A Dark Colonial Past, Foreign Politics, and Ineffective Lea

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A Dark Colonial Past, Foreign Politics, and Ineffective Leadership: Who is to Blame for Congo's Governing Struggles 60 Years After Independence?

# Introduction

The end of World War II brought the liberation of most colonies from their colonial leaders, particularly in the continent of Africa. This meant waves of widespread independence, newly founded countries, and the chance to start new. However, it was not a smooth transition for most of these former colonies. The struggle to establish a highly functioning government that serves its people spread like wildfire. One of the most notable countries still struggling post colonialism today is the Democratic Republic of Congo, who finds themselves ranked 137th out of 139 countries in the World Justice Project's Rule of Law ratings, only boasting a better rating than Venezuela and Cambodia. The Rule of Law index takes into account 8 areas of governance: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. This statistic begs the question: Over 60 years from gaining independence, why does Congo continue to struggle in the area of governance? Many factors have contributed to Congo's struggles over the years, but colonialism at the hands of King Leopold II and Belgium, the interjection of Cold War politics

by the United States, and the ineffective leadership that followed all played crucial roles in where Congo finds itself today.

### **Rule of Law Defined**

To effectively assess Congo's governing situation, one must have a sufficient understanding of what the Rule of Law rating is composed of and defined as. This paper derives the Rule of Law from the World Justice Project, an "independent, multidisciplinary organization working to create knowledge, build awareness, and stimulate action to advance the Rule of Law worldwide," (World Justice Project). Calling their Rule of Law index the "the world's leading source for original, independent data on the Rule of Law," they have covered 139 countries and jurisdictions through over 138,000 national household surveys and the expertise of 4,200 legal practitioners. The World Justice Project assesses these countries based on 8 different aspects of governance and assesses a rating between 0 and 1, with 1 being the best score. The first is constraints on government powers, defined as the extent to which those who govern are bound by law in the sense that they are held accountable for their actions. The next is absence of corruption, defined as bribery or misappropriation of public funds. Third is open government, where the government shares information with the public and allows them to participate in events such as elections, etc. Fourth is fundamental rights, which are simply related to those described in the United Nations Universal Declaration of Human Rights. The fifth aspect is order and security, where the government is judged on their ability to ensure the security of people and property. The sixth is regulatory enforcement, which refers to regulations being fairly and effectively enforced. The seventh factor of civil justice alludes to how effective citizens can resolve grievances through the civil justice system. Finally, the eighth factor is criminal justice, meaning how effective the system is in redressing individuals who commit wrongdoings against

society, (WJP Rule of Law Index 2021). All the information mentioned contributes to a country's Rule of Law rating.

## **Colonial Rule Under King Leopold II and Belgium**

Congo's colonial rule began in 1885, where King Leopold II acquired rights to the territory at the Conference of Berlin. At this point, Leopold had private possession of the land, naming it the "Congo Free State." While he had pledged to promote humanitarian policy, free trade, philanthropy, and science, this was far from what he did. Leopold began investing money into infrastructure, like railroads, to make it easier to extract resources from the mineral rich land. Europe was in the midst of the Industrial Revolution, and in need of raw materials more than ever, which led to them turning to the lands of Africa. In his article "The King, the Cardinal, and the Pope: Leopold II's genocide in the Congo and the Vatican," Robert G. Weisbord describes the Belgians as "camouflaging their greed and ethnocentric arrogance with sanctimonious language about a civilizing mission to uplift the downtrodden, to enlighten the benighted and to Christianize the heathen," (Weisbord, 2003). Soon enough, he had created a monopoly on rubber and ivory, having his private army (the "Force Publique") enforce rubber quotas. Leopold's primary goal was to exploit the native people for labor, by any means necessary, ("The Belgian Congo").

While Leopold's goal was not to exterminate the native population, he used large amounts of killing and violence to exploit them. The killing, physical and mental injuries, and unbearable conditions imposed on the native people could be classified as genocide. Weisbord, regarding what happened in the Congo under Leopold, stated "Even by the chauvinist, racist, ruthless standards of European Imperialism, what occurred in the Congo was bloody and barbaric," (Weisbord, 2003). When the natives failed to meet their rubber quotas, villages would

be burned, followed by people being shot, flogged, mutilated, kidnapped, and starved. The Force Publique would cut the hands off natives, and paid bonuses when they showed their collection. Men would have their heads cut off, and women and children would be hung on the cross. During Leopold's reign, Congolese birth rates dropped significantly, and the population decreased by half. The atrocities occurring in the Congo Free State soon gained the attention of the global community, starting with Joseph Conrad's book "Heart of Darkness," published in 1899, which was based on his experiences as a steamboat captain in Congo. More people began to speak on their experiences, one being traveler Ewart Grogan, claiming in 1902 that "The whole state is a vampire growth, intended to suck the country dry, and to provide a happy hunting ground for a pack of unprincipled outcasts and untutored scoundrels," (Weisbord, 2003). American writer Mark Twain even commented on the human rights violations, calling the crimes the "ghastliest episode in all human history." While public uproar increased, King Leopold and Belgian Minister Baron Moncheur tried to prevent American intervention by lobbying government officials and offering private concessions to American companies, (Weisbord, 2003). Finally, in 1908, the Belgian Parliament took control following the international outrage of abuse under Leopold.

Belgian control of Congo lasted from 1908 to 1960. During their rule, Belgium held a mindset of paternalism towards the Congolese- believing Africans were to be treated as if they were children, and they were the parents. Even in the early 1950s as France and the United Kingdom began granting independence to their colonies, Belgium still maintained control over Congo. During their time in charge, Belgian authorities used the natives as indentured laborers to work on mines and plantations, ("Belgian Congo"). Additionally, many private European and American corporations had made large investments there, specifically targeted towards minerals

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and resources like that of Uranium. Moving into the back half of the 1950s, more and more rebellions occurred, eventually leading to the founding of the first Congolese political party in 1958, called the Congo National Movement ("Belgian Congo"). Finally, after many violent riots, Belgium granted independence to Congo on June 30, 1960.

After analyzing the history of colonialism in the Congo, it is possible to look at how these practices still have effects today. One colonial era practice that has a significant impact on Congo today is Belgian education policy. In her article "Belgian Education Policy: A Poor Foundation for Stability," Dr. Jessica Archberger of the United of Texas at Austin claims that these policies have much to do with today's current political instability. While in charge, the Belgian authorities did not directly oversee the education of the native population, instead handing it over to missionaries. In 1908, 587 missionaries were sent to educate 46,075 students, (Archberger, 2018). Although there were not enough missionaries to teach all students, Archberger claimed that the education system "undermined indigenous African culture and promoted colonial domination," which led to many opting out of the learning, (Archberger, 2018). Additionally, it was not until 1954 that a Congolese citizen was admitted to college for a purpose other than religion. Following independence in June 1960, there were only 16 African University graduates out of a population of more than 13 million, (Archberger, 2018). This lack of university graduates meant that there were not many to unite the country politically and create a national identity. Instead, different ethnic groups clashed, and a struggle for wealth from the abundant resources emerged. This became a domino effect and set the precedent for years to come: the few with higher education would rule over those who do not, and use every opportunity to increase individual wealth while the rest of the citizens struggled to get by.

Another lasting impact of the colonial era is the remnants of resource exploitation at the hands of private corporations. Throughout both Leopold's rule and then Belgium's, private corporations were given concessions, or a grant of land and rights under contract to do business. These corporations would then use the labor of the natives and employ violent tactics to extract resources, (Lowes & Montero, 2021). Sara Lowes, professor of economics at the University of California, and Eduardo Montero, a professor at the University of Michigan, recently conducted research regarding citizens from these areas. In their study, they found that those from the areas where concessions were granted had 1.3 fewer years of education today and were 25% less wealthy than those outside concession areas, (Lowes & Montero, 2021). Lowes and Montero also put out a survey to 520 people in Gemena in Congo and found that most believe the national government is weak and unable to supply public goods. The general consensus was that roads and schools were not tended to, and there was no effective conflict arbitration in place.

Furthermore, the "Spiral of Violence" has contributed to a decline in the Rule of Law. This is defined as violence experienced and internalized, and then passed on to the next generation, (Schwikowski, 2020). Thomas Elbert, a psychology professor at the University of Kostanz, had studied the psychological impact of war and torture. He said of the situation in Congo that "Violence leads to violence. We can assume that excessive violence by colonial powers increased the willingness of those affected to use violence and aggression," (Schwikowski, 2020). This helps to explain the willingness of the government to use violence against their own people. Furthermore, studies of pregnant women exposed to violence showed that their children react differently to stimuli that emit aggression, (Schwikowski, 2020). Sael Soni in their article "Lasting Legacy of Colonization in the DRC" says the trauma experienced by the Congolese is "difficult to erase" and has "led to a profound distrust in government

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authority, and the international community throughout the country," (Soni, 2018). It is also noted that the Belgian Colonial Administration made no effort to develop a political or academic class and had no regard for a transition to a non-corrupt, peace-oriented government. This set a poor foundation for Congo as an independent state and allowed the factors to follow to perpetuate its standing as a country with poor governance.

The final colonial practice that has led to poor Rule of Law today was King Leopold II's economic strategy. The slave labor employed by his administration had completely wiped any accumulated wealth by the Congolese, and "lead to unprecedented levels of inequality in the region," (Soni, 2018). Additionally, Congo's economy had become entirely dependent on the export of their resources, which were traded at far below their value internationally. Leopold II had failed to invest in human capital and government infrastructure. Sael Soni states that "By the time the Congolese gained independence in 1960, the entire colony had been thoroughly depleted of human capital and was unable to rebuild and modernize institutions necessary for entry to the world stage as a sovereign democratic state," which allowed dictatorships to take over, (Soni, 2018). Failure to set up institutions necessary for success has led to generations of governing issues following independence.

The correlation between colonial era practices and today's Rule of Law rating are clear cut. Lack of Belgian investment in political or academic classes had set Congo behind years, and left the door open for abuse of power. Belgium left without ensuring a peaceful transition to an effective and peace-oriented government. Additionally, trauma induced by colonial violence and concessional practice has been passed on to each generation, with no government treatment available for the citizens suffering. This has made leaders more likely to use violence against their people.

#### Interjection of Foreign Politics: The United States and the Cold War

Following their independence in 1960, Patrice Lumumba became the leader in Congo. However, this immediately put him on the watch list of the United States Central Intelligence Agency (CIA), as they were unable to decipher his political orientation, (Davis, 10). The CIA feared that he might lean towards the Soviet Union and Communism, which would lead to a loss of access to the precious minerals and infrastructure Congo had to offer, (Davis, 12). Amid the Cold War, the United States was eager to get their hands on the abundance of cobalt and uranium to assist in their weapon building agenda. Having Congo fall to the Soviet Union and Communism also meant the US would lose access to Congo's strategic physical and political position in the region, which would risk a domino effect of Communism across other newly independent states, (Davis, 13).

The threat of Communism was enough for the United States to take action in order to protect their own interests. In the article "Before Drones: U.S. Covert Action in Africa During the Congo Crisis," Drew A. Calcagno reveals the thinking of the CIA. A declassified cable from the Congo station to chief to a CIA director in August 1960 stated, "Anti-west forces are rapidly increasing in power in Congo and there may be little time left in which to take action to avoid another Cuba," (Calcagno, 2017). Additionally, the US had previously rejected supporting Patrice Lumumba as the new leader of Congo following independence, so the United States suspected he had turned to the Soviet Union for aid in his new rule. This led to several CIA backed military coups, which ultimately resulted in Lumumba's assassination in 1961.

With Patrice Lumumba no longer a threat to bring communism into Congo, the United States could ultimately hand pick his successor, which would end up being Joseph Mobutu in 1965. Mobutu was primarily chosen for his anti-communist ideas, as it was described he was

"eager to be anti-Soviet in exchange for influence, material wealth, and US gathered information," (Calcagno, 2017). As long as Mobutu pledged to avoid communism and Soviet assistance, the United States did not care what went on behind closed doors. Additionally, the CIA would work to keep Mobutu in power, even alerting him of threats to his regime, leading to the public hanging of the accused conspirators. The United States also funded a plethora of military aircraft and weapons, (Calcagno, 2017).

Over the course of his 32-year reign, Mobutu would receive about \$2 billion in US aid. However, it has been documented that he stole anywhere from \$5 billion to \$10 billion, coming from aid, mining revenue, and government expenditures. His regime was coined a "kleptocracy" because Mobutu would steal money from his own people, (Smith, 1997). By the time the 1980s rolled around, per capita income was less than 10% of what it was at independence in 1960. Moving into the 1990s under Mobutu, poverty dropped to unmeasurable levels, and inflation was rampant, (Smith, 1997). Mobutu had failed to invest in the infrastructure of his country, leading to a collapse in the 1990s as well. Only one paved road out of the ten that existed at independence had survived his rule. The transportation system was nonexistent, making it difficult for farmers to transport their produce. In 1997, following Mobutu's death, the *Irish Times* reported that "roads, ports, railways, riverboats, schools, hospitals, and public buildings were allowed to fall into such a state of despair that it will take the new regime many years to fix the mess," ("Mobutu" 1997). Furthermore, an eye opening 50% of all children would die before the age of 5 under Mobutu, (Smith, 1997).

Joseph Mobutu's shortcomings did not stop at a lack of investment in infrastructure or failing to provide basic goods and services for his people. He also committed gross human rights abuses throughout the entirety of his reign. Human rights groups had attacked the leader over his

actions, with one stating that there was a "systematic pattern of abuses that includes arbitrary arrests and beatings, banishment of political opponents and severe restrictions on freedoms of speech and the press," (Krauss, 1990). During this regime, the government security forces repeatedly attacked peaceful protestors, including students. At a peaceful protest at the University of Lubumbashi, security forces killed 12 students. The judiciary had failed to indict any of the government officials during these killings. Human rights activists claimed that those agencies in place to protect the liberties of Congolese citizens lacked the "credibility, authority, and political will to redress human rights abuses," (Kruass, 1990). Because of this, actions by Mobutu's government went virtually unchecked.

While Mobutu stole from his country, committed violent acts against his own people, and ripped away fundamental rights and liberties, the United States continued to support him through economic and military aid. Prior to his reign, he had visited the White House as a guest of President John F. Kennedy in 1963, and later met with President Ronald Reagan and then President George H. W. Bush. In his meeting with Mobutu, Reagan called him "a voice of good sense and good will," (Smith, 1997). Many cite the United States as responsible for Mobutu's reign lasting for so long, and for allowing him to exploit his country of its riches. Even in light of his corruption and human rights abuse, the United States continued to approve millions of economic and military aid under the Bush administration. The goal of the United States was the containment of Communism- not building up a country fresh from colonialism and in need of proper governance and a stronger Rule of Law.

The interjection of United States Cold War politics throughout the second half of the 20th century only perpetuated the struggles of Congo in the Rule of Law. In backing a corrupt and abusive leader, the US helped to undermine political institutions in Congo, as well as set the

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country back in their quest for Democracy. Following the end of the Cold War, the United States no longer had a use in backing Mobutu, so they lost interest in the Congo as far as politics went. They did not offer a peaceful transition into Democracy, advocate for human rights, or push for Mobutu's resignation. Instead, the United States packed it's bags and left behind the mess they created and funded. This left the door open for more brutal dictatorships to take the reign and continue the decades long tradition of poor governance in Congo.

## **Ineffective Leadership**

Following Joseph Mobutu's fall from power and death in 1997, it would be Laurent Kabila who would continue the theme of brutal dictatorships in Congo. Kabila took power in 1997 after a bloody civil war, in which his supporters killed tens of thousands of civilians, ("Congo: The Kabila Legacy," 2001). Almost immediately after taking power, Kabila used force to put down any threat to him. In 1998, he had his forces engage in "indiscriminate attacks on civilians, extrajudicial executions, rape, and destruction of property leading to a massive displacement of the population," ("Congo: The Kabila Legacy," 2001). Throughout his four years of power, he would repeatedly target political opponents, civil society leaders, human rights activists, and journalists. Additionally, Kabila gave his commercial and military allies the right to mining in the mineral rich country, even as the economy plummeted and his citizens lacked the most basic goods of medicine and food. Kabila had no respect for the Rule of Law, as he continuously committed heinous crimes against his people and allowed corruption by the government to grow.

Following his assassination in 2001, Human Rights Watch, a nongovernment organization aiming to hold human rights abusers accountable and bring justice to victims, published a report outlining Kabila's legacy. They outlined 5 areas in which Kabila violated

rights of his citizens, including the interference of human rights under international and national law (specifically the freedom of expression, freedom of the press, and freedom assembly), failure to review those detained in prison and release those detained unlawfully, failure to prosecute crimes against humanity (murders, state terrorism, disappearances), failure to enforce respect for citizens regardless of ethnicity or origin, and obstruction of human rights investigations, (Congo: The Kabila Legacy, 2001).

Next in line for the succession of power was Laurent Kabila's son, Joseph Kabila. Since taking power in 2001, Kabila has taken much of the same path as his father. Most notably, Kabila has done everything in his power to stay past his constitutionally mandated two term limits in office. The United Nations claimed that numerous human rights violations had occurred during the 2011 election, including killings, acts of torture, and arbitrary arrests, ("Congo Forces..." 2012). It is estimated that security forces had killed 33 civilians and wounded 83 during protests in the capital of Kinshasa, as well as detained 265 civilians unlawfully. Furthermore, there was widespread suspected voter fraud, as Kabila won 100% of the votes at some balloting stations, and statistics show that more than 100% of the population allotted to other balloting stations had voted, ("Congo Forces..." 2012). In addition to this, 1.3 million votes went missing and thousands had been tampered with. The United Nations obtained this information through over 110 statements from victims, witnesses, authorities, political representatives, and detainees.

More recently, in 2018, Congo was in the midst of a humanitarian, civil rights, and security crisis, according to Human Rights Watch. Under Kabila, 4.5 million Congolese were displaced, 2 million children were at risk to starve to death, and thousands of refugees were fleeing, leading to regional issues, ("Overview of Political Crisis..." 2018). Much like under

Mobutu, children took the biggest hit under Kabila. The numbers are startling: 10 percent of children die before the age of 5, and 40% have stunted growth because of malnutrition. Additionally, more than 13 million people needed emergency assistance in the form of food, water, and sanitation, according to the UN.

Kabila once again overstayed his term limit, this time doing even more to prevent a change of power. He aimed to punish those who opposed him and continue to delay elections. This was accomplished through security violence, as was seen in the 300 deaths in peaceful protests in 2015. Additionally, Kabila jailed leaders of his opposition, as well as humanitarian activists, and sent them to secret detention centers without charge or bail. His regime also shut down media outlets, journalist researchers, and momentarily altered the internet and text messaging amongst citizens, ("Overview of Political Crisis..." 2018). It has also been documented that party officials paid off young recruits to "infiltrate churches, arrests priests when they attempted to march after services, beat those who resisted, and provoke violence and disorder to prevent the marches from going forward and to justify a brutal response from the security forces," ("Overview of Political Crisis..." 2018). This was part of Kabila's "Strategy of Chaos," where he encouraged violence to justify his election delay and therefore stay in power longer. Kabila had no regard for the well-being of the Congolese people and had no respect for free and fair elections of any sort. He continued to abuse the system in his favor, undermining every aspect of the Rule of Law in the process.

On top of his encouragement of violence, Joseph Kabila was also guilty of corruption. His family had grown their wealth by millions through stealing mining revenue, ignoring the needs of the country's populous. Most recent 2021 document leaks show that private banks helped channel at least \$138 million in public funding to Kabila, as well as his family and

friends, (Clowes & Kavanagh, 2021). Much of this revenue came from mining, as Congo is the world's largest source of cobalt, and Africa's largest copper producer. Both metals are extremely important in the making of electric vehicles, a market that has been steadily growing as we move towards policy changes because of climate change and global warming.

It would not be until 2019 that Joseph Kabila would step down, following outcry from the international community. The United States, European Union, and the United Nations all placed travel bans and asset freezes on Congo until Kabila was removed from office and a free and fair election took place. The US, EU, and UN cited human rights abuses, repression, and election delays as their major issues leading to diplomatic actions. However, by the time of Kabila's removal from office, the damage had already been done. Corruption was a normality in the Congolese government, the justice system failed to work on behalf of its citizens, the judiciary failed to hold government officials accountable for their actions, and basic needs of the citizens were not met.

#### **Comparative Analysis**

The question of "Who is to blame for Congo's low Rule of Law rating today?" is not one that comes with a single answer. After analyzing Belgian Colonialism, the interjection of foreign politics, and ineffective leadership, one can collectively conclude that all three build off each other to contribute to a low Rule of Law rating in Congo today.

The rule under King Leopold II and subsequently the government of Belgium had set a precedent for violence and exploitation. Both had no issues killing, torturing, mutilating, raping, or jailing the native peoples. This can be seen later in future regimes during the Cold War years, as well as the early 2000s. Much like the Belgians exploited the natives, Joseph Mobutu and both Kabila rulers had exploited their citizens to advance individual wealth. This was learned

behavior through colonialism. A government that conducts order through violence and exploits its people is bound to have a low Rule of Law rating, but the aspects that are most affected by this are open government and absence of corruption. An open government allows transparency in government dealings and employs tools to the people to hold the government accountable. This was never practiced under colonial rule, which was mirrored under Mobutu and the Kabila men. Additionally, corruption has been at the basis of every ruling party Congo has had. A resource rich country with a large amount of ethnic diversity has culminated into a fight for mining revenue to place one group above the other. Much like King Leopold II and Belgium, Mobutu, Kabila, and Kabila amassed millions of dollars by stealing from government budgets and revenues, as well as misusing foreign aid.

While the foundation of Congo's governance was set by the colonial administration, it was perpetuated by the United States imposing their influence and will on the leaders of the Congo. Had the CIA not orchestrated the assassination of Patrice Lumumba, the Congo could have been in a better ruling position today, whether it be under Communist or Democratic rule. The United States completely overlooked the best interest of the Congolese people, and only ensured their own interest in anti-communism in the heart of Africa. In endorsing Joseph Mobutu, the US ultimately enforced violations of fundamental human rights, widespread corruption, and an overpowerful authoritarian government.

The reigns of both Laurent Kabila and Joseph Kabila brought more abuses of fundamental human rights, continued corruption, and a lack of government accountability. Laurent Kabila had picked up right where Joseph Mobutu left off, and Joseph Kabila did the same when he took overpower. Criminal and civil justice were almost non-existent under these

rulers, and there existed no constraints on government powers. Both leaders discouraged an open government, as they restricted free and fair elections and censored the press.

While the entirety of the blame for Congo's poor Rule of Law rating today cannot be blamed on Belgium's colonial rule, they most definitely share the largest fault. If it were not for the poor foundation and blueprint they set, Congo might have gone in a different direction. The United States should most definitely hold some blame, as they perpetuated a system of poor governance for over 30 years under Mobutu. As for the leaders in most recent times, they took advantage of a broken system to advance their individual interests and those of their friends and family.

#### What Is Being Done Today in Congo?

Congo's leader today, as of 2019 following Joseph Kabila's removal from office, is President Felix Tshisekedi. Many are hopeful that he will move away from the previous ruling style and enter a more legitimate Democratic government. However, there are still many questions relating to if his political developments will "lead to a more Democratic and accountable governance," (Gavin, 2021). There are also strong pushes for a reform of the electoral commission because it lacks independence and integrity.

Unfortunately, there are still some abuses of power being observed in Congo. In 2020, under President Tshisekedi, authorities had put a stop to peaceful protests, as well as censored journalists and politicians, ("Democratic Republic..." 2020). Tshsekedi has also been accused of promoting senior officers who have been accused of abuses under Kabila rule. Additionally, in June 2020, the President's Chief of Staff, Vital Kamerhe, was found guilty of embezzlement and corruption. He was sentenced to 20 years in prison, ("Democratic Republic..." 2020). Another

issue is ethnic led conflict in Eastern Congo, which has been the cause of many deaths in recent months.

The United Nations High Commissioner for Human Rights has found that armed groups and government forces continue to attack civilians with deadly force. However, the UN has assisted in holding former military officers accountable for war crimes, with several notable names being sentenced to prison for their wrongdoings.

# Conclusion

Congo has struggled tremendously in the Rule of Law. Many of the political issues seen today can be traced back to colonial era practices by Belgium, which were then perpetuated by the United States during the Cold War and followed by recent ineffective leadership. It is going to take a huge shift in governance for Congo to see a turn for the better, and recent advancements under President Tshisekedi do not seem all too promising just yet. Congo needs a selfless leader who puts the needs of the country over their own, while constantly checking other parts of the government and helping to ensure fundamental rights for the Congolese citizens.

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