RESOLVING THE POLITICAL CRISIS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

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RESOLVING THE POLITICAL CRISIS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

THURSDAY, NOVEMBER 9, 2017

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

The subcommittee met, pursuant to notice, at 9 o'clock a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order, and welcome. And I think the committee is privileged to see our distinguished chairman, Ed Royce, joining us, chairman of the full committee. And I thank him for his leadership on Africa having once been chairman of this subcommittee.

So great to see you, Ed, and thank you for your ongoing leadership and for yesterday's important briefing with Nikki Haley, our Ambassador to the United Nations, and a major portion of that important briefing late in the afternoon was on the Democratic Republic of Congo. So thank you, Chairman Royce.

The Democratic Republic of Congo was supposed to conduct elections 1 year ago this month in order to achieve the required transition of political power by December 19th.

However, after years of stalling on making preparations for elections, the Government of the DRC failed to hold elections last year and relied on a constitutional provision that President Joseph Kabila could not step down until an election was held to select a replacement.

Both Chairman Royce and I, Karen Bass, our ranking member, and others, have had ongoing meetings with DRC officials, including high-level people who have flown here to Washington. And time and time again, we have admonished them, urging them to stick to the schedule and hold these elections, and ensure that they are free and fair.

The interpretation by President Joseph Kabila of the Constitution is an apparent contradiction to other constitutional provisions requiring elections to be held on time and limiting President Kabila to two terms. The Election Commission has just announced that elections cannot be held until sometime in late 2018. We were told by Ambassador Nikki Haley they are talking about December 2018, and how often have we seen those timelines slip? And then we would be in 2019. And I think Ambassador Haley made it very

clear in yesterday's briefing that there are an abundance of sanctions, almost like a sort of Damocles, that would hold over the heads of those who, again, would push to delay. And I think that is very real, and I hope it is very compelling pressure to ensure that they do exactly what they say they would do, because this is what the people of the DR Congo want: They want a free and fair election; they want to choose their next leader.

Polling has indicated that the majority of the Congolese want Kabila's government to end and be replaced by a transitional government until a new one can be elected. We don't take sides, but we do want free and fair, and we want to make sure that the people's will prevails.

Enduring conflict hotspots in Eastern DRC has seen recent flareups. And I would note parenthetically, back in 2005, I traveled to Goma, along with my good friend and chief of staff, Greg Simpkins, and we saw, on the ground, and met many of the people who had been raped, many of the women who had been so horrifically sexually abused, but we also, like Africa Compassion, an organization that did wonderful work with helping to heal and to mitigate the damage of such abuse, saw that there were people on the ground, indigenous Congolese who cared so much that they were going the extra mile to make sure that the fighting stopped and also that there would be a way forward for those who had been abused.

In two other regions, Kasai and Tanganyika province, the conflicts in Kasai and Tanganyika alone have caused the displacement of nearly 2 million people since mid 2016. This is in a country, where a war that seemed to never end, took the lives of some 4 million people.

Now we all focused, as we should, on Darfur and the loss of life there. The number of people that have lost their lives in DRC historically eclipses that, which is a terrible, terrible legacy.

The DRC has one of the highest rates of human displacement in the world. Political unrest in urban centers, a string of large prison breaks and violent attacks in Kinshasa, the capital, by members of the religious sect that has declared itself in opposition to Kabila have further contributed to the worsening security of the conflict in Kasai, which reportedly was first sparked in 2016 by the murder of a judicial leader by state security forces and had become a catastrophic humanitarian crisis, featuring severe atrocities and widespread recruitment and abuse of children.

Meanwhile, the ongoing conflict in Eastern DRC, at one time, saw violent activity by 2 million militia groups, and an out-of-control national army resulting in the systematic rape of about 50 women and girls per hour.

This hearing is intended to look at possible solutions to a political stalemate that could very well lead to further violence and upheaval in a large African country bordering on nine neighbors. It follows a successful resolution on DRC that I introduced that was passed by the House last year. Ranking Member Bass and I are introducing new legislation very soon.

We understand that there is no easy solutions to the current crisis in DRC. A negotiated transition likely could be achieved if President Kabila were convinced that neither he nor his family would be prosecuted for human rights violations or corruption.

However, that would reward them for abusing their citizens and plundering the country's resources, and that is even if members of his government were not covered.

A palace coup might take place in Kabila. This is not unknown in the DRC. Kabila's father, Laurent, was assassinated in office in 2001. Mobutu Seko, who the elder Kabila had himself overthrown in elected government in 1965. He was chased from power and fled into exile in 1997.

However, a coup would not support international efforts to instill democratic practices in DRC, and could lead to protracted infighting and national chaos. We want an orderly, peaceful transition, and that's what the international community led by the United States is asking and really demanding.

The status quo, as detailed earlier, is already leading to growing violence, and will not lead to a peaceable solution the longer that transition is delayed. In fact, it is more likely that violence could escalate and spill over into neighboring countries, as did conflict in 1967, 1997, and 1998 to 2003.

Over the past year, we have heard many, many promises by the Government of the DRC about when the elections will be held. There have been several dates given to when voter registration would be completed during this past year. The current government timetable calls for voter registration to extend to the point at which elections couldn't be held in the DRC until late 2018, with inauguration early in 2019. That would mean that Joseph Kabila could have an extra half term in office when the Constitution precluded him from going past December 2016.

Consequently, we will, today, hear from the State Department on our Government's diplomatic efforts to resolve the transition stalemate and the U.S. Agency for International Development on our Government's programs on the ground to promote democracy and free and fair elections.

Our second panel consists of scholars and activists who will give us their informed insights as to how we can break this political stalemate and prevent more bloodshed in the DRC.

Again, no solution will be easy or without cost, but nonaction would even have a higher cost in terms of human lives. And that we must not tolerate.

I would like to yield to my distinguished friend and colleague.

Mr. ROYCE. Well, I will defer first to the ranking member.

Ms. BASS. All right. Thank you, Mr. Chairman, and Mr. Chairman.

I appreciate that. Thank you for your leadership, for holding this hearing today. And I want to thank and welcome our distinguished witnesses today.

You know what is so tragic is that we all know that DRC is potentially one of the richest countries on earth. We know that it has an abundance of deposits of copper, gold, diamonds, cobalt, and many other minerals. We know that the Congo River is the second largest river in the world and the most powerful river in Africa, which means that the country has enormous potential to generate hydroelectric power. And some scientists say that it could provide enough power for all of sub-Saharan electricity needs.

Now, on the other side of this, we know the stark reality of living in DRC today. We know that it is one of the poorest countries in the world, ranking 176 out of 187 on the latest U.N. Human Development Index. More than half of the country lives in extreme poverty, and we know that there are 3.8 million internally-displaced persons. And we also know that there are parts of the DRC that are on the brink of hunger and famine.

We shouldn't forget that in March of this year, all of the humanitarian efforts, we had two U.N. investigators of American and Swedish nationality and their Congolese interpreter, who were found dead. They were there to investigate alleged large-scale violence, and alleged human rights violations by the Congolese army and local militia groups.

So we know with the world's most complex humanitarian crisis, the DRC has 7.3 million people in need of humanitarian assistance. But aid workers are finding it increasingly difficult to address the deteriorating situation in the DRC, and many face the risk of attacks and are unable to access areas in most need of humanitarian assistance. So the signs coming out of the DRC are not encouraging.

The Congolese Government and the main opposition coalition reached a political agreement to organize a vote by the end of 2013, and Kabila committed to not run for a third term. However, yesterday, we met, as the chairman mentioned, we met with our U.N. Ambassador, Nikki Haley, who said that the DRC has announced that they will hold Presidential elections in December 2018. That seems like a ridiculously long time to wait, considering the elections were supposed to be held long ago. And I think, as you mentioned in your comments, that is just a way of really extending it into another term.

But my concern is, is that even if it is genuine that there will be elections held in December 2018, I am not convinced that that does not mean that Kabila won't be on the ballot until we hear definitively a public announcement that he will not seek a third term, and will not change the Constitution. And I believe, if I heard the Ambassador right, Mr. Chair, she did say that he said he wouldn't change the Constitution, correct?

Mr. SMITH. That is right.

Ms. BASS. But I do not believe he has made the public statement that he will not be on the ballot, which, obviously, if he was on the ballot, that is a violation of the Constitution; however, we all know that sometimes, people find ways of saying they are not violating the Constitution, like in Burundi, it was just a different interpretation, and the world will not tolerate that.

I was encouraged by the Ambassador yesterday making very strong statements that the United States will not be there in support of the country unless we do see a commitment for a peaceful transition. And with that, I yield to the other chairman.

Mr. ROYCE. Thank you, Mr. Chairman. Look, I want to thank you, and I want to thank Ranking Member Karen Bass for the focus that both of you have kept on the DRC; and for the trips that both of you have taken to the DRC; the resolutions that the two of you have passed; the effort to, sort of, galvanize our attention on this tragedy, a tragedy like no other, as you mentioned when

you talked about the millions and millions who have lost their lives there. And a lot of it is a governance issue with respect to a lack of rule of law. And that emanates, unfortunately, from Laurent and then to Joseph Kabila.

I also want to thank Greg Simpkins for—back in 1997, Tom Sheehy and I, and a delegation from this committee, were in neighboring Angola meeting with Savimbi and dos Santos, with our Ambassador trying to broker peace there. And that night the Government of Mobutu was overthrown.

Ms. BASS. Oh, you were there?

Mr. ROYCE. We were there. And Greg was our interpreter, luckily, and we were able to take a plane into the airport in Kinshasa. And we met with the new government, that was 1 day new, and he was able to also communicate with Tshisekedi, who was being pushed aside.

We didn't find out all until a little later, we were able to track and follow Laurent Kabila, met with him in Harare in order to discuss this issue, the rule of law, the Constitution, the importance of elections. And we have struggled under the Kabilas now. I think we have made three trips, I have with Mr. Sheehy to Kinshasa, and we have met numerous times here or in New York.

I have to give Ambassador Haley credit for, not just the commitment she got in terms of the December 23rd election next year, but also the benchmarks that are to be put in place, and the announcement on the part of Joseph Kabila, that there will be an election. Now, it falls on us and the international community.

So this is really good news. We finally have an election calendar. And I think we have to welcome not only the announcement, but the sense among the people in Congo, when you see them in civil society asserting their rights to be part of this process, because they have felt the consequences more than anyone.

And so, I think the State Department, the administration, and us on the committee, we have to monitor this progress. And if deemed insufficient, we must use every tool we have to pressure the government in Congo. Now is the time. If we do not address the political instability, then the violence and the unrest across that country, which has cost over 4 million lives so far, is only going to escalate. And as we watch people flee—and recently we have seen another 1 million try to escape the violence—when we see the 2 million that are displaced on our trips there, living in camps, we know that the humanitarian situation is dire and warrants our immediate attention, and the world's immediate attention. And we really encourage the NGO communities, some of who are here today, because too many Congolese are suffering.

So we look forward to the witnesses' testimony today. And again, Chairman Smith, I thank you for this hearing.

Mr. SMITH. Chairman Royce, thank you very much again for your long-standing, decades-long leadership. I really appreciate it. Dan Donovan, the gentleman from Staten Islands

Mr. DONOVAN. Thank you, Mr. Chairman. And since I am not a chairman or ranking member—and I learn so much more by listening and speaking. I just learned how long Greg has been here. I am going to yield my time so that Secretary Yamamoto and Administrator Anderson can have more time to testify. Thank you, sir.

Mr. SMITH. Thank you very much. I would like to now introduce our first panel, our two very distinguished public servants and leaders, beginning with Ambassador Donald Yamamoto, who serves as Acting Assistant Secretary in the Bureau of African Affairs in U.S. Department of State.

He has served as Deputy Assistant Secretary of State in the Bureau of African Affairs from 2003 to 2006, and where he was responsible for coordinating U.S. policy toward 20 countries in East and Central Africa.

Ambassador Yamamoto was also our Ambassador to the Republic of Djibouti from 2000 to 2003, as well as to Ethiopia. He was the Deputy Director of East African affairs from 1998 to 2000.

And without objection, your full resume and that of our distinguished other witness, Cheryl Anderson, will be made part of the record.

Ms. Anderson is working as the Acting Assistant Administrator for the Bureau of African Affairs for USAID, the Agency for International Development. Ms. Anderson has more than 20 years of development experience, mostly in Africa. Since joining USAID as a foreign service officer, she has worked in USAID's admissions in the Democratic Republic of Congo, Uganda, Sudan, and East Africa.

Prior to joining USAID, Ms. Anderson worked as a program manager at Health Link Worldwide, and also served as a Peace Corps volunteer in Ghana. And she has also testified before our subcommittee. So both of you, welcome back and we look forward to your insights and recommendations.

The floor is yours, Ambassador Yamamoto.

STATEMENT OF THE HONORABLE DONALD YAMAMOTO, ACTING ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador YAMAMOTO. Thank you very much, Mr. Chairman. And I ask for the longer version to be submitted for the record.

Mr. SMITH. Without objection, so ordered.

Ambassador YAMAMOTO. And thank you very much, Chairman Smith, and Ranking Member Bass and Chairman Royce. Thank you very much for this very important hearing today.

Today's hearing comes at a critical juncture for the DRC. And the country faces two starkly different, possible trajectories over the next 12 months, where we have Presidential elections on December 2018 and the DRC's first peaceful democratic transfer of power. Or alternatively, where we see the absence of genuinely free and fair elections and a continuation of the current political impasse, we could see the DRC return to widespread violence and instability. Our immediate focus is to support the stability of the DRC through genuine free and fair elections that are credible and inclusive and lead to a peaceful democratic transfer of power.

With the November 5th announcement of the DRC's electoral commission by the CENI, the elections will be held in December 2018. We have an opportunity to support the Congolese people achieve historic democratic transfer of power. However, this will require political will on behalf of the Government of the DRC to organize credible elections and commitment by the oppositions to par-

ticipate through the democratic process, and continued engagement, pressure, and support from the international community, including the United States.

Ambassador Haley's October visit to the DRC sent a very clear powerful message to President Kabila and his government, that further delays and an unrealistic electoral calendar will be unacceptable.

Ambassador Haley also told opposition party leaders that the United States does not support calls for unconstitutional change, and stressed the need for all actors to work within the framework of the DRC Constitution and the December 2016 Saint Sylvestre Agreement.

The administration is building on the momentum provided by Ambassador Haley's visit in the light of the CENI's recently-announced electoral calendar to push all parties in the DRC to advance the electoral process. There is much at risk due to the DRC's vast size, population, and strategic location, including nine international borders. Continued delays by the government in holding elections has increased tensions, undermined already weak, or in some regions of the country, nonexisting state authority, and risked increased violence, unrest and instability.

The administration's focus now is on ensuring that the CENI and the government of the DRC implement the election calendar and do not undertake any actions that further postpone the long overdue elections. We believe there's an opportunity for progress despite the challenges. A democratic transition of power, which can only come through genuine free and fair elections, is essential for the Congolese people, the African subregion and the U.S. strategic interests across the continent, including: Preventing wide-scale regional insecurity and instability, which have been a precursor to multistate wars and genocide; denying illegal armed groups, criminal networks, and international actors and regimes, such as North Korea and ISIS; and access to black markets to which trade and minerals and other natural resources; preventing the region from becoming a stateless zone that is impossible to monitor and responding to disease outbreaks such Ebola pandemics; and preventing the recruitment and use of child soldiers and atrocities such as the rape of women and girls as a weapon of war.

While elections alone will not solve DRC's daunting challenges, they are critical to the country's stability. We are prepared to work with our international partners to ensure that the electoral process is transparent, and conducted in accordance with international standards.

It is important to understand this extremely complex country. The DRC is the size of the United States east of the Mississippi, with more than 80 million people, and almost no basic infrastructure. All nationally elected politicians, not just President Kabila, have now overstayed their elected terms in office. Opposition parties and civil society are understandably deeply distrustful of the CENI's and the government's commitment to elections. Restrictions on freedom of assembly as well as politically-motivated prosecution of opposition leaders, has significantly exacerbated tensions. Already weak and limited state authorities has become increasingly tenuous, and even absent in many areas, and some elements of the

state security forces have committed human rights violations and abuses and mass atrocities.

Numerous non-state armed groups also continue to operate in the DRC. The DRC is one of the world's poorest countries, despite having enormous natural resources and wealth.

Despite the complex environment, we know that genuinely free and fair elections can be held in 2018, and there is no question that the Congolese people deeply desire to choose a new leader through elections. The African Affairs Bureau of the State Department is working with our interagency partners to ensure concrete steps are implemented toward elections that are genuinely free, fair, credible, timely, and inclusive, and result in a peaceful democratic transfer of power. We are similarly coordinating closely with our international partners and regional states and multilateral institutions. Key elements of this approach include: With the announcement of the electoral calendar of December 2018, we are coordinating closely with our international partners to actively press the CENI and the DRC Government, to fully implement all required steps in the DRC's electoral process.

Second, we are actively pressing both the government and the opposition to operate within the framework of the Constitution and the December agreement to reject violence and calls for unconstitutional change.

Third, we have actively pressed, both through public statements and private diplomatic engagements, the Government of the DRC to respect political freedom and rights and refrain from excessive and unlawful use of force.

Next, we are coordinating our messaging and advocacy with key partners, including our European and regional partners. And finally, since June 2016, if we have imposed targeted sanctions on six current and former DRC Government officials, we remain prepared to impose additional targeted sanctions as developments warrant.

While our immediate focus is on the electoral process, the DRC's urgent and ongoing security and humanitarian needs also remain important priorities. Together with our international partners, the United States has striven to end the violence throughout the DRC, including specifically in the Kasais and the East. We are continuing to provide assistance in response to the humanitarian crisis, and to ensure that those responsible for abuses and atrocities are held accountable. We have worked with international partners to address the humanitarian needs of 3.8 million internally-displaced persons, over 620,000 Congolese refugees now living outside their country, and nearly 543,000 refugees for neighboring countries who are inside the DRC. We will continue to engage with the DRC Government, the U.N., and our international partners, in finding a long-term solution to bring about peace and stability.

In conclusion, the stability of the DRC is a key administration objective in Africa, given the DRC's significant economic, geopolitical and security-related importance. We need only recall the ramifications of the last DRC war from 1998 to 2002, to understand the enormous transnational negative impact of armed conflict and political crises in the Congo, and through free, fair, credible, inclusive elections, leading to of a peaceful democratic transfer

of power are central to the DRC and the region's long-term stability and development. There remain many challenges and risks to achieve these goals, but our engagement and commitment are unwavering. And thank you, and I welcome your questions.

[The prepared statement of Ambassador Yamamoto follows:]

Statement of Acting Assistant Secretary Donald Yamamoto
Bureau of African Affairs, U.S. Department of State
House Foreign Affairs Committee
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
November 9, 2017

Thank you very much Chairman Smith, Ranking Member Bass, and other Members of the Committee for the opportunity to testify today on U.S. policy to resolve the political crisis in the Democratic Republic of the Congo (DRC). I am pleased to be joined by my colleague from USAID today, Acting Assistant Administrator for the Bureau for Africa Cheryl Anderson.

Today's hearing comes at a critical juncture for the DRC, as the country faces two starkly different possible trajectories over the next 12 months. We could see presidential elections in December 2018 and the DRC's first peaceful, democratic transfer of power. Alternatively, in the absence of genuinely free and fair elections and a continuation of the current political impasse, we could see the DRC return to widespread violence and instability. Our immediate focus is to support stability in the DRC through genuinely free and fair elections that are credible and inclusive, and lead to a peaceful, democratic transfer of power. With the November 5 announcement by the DRC's electoral commission, the CENI, that elections will be held in December 2018, we have an opportunity to support the Congolese people achieve a historic democratic transfer of power. However, this will require political will on behalf of the government of the DRC to organize credible elections, commitment by the opposition to participate through the democratic process, and continued engagement, pressure and support from the international community including the United States.

Ambassador's Haley's October 25-28 visit to the DRC sent a clear message to President Kabila and his government that further delays and an unrealistic electoral calendar would be unacceptable. Ambassador Haley also told opposition party leaders that the United States does not support calls for unconstitutional

change, and stressed the need for all actors to work within the framework of the DRC constitution and the December 2016 St. Sylvestre Agreement. The Administration is building on the momentum provided from Ambassador Haley's visit and in light of the CENI's recently announced electoral calendar to push all parties in the DRC to advance the electoral process.

Continued delays by the government in holding elections has increased tensions, undermined already weak or, in some regions of the country, non-existent state authority, and risked increased violence, unrest and instability. While the December 2018 timeframe for elections is well beyond the date of 2016 when elections should have been held under the DRC's constitution, the announcement of a calendar nonetheless marks an important step. The Administration's focus now is on ensuring that the CENI and the government of the DRC implement the calendar and do not undertaken any actions that further postpone long overdue elections. We believe there is an opportunity for progress, despite the challenges.

There is much at risk due to the DRC's vast size, population, and strategic location, including nine international borders. In September and December 2016, DRC security forces killed scores of protesters in Kinshasa. In 2017, militia leaders across DRC started using the lack of national level elections as a pretext for advancing local level grievances. In Kasai, a scorched-earth response by the DRC military to the brutal Nsapu militia movement displaced more than a million people and left thousands dead. The Eastern Congo has also experienced increased violence and attacks by armed groups in the last year. At the end of October, four civilians and a police officer were killed in clashes between security forces and protestors demanding that Kabila step down.

A democratic transition of power, which can only come about through genuinely free and fair elections, is essential for the Congolese people, the African sub-region, and U.S. strategic interests across the continent, including:

- Preventing wide-scale regional insecurity and instability, which have been a precursor to multi-state wars and genocide;
- Denying illegal armed groups, criminal networks, and international actors and regimes such as North Korea and ISIS access to black markets in which to trade in minerals and other natural resources;

- Preventing the region from becoming a stateless zone where it is impossible to monitor and respond to disease outbreaks such as Ebola pandemics; and
- Preventing of the recruitment and use of child soldiers, and of atrocities such as the rape of women and girls as a weapon of war.

While elections alone will not solve the DRC's daunting challenges, they are critical to the country's stability. We are prepared to work with our international partners to ensure that the electoral process is transparent and conducted in accordance with international standards.

Before discussing the Administration's current engagement on the critical question of U.S. support for elections and a democratic transition, it is important to understand this extremely complex country. The DRC is the size of the United States east of the Mississippi, with more than 80 million people and almost no basic infrastructure. All nationally elected politicians – not just President Kabila but also the 500 members of the National Assembly and 108 senators – have now overstayed their elected terms in office. Opposition parties and civil society are understandably deeply distrustful of CENI's and the government's commitment to elections. Restrictions on freedom of assembly, as well as politically motivated prosecutions of opposition leaders, have significantly exacerbated tensions. Already weak and limited state authority has become increasingly tenuous, and even absent in many areas, and some elements of the state security forces have committed human rights violations and abuses and mass atrocities. Numerous non-state armed groups also continue to operate in the DRC, inflicting horrific violence and mass atrocities against civilians. In the Kasai provinces, this violence has also resulted in delays to the voter registration process. The DRC is already one of the world's poorest countries despite having enormous natural resource wealth, but government mismanagement and rampant corruption are causing the fragile Congolese economy to worsen even further.

Despite this complex environment, we know that genuinely free and fair elections can be held in 2018. And there is no question that the Congolese people deeply desire to choose a new leader through elections. The question is therefore how to move forward an electoral process that has now been stuck for several years – particularly given that the delays have been first and foremost political. The Africa Bureau is working with our inter-agency partners to ensure concrete

steps are implemented towards elections that are genuinely free, fair, credible, timely, and inclusive, and that result in a peaceful, democratic transfer of power. We are similarly coordinating closely with our international partners, including regional states and multilateral institutions. While it is a cliché to say we have a "window of opportunity," we genuinely do in the DRC as a result of Ambassador Haley's recent visit. Her meetings with the range of political actors and institutions – including CENI, the Catholic Church, the opposition, and President Kabila – have generated momentum that we must not let slip away.

Key elements of our strategic policy engagement and efforts include:

- **With the announcement of an electoral calendar for December 2018, we are coordinating closely with our international partners to actively press the CENI and the DRC government to fully implement all required steps under the DRC's electoral process.** This includes ensuring that the electoral deadlines published by the CENI are respected, and that all actions and statements remain within the framework of the DRC constitution and the December 2016 St. Sylvestre Agreement. In addition, we have made clear through both public and private messaging that President Kabila must abide by the DRC's constitution and the Saint-Sylvestre Accord, which prevent him from running for an illegal third term or changing the constitution. The Administration stands ready to support the DRC's electoral process, but will only do so based on clear commitments and political will by the government and the CENI. Any delays in implementing the calendar will be seen by the United States as an effort to undermine the democratic process and could risk U.S. assistance for the electoral process.

- **We are actively pressing both the government and the opposition to operate within the framework of the constitution and the December Agreement, and to reject violence or calls for unconstitutional change.** The government must implement the Agreement's "confidence-building measures" including releasing political prisoners and ending to politically motivated legal cases. There is also a need for greater transparency, independence and accountability of the CENI. The opposition has responsibilities, as well, including to refrain from calls for violence or any unconstitutional transfer of

power. All parties need to focus on the goal of elections. We are prepared to evoke punitive measures on any actor that leads calls for violence.

- **We have actively pressed, both through public statements and private diplomatic engagement, the GDRC to respect political freedoms and rights, and refrain from excessive and unlawful use of force.** It is essential that the DRC government do more to create a climate that is conducive to an open and participatory electoral process. On October 25, we joined with the EU, Canada and Switzerland in issuing a joint statement calling on the GDRC to respect freedom of assembly and end arbitrary arrests of opposition leaders. We continue to stress to the DRC government that for elections to be credible, opposition parties and civil society groups must be free to assemble peacefully, opposition members jailed for their political beliefs must be released from custody, and politically-motivated convictions of exiled opposition leaders must be rescinded.

- **We coordinate our messaging and advocacy with key partners, including in Europe and the region.** Neighboring countries as well as multilateral institutions such as the African Union (AU), International Conference on the Great Lakes Region (ICGLR), and Southern African Development Community (SADC), have considerable influence and access to Congolese political elites. There has been an excellent level of coordination between the United States and the region on our shared interest in a stable DRC.

- **Since June 2016, we have imposed targeted sanctions on six current or former DRC government officials. We remain prepared to impose additional targeted sanctions, as developments warrant,** on individuals or entities – whether government or opposition – responsible for certain acts of violence or human rights abuses or violations; threatening the peace, security, or stability of the DRC; or undermining democratic processes or institutions. I want to emphasize that no individual in the DRC who is responsible for sabotaging the democratic process will be above the penalty of U.S. sanctions.

While our immediate focus is on the electoral process, the DRC's urgent and ongoing security and humanitarian needs also remain important priorities. Together with our international partners, the United States has striven to end the violence throughout the DRC including specifically in the Kasais and the East. We

are continuing to provide assistance in response to the humanitarian crisis, and to ensure that those responsible for abuses and atrocities are held accountable. We have also worked with international partners to address the humanitarian needs of 3.8 million internally displaced persons, over 620,000 Congolese refugees now living outside their country, and nearly 540,000 refugees from neighboring countries inside the DRC. We will continue to engage with the DRC government, the UN, and international partners on finding long-term solutions that bring about peace and stability.

In conclusion, the stability of the DRC is a key Administration objective in Africa, given the DRC's significant economic, geo-political and security-related importance. We need only recall the ramifications of the last DRC war, from 1998-2002, to understand the enormous transnational negative impact armed conflict and political crises in the Congo. Free, fair, credible, and inclusive elections leading to a peaceful, democratic transfer of power are essential for the DRC's and the region's long-term stability and development. There remain many challenges and risks to achieving this goal, but our engagement and commitment are unwavering. Thank you, and I look forward to our discussion.

Mr. SMITH. Thank you very much, Mr. Ambassador.
Ms. Anderson.

STATEMENT OF MS. CHERYL ANDERSON, ACTING ASSISTANT ADMINISTRATOR, BUREAU FOR AFRICA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. ANDERSON. Good morning, Chairman Smith, Ranking Member Bass, Congressman Donovan. Thank you for inviting me to speak today about the Democratic Republic of Congo. It is always an honor to have an opportunity to discuss our work with supporters of Africa. And for me, it is a pleasure to be back testifying before this subcommittee.

USAID has maintained a long-term relationship with the DRC and its people since the country became independent in 1960. With its vast mineral wealth, the country has tremendous opportunity for economic growth that could lift citizens out of poverty, and propel the country into middle-income status. Instead, protracted political uncertainty is fueling violence and instability, and prevents the realization of the country's full potential.

The reality is that the DRC is teetering on the brink of a crisis such as it has not seen since the formal end of the second Congo War in 2003.

Due to the political crisis and continued electoral delays, the mandates of all elected DRC Government officials have officially expired.

While an election alone will not solve the DRC's many challenges, credible inclusive Presidential and legislative elections are critical to ensuring a peaceful transition of power, reducing the risk of widespread violence, and strengthening the country's democratic institutions and economic development.

We are pleased with the recent release of an electoral calendar, but voter registration, already months behind schedule, must be completed. Revised electoral laws have to be passed and funding has to be appropriated by the DRC Government to cover the cost of organizing national elections.

Finally, the Government of the DRC needs to take immediate steps to allow civil society, journalists and citizens to express themselves, protect the human rights of its citizens and ensure that all political parties are afforded equitable access to the media, and that their rights to assemble peacefully are respected.

Alongside other U.S. Government agencies, USAID remains committed to supporting the timely organization of peaceful, credible, and inclusive elections, that reflect the will of the Congolese people. We have provided approximately $37 million in election and political processes programming since 2013. This includes five components: Support for domestic election observation; civil and voter education; targeted technical assistance to the electoral commission, CENI; political party strengthening; and electoral justice.

USAID's election observation activity is implemented by the local Episcopal Justice and Peace Organization. This is the leading Congolese election observation organization.

We are helping to build their capacity to train and deploy long- and short-term domestic election observers in accordance with international standards.

The civic and voter education program is helping more than 35 different Congolese civil society organizations to inform citizens, and particularly women, youth and other traditionally marginalized groups, about the electoral process, their rights and role as voters, and the importance of peaceful participation in the elections.

A grant to the United Nations Development Program (UNDP) provides technical assistance to the Electoral Commission, CENI, for operations, logistics, and effective use of information technology. USAID's political party strengthening program provides training to 10 political parties—five from the ruling majority, and five from the opposition—to better represent and respond to citizens' concerns, and improve the internal management and organization of the parties.

Finally, our human rights and electoral justice activity strengthens the capacity of national level justice actors, the courts, and civil society organizations to conduct legal education, provide legal services and monitor and respond to human rights violations, including electoral disputes.

The stakes for the DRC and for its neighbors could not be higher. Again, we are encouraged by the announcement of an electoral calendar, but we will now need to see confidence-building measures to ensure that this timeline is respected and implemented, and all measures are taking for free, credible and peaceful elections.

This includes an end to politically-motivated prosecutions, the release of political prisoners, and respect for the right of peaceful assembly and association, so that opposition parties and civil society organizations may hold peaceful public meetings without government interference or intimidation.

Thank you, Mr. Chairman, Ranking Member Bass, members of the subcommittee. I look forward to hearing your counsel and responding to your questions.

[The prepared statement of Ms. Anderson follows:]

Testimony by U.S. Agency for International Development
Acting Assistant Administrator Bureau for Africa
Cheryl L. Anderson
U.S. House Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Human Rights
November 9, 2017

"Resolving the Political Crisis in the Democratic Republic of the Congo"

Good afternoon Chairman Smith, Ranking Member Bass, 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 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.

USAID has maintained a long-term relationship with the DRC and its people since the country became independent in 1960. United States foreign assistance support is two-fold, including both long term investments in development and in urgent humanitarian assistance that saves lives. With its vast mineral wealth, the country has tremendous opportunity for economic growth that could lift its citizens out of poverty and propel it into middle-income status. Instead, protracted political uncertainty is fueling violence and instability, and prevents the realization of the country's full potential.

The Current Situation

The DRC is the size of Western Europe with a population close to 100 million, and its development needs are vast. The country is near the bottom of most development indices, including the United Nations Human Development Index and the Global Hunger Index. The U.S. Government recognizes that unless there is greater investment in institutional capacity building of the government, rule of law, respect for human rights, civil society, and private institutions, the country will continue to be a fragile state. Our foreign assistance goals support investments in these areas. USAID, in coordination with other donors, helps provide access to

health and education services, supports democratic structures, improves food security, and protects natural resources.

However, the reality is that the DRC is teetering on the brink of a crisis such as it has not seen since the formal end of the Second Congo War in 2003. The country's grave political crisis is driven by a number of factors. First, the government failed to hold elections at the end of President Joseph Kabila's constitutionally mandated term in 2016. Second, the government has taken harsh steps to repress peaceful citizen and opposition protests, and continues to target and imprison journalists, human rights activists and opposition leaders. Third, worsening conflict in the eastern region of the country along a new rebellion in the Kasai region and fighting in Tanganyika Province have generated such additional humanitarian needs that the Interagency Standing Committee — a group of U.N. and non-U.N. global humanitarian agencies — has declared the highest level emergency for parts of the DRC for the next six months. Due to the political crisis and continued electoral delays, the mandates of all elected DRC government officials have officially expired.

While an election alone will not solve the DRC's many challenges, credible, inclusive presidential and legislative elections are critical to ensuring a peaceful transition of power, reducing the risk of widespread violence, and strengthening the country's democratic institutions and economic development. A number of important hurdles to free, fair and peaceful elections remain. We are pleased with the recent release of an electoral calendar, but voter registration, already months behind schedule must be completed, revised electoral laws passed and funding appropriated to cover the cost of organizing national elections. Finally, the Government of the DRC needs to take immediate steps to allow civil society, journalists, and citizens to express themselves; protect the human rights of its citizens; and ensure that all political parties are afforded equitable access to the media and their rights to assemble peacefully are respected.

USAID Support for Elections

Alongside other U.S. Government agencies, USAID remains committed to supporting the timely organization of peaceful, credible, and inclusive elections that reflect the will of the Congolese people, and to that end, we have provided approximately $37 million in election and political

processes programming since 2013. This funding includes support for domestic election observation, civic and voter education, targeted technical assistance to the electoral commission, political party strengthening, and electoral justice.

USAID's election observation activity is implemented by the local Episcopal Justice and Peace Organization, the leading Congolese election observation organization, and builds their capacity to train and deploy long- and short-term domestic election observers in accordance with international standards. In preparation for the elections, the observers have been monitoring and issuing fact-based reports on the voter registration process. The civic and voter education program is helping more than 35 different Congolese civil society organizations to inform citizens - and particularly women, youth and other traditionally marginalized groups - about the electoral process, their rights and role as voters, and the importance of peaceful participation in elections. A grant to the United Nations Development Program provides technical assistance to the electoral commission for operations, logistics and effective use of information technology.

USAID's multi-year political party strengthening program, meanwhile, provides training to ten political parties – five from the ruling majority and five from the opposition - to better represent and respond to citizens' concerns, and improve their internal management and organization. A particular focus of the program is to increase the ability of youth and women to act as change agents for party modernization, building their skills and preparing them to stand for election or internal party leadership positions.

Finally, our human rights and electoral justice activity strengthens the capacity of national-level justice actors, the courts, and civil society organizations to conduct legal education, provide legal services, and monitor and respond to human rights violations, including electoral disputes.

Conclusion

The stakes in the DRC, and for its neighbors, could not be higher. Absent strong, principled regional and international interventions, particularly but not limited to diplomatic pressure and donor support for a peaceful democratic transition through inclusive, credible elections, the country could spiral into a regional conflict like we saw twenty years ago. We are again

encouraged by the announcement of an electoral calendar, but will now need to see some confidence building measures to ensure that this timeline is respected and implemented, and all measures are taken for free, credible, and peaceful elections. This includes an end to politically motivated prosecutions, the release of political prisoners, and respect for the right of peaceful assembly and association, so that opposition parties and civil society organizations may hold peaceful public meetings without government interference or intimidation. We will continue to support civic education, domestic observation and other efforts to stimulate citizen participation in and bring greater transparency to this critical process.

Thank you, Mr. Chairman, Ranking Member Bass, and Members of the Subcommittee. I look forward to responding to your questions.

Mr. SMITH. Thank you so very much, Ms. Anderson.

To begin the questioning, I just want to make clear, especially for the C-SPAN audience that is following. Some of them might say, why are we can doing this? Why do we care whether or not a President follows his own Constitution, and whether or not he, having given commitments and being bound by that Constitution to two terms, why are we so concerned about it? And I think the seemingly esoteric concern about rule of law, which is important, is eclipsed by the potential for horrific conflict, loss of life that we are already seeing shaping up.

We know when these elections, and when people from various parties, or even tribes as the Nuer and the Dinka in South Sudan, that the flare-ups are huge, large numbers are people are slaughtered, and women are raped and horribly abused as a result. So we are on the cusp of what could be, as you have pointed out in your testimonies, an incredible new flare-up of violence in a region, as you pointed out, Ms. Anderson, that is the size of Western Europe, with 100 million people approximately, a large country where the potential loss of life is very real.

So my questions, first beginning with, again, the violence in the Kasai region, the number of internally displaced Congolese has surged to more than 3.8 million, while the number of suffering from acute food insecurity has reached 7.7 million. The U.N. has declared a level 3 humanitarian emergency in the DRC, putting it in on par with crises in Iraq, Syria, and Yemen.

And I am wondering if you could speak to how we are trying to mitigate this terrible humanitarian crisis that is festering before our eyes. Secondly, let me ask you, if you could: With regards to peacekeeping, I am the one who, as you might know, who authored the Trafficking Victims Protection Act, our landmark law that combats sex and labor trafficking, and subsequent laws as well.

It is a passion of mine, it is a passion of this committee to stop all trafficking, because it is modern-day slavery. As we all know, the peacekeepers who are deployed to DR Congo early on, particularly during Ambassador Swing's tenure in office, had a terrible record of bribing or taking gifts from young people, raping 13-year-olds. These are the peacekeepers from the U.N. We held several hearings on this subcommittee; Greg and I traveled to Goma, and met with the peacekeepers there and have raised it at the United Nations here in Washington and in country unceasingly.

We understand that, and I have been tracking this, that the efforts are far better than they have ever been, but certainly not there yet. Peacekeepers who do commit crimes against Congolese, particularly women and girls, are not only sent back to their home countries, but there is a heavy admonishment by the U.N. They prosecute, put them behind bars, and to ensure that they are never redeployed to another peacekeeping mission ever again where they can recommit those crimes.

If you could speak, if you would, to MONUSCO, whether or not it is practicing what we thought—Kofi Annan had called it the "Zero Tolerance Policy." I had one hearing where he said, "Zero Tolerance Policy in DR Congo, zero compliance." Because it was so ineffectively being implemented.

Notwithstanding the great efforts by Jane Holl Lute, an American who was in a key position there, had to fight for that, so if you could speak to that. And finally, let me ask you about the most credible, in my opinion, and reliable and effective interlocutors for peace reconciliation and free and fair elections, especially in the DR Congo, is the Catholic Church.

Karen Bass and I were in South Sudan last May, and we met with Salva Kiir, the President, and had a very straightforward conversation with him, not all that happy, because of the terrible killings that are occurring there. He wouldn't even meet with the faith-based consortium of leaders, bishops, clergy of all kinds, who really are the key to reconciliation. And now, we see potentially a deja vu of that in the DR Congo. How do we support the church in its efforts and all those who are trying to have free and fair elections, the amount of money? Who is it going to, if you would? And as Nikki Haley said yesterday, you know, if this road map for having this election does not happen, we won't support the election. We are not going to support a fraud and a sham. So if you could speak to those three.

Ambassador YAMAMOTO. Thank you, Mr. Chairman, that is a long list of issues that we need to tackle.

First is going to MONUSCO, and the peacekeeping operation. As you know, 63 percent of all U.N. Ops is in Africa. And what we have been firmly committed, especially with this new U.N. Security Secretary General, but, also, our own commitment to human rights; and also, to your legislation, Mr. Chairman, which has been supportive and very helpful, is that we that we look at MONUSCO and all U.N. operations, that they have taken this necessary and proper steps on SEA, the sexual exploitation, and ensure that those who have committed those violations are held accountable. We are doing it just not on MONUSCO, but MINUSMA and all the other organizations.

The Missions Conduct and Disciplinary team in MONUSCO is currently composed of 23 personnel with offices in Kinshasa and four regional offices, and MONUSCO's implementing strong preventative actions in training, et cetera, through risk assessment, military police deterrent patrols, enforcement of strict curfews, and out-of-bound regimes. And the SRSG, again, has taken a very strong and tough position on the SEA.

The other issue too is, as you know, the United States and the State Department, we train peacekeeping troops of about over 300,000. Part of that is human rights, the protection of human rights and the protection of SEA.

Let me go into the other areas on the violence, is that MONUSCO's main object and goal is to protect civilians, and, of course, we have had, from 2013, an intervention brigade, which is used to target groups like M23, and prevent other problems and militias from rising and creating issues. And so those are some helpful uses.

But the other issue, too, is that we need to keep up a very consistent, persistent observation of the gross human rights abuses taking place in the DRC, not only just by militias and the FARDC troops, but by all groups. And we have to hold each person accountable.

As you may recall, Mr. Chairman, that in June at the Human Rights Council, we supported the international experts being sent to Kasai to look at the gross human rights atrocities. And, of course, but not only looking at the atrocities, but also investigating the cases, particularly the death of Sharp and Catalan. This murder case will remain a priority for us to look at and to investigate.

The other thing is, during Ambassador Haley's visit to the DRC, she met with CENCO, and also the Catholic Church and other faith-based groups. We agree in strongly supporting the facilitation that the Catholic Church had arranged in the Saint Sylvestre Agreement of 2016.

And as you know, faith-based groups have been a cornerstone pillar for a lot of our operations, not just in DRC, but throughout Ethiopia, East Africa, West, et cetera, because of their commitment and quality of work and low overhead costs. And let me turn to my——

Mr. SMITH. And on the peacekeeping, you did touch on that somewhat but——

Ambassador YAMAMOTO. Yes. On the——

Mr. SMITH [continuing]. Are you satisfied that they are protecting and the duty to protect is being followed and that——

Ambassador YAMAMOTO. The issue for the peacekeeping—it is not. And let's be very clear, it is not. But the issue is the complexity of the DRC. By having a political impasse, it has emboldened a lot of the militias to conduct and engage in in very striking, gross human rights abuse. And one way to kind of rein in some of this abuse, is to have a coherent, free, fair, open election that are going to be executed and implemented in 2018. We have to hold those people accountable.

And let me just kind of, if I can go off one tangent on three issues, and that is, that there are three requirements that we are going to be focused on: That is the technical aspects requirements, the other thing is the political requirements, and also the human rights requirements. And so the technical, obviously, is the electoral process, announcing and registering voters, ensuring that they are scrubbed, looking at the voter registration, looking at the candidates' registrations. That is on the technical side. But on the political side is that what we are looking at, very carefully, is that the government, as well as the opposition, but the government has to give, have confidence-building measures.

In other words, they cannot arrest political prisoners, they have to have open political space. They have to allow people to assemble and to discuss, and there has to be looking at and curbing at and addressing the excessive use of violence and force. So those are some of the issues, and that goes into the human rights issues we are looking at and trying to prevent and stop the excessive and gross human rights abuse. But let's go on to the——

Ms. ANDERSON. Chairman Smith, you asked about the situation in the Kasais and then peacekeeping and then the churches. I would like to start with the situation in the Kasai provinces.

First of all, the widespread violence and human rights violations that we have seen there are totally unacceptable. This is against innocent civilians. We know that the violence has been subsiding, but that should not take our attention away from the fact that this

is a very serious security and human rights and humanitarian situation in the Kasais with people starting to come back. We also have to make sure that we don't lose sight of the fact that people need to be accountable for the abuses that we have seen.

So the United States, along with our bilateral and multilateral partners, has been responding through efforts to end the violence and hold people responsible for the heinous acts. But also on the humanitarian side, we have been responding. We have scaled up our funding. It has been hard to operate, it had been previously hard to even get in there. As you mentioned, it can be very treacherous for humanitarian workers, but we did scale up a response for health and food security, as well as protection of children who are affected by the violence. And we airlifted 300 metric tons of blankets and cooking kits and other kinds of humanitarian supplies into the area in Kasai, Kasai-Central, Kasai-Oriental, and two other provinces there.

In the whole country, this is just one part of the country, so there are different numbers out there. The ones that I have are that we have as many as 3.9 million internally-displaced people in DRC. And that is the most, that is the highest number for all of sub-Saharan Africa, and 600,000 refugees who have now left the DRC.

In fiscal year 2017, the U.S. Government has provided a total of $190 million in humanitarian assistance across the country, and of that, $128 million is from USAID. And we also remain committed to providing humanitarian assistance to people who are in need, with, working with the U.N. and with our NGO partners.

I won't really speak on peacekeeping, except to say that in the area of gender-based violence, I think you are aware that USAID has been very engaged since 2002 in preventing and responding to gender-based violence. And on the Catholic Church and churches and faith-based organizations, definitely, these groups play such a critical role in the country in keeping peace and helping to ensure that people hold their government accountable, that they are involved in the election process, and also in providing services across the country to people.

We have repeatedly endorsed the Catholic Church's December 31st agreement, and we continue to urge respect for that agreement. And I did mention earlier that we are working with the Episcopal Justice and Peace Organization on domestic election observation efforts.

Mr. SMITH. Thank you. Without objection, we are going to put the December 31st agreement into the record so all can see. Thank you for your testimony.

I now yield to Ranking Member Bass.

Ms. BASS. Thank you, Mr. Chair. Just a few questions. I wanted to get some specifics. Because when you are talking about—both of our witnesses—when you are talking about holding people accountable, I wanted to know how we do that?

Ambassador Yamamoto, you were referring to, I think you talked about political, technical—you were talking about the confidence-building measures. And you said technical, political and human rights, is that what you were saying? So I wanted to know, you know, how we specifically go about that? I mean, I hear from people all the time of folks being arrested, and I don't know what our

role in that is, or when we see the violence taking place, especially government-initiated violence.

Ambassador YAMAMOTO. Let me give kind of one introductory remark and then go into the discussion.

So since coming in as the Acting Assistant Secretary, I made a concerted effort to talk to all our partners and colleagues dealing with the DRC. And the issue is that we find it extremely unacceptable that the elections in the DRC has taken so long. And the instability that has given rise to militias and other groups because they have been emboldened by the lack of political uncertainty.

We talked to the African Union, the FARDC and the European colleagues, the donors, and the issue comes in is that by holding Kabila and the opposition accountable, but mostly in this case, President Kabila, that he doesn't have political space, to maneuver, to escape, to delay, but that he has held focus, that you will have elections.

The other issue too, is I know we discussed with the opposition one of the areas was that they wanted to look at the transitional government. We said no, under the Constitution and under the Saint Sylvestre Agreement that Kabila will be there until the new President is elected. That means we will hold Kabila responsible and accountable to instituting, implementing the agreements, and according to the Constitution, the process for election of the President.

Ms. BASS. Yeah, I just wonder what we specifically do. I mean, I understand we talked to AU, we talked to FARDC but, you know, what measures do we specifically take?

Is there something we would hold back? What do we do?

Ambassador YAMAMOTO. I think on a broader scope by having the Africans and the Europeans committed and focused, that, you know, puts on President Kabila the onus that he has political stake, he has to implement, he has to be committed to doing this, and that there is no alternative or no ability to delay that process.

Ms. BASS. Well, yes, although he has delayed it.

So you mentioned also that there were sanctions that were prepared, and I was wondering what kind of sanctions. And then, you know, that we are looking at legislation, and I wanted to know what your thoughts were about that?

Ambassador YAMAMOTO. Everything has to be on the table. And as you know, we did implement targeted sanctions, OFAC sanctions on six specific individuals. And sanctions are on the table.

Ms. BASS. And so if we target the specific individuals, what are we sanctioning them for? They can't come to the United States?

Ambassador YAMAMOTO. And their assets, they——

Ms. BASS. Do they have assets here?

Ambassador YAMAMOTO. Assets not only here, but in other countries. By doing it on the banking institutions, that helps restrict their operations. It is something similar that we have done in other countries and to other individuals. So that's on the OFAC side. The other issue, too, is we can look at limiting their ability to come to the United States, through visa processes. We can also look through, with the United Nations and on U.N. sanctions, and also build on that through sanctions from the European Union as well.

So it has to be a very concerted effort——

Ms. BASS. When we do sanctions like that on the individuals, because I know that some of these folks—I don't know specifically about the group you are talking about, but some of them have children here——

Ambassador YAMAMOTO. Yes.

Ms. BASS [continuing]. Going to our universities.

Ambassador YAMAMOTO. Yes.

Ms. BASS. Do our sanctions ever refer to that?

Ambassador YAMAMOTO. Sanction is only on the specific individual.

Ms. BASS. It is not like on a family, per se?

Ambassador YAMAMOTO. For instance, I mean, hypothetical, if an individual is thinking, because they have gotten ill-gotten assets, let's say the Kleptocracy Act, then that obviously would affect the family members, because they can't access the banking institutions and to get money out, because those are ill-gotten assets.

Ms. BASS. Do we ever say their families can't come here?

Ambassador YAMAMOTO. It depends on if they have been targeted.

Ms. BASS. Yeah, I understood on the financial part, but I was just—because I know that one of the strategies that is used is that their relatives are not in the countries. When all of the strife is happening, their individual families are protected.

Ambassador YAMAMOTO. Yes, and you raised a very good point, Congresswoman Bass, and that is something that we are discussing separately, but the issue comes in is family members—in one country where family members are living outside of the country benefiting from ill-gotten assets.

Ms. BASS. Right.

Ambassador YAMAMOTO. Those people as well——

Ms. BASS. Right.

Ambassador YAMAMOTO [continuing]. Cannot access, not only the banking facilities, but also any of the benefits from those assets so they, too, will be under those sanctions.

Ms. BASS. Because one thing that we do is that we allow folks to come here and buy real estate and all sorts of things. They are living well.

Ambassador YAMAMOTO. And, again, the way we do the targeted sanction, it has to be very negotiated, it has to be looked at. We can't go into who we are considering for sanctions, but just it is generally that everything is on the table for discussion, and the breadth and the depth of those sanctions.

Ms. BASS. Now, on our end, do we have an Ambassador?

Ambassador YAMAMOTO. We have not had one since December of last year.

Ms. BASS. And is there one in the pipeline that just hasn't been confirmed?

Ambassador YAMAMOTO. There is one but I defer to the White House personnel system. And——

Ms. BASS. I understand that you defer for the specifics, but do you know if the person is waiting Senate confirmation?

Ambassador YAMAMOTO. I am not at liberty to say; it is, again——

Ms. BASS. It is a secret?

Ambassador YAMAMOTO [continuing]. This would be for the White House personnel.

Ms. BASS. Okay. You said that we are really looking at the case of the two murders.

Ambassador YAMAMOTO. Yes.

Ms. BASS. And so I wanted to know what that meant? What are we doing?

Ambassador YAMAMOTO. We have an American citizen——

Ms. BASS. One was an American.

Ambassador YAMAMOTO. American. But that doesn't matter because both of them were part, they are investigating the mass atrocities that have taken place.

Ms. BASS. Right.

Ambassador YAMAMOTO. Their work is important to us. As part of the process, we are coordinating looking at investigations, pushing the United Nations, pushing operations, pushing the DRC.

Ms. BASS. Are they doing—Who is doing the investigation, by the way? Is the DRC doing it, or is it an international investigation or——

Ambassador YAMAMOTO. We have said everyone is going to be participating in the investigation, because this is a priority for the United States to look at who were involved in the murders, and to hold those people accountable.

One thing is that we supported the U.N. Secretary General's recent employment of Robert Petit of Canada to head a team that will assist in the national investigation into the deaths of Mr. Sharp and Ms. Catalan. And then, we are looking at other means and methods to help those investigations.

Ms. BASS. Also on our end, I know that we were talking about the peacekeeping troops, but we pushed for a rather deep reduction in the troop levels.

Ambassador YAMAMOTO. Right.

Ms. BASS. So how does that work? Because I think you were saying—was that you, Ms. Anderson? Were you talking about the real need for troops but yet we propose cutting them back?

Ambassador YAMAMOTO. Right. So Ambassador Haley, in her trip to the DRC, one of the issues was focusing on peacekeeping missions that are fit for purpose, and I think that was the key word, fit for purpose. And so if we look at MONUSCO, it is probably one of the largest and longest serving peacekeeping operations for the United Nations. And so the issue comes in, how do you make those more efficient, effective, targeted?

On the one hand, yes, I know that Ambassador Haley had raised the issue of the Burundi refugee being killed by the FARDC troops, how did MONUSCO respond or not respond? How about the intervention battalion, Tanzania's troops, et cetera, it is not enough to target and to go after all of the problems that are in——

Ms. BASS. I was just referencing, didn't we ask for a reduction?

Ambassador YAMAMOTO. Yes.

Ms. BASS. But yet, we said more were needed, so I didn't understand why we asked for a reduction?

Ambassador YAMAMOTO. Okay. So I think right now currently, it is to assess the effectiveness of MONUSCO, looking at, do we have

the right mission set and that it is fit for purpose, according to what Ambassador Haley——

Ms. BASS. I see. So there might be fewer, but you are saying it might be more specific.

Ambassador YAMAMOTO. Specific and targeted.

Ms. BASS. And you were mentioning—and I believe this was Ms. Anderson—was mentioning the electoral assistance that we have provided over the years. You gave quite a span of years. And I was just wondering what we are doing now, specifically how much, and what does it mean that we provide electoral assistance?

Ms. ANDERSON. I mentioned that we have been providing assistance since 2013 in preparation for this, this election that is coming up. So it is not just the 1 day of the election, but it is a process. And so, our $37 million in funding is for those five components that I mentioned. And a lot of it has been in process because we had been working on things like voter and civic education, so that the people know what to expect, how to get involved in elections, working with political parties.

Ms. BASS. So just to understand kind of specifically, because I certainly——

Ms. ANDERSON. Sure.

Ms. BASS [continuing]. Understand it in the abstract. But specifically, do we fund a U.S. NGO or DRC NGO that goes in villages and sits down and talks to people? Is that an example? And given that voter registration is really behind, are we doing anything, and if we are, specifically, if you can give an example of a project that we fund and what they do?

Ms. ANDERSON. Sure. That is really important now because we have to keep adjusting. Now we have a date, so that that means that we can put a number of things into motion toward the date of the election. But I can talk about, for example, the civic and voter education component of our program.

This is—we have invested $19 million in this program. It is implemented by Counterpart International, and they work with 38——

Ms. BASS. Is that a U.S. company?

Ms. ANDERSON. Yes. It is working with 38 different Congolese civil society organizations. That is how we are helping to build a local capacity so that those organizations, now, they inform the citizens. They work with the citizens to talk about the electoral process, what are your rights as a voter, what is your role as a voter, what do you need to do to get involved. And they also have a specific component on peaceful participation.

Ms. BASS. Is it a consulting firm?

Ms. ANDERSON. Counterpart International is a—I think it is a—I may have to get back to you. It may be a not-for-profit organization.

We have the four other components. I would like to mention the component on elections observation, and that is one of our few direct awards to a DRC-based organization with——

Ms. BASS. Is it NDI and IRI or that comes out of another—on our part?

Ms. ANDERSON. We have—NDI is involved in the component of our assistance that we call political party training.

Ms. BASS. And then you fund DRC group to do the observation?

Ms. ANDERSON. Right. So they coordinate a number of Congolese groups to do the observation. And this is the Episcopal justice and peace organization in DRC.

Ms. BASS. So given that now we know the election is December of next year, is more money needed? Or because these elections have been stalled, have you been holding onto the dollars in anticipation that one day we get a date?

Ms. ANDERSON. Yes. We are hustling now to have a look at what we have, but we had extended our awards into 2018 and 2019. And at this point, I think we may have to make some adjustments to get us through that period through the period of the elections. But for the most part, we had done extensions to the programs to allow us to continue into 2018, potentially 2019.

Ms. BASS. Thank you. I yield back.

Ms. ANDERSON. It is a long process, so it is not just the election.

Ms. BASS. Especially when you don't know——

Ms. ANDERSON. Yes. And then we hope that they stick to the date too. We have to hold them to that.

Mr. SMITH. You know, as you realize unmet need, if you could advise our subcommittee—I know you'll be advising hopefully the Appropriations Committee as well—so that we can try to meet that need.

I yield to my good friend and colleague, Dan Donovan.

Mr. DONOVAN. Thank you very much, Mr. Chairman.

I just have one question for both of you. Maybe, Mr. Secretary, you can speak about the election process, and maybe, Ms. Anderson, you can talk about our humanitarian efforts. We are a passionate Nation, particularly when it comes to both democracies and humanitarian efforts. We are also a very compassionate Nation. How do we see our role, the United States' role in the government of other countries? There is a lot of talk about other countries' influence on our election process here in the United States. Now we are talking about maybe United States involvement in the elections in another country.

I was just wondering how do we define our role or what do we see as proper, and for the humanitarian efforts, in a country I am not sure that they are cooperative with USAID's efforts to help people, but we as a Nation reach out to those folks in the rest of the globe who are suffering, and sometimes their countries or their government might not appreciate our efforts and may see what we are trying to do in humanitarian environment as trying to influence their people in other ways. I was just wondering if you can just give me some background on that.

Ambassador YAMAMOTO. So our role in the political process, we don't take winners, losers, and we are not addressing or advocating for any candidate. What we are doing is that these are agreements, the Constitution of the DRC and the Saint-Sylvestre agreement of 2016 negotiated by the Catholic church, which both the government and the opposition signed. What we are doing is holding both parties accountable and committed to what they had signed.

And for 4 years I led peace talks and negotiations in the Congo, and everywhere I went, the United States stands as a symbol that we are going to work for what the people of Congo want, and they

demand an election, a credible, free, fair, open election. And in that context, we are going to support the people of the Congo to say, yes, we are going to—we are behind you, we are going to hold the government and the opposition accountable to do these electoral processes in 2018.

Mr. DONOVAN. Mr. Secretary, do we do that as a Nation? Are we doing that as a group as the United Nations? How do we do that? Does the United States stand alone in doing that or our partners at the U.N. assist in that as well?

Ambassador YAMAMOTO. Yes. We do that in the context of negotiations with the donor community, the United Nations, but also the African unions and also local communities within the Congo and also the various groups.

Mr. DONOVAN. Mr. Secretary, Ms. Anderson, can you speak about our humanitarian efforts?

Ms. ANDERSON. Yes. We always do our best to respond to humanitarian crises wherever they are. In the DRC, we have a very challenging environment. We work closely with the U.N., with other bilateral and multilateral development partners, with international and local NGOs. We always have to coordinate our efforts. We always encourage the government—we need their cooperation, and we always encourage them to do increasingly more to respond to humanitarian crises. This is a tough one in the DRC, and I can say that we—we are a major donor in humanitarian assistance in sub-Saharan Africa, and that includes the DRC. So many of the other players look to us to play a leading role.

And I would just conclude by saying that, once again, this is a very challenging environment, and it is very difficult for us to kind of get ahead of this situation, as well as to decide what to do because it is a dangerous environment for our humanitarian work.

Mr. DONOVAN. And when you say we are a great donor, is that just in financial resources? Is it in human resources? What is our actual presence there?

Ms. ANDERSON. We have—we have personnel on the ground who work on humanitarian assistance, and we work with local and other international organizations, especially the United Nations, to deliver humanitarian assistance in the form of food assistance, emergency health assistance, other types of relief supplies. And also one thing we work on is the protection of citizens, especially children in dangerous situations.

Mr. DONOVAN. And my last question, do you find resistance in the DRC from the efforts that you have just described?

Ms. ANDERSON. I would say that one of the biggest challenges is a question of the will of the government to move forward on its commitments. In the December 31 agreement and also their—the fact that we have such a dangerous environment that with violence and human rights violations makes it very hard for us to do our humanitarian work.

Mr. DONOVAN. I thank you both.

Mr. SMITH. The chair recognizes the gentleman from Virginia, Mr. Garrett.

Mr. GARRETT. Thank you, Mr. Chairman, and thank you for convening this important meeting. It is interesting as a freshman

member of this committee to sort of do the learning curve on Africa in particular, and certain trends have emerged in my observations.

But first, let me thank our panelists, Mr. Chairman. Mr. Yamamoto's service goes all the way back to oversight of the tragic events in Tiananmen Square, and Ms. Anderson served, and I will thank you for your service in the Peace Corps, putting a good face on America for the remainder of the world and I think an investment that a lot of my colleagues undervalue as it relates to return on investment (ROI) and the opinion of America that people across the world who might otherwise only get that opinion from mass media have, and that is so important, so thank you for that.

I don't want anybody to break out in laughter when I ask this question, but as we work toward hopefully free, fair, and transparent elections in the Democratic Republic of Congo, what can we say we are doing to ensure that the Chinese influence over the electoral process doesn't tilt the scales in the direction that would be to the benefit of the Chinese? And that is an open question.

Ambassador YAMAMOTO. Thank you very much, Mr. Congressman. You know, we have looked at the—in our coordination with the international community—and we do hold annual discussions with the Chinese specifically on what they are doing in Africa. And we are trying to steer not only China, but all these countries to play a helpful, supportive role. The other area too that we have concerns is, of course, the exploitation of resources in eastern Congo.

Mr. GARRETT. That was my next question.

Ambassador YAMAMOTO. That is the area that we have been working on very long and hard, is that the people of the Congo need to benefit from the resources. There has to be a rational process in whereby you develop these resources. And one of the things is that, you know, looking at your question, is that we do discuss the Chinese on a whole spectrum and aspect. And not just China; it is all the other countries that are involved, positively and negatively, in the DRC.

Mr. GARRETT. Ms. Anderson, if you want to, and if you don't want to, then I will keep going.

Ms. ANDERSON. I guess I would just say, if you are referring to the elections and our involvement related to the Chinese, we are focusing on local capacity, and we are working so that the Congolese can be prepared to participate in their election and hold their own government accountable so that they can start to be able to find their own future. And that is the role that we are playing in the elections, and it is quite different from the Chinese.

Mr. GARRETT. Right. And so that is something that is noteworthy here as we as Americans recognize that perhaps American, dare I say, overreach globally has manifested itself in ways that we didn't anticipate, that there are certain types of aid that are greatly appreciated and others that are taken because they are aid, but that come with a backlash, if you will. There is a vacuum, I think, inherently created, and the Chinese are all too happy to fill it. Pardon me, I am going to do soliloquy for a second here.

I have not spent a ton of time on the ground in Africa, but I did speak to a ranking member of a North African country wherein the entire presidential palace that I would say probably rivals the Can-

non House Office Building in square footage was built by China. They built a palace. And when you get off the airport, and you served in Addis Ababa in Ethiopia, which is a dynamic country where if we get it right, great things will happen, and if we don't, tragic things will happen, you almost feel like you are in a Chinese annex. And the Chinese record of exploitation of individuals is apparent even from 2007 in the DRC as it relates to exploitation of child labor, as it relates to the monopolization of the mineral deposits in DRC in particular, which if properly levied, should make the DRC one of the most prosperous nations on the planet. The Chinese efforts are historically and demonstrably toward ensuring a Chinese access to things like tungsten and tantalum and coltan and cobalt that have manufacturing applications in anything from lithium-ion batteries to jet engine components.

And I get it, except what we are trying to do is empower the people in the DRC to be the leaders to the people in the DRC, and without a combative tone, and understanding that there is a global economic struggle afoot and the Chinese are extraordinarily strong competitors therein, how do we ensure the power in Congo goes to the Congolese, that our monies that are spent aren't converted by way of Chinese exploitation of stability that we helped create to enrich the Chinese at the expense, literally, of the poorest and weakest people in places like the DRC? I am asking for suggestions because I don't know the answer. Understanding that we don't want to take a combative stance, but my primary function on this committee is to the extent that it is relevant and possible for the United States to create a better circumstance for human rights to do so. How do we do that without empowering the Chinese to continue exploitative practices?

Ambassador YAMAMOTO. I think that is a very difficult question and a very complex situation. The issue is that we talk—it is not just the Chinese, but it is a lot of countries, outside countries, it is a lot of regional states as well that is exploiting those resources. And of course, our effort is to make sure that we monitor, we hold people accountable, and we look at how these resources are being distributed, and find mechanisms and ways that the people of the Congo can benefit from those resources.

In our annual discussions—since your question is on China—that we do have—we are coming up to another annual discussions with China to see where they can play a helpful role. In the past, they have done an engineering battalion in south—in Sudan. They have done road construction to AID and U.S. projects. So looking and seeing where we can have areas of commonality and then areas where we do not is how do we make sure that it is beneficial to the people in Africa.

Ms. BASS. Will the gentleman yield?

Mr. GARRETT. Yes, absolutely. My colleague from California, Ms. Bass.

Ms. BASS. Thank you very much.

You know what, one of the things I wanted to say in terms of China's involvement, I really want to see more involvement from our companies, you know. And one of the areas that I am really interested in is promoting our companies in the U.S. to get in-

volved in infrastructure. China is famous for building roads in Africa, and it is a real mixed bag in terms of—what did you say?

Mr. SMITH. Not so good roads.

Ms. BASS. Exactly. Not so good roads. But, you know, we certainly know the quality of our companies. And so I would really like to work with you in the future in ways that we can establish partnerships to promote U.S. business involvement, because I am distressed by the Chinese involvement as well, but I think one answer to it is to step up ours.

Mr. GARRETT. I think—I would thank the Congresswoman and sort of pile on there. We have spoken just a couple of times, and I would think originally with regard to oppressed minorities in Africa, and I look forward to working with the Congresswoman. It strikes me that the Chinese infrastructure created in Africa almost always heads from the natural resource to the ports. Go figure. But it is, at some level, a national security situation for our Nation as it relates to rare Earth minerals, et cetera. And, again, there is a role for this country to play in perpetuating basic human dignities and freedoms and expectations. We could spend another entire hearing on alleged abuses by U.N. peacekeeping forces.

Mr. SMITH. And we have. Four of them. So it is a real problem.

Mr. GARRETT. Well, it is tragic, right? To paraphrase President Reagan, I am from the U.N., and I am here to help, and it gets worse. And so that doesn't mean we should throw up our hands and stop trying. But when we have people of your caliber with your experience, you know, again, within the appropriate role and purview of the U.S. Federal Government, we need to care about human beings across the world. And a prominent foreign leader said to me, look, if the Chinese will help us and there are strings attached, it is still help. And if we withdraw and create a vacuum, somebody is going to fill it.

But the challenge here is how we are good stewards, work within the appropriate realm of what is federally allowable in this country, and then don't subsidize bad outcomes. And that is what frustrates me. And in no way, shape, or form am I in an adversarial tone from you two fine people. It is that I want to hear—we have these hearings, we talk, it feels good, but what are the answers?

And so I think Congresswoman Bass and I are on the same page there, but there are opportunities to be had. If a corporate entity wants to make money, that is fine, but if they help people while they are doing it, it is even better. And so how do we do that? How do we invest? How do we ensure that our investments aren't undergirding those who are our geopolitical rivals, economically and potentially militarily? And how do we do so without victimizing people who have a 200-year history of being victimized by outsiders?

Ms. BASS. Here, here.

Mr. SMITH. Before we go to our next panel, just very briefly, I would point out that my good friend, on one trip to Kinshasa, I will never forget, I had dinner with—so did Greg—with a member of Parliament who also has a farm, and he said, I can grow anything. I really loved his attitude, and he showed me his farm. He can grow anything. I can't get it to market. There is no roads. There is no bridges. There are very few. And the Chinese have come in and in a quid pro quo in a fleecing of DR Congo, which they have

done elsewhere in Africa, they have gotten minerals, wood, all kinds of commodities at unbelievably discounted prices for those roads and bridges.

We have the Foreign Corrupt Practices Act. It precludes, it holds accountable those who engage in bribery and other corrupt practices. China has no such law. So we know that corruption is a very serious issue here, and the Congolese are not getting anywhere near what they should be getting for what they give to China in exchange for those roads and bridges. So we need to do much more on trying to ensure that our friends and allies who are truly democracies with something like the Foreign Corrupt Practices Act sell, but especially the United States.

I do have one final question of many, but I will just finish with this.

Mr. GARRETT. Mr. Chairman, if I can interrupt. I apologize. And thank you for yielding.

The first thing we can do is tell the world that the Chinese are exploiting people.

Mr. SMITH. Exactly.

Mr. GARRETT. And again, I don't have a problem with Chinese corporate entities, I don't have a problem with them building the roads, but they are—"fleecing" is a great word.

Mr. SMITH. It is. And I say to my friend, we have had several hearings on that kind of corruption and that, really, exploitation of African resources on their way to Ghana. There are many, many countries. And unfortunately, it doesn't get covered by the press. We hold these hearings. We put in resolutions. We get bills passed. And it is not even on page 15. So that is very discouraging, but we have got to do it anyway because we have got to do what is right. But I thank my friend for raising that.

My question would be, the U.N. 2017 humanitarian plan is now running for this year at about 42 percent. My question is, are the U.N. needs assessment accurate? Do we believe that we have confidence that they have a real handle on what is needed to be done to mitigate disease, death, mortality from things like hunger and illnesses? And secondly, what does a near 60 percent underfunding of the U.N. for the DRC mission mean to women and children in vulnerable populations?

Ms. ANDERSON. Mr. Chairman, we always have some involvement when the U.N. is doing their assessments because we are very engaged with them on a day-to-day basis. By the same token, we look at the assessments with a critical eye, based on our knowledge of the situation on the ground. And the reality is that often the requirements are much higher than what we all together can meet. So it means that we always have to prioritize. And that is what we are constantly doing, is prioritizing and looking at what we can provide, what is the highest priority that is really going to make the most difference.

The United States will always be there for people in need. Our resources are not unlimited, so it is very important for us to prioritize, and that is why it is important for us to have a good assessment of what the situation is on the ground.

Mr. SMITH. I thank you. I would just point out that I have chaired hearings in the past, a number of them, about the mass ex-

odus of people from the Middle East. And once they got to refugee camps, usually in the auspices of the UNHCR, particularly those with longer stays found more gross underfunding, including the World Food Program, which massively cut their allocation, but it was order of magnitude about 40 percent of what the U.N. assessment was for those, and that is why they uprooted and left and flocked into Europe and elsewhere because they saw no future. There was no education opportunities and certainly there wasn't enough food, clothing, and shelter to meet their very legitimate needs.

So, you know, for the international community to go cheap on refugees and IDPs is a very bad bargain first and foremost for the victims, but secondly, because they are going to move somewhere else. They have to because they care for their families. And I thank you again for your great leadership and for your testimony today.

Ambassador YAMAMOTO. Just one quick comment. So we agree with you, Mr. Chairman, it is excellent. I want to make one comment on what Congresswoman Bass had said, and the point is that I don't like to play defense, I like to play offense. And one of the offensive issues is, is that we need to get more American companies. And how do we encourage American companies, and the area, of course, is risk insurance and financing and other support. And our Embassies are supporting 100 percent, and we are looking at means and mechanism. So we are going to continue to do that, Madam Congressman.

Ms. BASS. Thank you.

Mr. SMITH. Thank you.

Mr. SMITH. I would like to now welcome our second panel beginning first with Mvemba Dizolele, who is a writer and foreign policy analyst and independent journalist, and a veteran of the United States Marine Corps. Mr. Dizolele was a grantee of the Pulitzer Center on Crisis Reporting and covered the 2006 historic elections in the Democratic Republic of Congo. With the Pulitzer Center he produced "Congo's Bloody Coltan," a documentary report on the relationship between the Congo conflict and the scramble for mineral resources. He served as an election monitor with the Carter Center in Congo in 2006 and again in 2011. He was also embedded with the U.N. peacekeepers and Congo's District South Kivu province as a reporter. He has testified before various subcommittees in both chambers. And again, we welcome him here today.

We will then hear from Mr. Fred Bauma, who is with an organization known in English as the Struggle for Change. This nonviolent, nonpartisan civil society movement was founded in June 2012 in Goma, the capital of North Kivu in DRC. The movement campaigns for social justice and accountability in the DRC and encourages Congolese citizens to push for the promotion and respect for human rights. Mr. Bauma was arrested in March 2015 but was later released. He currently resides in the United States.

We will then hear from Severine Autesserre, who is a professor of political science, specializing in international relations and African studies at Columbia University. She works on civil wars, peacekeeping, peace building, and humanitarian aid. Professor Autesserre's latest research project has landed successful international contributions to local embodiment peace building. Her ear-

lier research progress focused on violence and international intervention in the eastern part of the Democratic Republic of Congo, where she has traveled regularly since 2001. Her field work and analysis culminated in "The Trouble with Congo: Local Violence and the Failure of International Peacebuilding" published by Cambridge University Press in 2010.

And then we will hear from Ida Sawyer, who is the Central Africa director for Human Rights Watch. She has been based in Congo since January 2008, first in Goma since 2011, and in the capital of Kinshasa. In August 2016, Congolese authorities barred Ms. Sawyer from continuing her work in the country following a series of human rights publications by Human Rights Watch on political repression. She is now based in Brussels where she oversees Human Rights Watch's work in Congo, Rwanda, and Burundi. Ms. Sawyer has conducted research across Congo and in areas of Northern Congo and in neighboring countries afflicted by the Lord's Resistance Army, and her research has been integral to numerous human rights reports and has informed the world about what has been going on.

If I could, Mr. Dizolele, if you could begin.

STATEMENT OF MR. MVEMBA DIZOLELE, PROFESSORIAL LECTURER IN AFRICAN STUDIES, SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

Mr. DIZOLELE. Thank you, Mr. Chairman.

Thank you for the invitation and honor to testify before you, Mr. Chairman, Ranking Member Bass, and the distinguished members. The views I express today are mine and mine alone. With your permission, sir, I would like to submit my remarks for the record.

Over the years, I have proudly provided my analysis of developments in Congo to several subcommittees in both chambers of this august Congress. Today, however, I beg for your indulgence. I do not wish to speak as an academic, journalist, analyst, or fellow. I want to speak as a human being talking to other human beings. I would love to speak plainly, no academic speak, no diplomatic jargon. In other words, what I want to say is that Kabila must go.

The responsibility for the suffering of the Congolese people rests with one man, Joseph Kabila, which he shares with a small and shrinking cadre of associates and family members. Over the last 16 years, this group has captured the state with total impunity at the expense of the people.

A series of reports, including those from the Carter Center, the Panama Papers, the Lumumba Papers, the Paradise Papers, Bloomberg News, and the Congo Research Group have documented and exposed the wide extent to which DRC's natural and financial resources, estimated in billions of dollars, have been diverted to benefit this small group.

The Kabila regime has been characterized by three things: Looting, plunder, and deadly violence. We have tolerated this for too long. It is time for a new leadership. Again, Kabila must go.

Kabila's biography is a Cinderella story with a bloody twist. Kabila, having grown outside Congo, showed up in Congo for the first time at the age of 26 during the war that eventually vanquished the late President Mobutu Sese Seko. When his father took

over a year later, he made his son a two-star general and appointed him chief of staff of the armed forces, the ground forces, that is. Four years later, after his father was assassinated, the younger Kabila became President.

The Congolese disapproved. Most of the Congolese at least disapproved of the father-to-son succession, but the international community fully embraced him with total diplomatic, financial, and political support.

Donors initiated a number of projects to help Kabila end the war that he inherited from his father. This initiative included Sun City Accord, the Transition, the Constitutional Referendum, and the 2006 election. On the security front, the world raised the largest peacekeeping force—or peacekeeping mission to help Kabila buy time and build an army. The World Bank remitted the debt at the tune of about $13 billion, again, to help him start a new economy. And then the World Bank also wrote a new mining code, but eventually Kabila will misuse that mining code to trade his power for financial and political gains.

So we were really determined, the world that is, to make Kabila a success, and nothing could derail what he had started. We then arrested his main opponent, Jean-Pierre Bemba, to get him out of the way so that Kabila will succeed. Unfortunately, Kabila did not succeed. He himself set out to undermine the political gain and the democratic gain of the country. Despite the legitimacy that he had achieved, he wanted to change the constitution, eventually leading the country in 2011 in highly contested and botched elections.

So despite this goodwill, Kabila has not succeeded. Since then the country has gone from crisis to crisis to crisis. When we confront Kabila and his associates about the abysmal record, they typically blame everyone and everything, from the weather, the political position, Rwanda, Uganda, Angola, the youth, the United States, and the militias. Everybody except themselves. Nobody ever takes responsibility for actions in DRC, and the government definitely never fires anyone, and nobody ever resigns.

So even by the standards of Central Africa's dysfunctional states, the Kinshasa regime stands alone in its mediocrity. Unlike his peers in the region, Kabila has no political base and is so unpopular that he cannot face his fellow citizens and explain why he should stay in power. Every time he has made an attempt to stay longer, he has faced stiff resistance from the population, so his government has decided to simply not fund and organize the elections. His action has only emboldened the Congolese to demand that he leaves office.

So I believe that we should not be, as the government seems to propose today, blissfully naive about the decision that we will be holding the election next year by December. The record stands for itself. It has been 16 years. I don't have to go further into this. But I just want to say that, internally, Kabila has no good options. He has tried everything: Subvert the Constitution, kill protestors, jail everyone. The international community has helped him. He has failed. The only option that he has is to rely on military force and bloody repression. We have already seen too much of that.

So at this point, in fact, the Congolese see him as an illegal, illegitimate, and unconstitutional President, which he is. They are already referring to him as the former President. So should we.

Outside DRC, Kabila and his associates are spending lots of money to launder his image and fend off the pressure. They have hired Mer Security and Communication Systems, an Israeli firm, to represent their interests in Washington, DC, for nearly $6 million. This is in a country where civil servants, nurses and doctors are on strike because they are not being paid, nurses and doctors, yet the government is spending over $6 million in lobbying efforts.

A year after Kabila's mandate expired, we tried to give him another year. That is way, way too long that anybody practical should accept. It is unacceptable. Kabila must go. The longer he stays in office, the greater the risk for violence and instability.

My recommendation is that this body and the Government of the United States should impose sanctions on Kabila and his family and his inner circle, who have been imposing sanctions on people who are totally irrelevant: Generals, ministers of information. That is not going to work. Kabila is the obstacle. He should be held accountable.

We have spoken to Kabila for a long time at the highest level of this Government of the United States. President Obama, Secretary Kerry, Secretary Clinton, Senator Russ Feingold, Tom Perriello, they have all engaged Kabila in the nicest of ways that most dictators would have wished for, and he is not adjusted.

We should impose sanctions on Corneille Nangaa, the head of the Independent National Electoral Commission. His delaying tactics fuel the tensions and pose even a greater risk for stability. Many of you have met Corneille Nangaa. He is really convinced in his own bubble that what he is saying makes sense, but all of us know that what he says most of the time is incoherent and nonsensical.

In fact, Corneille Nangaa has retained a lobby firm, Reset Public Asset, LLC, to represent him in Washington, DC, for a monthly fee of $30,500, to represent him ahead of an electoral commission. The Madison Group, LLC, represents the Independent National Election Commission for a fee of $25,000. This is a red flag.

The message here is that the Electoral Commission and its President care more about what the U.S. Government thinks or does, while showing utter contempt for the Congolese opinion. While they almost never meet the Congolese opposition to update them on the electoral process, they are spending millions of taxpayer dollars both in the U.S. and in Congo on frequent travels and on expensive lobbying efforts in Washington, DC. This again is unacceptable. Corneille Nangaa should be held accountable. He should be put on the sanction list.

The U.S. Congress, this august body, has been holding hearings for DRC for years to little effect on the ground. I feel that we are all accomplices, and unless we act, these hearings will remain but abstract academic discussions. Your committee, your subcommittee has been considering legislation on DRC for 6 months. Now is the time to show resolve and roll out that legislation forcefully and more strong—much more stronger.

I think I will stop here and wait for Q&A. Thank you very much.

[The prepared statement of Mr. Dizolele follows:]

Resolving the Political Crisis in the Democratic Republic of Congo

The United States House of Representatives

Committee on Foreign Affairs

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Testimony by Mvemba Phezo Dizolele[1]

Professorial Lecturer

Johns Hopkins School of Advanced International Studies

Thursday, November 9, 2017

Chairman Smith, Ranking Member Bass and Distinguished Members:

Thank you for the invitation and honor to testify before your subcommittee. I appreciate your continued interest in developments in the Democratic Republic of Congo (DRC) and your support for the Congolese people.

Mr. Chairman, the views I express here are mine alone.

With your permission, sir, I would like to enter my remarks into the record.

Over the years I have provided my analyses of developments in Congo to several subcommittees in both chambers of this august United States Congress.

[1] @MvembaDizolele

Today, however, I beg for your indulgence. I do not wish to speak as an academic, analyst or fellow. I want to speak as a human being talks to other human beings. I will talk plainly, no academic speak, no diplomatic jargon.

The responsibility for the suffering of the Congolese people rests with one man, Joseph Kabila, which he shares with a small and shrinking cadre of associates and family members. Over the last 16 years, this group has captured the State with total impunity at the expense of the people.

A series of reports, including those from the Carter Center, the Panama Papers, the "Lumumba Papers," Paradise Papers, Bloomberg News and the Congo Research Group have documented and exposed the wide extent to which DRC's natural and financial resources, estimated in billions of dollars, have been diverted to benefit this group.

The Kabila regime has been characterized by looting, plunder and deadly violence. We have tolerated this for too long. It is time for a new leadership. Kabila must go.

Kabila's biography is a Cinderella story with a bloody twist.

Having lived his childhood and early adult years outside Congo, Kabila first showed up in the country at the age of 26 during the 1996 war that vanquished the late President Mobutu Sese Seko. When his father, Laurent-Désiré Kabila, took over, he made his son a two-star general and appointed him chief of staff of Congo's ground forces. Four years later, after his father's assassination, the younger Kabila became president.

While most Congolese disapproved of the father-to-son succession, the international community fully embraced Joseph Kabila and extended diplomatic, financial and political support to help him succeed.

Donors funded a series of initiatives to end the war that Kabila inherited from his father. These included the Sun City Accord, the Transition (2003-

2006), the Constitutional Referendum and the 2006 Election. On the security front, the United Nations raised the largest peacekeeping mission to help stabilize the country and allow President Kabila to build an adequate army. Brenton Woods Institutions remitted over US$13 billion of debt to jumpstart the economy. The World Bank wrote a new mining code that Kabila would eventually use to trade his power over mining concessions for political and financial benefits.

Donors were determined to make a success of Kabila. Nothing could derail their commitment. They allowed the Transition to be tailored and customized to Kabila to keep him in the leading role. In 2006, when his main opponent, Jean-Pierre Bemba, forced a runoff, his men pounded Bemba's residence with heavy weapons while the latter met with members of the CIAT, including two United States ambassadors. The international press barely covered the incident, which did not dampen donor support.

Once the election granted Kabila a modicum of legitimacy, the future looked hopeful for DRC. Those who challenged him were dubbed spoilers. Bemba who conceded defeat, emerged as the most consequential leader of the parliamentary opposition, but remained a threat to Kabila, was forced into exile and ultimately arrested, tried at the International Criminal Court, and imprisoned at The Hague.

Despite the tremendous goodwill toward him, Kabila did not rise to the occasion. He rolled back democratic gains within his first elected term, culminating in a hasty constitutional revision that eliminated the two-round electoral process. The change led to the botched and highly contentious 2011 election that undermined his legitimacy.

For the next five years, DRC went from crisis to crisis. Kabila failed to build an adequate military despite substantial donor funding for security sector reform. In addition to the sizeable debt relief, commodity markets were

favorable to DRC, as copper and cobalt prices soared to the 1970's levels. Still, the government relied on donors to fund the measly national budget. The central bank lacked adequate reserves and the national treasury could not underwrite social programs.

When confronted about their abysmal record, Kabila and his associates blame everyone and everything: weather, the political opposition, Rwanda, Uganda, Angola, the youth, the United States and the war. They don't take responsibility for their actions and no government official ever resigns.

Even by the standards of Central Africa's dysfunctional states, the Kinshasa regime stands alone in its mediocrity.

Unlike his peers in the region, Kabila has no political base and is so unpopular that he cannot face his fellow citizens and explain why he should stay in power. Every time he has made an attempt to stay on longer, he has faced stiff resistance from various quarters of the population. So, his government simply refuses to fund and organize the election. His action has only emboldened the Congolese to demand that he leaves office.

Consequently, he has resorted to schemes that further expose his weaknesses. For example, he has tried to circumvent the Constitution by pushing an amendment that would make the census a prerequisite to the election. That legislative initiative passed in the lower chamber of the National Assembly only to be rejected by the senate after street protests.

In another attempt, Kabila turned to the nine-member Constitutional Court to rule whether or not he could stay in office until his successor was elected as stipulated in the Constitution. Three judges did not attend the session to protest the blatant breach of the Court's procedures by its own chief justice and deny the court the required quorum. The Court, however, sat and

granted Kabila what he wanted in a decision that was deemed unconstitutional at best.

In part to prevent such embarrassingly obvious breaches of the law, Kabila introduced legislation that would reconfigure the Constitutional Court from 9 to 5 members with a quorum requirement of three. The National Assembly rebuffed and voted against the proposition.

Internally, Kabila has no good options, unless he relies on military force and bloody repression. At this point, the Congolese see him as an illegal, illegitimate and unconstitutional president. They are already referring to him as the former president.

Outside DRC, Kabila and his associates are spending lots of money to launder his image and fend off the pressure. They have hired Mer Security and Communication Systems, an Israeli firm, to represent their interests in Washington, DC for nearly US$6 million.

A year after Kabila's mandate expired, the electoral commission has set the election date for December 23, 2018, giving him another year in office.

This is unacceptable. Kabila must go.

The longer he stays in office, the greater the risk for more violence and instability.

Recommendations

1. Impose sanctions on Joseph Kabila, his family and his inner circle. There are precedents for similar situations. He has shown a total disregard for the Constitution and the welfare of the Congolese people. Over the past few years, high level officials, including former President Barack Obama, former secretaries of State Hillary Clinton,

John Kerry and former Senator Russ Feingold, have engaged him directly to no avail. Kabila must go.

2. Impose sanctions on Corneille Nangaa, the President of the Independent National Electoral Commission. His delaying tactics fuel the tension and pose a risk to stability. Nangaa has retained a lobby firm, Reset Public Affairs, LLC, to represent him in Washington, DC for a monthly fee of US$37,500. The Madison Group, LLC represents the Independent National Election Commission for a monthly fee of US$25,000. This is a red flag. The message here is that the Electoral Commission and its President care more about what the US Government thinks or does while showing utter contempt for the Congolese opinion. While they almost never meet with Congolese opposition parties to update them on the electoral process, they spend millions of taxpayer dollars on frequent travels to and expensive lobbying efforts in Washington, DC.

3. The US Congress has been holding hearings on DRC for years to little effect on the ground. Unless you act, these remain but abstract academic discussions. You have been considering a legislation on DRC for six months. Now is the time to show resolve and take action.

I thank you.

Mr. GARRETT [presiding]. Thank you. I was reading your bio, and I think that you probably speak more languages than the rest of the room combined, which is unusual for a Marine. I was an Army guy. So thank you.

Without objection, the full remarks of all witnesses will be entered into the record without request, but I thank you for that. And we have votes coming up relatively quickly, but I want to get everyone's testimony in if we can, so I would ask you all to continue.

And, Mr. Bauma, we would welcome your comments.

STATEMENT OF MR. FRED BAUMA, REPRESENTATIVE, LA LUTTE POUR LE CHANGEMENT

Mr. BAUMA. Thank you, Mr. Garrett.

Mr. Chairman, Ranking Member Bass, members of the committee, thank you for inviting me to speak about my country, the DRC. I hope to share some insights that you will find valuable.

On Monday, October 30, Jotham Kasigwa, Justave Kambale, Jean Louis Kikandi, and Remy Mulwana, and Obedi Mumbere, all under 20 years old of age, were shot by Congolese National Police and the military police while demonstrating peacefully in Goma. Those demonstrations were called by the Civil Society Coalition, including the Struggle for Change (LUCHA).

The aim of these demonstrations was to call President Kabila to resign as a consequence of his failure to organize the elections, and to respect the timelines in our Constitution. It should concern the United States that this violent crackdown on peaceful protestors took place so blatantly within the week after Ambassador Nikki Haley visited the DRC.

Violent repressions of demonstrators calling for timely free and fair elections have escalated as Kabila's willing to show contempt of the constitutionally mandated term limit has become increasingly obvious. I have personally experienced this repression when I spend over 17 months in jail for exercising my basic constitutional rights. But my story, unfortunately, is not unique.

Since September 2016, almost 150 peaceful demonstrators have been killed, while hundreds more have been arrested or kidnapped by security forces, and many of them remain in jail. Government officials, including mayors and heads of police in some cities, has been recruiting gangs ironically called antigang or some other name like Bana Mura. Those groups are deployed to arrest and sometimes arbitrarily arrest civil society activists and members of the opposition.

These groups have been responsible for severe human rights violations in many places in DRC, and work tightly with the national police and the Congolese intelligence service. At the same time, journalists are harassed and media outlets are shut down. According to a new report by Journalistes en Danger, an independent watchdog, the Congolese Government and the security forces are responsible for over 83 percent of attacks against the media over the last years.

Even while facing repression, Congolese people are repeatedly demonstrating with the same message: The need for a peaceful transition by the end of this year as stipulated by the CENCO agreement. As Mvemba said, Kabila must go.

The political repression is an only small part of the overall human rights and humanitarian crisis effective—that affect millions of Congolese people. Over 4.5 million of internationally displaced persons, including 1.5 million in Kasai region alone wherein international agencies have documented more than 30,000 refugees to Angola, 80 mass graves, and over 5,000 civilians killed, and hundreds of schools destroyed. In the east of Congo, the regions of Beni, Bukavu, Uvira, Tanganyika, and Ituri have been the theatre of the surge in massacres and intercommunal violence.

This grim situation is tightly linked to the political crisis originated by Kabila's unwillingness to organize elections and his attempt to overstay his power in violation of both Constitution and the CENCO-sponsored agreement. This agreement granted the government one additional year to organize the elections and create conditions for a peaceful transition of power. The political uncertainty is causing trouble that potentially may undermine the peace and security in, not only DRC, but also the region.

While poverty and misery are increasing significantly and the country is collapsing—and the economy of the country is collapsing, President Kabila, his family, and his inner circle are known to have built a rich empire through illicit means. According to reports of different organizations, including the Congo Research Group, Enough Project, Global Witness, the Carter Center, and more recently the Paradise Papers, Joseph Kabila, his family, and both his civilian and military entourage are involved in massive looting of natural resources, corruption, money laundering, potentially implicating terrorist groups. These activities include some individuals and companies linked to U.S. citizens and the U.S. financial system that the U.S. Treasury could target.

By refusing to respect the Constitution, by choosing to oppress and dismantle the opposition of political parties instead of implementing in good faith the CENCO agreement, Joseph Kabila has undermined the trust and the credibility necessary for any dialogue. Fool play on the part of President Kabila is so blatant that it will be a total waste of time to push yet for another round of negotiations between Kabila and his opposition.

The routine of endless and now useless dialogues can no longer be considered as the only path to sustainable solution on the Congo crisis. Further, this government has demonstrated again and again that the electoral calendars are a delay tactic, an empty promise used to divert attention for the fact that the government has no intention to organize the election that will remove Kabila from power. This delay tactic is the best way to ensure that the election will not be held and that if and when they are, they will be rushed in the manner that they will neither be free or fair.

This is a dangerous path for Congo and one that I hope the U.S. also wants to avoid. The only sustainable solution lies in the immediate resignation of Kabila from the office and his replacement by a respected civilian or team that will organize the election.

We the people of DRC are not seeking for pity or charity from the U.S. We are seeking your support in our efforts to prevent DRC for falling once again under a dictatorship. We are prepared to oppose by all peaceful means to a President who has violated rule of law as defined by our Constitution.

There are steps that the U.S. Government can take to push for election and democratic transition with a peaceful transfer of power: The U.S. should impose direct targeted sanctions against Kabila and his inner circle responsible for human rights violations, money laundering, corruption, and sabotage of the political and electoral process.

The U.S. should require the U.N. and the MONUSCO to stop any kind of support to the Congolese security service, including the Congolese army and the police, who are the main perpetrators of human rights violations. Any unconditional support by MONUSCO to the army or the police is akin to support institutions responsible for massive atrocities and human rights violations. Instead, the U.S. Government should work with the U.N. Security Council to make MONUSCO's mandate more effective and precise, allowing it to protect civilians from any form of danger, including the one from the government officials.

The U.S. should state without any ambiguity that they will not back any electoral process that will not end in free and fair elections, organized by a truly independent commission, with a credible voter register, and in an environment where all participants are free to organize and conduct campaigns and rallies, and have access to media, including public media, where civil society has a voice where media and judiciary are free and independent. None of these criteria are met by the Congolese Government, neither by the current CENI.

Finally, the U.S. and international partners, particularly African union, should push Kabila to resign, to allow the return to the Constitution, and honor the CENCO deal, and vacate the office by the end of this year. Any contact with Kabila should aim to effecting his resignation so to allow the return to constitutional order.

Mr. Chairman and members of the committee, I hope that this committee and the U.S. citizens understand our hunger for peace, for democracy, for liberty, for dignity, and for happiness. I hope that you understand, as did the U.S. Founders, that whenever any form of government becomes destructive to its end, as it is dictated in DRC, it is not only the most sacred right of the people to abolish it, it is our indispensable duty. Thank you.

[The prepared statement of Mr. Bauma follows:]

Fred Bauma

Human Rights Activist – Lucha (Lutte pour le Changement) Movement

COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Christopher H. Smith (R-NJ), Chairman

SUBJECT: Resolving the Political Crisis in the Democratic Republic of the Congo

November 9th, 2017

Mr. Chairman, Ranking Member Bass, and Members of the Committee, thank you for inviting me to speak about my country, the Democratic Republic of Congo. I hope to share some insights that you will find valuable.

On Monday October 30th, Jotham Kasigwa, Justave Kambale, Jean Louis Kikandi, Remy Mulwana and Obedi Mumbere; five young men of under 20 years old of age were shot by the Congolese National Police and the Military Police while demonstrating peacefully. Those demonstrations and general strikes in different cities were called by CASC, the Civil Society Coalition of different movements including LUCHA. The aim of these demonstrations was to call President Kabila to resign as a consequence of his failure to organize the elections, and to respect the timelines in our constitution including the limitation of two terms in office for the Presidents. It should concern the United States that this violent crackdown on peaceful protesters took place so blatantly within a week after Ambassador Nicky Haley's visit to the Congo

Violent repressions of demonstrators calling for timely free and fair elections have escalated as President Kabila's willing to show contempt of the constitutionally mandated term limit became increasingly obvious. I have personally experienced this repression, when I spent over 17 months in jail in Kinshasa for exercising my basic constitutional rights. But my story, unfortunately, is not unique. Since September 2016, almost 150 peaceful demonstrators have been killed while hundreds more were arrested or kidnaped by security forces and many of them remain in jail on trumped-up charges. Government officials, including mayors and heads of police in some cities have been recruiting gangs of thugs ironically called "Antigang" or other names such as "Bana Mura." These groups are then routinely deployed to harass and sometime arbitrarily arrest Civil Society activists or members of the opposition. These groups have been responsible for severe human rights violations in many places in DRC, and work tightly with the national police and the Congolese intelligence service. At the same time, journalists are harassed, media outlets are shut down. According to a new report by "Journalistes en Danger", an independent watchdog, the Congolese government and the security forces are responsible for over 83% of attacks against the media over the last years. These includes international correspondents like the ones from RFI and Reuters expelled after they reported on mass graves in the Kasai.

Even while facing repression, Congolese people are repeatedly demonstrating with the same message: The need for a peaceful transition by the end of 2017 as stipulated in the Agreement of 31 December 2016 brokered by the National Conference of Catholic Bishops (CENCO).

The political repression is only a small part of the overall human rights crisis which adds to the increase in violence by armed groups (many protected by the authorities) and the humanitarian crisis affecting millions of Congolese. Over 4.5 million IDPs, including 1.5 million in Kasai regions alone wherein international agencies have documented more than 30,000 refugees to Angola, over 80 mass graves, and over 5000 civilians killed, and hundreds of schools destroyed. In the East of the Congo, the regions of Beni, Bukavu, Uvira, Tanganyika and Ituri have been the theatre of a surge in massacres and intercommunal violence.

This grim situation is tightly linked to the political crisis originated by Kabila and his cleptocratic gang's unwillingness to organize elections and his attempt to overstay his power in violation of both the Constitution and the CENCO-sponsored agreement. This agreement granted the

government one additional year to organize elections and create conditions for a peaceful transition of power. The political uncertainty is causing major economic, security, and humanitarian crisis which has ensued as a consequence has the potential to undermine peace and security not only all the DR Congo but also further encourage instability to our neighbors such as in the already unstable Burundi, Uganda, Central Africa Republic or South Soudan and pouring refugees into Angola.

While the poverty and misery are increasing significantly, and the economy is collapsing with the Congolese Franc having lost 50% of its value in the last 12 months, President Kabila, his family and his inner circle are known to build a rich empire through illicit means. According to reports of different organizations including The Congo Research Group, Enough Project, Global Witness and, the Carter Center, and more recently the International Consortium of Investigative Journalists via the Paradise Papers; Joseph Kabila, his family, and both his civilian and military entourage are involved in massive looting of natural resources, corruption and money laundering potentially implicating terrorist groups. These activities include some individuals and companies linked to US citizen or US financial System that the US Treasury could target.

By refusing to respect the constitution, by choosing to oppress and dismantle opposition's political parties instead of implementing in good faith the CENCO agreement, Joseph Kabila has undermined the trust and the credibility necessary for any dialogue. Fool play on the part of President Kabila is so blatant that it would be a total waste of time to push for yet another round of negotiation between Kabila and the opposition. The routine of endless and now useless dialogues can no longer be considered as the only path to sustainable solution of the Congo crisis. The ritual has been used to maximum effect by Kabila to divide the opposition through corrupt and cooptation, thus ensuring that elections are further delayed indefinitely. Further, his government has demonstrated again and again that their electoral calendars are a delay tactic—an empty promise used to divert attention from the fact that this government has no intention of organizing elections that would remove Kabila from power. This delay tactic is the best way to ensure that no elections will be held, and that if and when they are, they will be rushed in a manner guaranteeing they are neither free nor fair.

This is a dangerous path for Congo. One that I hope the United States also wants to avoid. The only sustainable solution lies in the immediate resignation of President Kabila from office and he must be replaced by a respected civilian person or team that will organize the elections.

We the people of DRC, are not seeking pity or charity from the US. We are seeking your support in our efforts to prevent the DRC from falling once again under a dictatorship. We are prepared to oppose, by all peaceful means, a president who has violated the rule of law, as defined in our constitution.

There are steps the US government can take to push for election and democratic transition with peaceful transfer of power:

1. The US authorities should impose direct targeted sanctions against Joseph Kabila himself and his entourage responsible for Human Rights violations, money laundering, corruption and sabotage of the political and electoral process. US Congress should also impose all necessary legislative boundaries to ensure that US system is not used to found criminal activities in DRC.
2. The US authorities should require the UN and MONUSCO to stop any kind of support to the Congolese security service including the Congolese army and the police who are the main perpetrators of human rights violation. Any unconditional support by MONUSCO to the FARDC and/or the police, is akin to supporting institutions responsible for massive atrocities and human rights violation. Instead, the US government should work through the UN Security council to make MONUSCO's mandate more effective and precise allowing it to protect civilian from any form of danger, including by governmental officials.
3. The US authorities should state without ambiguity that they will not back any electoral process that will not end in a free and fair elections, organized by a truly independent electoral commission, with a credible voter register, and in an environment where all participants are free to organize and conduct campaigns and rallies, and have access to media, including public media; where civil society has a voice and where media and judiciary are free and independence. None of these criteria are met by the Congolese government neither the current election commission body, the CENI.
4. The US and its international partners, particularly African leaders, should push Kabila to resign and allow the return to the constitution and for him to honor the CENCO deal and vacate office by end of 2017.Any contact with Kabila should aim at effecting his resignation so as to allow the return to the constitution order. The millions of congolese youth do not support the prospect of a new dialogue which can only result in a power sharing formula and maintaining the people in the same misery for yet more years.

For their faith in our constitution, hundreds lost their lives, and I worry how many more we may lose if Congo's political trajectory does not quickly deliver on the promise of democracy and elections.

M. Chair, Members of the Committee, I hope that this Committee and the US citizens understand our hunger for peace, democracy, liberty, dignity, and happiness. I do hope that you will understand, as did the US founders that "whenever any form of government becomes destructive of it ends" (of ensuring peace, liberty, dignity and happiness) as it is the case in DRC, "it is not only the most sacred right of the people to alter or to abolish it, it is its most indispensable duty".

I thank you

Mr. SMITH [presiding]. Mr. Bauma, thank you so very much.

We do have a vote on the floor, recorded vote on H.R. 2201, the Micro Offering Safe Harbor Act. We will take a very, very brief recess, subject to the call of the chair, and then we will reconvene our hearing. And I apologize for the delay.

[Recess.]

Mr. SMITH. The hearing will resume.

Ms. Bass will be returning very shortly for the hearing.

Let me ask Dr. Autesserre if she could provide her testimony. And is that the right pronunciation, Doctor?

Ms. AUTESSERRE. Almost, yes. Thank you so much.

Mr. SMITH. Okay. Thank you. Put on your microphone, please.

STATEMENT OF MS. SEVERINE AUTESSERRE, PH.D., PROFESSOR OF POLITICAL SCIENCE, BARNARD COLLEGE, COLUMBIA UNIVERSITY

Ms. AUTESSERRE. Thank you so much, Chairman Smith, Ranking Member Bass, members of the subcommittee, for organizing this hearing and for inviting me. My name is Severine Autesserre. I am an author and researcher and a professor of political science at Barnard College, Columbia University.

Over the past 2 years, activists, journalists, diplomats, and politicians have focused mostly on the political crisis around general elections and on the struggle for power in Kinshasa. We are so preoccupied with the upcoming elections that we are diverting our attention away from the many other issues that are causing violence in Congo, and we are wasting the opportunity to tackle these other issues.

Based on 18 years of research on peacebuilding, including several years living and working in Congo, I believe, and I will show you in my statement, that there is a better way to help resolve the Congolese conflict. Congress should revise its approach to the Congolese crisis by recognizing that there are many other causes of violence beyond the electoral political issue and by acknowledging that democracy and peace do not always go together.

The two most important measures Congress can take are to increase the United States' support to local and bottom-up peacebuilding and to put local actors in the driver's seat.

The delay in holding elections is only one among the many issues that fuel the ongoing violence in Congo. And importantly, local conflicts at the village or district level also fuel extensive violence.

So to be clear, yes, national and international leaders regularly manipulate local armed groups, including for electoral purposes. But at the same time, local combatants use national and regional tensions as a way to pursue their own specific, local goals. For instance, in North and South Kivu, villagers regularly ally with national leaders and with foreign militias to get control over neighboring land. As a result, Congo needs bottom-up peacebuilding in addition to the current top-down approach. And the words "in addition to" are very important. I am not saying that we should replace the current Kinshasa-centered, election-focused strategies with local peacebuilding measures. Instead, what I am saying is that we should add local peacebuilding to the set of options that we currently use to resolve the Congolese conflict. This means increasing

the United States' support—financial support, logistic support, and technical support—to local peacebuilding.

We should also recognize that democracy and peace do not always go together. In fact, the push toward rapid elections has fueled violence in many other war and postwar environments. So, of course, President Kabila should go, and of course Congolese people deserve elections and democracy. But in the short term, there may be a choice to make between the two goals of democracy and peace. And foreign activists and diplomats and foreign politicians should not be the ones to make this choice. Ordinary Congolese people should.

And this leads to my last point. Local people have far more relevant knowledge, skills, capacity, contacts, and means to resolve their own predicaments than we usually believe, and more than provincial, national, or international actors will ever have. When you look at things that have actually worked in Congo, you see that certain local, ordinary citizens have managed to create islands of peace—literal islands of peace—in the Kivus. Others have decreased tensions in Ituri, and yet others, like Fred Bauma sitting next to me, have created a wide democratic movement at the grassroots.

The usual international approach is to ignore these kinds of local initiatives. Instead, we should support, fund, and protect these local initiatives so that we reinforce them. And I published a book on how to do that. The book is called "Peaceland." To summarize it in just one sentence, we need to build on local expertise, and we need to involve in the design and planning of international efforts not only the elite based in Kinshasa, but also local leaders, intended beneficiaries, and ordinary citizens.

So to wrap up, we can help Congo establish sustainable peace and functioning democracy, but to do that we have to look beyond elections and also support the other peacebuilding priorities. We also have to build much more on the expertise and capacity of Congolese people—ordinary Congolese people—and support bottom-up peacebuilding much more extensively.

Thank you so much. I look forward to your questions.

[The prepared statement of Ms. Autesserre follows:]

Foreign Affairs Committee,
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
United States House of Representatives

Statement of Séverine Autesserre
Professor of Political Science, Barnard College, Columbia University

November 9, 2017
"Resolving the Political Crisis in the Democratic Republic of the Conge"

Thank you, Chairman Smith, Ranking Member Bass, and Members of the Subcommittee, for holding this hearing. I appreciate the opportunity to share with you my analysis and recommendations concerning the Democratic Republic of Congo.

My name is Séverine Autesserre. I am a Professor of Political Science at Barnard College, Columbia University, and an Andrew Carnegie Fellow. I have lived and worked on and off in Congo for 16 years, and I have published two books—*Peaceland* and *The Trouble with the Congo*—which both talk about war, peace, and intervention in Congo. I have also written about Congo for *The New York Times*, the *Washington Post*, *Foreign Affairs*, *Foreign Policy*, and numerous scholarly journals. My research is freely accessible on my website www.severineautesserre.com. All of my publications—and this statement—reflect my best judgment as an independent author and researcher who strives to be a friend to Congolese people from all sides of the political spectrum rather than as an advocate for a specific party, group, organization, constituency, or policy.[1]

* * *

Over the past two years, as Congo has descended into a political crisis, the United States government—along with journalists, activists, foreign diplomats, and the leaders of international and nongovernmental organizations—have focused mostly on the drama surrounding President Joseph Kabila's attempts to cling to power by delaying elections.

This narrow political focus recalls the outside world's approach to Congo the last times the country prepared for general elections, in 2006 and 2011. Now, as then, the preoccupation with elections distracts from the issues whose resolutions are more likely to lead to peace: the poverty, unemployment, corruption, criminality, and poor access to land, justice, and education that are at the root of Congo's long-standing violence.

In this statement, I explain that elections and legitimacy are important, but to concentrate exclusively on the political crisis in Kinshasa is to waste the opportunity to tackle other,

[1] A preliminary version of the argument I develop in this statement appeared earlier this year in *Foreign Affairs*, in two pieces entitled *What the Uproar Over Congo's Elections Misses* (March 2017) and *The Right Way to Build Peace in Congo* (April 2017). I am grateful to the *Foreign Affairs* team, in particular Simon Engler, for working with me on these articles and allowing me to use them as a departure point for my statement. I also thank Graham Glusman, René Lemarchand, and Philippe Rosen for their very useful feedback on this statement. Of course, *Foreign Affairs*, Simon Engler, Graham Glusman, René Lemarchand, and Philippe Rosen do not necessarily endorse or agree with my position.

more pressing issues. This approach is all the more misguided because the ongoing violence makes it much more difficult to resolve the political crisis, and because poverty, land tensions, corrupt justice, and a lack of access to education are among the very issues that fuel this violence.

There are actions that Congress can take to help resolve the ongoing crisis in Congo. Congress should acknowledge that local conflicts are an essential cause of violence and that democracy and peace do not necessarily arrive together. I also recommend legislation that increases the United States' support to local and bottom-up peacebuilding and places local actors in the drivers' seat.

THE CURRENT SITUATION

Political Crisis in Kinshasa

General elections were scheduled to take place in 2016, and free and fair elections are relatively new to Congo. In 2006, the country held its first democratic elections since 1960, in a contest that led to a runoff vote and violence in Kinshasa. Congolese citizens voted again in 2011, but many fraud accusations marred the process. Both times, President Joseph Kabila and his party took the majority of the votes.

The next round of general elections could have been different. To start, the constitution bars Kabila from running for a third term. More importantly, Congolese people have been so disappointed with the performance of their president that, according to one of the only reliable opinion polls available, they were preparing to vote for political opponents.[2]

But the elections have yet to take place. The government has rescheduled them several times under various pretexts, and it now appears that the voting won't happen until December 2018. Kabila's attempts to stay in power have generated massive popular protests over the past year, all of which the government violently repressed.

The Kabila government has harassed, threatened, and, at times, arrested, tortured, and killed opposition figures and grassroots activists in order to suppress resistance. Ordinary people have become wary of discussing elections. During my latest trips to Congo in 2016 and 2017, most of my contacts would lower their voices when talking about the political crisis. Others would first look around to make sure nobody was listening.

Even if political change in Kinshasa were to arrive, however, it would be unlikely to bring peace and prosperity to Congo. The capital is too disconnected from the rest of the country to effectively address its problems, even if it wanted to. Besides, holding general elections will not resolve the many issues that cause misery for the country's citizens.

Continuing Violence

[2] Congo Research Group and Bureau d'Études de Recherches et de Consulting International, *Impasse in the Congo: What Do the People Think? Results from a National Public Opinion Poll*, New York, NY: New York University, 2016.

The Congolese conflict is the deadliest conflict since World War II. It has claimed more than five million lives.[3]

Most of the continuing violence in Congo is not caused by the delay in holding elections or the struggle for power in Kinshasa. The analysis that I developed during the war, and that culminated in my 2010 book, *The Trouble with the Congo*, continues to be proven accurate and still holds up today.[4] In short, local, provincial, national, regional, and international issues combine to produce conflicts over power, land, economic resources, and social standing, causing violence throughout the country.

While electoral matters and the crisis in national politics clearly fuel some of the ongoing fighting—for instance, the clashes in Kinshasa and Bas Congo earlier this year—local issues, such as access to land and to local power, also motivate large parts of the persistent conflicts in Congo's eastern and central provinces. Those conflicts have been exacerbated by rebel groups from Congo's neighbors, notably Burundi, Rwanda, and Uganda. These combatants have taken refuge in Congo and have often allied with the national army, or with Congolese militias, to control territory, fend off enemies, and wage war on their home countries. All of these local, national, and regional groups illegally exploit Congo's massive natural resources like charcoal, diamonds, and gold to help fund their operations.

The current political crisis has the potential to exacerbate all of these issues. For good reason, Congolese citizens worry that the run-up to elections may generate additional violence, for instance between protesters and the police or the army. The countdown to elections is also likely to worsen community tensions, because politicians are mobilizing their bases by promising them land, money, jobs, and the like, pitting them against their opponents' supporters.

At the same time, omnipresent fighting impedes the resolution of the political crisis in Kinshasa. In the midst of widespread violence, there can be no meaningful freedoms of expression or movement, nor can there be many of the other conditions that free and fair elections require. And when there are criminals and rebels on whom governing elites can blame disappearances and murders, it is easier for the ruling class to oppress its opponents.

Vicious Cycle

Not surprisingly, according to surveys run by the Harvard Humanitarian Initiative, Congolese people consistently rank peace and security as their top priorities.[5] Also of

[3] International Rescue Committee, *Mortality in the Democratic Republic of Congo: An Ongoing Crisis*, New York, NY: IRC and Burnet Institute, 2008.

[4] See, among other publications, Séverine Autesserre, "Local Violence, National Peace? Post-War 'Settlement' in the Eastern D.R. Congo (2003-2006)," *African Studies Review*, vol. 49, no. 3, 2006; "The Trouble with Congo: How Local Disputes Fuel Regional Violence," *Foreign Affairs*, vol. 87, no. 3, 2008; and *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding*, New York, NY: Cambridge University Press, 2010.

[5] Patrick Vinck, Phuong Pham, and Tino Kreutzer, *Poll Reports*, Boston, MA: Harvard Humanitarian initiative, 2008 to 2016, available at www.peacebuildingdata.org/research/drc.

great concern to these citizens are a dearth of money and employment; a lack of access to education, food, and land; and governance issues, most notably corruption and injustice.

Congo is the 12th least-developed country in the world. Concretely, this means that 77% of Congolese citizens live on less than $2 per day; life expectancy is less than 60 years; more than 42% of children under the age of five suffer from malnutrition; less than 25% of Congolese people go further than primary school in their studies, and 66.8% of Congolese women have experienced gender-based violence.[6]

Security issues, economic problems, and social concerns are inextricably linked. Consider poverty. On the island of Idjwi in Lake Kivu, which has been mostly insulated from the violence of the surrounding province of South Kivu, young people I met while conducting academic research in 2016 threatened to take up arms against local elites in an attempt to attract international attention, and thus income-generating projects, to their island. In the nearby town of Kavumu, on South Kivu's mainland, Congolese I spoke with told me they wanted access to development programs that would employ young people and keep them from joining armed groups. Likewise, many of the militia members I have talked to over the past 16 years emphasized the very practical concerns that led them to enroll: They had no better job prospects and needed to find a way to eat and survive—not to mention that they now had some respect and power. And of course, violence prevents many development initiatives from succeeding or even starting in the first place, thus creating a vicious cycle.

In addition, the Congolese state is so weak that it is barely present outside of the main cities. This means no schools, no health centers, no reliable police and army, and no roads, except when a foreign donor or association has decided to help out. In fact, 73% of Congolese people actively distrust their government.[7] They also often associate soldiers and police officers with abuse, not protection. Indeed, statistics from the United Nations Joint Human Rights office show that Congolese law and order forces are responsible for even more rapes, killings, and thefts than the rebels and militiamen they combat.[8]

The best way to resolve these matters would be to install a national government that represents Congolese citizens and focuses on peace and development. But the negotiations in Kinshasa and the elections they may eventually produce are unlikely to lead to that outcome. There is little hope that elections, if they are held, will be free and fair. Moreover, the overwhelming majority of the elite jockeying for power place their own wealth and influence above the interests of their fellow citizens.

Politicians and researchers often emphasize how deeply intractable the conflict is: Even the largest and most expensive United Nations peacekeeping mission in the world, with its $1-billion-a-year budget and more than 20,000 troops, has failed to end violence.

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[6] United Nations Development Programme, *Human Development Report 2016: Human Development for Everyone*, New York, NY: UNDP, 2017.
[7] United Nations Development Programme, *Human Development Report 2016.*
[8] Office of the United Nations High Commissioner for Human Rights, *Accountability for Human Rights Violations and Abuses in the DRC: Achievements, Challenges and Way Forward (1 January 2014 - 31 March 2016)*, New York, NY: OHCHR and MONUSCO, 2016, p. IV.

Hope

But not all hope is lost in Congo. Many individuals strive for peace and manage to make a difference.

I have seen many heartening developments in the past sixteen years. The overall situation is far better today than the first time I went to Congo in 2001. The country is not divided between government and rebel areas any more. Many provinces are free from war. Ordinary citizens have managed to build a wide democratic movement starting from the grassroots. Activists work hard to try to hold their government accountable; so far, neither threats, torture, jailing, nor killings have managed to stop them. As I detailed in a recent piece for the *Washington Post*, in some parts of Congo, citizens have even found a way to address violence on their own—for example, by turning to local religious authorities or community organizations to mediate disputes, instead of to militias or the security forces.[9]

The good news is that it is possible to promote peace and prosperity in Congo despite the country's political crisis. Below I describe the actions Congress can take.

THE WAY FORWARD

Change the Overall Approach And Focus on What Works

In my book, *Peaceland*, I demonstrate that the United States, along with most activists, diplomats, peacebuilders, and development workers, usually tries to address tensions in war and postwar contexts through projects, aid, etc.—in short, resources that come from the outside.[10] Very few focus on tapping into and unleashing the talent and potential that the Congolese and others throughout the world's conflict zones possess. When they do, they support national elites, and they try to build peace from the top down. This approach has repeatedly failed in Congo and at times, has even worsened the situation.[11]

It seems obvious that building on what works is as important as learning from what fails. And yet, until now that hasn't been the case. If the United States, along with international and nongovernmental organizations, wants to help Congo resolve its ongoing issues, it should focus on backing successful peacebuilding initiatives rather than concentrating almost exclusively on challenges such as troubled elections. Foreign interveners should fund, protect, and otherwise support exceptional individuals and organizations much more extensively.

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[9] Séverine Autesserre, "Here's What Congo Can Teach the World About Peace," *The Washington Post*, October 19, 2016.

[10] Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention*, New York, NY: Cambridge University Press, 2014.

[11] See most of my published work on Congo, including my 2006 article "Local Violence, National Peace?", my 2010 book *The Trouble with the Congo*, as well as "Hobbes and the Congo: Frames, Local Violence, and International Intervention," *International Organization*, vol. 63, no. 2, 2009, "The Only Way to Help Congo," *The New York Times*, June 23, 2012, and "Dangerous Tales: Dominant Narratives on the Congo and Their Unintended Consequences," *African Affairs*, vol. 111, no. 443, 2012.

For this support to be effective, we need a change of mentality and approach. I have detailed the required changes at length in the conclusions to my books *Peaceland* and *The Trouble with the Congo*, as well as in a recent article for the *International Studies Review*, and I provide a short summary of the essential points below. I show that the United States needs to adopt the following three measures:

1. Acknowledge that democracy and peace do not necessarily arrive together
2. Put local actors in the driver's seat
3. Increase its support to local and bottom-up peacebuilding

Acknowledge that Democracy and Peace Do Not Necessarily Arrive Together

A first and essential step is to recognize that good outcomes such as democracy and peace do not always arrive together.[12] In fact, as numerous political scientists have demonstrated, the push toward political liberalization has fueled violence in a number of other postwar countries, from Angola and Bosnia to Cambodia and El Salvador.[13]

In the short term, there may be a similar tradeoff between democracy and peace in Congo. Elections could be organized as quickly as possible, with the understanding that doing so may fuel violence. Alternatively, the time, resources, and effort required to organize elections could be used to address the root causes of Congo's conflict.

Foreign activists and diplomats should not be the ones to choose between these courses. Instead, ordinary Congolese should. Diplomats, peacekeepers, and the staff members of international and nongovernmental organizations can certainly help. But to do so, they must let local stakeholders design and lead the democratization or peacebuilding process.

Put Local Actors in the Driver's Seat

Congress should instruct United States agencies to invert the prevailing practice of foreigners making decisions while local people merely assist or execute orders. Local actors—whether these actors are local non-governmental organizations, local authorities, civil-society representatives, religious structures, or local staff and counterparts—should be in the driver's seat, getting to do things themselves and acting as the primary decision makers. It is foreigners who should remain in the shadows to help and advise.

Ordinary citizens trust local-level elites much more than they trust national leaders, even when these local chiefs (like traditional authorities) were not chosen democratically. Moreover, local people have far more relevant knowledge, contacts, and means to resolve their own predicaments than outsiders usually believe they do, and more than provincial, national, and international actors will ever have. In spite of conventional thinking, local

[12] For more on this topic, see Séverine Autesserre, "International Peacebuilding and Local Success: Assumptions and Effectiveness," *International Studies Review*, vol. 19, no. 1, 2017, and "Three Flawed Ideas Are Hurting International Peacebuilding," *The Washington Post* online, March 2017.

[13] Among others, see Michael N. Barnett, "Building a Republican Peace: Stabilizing States after War," *International Security*, vol. 30, no. 4, 2006; and Roland Paris, *At War's End: Building Peace after Civil Conflict*, New York, NY: Cambridge University Press, 2004.

actors do have the capacity to address some of the deeper roots of their country's problems—indeed, enough to have made real progress in recent years. They have managed to create islands of peace in North and South Kivu, ease tensions between antagonistic communities in Ituri, and build a popular democratic movement.

International interveners like United States agencies, the United Nations, and many international and non-governmental organizations tend to ignore such local initiatives. Instead, they must support and reinforce the local efforts.

Their main role should be to empower the local population, authorities, and organizations to decide which tensions and priorities to address, which actions would be most effective, which partners are reliable, and how international actors can best support their efforts. United States diplomats deployed on the ground, as well as non-governmental and international organizations staff funded by the United States, would have two main responsibilities in this process: first, to identify reliable peacebuilders, monitor their actions, and provide any technical support necessary, and second, to channel funds and logistical resources to the actors identified. The work of the non-governmental organization the Life and Peace Institute in eastern Congo is a perfect example of this approach, and the results achieved so far demonstrate its feasibility and effectiveness.

Increase the Support to Bottom-Up Peacebuilding

Next, United States legislators and policy-implementers should acknowledge that bottom-up processes can be at least as effective at creating peace as top-down approaches are, if not more so. Building peace, democracy, and prosperity from the grassroots is a necessary complement to the ongoing efforts to resolve the crisis in Kinshasa.

❖ ***The Importance of Bottom-Up Peacebuilding***

Two problematic assumptions shape the overall intervention in Congo and in many other conflict zones: first, that local tensions mirror national and regional ones, and second, that peace achieved on the national or international stage tends to trickle down to the local sphere.[14] In fact, many scholars have demonstrated that local and subnational conflicts are often distinct from national and international ones, even if they are linked to them.[15] What is more, many other researchers have shown that establishing peace at the national or international level does not necessarily end local violence.[16]

[14] Séverine Autesserre, "Going Micro: Emerging and Future Peacebuilding Research," *International Peacekeeping*, vol. 21, no. 4, 2014.
[15] Among others, see Patricia Justino, Tilman Brück, and Philip Verwimp, eds., *A Micro-Level Perspective on the Dynamics of Conflict, Violence, and Development*, Oxford: Oxford University Press, 2013, and Stathis Kalyvas, *The Logic of Violence in Civil War*, New York, NY: Cambridge University Press, 2006.
[16] Among others, see Christopher R. Mitchell and Landon E. Hancock, eds., *Local Peacebuilding and National Peace: Interaction between Grassroots and Elite Processes*, London: Bloomsbury Academic, 2012; and Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords*, London: Palgrave Macmillan, 2006.

Congo is no exception. Just as national actors manipulate local armed groups, so too do local actors use national conflicts to pursue their own specific agendas.[17] Villagers in North and South Kivu, for example, regularly ally with national leaders and foreign militias to get control over land.

The massive national and international peace efforts of the past 20 years have mostly focused on assuaging violence from the top down—by focusing on general elections, organizing large international conferences to reconcile presidents and rebel leaders, and so on. This approach has clearly failed to end the violence.

Extensive scholarly and policy research proves that bottom-up peace approaches have increased peacebuilding effectiveness in various conflict zones.[18] They have even contributed to prosperity and stability (including strong state institutions) in parts of Somalia, Afghanistan, and Iraq.[19] Overall, the conclusions drawn from the research are definitive: Only a combination of bottom-up and top-down efforts can build sustainable peace.[20] It is high time that foreign interveners apply these lessons in Congo.

❖ ***The Need for Both Top-Down and Bottom-Up Approaches***

Of course, civilians cannot defeat armed groups single-handedly. Nor do ordinary people have the networks necessary to build peace at the national level. This is why international pressure on national and regional actors remains necessary.

What Congo needs is bottom-up peacebuilding **in addition to** the current top-down approach. Congress should not mandate U.S. diplomats to end their current focus on Kinshasa but supplement it with more local peacebuilding efforts.

To be clear: I do not deny the importance of peacebuilding at the national level. My argument is not that top-down conflict resolution does not matter and that locally-driven peacebuilding is the only answer. Just as a purely top-down intervention leads to unsustainable peace, an exclusively bottom-up strategy would only produce a very fragile and temporary settlement because top-down manipulation can jeopardize peace achieved at the local level.

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[17] See most of my published work on Congo, as well as Pool d'Appui à la Stabilisation des Experts de la Société Civile Congolaise, *Analyses Croisées de Conflits à l'Est de la République Démocratique Du Congo*, Goma: Pole Institute and MONUSCO, 2017.

[18] See for instance Kate McGuinness, *Local First: Development for the Twenty-First Century*, London: Peace Direct, 2012; and Hanna Leonardsson and Gustav Rudd, "The 'Local Turn' in Peacebuilding: A Literature Review of Effective and Emancipatory Local Peacebuilding," *Third World Quarterly,* vol. 36, no. 5, 2015.

[19] Michael Harsh, "A Better Approach to Statebuilding: Lessons from 'Islands of Stability'," *Foreign Affairs* online, 2017.

[20] Among others, see Mary Anderson and Marshall Wallace, *Opting out of War: Strategies to Prevent Violent Conflict*, Boulder, CO: Lynne Rienner Publishers, 2013; John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, DC: United States Institute of Peace Press, 1997; and Craig Zelizer and Robert A. Rubinstein, *Building Peace: Practical Reflections from the Field*, Sterling, VA: Kumarian Press, 2009.

Rather, my argument is that there are many causes of violence beyond the political crisis in Kinshasa and, as such, the focus on elections as the main solution to the Congo's troubles is misguided and the hope placed in national elites is overly optimistic. It is simplistic to assume that elites in Kinshasa control everything. Elections do not guarantee institution building. Bottom-up conflicts, if left unresolved, can annihilate successes achieved at the macro-level, as has happened multiple times in the past two decades. And given the current circumstances, ending the struggle for power in the capital is unlikely to automatically address the problems at the roots of Congo's violence: poverty, unemployment, corruption, criminality, and poor access to land, justice, and education.

- ***Concrete Ways to Support Local and Bottom-Up Peacebuilding***

The United States should increase its financial, logistical, and technical support to local peace actors and bottom-up peacebuilding processes.

Although peacebuilders must tailor local conflict-resolution projects to each specific context, several measures are likely to be among the top priorities in many parts of Congo. Contested land ownership is a major source of tension and violence throughout the country, so supporting grassroots initiatives that resolve land disputes is essential. Reconciliation projects among families, clans, communities, militias, and social groups that have fought one another during the war are also likely to be appropriate in most districts and villages.

Instead of disbursing funds for the short term, as is the standard practice, United States donor agencies should conceive of their funding instruments as long-term budgets. This approach would ensure that the local peacebuilding projects are effective (because most require a multiyear commitment) and that local partners have time to gradually build up their capacity.

The massive amount of money spent on development and humanitarian programs can also help advance bottom-up conflict resolution. Some emergency relief projects clearly cannot and should not include peacebuilding measures, because such measures would compromise the projects' effectiveness or the aid workers' access to the population and, therefore, cost numerous lives. Nonetheless, many other humanitarian initiatives, as well as virtually all development programs, can and should include such measures.

Including a peacebuilding dimension in most aid programs would not only help increase resources for local conflict-resolution endeavors, but would also maximize their impact. By all accounts, conflict-resolution initiatives, such as reconciliation workshops and peace education projects, work best when combined with development or relief undertakings. For example, building a market, a school, or a health center shared by two communities in conflict helps reestablish social and commercial links between them, thus assuaging the tensions born of distrust and lack of communication and perpetuating the benefits of reconciliation workshops.

Combining development projects with local peacebuilding work is also a way to respond to the requests of many targeted communities. These communities routinely emphasize

that they can enjoy the benefits of reestablished peace only after their basic day-to-day needs are met. They also often underscore that providing alternative survival strategies for existing or potential militia members, as well as those who stand to lose their political, economic, or social power when the ongoing violence ends, is vital to creating sustainable peace programs. These alternative survival strategies can include food security and livelihood projects as well as education and job-training programs.

Letting local people develop their own analysis of the conflict and decide on the best solution (as recommended above) is particularly important when supporting local peace initiatives. Grassroots organizations and indigenous authorities know the local context best, and they already have extensive contacts. They are therefore most effective at designing and implementing bottom-up peacebuilding projects. In contrast, international interveners rarely have the knowledge or capacity to resolve local conflicts, so their direct involvement is more likely to worsen the situation than to improve it. Second, by letting local partners make decisions, international actors can support critical local projects while upholding the dominant norms of noninterference and respect for state sovereignty. Finally, working primarily through local partners minimizes the amount of work and staff needed to support local peacebuilding, thus keeping the costs manageable.

❖ ***Linking Bottom-Up to Top-Down Efforts***

The Committee should consider how to connect this bottom-up support to peacebuilding efforts at the national and international level. This is especially important because the Congolese peace agreements have installed in power many of the provincial and national leaders who fueled local tensions during the wars and have continued to do so in recent years. In addition, certain combatants listen only to actors who have some kind of coercive capacity over them, such as provincial, national, or international officials. The intervention of United States diplomats—along with United Nations staff—is necessary to, on the one hand, help deter further violence and, on the other, signal to combatants a possibility for assistance, thus increasing the estimated peace dividends.

* * *

United States Representatives, along with peacekeepers, international and non-governmental organizations' staff members, and foreign diplomats, can help Congo establish sustainable peace and a functioning democracy. But to do so, it is imperative that they build on local expertise and work with national elites, local leaders, and ordinary citizens to plan international programs. It is also crucial that they look beyond elections and support other local priorities.

Chairman Smith, Ranking Member Bass, Members of the Subcommittee, I am grateful for this opportunity to testify, and I look forward to any questions you may have.

Mr. SMITH. Thank you so very much for your testimony.
Ms. Sawyer?

STATEMENT OF MS. IDA SAWYER, CENTRAL AFRICA DIRECTOR, HUMAN RIGHTS WATCH

Ms. SAWYER. Chairman Smith, Ranking Member Bass, members of the subcommittee, thank you for the invitation to testify. I appreciate your ongoing and bipartisan interest in the Democratic Republic of Congo.

As you know, President Kabila's constitutionally mandated two-term limit ended in December 2016. Yet he has used one contrivance after another to delay elections, while plunging the country into a web of security, humanitarian, political, and economic crises that have had devastating consequences for the Congolese people and risk destabilizing the volatile subregion.

During U.S. Ambassador to the U.N. Nikki Haley's recent visit to Congo, she pressed Kabila to hold elections before the end of 2018. Clearly in response, Congo's Electoral Commission, the CENI, published a new calendar setting December 23, 2018, as the date for Presidential elections. The silver lining here is that the CENI's response shows the considerable influence the U.S. Government continues to have in Kinshasa. Haley's visit and strong messaging signaled renewed high level U.S. engagement on Congo. It showed Congolese Government officials that, not only does Congress continue to be seized by the political crisis in Congo, but that the Trump administration is also watching very closely.

Yet at the same time, the message that elections only need to be held before the end of 2018 was seen by many Congolese as giving a free pass for Kabila to continue his delaying tactics and stay in power another year, despite his lack of constitutional legitimacy. Congolese officials have blatantly disregarded previous election calendars, while Kabila and his ruling coalition have largely ignored the main terms of the New Year's Eve agreement signed last year.

Kabila should be stepping down by the end of this year. By unilaterally extending the timeframe, the U.S. runs the risk of losing credibility among key actors in Congo. Yet if the U.S. is willing and able to use its influence now to ensure fair elections that reflect the will of the Congolese people, it could rebuild any lost legitimacy. The question now is how far will the U.S. go?

Senior U.S. officials delivered messages similar to those of Ambassador Haley as the end of Kabila's two-term limit approached in 2016. When that deadline passed, U.S. officials pressed Kabila to organize elections by the end of 2017. Since then, Kabila instead entrenched his hold on power through corruption and repression. Congolese Government and security force officers went so far as to implement a deliberate strategy of chaos through orchestrated violence, especially in the southern Kasai region, where up to 5,000 people have been killed since August 2016. Nearly 90 mass graves are scattered across the region, 600 schools have been attacked or destroyed, and 1.4 million people displaced from their homes, including 30,000 who fled to neighboring Angola.

In March, two U.N. investigators, Michael J. Sharp, an American from Kansas, and Zaida Catalan, a Swedish and Chilean citizen, were killed while investigating violence in the region. Human

Rights Watch investigations suggest government responsibility for the double murder.

Predictably, government and CENI officials have cited the violence in the Kasais as one of the main excuses for why elections could not be held this year. Kabila's refusal to relinquish the presidency can partly be explained by the considerable fortune he and his family have amassed during his tenure and the millions of dollars in mining revenue that have gone missing. Such corruption has helped leave the government bereft of funds to meet the basic needs of an impoverished population. Hundreds of government employees went on strike in recent months, including hospital workers who hadn't been paid since 2016. This comes amid a national cholera epidemic and impending famine threatening millions of Congolese.

Meanwhile, brutal repression has continued unabated, as Fred described. Security forces shot dead more than 170 people during protests in 2015 and 2016. Earlier this year, security forces killed 90 people in a crackdown against a political religious sect. During a protest in Goma just on October 30, security forces killed five people, including an 11-year-old boy. Hundreds of opposition leaders, activists, and journalists have been jailed. In July, unidentified armed men shot and nearly killed a judge, who refused to hand down a ruling against an opposition leader.

These actions are very much at the heart of how Kabila and his coterie seek to overcome the political crisis, by using all available institutional authorities to squash, silence, and flat out eliminate any opposition to his efforts to hold on to power.

More protests are planned in the coming days and weeks. Citizens movements, human rights activists, and opposition leaders have denounced the new electoral calendar as a fantasy and shameful maneuver by Kabila to stay in power indefinitely. They have urged the Congolese people to mobilize. They have proposed a citizens' transition, without Kabila, led by individuals who could not be candidates to allow for the organization of credible elections. There is a real risk of increased violence in the coming months.

As things now stand, the U.S., including Congress, cannot afford to take its eyes off Congo. There is too much at stake. First, Congress should hold the executive branch to account and make sure the administration is not being fooled by empty promises. Kabila has given no clear signals that he intends to leave power, while the repression, violence, and corruption have become so pervasive across institutions and security forces that it is nearly impossible to imagine credible, peaceful elections being organized with Kabila still President.

While there is no easy path forward, a short citizens' transition without Kabila is probably the best way to ensure good elections. To get there, the U.S. should work closely with regional and international partners to press Kabila to step down, and share concerns about Kabila's physical security after he leaves office are addressed and actively support consultations to determine the management of a post-Kabila transition.

We also urge Congress and the U.S. administration to support the following: Expand targeted sanctions on Kabila's family members and close financial associates, including those involved in seri-

ous corruption to quash peaceful dissent or otherwise maintain Kabila's rule. Previous sanctions against senior security force and government officials have had an impact and appear to have helped change behavior and affect the calculus of some top officials. Yet additional sanctions are needed to show Kabila himself that there are real consequences for the ongoing violence and election delays.

Publicly denounce the repression. Call for the immediate release of all political prisoners and for all politically motivated charges against opposition leaders and activists to be dropped.

And three, continue support in this challenging environment for the U.N. peacekeeping mission.

We also hope you will continue to press for an independent investigation into the murders of the U.N. experts Sharp and Catalan and to help ensure that those most responsible are held to account. Efforts to date are far from adequate. A failure to do so would send the message that those responsible for such a heinous crime can escape justice, risking future lives, not only in Congo, but across the world where U.S. and the U.N. have deployed experts.

The U.S. has important influence in Congo and can help prevent more bloodshed, but time is running out. Strong, courageous positions and actions are needed to demonstrate that the U.S. is on the side of the Congolese people and their aspiration for a democratic, rights-respecting, and accountable government.

Thank you.

[The prepared statement of Ms. Sawyer follows:]

"Resolving the Political Crisis in the Democratic Republic of the Congo"

House Foreign Affairs Subcommittee on
Africa, Global Health, Global Human Rights, and International Organizations

Testimony of Ida Sawyer
Central Africa Director, Human Rights Watch

November 9, 2017

Chairman Smith, Ranking Member Bass, members of the subcommittee, thank you for the invitation to testify. I appreciate your ongoing and bipartisan interest in the Democratic Republic of Congo, which is at a critical juncture. The absence of senior-level attention from the executive branch has also been concerning, making this hearing particularly timely.

President Joseph Kabila's constitutionally mandated two-term limit came to an end in December 2016. Yet he has used one contrivance after another to delay elections for his successor, while plunging the country into a web of security, humanitarian, political, and economic crises that have

had devastating consequences for the Congolese people and risk destabilizing the volatile sub-region.

As you may know, US Ambassador to the United Nations Nikki Haley recently traveled to Africa – the first senior-level visit since President Donald Trump took office. She visited Congo and pressed President Kabila to hold elections before the end of 2018 – a year later than what the ruling coalition and main opposition parties in the country had committed to, in an agreement mediated by the Catholic Church and supported by key international donors, including the United States.

Notably – and clearly in response to Ambassador Haley's statement – Congo's national electoral commission (CENI) published a new electoral calendar on November 5, setting December 23, 2018 as the date for presidential, legislative, and provincial elections – more than two years after the end of Kabila's constitutional mandate. The silver lining here is that the CENI's response shows the considerable influence the US government continues to have in Kinshasa.

Haley's visit to Congo and strong messaging on the need for a democratic transition and an end to government repression and horrific violence in the country signaled renewed high-level US engagement on Congo. It showed Congolese government officials that it is not only Congress that continues to be seized by the political crisis in Congo, but that the Trump administration is also watching the situation very closely. Yet at the same time, the message that elections only need to be held before the end of 2018 was seen by many Congolese as giving a "free pass" for Kabila to continue his delaying tactics and stay in power another full year, despite his lack of constitutional legitimacy.

As things now stand, the US – including Congress – cannot afford to take its eyes off Congo; there is too much at stake. Congolese government and CENI officials have blatantly disregarded previous election calendars, while Kabila and his ruling coalition have largely ignored the main terms of the Catholic Church-mediated power sharing arrangement signed on December 31, 2016, which called for elections by the end of 2017 and a number of measures to de-escalate tensions and open political space. Kabila has instead sought to entrench his hold on power through corruption, large-scale violence, and brutal repression against the political opposition, activists, journalists, and peaceful protesters.

President Kabila should be stepping down at the end of this year, and by unilaterally extending the timeframe, the US runs the risk of losing credibility among many key actors in Congo – including the political opposition, human rights and pro-democracy activists, the influential conference of Catholic bishops, and other independent voices who have made clear their desire to see the constitutional term-limit adhered to. However, at the same time, if the US is willing and able to use its influence to ensure the organization of credible, timely, and fair elections that reflect the will of the Congolese people, it can easily rebuild any lost legitimacy. The question now is how far will the US go?

Over the last few years, senior US officials have delivered messages similar to those of Ambassador Haley as the end of Kabila's two-term limit – December 19, 2016 – approached. When that deadline passed with no progress toward elections, US officials, together with the UN Security Council and others, pressed Kabila to organize elections by the end of 2017, in accordance with the Catholic Church-mediated power sharing arrangement.

Since that agreement was signed, Congolese government and security force officers went so far as to implement a deliberate "strategy of chaos" through orchestrated violence, especially in the

southern Kasai region, where up to 5,000 people have been killed since August 2016, when large-scale violence by government forces and local militia groups broke out in a region that had previously been largely peaceful. Nearly 90 mass graves are scattered across the region, and most are believed to contain bodies of civilians and militia fighters killed by government forces. Six hundred schools have been attacked or destroyed, and 1.4 million people displaced from their homes, including 33,000 who fled to neighboring Angola. In March, two UN investigators – Michael J. Sharp, an American from Kansas, and Zaida Catalán, a Swedish and Chilean citizen – were killed while investigating serious human rights violations in the region. Human Rights Watch investigations and a Radio France Internationale report suggest government responsibility for the double murder.

Predictably, government and CENI officials have cited the violence in the Kasais as one of the main excuses for why elections could not be held in 2017.

To make matters worse, there has been no independent oversight or audit of the ongoing voter registration process, as civil society organizations and political opposition leaders have raised concerns about possible large-scale fraud. Some fear a deeply flawed electoral list could be used to push through a constitutional referendum process that could remove term limits and allow Kabila to run for a third term. Kabila himself has repeatedly refused to say publicly and explicitly that he will not be a candidate in future elections. The extra year the new calendar gives Kabila allows him more time to attempt constitutional or extra-constitutional means to stay in power. The US, working with others, will have to work vigilantly to ensure this does not occur.

Kabila's refusal to relinquish the presidency can partly be explained by the considerable fortune that he and his family have amassed during his tenure. Recent reports by Bloomberg and the Congo Research Group tell of Kabila family members owning in whole or in part more than 80 companies and businesses that have made hundreds of millions of dollars in revenues since 2003. Hundreds of millions of dollars in mining revenue have gone missing in recent years, according to recent reports by The Carter Center and Global Witness.

Such corruption has helped leave the government bereft of funds to meet the basic needs of an impoverished population. The disincentive for business investment caused by the political instability of Kabila's unconstitutionally extended presidency has compounded the problem. Hundreds of government workers have gone on strike in recent months – including hospital workers who hadn't been paid since 2016. This comes amid a national cholera epidemic and impending famine threatening millions of Congolese.

Meanwhile, the repression against opposition leaders and supporters, human rights and pro-democracy activists, peaceful protesters, and journalists has continued unabated. Security forces shot dead more than 170 people and wounded many others during peaceful protests in 2015 and 2016. This year, security forces killed at least 90 people as part of a crackdown against members of the Bundu dia Kongo (BDK) political religious sect protesting Kabila's extended presidency in the capital, Kinshasa, and Kongo Central province. Some of the BDK members also used violence, killing several police officers. During a protest called by pro-democracy activists and opposition leaders in Goma on October 30, security forces shot dead five civilians, including an 11-year-old boy, and wounded 15 others.

At least 350 opposition party leaders and supporters as well as human rights and pro-democracy activists have been jailed since the start of the year. Many have since been released, often after being held in secret detention without charge or access to family or lawyers.

Others have been tried on trumped-up charges. Many were badly mistreated or tortured in detention. In July, unidentified armed men shot and nearly killed a judge who refused to hand down a ruling against an opposition leader and declared presidential candidate.

Space for independent media and civil society organizations in Congo is shrinking at an alarming rate. The government has shut down Congolese media outlets, detained nearly 40 journalists since the start of the year, kicked out hard-hitting international journalists and researchers, and periodically curtailed access to social media. In early November, Congo's justice minister presented a law to parliament that would put in place strict new controls and severely restrict the ability of Congolese and international nongovernmental organizations to operate in the country.

These actions are not occurring on a parallel track from the political crisis but are very much at the heart of how Kabila and his coterie intend to overcome the political crisis – by using all available institutional authorities to squash, silence and flat out eliminate any opposition to his efforts to hold onto power. This is precisely why the US and other key outside actors cannot take their eye off the ball.

More protests are planned in the coming days and weeks, in part as a response to the newly published electoral calendar. The Struggle for Change (LUCHA) citizens' movement strongly denounced the calendar as "fantasy" and called on the Congolese people to mobilize to defend themselves peacefully against the "shameful maneuver by Kabila and his regime to gain more time to accomplish their goal of staying in power indefinitely." LUCHA stated that the movement no longer recognizes Kabila and his government as the legitimate representatives of the Congolese people and urged Congo's international partners to do the same.

Other citizens' movements, human rights activists, and opposition leaders made similar calls, denouncing the new calendar, urging the Congolese people to mobilize, and calling for a "citizens' transition" without Kabila – and led by individuals who could not be candidates in the upcoming elections – to allow for the organization of credible elections and a new system of governance.

There is a real risk of increased violence and repression in the coming weeks and months, as Kabila continues to dig in, despite growing resistance to his extended presidency. In this context, the US administration and Congress can and should do much more to help end the horrific levels of violence and abuse across Congo and to support the Congolese people's quest for a credible, democratic transition, as called for by the country's constitution.

First, Congress should hold the executive branch to account and make sure the administration is not being fooled by empty promises. Kabila has given no clear signals that he intends to leave power, while the repression, abuse, violence, and corruption have become so pervasive across institutions and security forces that it is nearly impossible to imagine credible, peaceful elections being organized while Kabila is still president.

While there is no easy path forward at this stage, a short "citizens' transition" without Kabila, as endorsed by a broad spectrum of civil society and other Congolese leaders, is probably the best way to ensure that good elections are organized and that the Congolese people will have the opportunity for a new system of governance built on the rule of law, transparent and fair management of the country's immense natural resources, and strong democratic institutions.

To get there, the US should work closely with regional and international partners to press Kabila to respect the constitution and step down, ensure that concerns about Kabila's physical security after

he leaves office are addressed, and actively monitor and support consultations to determine the management and leadership of a short post-Kabila transition to organize credible elections.

We also urge Congress and the US administration to support the following measures to increase the pressure on Kabila and his coterie and to help create the conditions necessary for a climate conducive to credible, peaceful elections:

- Expand targeted sanctions on President Kabila's family members and financial associates benefitting from unlawful activity in Congo, including those involved in serious corruption, misuse of government funds, money laundering, or fraud in order to quash peaceful dissent, improperly delay elections, or otherwise maintain Kabila's rule beyond the constitution's two-term limit. Since June 2016, the US has sanctioned six senior security force and government officials and one entity belonging to a military commander. These sanctions have had an impact and appear to have helped change behavior and affect the calculus of some top officials. Yet additional sanctions are needed to show Kabila himself that there are real consequences for the ongoing violence and repression and continued election delays.
- Suspend all support to Congolese security forces and direct financial support to the Congolese government until there is demonstrated willingness to organize credible elections and a peaceful, democratic transition, and until concrete steps are taken to end widespread rights abuses across the country and hold those responsible, regardless of rank, to account.
- Continue to publicly denounce ongoing repression against activists, the political opposition, journalists, and peaceful protesters; call for the immediate release of all political prisoners and activists in detention and for all politically motivated charges against political party leaders and activists to be dropped; call for opposition leaders, journalists, and activists to be able to move around the country freely and conduct their work independently; support the Congolese people's right to peacefully protest; call on Congolese security forces to not use unnecessary or excessive force to quash protests; and open banned media outlets.
- Ensure there is adequate funding in the final FY18 appropriations bill to support Congolese civil society.
- Continue support in this challenging environment for the UN peacekeeping mission in Congo, MONUSCO. If and when a transitional authority is established to organize elections, support the deployment of a special force within MONUSCO to help stabilize and secure the transition period and the organization of elections, with the deployment as necessary of well-trained peacekeepers who are prepared to deter and respond robustly to violence or other threats to the general population and transitional institutions.

We also hope you will continue to press for an independent investigation into the murders of the UN experts Sharp and Catalán, and to help ensure that those most responsible – no matter their rank or position – are held to account. A failure to do so would send the message that those responsible for such a heinous crime can escape justice, risking future lives not only in Congo, but in countries across the world where the US and UN have deployed experts and investigators.

While we are disappointed that the Great Lakes Special Envoy office was disbanded and believe there is every reason to maintain such a position, we hope the Africa bureau at the State Department will maintain senior-level focus on this crisis and ensure dedicated resources to ensure ongoing and consistent engagement at senior levels.

The US has important influence in Congo and can help prevent more bloodshed and a further descent towards authoritarian rule. But time is running out. Strong, courageous positions and

actions are needed to demonstrate that the US is on the side of the Congolese people and their aspiration for a democratic, rights-respecting and accountable government.

Mr. SMITH. Ms. Sawyer, thank you very much as well.

Let me just ask a few opening questions about the imposition of sanctions now is something that you clearly have indicated. And, of course, in his testimony as well, Dr.Dizolele made a very strong appeal. As a matter of fact, the first recommendation is to impose sanctions on Joseph Kabila, his family, and his inner circle.

I know that the administration is very, very serious about this course. They hope it doesn't come to it, but my sense, and gleaning from your testimony, it should be done now.

By way of background, I am the author of the Belarus Democracy Act. I remember, on this panel—I have been on this panel since the early 1980s—when we voted on sanctions against South Africa, which I supported, and strongly supported, because apartheid is an abomination. Thankfully, it is in a dust heap of history but there was always concern about the impact it would have on unintended victims who then would get hurt by those broad-based sanctions.

When I did the Belarus Democracy Act of 2004, which became the template for the Magnitsky Act, the whole idea was to single out the bad actors, starting often with the President, in that case it was Lukashenko, the President of that country, and his henchmen and people who were benefiting. And we put visa bans on them, and we also said, you can't do business here.

And I was the House sponsor of the Magnitsky Act here, and it became an amendment, became law, and is a very useful tool. And I am glad that we have it, but the tool needs to be utilized. So the big question is not that if it will be done, and we have legislation I am going to be introducing, joined by my good friend Karen Bass, that really admonishes the administration to do just that. Delay is denial. Unless we see very significant progress that this is really going to happen, it is going to happen—hopefully it would have happened sooner. I think December 28 is unconscionably long, to wait more than a year. So I just want to ask all of you right up front if there's any downside to doing it right now.

For example, Nikki Haley has said, and she told us yesterday, and it was said, we would not provide funding for the election if there were problems, if it was delayed again. And that perhaps could unwittingly, incentivize Kabila to say, "Okay, I am out of here. I am going to stay President for life." Of course, the wrath of sanctions from not just the U.S., but the EU and others would then come tumbling down upon him, at least that would be the hope.

So I just want to make sure that we fully understand the possible consequences. I think sanctions are needed. If you don't use them, it becomes something in the toolbox that dictators and people who want to be Presidents for life turn around and say, no worry here, there is not going to be a sanction now or into the future.

So I think they need to be used very prudently and very effectively. And again, as you said, Professor Dizolele, you want it now. So if you go speak to the positive and the negative on that, and you have done a little bit in your testimony, and I appreciate it, but I think it would be good to get it very clear, should these be done today?

Yes, Professor.

Mr. DIZOLELE. Thank you, Mr. Chairman. Two things really. I think now is the time of imposing the sanctions. In fact, they are long overdue. I mean, sanctions should have been in place, or the threat of sanctions should have been in place in 2016, in January, because all the signs had been there.

We are talking here about targeted sanction to one specific group of people. We are not saying that the entire country of DRC should be on the embargo from the U.S. This has worked in the past. President Mobutu, in his last days, faced similar situations.

So back then, the U.S. led the charge, along with the Europeans, sanctions were imposed on him. Mobutu had been a strategic partner of this country, had received the Legion of Merit, one of the highest honors the U.S. can bestow on a military officer. But when the time came to let go, we did let go. We put sanctions on him, on his assets, on his children, children who were studying overseas, one of his sons was studying in Canada. Canada followed suit, denied him visa. He could not go back to study. It was very effective in that way. His associates faced the same situation.

Today, if we are blissfully naive to accept that Kabila will hold elections in December of next year, then we have not learned anything over the last 16 years, and the joke is on us. By that I mean Kabila only understands the language of force. His people have said so so many times. They have said that we came through force. If you want us to leave, we will only leave through force.

One force is sanction. Again, it is just to target specifically them. The children go to school here. They have come to your offices with their expensive suits and expensive bags to tell you why they should stay, and most of the time that is not founded in any logic. So I think we should not be catering to them.

In fact, one thing I want to say, the idea that if they do not act a certain way, the international community will not engage, that is music to their ears, because that is exactly what they—that is the perfect scenario. Nobody gets involve. Let me play the field the way I want.

So we should avoid, actually, aligning ourselves behind that position. It is a very weak position from Kabila's perspective.

Thank you very much, sir.

Mr. BAUMA. I would like to add something to what Mr. Dizolele is saying. I think the problem of DRC is not only—the group Kabila and all the autocratic system around him is not only seeking the power for the sake of power. I think it is the way for them to get rich, to get access to resources, and to use them in different ways.

And I think the other thing is that the same resources are finally used to oppress people. And the recent research shows that, for example, with Blanco, that they had paid, I think, $750 million to the system, which could have been enough to organize election, even if the election is very expensive.

So I think, as Mvemba said, that sanctions should be applied and should be applied now. And those sanctions—the fact is that the inner circle of Kabila is made of people who are all businessmen. They are officials, the civilian people, his family, all of them have very deep link in mineral resources or any kind of business.

So I think the efficient way is not only to target them in the way of banning travels or something like that, but be able to touch their

resources where they can really feel it. And if they can stay in power but without protecting their financial assets, I think the interest of staying in power will lose its essence.

So I think it is important to target them now, but more important to target them where it is really valued, where it is important to touch, not only general target.

Ms. AUTESSERRE. Thank you, Chairman Smith. I am going to add two points. The first one is that if sanctions are used, they should really be used as part of a much broader legislative program.

Sanctions may help. It is not 100 percent sure, but it may help, but clearly it won't be enough. So it should really go with support for peacebuilding, for human rights, and for basically what Honorable Yamamoto was saying: The human rights and the political side of the organization of elections.

The other thing, the other point is that sanctions should not only be linked to the electoral issue or to the fact of whether or not those in power are going to leave power, but also to the broader problems, meaning that they should be linked to the respect for human rights and to an end of human rights violations and to an end to violence as well. This is really important.

Ms. SAWYER. Thank you, Mr. Chairman. I fully agree that targeted sanctions should be applied now. We should not wait any longer. The fact that a calendar was announced does not mean that we are necessarily having elections, and we have seen the repression, the violence, the massive human rights violations continue unabated with complete accountability. So a strong signal should be sent. And targeted sanctions is a very clear tool that you have available to send that signal.

We have also seen how the targeted sanctions, which have already been applied, have had an impact. They have rattled the political class, the senior security force officers. These are individuals who travel regularly to Europe, to the United States. They do their shopping abroad, their medical appointments abroad. Many of them have homes overseas. Their children study in the U.S. or Europe. They have bank accounts in U.S. dollars. They are personally very affected by these targeted sanctions. And many of them, since the sanctions started, you know, they are coming to us, to others, asking what can they do to avoid being on the list, or if they have already been targeted, how they can get off the list.

So it has an impact, but so far, Kabila's inner circle, his close family members, his financial associates, they haven't been affected. So I think now is the time to go further up and show Kabila himself that the consequences are real. Thank you.

Mr. SMITH. I appreciate that. I would just remind, and for the record, point out that the President has this authority. It is very clear and it is compelling. We reiterated in the bill that we are going to be reducing very shortly, that the President in his Executive Order 13413, as amended by Executive Order 13671, shall impose the sanctions described in section C within 60 days of the date of enactment of this Act against any high-level individuals responsible for undermining democratic processes and institutions in the DRC and the entities they own or control, including senior DRC Government officials, their international commercial facilitators with offshore companies, and complicit family members and associ-

ates. It shall also impose sanctions described in our bill, which we have yet to introduce, we have a draft now we are working on, describes in subsection D, and it goes on from there.

But we are going to be looking for bold and demonstrative actions. I mean, talk is cheap, particularly here in Washington, and we have got to make sure it is backed up by something that is more significant, like a sanction. And I can tell you—because I was just in Minsk for a parliamentary assembly of the OSCE Parliamentary Assembly, I am the co-chair of the Helsinki Commission—Lukashenko has released the political prisoners over the years, and there may be just one left. Maybe two, we are not sure. But the point is, sanctions work, but they have to be applied.

So let me ask a question, Ms. Sawyer, maybe start with you. I asked the previous panel, obviously the two distinguished witnesses from the administration, and spoke to the issue of the 3.8 million, and there may be other estimates but ballpark, of internally displaced people, which is a catastrophic event anywhere in the world, the DR Congo especially, but certainly 3.8 million displaced. They are refugees within their own borders, and that is a terrible, terrible situation.

The acute food insecurity has reached 7.7 million. Again, there may be higher estimates for that. But that means hunger, famine, low birthweight babies, stunting, and a whole host of other deleterious effects on the most vulnerable: Women and children.

You pointed out in your testimony, Ms. Sawyer, that in the Kasai region, 5,000 people have been killed since August 2016. And you point out the impact that has had in your testimony on schools. Six hundred schools have been attacked or destroyed, as you testified. One-point-four million displaced from their homes in this area, including 33,000 who fled to neighboring Angola, so they are obviously refugees.

You make a very, very important point. Predictably, government officials have cited the violence in the Kasai as one of the main excuses for why elections were not held in 2017. Seemingly, and maybe you could speak to this, incentivizing the use of violence to impose martial law, which means killing people in the streets. And so maybe you can speak to that. And that is a perverse outcome. Rather than getting to the election, it is in the government's interest to do these kinds of things and others.

Maybe you might want to speak to that.

Ms. SAWYER. Sure. Thank you, Mr. Chairman. So we at Human Rights Watch, we have interviewed numerous security force officers in Congo, who have told us about a deliberate strategy of chaos. So effectively, orchestrating violence, either by security forces or government-backed militias, instigating local level conflicts to create more violence, and then with these horrific humanitarian consequences that we saw in the Kasais, and then later that is used as an excuse: We can't organize elections. We can't do voter registrations in the Kasais because we are dealing with this terrorist threat from this militia group in this area.

We see also in the east, there is a lot of government manipulation of armed groups there. In Kinshasa and Kongo Central province in south western Congo, reports of manipulation of the Bundu dia Kongo political-religious sect possibly to create new violence, re-

pression, another excuse to delay elections. So it is—as you said, it is very perverse, and it is just another sign that there is no—we have not seen any signs of a real intention by the part of Kabila to organize elections and step down.

Mr. SMITH. Would the other panelists want to speak to, as you coined it, the deliberate strategy of chaos fomented by the government?

Yes, Professor.

Mr. DIZOLELE. Yes. Mr. Chairman, in fact, this is one of my greatest fears in terms of delaying till 2018, because what is happening in Kasai is obviously part of this larger strategy of chaos. If we were to wait until 2018, I am willing to bet on my honor that we will see more flashpoint and zones of conflict in the next 3 months. That might even be longer. We don't know where they are going to pop up, but they are most likely to happen.

Going from crisis to crisis is one of the favorite pastimes of the Kabila regime. In fact, a good friend of mine who used to work in the system likes to say, "The boss is a specialist in rotten situations." In other words, they like these kind of situations. So waiting until 2018 poses a serious risk for this. Thank you.

Mr. SMITH. Thank you.

Mr. BAUMA. I think in term of violence as a strategy, people like to focus on Kasai because, of course, over this year, Kasai was the main region where there was a lot of violence. But I think now there are other regions where violence is, once again, used as a strategy. So I feel like the focus on Kasai has at least made the government official feel like it is becoming a lot of pressure on them.

And now we see that in Benin, for example, the violence restart again after almost 1 year of stability. We see that in Uvira in South Kivu, without the help of MONUSCO, Uvira would have been under the control of some armed group. Some of them have worked with the governments in the past. We see that in Tanganyika or in Ituri, the same thing has started and started again.

So I think the strategy of violence works very well in DRC. And I would not be astonished to see that, in January or in February or in April, that another region, another Kasai is created somewhere, maybe in Bakongo or in Equateur, and be used as a reason to postpone the election once again.

And I have to say that there will always be a reason that seems to be a good reason to postpone the elections. Last year it was, we had an agreement, now we will have election at the end of the year, everybody is okay. Today is, we have a calendar, we can have election next year. Next year, we will have some other reason. And the U.S. and other countries will say, "Well, we can support election for 2019." And unless we understand that this, all these are tactics for delayed election, we will never have election.

We have to understand what Kabila and his government want, really, and they will never organize the election that will end up removing him from power. They may organize violence and other kinds of humanitarian crisis, but not election.

Ms. AUTESSERRE. To emphasize something that Mr. Bauma said, I think that it is really important to keep in mind that, yes, you

have manipulation of violence, an instigation of violence linked to the electoral issues, but a lot of the violence is also unrelated to electoral issues. You have regional tensions between Rwanda, Congo, Burundi, et cetera. You also have local conflicts over land, over traditional power of who is going to be the highest-ranked individual, family, ethnic group in a specific area. And this sometimes relates to the electoral issue and sometimes it doesn't.

So when we are thinking about ending the humanitarian crisis that you described, and ending the violence, we have to focus, yes, on the electoral issue, but also on all of these other issues at the same time.

Mr. SMITH. Please, Dr.Autesserre, you talked about the biggest takeaway from your own book, which I think was, to bottom-line it so well, I think is very helpful to the subcommittee, to build on local expertise. I think there is an underestimation, and I think you really have eloquently spoken to that, that local expertise is excluded by design or by just inability to appreciate what is available.

Is USAID tapping into that local expertise? And secondly—and all of you might want to speak to this as well—the role of the faith community, the Catholic Church, not just in elections, but also in reconciliation and, of course, the provision of humanitarian aid, which is an important. Faith-based entities do provide, very efficaciously, food, clothing, and shelter, and medicines. I mean, I have been in countries all over the world. The secular groups do it great, but so do the faith-based, and they often really get an army of volunteers mobilized, which is one of their assets.

But if you could speak to that. And while you are answering it, the role of the church in the elections—which you might recall I asked of the earlier panel—in making sure that violence gets tamped down, hopefully eliminated, while they move toward a credible free and fair election.

Doctor?

Ms. AUTESSERRE. Thank you so much, Chairman Smith. I think regarding USAID, they are doing better than they were doing 10 or 15 years ago, in terms of tapping into local capacity. But it is still clearly not enough. The way USAID works is still: We are here in DC, and we know what is best for people we are trying to help. So we know what is best for people in Congo and other parts of the world, and therefore we design programs here in DC.

And then when we involve Congolese people, it is going to be only at the stage of implementation. So people who are on the ground in Congo will only have to do things that have been decided——

Mr. SMITH. On that point, is that because indigenous NGOs don't have the capacity to write those proposals or the NGO community in general not including the locals in a way that makes them full partners?

Ms. AUTESSERRE. I don't think so.

Mr. SMITH. Okay.

Ms. AUTESSERRE. I think it is mostly because it is not only USAID, it is most nongovernmental, international organizations. I think that outsiders——

Mr. SMITH. So it is a systemic problem throughout the whole humanitarian response.

Ms. AUTESSERRE. Exactly. Exactly. We think that outsiders know better and we think that outsiders have the answers. And the way to help is to build on outsiders' knowledge. What I am saying is that there is—I mean, look at who is sitting next to me—there is local capacity. There are people who have the knowledge, the expertise, and who could help design the international programs. It is just that the standard operating procedure is not to ask them. And it is to decide things by ourselves here in national capitals and then go in the country and implement them on the ground.

As to the role of the church, it is very difficult, I think, to talk about the Catholic Church in general in Congo, because to me, I have seen members of the Catholic Church, including bishops, that are high-ranking members actually fuel violence, have discourses that fuel violence, that are full of hatred against a specific community. I have seen that in Goma, I have seen that in Bakavu, I have seen that in one-on-one meetings with these people. And I have also met priests who are in a village in the middle of nowhere and who are the main reason why you have peace in that village or why you have some response to the humanitarian needs in that village.

So we have to be very careful, I think, not to think about the Catholic Church as a whole, you know, an entity, but really to think whether specific individuals within the Catholic Church are the kind of individuals who we want to support or whether they are the kind of people we should actually be staying clear of.

Mr. SMITH. Well, on that point, it is my experience that the church plays a very decisive peacemaking role. If you have names of people who are doing something contrary to that, I would ask that you provide that to the committee.

I remember going back to the very old days of El Salvador when there was civil war with the Duarte government and the FMLN. I traveled down there frequently. And it was Catholic Church that was doing the human rights work and humanitarian work in a way that provided a bridge to two disparate groups that had nothing in common. That is a very serious charge, if that is true.

We work with a number of bishops and others throughout all of Africa, who, in my experience—and Greg and I do meet with them every time we travel, and with pastors that they do provide—in essence, not just Catholic, it is also the other wonderful faiths that are out there, Muslim and Christian alike, who are playing very positive roles. So any names you have, please provide that for us.

Would others like—oh, I am sorry. Yes.

Mr. DIZOLELE. Mr. Chairman, thank you. I just want to nuance a couple points.

Mr. SMITH. Sure.

Mr. DIZOLELE. The Congolese want a change. They want a couple things. One is to respect the rule of law. They did go to a referendum in 2005 to have this Constitution. So they are not idealists to believe that once President Kabila leaves, everything will become a paradise on earth. But what they are really interested in is to respect the sacrifices of the people who fought for this change so that the President steps down, let another Congolese, man or woman, emerge and take it to the next level.

All the problems that Dr.Autesserre has mentioned are part of an extension of the failed regime that is leading the country. So the

hope is that as a new regime, a new leadership comes in, some of those key issues of provision of services, including security and health and education and others, will be addressed with the new leadership. So that is what people are fighting for.

In that case, then, the election becomes very critical. In other words, we will never get there, even to start, if we are always going around and around. We wasted 16 years since the—I mean, the generation, the kids who were born when Mobuto fled are now at university, you know. Fred was 10 years old when Mobuto fled—7. Okay. So the young man here was 7 years old when Mobuto fled, and now he is speaking for his country and we are still talking about the same thing.

So this is the time that is very decisive to cut that golden knot. And that is the importance of having this transition become a reality as soon as possible. Thank you very much.

Mr. SMITH. If you would like to add.

Mr. BAUMA. I would like to add to what Severine said at the beginning about the local capacities and the peacebuilding. And one thing is that I think the way some expert or some ex-pats come with their solution and the way they understand, for example, peace or stability, is like the minimum level of it that Congolese people cannot accept.

You know, like when, for example, the U.N. talk about peace, is like if we can live in the city where we will not have some trouble within a week, it is good enough. And for people who have lived in a conflict, in the violence for very long period, there is some low standard of peace that we will not accept anymore. And we are not looking for something minimal. We are looking for something that may be sustainable.

And I think Congolese people have even said we have some solutions to our own problems. And I think it may be, the best way may be to work on the solution that Congolese people are suggesting to their own problem. And instead of bringing some imported solution, which works in offices in DC, in USAID, or other NGOs, and where local actors will just have the role to implement them in circumstances or things like that.

I think there is so many groups, small groups, maybe less known, who have very creative ways to address conflict, to mobilize communities, to organize communities in their region that needs attention for USAID and other U.S. best groups. And it is important to listen to them, to understand how they do, and to support them, instead of coming and give them what they should have done while they are the one who knows what they want.

And what Mvemba said about election is, that is true. There is so many crises in DRC, but I think with time, and this is also related on what I say, that minimal peace that we will not accept anymore. The fact of saying, well, we have to make sure there is a kind of stable country and then sort of small problem and small problem, but the root cause is—seems to be related on the problem of leadership in the country. And I think the election is just one way to do it, but it is the first way to do it. And I think in terms of long-term process, the civic education, the process of creating another kind of citizenship, citizen, is the main point.

I think the election should be understand that the point where we start to bring, to build a different country, a different system. And what for us, LUCHA, for example, we believe is that we will make all possible to have peaceful transition, but we are sure that the process will take so long, the process of having the democracy and the country as we would like to see it, will take so long. And we continue to work on it and to make sure even the next President, we will be able to hold him accountable, and the next one. And we will oppose to any other President who will do the same thing as Kabila.

So the election is not like a panacea for us, but it is a key point. It is something which has to happen in order to allow us to see the future as we would like to see.

Mr. SMITH. Let me ask with regards to U.N. issues. Your assessment of the U.N. peacekeeping deployment, MONUSCO, are their rules of engagement robust enough? Is the number of personnel deployed adequate or is there a need for more?

Ambassador Haley made a very important point yesterday on how important it is that women be much more included in those deployments, particularly since sexual violence is so rampant. And on the zero tolerance policy for trafficking, again, I have had four congressional hearings alone on DR Congo. And previous terrible exploitation by peacekeepers of young children and women. We went there, we argued with them, went to Goma, as I said before, and right now, we are thinking of putting together another trip to go back to DR Congo hopefully by the end of this year, if not early next year, on a myriad of issues, starting with the elections.

So your thoughts on those three things. And then second, if you don't mind jotting this down for your answer, I mentioned earlier about the assessment done by the U.N. for how much humanitarian aid is needed. There were about 42 percent for 2017, which is paltry compared to the need.

I did ask the administration witnesses if they have confidence in those assessments, and my sense is that they do. They may be a little bit highball or lowball, who knows, but it is order of magnitude, correct? What does that kind of 60 percent underfunding for at-risk people do to those vulnerable people? I mean, in terms of food, security and the like.

And finally, last Congress, I was the House sponsor of the Global Food Security Act, which was signed into law, and that legislation was largely drafted by Piero Tozzi sitting to my right, our general counsel; and Greg Simpkins, was an important focus on really making sure that the food insecurity systemic problem globally, especially in Africa, is addressed aggressively. It also put an emphasis on the first 1,000 days, from conception to the second birthday.

Now, DR Congo has signed up to the U.N. program for the first 1,000 days, which is, in my opinion, the most transformative program ever, ever put together. If you ensure that from the moment of conception to that second birthday, both mother and child have food and supplementation, it mitigates maternal mortality and morbidity, as well as child mortality and morbidity. Stunting goes away, if it is properly applied, and things like neonatal deaths and the like, which is rampant throughout Africa, are lessened as well.

Of particular point for me, on one area, I have written three laws on combatting the issue of autism in America, including the original, but also the most recent Autism Cares Act of 2012. One of the biggest takeaways from the NIH-funded projects, the peer-reviewed studies found, that when a woman gets folic acid in the first month of her pregnancy, the incidence of autism drops by 40 percent. That is absolutely radically revolutionary in terms of every woman of childbearing age should have folic acid to lessen this growing developmental disability pandemic that has consumed the world.

In America, one out of every 68 individuals around the spectrum for autism in the world. It is very similar, as far as we can tell, although the studies have not been as robust, but we think there are at least 70 million people in the world around the spectrum for autism. And in Africa, according to the World Health Organization, we are talking about "tens of millions."

So obviously, a country of approximately 100 million people will have huge numbers of autistic children, suffering parents, no early intervention, and all the other processes that helps to help those children. Folic acid, first 1,000 days, are just a few of a number of initiatives that could make all the difference in the world in the life of a child and of a mother. And again, maternal mortality, which I take a backseat to no one in trying to stop it every time we can, obviously we all know one of the greatest answers for that is to have a venue where the woman gets skilled birth attendance and access to safe blood, which is another issue.

My own daughter-in-law, when she had one of our grandsons, had a very serious problem with hemorrhaging in a Princeton hospital, and I had to go to other hospitals to get enough blood at her blood type. Those situations have become catastrophic in a twinkling of an eye and a snap of a finger. So safe blood and all of that is part of what our response should be.

And I like what you said, Mr. Bauma, that the problems preceding the election will continue after the election, obviously. This is not a panacea. So I think your point is very well taken here. But, again, the U.N. responses, I hope you jotted down some of those things, so we can get a comprehensive answer. We have to know, is the U.N. getting it right? Are we doing what we can do on all of these various issues?

Okay. Start from right to left.

Ms. SAWYER. Thank you, Mr. Chairman. I would start by saying that U.N. peacekeepers in Congo do absolutely critical work protecting civilians. And their presence across the country has saved countless lives, and we can't imagine how much worse it would be if MONUSCO was not present and if the peacekeepers weren't there to respond to threats, protect civilians, help displaced people, help people go to the market safely. So their presence is absolutely critical, and there is nothing happening on the ground now to indicate that we should start cutting back MONUSCO or that their presence is no longer——

Mr. SMITH. Again, my suggestion wouldn't be to cut back. It would be to make right——

Ms. SAWYER. Right.

Mr. SMITH. And, again, on the rules of engagement, while you are answering.

Ms. SAWYER. Yes. I just wanted to start by saying that they are critical, but that said, I think they could do much more to make their presence more effective.

The rules of engagement, their mandate is very strong but it is often not—not the same across the board, how that is implemented. And different contributing countries will interpret their rules of engagement in a different way. And some are willing to be more robust than others to protect civilians and how they interpret their mandate.

And I think we have a difficult contradiction within the peacekeeping mandate in that they are there to protect civilians, but also support the Congolese Government and security forces. And they are often conducting joint military operations with these forces or supporting them on their military operations against armed groups. But this is the most abusive force in the country that they are supporting, so that is often a contradiction.

There is a strong human rights due diligence policy where U.N. peacekeepers are not supposed to be providing any support to Congolese army, officers, or soldiers who have serious human rights records. They should cut support if these abuses are taking place. But that is not applied as well across the board as it could be, so I think more can be done there.

And regarding the political situation, the political crisis, I think much more could be done by MONUSCO peacekeepers to protect peaceful protesters and to deploy robustly alongside protests, alongside protestors. And that could be an important deterrent to Congolese security forces who have a tendency to fire on these peaceful protestors.

In terms of the zero tolerance policy for trafficking and sexual exploitation and abuse, I think we have seen some improvements in recent years in trying to address these issues more quickly and more effectively, but there, again, much more can be done. And a lot of that is also with the—at the host, the troop contributing countries. So back home, these troops need to be held accountable and there often isn't followup. And the U.N. can do their investigation in Congo, but back in the capital from where these troops come from, there often isn't enough followup to ensure that they are actually held accountable in a court of law. So more could be done there.

On the humanitarian aid and what the underfunding means for vulnerable people, the consequences are huge. You have hundreds of thousands of people displaced from their homes. That means that they are often not going to school. Children are out of school. They don't have the healthcare they need. They often don't have access to the food that they need. And that has all of the medical consequences. But then also, it is a generation of kids who aren't getting an education, that makes them more vulnerable to being recruited into armed groups. And then you just see the cycles of violence and impunity and abuse continue. So it is critical that these humanitarian needs are addressed, and they are enormous.

I think I will leave the other questions to other——

Mr. SMITH. If you could, just one final question. On the U.N. civilian personnel, you mentioned the peacekeepers with zero toler-

ance. What is your sense on the U.N. civilian personnel sexually exploiting others?

Ms. SAWYER. I would first just like to say that among the civilian personnel, that the human rights office is doing absolutely critical work in Congo, the U.N. Human Rights team, as part of the MONUSCO mission, and they are a strong office deployed across the country. And they are documenting abuses, publicly denouncing the abuses, meeting with authorities, pressing for change. And it is really, I would say, a model in Congo, from one of the best U.N. Human Rights teams that are deployed around the world, and that's something that should continue.

On their political offices, I think they could be doing more in terms of their good offices to press the government to abide by their commitments, to put more pressure on the authorities, but that role is critical and could be enhanced.

For sexual exploitation and abuse by civilian peacekeepers, I don't have specific information on that, but I don't have information about particular concerns either.

Mr. SMITH. Thank you.

Doctor Autesserre?

Ms. AUTESSERRE. Thank you so much. I am going to second what Ida Sawyer said regarding the presence of United Nations peacekeepers, which is absolutely essential. In many villages in eastern Congo, the United Nations peacekeepers are the only people who are protecting the population from horrific human rights abuses by all kinds of armed groups. And so it is really, really important to keep them on site.

Now, regarding whether the way they are working currently works, I think that there are two ways that they should revise the overall approach. The idea is not to get rid of the peacekeeping mission, but to make it more effective, as I understand that you want to do.

The first thing is that, currently, they use what I call the top-down approach, meaning that they are trying to resolve the conflict and to build peace by working with the government, working with the elite in Kinshasa, working on high-level state reconstruction, and all of these very abstract things, which is important, but they are not focusing enough on supporting local bottom-up initiatives, the kind of initiatives that Fred Bauma mentioned, and that I mentioned as well. So I think that they should do much more to support local peacebuilding initiatives. And again, not arriving and saying, we are going to go in a village and we are going to resolve conflicts in that village, because they have no legitimacy and no expertise to do that, but really support the local actors who know how to resolve their own problems. So that is the first thing, supporting local, bottom-up peacebuilding.

The second one is, again, to put local actors in the driver's seat. Because the way the United Nations peacekeeping mission works is like what we were talking about with USAID. They decide at the U.N. headquarters in New York, in Geneva, sometimes in Kinshasa, they decide how they are going to resolve the Congolese conflict. And then the decision trickles down, trickles down, and by the time it reaches Congolese people, the Congolese people are just implementing strategies that have been decided elsewhere. And the

decision doesn't even include a lot of people who have extensive country knowledge. People who have been involved in Congolese efforts for 15, 20 years, there are very, very, very few in decision-making power. So we end up with strategies that are very well-meaning, but that don't really address the problems on the ground.

So that is why I think that we should really revise this way of working and build much more on the expertise not only of local people, but also of people who know something about Congo and who already are within the United Nations' system—but because of the way human resources work at the U.N., they end up working in Timor-Leste or in Sudan or in another part of the world. So really building more on local capacity and on country expertise.

On your question regarding the consequences of underfunding humanitarian aid, I have a couple of statistics in my written statement that I think really illustrate what that means. So it is a United Nations statistic. It says that 77 percent of Congolese citizens live on less than $2 per day, less than $2 per day. The life expectancy is less than 60 years. More than 42 percent of children under the age of 5 suffer from malnutrition. And less than 25 percent of Congolese people go further than primary school in their studies.

So it really means that if there is a way to increase the funding to the humanitarian support in Congo and to the development support, that would be absolutely essential, but at the same time, we should keep in mind that humanitarian aid means addressing the consequences of the problems, and especially the consequences of the violence. So we should also prioritize peacebuilding so that we finally address the causes of this enormous humanitarian crisis.

Mr. DIZOLELE. Mr. Chairman, thank you. I agree with a lot of what has been said, the performance of the Human Rights office, their presence being critical, but I also have a lot of issues.

I think we need to reduce the U.N. mandate in scope and time. This is part of the entire problem we have. The expectations and priorities are now perverted. The entire social contract is perverted. People expect things of the U.N. as opposed of their own government. They expect the security to be delivered by foreign troops that are just trying to survive themselves.

And this underscores the failure of the Kabila regime; the U.S. has poured in billions of dollars literally to support Congo. And if we continue to think of the U.N. as part of the salvation, then we are in deep trouble. We are going on 20 years of U.N. presence in Congo, and there is no military rising anywhere on the Congolese side.

Mr. SMITH. Can I just ask you on that point, if you don't mind the interruption?

Mr. DIZOLELE. Yes, sir.

Mr. SMITH. Again, as those U.N. figures would suggest, 42 percent of the kids underage suffer malnutrition, people are living on $2 a day, 77 percent. Many of us would always like to see aid as a bridge to the point of self-sufficiency. But the concern among many of us, certainly me, is pulling vulnerable people off life support.

Your point is very well taken. This is what the government ought to be all about, and Kabila has failed miserably. But that said, how

do you, in the interim—almost like an ambulance coming to the rescue, an EMT making sure that you get to the point of surviving—get to the point of hopefully flourishing. Your point is well taken.

Mr. DIZOLELE. Yes.

Mr. SMITH. I respect it, but I would be concerned that there needs to be this bridge of humanitarian assistance.

Mr. DIZOLELE. Yes. So I believe, Mr. Chairman, that the human rights branch of the U.N. should be fully funded and be made stronger because of the condition we are in, specialized unit of the U.N., UNICEF, the food program. Those are not MONUSCO programs. Those are specialized U.N. missions that are playing tremendous role in Congo, and they need more support.

But that is different from looking at the U.N. as MONUSCO. So I think the nuances are very important, because if we are talking about security, it is one thing in terms of armed security and others. If we are talking about human securities, security place, this is what you are referring to, people on life support and others, we need to buttress that.

So our challenge is how do we buttress those programs, whether it is the integration of women who have been raped, the support they need, the followup, with the entire notion of having 17,000 troops that are serving as an extension of a failed system that is in Kinshasa, which, by the way, received as much as it can get to build its own military to support it. That is undermining the entire emergence of the Congolese state. So something that we need to—we should not conflate U.N. presence with MONUSCO, because that has become a problem as well.

Thank you very much.

Mr. BAUMA. Yeah. I think Mvemba made a very good point. I mean, the difference between the MONUSCO and the other U.N. agencies, which are doing a good job, like OCHA or UNICEF.

I would like to focus a little bit on MONUSCO. And I also think that in MONUSCO, the Human Rights bureau of MONUSCO should receive a lot of fund to allow it to work properly, because I think they are doing really amazing job. But the rest of MONUSCO, although I have to recognize that the situation may have been worse if they weren't there, but there are many things that has to be questioned on how MONUSCO works.

And I think there is a lot of—for example, there is a lot of entities in MONUSCO that, in my opinion, are not effective at all. Like, we have—and if you have the opportunity to travel in Congo, and if you came in Goma or in Beni, it will be important to have a position of people on how they see the MONUSCO and how they evaluate it. In some places in the region of Beni, there was a lot of killings, not far from the MONUSCO camp. And in many circumstances, the MONUSCO, after a certain time, they can't go out. I don't know if it is their internal policy of MONUSCO, but they—although they have equipment, they have guns and they have all means to protect civilians, I don't know if it is the problem of the mandate, but I think they are ineffective. And especially some units, the Indian, the Pakistani, or the Nepalese unit, which are ineffective.

I think it is very important, if MONUSCO is to be maintained, to rethink how it is composed, what kind of troop it is composed, and what kind of specific mandate they have. We can't accept to have 20,000 troops that will not react, and when people are killed or when people are beaten by the police, they are just there observing, taking note. I think this is not how we understand civilian protection. I think if someone has to be saved, a life has to be saved, is at the time—if the life of someone has to be saved, they have to react immediately, not write a report in order to protect the life of other people when they can protect life of people in the present time.

I remember in 2013, I think, when Goma was about to fall in the M23, there was a lot of MONUSCO troops that said, well, we can assure you that Goma will not fall. And I was in Goma at that time. And I remember how they start changing how they were saying, and say, "Well, the primary responsibility of protecting the civilian is from the government." Which is a little bit funny because, if MONUSCO is in DRC, it means that somehow the government wasn't able to play its role, because if the government was effective, we could not need MONUSCO.

So I think the way MONUSCO is funded, what kind of troop MONUSCO—what kind of troop in MONUSCO have to be rethink. And some countries should be courageous enough to send their troop in the MONUSCO. Because I think also the problem is that some countries which have maybe more effective troops don't send them in a country like DRC. Maybe they have another priority, Iraq or some country like that. And the consequence is that we have a force which is ineffective.

The other thing with MONUSCO, I think their relation with Congolese security forces, and I mentioned this in my testimony, I think that kind of support should be stopped, because it is unbelievable to say the police using the fuel of MONUSCO coming and arrest peaceful demonstration or beat peaceful demonstration with money, with resources given by MONUSCO. And I pointed this out many times with MONUSCO officials in DRC, and I think it is time to stop that kind of cooperation with MONUSCO and the Congolese security forces, unless we want to agree openly that we are supporting human right violations and mass atrocities via MONUSCO.

Mr. SMITH. I thank you for that insight and for your opinion.

I would just note for the record and I think, you know, we speak so often of all of you are very well versed on what MONUSCO is, but for those who may not, MONUSCO is a U.N. organization civilization mission in the DRC. It is the world's largest U.N. peacekeeping operation with about 17,900 uniform personnel as of August 31. And when you look at the size and the number of people living in the DR Congo, I mean, that is a little more than a division of military capacity.

That is why I asked about whether or not there are sufficient numbers of deployed people are there to meet the need, and since we are dealing with an escalating crisis, it is not diminishing. Like you, I am very fearful that it is going to get far worse, and staging a growing peacekeeping deployment can't be done overnight. It does take time.

So I would note for the record too that the U.N. Security Council Resolution 2348, which was done in 2017, tasks MONUSCO with two strategic priorities: One, protection of civilians; and two, support to the implementation of the December 31, 2016, agreement and the electoral process.

Before we conclude, is there anything else any of our distinguished witnesses would like to add? Yes.

Mr. DIZOLELE. I thank you very much, Mr. Chairman. I just want to thank your committee, your subcommittee, for your support and continuous interest in DRC.

I think we have traveled a long way. We have traveled deep into darkness and misery in terms of DRC. I think we have one more opportunity to end this misery for the people of DRC. The people of DRC have suffered enough. They have committed themselves to sacrifice themselves. We have seen this through various protests, various processes. If you tell DRC people tomorrow we are going to have a dialogue for peace, they will come, but they have also run out of strategic patience, to use a phrase that is fashionable these days. And we don't know; if we do not act, we might see a coup d'etat. We might see people take up weapons. So we should not lull ourselves into things will be exactly the way we are thinking. It is very serious, and I think there is a cadre of people who are standing as an obstacle to this.

And again I reiterate: Kabila must go. We need to consider serious diplo sanctions on his family and his associates. Corneille Nangaa is standing in the way of having an election. We are not children. They shouldn't be playing with us. They shouldn't be playing with you. The future of the country is at stake. Thank you very much, sir.

Mr. SMITH. Thank you. And in those words, the hearing is adjourned. Thank you.

[Whereupon, at 12:36 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

November 6, 2017

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Thursday, November 9, 2017

TIME: 9:00 a.m.

SUBJECT: Resolving the Political Crisis in the Democratic Republic of the Congo

WITNESSES: Panel I
The Honorable Donald Yamamoto
Acting Assistant Secretary
Bureau of African Affairs
U.S. Department of State

Ms. Cheryl Anderson
Acting Assistant Administrator
Bureau for Africa
U.S. Agency for International Development

Panel II
Mr. Mvemba Dizolele
Professorial Lecturer in African Studies
School of Advanced International Studies
Johns Hopkins University

Mr. Fred Bauma
Representative
La Lutte pour le Changement

Ms. Severine Autesserre, Ph.D.
Professor of Political Science
Barnard College
Columbia University

Ms. Ida Sawyer
Central Africa Director
Human Rights Watch

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, Global Human Rights, and International Organizations* HEARING

Day *Thursday* Date *November 9, 2017* Room *2172*

Starting Time *9:01am* Ending Time *12:35pm*

Recesses [1] (10:49 to 11:23) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Smith, Garrett

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [ ]
Stenographic Record [✓]

TITLE OF HEARING:

Resolving the Political Crisis in the Democratic Republic of the Congo

SUBCOMMITTEE MEMBERS PRESENT:

Donovan, Bass, Garrett

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

Royce

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

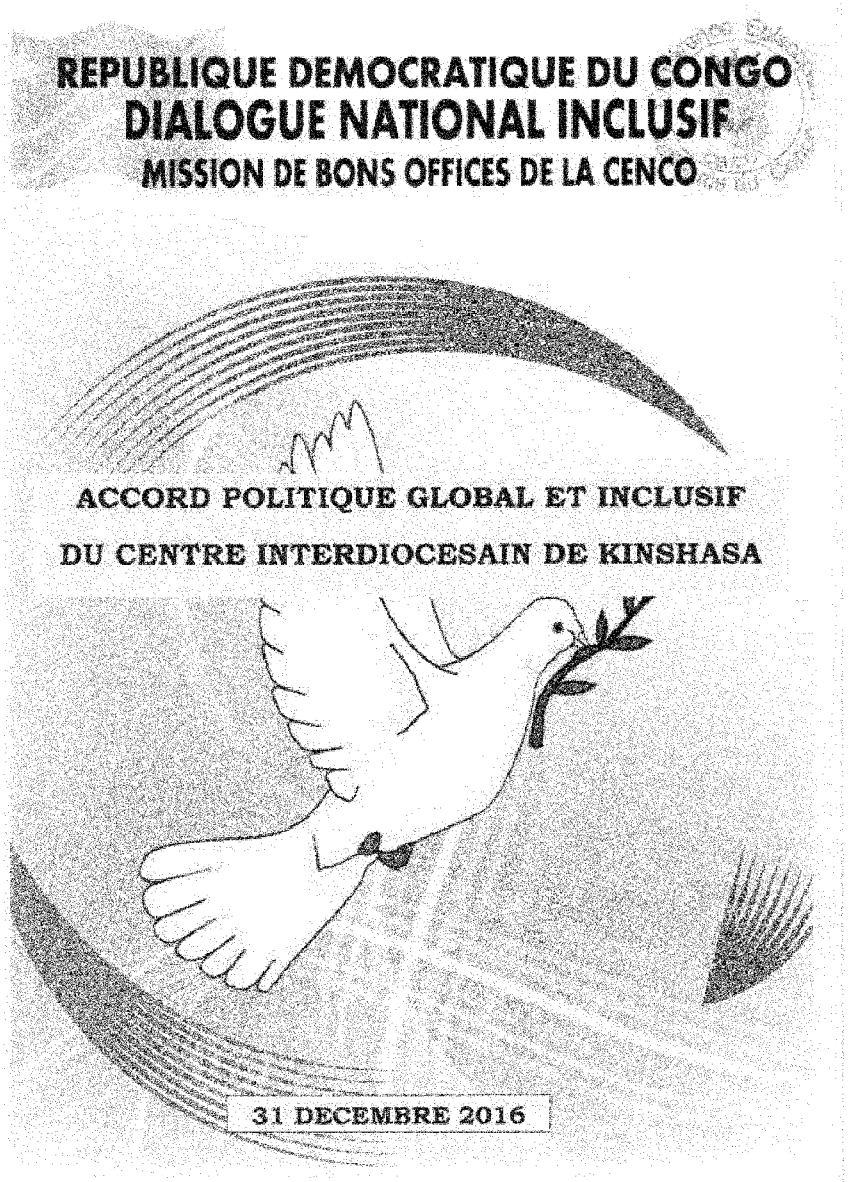
STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

-Rep. Chris Smith: December 31, 2016 Agreement
-Livingston Group: Testimony on behalf of the Government of the DRC

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED _____

Subcommittee Staff Director

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, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS



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SOMMAIRE

PREAMBULE

Nous, participants aux pourparlers de Kinshasa, au Centre Interdiocesain de la Conférence Episcopale Nationale du Congo (CENCO) et Représentants des Composantes de la Majorité présidentielle, de l'Opposition politique, de la Société civile signataires de l'Accord du 18 octobre 2016 de la Cité de l'Union Africaine, d'une part, et du Rassemblement, du Front pour le Respect de la Constitution et de la Société civile non signataires dudit Accord, d'autre part ;

Considérant les divergences au sein de la classe politique ainsi que les risques majeurs de division de la Nation face à la crise politique née de l'impasse du processus électoral dont la régularité et la continuité ont été interrompues ;

Prenant conscience de la nécessité de la cohésion nationale pour rétablir la concorde intérieure fondée sur un entendement commun du respect de la Constitution, des lois de la République et des principes démocratiques généralement acceptés ;

Attendu que la crise politique actuelle a conduit les parties prenantes au dialogue national à signer l'Accord politique du 18 octobre 2016 pour l'organisation des élections apaisées, crédibles et transparentes en République Démocratique du Congo (RDC) ;

Attendu que cet Accord n'a pas connu la participation d'une partie des représentants des partis politiques de l'Opposition et de la Société civile ;

Attendu que le Rassemblement des Forces Politiques et Sociales Acquises au Changement (Rassemblement) a déposé à la CENCO le rapport de son conclave du 04 octobre 2016 et un mémo contenant ses positions et propositions en vue de la sortie de la crise actuelle ;

Attendu que le Front pour le Respect de la Constitution (FRC) a déposé son document incluant ses points de vue sur la sortie de la crise ;

Mus par la volonté de trouver une entente commune basée sur la recherche de plus d'inclusivité en vue du règlement des problèmes politiques causés par le retard dans l'organisation des élections ;

Attendu que cette recherche d'inclusivité doit se faire en harmonie avec la Constitution de la RDC, les résolutions pertinentes du Conseil de Sécurité des Nations Unies, notamment la Résolution 2277, l'Accord-Cadre d'Addis

Abeba ainsi que d'autres instruments juridiques nationaux et internationaux pertinents ;

Engagés à trouver des solutions durables à la situation politique de l'heure sous la médiation de la CENCO, notamment sous le leadership de son Président et de son Vice-Président ;

Prenant nos responsabilités devant Dieu, la Nation congolaise, l'Afrique et le Monde et guidés par le consensus comme mode de prise de décision ;

Concluons et arrêtons, en ce jour, ce qui suit :

CHAPITRE I : DES CONCEPTS

Au sens du présent Accord, il faut entendre par :

I.1. Parties prenantes : les signataires et les non signataires de l'Accord du 18 octobre 2016 avec leurs composantes respectives : la Majorité présidentielle, l'Opposition politique, l'Opposition républicaine et la Société civile signataires de l'Accord du 18 octobre d'une part, et le Rassemblement, le Front pour le Respect de la Constitution et la Société civile non-signataires dudit Accord, d'autre part.

I.2 Période préélectorale et électorale : la période de temps qui va de la signature du présent Accord jusqu'à l'installation effective des institutions issues des élections.

CHAPITRE II : DU RESPECT DE LA CONSTITUTION

Les différents principes fondamentaux posés par les parties prenantes dans leur entendement du respect de la Constitution peuvent essentiellement se résumer à ce qui suit :

II.1. Les parties prenantes s'engagent à respecter la Constitution du 18 février 2006 telle que modifiée en 2011 et les lois de la République, à organiser les élections présidentielle, législatives nationales et provinciales ainsi que les élections locales en conformité avec ladite Constitution. Nonobstant l'article 5 alinéa 1er qui dispose : « *la souveraineté nationale appartient au peuple. Tout pouvoir émane du peuple qui l'exerce directement par voie de référendum ou d'élections et indirectement par ses représentants* », elles s'engagent à n'entreprendre ni soutenir aucune initiative de révision et de changement de Constitution.

II.2. En rapport avec la préoccupation sur le troisième mandat pour le Président de la République, Monsieur Joseph KABILA, les parties prenantes actent sa déclaration solennelle faite devant le Parlement réuni en Congrès en date du 15/11/2016 en ces termes : « *A tous ceux qui semblent se préoccuper à longueur de journées de mon avenir politique, je tiens à dire, tout en les remerciant, que la RDC est une démocratie constitutionnelle. Toutes les questions pertinentes relatives au sort des institutions et de leurs animateurs sont réglées de manière satisfaisante par la Constitution* ».
Ainsi, ayant accompli deux mandats, il ne peut donc en briguer un troisième.

II.3. Les parties prenantes s'engagent solennellement à respecter les Institutions et les lois de la République, l'Etat de droit, les Droits de l'Homme, les libertés fondamentales collectives et individuelles, la séparation des pouvoirs garantis par la Constitution et le droit d'existence des partis de l'opposition et d'exercice de leurs activités politiques.

II.4. Elles renouvellent leur engagement solennel à promouvoir l'indépendance du pouvoir judiciaire, la cohésion nationale, la paix civile et les valeurs démocratiques notamment l'alternance démocratique résultant des élections crédibles, libres, transparentes et apaisées, la solidarité nationale, la tolérance politique, le sens du compromis par le dialogue, l'égalité des droits et des chances, la bonne gouvernance et la redevabilité des dirigeants.

II.5. Les parties prenantes s'engagent à exécuter de bonne foi le présent Accord et les recommandations formulées par le Conseil National de Suivi de l'Accord et du Processus Electoral.

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CHAPITRE III : DES INSTITUTIONS ET DE LEUR FONCTIONNEMENT PENDANT LA PERIODE PREELECTORALE ET ELECTORALE

III.1. Des principes de gouvernance

III.1.1. Dans le cadre de leurs prérogatives constitutionnelles et légales, les missions prioritaires des Institutions nationales et provinciales du pays consistent à :

- assurer la continuité de l'Etat ;
- organiser, dans le délai convenu, les élections présidentielle, législatives nationales et provinciales, sénatoriales ainsi que des gouverneurs et vice-gouverneurs des provinces.

III.1.2. La durée maximale pour la réalisation des opérations préélectorales et électorales conformément à la séquence convenue est de 12 mois à dater de la signature du présent Accord.

III.2. Des Institutions à mandat électif

III.2.1. Du Président de la République

Les parties prenantes s'engagent à respecter la Constitution du 18 février 2006 telle que révisée en 2011, notamment les dispositions ci-après:

- L'article 70 alinéa 1er qui dispose : « *le Président de la République est élu au suffrage universel direct pour un mandat de cinq ans renouvelable une seule fois* ». Il s'ensuit que tout président ayant épuisé le deuxième et dernier mandat ne peut plus en briguer un troisième.

- L'article 70 en son alinéa 2 dispose : « *A la fin de son mandat, le Président de la République reste en fonction jusqu'à l'installation effective du nouveau Président élu* ». Sous la réserve émise par le Front pour le Respect de la Constitution, il s'en suit que, bien qu'étant à la fin de son mandat, le Président de la République restera en fonction jusqu'à l'installation effective de son successeur élu.

III.2.2. De l'Assemblée nationale, du Sénat et des Assemblées provinciales

Etant donné, d'une part, que les mandats des députés provinciaux et des sénateurs ont expiré depuis 2012 et, d'autre part, que celui des députés nationaux prend fin en février 2017, les parties prenantes s'accordent, en

application des articles 103 alinéa 2, 105 alinéa 2 et 197 alinéa 6 de la Constitution que :

a) Les députés nationaux, les sénateurs et les députés provinciaux en exercice restent en fonction jusqu'à l'installation effective des nouvelles assemblées législatives et délibérantes correspondantes issues des prochaines élections à organiser conformément au calendrier convenu.

b) L'Assemblée nationale, le Sénat et les Assemblées provinciales auront, selon le cas et outre leurs attributions constitutionnelles classiques, comme agendas législatifs prioritaires le bloc législatif relatif aux élections et les mesures de décrispation politique.

c) Les gouverneurs et vice-gouverneurs élus restent en fonction conformément aux dispositions constitutionnelles.

III.3. Des Institutions à mandat non électif

III.3.1. En vue d'assurer l'équilibre institutionnel et de garantir à tous un traitement égal durant tout le processus électoral, les parties prenantes conviennent que pendant la période préélectorale et électorale, la gestion des affaires publiques est inclusive au niveau de l'exécutif national.

III.3.2. Le Premier Ministre exerce la plénitude des prérogatives lui dévolues par la Constitution en tant que Chef du gouvernement.

III.3.3. Le Gouvernement de la République est dirigé par le Premier Ministre présenté par l'Opposition politique non signataire de l'Accord du 18 octobre 2016/Rassemblement et nommé par le Président de la République conformément à l'article 78 de la Constitution.

III.3.4. Les modalités pratiques de la mise en œuvre des principes énoncés ci-dessus sont déterminées par un arrangement particulier conclu entre les parties prenantes et faisant partie intégrante du présent Accord.

III.3.5. Les parties prenantes conviennent d'assigner au Gouvernement de la République, à l'instar des Institutions à mandat électif, la mission prioritaire d'œuvrer pour l'organisation des élections crédibles, transparentes et apaisées dans le délai convenu au point III.1.2 ci-dessus.

CHAPITRE IV : DU PROCESSUS ELECTORAL

IV.1. Les parties prenantes s'accordent pour une refonte totale du fichier électoral et l'évaluation, au moins une fois tous les deux mois, de l'opération d'enrôlement des électeurs en cours.

IV.2. Les parties prenantes conviennent de l'organisation des élections en une seule séquence présidentielle, législatives nationales et provinciales **au plus tard en décembre 2017**. Toutefois, le Conseil National de Suivi de l'Accord et du Processus Electoral, le Gouvernement et la CENI peuvent unanimement apprécier le temps nécessaire pour le parachèvement desdites élections.

IV.3. Les parties prenantes s'accordent que la CENI tiendra dûment informés l'Assemblée Nationale et le Conseil National de Suivi de l'Accord et du Processus Electoral ainsi que les autres parties prenantes au processus électoral du chronogramme qui prendra en compte les opérations préélectorales et électorales ci-après :

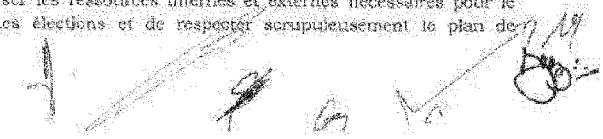
- Fin de la constitution du fichier électoral consolidé ;
- Adoption de la loi sur la répartition des sièges par circonscription électorale et de la loi électorale ainsi que leur promulgation par le Chef de l'Etat ;
- Convocation des scrutins par la CENI ;
- Election en une seule séquence des élections présidentielle, législatives nationales et provinciales ;
- Prestation de serment et installation du nouveau Président de la République élu ;
- Elections sénatoriales, des gouverneurs et vice-gouverneurs des provinces.

Les élections locales, municipales et urbaines seront organisées en 2018.

Les parties prenantes demandent ainsi à la CENI et au Gouvernement de la République de prendre toutes les dispositions requises, à cet effet.

IV.4. Au sujet du **financement des élections** et sans porter préjudice aux articles 6 et 52 de la loi organique de la CENI, les parties prenantes :

- recommandent au **Gouvernement** :
- de mobiliser les ressources internes et externes nécessaires pour le budget des élections et de respecter scrupuleusement le plan de



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, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

Testimony Submitted by His Excellency François Balumuene Nkuna,
Ambassador of the Democratic Republic of Congo to the United States, to the
House Foreign Affairs Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
Hearing on "Resolving the Transition Crisis
in the Democratic Republic of the Congo" November 9, 2017

This testimony is being provided to the Committee with a request that it be entered in to the record of the hearing on "Resolving the Transition Crisis in the Democratic Republic of Congo." I submit this on behalf of the Government of the DRC, as its Ambassador to the United States. I regret that no DRC Government representative was allowed to be a witness at this hearing, occurring at a critical time in our country's history.

It is my belief that the purpose of a hearing should not be to build a case for a pre-conceived solution; but rather to hear all sides and to serve a constructive role to educate and to seek resolution. Therefore, I will provide you with the realities that are the DRC and that inform the current situation and the government's intentions in the future.

This is not a view shaped from the outside looking in; this is not an analysis reflecting the culture, values and biases of other societies' realities. This testimony accurately reflects the facts on the ground in the DRC.

My nation has tremendous potential for greatness with geographic vastness, strategic location, massive mineral and hydroelectric wealth and a population of 80 million.

Alongside this potential are enormous challenges reflecting the reality of a nation with hundreds of tribes, as many languages, and vast distances. It is these challenges which have been hijacked in the past by those, foreign and domestic, seeking enrichment at the expense of our nation's people.

Tragically, our nation's history is littered with examples of foreign oppression and plunders from the massacres and oppression of the Congo Free State and colonial rule to the foreign interventions at independence, followed by foreign support of the Mobutu tyranny. More recently, our nation has witnessed invasion from several of our neighbors, fomenting civil war and leaving millions of my countrymen dead.

We live today in the aftermath of that violence.

President Kabila continues to work to restore order and end the local reigns of terror conducted by the militias that still remain. Many are well armed and ruthless, including the Allied Democratic Forces (ADF), one whose goal is the establishment of an Islamic

state. It is a long struggle, but we are committed to all our citizens living free of the fear of violence, death and destruction.

Violence against women is one of the ugliest manifestations of this terror. President Kabila has ensured that the DRC is a leader in combatting these atrocities. Jeanine Mabunda is his Personal Representative in charge of the Fight against Sexual Violence and Child Recruitment is internationally recognized for her work on this. The DRC has reduced incidents of sexual violence by half between 2013 and 2015, and it is still declining. Evidence of this commitment was further apparent when several senior officers were prosecuted for these abuses. As a result, the United Nations has labeled the DRC as the "most successful story" in the global fight against sexual violence.

The DRC government's commitment to bringing security and the attendant freedom that accompanies it is a product of so many in government having lived through the Mobutu tyranny. This has given us a first-hand understanding, not an understanding from books, of what human rights really mean. That understanding has fueled our government's commitment to subdue militias, bring rule of law, end violence against women and live in a democratic society.

The DRC Constitution reflects this commitment by providing for an independent election commission. That election commission, CENI, is composed of all elements of society including the opposition. CENI alone, not the government, has the power to set the date for the election and has full responsibility for the voluminous task of conducting an election in the DRC with its hundreds of political parties, nearly 100,000 polling sites and over 40 million registered to date.

It is essential that CENI's professional staff conduct a transparent and efficient process. CENI's efforts in this regard have been praised recently by both the Southern African Development Community (SADC) and the African Union Commission Chairperson, Moussa Faki Mahamat. CENI must properly manage the numerous logistical and administrative challenges to insure we do not mirror the societal fracturing and violence that followed the Kenya vote and that bodes ominously for that nation's future. CENI announced on November 5, 2017 its election calendar specifying that elections take place in the DRC on December 23, 2018, covering presidential, legislative, regional and local elections.

While we recognize that this is later than many within the DRC and in the international community hoped for, unrealistic expectations should not be the drivers of potential outcomes that have plagued our neighbors. We know that the foreign elements that fueled and funded division in the DRC in the past would welcome the opportunity to fracture the DRC over this election issue, no matter the cost to the freedom, security and many cases lives of the people of the DRC. These elements desire to rush the

process before all the logistical requirements are completed to fuel irregularities, delegitimize the process and bring the disorder and division that accompanies it.

I want to assure you that the DRC government is committed to supporting this process. The DRC government's commitment to the election process can be measured by its actions, not words, as it has so far provided $300 million to CENI toward conducting the election. Moreover, the government remains committed to providing additional resources to ensure the process is transparent and promotes a peaceful and stable future for the people of the DRC. Reflecting that commitment, President Kabila himself has publicly committed to uphold the constitution by respecting CENI's independence and continuing to serve the people of the DRC, as required under Article 70 of the DRC Constitution, until his successor is sworn in.

We welcome Ambassador Haley's stated commitment to marshal international support for the election calendar announced by CENI. I ask the members of the Committee to support our nation and CENI as they work to conduct transparent elections.

I appreciate the Committee's interest in our country, and the opportunity to submit this testimony.

Question for the Record Submitted to
Acting Assistant Secretary Don Yamamoto by
Representative F. James Sensenbrenner, Jr. (#1 to #3)
House Foreign Affairs Committee,
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
November 9, 2017

Question 1:

Please advise the Committee on what steps the U.S. government is taking to broaden cooperation with the Democratic Republic of the Congo (DRC) in order to counter increasing Chinese influence in the region.

Answer 1:

China's role and influence in the DRC is mostly focused in the country's economic sectors. China serves as the DRC's largest export partner and is a significant investor in the DRC's mining sector. The Chinese also have a $6 billion minerals-for-infrastructure agreement with the government of the DRC, originally signed in 2008. The United States, along with other G-7 members and the IMF, successfully pushed for the renegotiation of the Chinese-DRC agreement in 2009 to address concerns over the concessionality of the agreement and the inclusion of certain sovereign guarantees.

The Administration continues to work for greater transparency in the DRC's extractive industries sector and for more responsible sourcing of the DRC's minerals, along with improvements to the DRC's investment climate. These efforts help support a level playing field for American companies by ensuring that all companies in the DRC, regardless of nationality, engage in responsible trade and investment practices. Some of this engagement, such as our efforts to combat the trade in conflict minerals, including through Section 1502 of the Dodd-Frank Act, contain a strong regional component. We have seen positive progress as a result of our efforts, including China's agreement to collaborate with the United States on implementation of due diligence guidance, relevant standards, and initiatives, consistent with UNSCR 1952 (2010).

The DRC's enormous resource wealth, as well its significant development needs, means there is room for many partners to participate. Ensuring that Chinese companies play by the same rules as other foreign investors is a key part of our engagement with the government of the DRC as well as our broader efforts to support improved governance in the DRC's extractive industries. These efforts include cooperation at the national, regional, and international level, and encompass both multilateral and bilateral partners.

Question 2:

Please advise the Committee on what steps the U.S. government is taking to strengthen the U.S. position in an area that is increasingly under threat from violent extremist groups.

Answer 2:

The expansion of state authority across the DRC remains essential to stopping the spread of violent extremism. Therefore, our immediate focus is to foster stability in the DRC through genuinely free and fair elections that are credible and inclusive and a peaceful, democratic transfer of power. At the request of President Trump, U.S. Ambassador to the UN Nikki Haley recently visited the DRC, including eastern DRC, to discuss how the UN and other partners can counter the destabilizing activities of armed groups that operate in the region.

We are concerned about the continuing violence and the violations and abuses of human rights in eastern DRC, including a recent increase in clashes in North and South Kivu. We also are worried by the lack of state authority in the region, which allows armed groups to continue operating with impunity, illegally exploiting resources, and victimizing Congolese communities. Eastern DRC will remain vulnerable to these forces, including terrorist groups, as long as the government is unable or unwilling to protect its territory, deliver services to its people, hold accountable those responsible for mass atrocities, and protect its own civilians.

The United States cannot shoulder the burden of stabilizing the DRC on its own, and therefore coordinates with other donor countries through the International Contact Group for the Great Lakes as well as with regional and international multilateral institutions. We continue to view MONUSCO as an essential part of the protection of civilians and stabilization efforts in eastern DRC and, therefore, provide three military observers to the mission, who are primarily based in Goma.

The United States also supports efforts, including through the UN Prosecution Support Cells, to ensure that those responsible for mass atrocities against civilians in the DRC are investigated and brought to justice through credible domestic and international prosecutions. Impunity and lack of the rule of law only embolden those who would use violence, including extremist groups. The United States has played a leadership role in implementing initiatives to break the links between armed groups in eastern DRC and the minerals trade to ensure that revenues derived from key economic sources do not support illicit activities or groups. We continue to work to with international, regional, and national stakeholders, as well as with U.S. industry, to ensure that illegal groups do not use the DRC's resource wealth as a means of financing.

Understanding that terrorist groups know no borders, the United States works to combat terrorism in the wider Great Lakes region as well. Notably, in Uganda, the United States works to empower youth in four districts in Eastern Uganda (Iganga, Tororo, Mbale, and Mayuge) and the Ugandan Somali refugee community in the neighborhood of Kisenyi, with economic and community engagement opportunities to make them less vulnerable to recruitment to violent extremism. We are aware of recent reports regarding possible ties between foreign armed groups

operating in the DRC and terrorist groups. We are monitoring this situation closely and would be happy to offer a classified briefing.

Question 3:

How is the U.S. government assisting the DRC in undertaking democratic elections in a timely manner? Please advise the Committee of the effectiveness of the current U.S. policy in this area.

Answer 3:

The Administration's priority in the DRC is to support stability through credible and inclusive elections. The November 5 announcement by the National Independent Electoral Commission (CENI) in the DRC of an electoral calendar, with elections now scheduled for December 23, 2018, was an important step toward realizing what would be its first peaceful, democratic transfer of power. Our focus is now on pressing the government and the CENI to take the necessary steps to ensure elections are held as scheduled. The Administration is developing clear benchmarks and expectations for the implementation of the electoral calendar to prevent further delays in the process. We also continue to impress upon political actors that calls for violence, unconstitutional actions, or use of force are not acceptable.

U.S. engagement, including Ambassador Haley's October visit to the DRC, has played an important role in advancing the electoral process. There is no question that significant technical, financial, and political steps must still be implemented to ensure successful elections in line with the CENI's calendar. We are building on the momentum from Ambassador Haley's recent visit and through active diplomatic engagement with the full range of Congolese political actors and civil society groups, as well as our international partners, to ensure continued positive progress.

The Administration is actively engaged with our international partners to support the electoral process and apply pressure on the CENI to implement the electoral calendar. The U.S. government, through USAID, has supported the DRC's electoral process though programming for domestic election observation, civic and voter education, political party strengthening, and electoral justice. We have also provided technical assistance to the DRC's electoral commission through the United Nations Development Program (UNDP). We are coordinating closely with both multilateral and bilateral donors on the DRC's additional financial, technical, and logistical assistance needs for the electoral process. Should there be insufficient progress on key technical and political measures, we will continue to evaluate our options, including the implementation of sanctions.

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