S. supports partners, including a range of non-governmental organizations (NGOs), the UN refugee agency (UNHCR), and the International Committee of the Red Cross (ICRC), in efforts to prevent and respond to SGBV and to empower women affected by war in the DRC. UNHCR's program includes skills training, rights awareness, sensitization about laws and services, training of military personnel, provision of emergency shelter, and provision of medical and psychosocial support. NGO programs provide skills training, income-generation assistance, and mental health services to survivors of SGBV and other vulnerable women; and engage communities, specifically men, to enhance protection and prevention of SGBV through community education and discussion groups.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

February 1, 2012

The Honorable Donald Payne  
Room 2310 Rayburn Office Building  
United States House of Representatives  
Washington, DC

Dear Representative Payne:

I'm writing to express my concern for the people of the Democratic Republic of Congo and to urge you to work vigorously to protect human rights and democracy in the Congo.

In his State of the Union address, President Obama said, "We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings—men and women; Christians, Muslims, and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

Public Law 109-456 [sec. 102(1)] states that it is US policy to support democracy in the Democratic Republic of Congo. The United States currently has important opportunities to defend and support democracy in the Congo.

As you know, the DR Congo held national elections at the end of November 2011. A number of respected bodies—including the Carter Centre, the European Union, and the Congolese Catholic Bishops' Conference—fielded electoral observation teams during the elections. All of these teams found that the electoral processes were so seriously flawed as to call into question the election results announced by the country's Independent National Election Commission (CENI) on December 9, 2011. Furthermore, international human rights bodies, such as Human Rights Watch, have reported an alarming number of incidents of intimidation and violence during and since the election.

I urge you to use your influence as a member of Congress to ensure that the United States supports democracy and human rights in the Congo by:

Joining the Presbyterian Church (USA) in supporting the calls of the Congolese Catholic Church and other civil society organizations for an independent investigation into electoral irregularities to ensure that the political will of the Congolese people is respected.

Withholding formal recognition of the Kabila government until such an investigation is completed.

Condemning intimidation and violence against civilians in the Congo and working to suspend any bilateral assistance to organizations or institutions credibly identified as responsible for such violence or intimidation.

The Congolese people have suffered greatly at the hands of political strongmen, both domestic and foreign, for more than a century. It is vital that the United States and the international community acknowledge their plight and support them strongly in their efforts to build democracy and a culture of human rights and political liberties. I urge you to do whatever you can to advance these goals.

Thank you for your efforts and your concern. I look forward to learning your response.

Sincerely,

Phyllis Zoon  
8 Ashby Lane, Newark, NJ 07103-3198



**PRESBYTERIAN CHURCH (U.S.A.)**

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THE REV. GRADYR PARSONS, STATED CLERK

**Statement of Concern for the People of the Democratic Republic of Congo  
by the Presbyterian Church (USA)**

The Presbyterian Church (USA) is deeply concerned about the recent elections in the Democratic Republic of Congo and, in particular, the physical and emotional trauma that has been inflicted on the Congolese people as a result of political violence. Our church has had a long and historic relationship with the Congolese people; we share their aspirations for a peaceful, secure and democratic nation, one that is governed by the rule of law and the collective will of the people and in which the rights and dignity of all people are respected. The 213<sup>th</sup> (2001) General Assembly of the Presbyterian Church (USA) called for "free and fair elections of leaders for the Democratic Republic of the Congo," a principle to which our church remains committed today. In a spirit of care for the Congolese people and their government, the Presbyterian Church (USA) makes the following observations and recommendations:

1. During and since the election there have been numerous reports of acts of intimidation and violence. Human Rights Watch states: "Congolese security forces have killed at least 24 people and arbitrarily detained dozens more." These reports have come – and continue to come – from many parts of the country. Given our concern for the safety of the Congolese population, the Presbyterian Church (USA) recommends that an independent commission be established to investigate all acts of intimidation or violence and to implement special measures to protect all Congolese civilians regardless of their ethnicity or political affiliation.
2. Several well-respected election monitoring groups have expressed great concern over the 2011 Congo electoral process. The Catholic Bishops of the Congo, the Carter Center and the European Union observer teams all concluded the process was so seriously flawed that the credibility of the results announced 9 December by the country's Independent National Election Commission (CENI) is questionable. The Presbyterian Church (USA) therefore supports calls for a full and independent review of the 2011 voting, vote tabulation and vote reporting processes. Such a review should involve independent civil society voices, be supported appropriately by the international community, and be empowered to mandate actions to correct serious irregularities identified, including the possibility of holding fresh elections in areas where elections irregularities are found to be significant and pervasive.

We recognize that, in 2006, the United States Congress adopted legislation making it "the policy of the United States to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo." (PL 109-465) The Presbyterian Church (USA) therefore urges the United States government to work vigorously to resolve these concerns by using its influence with the Congolese government and the international community.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

**U.S. Policy Toward Post-Election Democratic Republic of Congo**  
**U.S. House of Representatives**  
**Committee on Foreign Affairs**  
**Subcommittee on Africa, Global Health and Human Rights**

**Mvemba Phezo Dizolele**  
**Fellow, Eastern Congo Initiative**

**February 2, 2012**

Chairman Smith, Ranking Member Payne, and Members of the Subcommittee on Africa, Global Health and Human Rights, thank you for the invitation and honor to submit my testimony as part of the record of the *U.S. Policy Toward Post-Election Democratic Republic of Congo* hearing before the Committee on Foreign Affairs - Subcommittee on Africa, Global Health and Human Rights. 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. As you know, during this difficult time in Congo, the Congolese in this country and in the homeland look up to the United States as a beacon of democracy and appreciate your continued engagement in promoting democratic values and good governance in Africa.

My name is Mvemba Phezo Dizolele. I am a native Congolese and a naturalized U.S. citizen. I received my American citizenship through service in the United States Marine Corps Reserve where I was a non-commissioned officer and served in infantry, intelligence, training and operations and public affairs positions.

Last November, I was stationed in Kinshasa as a member of the CarterCenter's election observation mission to Congo and helped monitor 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, the views contained in this testimony are my own.

As volatile as the political situation is today, having pushed the country to the brink of yet another outburst of conflict and demanding immediate and robust action from the international community, this crisis was predictable and preventable. While the red flags were bountiful, international focus on the region was severely limited even in light of efforts to call attention to the dangers of an illegitimate election. Anthony Gambino and I published an Eastern Congo Initiative pre-election report that highlighted the shortfalls and implications of the election process. The report, *Technical Issues Threaten Free, Fair, and Transparent Elections in the Democratic Republic of the Congo: Urgent Steps Required*, was released in October 2011. Since the election, in January of this year, the Eastern Congo Initiative has published a final report, titled *Democratic Republic of Congo 2011 Presidential Elections: Eastern Congo Initiative's Final Report*, to provide an in-depth look at the unraveling of the democratic process in Congo. I have attached the two reports to my testimony and request that they also are included in the record.

The most widely accepted narrative of U.S.-Congo policy defines the predicament of Congo as a humanitarian crisis centered on the two issues of sexual violence and the issue of

conflict minerals. This narrative has now become the standard perspective through which Americans view Congo, and most NGO's, activists, and academics build their work around this prism.

Unfortunately, this narrative—though well intended—has led to inadequate initiatives that oversimplify the issues at play on the ground. For example, the Dodd-Frank Act addresses the important region-specific issue of conflict minerals, but has effectively turned U.S.-Congo policy into policy that does not focus on the country as a whole. This narrative 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 provinces, particularly the Kivus, which are but a fraction of the country, has not helped the people of Congo solve bigger problems and has distracted U.S. diplomats from the many other important core issues, such as governance, security sector reform, mining sector reform, decentralization, and the elections. This would be akin to designing a U.S.-India or U.S.-Pakistan policy based on the conflict in Kashmir.

The current crisis started on December 9, 2011 when Daniel Ngoy Mulunda, Chairman of the Independent National Electoral Commission, declared President Kabila winner of the contentious election with 49 percent of the vote. Tshisekedi, who placed second, has rejected the results and called Mulunda's statement a "provocation of the people" and declared himself president-elect. The main opposition parties rallied behind Tshisekedi and have since been calling on the international community to help solve the impasse.

Meanwhile, the government reacted swiftly and forcefully by unleashing armed anti-riot policemen, and elements of the elite presidential guard, into the streets of Kinshasa to confront Tshisekedi's partisans. Several people have been killed in clashes between state security agents and protesters. An unconfirmed number of young men have been abducted from their homes by the same agents and driven to undisclosed locations. These arbitrary arrests have continued to this day. Tshisekedi himself has been confined to virtual house arrest for several weeks now.

For a few weeks, the people of Congo, who rely on text messaging for daily activities, could barely communicate and manage their businesses when the government cut off text messaging services and limited internet access. These measures, which the government said were important for law and order, made life difficult for most Congolese, who incidentally remained peaceful after they had expressed their choice at the ballot box.

The diplomatic community has exhorted Tshisekedi supporters to refrain from violence, but has not condemned abuses by state security agents. For example, 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.

In a move that terrorized the population of Kinshasa, the government deployed tanks and various armored vehicles along with heavily armed troops across the capital city. The military siege made it extremely difficult for the opposition to hold rallies without risking more human lives. Yet, the diplomatic community remained silent in the presence of these draconian and repressive tactics. This lack of action has signaled to the Congolese people that the international community does not value their vote.

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 in January 2011 the President's parliamentary majority passed a hasty constitutional revision 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 Independent National Electoral Commission for enrolling 32 million voters, no doubt an impressive feat considering the enormous logistical challenges. But voter enrollment is 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. The 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.

The position of the United States has been ambivalent and ambiguous at best, with American diplomats refusing to fully and even-handedly engage the contending parties. Sources within the opposition camp assert that behind the scenes, American and British diplomats have asked Tshisekedi to drop his claim of victory and concede defeat. They also report that some Western powers insist on a power-sharing arrangement whereby the opposition would join the Kabila camp and manage Congo together for the next five years.

But the Congolese elite and the masses who voted in great numbers in November loathe the prospect of power-sharing. For three years, from 2003 to 2006, Congo had a government of national unity led by President Kabila and four Vice-Presidents. That government performed so poorly that the Congolese mocked the arrangement as 1+4=0. More importantly, neither Kabila nor Tshisekedi wants power-sharing.

For the moment, the U.S. is losing its credibility as the beacon of democracy among the Congolese. This impasse provides another opportunity for the U.S. to reclaim its mantle as the leader of the community of democracies.

The alternative is for U.S. diplomacy in Congo to continue on the current path, let Kabila's disputed victory stand, and hand him another 5-year term, in which case we better watch out. The opposition and the masses will continue to 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.

