

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

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

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

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

The 2011 Elections and its Flaws

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

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

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

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

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

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

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

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

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

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

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

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

USAID Support for the 2011 Elections

USAID has been a dedicated supporter of the Congolese transition from conflict to stability in a range of activities—from health and education to economic growth and the environment.

USAID directly contributed \$15.4 million toward the 2011 election process through the International Foundation for Electoral Systems (IFES) and The Carter Center (TCC) to support civic and voter education as well as international election observation and capacity building of human rights organizations to observe the elections.

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

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

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

Early Warning and Atrocity Prevention

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

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

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

Reconciliation and Combating Trafficking

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

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

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

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

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

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

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

Support for Democratic Processes

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

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

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

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

Conclusion

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

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