

OPEN LETTER TO THE CONGOLESE PEOPLE & THE INTERNATIONAL COMMUNITY

On the Necessity of a Transitional Government without the Kabila Regime in the Democratic Republic of the Congo

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Executive Summary

This open letter initiated by Congolese intellectuals in the U.S.A argues strongly in support of a Transitional Government without the Kabila regime (GTSK) in the Democratic Republic of the Congo (DRC), and against the holding of the elections scheduled for December 23, 2018. It offers an overview of the salient political history of DRC and its people's quest for democracy under the rule of law. It draws on these facts to present several arguments that are informed by a conjunction of daily realities in the country and by the Congolese constitution of 2005 to call for the removal of Hypolite Kabange Kanambe's, alias Joseph Kabila, illegitimate and illegal government.

The letter maintains that for fifty-eight years the Congolese people have been denied their inalienable rights and sovereignty through externally engineered coups d'état, regime changes, and internally rigged elections. These acts have permitted the perpetuation of dictatorships at the detriment of participatory democracy, national socio-economic development, and the establishment of the rule of law. It not only vehemently decries these behaviors, but also views them as existential threats to DRC and its integration. It invokes Articles 5, 64, and 70 of the Congolese constitution to justify the removal of Kabila's government, and the installment of a GTSK in its place, as expressed by the 2017 systematic and transparent Internet election in which over 10 million Congolese participated.

Furthermore, the letter weighs the option between holding the general elections in December 2018 against that of establishing a GTSK. Based on the past twenty years of mediocrity and criminality of the current regime, it concludes that the GTSK is the best and only viable option for the country's peaceful transition to democracy, implementation of the rule of law, and economic development instead of continued stagnation and disintegration. It is argued furthermore that the GTSK will lay the requisite foundations for the next credible, fair, transparent and peaceful elections at the conclusion of its term. The proposed current elections, even if by some miracles were to be conducted, will be rigged in favor of Kabila's political party, and will consequently trigger a true civil war that will give Kabila an additional pretext to declare a state of emergency and slaughter more Congolese with impunity. Such a development will be catastrophic for the entire African Great Lakes Region, Africa in general, and therefore, must be avoided.

1. Background

On June 30 1960, the Belgian Congo joined the ranks of sovereign nation-states and came to be known as the Democratic Republic of the Congo (DRC). Yet, in its 58 years of existence, the country has been neither a republic, nor a democracy. Indeed, except for the 1960's first general elections which were totally free, transparent, peaceful and fair, the Congo has lived through a cascade of regime changes through military coups-d'état, bogus and rigged elections.

Without entering into the twists and turns of the long history of the drama or tragedy of the Congo, suffices it to recall here that three consecutive atrocious dictatorships have ruined the country to such an extent that today, the potentially richest country in the world and heart of Africa, now ranks among the top three poorest nation-states. This, we believe, is the direct result of over five decades of mismanagement under autocratic, ruthless, incompetent, and lawless political regimes imposed externally on the Congolese people. Here are the facts.

1.1 Regime changes, coups d'états and elections rigging. As one may recall, under Mobutu alone, DRC experienced three military take-overs (September 14, 1960, May 1965, and November 24th, 1965) with Western support. The latter was his coup de grace. He proclaimed himself president, ruled at first by decrees, and in the last two decades of the regime, he ruled with an iron fist through a one party-state system: "Le Mouvement Populaire de la Révolution". Thirty-one years later, he was overthrown by another brutal dictator, Laurent-Désiré Kabila, a typical Machiavellian prince who was handpicked by the Rwandan and Ugandan autocratic regimes to carry out a regime change against Mobutu on behalf of the same western masters. He too proclaimed himself President (on May 17, 1997), only to be assassinated on January 16, 2001 for attempting to exercise his independence from his sponsors. This regime change, which was motivated by a desire for unfettered access to DRC precious and critical minerals and carried out over three years of inter-state war on the Congolese soil, cost the lives of at least six millions people – truly an unprecedented loss of lives in human history, except for the Congolese holocaust under King Leopold II's Congo Free State fiefdom.

The 3rd regime change occurred immediately after Laurent Kabila's assassination when his reportedly twenty-nine year old adopted son, Hypolite Kabange Kanambe alias Joseph Kabila, mysteriously seized power instantly. In effect, Joseph Kabila acceded to the presidency in DRC via a palace coup and has retained power for seventeen years by force, cooptation, deceit and corruption. He has never won a single election.

1.2 Consequences of dictatorship and state failure. These acts have not only denied the Congolese people their sovereignty and rights to participatory democracy, but have also had at least seven devastating consequences on the country and its citizens: (1) facilitation of unfettered looting of the country's immense natural resources by networks of African and non-African economic predators, including Congolese politicians and military officers; (2) balkanization of the country by occupying military forces (e.g., Rwanda and Uganda) and putative rebels from neighboring states to the east; (3) institutionalization of kleptocracy nationwide; (4) undermining of the rule of law, (5) abject impoverishment of the people in a scandalously-endowed nation, (6) total neglect of the state transport and educational infrastructures, and (7) brutalization of the citizens, including outright assassinations of opponents to his regime.

2. Necessity of a Transitional Government without the Kabila Regime (GTSK)

2.1 Preservation of DRC and its resources. Today, Congolese intellectuals in DRC, the Diaspora, and the youths in DRC itself, have realized that the factors enumerated above constitute an existential threat to the country. They are firmly determined to reclaim their country's destiny by overthrowing despotic and corrupt governments as nationals elsewhere in the world have done in the past, and by setting up governments of the people, by and for the people under the rule of law nationally. The first clause of Article 64 of the Congolese constitution enacted in 2005 and that Joseph Kabila signed, empowers the Congolese people to act accordingly:

All Congolese have the duty to oppose any individual or group of individuals who seize power by force or who exercise it in violation of the provisions of this Constitution.

Since 2016 Joseph Kabila has held onto power in violation of this key provision, and his attempt to seek a 3rd term as president in every way possible, including the recourse to the Putin-Medvedev like strategy, violates the first clause of Article 70 that prohibits a third term:

The President of the Republic is elected by direct universal suffrage for a term of five years which is renewable only once.

Furthermore, Article 5 of the Constitution makes it a patriotic duty of all Congolese to defend and preserve RDC national sovereignty by stipulating that:

National sovereignty belongs to the people. All power emanates from the people as exercised directly by way of referendum or elections or indirectly through their representatives.

These clarion calls concerning our liberation and sovereignty can no longer be silenced by the current dictatorial and brutal regime, or ignored by its collaborators who practice chaos economy at the detriment of the Congolese people.

2.2 Motivations and arguments for a GTSK. The invocation of these articles for the preservation of DRC requires, in light of the long history of misrule, dictatorship, resource looting and squandering, the establishment of a transitional government that is based on the transparent and objective wishes of the Congolese people. This is in fact the will they expressed in the 2017 electronic election conducted by Prof. J. Bele and his team. For us, a GTSK is the Gordian knot before us at this juncture in the history of our country, a knot that we must untie or cut in order to attain the following:

1. Prevention of state disintegration
2. Extirpation of a political regime governed by a corrupt, kleptomaniac, and ruthless political class without any regard whatsoever for the rule of law
3. Re-establishment of participatory democracy and the rule of law
4. Rehabilitation of a functional and modern economy commensurable to DRC's natural resources which the Congolese people deserve
5. Re-establishment of the nation's territorial integrity and security
6. Rebuilding of a strong educational system for the future.

We re-iterate the position and the missions stated in the *Atlanta Manifesto* of March 9 and 10, 2018,

The illegitimacy of the current political and administrative institutions calls for an immediate transition from a regime of occupation to a transitional government duly selected and appointed by the Congolese people. It must be noted that the transition process will exclude completely the participation of the members of the regime of occupation (presidents, ministers, senators, representatives, CENI, etc.,).[p.3].

As per this letter, we declare firmly and without any reservation whatsoever our support of the envisioned GTSK under the leadership of His Eminence Cardinal Laurent Monsengwo Pasinya and the Nobel Prize Laureate Dr. Denis Mukwege.

2.3 Arguments against the elections in 2018. The Congolese people have waited for a long time to hold free and transparent presidential and general elections to overthrow Kanambe's illegal, illicit and inept regime. The elections that he is now reluctantly willing to organize because he has lost much of his support from the international community, are no longer feasible, nor are they desirable for the following reasons:

- First, the Independent National Election Commission (known by its French acronym, CENI) has done very little to set up the infrastructure for the multi-levels elections: National, provincial, and local.
- Second, there are no state funds to finance them and yet the government has declined financial assistance from the international community.
- Third, CENI insists on using voting machines, but it lacks the funds to purchase the machines; instead, it wishes to obtain them on contract.
- Fourth, there are no recent census data upon which to ascertain the accuracy of the electorates.
- Fifth, the electorate list published by CENI contains over six million voters whose names are not authenticated by fingerprints as required by the electoral law, and another three million without addresses.
- Sixth, CENI has no plans to transport the ballots to regional centers, and eventually to the capital city (Kinshasa) where they will be aggregated, tallied and published.
- And seventh, the exclusion of several presidential candidates.

These major obstacles, among others, will prevent the holding of the elections on the announced deadline, and will provide Kabila and his regime yet another pretext to postpone them and to remain in power for another year, if not more. This is the regime's last salvo to prolong the current unjustifiable *de facto* "glissement" after all attempts to amend the constitution have failed.

3. Weighing the options

3.1 General elections on December 23rd, 2018. As argued forcefully in several of the video-clips posted by Prof. Jean Bele, the declaration issued at the conclusion of our conference in Washington, D.C., on June 29th, 2018 and "Le Manifeste d'Atlanta" published in March 2018, among other similar documents from DRC and the Congolese Diaspora at large, even if the Kabila government were miraculously able to organize the elections, they will not be transparent, credible, and peaceful. Kabila's political party will again win fraudulently. These conclusions are substantiated by the 2006 and 2011 elections. The fraud has already begun by the stacking of the electorate list in the absence of a national census, and the exclusions of credible presidential candidates from the opposition.

The occurrence of this scenario will lead to a true civil war, and will provide the Kabila's regime another pretext to massacre Congolese, including innocent children, youths, women, and suspected intellectuals. His mercenaries from Rwanda and Uganda, who are already committing such acts in the Kasai and eastern DRC, will expand their killing fields across the country; and the entire African Great Lake Region, plus SADC, will become embroiled in a second war like that of 1998-2001, dubbed "Africa's World War I" by the media. Such a war must be prevented, and the GTSK can do so.

3.2. The GTSK as the best option. It should be evident from the preceding section that DRC is not yet prepared for open elections this calendar year, and any imposed president under any scenario will only perpetuate the failures that have characterized the Mobutu's and Kabilas' dictatorial regimes. Further, in light of all the lies, deceitful and fruitless countless national dialogues organized by the regime, the GTSK is not only the best and most viable option, it is the road map to democracy, economic prosperity, and the rule of law. Only under the GTSK formula can peaceful, transparent and credible elections take place in DRC, with political parties having sufficient time to articulate their programs and campaign peacefully.

For all the above referenced reasons, we the undersigned, declare hereby our strongest support of the electronic election results obtained by the team led by Prof. J. Bele and for the GTSK's top administrators: His Eminence Laurent Cardinal Monsengwo and the Nobel Prize Laureate Dr. Denis Mukwege who have established impeccable reputations and administrative experiences in their respective fields for decades. They will be assisted by expert technocrats who have had decades of administrative experience around the world. We call upon the Congolese people and the international community to support the establishment of the GTSK.