

**Improving Governance in the Democratic Republic of Congo
Senate Committee on Foreign Relations
Subcommittee on African Affairs**

Testimony

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

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

I first went to the Congo in 1979 as a Peace Corps Volunteer and have followed it ever since. Please allow me to emphasize what a great, important program the Peace Corps is. I wouldn't be doing what I am doing now – I wouldn't be before you today – if the Peace Corps had not given me the opportunity to spend three years as a teacher in a country then called Zaïre.

I left Zaïre with the clear sense that my Congolese students, colleagues, and many new friends had given me so much more than I was able to give them.

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

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

In 2006, at the end of the transition period, the people of the Congo voted for their national leaders. I returned to the Congo then as an elections observer for the Carter Center. I saw what can happen when a government and its citizens are strongly, effectively supported by the international community. The 2006 elections had flaws, but, ultimately and most importantly, it was clear that the person announced as the winner in the Presidential election – Joseph Kabila – indeed had won. Following these elections, the Carter Center noted: “The Carter Center

election observation mission to the Democratic Republic of the Congo is confident the results announced by the Independent Electoral Commission (CEI) are consistent with the results obtained in the polling stations. The provision of original tally sheets to candidate witnesses, combined with the publication of results by polling station, introduced a strong measure of transparency that virtually eliminated the possibility of significant fraud after the ballots were counted.”

The Congo has just held its next national election. Here is what the Carter Center published on December 10: “The Carter Center finds the provisional presidential election results announced by the Independent National Election Commission (CENI) on December 9 in the Democratic Republic of the Congo to lack credibility.” The head of the Catholic Church in Congo, Cardinal Laurent Monsengwo, said on December 12 that “after analyzing the results made public by the CENI on Friday, December 9, 2011, it is appropriate to conclude that these results do not conform to the truth, nor to justice.”

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

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

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

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

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

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

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

That is precisely where we are today.

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

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

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

The way in which the aftermath of these fraudulent elections is managed will affect every issue of interest to the United States in the Congo. It is apparent that the outcome will

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

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

Why has the United States encountered so much difficulty in wrestling with problems like conflict minerals and continued high levels of sexual and gender-based violence in eastern Congo? Will the appointment of a Special Advisor fix the problem? On one level, the answer is simple: When senior officials in the Congolese state are, at best, uninterested and, at worst,

complicit in the abuses, how much progress can outside actors make? When a government is unresponsive to the suffering of its own people, how much progress can outside actors make?

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

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

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

- effective Training,
- adequate Pay, and
- Accountability for actions.

First, the “T.” Training is a staple of US activities, but training is normally done as a stand-alone intervention, with the regularly unrealistic assumption that somehow disparate,

scattershot, uncoordinated training will lead to better performance and on-the-job results. Facts on the ground from around the world, including in the Congo, amply prove otherwise. Even assuming well-coordinated and effective training (far from today's reality), training alone, while necessary, remains insufficient.

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

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

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

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

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

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

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

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

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

If the Congolese justice sector continues to be severely underfunded and staffed by unqualified, untrained personnel who are poorly paid and receive few incentives for good

performance, do we think that impunity will be reduced through legal action and occasional aid projects? If so, we, too, are engaging in wishful thinking.

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

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

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

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

Thank you very much. I am happy to respond to your questions.