

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
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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 undertake 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.