

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

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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.

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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. Bretton 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.