

ARGUMENT

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Washington Must Not Allow Another Stolen Election in Congo

Fear of Chinese influence must not take precedence over protecting democracy.

By **Stephen R. Weissman**, the author of *American Foreign Policy in the Congo: 1960–1964* and *A Culture of Deference: Congress's Failure of Leadership in Foreign Policy*, and **Anthony Gambino**, the director the USAID mission in the Democratic Republic of the Congo from 2001–04 and was an election observer there in 2006.

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Elections in the Democratic Republic of the Congo (DRC), the largest and most strategically situated country in sub-Saharan Africa, are scheduled for December. In the all-important presidential contest, the main candidates are expected to be the incumbent, Felix Tshisekedi; former parliamentarian and activist Martin Fayulu, whom most knowledgeable observers consider the real winner of the last election; Moise Katumbi, the former governor of Congo's richest province; and Augustin Matata Ponyo, a former prime minister.

Unfortunately, signs point to troubled elections that will be neither free nor fair. Despite some support for a democratic contest, official Washington's priorities appear to be trending elsewhere: toward building a strong relationship with Congo's current president and competing with China for political influence and control of Congo's multiple strategic minerals, such as cobalt, a key component of electric car batteries.

But this tack fails to reckon with some uncomfortable realities. Tshisekedi came to power through likely fraudulent elections five years ago, as one of us has written about at length in *Foreign Policy*. Congo remains riven by violent armed groups; political persecution of opposition groups, journalists, and even musicians; and massive corruption permeating the state, the vital mining industry, and the logging of the world's second-largest rainforest.

Washington needs to ask whether its priorities conform to its fundamental national interest in Congo, which is to nurture a long-term relationship with a

politically stable, effective state, one that can also ensure uninterrupted access to, and protection of, key natural resources for combating climate change. To achieve this, the United States needs to remain true to its democratic values. Only free and fair elections have the potential to produce leaders who will have the political strength to address the country's dysfunctional governance and latent political instability.

Official Washington recognizes the complexities of Congo, but current policies are haunted by unrecognized past errors. Five years ago, Congolese voters turned out massively. The most credible reports indicate that Tshisekedi lost the election to Fayulu by a more than 3-to-1 margin. However, in a secret, shady deal between Tshisekedi and former President Joseph Kabila, Tshisekedi was declared the winner.

Despite the Catholic Church's electoral observation mission, which documented the fraud and key regional African states' initiative to spur inclusive political negotiations, the Trump administration rapidly accepted this deal, seeing it as a way to maintain short-term "stability" in Congo. This destroyed what could have been a viable alternative path toward longer-term stability based on democracy and the resulting improved governance.

U.S. President Joe Biden has frequently proclaimed that strengthening democracy is one of his key priorities in Africa and the world, even making Tshisekedi a partner in his Summit for Democracy initiative. The United States is providing financial assistance for the December election, including observation of the process by the Carter Center and the Catholic and Protestant churches.

Yet the U.S. State Department is not providing sufficient diplomatic support to democratic forces (including the predominant Catholic Church) who are calling for an external audit of the registration roll, nonexclusion of legitimate candidates, and an end to the repression of opposition forces and legally organized protests. Earlier, it remained silent as the government maneuvered to make sure the "Independent" National Election Commission and Constitutional Court were dominated by its likely supporters.

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In the absence of a government accountable to its people, there is every reason to believe that the grand corruption that marked the earlier Joseph Kabila regime has continued. Last year, for example, a “strategic advisor” to Tshisekedi was captured on videotape offering mining concessions to foreign investors in return for kickbacks. “If I ask for something, he [the president] gives,” he assured them. Prosecutors sought a three-year sentence, but the advisor was acquitted by a court without explanation.

Furthermore, the Inspectorate General for Finance recently reported that the state paid almost \$800 million in a year—5 percent of its budget—to fictitious employees. The environment minister, like at least five of her predecessors, has made a habit of issuing illegal licenses for logging the rainforest. And despite the well-documented corruption of the Kabila era, his successor has refrained from prosecuting wrongdoers.

The case of Vital Kamerhe, a former top official in Kabila’s government who became Tshisekedi’s chief of staff, seems emblematic of the government’s lassitude toward corruption and its appearance. Amid public outcries over nonperformance in Tshisekedi’s inaugural \$300 million “100 day program” for public construction, Kamerhe was swept up in the subsequent investigations.

He was charged, along with with a Lebanese businessman, with corruptly embezzling around \$50 million designated for prefabricated housing. To this day, it is unknown where all the money ended up. Kamerhe insisted that he was not the sole decision-maker for the contract, but his governmental colleagues disagreed. He claimed to be unaware that his daughter-in-law received a \$100,000 bay view property from the businessman, but multiple witnesses testified that his relatives and close associates were involved in the transaction. Convicted in a public trial, both defendants were sentenced to 20 years in prison with hard labor. After two years, however, they were acquitted by a higher court in an atypically opaque proceeding.

Nine months later, Tshisekedi appointed Kamerhe minister of the economy and deputy prime minister, a transparent pre-election maneuver designed to attract the scandalized politician's provincial following. So much for the president's heralded commitment to fighting corruption.

On the security front, the situation remains dire in Eastern Congo. A rebel group, the M23, continues to occupy much of North Kivu province and commit large-scale human rights violations. Congo's eastern neighbor, Rwanda, provides substantial support to the M23 rebels in order to maintain control over mineral-rich areas of eastern Congo. Moreover, 120-plus other rebel groups have been operating in the country's east, with near-total impunity.

At the heart of the problem is the ineffective Congolese army, riddled with corruption and human rights abusers, run by warlords and other former militia leaders. Efforts by an East African intervention force and a U.N. force (MONUSCO) have done nothing to alter the basic situation. Again, lacking democratic legitimacy, Tshisekedi has been unable to summon the political strength to reform the military. Regrettably, the United States and other Western nations have been unwilling to lean effectively on Rwanda and M23 as they did a decade ago.

Washington's increased focus on competition with China, particularly over Congo's abundant critical minerals, is only further muddying the policy waters. Fighting climate change, the Biden administration is understandably concerned about continued access to cobalt for batteries. Most of the world's cobalt is in Congo, mined largely by Chinese concerns.

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But a major reason behind China's advance has been Congo's own poor governance. As a 2022 Natural Resources Governance Institute report on cobalt and the DRC observed, "EV [electric vehicle] buyers, battery manufacturers and miners fear the high prices and disrupted supply, as well as human rights abuses, environmental destruction, corruption, and political risk."

These factors helped drive most Western mining companies out of the country. Without improved governance, which cannot develop in the absence of political leaders possessing democratic legitimacy, Western companies are unlikely to return. For similar reasons, U.S. automakers Tesla, General Motors, and Ford are turning to batteries with less or no cobalt.

A number of Republican House members and Democratic senators in the United States have highlighted, in proposed legislation and a letter to the administration, the alleged danger of China leveraging its “control” of Congolese cobalt to cut off Western supplies for either industry and the military or the “green economy.” Such a move is extremely unlikely, if only because of the DRC’s dependence on Western markets and financial support.

Asked at a recent congressional hearing about the “current trajectory of the DRC-China relationship,” a senior State Department official replied, “My understanding ... is that the United States remains the preferred partner.” Significantly, the Biden administration’s 2021 analysis of threats to the cobalt supply chain highlighted the DRC’s “history of political instability” rather than an improbable Chinese-influenced resource war against the West.

The Biden administration’s tendency to draw close to a “friendly” government is a mark of the short-term thinking that has long bedeviled so much of U.S. foreign policy around the world. It misses the greater need to work with committed Congolese citizens to build truly democratic governance that can promote long-term political stability that is consistent with U.S. interests and values.

Washington is in danger of sliding into yet another round of acquiescing to an undemocratic election, with some arguing that this is required to maintain good relations with the current Congolese leader. Policy makers should take heed of the recent military coup in nearby Gabon on the heels of an allegedly fraudulent election.

Consistent with his democratic rhetoric, Biden should make it clear that Washington is focused on the fundamental requirements that truly free and fair elections be held as scheduled, with full observation by impartial national and international observers, as well as results, from each polling station, that are published rapidly and respected by the government.

Washington is in danger of getting it backwards. You cannot build better governance and ensure uninterrupted access to resources by turning a blind eye to President Tshisekedi's questionable legitimacy and its manifold consequences. Only the winner of a genuinely democratic election, whether that be Tshisekedi or someone else, would possess the legitimacy necessary to work with the Congolese people, the United States, and others to resolve Congo's long-standing crisis.

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