

# EXAMINING ONGOING CONFLICT IN EASTERN CONGO

---

---

## HEARING BEFORE THE SUBCOMMITTEE ON AFRICAN AFFAIRS OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

APRIL 16, 2013

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

86-147 PDF

WASHINGTON : 2014

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN RELATIONS

ROBERT MENENDEZ, *New Jersey, Chairman*

BARBARA BOXER, California	BOB CORKER, Tennessee
BENJAMIN L. CARDIN, Maryland	JAMES E. RISCH, Idaho
ROBERT P. CASEY, JR., Pennsylvania	MARCO RUBIO, Florida
JEANNE SHAHEEN, New Hampshire	RON JOHNSON, Wisconsin
CHRISTOPHER A. COONS, Delaware	JEFF FLAKE, Arizona
RICHARD J. DURBIN, Illinois	JOHN McCAIN, Arizona
TOM UDALL, New Mexico	JOHN BARRASSO, Wyoming
CHRISTOPHER MURPHY, Connecticut	RAND PAUL, Kentucky
TIM Kaine, Virginia	

DANIEL E. O'BRIEN, *Staff Director*

LESTER E. MUNSON III, *Republican Staff Director*

---

SUBCOMMITTEE ON AFRICAN AFFAIRS

CHRISTOPHER A. COONS, *Delaware, Chairman*

BENJAMIN L. CARDIN, Maryland	JEFF FLAKE, Arizona
JEANNE SHAHEEN, New Hampshire	JOHN McCAIN, Arizona
RICHARD J. DURBIN, Illinois	JOHN BARRASSO, Wyoming
TOM UDALL, New Mexico	RAND PAUL, Kentucky

## CONTENTS

---

	Page
Borello, Federico, director, Investments, Humanity United, Washington, DC ..	19
Prepared statement .....	21
Coons, Hon. Christopher A., U.S. Senator from Delaware, opening statement .	1
Dizolele, Mvemba, strategy and advocacy fellow, Eastern Congo Initiative, Washington, DC .....	9
Prepared statement .....	12
Flake, Hon. Jeff, U.S. Senator from Arizona, opening statement .....	3
Muhigirwa, Father Ferdinand, director, Centre d'Etudes Pour l'Action Sociale, Kinshasa, Democratic Republic of Congo .....	15
Prepared statement .....	17
Prendergast, John, cofounder, Enough Project, Washington, DC .....	4
Prepared statement .....	6
ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD	
Paper by Anthony Gambino and Stephen Weissman submitted for the record by Federico Borello .....	44
Eastern Congo Initiative Report submitted for the record by Mvemba Dizolele .....	52



## **EXAMINING ONGOING CONFLICT IN EASTERN CONGO**

**TUESDAY, APRIL 16, 2013**

U.S. SENATE,  
SUBCOMMITTEE ON AFRICAN AFFAIRS,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 9:53 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Christopher A. Coons (chairman of the subcommittee) presiding.

Present: Senators Coons, Durbin, and Flake.

### **OPENING STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE**

Senator COONS. I would like to call this hearing of the Senate Foreign Relations Committee Subcommittee for African Affairs to order.

Good morning. Before we get started, of course, as we all know, yesterday three were killed and more than 140 injured when two bombs went off near the finish line of the Boston Marathon. I know yours does as well but my heart aches for everyone who has been affected by this tragedy. And as we look today at how violence has devastated, has broadly affected the eastern Congo, we, in the United States, are reminded that violence used as a tool of fear all around the world has a horrible impact on families and communities.

For every villain who would take a life to further their ends, there are heroes ready to stand up to them and to stand with those who are victimized. And I trust, as we hear today from our panel of witnesses about their work, about the work of the NGOs with which they are associated, and about the work of many brave heroes in the eastern Congo, that we will be reminded of that shared commitment to stand up to violence.

Today the African Affairs Subcommittee will focus on the ongoing and deadly conflict in eastern Congo which has forced millions of innocent people from their homes and contributed to decades of human rights violations, mass atrocities, horrific and widespread sexual- and gender-based violence, and disputes over conflict minerals.

Before we begin, I would like to welcome Senator Jeff Flake of Arizona who has joined the subcommittee as ranking member. Senator Flake brings with him great expertise on Africa-related issues, both from his time of service in the House of Representatives and from his personal and business experience. This is our

first hearing together of the 113th Congress, and I look forward to working in partnership with Senator Flake to advance our shared interests in promoting good governance, economic engagement, and security throughout sub-Saharan Africa over the next 2 years.

I would also like to welcome our distinguished witnesses: John Prendergast, cofounder of the Enough Project; Mr. Mvemba Dizolele, strategy and advocacy fellow at the Eastern Congo Initiative; Mr. Federico Borello, a director of the Investment Team at Humanity United; and Rev. Ferdinand Muhigirwa—I am going to struggle, Father, aren't I, to get that exactly right. [Laughter.]

Director of the Center of Study for Social Action and who has traveled to be with us here today from Kinshasa. Thank you, Father, and all of our witnesses for your effort to be with us here today and, in particular, Father, to speak with us more directly about current conditions on the ground.

Since April 2012, more than 650,000 men, women, and children have been displaced mostly by recent fighting between the M23 rebel group and the Congolese Army in the North Kivu province of eastern Congo. The M23 has reportedly benefited from the illicit support of neighboring states, including Rwanda and to a lesser extent Uganda. There has been some accountability for such actions in the form of sanctions imposed by the United States and United Nations last year. I traveled to Kinshasa in February to learn more about this conflict, see the situation for myself, and support the regional framework for moving negotiations forward.

The United States has made a substantial financial investment in addressing the ongoing humanitarian needs in the DRC, more than \$4 billion since 2008, and we have a responsibility to ensure that money has been well spent and the gains that are being made are sustainable. It is essential the U.S. Government, in partnership with the international community and the regional governments and organizations, pursue an active policy to tackle the pervasive challenges endemic to eastern Congo.

Unfortunately, instability and conflict are not new to the DRC. Estimates by NGOs indicate nearly 5.5 million people died from war-related causes in the DRC in the nearly decade from 1998 to 2007 alone, making it the world's deadliest documented conflict since the Second World War.

The lack of effective governance has contributed to decades of sexual- and gender-based violence and misuse and abuse of vast mineral wealth, both of which have been particularly concentrated in the east. According to the United Nations, roughly 160 women are raped every week in North and South Kivu, with members of the army frequently among the perpetrators. Mineral extraction of tin, tantalum, tungsten, and gold has also fueled the armed conflicts and human rights abuses in eastern provinces of the DRC and robbed the Congolese people of their opportunity for legitimate livelihoods.

Despite this bleak context, of which these are just a few symptoms, the past few months now offer genuine reasons for hope and optimism. Since the signing of the Peace, Security, and Cooperation Framework in February, negotiations have continued. The United Nations has appointed a special envoy to the region and progress is being made to implement the framework. The U.N. Security

Council recently authorized the deployment of a regionally led intervention force to engage in targeted offensive operations in the east and to augment the ongoing peacekeeping efforts led by MONUSCO. If this new force is effective, it can help usher in sustainable security gains that will contribute to long-term stability.

Fighting perpetrated by the M23 has slowed since its withdrawal from Goma in November, and in another striking and unexpected development in mid-March, one of M23's commanders and indicted war criminal, Bosco Ntaganda, surrendered at the U.S. Embassy in Kigali and was transferred to the ICC at The Hague, a first in the history of the court.

With the implementation of sanctions against M23 supporters, there has been accountability. With the Dodd-Frank legislation, there has been progress, and with reforms adopted by the European Union, these in combination have also helped to shift some commercial incentives for mineral extraction from conflict to business activities that are legal and peaceful I hope we will further examine today.

This hearing will evaluate recent steps taken by the international community to mitigate conflict and examine the root causes of instability in the eastern Congo, as well as current United States and international efforts to counter support from the M23 from state and regional actors. We will hear from a distinguished group of witnesses about their view of U.S. policy and request their concrete recommendations for action.

Following today's hearing, I plan to present the administration with a list of key recommendations for changes or for a path forward to United States policy and to introduce a resolution calling for Secretary Kerry to appoint a special envoy to address the conflict in eastern Congo. That resolution will, hopefully, also call on the administration to do more to mobilize a comprehensive response in partnership with international and regional partners to move steadily toward peace and stability and to addressing root causes of conflict.

I look forward to working with Senator Flake and hopefully other members of the subcommittee as well to further these efforts.

And with that, I will turn it over to Senator Flake for his opening statement.

Senator.

**OPENING STATEMENT OF HON. JEFF FLAKE,  
U.S. SENATOR FROM ARIZONA**

Senator FLAKE. Thank you, Mr. Chairman. I really appreciate the opportunity to be in this committee and to work with you. During my time in the House, I served on the Foreign Affairs Committee on the Africa Subcommittee most of that time, just taking a brief hiatus to be on the Appropriations Committee in the last 2 years. So it is great to be back on the African Subcommittee and I look forward to these and other issues.

With its vast resources, the DRC holds the promise of being a success story. Over the past couple of years, you have seen how resources can certainly contribute to the economic growth of these countries, and in the DRC, they had a growth rate of about 6.5 percent last year with the economy.

That is about where the good news ends. Ongoing conflict between the DRC Government and rebel factions in the east, coupled with the central government that obviously needs some more serious reforms, has halted the development of the DRC in general. The problem is compounded by regional neighbors throwing their weight behind some of the warring factions to serve their own interests. Regional stability in the area of the Great Lakes threatens to be undermined by this persistent conflict as well.

Given the resources that we have brought to bear directly in terms of bilateral aid and contributions to the United Nations, we need to take a look to see how we can do this better to make sure that there are not other ways that we could proceed that would be of benefit to the DRC.

Our witnesses today bring a unique perspective to this issue. I have no doubt that they will contribute to this debate at hand. I look forward to the testimony and thank you for coming here.

Senator COONS. Thank you, Senator Flake.

We are now going to turn to our panel of distinguished witnesses. We will work our way from right to left. And I would like to invite Mr. John Prendergast to make his statement to the subcommittee.

**STATEMENT OF JOHN PRENDERGAST, COFOUNDER,  
ENOUGH PROJECT, WASHINGTON, DC**

Mr. PRENDERGAST. Well, thank you so much, Senator Coons, for your leadership, and welcome to the African Subcommittee, Senator Flake. Thanks for being here on a difficult day for America.

Like you, Senator Coons, I traveled to Congo earlier in the year, just a couple months ago, and I want to begin with a very simple proposition, but a potentially and hopefully powerful one.

There now exists a better chance for peace in eastern Congo than at any time since the current deadly cycle of conflict began in the mid-1990s. I think there are a number of variables that contribute to that, and in my oral testimony, I would like to focus on the five main reasons that peace is possible now and then six quick recommendations for how a new United States envoy that hopefully will be appointed the day that you enter that resolution can support—how that United States envoy can support peace in the Congo.

The first reason why peace is possible, I think, is partly rooted in congressional action: the Dodd-Frank conflict minerals legislation; consumer pressure; and the resulting market adjustments. Market incentives for the warring parties are starting to shift away from the violent, illicit profiteering that has marked Congo's natural resource exploitation for centuries to beginning to move toward legitimate trade. Just like with the blood diamonds story, the profit incentive is shifting from war to peace. It is messy but it has begun. And being on the ground in eastern Congo just a couple months ago, it was evident everywhere, talking to people on the ground, minerals traders, and commanders in armed groups, all the folks that are remotely connected to it.

The second reason why peace is possible is donor and World Bank pressure on Rwanda for alleged cross-border support for the M23 rebel group has weakened the M23, helped foster those divisions that led to the Bosco's move. And the main takeaway here



is that the cross-border military aid that has been flowing across the border into Congo destabilizing that country so terribly for the last 15 or so years—that will never again go unnoticed, go unremarked, or go unaddressed. The new normal, I believe, is accountability, and that is partly due to the fact that this committee was so strong in its condemnation of that, particularly this last time.

The third reason why peace is possible is that the International Monetary Fund has refused to renew aid to Congo until there are reforms that are enacted, transparency reforms. It gives a new impetus to addressing the governance issues within Congo.

The fourth reason why peace is possible is, as you noted in your opening statement, Senator Coons, this new Peace and Security Framework that 11 countries have signed along with the United Nations Secretary General which basically provides a foundation for a sustained peace process. It is not a peace agreement. It is the basis of one and it just needs to be operationalized.

The fifth reason why peace is possible in two words is Mary Robinson. I mean, I think that having a U.N. envoy of such stature and such commitment and a focus not just on peace but also on human rights and accountability is terribly important.

So in the interest of time, I am just going to skip right to U.S. recommendations. Excited to hear, Senator Coons, that you are going to submit your own list to the executive branch following this hearing. So hopefully some of the stuff that we talk about here on the panel can make its way into your memo.

So as a country with close relationships with all of the regional actors in the Great Lakes and continuing substantial international leverage, it is critical for the U.S. Government, I think, to play a more active role than we have in the past in any upcoming initiatives that are created out of that framework, out of what Mary Robinson does, and whatever follows from these Kampala talks. This is going to require far greater attention from senior policy-makers and a step change in diplomatic engagement.

Let us get to the recommendations.

The first one. Help build a comprehensive peace process. We need an unrelenting investment in the creation of a legitimate peace process. There is going to be no solution without one, and it does not exist now. That should be a major focus of this sub-committee and this committee's work with the executive branch, that that be the focus of what we are doing.

The second recommendation I would make is to deploy that high-level envoy quickly. We understand that there is someone that is on the radar, maybe even selected, maybe even agreed. If that is the case, deploy that person as soon as possible to the region, get them working with Mary Robinson, with the African regional states and the players on the ground to push the peace process forward.

Third recommendation is sanctioning arms and minerals smugglers. We have just got to step up the game and create a cost for those that are going to undermine the effort to have peace in the region. We can provide you with names of all the people that are on various lists, U.N. group of experts list, even list of the NGOs, Human Rights Watch and others, that are working so hard to try

to collect data on who is doing what to whom and why these arms continue to flow so freely.

Fourth recommendation I would make is to convene a responsible investment initiative. The United States, we think, should work with the European Union to convene all of these companies in the supply chain, the electronics, the gold, the smelting, the mining companies, socially responsible investors, and all the NGOs that care about this stuff in a responsible investment initiative aimed at addressing risks and identifying opportunities to conflict-free economic investment in the Great Lakes region.

The fifth recommendation I would make is to support accountability for war crimes, and that is, I think, shared universally amongst all of us, but now that Bosco has come in, it gives a chance—an opportunity—for the United States to step up our efforts in support of international law.

And then finally, to provide aid to the disarmament, demobilization, and reintegration efforts, both the internal ones for the Congolese armed groups and the external ones for the Rwandans, the FDLR, that are destabilizing Congo today. We think that perhaps given this foreign intervention brigade's deployment, that it is possible that a relationship similar to what the United States has provided the region, particularly the Ugandan Government, with respect to counter LRA operations, might be possible with respect to the FDLR and M23 having some kind of support, direct training and operational support to the efforts to try to counter any of the spoilers and stragglers who do not get on the peace train going forward.

Thanks very much for your time.

[The prepared statement of Mr. Prendergast follows:]

#### PREPARED STATEMENT OF JOHN PRENDERGAS

Thank you, Chairman Coons and Ranking Member Flake, for the opportunity to testify at a crucial moment for the Democratic Republic of Congo and Africa's Great Lakes Region.

There now exists a better chance for peace in eastern Congo than at any time since the current deadly cycle of conflict began in the mid-1990s. A number of variables contribute to this unique opportunity.

First, following the Dodd-Frank conflict minerals legislation, consumer pressure, and resulting market adjustments, the economic incentives of the warring parties are starting to shift away from illicit violent profiteering to legitimate trade. Just like with the blood diamonds saga, the profit incentive is shifting from war to peace.

Second, donor and World Bank pressure on Rwanda for alleged cross-border support for the M23 rebel group has weakened that group, and rising calls for accountability for war crimes helped pave the way for the surrender of one of Congo's worst warlords, Bosco Ntaganda.

Third, the International Monetary Fund's refusal to renew aid to Congo until reforms are enacted provides a window to finally address critical governance issues within Congo.

Fourth, the new "Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region," signed by United Nations Secretary General Ban Ki-moon and 11 African heads of state in February, provides a foundation upon which a sustained peace process, led by African partners and the United Nations, can be operationalized.

Fifth, the recent appointment of Mary Robinson as the new U.N. envoy, combined with the hoped-for naming of a significant U.S. Special Envoy, will provide a major external boost to African regional peace efforts.

The mere signing of agreements of course does not end the war in Congo. Rather, it provides a starting point for a new, comprehensive peace initiative led by U.N. envoy Robinson and key African actors. The United States can play a vital role in shepherding a credible and transparent peace process, but with new personnel in

place or coming soon at the White House and Foggy Bottom, it will require a rethinking and expansion of the U.S. role in support of lasting peace in the Great Lakes.

*Why it's different now*

Elaborating on the above, four important changes are underway in Congo today, giving an internationally supported peace initiative a much better chance than its more limited predecessors.

First, U.S. and European consumer demands for a conflict-free minerals trade, the Dodd-Frank legislation on conflict minerals, and related corporate and regional reforms are making it harder to profit violently and illegally from mineral smuggling. For decades, all of the benefits of eastern Congo's vast mineral resource wealth have gone to those with the biggest guns—the Congolese Army, local militias, or neighboring countries. These minerals include gold, tin, tantalum, and tungsten, or 3Ts, used in cell phones, computers, and jewelry. Dodd-Frank has made the price of untraceable conflict minerals one-third the price of tagged, traceable minerals, and thus it is no longer profitable for many armed groups and their backers to trade in conflict minerals. The Enough Project found in a study last year that because of these economic changes, armed groups are now earning approximately 65 percent less from the minerals tin, tantalum, and tungsten. Gold still remains a challenge, however, because it is more easily smuggled, and this must be addressed through policy and corporate action, particularly from jewelers. If the commercial incentives for the minerals trade can continue to shift from violent, illegal extraction to peaceful, legal development, Congo could enjoy a transition similar to those experienced by West African countries plagued by blood diamond wars a decade ago.

Second, for the first time, the international community is imposing meaningful consequences for cross-border support to armed groups and for a lack of reform. Regional support for armed groups inside eastern Congo has been a staple of the ongoing cycle of war. Rwanda strenuously denies involvement, but some donors have suspended certain aid programs to that nation and will continue to do so until the evidence shifts toward solutions. The International Monetary Fund's refusal to renew aid to Congo until transparency reforms are enacted has placed Kinshasa under pressure to transform its economic policies and governing institutions.

Third, calls for international justice have intensified inside Congo and beyond, and accused war criminals are beginning to face sanctions. Until recently, accountability for war crimes was a distant part of the discussion despite some of the worst crimes against humanity being committed globally. Bosco's surrender ups the ante and provides some potential momentum for further action.

Fourth, the reform of a U.N. peacekeeping mission that costs more than \$1 billion is under way. A new force intervention brigade has been created, garnering troops from African nations to respond directly to the threat of illegal armed groups in eastern Congo. This brigade has been given a unique mandate by the U.N. to engage in offensive action against these groups in the name of stability and civilian protection. Refocusing the mission on eradicating the worst armed groups, demobilizing rank-and-file combatants and helping to reform Congo's army would go much further than the present mandate.

Despite the progress, closed-door talks are now taking place in Kampala, Uganda between Congo and the M23 rebel group – with no involvement of political parties, civil society elements (including women who have borne the brunt of the war), religious leaders, or other armed groups. Each time that rebels have taken or threatened Goma over the past decade, hasty backroom negotiations have produced deeply flawed deals that have reduced the military pressure on Congolese President Joseph Kabila's weakened government and permitted the alleged Rwandan-backed rebels to administer strategic eastern zones and oversee taxation and resource looting. There is serious risk that a deal from the Kampala talks will resemble the failed deals that came before it through similar processes. The talks must be broadened into a wider peace process.

*A two-track peace process: regional talks and Congolese reform*

The U.N. Framework lays a foundation for a successful peace process that should contain two main elements: regional negotiations and institutional reform within Congo. The Framework commits Congo and its neighbors to deepen regional economic integration, increase judicial cooperation, and respect legitimate regional security interests. In order to turn these commitments into lasting change, Special U.N. Envoy Robinson and her African partners should lead regional negotiations—particularly between Congo, Rwanda, and Uganda—over key economic, security, and accountability issues. Competition over control of natural resources has been a critical driver of conflict in the region, as armed groups backed by regional govern-

ments have sustained themselves through profits from the illicit trade in natural resources. It will thus be critical to incorporate economic drivers into the regional talks, particularly on how Congo, Rwanda, and Uganda can cooperate to more fully cut off smuggling and boost the legitimate, conflict-free trade in natural resources and increase transparent government revenue flows that can benefit all three countries.

Security issues will also be critical in the talks. Building on and in support of the U.N. Force Intervention Brigade agreed to by the U.N. Security Council on March 28, the countries should discuss and agree on a comprehensive security strategy to deal with illegal militias. Finally, it is critical for the peace process to foster accountability for those who have committed mass atrocities. Rather than repeating the practice from past processes of allowing human rights abusers to gain positions of power in government or the military, the peace process should ensure that the region cooperates to bring to justice those most responsible for war crimes and crimes against humanity. A possible upcoming deal between Congo and M23 in Kampala is at risk of mirroring past agreements that reinforced impunity and led to renewed conflict. This deal must be different and leave out those most responsible for atrocities.

The second track should focus on neglected issues within Congo that continue to drive the war at a deeper level. The U.N. Framework commits Congo to undertake institutional reform on critical issues that fuel continued instability, such as decentralization, security sector reform, and justice reform. To operationalize the Framework, a multifaceted reform process is needed with proposals from the Congolese Government, political parties, and civil society. To buttress this process and following President Joseph Kabila's announced intention to initiate a national dialogue, there is a need for an impartially facilitated Congolese national dialogue that respects the Constitution and allows civil society, government, key armed groups, and political parties to discuss and debate reform proposals. This is critical to ensure that an eventual agreement might have the buy-in of a wide swathe of stakeholders. The U.N. Special Representative of the Secretary General to Congo, or SRSG, mandated to help the Congolese reform process in the U.N. framework, should work closely with Kinshasa to ensure there is an impartial facilitator of the process and that it is inclusive, particularly with women and gender issues fully represented.

#### *Recommendations to the U.S. Government*

As a country with close relationships with all regional players and substantial international leverage, it is critical for the U.S. Government to play a much more active role in the upcoming initiatives. This will require far greater attention from senior policymakers, a step-change in diplomatic engagement in the region, and concentrated focus on areas of U.S. leverage, especially efforts to transform the trade in natural resources from a driver of violence into a catalyst for regional peace.

Therefore, I strongly recommend that the United States urgently take the following steps:

1. *Help Build a Comprehensive Peace Process:* The Kampala-based talks are not enough. The U.S. should work with African partners, U.N. Envoy Robinson, and the U.N. SRSG in Congo to build a peace process to operationalize the commitments made in the U.N. Framework. Peace efforts need proper staffing and coordinated leverage, two areas for which the U.S. can provide key support.

2. *Deploy a High-Level Envoy Quickly:* If Beltway whispers are true, a high-level U.S. envoy has already been selected. President Obama and Secretary Kerry should deploy that envoy as soon as possible to buttress U.N. Envoy Robinson and African efforts to build the comprehensive effort for peace. The envoy should use incentives, strong relationships, and leverage to help move the parties toward constructive engagement in the process.

3. *Sanction Arms and Minerals Smugglers:* The U.S. Government and U.N. Security Council should place targeted sanctions against officials and arms and minerals smugglers in Congo, Rwanda, and Uganda that are violating the U.N. arms embargo on Congo. In particular, the U.S. should press to have the owners of gold smuggling businesses on U.N. and U.S. lists sanctioned, as they continue to aid and abet violence by M23, the FDLR, and other armed groups. There are five key gold smugglers that have easily gotten around sanctions on their businesses by changing business names, so it is time to sanction the owners of these companies.

4. *Convene a Responsible Investment Initiative:* The U.S. should work with the European Union to convene key electronics, gold, smelting, and mining companies, socially responsible investors, and NGOs in a responsible investment initiative aimed at addressing risks and identifying opportunities to conflict-free economic investment in the Great Lakes region. This should take place parallel to the peace

talks through a series of minisummits and a high-level conference and build on lessons from Northern Ireland and Central America.<sup>1</sup> The initiative would gather potential investors in natural resources, infrastructure, and financial services and design further responsible trade partnerships, as well as identify obstacles to responsible investment and brainstorm solutions. With such a process going on parallel to the peace talks, the African governments would see outside interest in a responsible economic trade, thus creating further incentives for progress in the talks. The Public Private Alliance might be a good vehicle for helping to organize this.

5. *Support Accountability for War Crimes:* In the aftermath of Bosco Ntaganda's surrender, the Obama administration should increase support to the International Criminal Court to investigate and indict additional leaders of the M23, FDLR and other armed groups most responsible for war crimes and crimes against humanity, and the administration should work with regional partners to facilitate their arrest upon indictment.

6. *Provide Aid to DDR Efforts:* The U.S. should work with the U.N. to develop enhanced disarmament, demobilization, repatriation, reintegration, and resettlement programs, or DDR/RR, and provide special forces training to enhance the capacity of the new U.N. force intervention brigade, along the lines of the model for the Lord's Resistance Army.

#### CONCLUSION

After nearly 20 years of war, peace will not come overnight to eastern Congo. It has been one of the world's most protracted conflicts, but there may finally be a glimmer of hope to end it because the policy context for the war is changing. Ntaganda's surrender, the new economic realities for armed groups, and the signing of the U.N. Framework can lay the groundwork for a peace process, if the international community sufficiently invests in such an initiative. The issues to be dealt with in a genuine peace process are complex, and it will require painstaking mediation work to hammer out agreements on economic, security, and political issues that continue to drive conflict. Such an effort will require the sustained attention of actors from the U.N. Secretary General to local civil society activists. The U.S. role will be key in creating coordinated international leverage and buttressing the forces for peace on the ground in Congo.

The reward of these trials and tribulations will be great: peace in eastern Congo, one of the most convoluted and destructive conflicts the world has ever known.

Senator COONS. Thank you, Mr. Prendergast, for those particularly spirited and focused remarks and recommendations.

Mr. Dizolele, we welcome your comments.

#### **STATEMENT OF MVEMBA DIZOLELE, STRATEGY AND ADVOCACY FELLOW, EASTERN CONGO INITIATIVE, WASHINGTON, DC**

Mr. DIZOLELE. Chairman Coons, Ranking Member Flake, on behalf of Eastern Congo Initiative, I thank you for the invitation and honor to testify before your subcommittee. I commend you for your continued interests in developments in the Democratic Republic of Congo and appreciate your continued support of the people of Congo.

Mr. Chairman, after two decades of violence and political upheaval in DRC, we realize how easy it might be for U.S. leaders and the world to give up on Congo. From MONUSCO to the FARDC to the Congolese Government, it seems as though none of the major institutions are functioning well or are truly committed

<sup>1</sup>Salili Tripathi and Canan Gündüz, "A Role for the Private Sector in Peace Processes? Examples, and Implications for Third-party Mediation," background paper, The Oslo Forum Network of Mediators, 2008, available at [http://www.hdcentre.org/files/Salil Tripathi Mediation Business WEB.pdf](http://www.hdcentre.org/files/Salil%20Tripathi%20Mediation%20Business%20WEB.pdf) (accessed March 2013); Mats Berdal and Nader Mousavizadeh, "Investing for Peace: The Private Sector and the Challenges of Peacebuilding," *Survival* Vol. 52, No. 2 (April-May 2010).

to lasting peace. But I want to begin my testimony today by offering a slightly different perspective.

From ECI's view on the ground in Goma, the reality is more hopeful than the headlines suggest. The Congolese are among the world's most resourceful people and a people who refuse to be defined by circumstance or history. They are committed to a positive change in their country and demonstrate that commitment every day. The massive political mobilization and voter turnout during the 2011 elections, despite overwhelming challenges, including physical intimidation in some areas, is a testament to their desire to shape a better future for themselves and their families.

DRC is home to a vibrant civil society that is second to none in Africa. Civil society and faith-based groups have been substituting for this dysfunctional state across Congo throughout many years of crisis. Not only do civil society organizations provide services, they mobilize the population for political change.

And ECI today is an investment in their vision. This is why ECI's work is focused on developing and strengthening partnerships with civil society organizations and providing them with technical and financial support as they strive to overcome the circumstances that impede their growth. We are not alone in this, as there are many other foreign organizations working with individual civil society entities, and the results are palpable.

So on behalf of ECI, I am here to ask the United States Senate to stand alongside civil society heroes in Congo. We are not asking for more money. However, we are asking for American leadership, particularly more leadership, as it will take that to bring all parties together for peace and end this instability in the region.

Last April, Eastern Congo Initiative and a coalition of Congolese and international NGOs published a report called "Taking a Stand on Security Sector Reform." Mr. Chairman, with your permission, I will ask consent to submit the report and my written remarks for the record today.

Senator COONS. Without objection, they will be included. Thank you.

Mr. DIZOLELE. The story of M23 offers three simple but important lessons. The first lesson is that rushed, ad hoc, and partial security sector reform does not work.

The second lesson is that military integration of rebel groups cannot be a substitute for a real peace process. We are here because of a botched peace process that quickly integrated groups that should not be integrated.

The third lesson is, therefore, that unless the structural problems are addressed, the FARDC is unlikely to ever evolve into a professional and effective military.

While it is true that much of the responsibility for lack of progress on SSR rests with the Congolese authorities, MONUSCO bears part of the responsibility. The fall of Goma last year is the apex of a long string of U.N. peacekeepers' failure to protect civilians, despite a clear and strong mandate to do so.

Beyond the United Nations, the international community also has largely failed to act, despite widespread agreement that military reform is the foundation for progress across all conflict resolution, state-building, and development objectives in the DRC. Over

the past decade, security sector reform has been crippled by poor coordination among donors who are driven primarily by competing short-term imperatives and objectives.

But despite our dismal progress on SSR, we are seeing glimmers of hope that a changing international political environment may open opportunities for real reform.

The magnitude of the task ahead requires that it be a joint effort and that all partners pull their weight. Donors must build momentum toward progress by making high-level political commitments to support military reform and back them with immediate, practical, coordinated support. The road to successful security sector reform goes through the following steps.

The United States should unambiguously support MONUSCO to fulfill its mandate as expanded in U.N. Resolution 2098, particularly the appointment of the special envoy who needs our full support.

In the region, members of the Contact Group need to convene an immediate meeting of an expanded Contact Group which will include the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region to discuss the implementation of the renewed military reform, but also the meeting could serve as a platform and a forum for Mary Robinson to discuss her plan of action and engage the leaders in a formal setting.

In the meantime, the United States should engage the Government of DRC, in partnership with MONUSCO and other donors, to draw up a comprehensive security sector reform blueprint in a practical and inclusive process which involves civil society and establishes a robust working-level coordination and followup mechanism.

In support of that SSR blueprint, the United States should encourage our NATO allies and other key partners to provide police, judicial, and military training to the DRC to help bolster its capacity to protect its people and preserve its territorial integrity.

U.S. Africa Command successfully trained a battalion that performed well in LRA-affected areas in Orientale province. As part of the comprehensive SSR blueprint, the United States should increase its military assistance to DRC, including training of more units of FARDC and greater access to United States military training institutions for Congolese officers.

At the same time, the DRC Government has to learn from past failures and avoid easy, expedient stop-gap measures that reduce tensions in the short run but worsen the crisis in the long run. The M23 may be reintegrated into the FARDC. For many, this will be the third time they join the FARDC only to subsequently desert. War criminals should not be integrated into the Congolese military. The DRC cannot import rebel unit structures and chains of command into the FARDC and expect different results.

And finally, the Government of DRC, the regional states, and moderators of the Kampala talks have to ensure that the terms of any peace deal with the M23 respect human rights considerations and break parallel chains of command.

With recent commitments from the United Nations, we as a community of nations have an opportunity to ensure that 2013 is not

another year lost for the Congolese people. Both through our Embassy in Kinshasa and here in Washington, the United States can use its political, diplomatic, and moral capital to invest in a people who continue to show courage, determination, and commitment to build a better future for their country. ECI believes there is no better investment we can make than the success of the Congolese people.

I thank you.

[The prepared statement of Mr. Dizolele follows:]

PREPARED STATEMENT OF MVEMBA PHEZO DIZOLELE

Chairman Coons, Ranking Member Flake, and distinguished members of the Subcommittee on Africa, on behalf of Eastern Congo Initiative, I thank you for the invitation and honor to testify before your subcommittee. I commend you for your continued interest in developments in the Democratic Republic of Congo and I appreciate your continued support of the Congolese people.

Mr. Chairman, after two decades of violence and political upheaval in DRC, we realize how easy it might be for U.S. leaders and the world to give up on Congo. From MONUSCO, to the FARDC to the Congolese Government, it seems as though none of the major institutions are functioning well or are truly committed to a lasting peace. But I want to begin my testimony today by offering a slightly different perspective.

From ECI's view on the ground in Goma, the reality is more hopeful than the headlines suggest. The Congolese are among the world's most resourceful people, and a people who refuse to be defined by circumstance or history. They are committed to positive change in their country and demonstrate that commitment every day. The massive political mobilization and voter turnout during the 2011 elections despite overwhelming challenges, including physical intimidation in some areas, is a testament to their desire to shape a better future for themselves and their families.

DRC is home to a vibrant civil society that is second to none in Africa. Civil society and faith-based groups have been substituting for the dysfunctional state across Congo throughout the many years of crisis. Not only do civil society organizations provide services, such as education, health, economic development and justice, where the state fails, they mobilize the population for political change. Civil society organizations are at the forefront of the struggle for a robust democratic process. They drive the vote, shape the political debate and induce reforms, including legislation against sexual violence, the audit of mining contracts, the revision of the mining code, and the restructuring of the national electoral commission. They envision a better future for their country and they are doing everything they can to craft it by their own hands.

ECI is an investment in their vision. This is why ECI's work is focused on developing and strengthening partnerships with civil society organizations, and providing them technical and financial support as they push to overcome the circumstances that impede their growth. We are not alone, as there are many other foreign organizations working with individual civil society entities, and the results are palpable.

Our partners in the agricultural sector, amid a culture of corruption and the constant threat of violence, have trained smallholder farmers in improved techniques and built capacity to improve the quality and yield of their crops. This kind of progress may seem incremental, but those increments mean that many will be able to afford better health care for their families and schooling for their children. If properly farmed, DRC could feed one-third of the world's population, and we believe if these farmers are given a chance, it can become the breadbasket of Africa.

And when M23 overtook Goma last fall, it was not MONUSCO or FARDC who guided civilians to safety, but courageous and resourceful citizen-journalists. For 2 days straight, the 14 staff members of ECI's partner, Mutaani FM, locked themselves in their station and remained on-air as an independent source of information for the city and surrounding communities. Mutaani also opened the airwaves for listeners to share real-time updates from their neighborhoods, and send messages of reassurance to those whose homes were suddenly at the center of a battlefield. During this time of crisis and in the absence of government support, Mutaani broadcasts became a timeline of trusted information and a lifeline of human contact.

These are community leaders who, with limited resources, are literally saving lives and keeping hope from fading. Progress is possible, but without lasting govern-



ment reform civil society's progress is palliative care for a failing state. Community organizations can't raise an army or maintain law and order in their society.

On ECI's behalf, I am here today to ask that the United States Senate stand alongside of these heroes. Finding a lasting solution to the cycle of violence and creating an environment in which the Congolese can grow and thrive does not require the expenditure of large sums of money or the deployment of boots on the ground. It does, however, require American political leadership—moral leadership even—to bring the parties together to address the larger sources of instability in the region.

The crisis that we are here today to discuss is a direct result of DRC's lack of competent and adequate security and law enforcement institutions. The ensuing insecurity affects all of DRC, taking different forms in various regions of the country. Recent events in Lubumbashi, where over 200 Mai-Mai militiamen armed with rudimentary weapons walked mostly unopposed past security forces to the U.N. headquarters, underscore the pervasiveness of insecurity. That these bandits breached the security of DRC's second-largest city and most important mining hub so easily is worrisome and may augur more such disturbing developments.

Still, to date the most violent expression of insecurity centers in the eastern provinces of North Kivu, South Kivu, and Orientale, where successive waves of foreign invasions and the continued emergence and recycling of militias have caused the death of millions, displaced around 2 million civilians, and led to an overwhelming incidence of sexual violence and rampant looting of mineral resources. This brutal manifestation of state dysfunction and militia rule now also affects the civilian populations of northern Katanga.

This reality shapes the daily lives of millions of Congolese across the country and exposes the pressing need for greater commitment to security sector reform. Practically all stakeholders, including President Joseph Kabila, the DRC Minister of Defense, the FARDC chief of staff, DRC's neighbors and the U.N. Secretary General have recognized the importance of security sector reform. This reform is often mentioned as a top priority by donors, and was named as the first commitment asked of the DRC Government in the Addis-Ababa framework agreement signed in February this year by 11 regional leaders.

Last April, Eastern Congo Initiative and a coalition of Congolese and international NGOs called donors to action in a report titled "Taking a Stand on Security Sector Reform." A year later, almost nothing has been done. A followup report card on the recommendations of that report will be published this month by Eastern Congo Initiative—it reveals failing grades.

Mr. Chairman, with your permission, I would ask consent to submit the report and my written remarks for the record.

The rhetoric of stakeholders and donors voicing support for security sector reform is no doubt genuine, but it is not matched by progress on the ground. The continued imperative for meaningful change—and the price of doing nothing—could not be clearer, tragically underlined by the events of 2012. The M23 rebellion was born in April 2012 following the desertion of hundreds of soldiers from the FARDC, in part over poor conditions—notably lack of pay and food, and political considerations. The new rebellion was led by individuals with long and bloody histories of desertion and abuse, who had been allowed to avoid justice and maintain parallel command structures inside the FARDC—most notoriously Bosco Ntaganda. The Congolese defense forces proved unable to defeat M23, despite an enormous advantage in numbers, their effectiveness limited by poor support to troops in the field—some were reported to lack food on the front lines—incoherent leadership and poor morale, forcing them to desert their posts in the name of self-preservation.

The cost has yet again been borne by Congolese civilians, hundreds of thousands of whom have been displaced by fighting. Many others were raped or killed. As the U.N. Secretary General has recognized ". . . the recent crisis in eastern Democratic Republic of the Congo has again underlined the need to reform the security sector, notably the FARDC." It is time to revisit the issues.

The story of the M23 offers three simple, but important lessons. The first lesson is that rushed, ad hoc and partial security sector reform does not work. The successive attempts to integrate former rebels—the Rassemblement Congolais pour la Démocratie-Goma (RCD-G) and the Congrès National pour la Défense du Peuple (CNDP)—ducked the most difficult and most important issues. Former rebels were not vetted for human rights abuses or other crimes. No coherent rationalization of rank for newly integrated fighters was undertaken. Like other FARDC soldiers, former rebels were not given sufficient material support or pay. Perhaps most importantly, former rebels were not inserted into a clear and well-respected command structure, allowing parallel loyalties and chains of command to persist.

The second lesson is that military integration of rebel groups cannot be a substitute for a real peace process. Past attempts at integration were a product of ad

hoc peace deals reflecting the immediate imperative of conflict resolution and behind-the-scenes political compromises. The “mixage” process for instance reflected the CNDP’s refusal to disperse its fighting strength, and the Congolese Government’s need to end the chaos and humiliation of fighting in the East. Likewise, the integration of the CNDP following the agreement of March 23, 2009, was a product of hidden negotiations between the Rwandan and Congolese Governments that allowed the CNDP to retain considerable influence in the East independent of formal FARDC command structures. In both cases, the fix was only temporary, buying a brief period of uneasy calm before fighting resumed.

The problems highlighted above apply to the whole of the FARDC, not just to newly integrated elements. There are continual defections from the FARDC across the whole country, and the ill-discipline and abuses by FARDC personnel is well-documented and pervasive. Frightened communities with no protection are more likely to mobilize around a militia, causing further violence and chaos.

The third lesson is therefore that, unless these structural problems are addressed, the FARDC is unlikely to ever evolve into the professional, effective military that all actors, Congolese and external, want to see.

With regard to Security Sector Reform, 2012 was a lost year. In DRC, it had been anticipated that the 2011 elections would consolidate the democratic gains of 2006 and open up a political opportunity to move forward on much-needed reform. But the last elections were highly contested, creating tension between the majority in power and the opposition that have severely limited the government’s ability to act, much less tackle the difficult challenges of security sector reform.

While it is true that much of the responsibility for the lack of progress on SSR rests with the Congolese authorities, MONUSCO bears part of that responsibility. The fall of Goma last year is the apex of a long string of U.N. peacekeepers’ failures to protect civilians despite a clear and strong mandate to do so. Without an effective peacekeeping presence, stabilization and security sector reform cannot take hold.

Beyond the United Nations, the international community has also largely failed to act, despite widespread agreement that military reform is the foundation for progress across all conflict resolution, state-building and development objectives in the DRC. Over the past decade, security sector reform has been crippled by poor coordination among donors, who are driven primarily by competing short-term imperatives and objectives. This approach has yielded piecemeal interventions, and the resulting failures have led many to give up on systemic reform altogether.

Despite our dismal progress on SSR to date, we are seeing glimmers of hope that a changing international political environment may open opportunities for real reform.

First, following the recent violence, regional actors—notably, the Southern African Development Community—have collectively engaged in the DRC at a level not seen since the end of the transition in 2006. Second, Mary Robinson’s appointment as the U.N. Special Envoy can provide a much-needed focal point and energy at the precise moment when the U.N. Security Council has unambiguously placed SSR at the heart of its work in the DRC.

The magnitude of the task ahead requires that it be a joint effort and that all partners pull their weight. Donors must build momentum toward progress by making high-level political commitments to support military reform, and back them with immediate practical, coordinated support. The road to successful security reform goes through the following steps:

- The United States should unambiguously support MONUSCO to fulfill its mandate as expanded in U.N. Resolution 2098. The U.N. system, particularly the permanent five members of the Security Council, must ensure that MONUSCO and the U.N. Special Envoy have full support and all the necessary resources to fulfill their mandates.
- In the region, members of the Contact Group need to convene an immediate meeting of an expanded Contact Group, to include the Southern African Development Community, the African Union, and International Conference on the Great Lakes Region, to discuss the implementation of renewed military reform. The meeting may also serve as a platform and forum for Mary Robinson, the newly appointed U.N. special envoy for the Great Lakes Region, to present her plan of action to the Contact Group.
- In the meantime, the U.S. should engage the Government of DRC, in partnership with MONUSCO and other donors, to draw up a comprehensive security sector reform blueprint in a practical and inclusive process, which involves civil society and establishes a robust working-level coordination and followup mechanism.
- In support of that SSR blueprint, the U.S. should encourage our NATO allies and other key partners to provide police, judicial, and military training to the

DRC, to help bolster its capacity to protect its people and preserve its territorial integrity.

- U.S. Africa Command successfully trained a battalion that performed well in LRA-affected areas in Orientale province. As part of a comprehensive SSR blueprint, the U.S. should increase its military assistance to DRC, including training of more units of FARDC and greater access to U.S. military training institutions for Congolese officers.
- EUSEC and MONUSCO need to support the Government of DRC in implementing a surge of support to the FARDC in the field. The ISSSS has a remit to improve security and stability across the East. MONUSCO has a mandate to protect civilians and collect information on human rights abuses. A coordinated surge of practical measures to improve the conduct and morale of the FARDC is a vital factor in creating the conditions for effective reform.
- At the same time, the Government of DRC has to learn from past failures and avoid easy, expedient stop-gap measures that reduce tensions in the short run but worsen the crisis in the long run. The M23 may be reintegrated into the FARDC. For many, this will be the third time they join the FARDC, only to subsequently desert. War criminals should not be integrated into the Congolese military. DRC cannot import rebel unit structures and chains of command into the FARDC and expect different results.
- And finally, the Government of DRC, Regional States, and Moderators of the Kampala talks have to ensure that the terms of any peace deal with the M23 respect human rights considerations and break parallel chains of command.

With recent commitments from the U.N., we as a community of nations have an opportunity to ensure that 2013 is not another year lost for the Congolese people. Both through our Embassy in Kinshasa and here in Washington, the U.S. can use its political, diplomatic, and moral capital to invest in a people who continue to show courage, determination and a commitment to build a better future for their country. ECI believes there is no better investment we can make than in the success of the Congolese people.

Senator COONS. Thank you, Mr. Dizolele.

And I would like to welcome Senator Durbin who has joined us for the hearing.

Father Muhigirwa, we welcome your testimony now.

**STATEMENT OF FATHER FERDINAND MUHIGIRWA, DIRECTOR,  
CENTRE D'ETUDES POUR L'ACTION SOCIALE, KINSHASA,  
DEMOCRATIC REPUBLIC OF CONGO**

Father MUHIGIRWA. Thank you, Chairman. Chairman Coons, Ranking Member Flake, members of the Subcommittee on African Affairs, thank you for the invitation and honor to testify before your committee. I come before you as a Congolese Jesuit priest, and the views expressed in this statement are mine alone.

This present hearing is in a particular way timely and critical for the DRC due to three very recent events: the adoption of the Peace, Security and Cooperation Framework; the appointment of a U.N. special envoy for the Great Lakes; and the passage of a U.N. Security Council Resolution 2098.

Noting that after two decades the eastern Congo is continuing to suffer from a recurring cycle of violence and conflict by armed groups, both Congolese and foreign, what should be done to put an end to these recurring cycles of violence? My statement is a contribution to this question and sharing briefly my insights on the three key issues of electoral reform, peace and security, regional cooperation for economic development.

First, electoral reform. Given the lack of a credible electoral process in November 2011, the Government in Congo does not have the full legitimacy to resolve this crisis. Thus, what is urgently needed in 2013 is a reform of the national electoral commission called the

CENI, the training in civic and voter education of the CENI members and those of the civil society leaders through the electoral training school in central Africa to ensure a real independence, fairness, and transparency of the provincial and local elections are hopefully held in November 2013. In November 2016, only Presidential and legislative elections will take place. The United States and other international partners should ensure that the electoral process is financed, logistically assisted, monitored, and evaluated closely with clear benchmarks and appropriate followup measures and results.

Second, peace and security. In DRC, there are two priorities in the area of peace and security: ending impunity for sexual violence and neutralizing the M23 rebels. Without equitable and restorative justice, there is no genuine and lasting peace. Rapes and sexual-based violence continues to occur because there is a widespread culture of impunity. So this reform is needed to respect the rule of law, to end impunity, and to get the rebels cumulative force and of sexual violence. In this context, the role of the Congolese Government and army is clear.

The United States Congress can help by calling on the Congolese Government to undertake the following specific and concrete reforms: to organize the army and the police and improve the living conditions of the soldiers and police; to establish a viable and professional army and police force that respects human rights and the rule of law; to create a rapid reaction force according to Resolution 2098; to pave the way for an efficient military administration; to allow the police to play its role in the establishment of public order.

Third, regional cooperation for economic development. Regional cooperation should be grounded in regional economic projects for sustainable development with special considerations to the management of natural resources because this has historically been one of the key drivers of conflict. In the Great Lake region, regional cooperation for economic development has failed. Why? Because there is lack of political will, lack of strategic vision for development of the region, and no sufficient financial support from the U.S. Government and from the financial institutions and bilateral partners. The U.S. Government can promote and support financing from the World Bank of regional economic projects in the area of roads, rail, electricity, oil, and gas. These projects will become also a factor of political stability and social reconciliation among the people in the Great Lakes region.

Mr. Chairman, my hope, my prayer is that the full implementation of the United Nations framework and Resolution 2098 by all the stakeholders will put an end to recurring cycles of violence in eastern Congo, promote peace and security for provincial and local elections, strengthen the cooperation for sustainable economic development for DRC and the entire region.

Thank you for the opportunity to present my insights on this important issue. I welcome the engagement of the subcommittee and the U.S. Congress and I look forward to your questions. Thank you.

[The prepared statement of Father Muhigirwa follows:]

## PREPARED STATEMENT OF REV. PROF. MUHIGIRWA RUSEMBUKA FERDINAND SJ

Chairman Coons, Ranking Member Flake, members of the Subcommittee on African Affairs, thank you for the invitation and honor to testify before your committee. I come before you as a Congolese Jesuit priest. The views expressed in this statement are mine. This present hearing is particularly timely and critical for the Democratic Republic of Congo (DRC) due to three very recent events: the adoption of the Peace, Security and Cooperation Framework; the appointment of a U.N. Special Envoy to the Great Lakes; and the passage of U.N. Security Council Resolution 2098.

From 1996 to 2013, the suffering in Congo has included 5.4 million people dead, 2 million refugees and IDPs, and an untold number of rapes, killings, and other human rights violations. Congo is thus the “home of the deadliest conflict since World War II.” The conflict is complex but the fundamental problems remain the same: poor governance, unresolved grievances, competition for natural resources, and outside interference. There is a new window of opportunity due to recent events that offers the United States, the United Nations, and the rest of the international community the chance to help end this terrible conflict for good.

The important and positive recent events started on February 24, 2013, in Addis Ababa, when a Peace, Security, and Cooperation (PSC) Framework for the DRC and the region was signed by 11 Heads of States or their Representatives, together with the Secretary General of the United Nations, the Chairperson of the African Union, the Chairperson of the Southern African Development Community and the Chairperson of the International Conference on the Great Lakes Region. To fulfill one of the recommendations of the PSC Framework, former Irish President Mary Robinson was appointed as a high-level U.N. Special Envoy in the Great Lakes Region. On March 28, 2013, the Security Council voted for U.N. Resolution 2098, which demonstrates the Council’s solidarity and wish to work for peace and security in the Great Lake Regions.

The United Nations has taken the lead on a new approach to the ongoing conflict in Congo by proposing a framework agreement among 11 countries in the region (known as the “11+4 mechanism framework”) to promote peace, security, and cooperation for DRC and the region, to put an end to recurring cycles of violence, and to promote cooperation and economic integration in the Great Lakes Region.

While this evolving framework is a positive step, it is crucial that it does not fall back on the half-measures of past initiatives. A comprehensive, holistic, and synchronized approach is needed for the implementation of this framework.

From 1997 to December 2012, 15 UNSC resolutions have been made, and 7 peace agreements have been signed. All of these resolutions and peace agreements have failed to bring lasting peace for many reasons: lackluster implementation, lack of political will, lack of strategic vision for the development of the region, and no sufficient financial support from the multilateral financial institutions or bilateral partners. This is why peace, security, and cooperation for the DRC and the region are more remote today than 15 years ago.

In this statement, I will share my insights on the three key issues: peace and security; democracy, provincial and local elections; and regional cooperation for sustainable development. And lastly, and perhaps most relevant to this committee, I will offer specific recommendations to the DRC and U.S. Governments.

## 1. PEACE AND SECURITY

There are two key priorities in the area of peace and security—ending impunity for sexual violence and demobilizing M23.

In the context of Congo, the first priority for the restoration of the State is the establishment of the rule of law through justice. Why? Because without equitable and restorative justice, there can be no genuine and lasting peace and no economic development. Sexually based violence continues to occur because there is a widespread culture of impunity. Perpetrators of sexual violence are not held accountable, thus they do not fear repercussions and the victims of sexual violence continue to suffer.

Obviously, one of the most pressing challenges is the demobilization of the M23 and other armed groups, in the context of a renewed stabilization strategy which should also include armed groups active in the provinces North Kivu, South Kivu, Katanga, and Orientale.

In this context, the role of the Congolese Government and Army is clear. The government must undertake specific and concrete reforms to organize the army and improve the living conditions of the military. The government in Kinshasa must also pave the way for an efficient military administration to allow the police to play its role in the establishment of public order. They must also strengthen local govern-

ance and resolve customary conflicts and land issues. Again, it is also important that the DRC Government proactively begins to fight impunity and arbitrariness in all its forms.

It is imperative that no deal includes amnesty for war crimes or crimes against humanity. Another aspect of regional engagement should be a ramped-up effort for dealing with the FDLR based on elements of the 2007 Nairobi Communiqué.

## 2. DEMOCRACY, PROVINCIAL AND LOCAL ELECTIONS

Given the lack a credible electoral process in November 2011, what is urgently needed is the restoration of the confidence of the Congolese people in the electoral process through the restructuring of the electoral commission to ensure real independence, fairness, and transparency of the provincial and local elections.

The delay in holding local elections hinders the emergence of grassroots democracy. Without local governance, there is a significant negative impact on peoples' perceptions of the authority of the State, leading to an identity crisis, hindering the social reintegration of demobilized combatants and the fight against the proliferation of armed groups.

The U.S. Government has an important role to play in ensuring that the DRC Government reestablishes its legitimacy. First, we must work with them to establish in an inclusive manner a realistic and credible timeline for the elections and to ensure that the electoral process is monitored and evaluated closely. One particular thing to flag is that we must be sure the political space is open and that the political opposition is allowed to operate and air their views freely.

DR Congo is engaged in a process of restructuring the Independent National Electoral Commission (CENI). We must learn from the faulty 2011 elections and build the capacity of the new CENI in order to establish a credible and realistic timetable for local and provincial elections, taking into account the financial and logistical constraints and the stipulations of the electoral cycle. We also must promote the participation of all stakeholders and develop a rigorous scheme for electoral integrity.

The U.S. message should be clear: the Government of DRC must use 2013 to prepare and organize to hold both provincial and local elections in 2014—ideally at the same time. In November 2016, only the Presidential and legislative elections will take place.

The major financing of the elections will be provided by the DRC Government, but the support of the international community should be complementary and should specifically include the following: support for training through the electoral training school in Central Africa (EFEAC); civic and voter education; supporting election monitoring by civil society and political parties; strengthening the capacity of those mechanisms charged with electoral dispute resolution and media regulation; and lastly, logistical support to CENI.

## 3. REGIONAL COOPERATION FOR SUSTAINABLE DEVELOPMENT

Regional cooperation should be based on regional economic projects for sustainable development. The U.S. can promote and support financing (through international financial institutions) for those economic regional projects that incorporate the regional interests of all parties. If well-conceived and well-managed, Economic Community of Great Lakes Countries (CEPGL) projects in the area of roads, rail, energy, gas, oil, mining, and fisheries could reduce tensions, competition, and become an important factor in stabilization and economic development. This process should also seek input from the AU, the ICGLR, SADC, and Congolese civil society.

## 4. SPECIFIC RECOMMENDATIONS

### *1. To the U.S. and the broader international community*

In 2006, the U.S. Senate passed the “Democratic Republic of the Congo Relief, Security and Democracy Promotion Act.” (Public Law 109–456, SEC 101 and 102) When considering recommendations for the United States Government, many of the priorities outlined in this legislation still resonate today. That law specifically mentioned the need for rehabilitation of the national judiciary to enhance the rule of law, the importance of combating corruption and the need to institute economic reforms to promote development. The legislation also mentioned the need for the U.S. to support security sector reform, including the army, military, justice system, and police force. These are still the key necessary preconditions for peace and stability in the region.

Taking that into consideration, the U.S. and broader international community should:

- Support the Peace, Security and Cooperation framework by financing integrating projects between the DRC and neighboring countries;
- Organize a donors' conference on the DRC and the Great Lakes Region where the international community would demonstrate its financial commitment to support institutional reforms and cross-border economic initiatives;
- Sustain a renewed commitment by bilateral partners to remain engaged in supporting the Democratic Republic of the Congo and the region, including with appropriate means to ensure long-term sustainability; and
- Assist the DRC Government in developing a robust monitoring and evaluation mechanism for assessing progress.

2. *To the Government of the Democratic Republic of Congo*

The Government of the Democratic Republic of Congo should:

- Create a robust monitoring and evaluation mechanism to assess progress in a transparent manner by a multistakeholder group, including the international partners of the DRC and DRC civil society;
- Promote a concerted effort by governments and companies to demilitarize mining areas in the Kivus to promote clean trade, which should comply with the ICGRL measures, OECD and U.N. standards, governments, and companies to deny funding to belligerents, create better working conditions for artisanal miners and build investor confidence;
- Expand use of the credible mechanism for certification and traceability to monitor conflict-free minerals to export to downstream and end-users. This mechanism for certification and traceability to monitor conflict-free minerals is financed by USAID and BGR and coordinated by the ministry of mines and PROMINES. Work has shown that 55 artisanal mine sites out of 82 assessed have been validated as free from child labor and illegal taxation.

Thank you for the opportunity to present my perspective on this important issue. I welcome the engagement of this subcommittee and the U.S. Congress and I look forward to your questions.

Senator COONS. Thank you, Father, for your testimony today.  
Mr. Borello.

**STATEMENT OF FEDERICO BORELLO, DIRECTOR,  
INVESTMENTS, HUMANITY UNITED, WASHINGTON, DC**

Mr. BORELLO. Chairman Coons, Ranking Member Flake, Senator Durbin, on behalf of Humanity United, a private philanthropic institution that tries to build peace and advance human freedom, I thank you very much for inviting me to testify on the critical situation in eastern Congo.

After years of international apathy toward the region, a new crisis, provoked by the M23 and supported by Rwanda, seems to have shaken concerned international policymakers into action. Like my colleague and like you, Chairman, I welcome the Peace and Security Framework, the appointment of Ms. Mary Robinson, and the renewed mandate and enhanced mandate from MONUSCO. However, very little has changed on the ground yet.

In the past, the United States and the international community have prioritized reactive and short-term initiatives and refrained from confronting the deep and uncomfortable political issues that are at the root of the region's ongoing conflict. We must not let that happen again. We cannot choose among the full range of recommendations that are contained in my written statement, many of which have been already mentioned by my colleagues, although in each of these areas, there are concrete and realistic first steps that could be taken to make progress. Only by addressing all these issues simultaneously and comprehensively can we support the Congolese people to break this 20-year-old cycle of violence.

Let me outline a few key areas including reforms needed at the regional, national, and local level.

First, regional issues must be addressed. The noninterference pledge formalizing the framework must be fully implemented and Rwanda's determination to create and support abusive rebel groups in the Congo must be broken at all costs. In parallel, significant efforts are needed to promote greater regional economic progress along the line of what my colleague, John Prendergast, has suggested and to address Rwanda's concerns with the FDLR rebel group based in eastern DRC according to a DDR plan that I outlined in my written testimony.

Second, national issues must be addressed. The increasing focus on Rwanda's role does not excuse the Congolese Government's near total failure in fostering good governance and the rule of law. The following reform needs to be urgently launched: security sector reform, accountability for war crimes and crimes against humanity, comprehensive land reform, and a democratization process as described in a recent paper by Gambino and Weissman that I respectfully request be added to the records of this hearing.

Senator COONS. Without objection.

Mr. BORELLO. Thank you.

Third, local issues must be taken head on. Offensive military operations by the new MONUSCO Intervention Brigade must be accompanied by a revamped disarmament, demobilization, and reintegration program, and most importantly, by a state-sponsored intercommunity dialogue process in the Kivus. Ultimately, it is up to the Congolese Government, civil society, and people to identify the solution to the violence that continues to plague their country once external interference ceases. However, the international community and the United States in particular can play an important role in facilitating this process. My testimony outlines 10 recommendations for the United States which I hope we can discuss during the hearing. But let me highlight five in particular.

First, as already mentioned first by you, Chairman, and by my colleagues, a high-level envoy is urgent and the No. 1 priority, someone with the political stature, experience, and skills necessary to engage at the highest level with regional Presidents and the U.N. envoy.

Second, the United States must fully support Ms. Mary Robinson as she tries to hold governments accountable to their pledges and closely coordinate in the development of benchmarks for both regional and national commitments as outlined in the Peace and Security Framework.

Third, the United States, under the leadership of its own envoy, should redefine its political and aid strategy toward the region and hold the DRC and Rwanda accountable to agreed-upon benchmarks.

Four, the United States, in close coordination with the United Nations and other donors, must commit to technical and financial support for long-term and sustainable security sector reform in the DRC.

Five, the United States should continue to provide strong support to the creation of an internationalized judicial mechanism to



prosecute serious human rights abuses, including sexual- and gender-based violence, in the DRC.

In conclusion, in diplomatic circles, one often hears that we have tried everything in the Congo and nothing works. I strongly reject this defeatist attitude. We have not tried everything.

Since 2006, after a relatively successful electoral process, the international community has drifted toward purely military and technocratic solutions to deep-seated political problems. We have prioritized an increasing militarization of MONUC and MONUSCO and its checkered relationship with the Congolese military and powerlessly witnessed the creation of new armed groups and the continuing abuses of the Congolese Army. We have built buildings to house institutions, but forgot to build the institutions themselves. We have rightfully applauded Rwanda's spectacular recovery from the ashes of genocide, but we have stayed silent for too many years about its abuses in the Congo. We have provided technical and financial support to the 2011 DRC elections but silently witnessed as massive fraud voided them of any significance. For these reasons, we failed the Congolese people.

We now need a comprehensive process that creates incentives for Rwanda to stop supporting armed proxies, for the Congolese Government to start the overdue process of reforming its ailing national institutions, and for local communities in eastern DRC to stop supporting armed groups to further their grievances. For this, a sustained, robust political process led by the U.N. envoy and supported by the U.S. Government and this committee is the best hope we have had in a decade to help move this region and its people toward peace and prosperity.

Thank you very much.

[The prepared statement of Mr. Borello follows:]

PREPARED STATEMENT OF FEDERICO BORELLO

Chairman Coons, Ranking Member Flake, and other members of the subcommittee, I would like to thank you very much for inviting me to testify on the critical situation in eastern Congo and for your continuing attention to the plight of ordinary men, women, and children in this troubled part of the world.

My name is Federico Borello, and I am Director of Investments at Humanity United, a private philanthropic institution that strives to build peace and advance human freedom. I have been working on and in the Great Lakes Region of Africa since 2002, in the fields of human rights promotion, transitional justice, and conflict prevention.

After years of international apathy toward the region, a new crisis, this time provoked by a rebel movement known as M23, seems to have shaken concerned international policymakers into action. Now is the time to turn promising but vague commitments and principles into action. Though this crisis manifests itself acutely in eastern Congo, where civilians have lived in an almost perpetual state of violence since 1993, the solution to the problem lies in a sustained and comprehensive approach that looks at the regional, national, and local dimensions of this conflict.

Three recent developments have helped to shape the current opportunity for progress. First, the recent Peace, Security and Cooperation Framework (hereby "the framework" or "11+4 framework") signed in Addis Ababa on February 24, 2013, though it has its weaknesses, correctly identifies the need for such a comprehensive approach. Second, the appointment as U.N. Special Envoy to the region of former Irish President Mary Robinson, a proven leader with the appropriate political stature, experience, integrity and commitment to human rights and accountability, could prove a vital contribution to the cause of bringing peace to the region. Finally, the redefinition of the mandate of the U.N. peacekeeping mission (MONUSCO) and its newly enhanced strength can help the battered peacekeeping mission to become more effective in protecting civilians and bringing stability to the region. Combined,

these measures offer an unprecedented opportunity to comprehensively tackle the root causes of conflict and violence.

However, very little has changed on the ground yet, and there is a serious possibility that the United States and the international community will repeat past mistakes. There is a real risk that the international community will not fully attend to all critical aspects of the crisis, squandering this opportunity by continuing to engage in a superficial and reactive way, taking cosmetic, short-term, and half-hearted initiatives but refraining from focusing on the deep and uncomfortable political issues that have defeated all efforts to bring peace to the region until now. This has been the modus operandi of the international community over the last two decades in the Democratic Republic of Congo (DRC), one of reacting to the symptoms, rather than the causes, of the problem, and always focusing on short-term measures in reaction to successive crises, rather than seeking to implement durable solutions.

This scenario would be a new variant of past attempts and would result in the resumption of aid to Rwanda, the restoration of legitimacy to a much-weakened President Kabila, and the rehabilitation of the public image of MONUSCO. The Congolese people, however, would see no end to their misery. Further, the U.S. taxpayer would have to shoulder the burden of paying for MONUSCO for years to come, given that the perpetuation of conflict in this context is almost inevitable. Today, we are not one day closer to MONUSCO's safe withdrawal than we were in 2006 when Congo held relatively successful national elections.

The U.S. Government and others in the international community must not allow this unfortunate scenario to happen. The administration and Congress must reevaluate the current approach by the United States and move away from ineffective and short-term policies toward a long-term strategy. Deep and sustained political and economic engagement is sorely needed by the U.S. Government, the U.N., the African Union (AU) and the donor community, to gradually but radically change regional, national, and local dynamics and incentives for governments and communities in the region.

In my testimony, I will lay out the steps that must be taken at the regional, national, and local level to create a sustainable resolution to the challenges in the DRC, and I will conclude with a series of recommendations for the U.S. Government.

Unfortunately, we do not have the choice to prioritize among these recommendations, or the other elements I will address in my testimony. Only by addressing them simultaneously and comprehensively can we support the Congolese people to break the 20-year-old cycle of violence.

#### I. ACTIONS TO BE TAKEN AT THE REGIONAL LEVEL

##### A. *Implementation of noninterference pledge*

The 11+4 framework is very clear: all countries in the region have committed “not to interfere in the internal affairs of neighboring countries” and to “neither tolerate nor provide assistance or support of any kind to armed groups.”

Rwanda is the unnamed main target of this provision, having been the primary supporter of some of the largest insurrections in eastern Congo over the past two decades. After 15 years of regrettable tolerance, reports documenting the extent of the Rwandan Government's support to the M23, including in its creation and the occupation of Goma, coupled with reports documenting the extent of M23's atrocities against civilians, led to an unprecedented wave of international condemnation, and the suspension of aid by several donors. These decisions by members of the international community were initially met with defiance by the government in Kigali. In recent months, however, we have seen signs that international pressure in general—and these sanctions in particular—are starting to produce the intended effect, and may eventually produce lasting change in the Rwandan Government's attitudes and actions in the region, provided that pressure and intense scrutiny are maintained over the next few months and years by the international community. On the one hand, there has been no major Rwanda-supported military offensive by the M23 since the occupation of Goma, but on the other hand there have been credible reports over the past 2 weeks about the movement of armed troops and supplies from Rwanda to Congo in support of the M23. In this context, the surrender of Bosco Ntaganda to the International Criminal Court through the good offices of the United States was a notable success of this pressure, but it would be premature to declare victory and assume that Rwanda's determination to support abusive armed groups in Congo has been broken.

Donors, including the U.S. Government, are mulling over the appropriate benchmarks that need to be agreed upon to resume aid to Rwanda. Some donors have prematurely already partly restored aid. I would strongly urge that the United

States and the members of this committee make the dissolution of the M23 the main precondition for restarting aid. As has been documented by the U.N. Group of Experts and various nongovernmental organizations, the M23 has been created, trained, supplied, and directed by Rwandan officials, and its leaders regularly travel to Kigali when summoned. It is now the Rwandan Government's responsibility, and fully within its power, to push their proxy group to depose of their arms. This is not in any way a call for the Rwandan Army to go back into Congo, as it did in 2009, and arrest M23 leaders, but rather a call for Kigali to use its considerable political leverage to convince the M23 to lay down their arms. The M23 should go through a rigorous Disarmament, Demobilization and Reintegration (DDR) program, just like any other armed group, in accordance with the principles outlined in section III below.

Several times in the past, Rwanda formally committed to not create or support armed groups in eastern DRC, but it has repeatedly broken these promises. Using this diplomatic window of opportunity, we must now ensure that this is the last time. The U.N. Group of Experts will continue to be a vital source of information on documenting outside support to armed groups, and its mandate will need to be renewed for at least another few years.

In order to address Rwanda's legitimate security concerns, a renewed effort for dealing with the Armed Forces for the Liberation of Rwanda (FDLR, from its French acronym) rebellion, which continues to be based in the eastern Congo and terrorizes civilians, should be launched. The new MONUSCO Intervention Brigade (IB) could be tasked with conducting targeted operations against the FDLR leadership, in strict compliance with international humanitarian law and with MONUSCO's protection of civilians mandate. However, a purely military solution would be insufficient, and the governments of the DRC and Rwanda should launch a new, comprehensive process to address this challenge. This should include:

- The publication of the list of suspected genocidaires by the Rwandan Government (as agreed in a 2007 agreement between the Governments of Rwanda and DRC);
- The possibility of third-country resettlement for leaders not charged with genocide, war crimes, or crimes against humanity;
- Supporting the return, demobilization, and safe reintegration of the FDLR to Rwanda if they have not committed crimes;
- Better information-sharing between the United Nations, the Congolese Government, and Rwanda regarding the remaining FDLR troops;
- Public denunciation and, if appropriate, prosecution of FARDC officers collaborating with the FDLR; and
- Ramping up U.N. sensitization efforts of FDLR combatants to induce them to demobilize and reintegrate civilian life.

Finally, the international community needs to be mindful of other regional players, such as Uganda. Uganda's historical involvement in the eastern Congo is well-known. Though Rwandan influence has been the largest factor in the development of the M23, we need to ensure that other countries do not fill what they may perceive to be a vacuum and benefit from a decreased footprint by Rwandan actors.

#### *B. Regional economic progress*

In parallel, significant efforts are needed to promote greater regional economic progress. The international community should back projects that demonstrate the benefits of regional peace and stability and help create mutually beneficial economic interdependence, possibly through the creation of a World Bank Fund. Such a Fund could help countries in the region adopt a common legal framework to facilitate cross-border trade and provide funding for projects that would benefit the entire region, such as in the electricity and mining sectors.

Developing new approaches to further economic progress in DRC and Rwanda needs to be done in consultation with local communities along the two sides of the border and not imposed through a top-down approach by regional governments and foreign donors. The 11+4 process needs to develop new solutions to the needs of these communities and generate a win-win mentality over the riches that should bring prosperity in both countries. As Ms. Robinson carries out her work, she needs to be particularly cognizant of the concerns of local communities in Congo in this regard. Given that the conflict has led to individuals outside these communities benefiting from the wealth of eastern Congo, proposals to foster improved economic cooperation will be greeted with concerns that they are, in fact, an effort to normalize an unfair status quo. Communities in eastern Congo need to be convinced that any economic arrangement is in their long-term economic interest and will help both their own peace and prosperity.

## II. ACTIONS TO BE TAKEN AT THE NATIONAL LEVEL

The increasing focus on Rwanda's role in destabilizing its neighbor should not lead us to be oblivious to the Congolese Government's near total failure in creating functioning institutions and establishing at least the foundations of the rule of law. Eliminating Rwanda's destabilizing influence in the east is merely a necessary precondition to resolving the internal root causes of the conflict, which lie in long-standing governance failures.

The November 2012 rape of at least 126 women in Minova, South Kivu province by retreating Congolese army units, and the most recent involvement of other units in ethnic clashes in Kitchanga, North Kivu, which left at least 55 civilians dead, prove once again that the Congolese Army (known by their French acronym, FARDC) are as abusive as any armed group roaming eastern DRC and terrorizing the civilian population.

The following reforms need to be urgently launched:

*Security sector reform:* The reform of the security sector, starting with the army and the police, is the most urgent priority. Bilateral train-and-equip approaches, including the U.S. Government's, should be reevaluated and where appropriate suspended, in order to forge a multilateral, comprehensive reform strategy. The Congolese Government, supported by the U.N. Envoy, MONUSCO, and its main donors, should develop a comprehensive proposal to create an effective and accountable security sector, in consultation with wide sectors of civil society. Any effort must include, and possibly start with, a vetting process to exclude alleged human rights abusers from all security services. The development of a concrete, realistic, and participatory army and police reform plan should be the first benchmark against which Kinshasa's commitment to the 11+4 framework should be evaluated.

*Judicial reform and accountability:* Bosco Ntaganda's recent surrender to the International Criminal Court was an important development for justice and accountability for the DRC. However, it is just the tip of the iceberg. The creation of an internationalized judicial mechanism to end impunity for serious human rights violations should also be a top priority for Kinshasa. It is clear that, despite the competence and the valiant efforts of some of its members, the Congolese judiciary still does not have sufficient capabilities, resources, and independence to resolutely break the cycle of impunity, which is closely correlated to the cycle of violence. National legislation on mixed Congolese-international chambers within the DRC's judicial system should be supported and funded so such a mechanism can be established at the earliest possible time. This should be a second benchmark.

*Democratization, decentralization, and local elections:* The complete stalemate in the democratization agenda, and the failure to hold local elections are also a cause of serious concern. I would like to refer to an excellent paper recently published by Anthony Gambino and Stephen Weissman, which includes concrete and practical recommendations, and respectfully ask that this paper be included in the record of this hearing.

*Land reform and natural resource management:* Some of the other urgent priorities are comprehensive land reform and the creation of a more accountable and transparent natural resource management system. Donors should support the nascent land reform process led by the Congolese Ministry of Land Affairs, which was launched in July 2012 with USAID support. In the context of this process, the government has developed a roadmap and is setting up a Steering Committee that would oversee the reform process, whose ultimate goal is to give land tenure security to individuals and businesses. It is also imperative that donors coordinate their efforts among themselves, and ensure that this process is ultimately structured to deliver security of tenure over land to the largely agrarian poor communities in eastern DRC, thus eliminating a major grievance of many such communities, which often leads them to lend support to abusive armed groups.

President Kabila, by signing the framework agreement, has formally committed to undertake most of these reforms. However, there are few reasons to assume that the Congolese Government, after stalling on these reforms for a decade, will suddenly take a keen interest in their implementation. Its main diplomatic offensive during the negotiations of the framework agreement has been aimed at excluding donors and civil society from the proposed "national oversight mechanism," set up under the framework to monitor the Congolese Government's compliance with its obligations to conduct a set of crucial institutional reforms. The revised mechanism includes only the Congolese Government, which is now solely responsible for overseeing itself. In my view, this weakened method to monitor the Congolese Government's performance of the benchmarks in the framework agreement is a notable flaw in an otherwise important step toward regional peace. It is imperative, regardless of the terms of the agreement, that donors and civil society be brought back

into this mechanism, or that an alternative and truly independent and effective monitoring mechanism is set up to review the DRC Government's compliance with its obligations under the framework and agree on consequences to be imposed for failure to meet those obligations.

The role of Ms. Robinson in overseeing the implementation of the entire framework, and not only of the commitments of regional governments, is therefore crucial to ensure the success of the 11+4 framework. With no progress at the national level, any progress made on other levels will be undermined, if not lost altogether.

### III. ACTIONS TO BE TAKEN AT THE LOCAL LEVEL

Cutting Rwanda's support for illegal armed groups and launching crucial reforms at the national level are necessary but insufficient measures to bring peace to eastern Congo. The lawlessness and proliferation of armed groups require energetic measures to restore security to Congo's eastern provinces.

Three simultaneous local-level processes are needed to bring some stability to eastern DRC: (1) military operations by the MONUSCO Intervention Brigade; (2) a revamped Disarmament, Demobilization and Reintegration (DDR) process; and (3) a serious intercommunity dialogue process.

The creation of the new MONUSCO Intervention Brigade, authorized in the recent U.N. Security Council Resolution 2098 on MONUSCO, can prove to be a positive development, and there are already signs that armed groups are concerned about its imminent deployment. The Brigade's military operations, to be conducted in strict compliance with international humanitarian law and with MONUSCO's protection of civilians mandate, should target the leadership of all armed groups (M23, FDLR, Congolese Mai-Mai groups, other foreign groups). In execution of the new MONUSCO mandate, the IB should also conduct targeted operations to arrest those against whom authorities in Congo or elsewhere have issued arrest warrants.

However, it is necessary to learn lessons from past failed attempts to use foreign forces to bring peace and stability to this troubled region.

First, absent any serious reform and sufficient accountability for past human rights violations, MONUSCO should carefully reevaluate its support to the FARDC and joint operations with them, particularly because this army continues to behave just like many other armed groups in the region. The Brigade may want to consider conducting operations on its own, at least until concrete safeguards are created to prevent the FARDC from perpetrating abuses during or after joint military operations.

Second, any purely military approach is destined to fail. Such targeted military operations would weaken and demoralize armed groups members, and encourage them to lay down their weapons. However, it is imperative that a new DDR program is conceived and implemented, ideally prior to the beginning of the IB's military operations. Such a program would organize the combatants' vetting, training, integration, and deployment, and offer alternative opportunities to rejoin civilian life, such as road construction projects or other work opportunities. These projects should be funded by the international community in part for several years, and include a mix of former combatants and civilians, so that the perception is not created that economic opportunities are reserved for former combatants, but are rather available to communities as a whole.

A new DDR program and strategy should also ensure that those responsible for serious abuses are not integrated into the army but instead arrested and brought to justice. Finally, those who do wish to join the army and fit the criteria should be trained and then deployed into army units throughout the country; they should not remain in units operating in their former area of operation as an armed group.

Finally, a serious process of intercommunity dialogue is necessary to address the legitimate community grievances that have previously moved many communities to lend support to abusive armed groups. Such a process, if accompanied by the crucial reforms mentioned in section II above (particularly land reform and decentralization) would focus on cutting the links between communities and armed groups and work to prevent future instances in which communities resort to violence to accomplish their interests. Local, mostly NGO-led initiatives have tried to stimulate intercommunity dialogue. The government, with the support of the international community and MONUSCO in particular, should institutionalize and expand such dialogue initiatives, within the framework of the revised International Security and Stabilization Support Strategy (ISSSS), a joint U.N./donors effort that serves as the main vehicle for international support to the DRC's own Stabilization and Reconstruction Plan for War-Affected Areas (STAREC), launched in June 2009. The ISSSS, revised in 2012, is a program aimed at supporting the establishment of sustainable security forces and the consolidation of state authority in eastern Congo.

All donors wanting to contribute to the stabilization effort in eastern DRC are expected to do it within the ISSSS framework.

#### IV. RECOMMENDATIONS FOR THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

Ultimately, it is up to the Congolese Government, civil society and people to find a solution to the lack of governance and violence that continues to plague their country, once external interference ceases. Only a national process of dialogue over reform and reconciliation, in which all actors assume their responsibilities and decide to work toward peace, can change the current dynamics and move the country closer toward peace.

Nonetheless, the international community and the United States in particular can play an important role in facilitating this process.

1. *The U.S. should appoint a high-level Presidential Special Envoy to the Great Lakes Region, with the political stature, experience, and skills necessary to engage at the highest levels with regional Presidents and the U.N. Envoy.* Given the relatively neutral profile of the United States in the region's history and strong relations with the key parties, the appointment of a high-level U.S. Envoy would signal a renewed and stronger political engagement with the crisis to regional governments. Such a position would enable the United States to develop a long-term strategy and policies tailored to the regional dynamics that require complex solutions. The Special Envoy must closely coordinate with U.S. embassies in the region to ensure that the position would enhance, rather than hinder, coordination across the U.S. Government. This position must have broad authorities, sufficient staff in Washington as well as in the region, and resources to execute their duties both bilaterally and multilaterally. Ultimately, the right U.S. Special Envoy can be a force multiplier, tipping the scales where Ms. Robinson needs support and helping to coordinate donors who need to be brought along to influence the DRC and Rwandan Governments. It should be noted that there is strong bipartisan support in both the Senate and the House of Representatives for the appointment of a Presidential Special Envoy.

2. *The United States and its allies in the international community must fully support Ms. Mary Robinson as she tries to hold governments accountable to their pledges.* Given that the lack of political will in both Kigali and Kinshasa is the main obstacle to peace, a political process led by an experienced and principled politician is sorely needed. The U.S. Government, therefore, should insist that both the regional and the national processes fall under Ms. Robinson's watch. While it is clear that she will preside over the regional oversight mechanism, the language in the framework is more ambiguous when it comes to the national reform process, which is probably more important and complicated than the regional process.

3. *The U.S. should closely coordinate with Ms. Robinson in the development of benchmarks for regional and national commitments.* In the case of national commitments, Ms. Robinson should develop these benchmarks in cooperation with MONUSCO, and in both cases in full consultation with governments and civil society in the region as well as with key donor governments, including the United States. The benchmarks must be public and transparent. A wide variety of stakeholders, particularly local civil society groups, should be able to submit observations through clear mechanisms on the countries' progress in meeting the benchmarks. Donors should also be part of the process of developing benchmarks and monitoring progress, possibly through the already existing International Contact Group on the DRC.

4. *The United States, under the leadership of its own Special Envoy, should redefine its political and aid strategy toward the region.* In this regard, the U.S. Government and other donors, acting in a coordinated way, must be prepared to hold all governments, particularly the DRC and Rwanda, accountable to their pledges and the agreed-upon benchmarks, if necessary by suspending or modifying aid programs. Aid to Rwanda should not resume until the M23 threat has come to an end, and all future aid should be tied to Rwanda's commitment not to support armed groups in neighboring countries. Evidence of such support gathered by the U.N. Group of Experts or other reliable sources should then automatically trigger the suspension of U.S. aid again. The United States should also be ready to sanction Rwandan officials found to be responsible for supporting rebel groups. In the case of Congo, aid should be tied to progress in the benchmarks on national reforms identified above.

5. *The United States should never again refrain from airing publicly its concerns over current and future violations of international obligations by all governments in the region.* The policy of quiet diplomacy initially employed by the United States vis-a-vis Rwanda in mid-2012 proved to be ineffective. After months of ignoring private threats and warnings by their international partners—and indeed even increasing

support to the M23—it was only when public denunciation was stepped up, including through a publicized phone call from President Obama to President Kagame, that Rwanda started to respond to international pressure.

6. *The United States should strongly encourage President Kabila to include donor governments and civil society in the national oversight mechanism envisaged in the framework agreement.* This is absolutely necessary to lend credibility, competence, and legitimacy to the national reform effort.

7. *The United States, in close coordination with the U.N. and other international donors, must commit to supporting sustainable security sector reform, both technically and financially, over the long-term, as described in the section above.* The U.S. focus on “train and equip” programs and policies must be rigorously reassessed and, if necessary, halted in order to support a multilateral, comprehensive reform strategy. The current limited efforts at retraining some units to be deployed in strategic parts of the country, in the absence of a coherent vision on the future of the institution as a whole, have not produced any lasting improvement, as we have seen once again in recent months.

8. *The United States should also provide strong support to the creation of mechanisms for accountability in the DRC, such as the internationalized mixed chambers described above.* The existing leadership of Ambassador Rapp in spurring the Congolese Government to action on this point is noted and appreciated, and the 11+4 framework provides a new opportunity to make further progress on this key issue.

9. *The United States should use its influence at the World Bank to ensure that the Bank's decisions and policies are coordinated and aligned with the broader international effort.* While the Bank is often reluctant to engage in political processes, this is a unique and concerted multilateral effort to which regional governments agreed, and the World Bank is crucial in this regard. Ms. Robinson needs to know that every major international player will rally behind her efforts, or else the chances for her success will decrease dramatically.

As part of its work with the World Bank, the United States should support the establishment of a fund to assist the development of the region, particularly with joint projects that can encourage a “win-win” mentality.

10. *The United States should use its influence to ensure that an appropriate new Special Representative of the U.N. Secretary General, or SRSG, is chosen by the U.N. to replace the outgoing Roger Meece.* In such a delicate phase, the mission will need to be led by someone with political skills and clout in the region. The context calls for someone with the profile of Ambassador William Swing, the former well regarded SRSG during the Congolese transition of 2003–2006.

#### CONCLUSION

In diplomatic circles, one often hears that “we have tried everything in the Congo, and nothing works. The conflict is just too complicated.” I strongly reject this defeatist attitude.

We have not tried everything. Since 2006, after a relatively successful electoral process, we have privileged purely military and technocratic solutions to fundamentally political problems. We have supported an increasing militarization of MONUC/MONUSCO and its checkered relationship with the FARDC, and silently watched the creation of new armed groups and the continuing abuses by the Congolese Army. We have constructed buildings to house institutions, but forgot to build and develop the institutions themselves. We have rightfully applauded Rwanda's spectacular recovery from the ashes of genocide, but have tragically stayed silent for too many years about its abuses in the Congo. We have provided technical and financial support to the 2011 elections, but witnessed with impotence as massive fraud voided them of any significance. For these reasons, and because Congo has a tragic history of extremely poor leadership, we have failed the Congolese people, but there is nothing inevitable in this.

We should learn not only from failures, but also from past success stories. In 2006, the Congo held relatively successful elections, against all odds and predictions. That happened for two reasons: first, the determination of the Congolese people to go to the vote despite all barriers; and second, the determination of the international community to make those elections a success. Donors remained focused and politically engaged, MONUC led and coordinated the effort and the messaging, and relatively free and fair elections took place.

We now need a comprehensive process that creates incentives for Rwanda to stop supporting armed groups once and for all, for the Congolese Government to start the long-overdue process of reforming its ailing national institutions, and for local communities in eastern DRC to stop supporting armed groups to further their grievances.

For this, a sustained political process, led by the U.N. Special Envoy, and supported by the United States and this committee is the best hope we have had in more than a decade to help move this region toward the peace and prosperity that its people deserve.

Senator COONS. Thank you, Mr. Borello, and thank you so much to all the four witnesses who have testified today.

We are now going to begin 7-minute rounds of questions.

And after all those different recommendations, comments, observations, I am encouraged that all four of you have as a common theme the idea that this is a moment—a moment when peace is possible, when with a disciplined and engaged and thorough international support and engagement, we might really see the beginning of the end of what has been decades of horrible challenge and conflict in the Great Lakes region in eastern DRC.

So I am going to ask just a few focused questions, if I could, to make sure I have got your recommendations clearly. If I might first to Mr. Prendergast and Mr. Borello. Should the United States appoint a special envoy? Would it make a real difference? What difference would it make in U.S. policy and what would you expect that envoy to do that would change the future path of the DRC?

Mr. Prendergast.

Mr. PRENDERGAST. Thanks. I think it would make a huge difference. My understanding is that the executive branch is pretty far along in deciding who they want, and that is great news. As everyone has said and would say, if they had the time to elaborate, it has to be a very high-level person with stature so that it would be taken seriously in the region.

What to do, though? That is the key question of the four you asked. And I feel the United States has leverage that we are leaving on the table by not engaging more deeply. And I think the leverage comes in the form of positive incentives and real costs; positive incentives for peace and real costs for those undermining peace.

In a couple of sentences, the positive incentives can include implementation of the legislation that this very Congress passed 2 years ago in the Dodd-Frank. By ensuring that the regulations that the SEC has put forward are implemented creates positive incentives for companies to ensure that on the ground, they are not going to buy minerals that are mined illegally and violently. It is a very simple concept. It is supply and demand. If the demand is there for clean, peacefully mined minerals, you are going to get a reaction on the ground, and that is already happening. Having traveled there extensively in eastern Congo earlier this year and seen the effects, already, of how people are trying to reorganize, we are going to see that increasingly.

And if the envoy as well can work to push forward working with the companies, I think it is very important that we work very closely—government works with the private sector and civil society on the ground in eastern Congo—to figure out how responsible investment can be organized because we want to see the development of the natural resource sector in eastern Congo. It is going to be the engine of development, as Ranking Member Flake said in his opening statement about the enormous potential of this country. It is going to be only unlocked if those natural resources are exploited



properly. And so having some kind of an initiative that focuses on joint efforts to define the rules of the game—there are no rules. There have not been rules for centuries in Congo. People just take what they want and with horrible cost to the Congolese people. That is the incentives.

On the cost side, continuing to stand against cross-border support for armed groups. If any government in the region provides assistance to any armed group, then there has to be a cost in terms of budget support and other assistance. The IMF and the World Bank—we need to use our leverage in those institutions. And we need to use our leverage to promote transparency within Congo so that all of the governance reforms that my colleagues talked about internally within Congo have a better chance—stand a better chance, and they do not unless there is some work done by the external aid agencies, particularly the multilateral bodies, in encouraging those reforms to occur.

Senator COONS. Mr. Borello, should we appoint a special envoy?

Mr. BORELLO. Yes, thank you, Chairman.

Yes. I think the United States should appoint its own envoy provided that that envoy has the necessary political stature to engage directly with Presidents and with Ms. Mary Robinson. And from what we hear, that is the kind of level that the administration is considering.

First of all, such an envoy, as I said before, should redefine a real long-term strategy for the United States. The United States, like its international partners, have been reactive. Every time there was a crisis, there was intense engagement. Then when there seemed to be a truce or not real peace, attention went down, and we do not have a coherent regional strategy for the region.

Second, Ms. Mary Robinson brings an enormous political experience and integrity and commitment to human rights. But there is also suspicion in the region about the United Nations and about the role of the United Nations. There needs to be some help from the United States to such a process to make sure that the process led by Ms. Mary Robinson succeeds.

Finally, the issue in the region is really political will. Both President Kabila and President Kagame have shown in the past that President Kabila is not interested in reforms and President Kagame or the Rwandan Government is not interested in stopping to destabilize the Congo.

Just to bring you an example, as an observer of the region, I also read the Congolese and Rwandan press. When President Obama called President Kagame, the change in the actions of the Rwandan Government happened overnight. All the articles in the Rwandan press, the coordinator of the group of experts—that very belligerent and aggressive tone was really measured and toned down as a result.

Senator COONS. In your view, our intervention, in terms of accountability for Rwanda's role in this, has made a difference.

Mr. BORELLO. It has been. It could have been stronger. I think the aid suspended was only \$200,000, but combined with the actions taken by the World Bank, by DFID, the U.K. development agency, and others have started to change—

Senator COONS. And a key role a special envoy could play is to insist on accountability for the DRC and for Rwanda and to implement this regional peace.

Mr. BORELLO. Exactly.

Senator COONS. If I might, Father Muhigirwa, before I run out of time in my first round. A number of witnesses have testified about the importance of Dodd-Frank of U.S. action on conflict minerals. What role are the NGOs—the nongovernmental organizations—on the ground in eastern Congo playing in moving away from a conflict-based extractive mineral system that fuels and funds rebel groups toward one that is more sustainable, more legal, and contributes to the regional economic development you spoke of?

Father MUHIGIRWA. Thank you for the question.

The first thing I would say is that when the Dodd-Frank Act was published, we had a meeting in Kinshasa with the bishop conference and some NGOs, and it was welcomed because in a way, in Dodd-Frank you have this provision that is going to bring peace by cutting the source of financing the rebel groups.

But what we have seen is that some mining companies mainly from the United States taking into account that they had to report to the Security Exchange Commission, according to what was in the law. Somehow it happened—a kind of embargo. People were afraid that when they will take the minerals from the eastern Congo, it was not sure that this mineral will be free from conflict. So there had been the discussion from the promulgation of the law and the regulations.

And what we have noticed is that now there is a progress from what is going on on the ground. We know that the work being done by USAID and especially their section on mining and also PROMINE that is working with the World Bank and the Minister of Mines—we know that there are mining sites that today are free from conflict, that we have, I think, 52 out of 82 that are—you do not have children who are being employed. And also those minerals that are being exploited are free from conflict, and also there is no illegal taxation. So I think there is progress going on, and this should be, let us say, reinforced. What could be then also is the building capacity of the people who are involved in this area. That means the mining companies and also civil society.

Senator COONS. Father, could a partnership between—Mr. Prendergast suggested a responsible investment initiative of investors from the United States and outside. Could that, in partnership with NGOs and with the good work USAID is doing—could that make further progress toward producing a conflict-free mineral system?

Father MUHIGIRWA. Yes, I would think so because when you see what is going on in Katanga, for example, where you have people—Freeport McMoRan and when you see what is going on in the South Kivu with Banro, the Canadian mining company, you have in North Kivu not a single mining company. And this is why there is a lot of trouble going on. This is why rebel groups are coming in, and they are occupying mainly where you have the mines. And so I am thinking that—and I am recommending this—if you can have major U.S. mining companies coming into North Kivu and investing, it will be a way of also bringing peace in the region.

Senator COONS. Thank you, Father.  
I am out of time.

Senator Flake.

Senator FLAKE. Well, thank you. I enjoyed the testimony.

With regard to the United Nations and their presence, you mentioned that MONUSCO's mandate had been changed. Mr. Dizolele, what was the mandate and what is it now? How has it changed? And with the new mandate, would the United Nations have been able to help prevent the situation in Goma?

Mr. DIZOLELE. Thank you very much, Senator Flake.

The mandate has primarily changed. One, it has been extended. Typically that is what we do every 6 months. But two, the key change is the setting up or the pending setting up of an intervention brigade which will use force to go after targeted militias. This will be a force that will be made of primarily African countries but under the leadership of the United Nations. And then the appointment of the special envoy for the Great Lakes region, the former Irish President, Mary Robinson.

The challenge, of course, moving forward is that in many ways the United Nations always had this mandate to protect civilians. It is called Chapter 7 mandate. And over the years, they have not been successful in applying it for various reasons. We hope that the appointment or the raising up of this new force will come with enough backing of the United States and the other members of the Security Council so that it performs the work that it is supposed to perform. Otherwise, it will raise false hope for the people of the region.

Senator FLAKE. What precedent do we have with this kind of more engaged force? I spent a year in Namibia when UNTAG was there in a peacekeeping role. They did well in that role. But the notion that they would have had an expanded role to be more engaged would have been kind of contrary or certainly without precedent from what the United Nations has been involved in in terms of peacekeeping efforts. Are there are other areas in Africa or elsewhere where we have had this kind of mandate given to U.N. forces?

Mr. DIZOLELE. Senator Flake, in DRC we have stories of success right in DRC. So in 2004, 2003, in Ituri, right just above North Kivu, in Orientale province, there was a European Union mission called Artemis—Operation Artemis—in Bunia, but then you had a minigenocide underway between the Hemas and the Lendus fighting each other, and the United Nations was paralyzed, could not do anything to help the civilian populations.

So under the leadership of the French, the EU appointed a specific—they raised a force called Artemis led primarily by the French but also supported by other countries. There were special forces from Sweden. I think the United States actually lent some support. And within a matter of a month, they cleared that section.

During the elections in 2006, the international community was worried about violence in Kinshasa. They raised a force called L4, which was led by Germany, and actually kept the peace in Kinshasa.

So in DRC itself, we have precedents of success stories that we should look at as you plan to support this new brigade. Thank you.

Senator FLAKE. Any others want to comment on that? Go ahead, Mr. Borello.

Mr. BORELLO. Yes. I would like to point another important development in the your solution which is a specific mandate to arrest people indicted for war crimes—crimes against humanity—by an international or a national court.

But I also would like to say that we welcome the creation of this brigade. We think it can be beneficial particularly because it comes at the same time as the political process. Where we need to be really aware is that a purely military solution will fail. So we need the military pressure employed by the brigade, hopefully with targeted operation against the leadership of these armed groups that would aim to arrest these leaders, demoralize troops, and basically encourage them to join a DDR program.

However, we have no real DDR program yet. So one thing that the United States could do is to encourage both the Congolese and the Rwandan Government for Congolese and Rwandan armed groups to set up a new true DDR program that would welcome or would be an alternative for these combatants.

And finally, a real intercommunity dialogue process because we also have to be aware that many communities are supporting armed groups to further their grievances related to land, to their security, and to other issues. And unless we also tackle that root cause, we are going to see new armed groups coming up every year in the next future.

Senator FLAKE. Thank you.

Father, go ahead and answer that question, and then I have one more followup for you. Go ahead.

Father MUHIGIRWA. Thank you.

I would like just to say that there seem to be kind of shifts in the U.N. mandate from the intervention—from the position to the Intervention Brigade Force.

And I would add two more to what my colleagues have said. I think this brigade will play a major role in the protection of civilians, Congolese civilians. I think up to now, MONUSCO has done quite a good job, but still there is a lot to be done in the protection of the civilians. So one of the roles that this special force will be doing is to protect more of the civilians in the area where you have conflicts.

And the second one, which is in the Resolution 2098, is to neutralize the M23 and the other rebel groups, as Federico has just said. I think that is very, very important to neutralize those groups that are really active in the area and that are bringing a lot of human rights abuses, threats, and sexual violence.

Senator FLAKE. Well, thank you.

I will ask this of Mr. Prendergast. With regard to U.S. companies, Father mentioned that it seemed to be a positive presence or can be from the presence of U.S. mining interests. What has been the history—recent history—and is there anything we ought to do here with regard to the actions of the U.S. mining interests in the DRC to encourage them or encourage them strongly to help out the situation? What is your feeling as to their role so far?

Mr. PRENDERGAST. There has been a great evolution, I think, over the last few years. As consumer pressure has increased, you

have these conflict-free campus initiatives all over the United States, sort of the inheritors who have saved our foreign invisible children, another student-based movement that is focused on electronics companies, as well as faith-based groups. So a number of companies have started to respond to that pressure. As Father was saying, some responsible investment initiatives now have created connections from all the way down to mines. So you can get a secure pipeline, supply chain of conflict-free, legally mined minerals ending up in our computer products, our cell phones, and all the other things that we buy. So that is just beginning. Just beginning.

So that is our hope is that you are going to see expansion of that because people that are mining there, the Congolese that are mining there are getting fair value, market value for what they mine. Those that are selling to sort of rogue Chinese traders and others who are undermining and supporting this sort of de facto boycott, are getting one-third, one-fourth, one-fifth of the price that they were getting before. So I think good practices in this case are going to incentivize because the profits are going to incentivize additional expansion of the zones where conflict-free mining can occur.

Senator FLAKE. Thank you. My time is up.

Senator COONS. Thank you, Senator Flake.

This is very encouraging testimony. It broadly reflects what I saw on the ground in Kinshasa, the great work by USAID and the beginnings of real progress in conflict minerals.

I am pleased that Senator Durbin has joined us who played a very central role in ensuring that the conflict minerals provision was enacted in Dodd-Frank.

Senator Durbin.

Senator DURBIN. Thank you very much. Thank you, Mr. Chairman and Senator Flake and the witnesses who are here today.

I have a couple observations and then a general question.

On the conflict minerals issue, Mr. Prendergast, I was one of the authors with several colleagues on Dodd-Frank calling on the Securities and Exchange Commission to set up a mechanism whereby we could trace the conflict minerals and to encourage American companies to do the same to reduce the likelihood that the mining of these minerals would, in fact, finance the killing and rape that is going on in DRC. It is unsettling not to know whether I am carrying a conflict mineral in my pocket, and it is important that we come to a place where responsible corporate leaders around the world feel that this is absolutely nonnegotiable. They have to deal with this.

I am saddened that the SEC rule, which took way too long to promulgate, is now being challenged in court by the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable. But I am encouraged by the fact, as you have reported here in The Enough Project's report, that there are responsible corporate leaders who are voluntarily moving forward to rid their companies of conflict minerals.

We have your publication from August of last year, and I would like to ask you, separate and apart from this hearing, if there could be an update so that we know which companies are making a good faith effort and, conversely, which ones are not. So if I could ask

you to put that on your list of things to do, it would be helpful for us who are very sensitive to this issue.

Mr. Borello, I have been going back and forth on this debate about the role of Rwanda in the problems in Kivu province in DRC to the point where I think I am wasting my time. I concede your point that when we get directly engaged with Rwanda, good things seem to happen. That to me is proof positive there is some linkage here. But I will not get deep into this argument about the role of Rwanda other than to say I do believe they play an important part in resolving the conflict in DRC, which leads me to another point I would like to make.

I want to talk about M23, but before I do that, I want to say a word, a positive word, about Dr. Denis Mukwege, who returned to Bukavu after an assassination attempt. He is one of the heroes in this conversation, risking his life for the women who have been so brutally raped and assaulted in DRC. I have met him. I respect him so much. He has testified before our committee, and to think that he has gone back after literally facing an armed invasion, an attempt to take his life, is just an incredible act of caring and faith in the future.

I also want to add, of course, the Lusi and Heal Africa in Goma. Losing Lyn Lusi at one point was terrible, but I know that her husband Jo continues the great work that they are engaged in.

Let us go to M23. When I was in Uganda February 19, I met with the Minister of Defense, Crispus Kiyonga, who was involved in negotiations with M23. And I basically asked him if the West was all wrong in its view of M23 because both at the United Nations and in measures that I have sponsored in the Senate, we have tried to exclude M23 in terms of travel, in terms of their assets, in terms of where they can be, branding them as war criminals. Now, Mr. Ntaganda stepped forward and surrendered himself at this point.

But I really would like to know if there is a feeling here that engaging M23 in negotiations is critical to finally resolving the political issues and military issues of this region or whether they should be excluded as war criminals. There seems to be a real difference of opinion. I do not know if anyone here would like to comment on it, but I would like to hear your testimony. The floor is open for anyone who would like to.

Mr. PRENDERGAST. I think everyone wants a shot at this one. How do you want to go? Left to right or right to left?

Senator DURBIN. Go ahead.

Mr. PRENDERGAST. Well, gee whiz. Thank you.

Let me just say one thing. Thank you so much for your leadership on that conflict minerals stuff. We will put an update to you, Senator, in the near future on the companies. A quick note. Motorola Solutions, Philips, are now doing what I described, direct supply chains. Apple is working on it. Steve Jobs, before his death, was instrumental in changing the company's policy on this, and now Tim Cook has carried it forward. With respect to the jewelers, Tiffany's has taken the lead, not unsurprisingly. So there are beginning to be real champions standing up in the corporate sector. I wish Senator Flake could be here because I know that he has worked a long time with those guys.

On the M23 question, as Mvemba said, my colleague said, you know, every one of these peace processes up till now has been exactly what is going on right now in Kampala today, an attempt at a back room deal where they are going to reintegrate some of these human rights abusers, some of these rebels, back into the Congolese Army, making it impossible to reform the Congolese Army, creating this kind of a division within the army that will break away again 3 years from now when someone else has an issue. That kind of peacemaking, that strategy of peacemaking has been proven over and over again to not work.

That is why it is so important for us to have a special envoy from the United States to be working in support of the building of a comprehensive peace process, where civil society is at the table, all the different groups that represent constituencies of the Congo are at the table, and the region is involved because the region is a major player in undermining stability and peace in the Congo and could be a major player in helping to support it. It really is such a central issue. I want to just leave it there.

The United States has to be a force for building a comprehensive peace process and not allowing these kind of side, back room deals, the side deals with one particular faction trying to buy them off with positions and reintegration, no vetting for human rights issues whatsoever, just reinfecting the Congolese Army with a real serious human rights problem and just continuing the kind of disempowerment of a strong security sector that is needed for the building of the Congolese state.

Senator DURBIN. If any others would like to respond.

Mr. DIZOLELE. Thank you, Senator Durbin.

I think, of course, we need to talk to the M23 like we need to talk to everybody else. In that sense; yes. But I think focusing on one rebel group in a country that has myriad of them is a mistake. I mean, if we are talking about Mary Robinson being a special envoy, if we are talking about a comprehensive peace process, it has to have the country as a whole as its objective. You know, just a few days ago, Lubumbashi was attacked. So if we give such privilege and prominence to groups like M23, which by the way has a long and bloody history—before the M23, we had the CNDP. Before that, we had the RCD. This is just the pedigree of one group without counting the others.

So I think it will be very dangerous for us to go down this road where group X sees how we treated the M23 and they say, well, why cannot we do the same thing. So we will just go back and fight. An initiative like Dodd-Frank will not succeed if we take this path because while we make progress on one front, everything will be a rival on the other fronts.

So I will say to your team we thank you for your engagement. We think we should go further. We should do the same principle we applied in Liberia and Sierra Leone. One of the reasons that the Kimberly process worked was just not cleaning the blood out of the diamond, but it was going after the bad guys in Sierra Leone and in Liberia, going after Charles Taylor for his involvement in Liberia, the Royal Marines coming to Liberia to support that. So it has got to be a convergence of something.

So the M23 is not special. If anything, we should make sure that they do not have that platform anymore. It undermines the framework in Addis Ababa. Thank you.

Father MUHIGIRWA. I will just add something on what he already has just said. When we see the history of M23, in fact, from RCD to CNDP to M23, from the beginning I think it was a middle group, and because of, I would say, the killing, the rapes, the violation of human rights, it has been known as a negative force by the AU and the SADC organizations. And I would say that the dialogue going on now between the delegates of the DRC Government and the M23, I do not—that is my own personal view. I do not expect much from that dialogue because when you see carefully the revindication of M23, there were 21 revindications in the reports from the 23rd of March 2009. And when you analyze them, 20 out of 21 revindications have been fulfilled on the side of the DRC Government. So in fact, it is empty. There is no revindication. And this is why when you see the discourse and the speech of the leader of the 23, they are moving from one revindication to the other. They even think to bring other agenda which were not in the 2009 revindications. And so I would say the outlook can be there, but one has to take into account all those different type of groups being in the area. There are more than 30. I mean, I was in Katanga when the Mai Mai, the Katanga started. And so if you start with one group, you have to take into account the others. And we know that will come out—will be revindication at the political side that they will want to be but of the government and also to be having grades and promotion in the army. And that has been done for many years, and it is not bringing peace.

Senator COONS. Let me, if I might, break in and we will have a chance to continue on that.

On the specific issue of gender violence, of the use of rape as a tool of war, if I could, Father, I would be interested in your views. How do we accomplish restorative justice? How do we accomplish accountability and the end of impunity for gender violence? This is a critical piece of this cycle through which all sorts of different rebel groups and the FARDC are engaged in violating human rights and in creating an environment of impunity and of abuse. How do we achieve justice and accountability for gender-based violence?

Father MUHIGIRWA. Thank you for this question. Again, I would like to praise Dr. Mukwege who is doing a lot in this. Three years ago, there was a meeting here on global Congo action. He spoke about what was going on about sexual violence. And Archbishop of Bukaba talked about peace. And myself—I gave a speech on the governance of natural resources.

And I think one of the key points will be, as I have mentioned as a recommendation, to reform the judicial system because rape and sexual violence is really evolving in a culture of impunity. I do not know a single Congolese who has been condemned or jailed because he has raped.

Senator COONS. And, Father, how has the 2006 sexual violence law affected this? Has it had any impact at all, or the lack of enforcement, the lack of training and support and engagement by the police and the judicial system—is that the core problem?



Father MUHIGIRWA. Yes, I think that is the problem. We have to go to reinforce this, to train, and to install, even criminals specialized in this field, as we are doing for the trade, for, I do not know, other field. And this is going on and it is really growing. As you mentioned, you have more than 170 or 180 rapes every week. And so the people who are raping—they feel free. They are not, let us say, troubled. They are not afraid of justice. So this will be going on for many years.

But once justice is doing its job and once we see—because this is a matter of education also. When people in Congo in communities will start seeing people who have been jailed, that will be already a way of educating. And also naming—when you are naming someone, when you put him on the front and this is really someone who is raping, someone who is condemned by the community, I think it will start helping even those who are raping the women and the girls. So I think there is a lot to be done, but it is still a long way.

Senator COONS. If I might, Mr. Dizolele, Mr. Borello, what role does achieving justice in gender-based violence have in achieving accountability and some sort of demobilization process for all the different rebel groups from M23, FDLR, others throughout the broader region? How critical is achieving this kind of justice?

Mr. Dizolele.

Mr. DIZOLELE. Thank you, Mr. Chairman.

One of the programs that Eastern Congo Initiative is involved with is called Access to Justice. And what Eastern Congo does is run clinics to give women access to just that, justice. This will be the core, if you will, the tipping point to end sexual violence. That will be justice because the day we go after the bad guys, either through setting up tribunals, special tribunals for this where it is a mixed court and others by punishing the chains of commands of these various militia groups including the FRDC, then we will see that change. Until that happens—in fact, the DRC is in dire need of troop reconciliation and justice. These are two things that rarely come up in discussions like this. But those are key, along with the political process, in order for us to see a turning point in the development of DRC.

Senator COONS. So to your point, security sector reform cannot just be the reintegration of those who have been bad actors who need to be held accountable.

Mr. Borello.

Mr. BORELLO. Yes. Thank you, Chairman.

The accountability question is really close to my heart and to my work. I worked for 10 years specifically on accountability in the DRC with the United Nations and with an NGO. So it is something I feel very strongly about.

First of all, on the rebel groups, we have what is known as the revolving door for rebel groups, continued integration, and the criminals get always the best positions. And that is what the M23 is about. If we look at the number of officers formerly of CNDP, many of them have not defected, have stayed loyal. Who has defected? Those with the worst human rights record, those with the criminal smuggling networks that need to protect their networks. So I agree with all my colleagues. We have to deal with M23 as

like with any other rebel group with accountability and a DDR program for combatants who have not committed abuses.

On this global accountability question, I have worked for many years with the Congolese judiciary, and there are a lot of people in the Congolese judiciary who are brave and competent and would like to hold people accountable. However, I have heard many times that that general is protected by this other general and we cannot go after him, but we can go after this guy.

So the United Nations Human Rights Mapping Report has recommended in 2010 the creation of internationalized mixed chambers, which means chambers in the judicial system of Congo composed by Congolese and international judges, Congolese and international prosecutors, and Congolese and international investigators that would work together, thus building capacities and other resources to the Congolese judiciary. As you know, the criticism of the Rwandan and Yugoslavia tribunal when they were sitting outside, but at the same time giving the judges and the prosecutors that political coverage to go after everyone.

Ambassador Rapp has been leading this effort in the international community. Now is the time. There is a law in the Congolese Parliament that was almost adopted in 2011. It is the time to push for that and to push President Kabila through our special envoy to do just that.

And if you allow me just 1 more minute, I would like to thank you and Senator Durbin for the National Defense Authorization Act and the provisions on accountability. And our own special envoy could identify the names of the people who then should be included in this list for sanctions.

Thank you.

Senator COONS. Thank you.

I hear a continuing theme that appointing a capable, high-level special envoy. Empowering them to continue to engage broadly in a regional, meaningful peace process but insisting on accountability for gender violence, for war crimes and investing in a strategic minerals system that is conflict-free could all, in combination, really open up a positive future.

Senator Flake.

Senator FLAKE. Mr. Prendergast, what leverage do we have or does anybody have with Rwanda to get them to cooperate here? What in their national security interest can they identify to cooperate?

Mr. PRENDERGAST. Well, I think the United States has a pretty special relationship or has had a pretty special relationship with Rwanda post 1994. I think that President Clinton, in the aftermath of the genocide, worked very hard. President Bush continued that. The relationship not only was national to national but head of state to head of state. The Obama administration has tried to do that as well.

I think the last chapter of the saga of cross-border support from Rwanda to armed groups inside Congo in the form of this M23 chapter was just overreach, was a bridge too far, was a slap in the face of everyone. Having worked so hard for peace in Congo, the United States investing almost \$1 billion a year of humanitarian and peacekeeping, all other kinds of assistance into Congo, to have

that all jeopardized and undermined and all kinds of intelligence leading to that, it was just too much. And I think it has affected the relationship quite substantially in the short run between Rwanda and the United States.

The leverage, however, is retained in a number of things.

First, there are tremendous relationships built up over the years between people in the Rwandan Government and people in the United States Government. That should not be discounted. Anyone who has worked in government understands those relationships can have a major influence over policy.

Second, though, I think the stand that the United States took, even though it was a small one and a somewhat symbolic one, of suspension of certain forms of assistance and then working within the World Bank to suspend the budget support to Rwanda I think made a very strong statement that business as usual, which had been allowed for a long time for many reasons—well, we are trying to counter the FDLR and all these other reasons—was no longer acceptable. And so I think that maintaining that principle and standing for principle on the part of the United States that there cannot be interference across borders in the affairs of neighbors in the Great Lakes, the volatility is just too high as a precondition for normalized relations I think is the key point of leverage. And it does not always have to be a public one. It can be a very important private one, as evinced by President Obama's discussions on the phone with President Kagame.

Senator FLAKE. Mr. Dizolele, do you see a desire to have a good relationship with the United States and the aid that follows in connection with that—does that outweigh their desire to have a more friendly government on its borders? Or is the incentive there? Is it in their national security interest to cooperate, aside from relationships or incentives, like I said, in terms of aid and whatever else?

Mr. DIZOLELE. Senator, you mean for Rwanda.

Senator FLAKE. Yes; for Rwanda. I am sorry.

Mr. DIZOLELE. Well, it is hard to answer that because only Rwandans can really answer that. But if we can look at the history, it has been complicated because the Rwandans are not forthcoming with the reasons of their involvement in DRC. They have used the premise of going after the militias. If that was the case, then when you consider the lengthy involvement of Rwanda in DRC, which started in 1996, this issue should have been resolved a long time ago. So it would have been great if Rwanda will come and be much more bolder and say exactly what in DRC. Is it because of minerals?

You know, Germany and France started their cooperation after World War II over economics. It was about coal mining. So there is actually opportunity for Rwanda to build a great partnership with DRC that is not based on this partner military approach.

So we should encourage that and I think we have heard that theme today as well. Encourage Rwanda in becoming more forthcoming and not playing this game of we are part of the solution. Yes, you can be part of the solution, but for the last 20 years, they have not really been part of that solution. So we need to push them on that economic front as well, have the transparency where you are looking at the issues, economic interests.

Thank you.

Senator FLAKE. Mr. Borello, quickly on that.

Mr. BORELLO. Yes; very quickly.

Yes; regional economic integration I think is the answer. And one idea would be to encourage the World Bank to set up a Great Lakes fund that would look at cross-border projects, road building, mining, hydroelectric that would create that interdependence that is based on legitimate trade and legitimate economic interests that would then create a strong disincentive from continuing to support armed groups because that would disrupt those economic activities.

Senator FLAKE. Father, you had mentioned that electoral reform is needed in the Congo. What incentive there does Kabila have to move ahead? Obviously, that might affect his ability to perform in the next election. So what are our limits there in terms of encouraging electoral reform? How receptive will the government be?

Father MUHIGIRWA. I think there is the necessity to call for this electoral reform because it is needed and we are waiting for it since we had only regime Presidential and legislative elections. And we have not yet had the provincial and the local elections. And if we go back to the history, even in 2006 election, we had only Presidential and provincial elections. So Presidential, legislative, and provincial elections. So up to now, we have not yet had local elections. That means the gradual democracy, local, I would say, governance in terms of democracy have not yet been really rooted or grounded into the local population.

So the push would be to say, OK, there is an urgency of doing that. And as I was saying in my statement, the first thing to do is to push quickly this reform of the electoral commission. We know what has happened with the November 2011 elections, and we know that there should be and there should be a reform of the electoral commission, the CENI. And also the composition of the members of the CENI—we cannot have an independent electoral commission with four members of the majority political parties and three from the opposition party. It cannot be independent. And this is why there is a move and a push from the civil society to have more civil society people in the electoral commission, and I think that could bring—I will say that it will be less politicized—the electoral commission—and it could go forward.

So I think that the law, the electoral reform law, has been passed by the Parliament. It is now on the table of President Kabila. It went to the Court of Supreme Justice. So it is in conformity of the Constitution, and it is waiting for the promulgation by the President. And what the Catholic bishop said or suggested to the President is to have more civil society people in the actual composition of the electoral commission, and I think that would help.

Senator FLAKE. I hope we can do that. Typically those who win elections do not believe there is any need for electoral reform. It is those who lose who do. So it is a difficult subject I know.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator Flake.

If I might, I have a last question I would like to ask the whole panel to speak to. Part of the purpose of my visit to Kinshasa was to urge President Kabila to travel to Addis and to sign the Peace,

Security and Cooperation Framework and to actively participate. That happened not as a result of my visit, I know, but that happened.

What is it that the United States and, more broadly, the international community can be doing to support this agreement and to ensure that the peace process that should follow, the negotiations should follow are inclusive, transparent, meaningful, and actually move us toward a real peace process?

Several of you have referenced that the previous efforts at peace have been rushed, have been militarized, have been short-term, have not addressed the underlying reasons for conflict. And we have discussed at length gender violence, rapes and sexual violence, conflict minerals, the repeated challenges to the region, DRC's failures of governance, Rwanda's interventions, all the different things that contribute to sustaining decades of horrible conflict in the region.

What are the things the United States can do now that will make the biggest difference in ensuring that this peace process is different, that this peace process works and it addresses the underlying causes of conflict? If you might, just from right to left. That may be our closing comments from each of the witnesses.

Mr. PRENDERGAST. Thanks very much again for the thoughtful questions.

I think two things for the United States.

First, it is the envoy when, not if, that person gets appointed, they help support Mary Robinson and the key actors in the Great Lakes to create a new forum, a comprehensive forum that addresses some of these interstate problems. That does not really exist. Francis Dangler has come here before, the South Sudanese diplomat, and said what is not said is what divides. And these real serious economic issues—I am going to get to this point in a second—are underlying issues between the two states and security issues between the three states actually, Uganda, Rwanda, and Congo, need to be addressed and there needs to be external support and facilitation for those new agreements to operationalize what this framework says.

But I wanted to double back again and pound another point home, if I can. The biggest incentive for peace I think that exists for both Rwanda and Congo and for Uganda, for that matter—the biggest incentive for those folks, the leaders in those countries to move toward a peace process—and this is where the United States holds a lot of cards and has not been playing any of them—is to promote sustainable and responsible investment, bringing the companies together, the private sector, bringing the civil society, the NGOs together and bringing those governments together to talk about, well, what would the risks and opportunities be for responsible investment in eastern Congo. How can we create policy incentives that will help support responsible investment to allow for these countries.

The engine for development of the Congo is obviously natural resources, but that is also the engine of development for future economic growth in Rwanda. It is cross-border. It is like Mvemba said. The economic—and Father said—the economic support through transportation, through cross-border trade, electricity, all

these kinds of issues, but more importantly through the exploitation of resources. The private sector has a huge role to play in that. American private sector, European private sector, bringing them together and helping to support a responsible investment initiative.

Senator COONS. Thank you, Mr. Prendergast. Thank you for your leadership and for your testimony. Thank you for that insight.

Mr. Dizolele.

Mr. DIZOLELE. Thank you, Mr. Chairman, and thank you again for hosting us today and for your continued interest.

I think I started by saying that the case is not all lost, especially when you look at the role of the civil society in DRC. We believe at Eastern Congo Initiative that our grantees and our partners in the region will not know peace until the political crisis is solved. And it is imperative for us as the United States to look at Congo as a whole. We work in eastern Congo, but the problem that we are facing in eastern Congo are symptoms of the larger problem. And civil society across the country has been working at this. So encourage the United States to continue putting pressure on our actors in this framework of peace to live up to the obligation they have agreed to live up to.

Congo is a big country with nine neighbors. So there is obviously a problem if continuously the only two neighbors that are at loggerheads with the Congolese causing all this death that we have been talking about, this kind of calamity. So we need to put pressure on those neighbors, continued pressure. They have maybe some legitimate concerns. But like Father was saying earlier, most of these concerns are not so clear and, to use the vernacular, are bogus. So we need then to support the Congolese people in diffusing the crisis, and the crisis will be diffused—start being diffused not only with security sector reform but with the political reform. We need to hold the elections, municipal and provincial, to help reestablish some legitimacy to the process. And then the Congolese can take care of what they need to take care of.

We need to push our diplomatic mission in Kinshasa to step up to the plate. Over the years, traditionally Kinshasa had been a very important posting for diplomats. We used to send our best diplomats there. People like Melissa Wells, people like Robert Oakley, they serve in Congo. But we have seen over the years that the diplomatic post has not received the same attention. So to support this process that we are talking about, we need to raise that power that the U.S. Embassy has and start acting like it is representing the United States.

So I thank you again for your support, and I think that will be enough from me. Thank you.

Senator COONS. Father Muhigirwa.

Father MUHIGIRWA. Thank you, Chairman, for the question.

I would add only two things.

The first one will be to implement the DRC Relief, Security and Democracy Promotion Act in section 102 which says that the United States is called to support the security reform, including the army, military, and justice system and the police force in DRC. I think if that is implemented, it will help to bring up a lasting peace.

The second recommendation would be in the Resolution 2098, it asked the DRC Government to create the rapid reaction force. I would recommend that the United States help the DRC Government to create, to establish this rapid reaction force.

Thank you.

Senator COONS. Thank you, Father.

Mr. BORELLO. Thank you, Mr. Chairman.

The framework requires the creation of clear benchmarks, both for the implementation of regional and for national commitments. I think the United States should support Ms. Robinson in developing such clear benchmarks with the participation of local civil society. So Ms. Robinson should be encouraged to go during her trips to the region to really consult civil society on the development of these benchmarks. And then we need to help her to have the governments of Congo, Rwanda, Uganda, and others accept these benchmarks. And finally, we have to monitor compliance with such benchmarks and be prepared to impose consequences for lack of compliance.

Let me give you just one example. We, at Humanity United, are trying to think for Ms. Robinson some of these benchmarks. For example, the FDLR Rwandan rebel group. What could these benchmarks be? Well, Rwanda should publish the list of people suspected of genocide from 1994, thus making it clear to the FDLR who is wanted and who is not. Then the Congo should publicly denounce its own army's alliance with the FDLR and arrest and prosecute its own officers if they are found. Sensitization efforts with the FDLR should be ramped up, et cetera, et cetera. These are clear and concrete benchmarks that could be agreed and the United States could help and then their implementation could be monitored.

And finally, we need to make sure that the United Nations appoints the right team to support Ms. Mary Robinson. She cannot do it alone, as we know. And so we need to be sure that proper experts and the appropriate number of experts are appointed to her team.

Thank you very much for your attention.

Senator COONS. Thank you very much. I would like to thank all four of our witnesses, those who have traveled long distances and those who have come from nearby, for your engagement, your service, your leadership, and your insight on these issues.

I would like to thank Senator Flake and Senator Durbin who joined us today. And I very much look forward to working together to address these pressing and important issues in the very near future. Thank you very much.

We will leave the record open for a week for any members of the committee who were not able to join us who wish to submit questions for the record.

With that, this hearing is hereby adjourned.

[Whereupon, at 11:28 a.m., the hearing was adjourned.]

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PAPER BY ANTHONY GAMBINO AND STEPHEN WEISSMAN SUBMITTED FOR THE RECORD  
BY FEDERICO BORELLO

**A New U.S. Policy Promoting Democratic Governance  
in the Democratic Republic of the Congo**

**Anthony W. Gambino and Stephen R. Weissman**

**March 2013**

After four years, it is time for the Obama administration to revise its failed Congo policy. The heart of the failure is, oddly enough, that the Obama Administration during the President's first term did not follow its own strategy and policy directives on democracy promotion. Renewed, strong engagement in the Congo based on promoting American values is the clearest path to promoting and protecting American interests.

In June 2012, President Obama stated:

While many countries on the continent have made tremendous strides to broaden political participation and reduce corruption, there is more work to be done to ensure fair electoral processes, transparent institutions that protect universal rights, and the provision and protection of security and public goods. Our message to those who would derail the democratic process is clear and unequivocal: the United States will not stand idly by when actors threaten legitimately elected governments or manipulate the fairness and integrity of democratic processes, and we will stand in steady partnership with those who are committed to the principles of equality, justice, and the rule of law.

Yet, in early 2011, the United States stood "idly by" as the Congolese President corruptly changed the Constitution to facilitate a second term, stood "idly by" throughout that year as the Congolese Government then deliberately and fraudulently undercut "the fairness and integrity of" the elections to the point that credible observers concluded that it was impossible to know who actually had won the Presidential election. The United States also turned away from those in Congolese civil society and political parties "who are committed to the principles of equality, justice, and the rule of law," in a short-term swoon for the illusion of strong-man stability under President Joseph Kabila.

U.S. policy on Congo from 2009-2013 has looked more like U.S. policy on Zaire during the Cold War than what many expected from the Obama Administration. Today, U.S. policy is in flux as the Congolese State's instability grows. A new rebel movement controls territory in eastern Congo, various other militias are resurgent, internal displacement of the Congolese people has spiked, and, the Congolese State at all levels continues its predatory and dysfunctional practices. Furthermore, Congo's neighbors are constantly tempted to intervene in Congolese affairs given these various weaknesses and their noxious by-products.

Policy makers and outside constituency groups broadly agree on U.S. interests and goals. Yet the best independent analyses conclude that there has been little if any progress in



realizing them.<sup>1</sup> This paper is an effort to understand what has gone wrong and to recommend changes in policy that would better advance American objectives.

### **U.S. Interests**

As is often said, the DRC is the largest sub-Saharan African state with the third biggest population, is potentially rich due to its plentiful natural resources, contains the second largest rain forest in the world with implications for climate change, and shares borders with nine other countries. State weakness and low political legitimacy have led to recurrent violence, often spilling over into neighboring states, as well as numerous foreign interventions by Western and African countries.

The U.S., as a world power, has a national interest in improving political and economic relations with Africa, as well as important global interests relating to the environment and appropriate exploitation of natural resources. For all these reasons, the U.S. should give high priority to promoting a strong legitimate state in the Congo.

Moreover, with the end of the Cold War, the demise of the decrepit Mobutu regime and the full emergence of the DRC as a “failed state,” an increasing number of Americans have become sensitized to the enormous humanitarian costs of its seemingly endless conflicts. Since 1998, over 3 million people have died, rape has become endemic, and the Congo’s famous minerals -- including those in our cell phones -- have become the objects of blood-soaked political struggle.

### **U.S. Objectives Imperiled**

In a February 2013 speech, Assistant Secretary of State for Africa Johnnie Carson outlined the goals of American policy in the DRC. In addition to supporting the ongoing peace process to reduce violence in the East, he emphasized “two primary areas in which reforms must take place.” The DRC Government must “expand democratic institutions across the country including working to address the most salient issues of governance in the East,” and “overhaul its security sector including the army, military, justice system and police force.” These priorities match up nicely with the widely known ills of the Congolese polity. Assistant Secretary Carson did not dwell upon the U.S.’s continuing failure to make progress on these same priorities.

Developments on the ground over the past four years have been largely negative. In 2006 the DRC, under a new Constitution, held its first free national elections in 46 years. But the winner, President Joseph Kabila, set about centralizing power in his own office. His “victory” in the 2011 elections lacked credibility according to respected international monitors. This damaged his regime’s legitimacy and threatens its future. The

---

<sup>1</sup> Our thinking has benefited from solid independent analyses of DRC developments published by others including the International Crisis Group, the Carter Center, Enough Project, Eastern Congo Initiative, Jason Stearns, and Professor Séverine Autessere, as well as our own first hand experiences with the DRC and with U.S. policy making there.

administration and army are run on the basis of a patron-client system reminiscent of Mobutu's that spurns "good governance" (efficiency, effectiveness, rule of law, transparency, accountability, participation) and spawns massive corruption. And the two combustible Kivu Provinces in the East have been wracked with military conflict and resource-plundering involving a Tutsi ethnic faction supported by Rwanda, other ethnic-based militia, a Rwandan Hutu force and the DRC army itself.

### **The Failures of U.S. Policy**

The U.S. Government is a principal international donor to the Congo, providing an estimated \$700 million in Fiscal Year 2012 including \$400 million towards the 23,000 member (military and civilian) U.N. Peacekeeping Force, MONUSCO. Together the U.S. and other donors provided \$3.5 billion in Official Development Assistance to the DRC in 2010 alone, accounting for 29% of its Gross National Income. There is significant U.S.-influenced international leverage in the DRC.

Nevertheless, the U.S. has failed to make any significant progress towards its "primary" goals over the last four years. It would be easy to cast all the blame on the longstanding dysfunctionality of the Congolese political system. But such a diagnosis would miss the mark as it is clear that the U.S. and other international donors missed opportunities to promote better and more democratic governance.

*The U.S. failed to provide crucial support for democratic elections and institutions.*

After helping bankroll and supervise the successful 2006 national elections, the U.S. and the international community did not follow through. For example, they did not lean on the Government when it removed dissenters from parliamentary positions and engaged in rampant legislative bribery. Instead of pursuing their advantage, the donors drastically reduced their financial support of and, especially their engagement with, the 2011 elections. The U.S. Government was silent when the Government forced a constitutional change through parliament, using bribery as its main tool of persuasion, that eliminated a likely run-off between President Joseph Kabila and the main opposition leader, Etienne Tshisekedi. It did not weigh in diplomatically against the pro-Government biases of the Election Commission or the Government's packing of the Supreme Court with loyalists. It did not even press its own initiative for an independent review of the election results, after the Congolese government objected to such a review. In the face of the Government's continual postponement of constitutionally-mandated provincial and local elections and its resistance to meaningful electoral reform, the U.S. remains nearly silent. In short, since 2007 the U.S. has sent a consistent message to the DRC that the cost of rigging elections and avoiding democratic accountability will be low.

*The U.S. failed to hold the DRC accountable for its unwillingness to implement "good governance" in both civil and military affairs; moreover its own initiatives to improve governance have been largely ineffective.*

The U.S. has not put pressure on the Government to implement constitutional provisions providing for government decentralization (40% of resources are supposed to go to the provincial governments and other local authorities). Nor has it condemned the growth of parallel decision-making networks in the President's Office that obviate constitutional checks and balances and evade legal rules for awarding large business contracts and running the armed forces. The U.S. has not pressed the Government to adopt and implement a real plan and budget for army and other security sector reforms.

Moreover the hostile environment of corruption plaguing international programs has seriously undermined some U.S.-backed programs to improve governance. For example, an October 2012 International Crisis Group (ICG) report on the U.S.-supported U.N. International Security and Stabilization Support Strategy (ISSSS) for war-affected areas in the eastern Congo concludes that there has been "a lack of consultation, especially with the beneficiary populations, a prevalence of material construction over governance reform." While the project has built roads, police barracks and customs offices, "police and customs officials are either not in place or unqualified." After a one-year frank review of its shortcomings, the U.N. recently reformulated this program to emphasize "democratic dialogue" between local civil society and provincial administrators. But its success will ultimately depend on the cooperation of the national government, and the international community has heretofore failed to leverage this cooperation despite the \$350 million disbursed under the ISSSS framework to date.

In similar fashion, ICG reports that U.S. and other military training efforts have been hampered by weak logistical support from the Government (which operates an "informal" procurement system) and the Generals' habits of levying "taxes" on their soldiers' already low wages. Despite modest progress in several international training programs, the DRC still lacks the military capacity to stop the advance of a 1,000-3,000-man force, like the recent Rwanda-supported M-23 rebellion in North Kivu, or even to defeat smaller, rapacious militias. Training battalions in the absence of holistic SSR that addresses accountability and civilian control of the armed forces is, at best, a poor allocation of scarce resources.

*The U.S. has failed to support a sustainable program to curb violence in the volatile North and South Kivu Provinces of eastern Congo.*

For more than two decades the Kivus have experienced serious violence stemming partly from local struggles over land and power. In recent years the Rwandan Government has provided military support to Congolese Tutsi-led groups seeking political and economic influence – spreading more violence and predation. The Rwandan justification for this intervention has long been the presence of Rwandan Hutu rebels in eastern Congo. This is largely a smoke-screen, obscuring Rwanda's economic and other agendas in the eastern DRC – and its logic is further undercut by reductions in Hutu ranks. Too many in power in Kigali continue to think of the region as a quasi-protectorate – as Rwandan support of the M-23 army mutiny dramatically illustrates.

The U.S. response to this destabilized political situation has been extremely weak, although there have been some recent positive developments. In the last four years it has mainly consisted of ad hoc diplomatic action that calms things down temporarily but does not confront the fundamental problems. The U.S. has not vigorously pressed MONUSCO to carry out its mandate to protect civilians. It opposed release of a U.N. report documenting Rwandan aid to the M-23 rebellion, delaying a necessary public shaming. Even worse, it succeeded in deleting an explicit reference to Rwanda in a U.N. Security Council Resolution concerning the current crisis. Recently however the U.S. has cautioned Rwanda's leader and suspended its small military training program in Rwanda. And it has declared its support for a planned regional intervention force to bolster U.N. capacity and for the designation of a U.N. Special Envoy. The former President of Ireland and U.N. High Commissioner for Human Rights, Mary Robinson, recently was named the U.N. Special Envoy.

### **An Alternative Policy**

While U.S. officials have articulated reasonable primary objectives, their policies have foundered on over-optimistic expectations concerning the "political will" of DRC President Joseph Kabila. The USG and others engaged in the Congo have tried to do it the easy way – assuming that eventually the Congolese government will do the right things. In addition, progress in discrete initiatives, such as conflict minerals disclosure and sexual violence reduction, depends significantly on success in advancing comprehensive democratic and governance reforms.

The U.S. Government, working with other donors, need to fundamentally revise its policies. We recommend the following priorities and operational examples:

*1. Promote greater democratization – in the broadest sense of the word – as the central thread of American policy*

Virtually every analyst of the DRC's performance emphasizes the Government's "lack of political will" to undertake democratic and governance reforms. The root of the problem is the Government's vested interest in its corrupt, patrimonial system of rule. A government more open to forces from below would be under greater pressure to utilize its democratic institutions and meet the demand for effective public services.

For the U.S. and other donors, the *most fundamental task in the DRC is to help create political space for democratic forces that can, over time, change the Government's "political will."* This includes not only pressing for free and fair elections but also helping develop democratic parties, an effective legislature, more powerful civil society interest groups and a freer, more professional media. If significant gains cannot be shown in this area, those in other sectors will not be sustained.

We understand the importance of economic growth in helping Congo become more stable and support activities by bilateral and multilateral donors, and by legitimate private businesses, to promote economic growth. Our thesis is that fundamental improvements in

democratic governance are essential for sustainable progress in this and all other critical areas. We reject the theory that the Congolese must wait until their country reaches a “sufficient” level of national income until real democracy becomes viable.

*Operational Examples:*

- Press for the holding of long-delayed provincial elections in 2014, to be followed by local elections. A technical team from the National Democratic and International Republican Institutes and their European and African counterpart organizations should be sent to Congo to help determine a reasonable timetable.
- Publicly support reforms necessary to make the “Independent National Election Commission” truly independent, including a revamping of its leadership, drawing from positive models in other African countries.
- Re-focus MONUSCO on becoming more active in support of elections.
- Start preparations for a parallel vote tabulation for the 2016 national elections by beginning discussions with other donors and relevant Congolese and international NGOs.
- Hold regular U.S. Embassy meetings with major opposition parties to listen to their views and offer support for the development of democracy.
- Speak out publicly when the Congolese Government violates human rights.
- Provide continuing in-country technical assistance (not just periodic conferences) in support of the democratic structuring of political parties and improved legislative effectiveness.
- Strengthen journalism that can help hold Government accountable.

***2. Promote improved civilian governance with the recognition that any initiatives will encounter an unfavorable environment and require intense international supervision and financial support.***

The U.S. should keep pressure on the DRC to implement governance reforms. However, pending increased democratization and greater effective demand for improved governance, the U.S. cannot simply rely on the DRC Government to provide adequate support for specific U.S. programs. The donors must also build community consultation into both the conception and the implementation of programs. Given the current difficulty of pursuing effective governance reforms in the DRC, they should be pursued only in carefully selected areas.

*Operational Examples:*

- Lead in a coordinated effort with the IMF and World Bank to hold the Congolese Government to standards it already has endorsed for budget transparency and levels of government expenditure for key sectors, such

as justice and social services and devolution of tax receipts to the provinces.

- Provide both financial and diplomatic support to the restructured U.N. stabilization strategy for eastern Congo.
- Build on the existing USAID program of aid to local civil society groups that have had some success in increasing provincial transparency and influencing budgets; expand this program to the national level.
- Conduct regular Embassy meetings with identified reformers within the Government.
- Press the DRC to implement legislation on decentralization.
- Put greater pressure on the Congolese government to increase transparency in the mining sector based on U.S. laws and Congolese membership in the Extractive Industries Transparency Initiative.
- Publicly call out the Government when major issues of corruption arise and look for opportunities to support anti-corruption initiatives in parliament or elsewhere.
- Ensure genuine community consultation informs U.S.-assisted governance programs.

**3. *Promote improved military governance with the recognition that any initiatives will encounter an unfavorable environment and require coordinated international supervision and financial support.***

*Operational Examples:*

- Press the DRC Government to adopt a concrete plan and budget for security sector reform as emphasized by the U.S. and Congo NGO 2012 report, "Taking a Stand on Security Sector Reform."
- Consider, in the context of other international efforts, U.S. training assistance to select DRC army units, particularly in the troubled eastern Congo, but only when a comprehensive Army reform program initiative is underway that begins to deal with deficiencies in Defense Ministry logistical and other support, payment of regular and adequate salaries, and provide U.S. regular military as trainers to mentor and monitor performance with an emphasis on protecting the human rights of civilians.

**4. *Promote conflict resolution in the Kivus, including the withdrawal of all Rwandan assistance to military factions.***

*Operational Examples:*

- As violence subsides, work with the DRC Government and representative local actors toward the establishment of a fair process to dispose of land issues.
- Support local conflict resolution programs.

- Strengthen MONUSCO's will and capacity to protect civilians including the incorporation of the planned regional intervention force.
- Use all means available, including diplomatic pressure, international aid leverage and economic sanctions to put an end to Rwandan assistance to militarized factions. (Remember that however helpful Rwanda may be to the U.S. in particular situations, e.g. providing peacekeeping forces in Darfur, U.S. interests in the DRC require such an approach.)

**5. Measure progress towards each of the above objectives with meaningful quantitative and qualitative "benchmarks" for "significant progress"; and be prepared to adjust U.S. programs accordingly. Outside of humanitarian assistance, and support to multi-channel democratic institution building, all other U.S. aid should be conditioned on performance.**

*Operational Examples:*

- Benchmarks should refer to *outcomes, not outputs*. It is not enough that the Government has taken "bold measures" if they have not been implemented or if they have proven ineffective.
- "Significant progress" towards the objectives means that it is not enough to show "some progress" as has happened in the past. In determining whether there has been "significant progress," the views of independent experts and civil society organizations should weigh heavily.
- While it is recognized that some objectives are longer-term than others, evaluations of progress should occur annually.

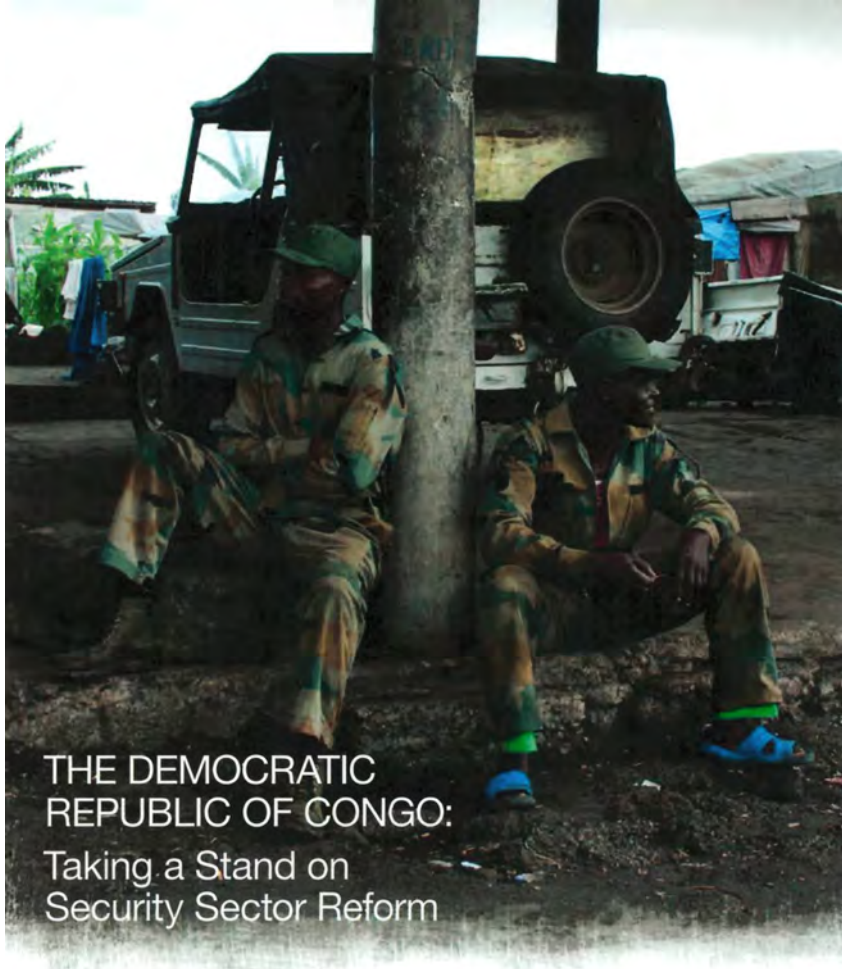
## **Conclusion**

Despite the existence of significant U.S.-influenced international leverage in the RDC, the policies of the last four years have done little to advance U.S. objectives. It is time for a new approach. The Executive Branch, Congress and nongovernmental organizations all have important roles to play in establishing a new Congo policy.

*Anthony W. Gambino is an independent consultant with long experience in the DRC. He was USAID Mission Director in the Congo from 2001-04 and presently is Adjunct Professor at Georgetown University's School of Foreign Service.*

*Stephen R. Weissman is a longtime academic specialist on American Foreign Policy towards the Congo. He was Staff Associate and Staff Director with the U.S. House of Representatives' Subcommittee on Africa (1979-91) and USAID Senior Adviser on Democracy in Africa (1995-96).*

EASTERN CONGO INITIATIVE REPORT SUBMITTED FOR THE RECORD  
BY MVEMBA DIZOLELE



THE DEMOCRATIC  
REPUBLIC OF CONGO:  
Taking a Stand on  
Security Sector Reform



EASTERN  
CONGO  
INITIATIVE





## EXECUTIVE SUMMARY

1. The 2006 elections were a moment of great hope for the DRC, as the country and its people moved out of the shadow of one of the most destructive conflicts the world has known. The international community has invested heavily in the years since. Official development assistance since the end of the post-war transition totals more than \$14 billion<sup>1</sup>. External funding makes up nearly half of the DRC's annual budget<sup>2</sup>. The UN peacekeeping mission, MONUSCO, costs more than \$1 billion a year<sup>3</sup>. The international financial institutions have buttressed the DRC's economy, most importantly through writing off <sup>4</sup> \$12.3 billion debt and granting access to IMF loans. Trade deals, notably the one struck with China<sup>5</sup>, push the aggregate figure up still further.
2. Taking stock of progress as the DRC moves through its second post-war electoral cycle is sobering. Investment has not resulted in meaningful change in the lives of ordinary Congolese. The country is now in last place in the annual UNDP development rankings, 187th out of 187 countries<sup>6</sup>. Despite slight improvements, life expectancy and child mortality are below average for the region. National income per capita is less than 50 cents a day<sup>7</sup>. The DRC will miss all of its Millennium Development Goals. 1.7 million Congolese are displaced<sup>8</sup>, a further 500,000 refugees outside the country<sup>9</sup>. There are worrying signs of renewed conflict in the East. The investment of billions of dollars has had little impact on the average Congolese citizen.
3. The central cause of this suffering is continued insecurity. The Congolese government's inability to protect its people or control its territory undermines progress on everything else. An effective security sector - organized, resourced, trained and vetted - is essential to solving problems from displacement, recruitment of child soldiers and gender-based violence, to economic growth or the trade in conflict minerals. This is not a new finding. The imperative of developing effective military, police and judicial structures has been repeatedly emphasized. Yet, far from showing sustained improvement, Congolese security forces continue posing a considerable threat to the civilian population rather than protecting them<sup>10</sup>. The recent allegations of an army Colonel leading his troops to engage in widespread rape and looting of villages near Fizi in 2011 underscores the fact that failed military reform can lead to human rights violations<sup>11</sup>. The military - the Forces Armées de la République Démocratique du Congo (FARDC) - has been accused of widespread involvement in the most serious human rights violations. Police corruption is endemic, and almost any form of judicial protection out of reach for the vast majority<sup>12</sup>.
4. The root of the failure to implement security sector reform (SSR) is a lack of political will at the highest levels of the Congolese Government. Rather than articulating a vision for Congolese security and marshaling assistance to achieve it, the Government has instead encouraged divisions among the international community and allowed corrupt networks within the security services to flourish, stealing the resources intended to pay basic salaries or profiting from exploitation of natural resources. Unless this is changed, sustainable reform will be impossible. The investment made by Congo's partners could be wasted, and Congo's people will continue to suffer.
5. The international community also bears significant responsibility. The DRC's international partners have been politically incoherent and poorly coordinated. Little has been spent on security sector reform, despite its paramount strategic importance - official development aid disbursed for conflict, peace and security totaled just \$530 million between 2006 and 2010, roughly 6% of total aid excluding debt relief. Spending directly on security system management and reform is even lower, \$84.79 million over the same period, just over 1%<sup>13</sup>. A lack of political cohesion after 2006 undermined effective joint pressure on the Congolese government<sup>14</sup>. Poor coordination resulted in piecemeal interventions driven by competing short-term imperatives. The resulting failures have led many to give up on systemic reform altogether.

6. This is unsustainable and unacceptable. The DRC's external partners, old and new, must take a stand on SSR. As the dust settles after the 2011 presidential elections, many of the DRC's partners are reassessing their programs<sup>16</sup>. The international community must take this opportunity to be more forceful in pressing the DRC government to engage in reform. If international donors acted in concert, and effectively capitalized on their political and economic investment in the DRC, they could positively influence DRC government behavior. Their full weight needs to be brought to bear.
7. The international community therefore needs to create a new pact with the Congolese government, one that puts in place clear conditions and benchmarks for progress on achieving army reform and minimizing harm to the population in return for continued assistance and recognition. These benchmarks must be based on positive efforts to achieve change. A strategic plan for military reform must be implemented, and a high-level body to coordinate on-going programs set up. And steps must be taken to improve the protection of Congolese civilians, through minimizing human rights abuses carried out by the security forces, and prosecuting the worst offenders.
8. This new pact must transcend traditional donors. China will need peace in the DRC for future generations to reap the rewards from its investment. South Africa also has huge and growing economic interests in the DRC. Angola has pressing issues of national security at stake. All need the stability that can only come from effective SSR. The international financial institutions (IFI) have rewarded the stabilization of Congo's macro-economic situation with significant support<sup>18</sup>. They must recognize that continued growth will be dependent on new investment, which in turn demands security. Regional organizations, most importantly the African Union (AU) and Southern African Development Community (SADC), need to play an active role in marshaling effective pressure, and providing a framework for discussion. Critically, this pact must also include the Congolese population. Congolese civil society must have a key voice in defining a global vision for Congo's security, and connecting high-level reform processes with those that matter most, Congo's people.
9. And the new pact must happen now. Flawed presidential elections have been completed. The DRC's relations with its neighbors have improved significantly in recent years. Though security in the DRC is precarious, and there are worrying signs of a resurgence of violence in the East, challenges to the Congolese government from non-state armed actors have receded. In fact, the biggest threats perhaps now come from within the army itself. The government needs effective SSR, particularly of the military, to rebuild its reputation at home and abroad, an imperative reflected by President Kabila in his speech to the UN General Assembly in November 2011<sup>17</sup>. Since the elections there have been some promising signs of greater receptivity on the part of the Congolese government<sup>18</sup>. The opportunity to engage in an honest dialogue with the Government must not be missed.
10. Though the picture painted above is bleak, it is leavened with hope. There are signs that, with the right will and appropriate support, change is possible. Increased numbers of prosecutions for sexual violence (including of a senior officer<sup>19</sup>) and the reintegration of child soldiers show that justice can be done. FARDC formations trained by the US, South Africa and Belgium have performed well in intervening in delicate domestic environments. A census of military personnel is nearly complete. If these glimmers of hope are to be sustained and magnified, robust action is necessary. With the right political will in Kinshasa, endemic corruption can be tackled, salaries paid, and the worst abusers removed. Once the right conditions are in place, the long term and large scale work so clearly necessary – reducing the size of both police and military through retirement or new demobilization programs, vetting, reinforcing capacity and increasing the combat effectiveness of troops – can begin in earnest.

## RECOMMENDATIONS

### To the Congolese Government

Recognize the urgent need for serious reform to create an effective, professional security sector, especially the military. Overcome previous suspicions and engage positively with the international community in building a new coalition to assist with SSR efforts. Ensure that the voices of the Congolese people are heard in elaborating a new vision for security in the DRC.

1. Renew political commitment to security sector reform at the highest levels. Make military reform a top political priority of the new government. Remove from office those individuals that are obstructing SSR and take all necessary steps to achieve effective reform.
2. Urgently develop and implement a global vision for security and defense in the DRC in collaboration with Parliament and Congolese civil society, and implement a strategic action plan for achieving the vision of the FARDC set out in legislation. Request international expertise or assistance as appropriate.
3. Positively engage with international partners, notably in a high-level international forum on security sector reform, including through allocating a senior co-Chair, and agree on transparent, measurable benchmarks for progress.
4. Collaborate with international partners in re-launching a working-level cooperation body for military reform, based in Kinshasa, including through nominating a high-level co-Chair. Agree on an international partner to provide appropriate technical and administrative support.
5. Take urgent action to address the most pressing short-term requirements for ameliorating the performance of the security sector, notably the progressive demilitarization of the East, effective action to end corruption in the security services, and bringing the worst military human rights abusers to justice, including through requesting appropriate international support to meet short-term resource gaps.

### To all DRC's international partners<sup>20</sup>

Overcome the legacy of frustration and failure built up since 2006, and use political space opening up in Kinshasa and the new government's need for support to generate new political will on security sector reform. Provide high-level political commitment and coordination, including the appointment of sufficiently senior officials to provide momentum and leadership. Robust benchmarks and nuanced conditionality will be essential. Assistance must be sustained for the long term, and founded on a realistic understanding of what is possible.

6. Re-energize efforts and cooperation on security sector reform in the DRC through concerted pressure at the highest level for Congolese Government commitment to effective security sector reform.
7. Collaborate in a broad-based coalition of international and regional actors engaged in the DRC, notably through the launch of a high-level forum on security sector reform in the DRC.
8. Agree benchmarks for progress with the Congolese government, to include: progress on the human rights record of the security services, development of a global vision for security and a strategic reform plan for the military; and the establishment of an effective coordination body on military reform. Put in place a binding series of conditions for on-going political and programmatic support.
9. Ensure that the imperative of effective SSR, and the benchmarks and conditions agreed at the high-level forum, are reflected in any new programming decisions or bilateral agreements.
10. Assist with short-term quick-win projects to raise confidence and open space for broader reform, notably progressive demilitarization of conflict-affected areas, anti-corruption activities and effective judicial action against human rights abuses committed by the security forces, as requested by the Congolese Government, and urge for long-term, sustained reform efforts.

To the Great Lakes Contact Group (US, UK, EU, UN, France, Belgium and the Netherlands)

11. Catalyze diplomatic efforts to build a new coalition on SSR, through pro-active high level diplomatic contacts with key partners, notably Angola, South Africa, China, the AU and SADC, and their inclusion in an expanded Great Lakes Contact Group.

To the UN Security Council and MONUSCO

12. Generate renewed engagement on security sector reform through an urgent debate on the issue. Encourage, in parallel with the AU, the organization of a high-level forum on security sector reform in the DRC.
13. Amend the mandate of MONUSCO to include assisting the DRC government on all aspects of SSR, including military reform.
14. Increase the resources allocated to the MONUSCO SSR unit, notably in fulfilling its mandated task of collating information on existing and planned SSR programs. Remind all member states of their responsibility to share information.
15. Extend the UN sanctions regime to include political and military leaders impeding effective SSR and direct the group of experts to provide information about the identity of these individuals.
16. Ensure that the UN system has sufficient in-country resources to make a comprehensive assessment of the human rights performance of the Congolese security services.

To the EU

17. Renew the mandates of EUSEC and EUPOL, and reflect the imperative for progress on SSR in the planned 2012 program review. Stand ready to offer technical assistance to the DRC in elaborating a strategic reform plan for the army.
18. Extend targeted sanctions to individuals hindering effective SSR.

To the AU

19. Encourage, in parallel with the UN, the organization of a high-level forum on security sector reform in the DRC
20. Participate actively in the high-level forum and technical cooperation mechanism, including through agreement of benchmarks and conditions.

To the World Bank and IMF

21. Expand the assessment criteria for on-going support to the DRC, notably access to the IMF loans, to include progress on security sector reform and budget allocations to key priority areas, especially justice.



Soldiers cooking their breakfast on a samfire. Many troops are missing basic requirements like military issue boots.

### Insecurity: Congo's Achilles Heel

1. Taking stock of progress in the DRC since 2006 is sobering. The war has been over for a decade. An elected government has served a full term. Between 2006 and 2010, the DRC received considerable external assistance, including more than \$14 billion in official development aid and a UN mission costing more than \$1 billion a year. Yet this investment has yielded little result. Life expectancy and child mortality remain far below the Central Africa average. National income per capita is less than 50 cents a day<sup>21</sup>. In fact, the DRC has slipped to last place in UN development rankings, 187<sup>th</sup> out of 187 countries<sup>22</sup>. Public discontentment is rife, and there are concerning signs of renewed violence in the East. A decade on from the end of a devastating war, and all that has been invested in the DRC risks going to waste. The Congolese people deserve better.

2. The proximate cause of this failure is simple. Congo's population continues to suffer, directly and indirectly, at the hands of men with guns. There are an estimated 1.7 million<sup>23</sup> internally displaced people in the DRC, most in the conflict-affected Eastern provinces, driven from their homes by fear of a variety of armed groups – from the Lord's Resistance Army (LRA) in the North East, to Mai Mai groups, bandits and Front Democratique pour la Liberation de Rwanda (FDLR) rebels further South – and at the mercy of malnutrition, ill-health and pervasive fear.

Nearly half a million are refugees outside the country<sup>24</sup>. UNICEF estimates that thousands of children are still being used in various capacities by armed groups in DRC, including by the Congolese Army<sup>25</sup>.

3. This failure is not just indicative of the inability of the Congolese security apparatus to defeat these groups. It is also the result of abuses at the hands of the security services themselves. A survey of more than 10,000 households in North and South Kivu cited the FARDC as the second most common source of insecurity, after banditry<sup>26</sup>. In June and July 2011, UN human rights monitors recorded more abuses at the hands of the FARDC than armed groups<sup>27</sup>. Congolese soldiers are responsible for some of the rapes reported across Eastern DRC<sup>28</sup>. Members of the security services are also responsible for pervasive low-level predation, including involvement in illegal resource exploitation and theft<sup>29</sup>. Many abuses have been perpetrated by deserters from the military, or by those reacting to abuses at the hands of the army.

4. Abuse by Congolese security forces extends beyond immediately conflict-affected zones. The abuse has been most visible in the brutal suppression of political protest or internal unrest, notably in the suppression of the Bundu dia Kongo group, the crushing of MLC forces loyal to Jean-Pierre Bemba

in Kinshasa, and heavy-handed responses to political protests around the 2011 elections. It has also been felt in the arbitrary arrest or killing of regime opponents, human rights activists and journalists, as well as day-to-day predation and lack of access to even-handed justice.

5. This is not a new insight. The establishment of an effective security sector is the fundamental step to meeting all other objectives, from ending the humanitarian crisis, preventing human rights abuses, encouraging investment and growth, stopping the trade in conflict minerals and preventing regional tensions from escalating. Adequate security is widely acknowledged to be a development, economic and geostrategic imperative. The Congolese Government recognized its pivotal importance in the 'Governance Compact' it produced immediately after the 2006 elections<sup>30</sup>, repeated again by

President Kabila in his address to the UN in November 2011<sup>31</sup>. All major bilateral and multilateral actors have engaged in a wide variety of security sector reform programs, from capacity building in the justice system, to rebuilding key infrastructure, or training military and police. The UN considers SSR to be the process of enhancing effective and accountable security in a country and the transformation of "security institutions to make them more professional and more accountable"<sup>32</sup>. Security institutions can include the armed forces, police, judiciary and others<sup>33</sup>.

6. Yet despite this consensus, military reform efforts have failed, both during the transition and afterwards. They have failed for two primary reasons. The first is the lack of political will on the part of the Congolese government; the second inadequate and poorly coordinated assistance from the donor community.



Officers' Quarters at Camp Kakindo in Oama, North Kivu province. Originally intended to house 100 people, the camp is now home to more than 36,000 people including many soldiers' families.

### Congolese Government: Insufficient Political Will

7. The Congolese Government has lacked the will to follow through with reforms of the security sector, notably the military. A brief look at the record of reform failure demonstrates the government has not wanted a professional and effective military, as it would constitute a threat to the entrenched political and financial interests of the Congolese elite, especially those around the Congolese President. The Congolese government stalled on senior appointments to key bodies, failed to agree a workable strategic blue-print for reform or effectively follow up plans that were agreed<sup>34</sup>, enabled or turned a blind eye to corruption, delayed the passing of essential legislation, and consistently undermined donor coordination.

8. This was in part due to a lack of capacity and a very low baseline for reform. The integration of former belligerents into unified military and police structures during the transition, a process known as 'brassage', was partial and ineffective<sup>35</sup>. Parallel chains of command survived within the army and other security structures, and tens of thousands of combatants remained in non-state armed groups. Government administrative control was weak, notably in the East. The post-2006 administration immediately faced a variety of armed opponents<sup>36</sup>. Additionally, sensitivity to international interference on security issues was acute - the close supervision that the international community had exercised during the transition, embodied in CIAT<sup>37</sup> and MONUC, had been a source of considerable frustration, even humiliation. Memories of wartime occupation were vivid, by powers widely perceived - rightly or wrongly - to be acting on behalf of elements of the international community<sup>38</sup>. The government is defensive of its autonomy, and wary of dealing collectively with the international community.



Most military families cannot afford to send their children to school. Children often work from a young age to contribute to the family income.

9. But these issues are as much a result of continued failures of SSR as they are the cause – and they do not present a compelling reason to ignore the need for SSR. The fact remains that the Congolese government consistently failed to give sufficient political backing for serious change. Most importantly, it did not take steps to end corruption, ill-discipline and weak command structures undermining reform efforts in the security sector. Despite President Kabila's high-profile declaration of 'zero tolerance' for sexual violence and corruption in July 2009, not enough has changed on the ground. Support to justice, investigation and anti-corruption efforts are minimal and inadequate – the Justice Ministry was allocated just 0.1% of government spending in 2011<sup>39</sup>, and its budget reportedly fell by 47% between 2007 and 2009<sup>40</sup>. Many in senior positions in the government and military continue to profit from corruption, either in raking off salaries, taking kickbacks, or involvement in illegal mining, trade or protection rackets.

10. No comprehensive national vision exists for defense and security policies, despite UN Security Council insistence and the emphasis placed on SSR in the government itself. A blueprint for the Congolese military has been developed, after many false starts<sup>41</sup>, and has finally been given legal foundation with the promulgation, in 2011, of much delayed legislation<sup>42</sup>.

A joint committee on justice reform was formed in 2005, the 'Comite Mixte de la Justice', co-chaired by the Minister of Justice and a senior diplomat, and a three year 'priority action plan' for the justice sector was launched in 2007. A coordination body for police reform, the 'Comite de Suivi de la Reforme de la Police' was launched by the Ministry of Interior in 2008<sup>43</sup>.

11. Though they represent positive steps forward, these bodies are reportedly of mixed effectiveness<sup>44</sup>, suffer from poorly-defined roles and tensions between stakeholders, and are not part of a comprehensive strategy for security. The army reform plan has not been followed up with practical planning for implementation<sup>45</sup>, remains theoretical and is routinely bypassed or undermined in day-to-day decision-making. Changes to military structures such as the 'regimentation' process of 2011<sup>46</sup>, for instance, bear no relation to the vision enshrined in official military planning. The Presidential Guard and intelligence services have been systematically excluded from reform, and remain completely unaccountable. Salaries for police and soldiers, despite some limited increases, remain inadequate and frequently unpaid<sup>47</sup>. An ICC indictee, Bosco Ntaganda, holds high rank in the military<sup>48</sup>. Senior positions remain unfilled, and formal command structures are routinely bypassed.

### International Community: Inadequate and Incoherent

12. The second aspect key to understanding SSR efforts since 2006 is the attitudes and actions of the international community. The international community has been frequently criticized for political incoherence, leading to inadequate, incompatible and ineffective interventions, based on short-term national priorities and imperatives rather than achieving meaningful, sustainable reform.<sup>12</sup> There is a long list of donors and agencies that have engaged in reform or training of elements of the security services.<sup>13</sup> These efforts have not resulted in meaningful, sustained improvements, let alone the transformation in attitudes and effectiveness required.

13. The international community had been remarkably unified up to 2006. Under the leadership of an activist UN mission and heavy-hitting SRSQ, and coordinated through a body, CIAT, with legal standing under the transitional arrangements, the widely agreed goal of elections drove policy. But once the transition was completed, divisions began to appear. Some of the signatories to this report urged the creation of a successor organization to CIAT, but the Congolese government rejected it as unacceptable. In the absence of a 'lead nation'<sup>14</sup>, and with the UN looking towards managing its departure, there was no overarching authority to harmonize police and following elections, no single goal to work towards. International forums, notably the Great Lakes Contact Group, which had a broad membership<sup>15</sup> during the transition, swiftly devolved to include only traditional donors, and policy coherence even within multilateral organizations such as the EU fractured.<sup>16</sup> Pressure on the Congolese Government to sustain reform faltered.

14. The success of the 2006 elections resulted in attention across much of the international community turning away from the DRC. With the DRC redefined in many capitals as a post-conflict state, resources were reallocated to concentrate on other issues of immediate concern across Africa. Policy was recalibrated to reflect this new reality. Many donors looked to long-term development. Despite manifest needs, official development spending on security-related programs between 2006 and 2010 was just \$830 million, roughly 6% of the total<sup>17</sup> - this drops to just 1% for projects working on security system management and reform. This figure is alarmingly low given the fundamental importance of an effective security sector in protecting civilians, and in achieving all other development objectives.

15. And, far from being 'post-conflict', the DRC continued to suffer from extremely serious bouts of violence. Through the post-2006 period, successive spikes of conflict or regional tension left the international community scrambling to address acute short-term political crises or humanitarian emergencies. There were demands for immediate action against armed groups such as the CNRP, FDLR or LRA - necessitating the mass deployment of ineffective and poorly trained FARDC units<sup>18</sup>.



A commander instructs his troops. Mutual command structures in the FARDC are readily observed.

Political settlements with Congolese armed groups, notably the CNRP, resulted in the unplaned, ad hoc integration of tens of thousands of former rebels and indicted war criminals into the ranks of the Congolese army.<sup>19</sup> Demobilization programs have unwittingly encouraged a churn of individuals from disarmament to recruitment. All of these factors are incompatible with strategic reform.

16. International incoherence has perhaps been most acutely felt in relation to SSR, particularly military reform, despite consistent calls for harmonization.<sup>20</sup> Technical coordination on the ground has been mixed. As seen above, committees bringing together donors, agencies and the Congolese government have been established on police and justice. They are functional, albeit with uncertain effectiveness. But no coordination body exists between the Congolese government and donors in relation to the military, worsened by the Congolese Government's intransigent refusal to coordinate SSR attempts with its different partners.

17. This is reflected by a failure of coordination between members of the international community themselves. There have been attempts at harmonization, including informal consultations between Defense Attaches in Kinshasa agreeing a local division of labor, an Ambassadors Forum on SSR chaired by the UN, and regular diplomatic frameworks such as regular meetings of EU Heads of Mission. But while ad hoc communication may have avoided the most egregious duplication of effort, it was insufficient to generate real coherence, or political momentum for reform. Many resent sharing the detail, or even the fact, of their programs. There is no consolidated list of SSR-related interventions<sup>21</sup>, or a comprehensive record of bilateral military programs and financing. Given the weakness of Congolese administrative capacity, it is likely that not even the Congolese government had a coherent picture of SSR activities at any one time.





Congolese police patrol the main streets of Goma.

18. The result has been a range of disconnected bilateral initiatives on training, sensitization, infrastructure rehabilitation or capacity building. There have been some successes, notably in relation to justice and police<sup>65</sup>, and in the performance of some military units, though many were short-lived, due to a subsequent lack of support - accommodation, equipment and salaries - or the break-up of units. Some offers of training have not been taken up, with centers and instructors standing idle. There have been attempts to engage with structural issues within the FARDC undertaken by MONUSCO<sup>66</sup> and EUSEC, a mission of the European Union launched in 2005. Involving small numbers of embedded European officers, EUSEC has had some success in relation to the 'chain of payments' - ensuring salaries reach individual soldiers - and in conducting a census of FARDC personnel, as well as in administrative reform<sup>67</sup>. But while these initiatives have been valuable, they are not sufficient to bring about systemic change.

19. This is by no means the exclusive responsibility of donors. As argued above, all coordination attempts suffered from patchy or inadequate engagement and political obstruction by the Congolese authorities. This has been most acutely felt by the UN. The most obvious candidate to carry out the role of in-country coordination is MONUSCO. But while it has a unit devoted to SSR, and has been mandated by the Security Council to act as coordinator and information hub since 2008, it has not been sufficiently well resourced, and was systematically undermined by a Congolese government reluctant for the UN to play such a prominent role. MONUSCO essentially stopped facilitating collective discussion on SSR following the demise of the Ambassadors Forum, which has been moribund since 2010. It currently has no mandate to engage in military reform.

### The Shared Imperative of SSR

20. In combination, these factors have resulted in the view that the Congolese security sector, and particularly its military, are simply too dysfunctional for reform to be achieved. The result has been an increasing detachment on SSR. Support for military reform is now frequently subsumed under wider stabilization efforts<sup>68</sup>, or framed as a response to a specific threat, such as the US project to train units to tackle the LRA<sup>69</sup>. Though numerous projects are on-going to improve the justice system and build police capacity<sup>70</sup>, and some progress has been made, the most important challenge facing the country, namely systemic transformation of the military, has largely been abandoned. Initiatives on large-scale FARDC training reduced to the point that only two bilateral programs were reported to be operational in January 2011<sup>71</sup>.

21. This is compounded by the view that pushing the DRC government to take serious action is too dangerous to attempt - that effective sanctions would generate a political backlash, disrupt bilateral relationships, and risk defections, mutiny or insurrection. This is certainly the case in relation to entrenched corrupt networks and the impunity of the most infamous war criminals.

22. But this view must no longer be allowed to dominate. The status quo, of failed reform and popular discontent, presents far greater dangers. The most significant risk of renewed conflict comes from within the Congolese security services itself, particularly the FARDC<sup>72</sup>, and from the inability of the Congolese government to control its territory or protect its people<sup>73</sup>. Reform of the security sector would no doubt bring short-term pain, but the long-term risk of inaction is far greater. The human, political and financial cost of the DRC again collapsing back into war is difficult to fathom.

23. Yet these costs would be felt by all of the DRC's external partners. China struck a landmark deal with the DRC government in 2007, exchanging a \$6 billion investment in infrastructure – building roads, hospitals and universities – in return for long-term access to Congolese mineral resources, extending decades<sup>23</sup>. Internal and regional stability will be vital for this deal to come to fruition, demanding an effective security sector. South African companies have invested heavily in the DRC, and peace in the DRC and across Central Africa will be vital for its long term prosperity<sup>24</sup>. And Angola, the DRC's key regional security partner, considers chaos across the border to be a core threat to its national security<sup>25</sup>. It too needs an effective Congolese state. All three states have already engaged in bilateral reform and retraining.

24. Regional organizations, most importantly the African Union (AU) and the Southern Africa Development Committee (SADC) have a pressing and legitimate interest in regional prosperity and stability. And the international financial institutions – frequently cited as the actors with the most significant leverage and access in Kinshasa<sup>26</sup> – are committed to helping the DRC achieve sustained economic growth. The IMF is the only actor currently providing direct budget support to the DRC government<sup>27</sup>.



A military family living in Camp Katimbo, North Kivu. Most families in the sprawling army camp live in tents or makeshift structures.

25. Reform is not only vitally necessary, it is possible. Compared to 2003 or 2006, political and military conditions in the DRC are now such that renewed, joint efforts on SSR could yield real and lasting results. The transition was characterized by acute political competition between wartime enemies, enmeshed in an unwieldy political structure. The years immediately after saw a fragile new government challenged by sustained and serious violence. Both acted as severe constraints on the possibilities for reform<sup>28</sup>.

26. These constraints are now less acute. Congolese non-state armed groups may be reduced in number and scope<sup>29</sup>. Foreign armed groups are significantly less powerful than in the past<sup>30</sup>. Though both remain a considerable threat to civilians, neither presents the same challenge they once did to regional peace and security, or to the Kinshasa government. The political context has also changed. President Kabila and his government are facing a crisis of legitimacy. The 2011 elections were roundly criticized by international and Congolese election monitors, and have little popular credibility. The single most telling step that the government could take to rebuild its reputation at home and abroad, and to improve the lot of the population, would be to undertake meaningful reform of the security apparatus. There have been some promising signs recently. For example, the Commissioner General of the National Police in March 2012 publicly asked the international community for assistance in completing the police reform process<sup>31</sup>.

27. The overriding need for meaningful SSR cannot be questioned. There is a broad synergy of interests across the international community and the DRC's neighbors, economic partners and population. The timing is right. It will be a long and difficult road, but the first step to unlocking a more hopeful future for the population is simple. The Congolese government must take responsibility for serious, sustained and strategic reform, particularly of the military, backed by political commitment at the very highest levels.

28. The international community must recognize this imperative. It must act on it. All other objectives – humanitarian, developmental, economic or security-related – will be difficult or impossible to achieve without concerted SSR. The DRC's external partners must make a collective stand on serious security sector reform, both to engender political will and to support resulting Congolese reform processes. The Congolese government has received significant financial and diplomatic support since the end of the war. The weight of these commitments must be brought to bear.



Military wives ask to supplement their income with small-scale trade in the local markets. "We have to beg for support from our acquaintances. The government does not support us at all," said one soldier.

### A New Deal on SSR

29. It is a new political commitment that is urgently needed above all, on both sides. The international community should seek to strike a new collective pact with the Congolese Government on SSR. This need not involve the immediate allocation of significant new resources. In the absence of political will and the establishment of oversight structures, significant new programs could be counter-productive, replacing functions that need to be carried out by government. Though investment will certainly be necessary, a new push on SSR need not be expensive in the short-term.

30. Such a pact would see political backing and coordinated, targeted programmatic support exchanged for Congolese leadership and robust benchmarks on progress towards mutually agreed goals. It would need to involve all international actors engaged in the DRC, including the traditional donor community, newer international actors including China and South Africa, the DRC's neighbors either bilaterally or through regional organizations (AU and SADC), and the international financial institutions. It would demand renewed commitment, coordination and communication, robust benchmarks, and quick-win confidence raising projects.

31. It should be launched in a spirit of transparency and collaboration, recognizing that a new effort on SSR is a need shared by the Congolese government, its people, and all of its economic, diplomatic and development partners. An overly

confrontational attitude on the part of the international community could cause an unhelpful political backlash – managing tensions will require astute and feet-footed diplomacy, and a leading role to be played by African actors. But equally, no one should be under any illusion as to difficulties that will need to be faced – there is no magic bullet to security sector reform in the DRC. It needs sustained political commitment above all. There will be disagreements, with Congolese Government, and between elements of the international community. Such a push will need sustained, high-level political commitment, and must be backed by real conditions.

### Coordinate and Communicate

32. Renewed coordination among all partners at both political and technical levels is an essential pre-requisite. A broad-based coalition of international partners will be vital, including African bilateral actors, regional organizations – notably SADC and the African Union – the DRC's key economic partners, and traditional donors. This would enable on-going information sharing and ensure complementarity of support, as well as ensuring coherent and concerted messaging. This could initially be generated by an expanded Great Lakes 'Contact Group', bringing together all players to agree to parameters of benchmarks and follow-up. This would need to be backed with active diplomacy by key donors – the US, EU, UK, France and Belgium – to bring in the most important African bilateral actors, China and multilateral organizations essential to managing political fall-out in Kinshasa.

33. Such a forum should launch a high-level political follow-up mechanism on SSR in the DRC, under the auspices of the AU and UN, and the joint leadership of the Congolese Government, that would bring together all parties, including donors and multilateral actors. It is also vital that it include representatives of Congolese civil society. Successful reform will depend on the input of the Congolese population, at all levels, and their views must be heard. The forum should meet quarterly, and provide for on-going oversight and a mechanism for the resolution of disputes or disagreement. It should also seek to address problems of policy incoherence, linking an on-going assessment of political conditions to decision making in multilateral bodies such as the IMF and World Bank.

34. Finally, a new working level cooperation mechanism on military reform should be launched in Kinshasa, again co-chaired by the Congolese government, with support or a permanent secretariat provided by MONUSCO, EUSEC or a mutually acceptable alternative. It would ensure harmonization, communication and effective burden-sharing. It would also map on-going and planned programs and interventions, maintain comprehensive project database, and act as a communication hub between donors, government and civil society.



FARDC troops assemble for inspection

### Benchmarking

35. Though a new partnership should be launched in a spirit of positive collaboration, it should also be backed by robust, binding benchmarks. These would need to be discussed and calibrated against a realistic assessment of what is achievable. They should center on two key areas. The first key benchmark should be rooted in the human rights performance of the Congolese security services. This is a metric that would reflect whether soldiers or police are violating human rights, whether war criminals in the military have been arrested or removed (through vetting and effective military justice), and would act as a proxy for improved internal discipline and the coherence of formal command structures. Information is already collated by the UN Joint Human Rights Office, and could be complemented by Congolese human rights organizations, international NGOs or ad hoc bodies such as those authorized by UN sanctions bodies. Progress should be reported on a quarterly basis to the political follow-up mechanism. The MONUSCO mandate should provide for increased resources to monitor progress on SSR.

36. The second should be the development and implementation of a practical path for FARDC reform. Legislation passed in 2010 and promulgated by the Congolese President in 2011 provides a framework, enshrining in law a long term vision for the security sector. A practical plan for its achievement is urgently necessary. Appropriate technical support should be made available via MONUSCO, EUSBC or an alternative.

### Consequences

37. These conditions must be backed by real consequences in the event of continued failure or obstruction. This would not necessarily need to include hard conditionality on development spending or humanitarian aid, which would endanger the poorest and most vulnerable, and would risk a political backlash from Congolese actors that reduced rather than expanded the space available for reform. But there are many other avenues for international leverage, starting with sustained political and diplomatic pressure at the highest levels. These could include:

- A publicly available quarterly progress report discussed at each meeting of the high-level political follow-up mechanism;
- Explicit linkage of progressive MONUSCO draw-down with successful SSR, as measured by agreed criteria;
- A sliding-scale of suspension of financing, projects, grants and aid disbursements, with excess funding transferred to supporting civil society, Parliamentary oversight, humanitarian needs or governance mechanisms;
- A moratorium on non-essential inward and outward visits by senior officials and ministers, and the hosting of large-scale conferences and events in the DRC<sup>7</sup>; and
- Extension of UN and EU targeted sanctions to military and political figures blocking security sector reform.



#### Learn from successes - and failures

43. Finally, the international community should learn the lessons of the past. The implementation of MONUSCO's conditionality policy - whereby peacekeepers do not work with Congolese personnel guilty of human rights abuses - shows that perpetrators can be identified and held to account<sup>89</sup> if made a priority. Improved rates of arrest and trial for sexual and gender-based violence (SGBV) in the Kivu provinces, notably the prosecution of a Lieutenant Colonel for rape in 2011<sup>90</sup>, show that justice is possible with the right combination of training, material support and political attention. That this landmark judgment was delivered by a 'mobile gender court' - a long-standing Congolese solution to delivering justice in remote areas - demonstrates the importance of working flexibly within Congolese realities. The court was supported by the American Bar Association, using funding from an international NGO, and worked with the Congolese judicial system, local government and civil society<sup>91</sup>.

44. Additionally, more than 30,000 children have successfully been demobilized from armed groups since 2006 through interventions executed in concert with the Congolese government, UN agencies and local Congolese organizations. Children and adolescents who join armed groups whether through force or ignorance have a difficult time returning to their homes and communities if they are demobilized. Disarmament, demobilization and reintegration programs supported by UNICEF make a difference by reuniting some with their families and communities and supporting others in vocational training programs<sup>92</sup>.

45. The EUSEC project on reform of the Congolese military demonstrates that structural reform need not be expensive if support is correctly targeted. EUSEC was launched in 2005 and embedded small numbers of European officers at senior levels in both headquarters and with individual units. Designed to offer strategic advice and targeted support, its most significant initiatives have been working on the 'chain of payments' -



A soldier at home in his barracks, Katinda Camp, Goma.

ensuring salaries reached individual soldiers - undertaking a census of FARDC personnel, developing a 'logistics doctrine' for the FARDC, and conducting administrative training. The census started in 2006, and has been able to offer a far more reliable idea of numbers of serving soldiers than was previously available<sup>93</sup>. The strategic purpose of interventions matters more than their cost.

46. The positive performance of military units trained by the US, Belgium and South Africa demonstrate that improvements in conduct and discipline are possible. Many police units trained for the 2006 elections were reported to have functioned well. But once elections were past, support dropped away, and the trained units swiftly degraded, with equipment going missing, unit structures being broken up and discipline slipping<sup>94</sup>. Training and equipment are vital, but attention also needs to be sustained.

## ANNEX I – OECD statistics on spending in the DRC

Fig 1. OECD Development spending 2006-2010<sup>85</sup>

	2006	2007	2008	2009	2010	Total
Disbursed	2234.573	1448.157	1928.990	2548.207	5972.137	14,132.064
Committed	2175.442	1983.223	2224.644	3083.140	3732.631	13,199.1

This gives a headline total of more than \$13 billion in official development commitments to the DRC between 2006 and 2010, and more than \$14 billion in disbursements. This translates to an overall financial commitment of \$2.8 billion a year between 2006 and 2010.

However, debt relief for past projects causes a sharp spike in total disbursements in 2010 (see below for more detail on debt relief). Thus, though indicative of the level of financial support received by the DRC, it does not necessarily reflect actual year-on-year resource flows.

Fig 2. OECD development spending 2006-2010 (excluding debt)<sup>85</sup>

	2006	2007	2008	2009	2010	Total
Disbursed	1198.729	1156.323	1754.167	2338.246	2116.93	8,564.395
Committed	1183.808	1740.224	2099.748	2939.14	2282.966	10,254.651

Non-debt related development commitments totaled roughly \$10.2 billion between 2006 and 2010, with disbursements at \$8.5 billion, and an average commitment of just over \$2 billion a year. This spending was overwhelmingly on project aid. Official disbursed budget support was just \$474 million,

or 5.5%, largely from the IMF and EU in 2009 and 2010, as well as some 'emergency' budget support to assist the DRC to achieve HIPC completion point, and pay teachers' salaries, which was not necessarily included in OECD statistics<sup>87</sup>.

Fig 3. OECD development spending on 'Conflict, Peace and Security' (disbursement only)<sup>88</sup>

	2006	2007	2008	2009	2010	Total
'Conflict, Peace and Security'	99.99	73.96	89.4	124.83	142.32	530.51
'Security System Management and Reform'	1.05	8.02	19.64	21.48	35.60	85.79

Thus disbursed development spending on conflict peace and security between 2006 and 2010 is equivalent to 3.75% of the headline financial commitment to the DRC of \$14 billion and on security system management makes up 0.6%. If compared to total development spending excluding debt relief over the same

period, the equivalent figures are 6.19% and 1% respectively. By comparison, disbursements on humanitarian aid were \$1.875 billion over the same period, or 21.89% of total development spending, excluding debt.

Fig 4. MONUC/MONUSCO budget<sup>89</sup>

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	Total
1091.242	1112.739	1187.676	1346.584	1365	6099

The total operating budget for the UN peacekeeping mission totaled \$6.099 billion between July 2006 and July 2011. The US paid 27.14% of peacekeeping costs, or \$1.47 billion, over the same period, the UK paid 8.15%, or \$499 million, and France paid 7.55%, or \$463 million.

Fig 5. Top ten OECD bilateral donors to DRC 2010 (disbursement, excluding debt<sup>90</sup>)

Country	Total
USA	277.85
UK	187.77
Belgium	164.69
Japan	80
Germany	77.11
Sweden	71.48
Spain	32
Norway	28.30
Canada	26.52
Netherlands	19.59

These figures do not include peacekeeping (see above), bilateral military assistance or contributions via multilateral agencies. They do not include assistance provided by non-OECD members, such as China, Angola, and South Africa, for which no comprehensive set of spending data exists.

The largest multilateral agencies in the DRC over this period were the EU and International Development Agency (World Bank). The IDA disbursed a total of \$1.47 billion between 2006 and 2010 (excluding debt relief), and the EU disbursed \$1.2 billion in the same period.

Fig. 6 Development spending by Contact Group core members, 2006-2010 (disbursements, excluding debt<sup>91</sup>)

US	UK	France	Belgium	The Netherlands	Total
970.544	849.058	130.457	758.833	199.155	2908.047

Again, these figures do not include contributions to multilateral agencies, to peacekeeping, or to bilateral military programs.

Fig. 7 DRC debt relief

Nominal debt relief (\$US millions)	2010	2011	2012	2013	2014
Under enhanced HIPC	389.5	528.4	478.2	511.2	498.6
Under MDRI	4.5	14.3	16.8	18.9	19.8
Total	394	543.2	495	530.1	518.4

These numbers give the best estimate of the annual savings to the DRC through debt relief initiatives<sup>92</sup>. They also represent the annual cost to the creditors of agreeing this debt relief.







- 70 Confidential interviews by author with various policymakers, January 2012.
- 71 *Ibid.*
- 72 The IMF provides finance to the DRC under an Extended Credit Facility (ECF) launched in 2009, worth about \$350 million over three years. It expires in June 2012. The previous IMF program had been completed in 2006. The IMF, World Bank, African Development Bank and European Union also provided budget support in 2009 and 2010 to help the DRC reach the HIPC completion point, and for emergency payment of teachers' salaries.
- 73 Estimates vary as to the number of armed men in the DRC at the beginning of the transition – according to figures provided by the belligerents themselves there were more than 300,000. More than 150,000 had passed through a demobilization process by December 2006. Figures from 'Completing the demobilization, disarmament and reintegration process of armed groups in the Democratic Republic of Congo and the link to security sector reform of FARDC', Institute for Security Studies Situation Report, Henri Bobof, 23 November 2010.
- 74 The large scale, formed military units left over from the war and failed transitional integration – notably those loyal to war time rebel groups – that were present immediately after the 2006 elections have either largely disintegrated or been brought into official structures, however nominally. But a constellation of smaller groups remain, and there are no comprehensive estimates of the numbers available. Assessment is particularly difficult given the terrain, fluid nature of multiple militias, defections, re-recruitment and blurring between criminality and organized activity.
- 75 Between 2002 and early 2012, the UN repatriated more than 26,000 foreign fighters and dependents. The FDLR has seen its numbers drop tenfold from 20,000 in 2001 to some 3000 at present. The LRA has carried out horrific attacks on civilians in the DRC, as well as in the CAR and South Sudan, but is down to some 300 fighters scattered in small groups across a wide area. Other significant groups are the Uganda ADF-NALU, estimated to have 600 fighters, and the Burundian FNL.
- 76 See Radio Okapi: Police reform: General Bisengimana asks the international community for help, March 21, 2012 <http://radiookapi.net/actualite/2012/03/21/roforme-de-la-police-le-general-bisengimana-demande-l'aide-de-le-communauté-internationale/>
- 77 For instance, the 14th Summit of La Francophonie is due to take place in Kinshasa in late 2012.
- 78 There were an estimated 60,000 FARDC troops deployed in the Kivu provinces in late 2009. Latest estimates compiled by EUSEC are that the total number of men in the Congolese military is 106,000, meaning that nearly 60% of the FARDC are deployed in just two provinces. A census of police numbers is underway, with numbers estimated at around 100,000.
- 79 See Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, 4 December 2009, *S/2009/623*
- 80 Lt Col Kibibi Mutware was sentenced to 20 years imprisonment for crimes against humanity, along with 3 officers and 5 men. 'DR Congo colonel Kibibi Mutware jailed for mass rape', BBC, 21 February 2011.
- 81 DRC Mobile Gender Courts Factsheet, accessed at [http://www.soros.org/initiatives/justice/articles\\_publications/publications/congo-mobile-20110719](http://www.soros.org/initiatives/justice/articles_publications/publications/congo-mobile-20110719)
- 82 Interviews with UNICEF staff in March 2012.
- 83 Latest estimates are of a total of approximately 106,000.
- 84 Confidential interviews by author with various policymakers, January 2012.
- 85 OECD-DAC, all figures in USD millions, current prices. Accessed on 20 March 2012
- 86 *Ibid.*
- 87 See 'Budget Support and Fragile States: Mokoero Study for Oxfam Novli, Handout 2: Individualising the cases – Ethiopia and DRC' for further information, accessed at [www.odi.org.uk/events/docs/4640.pdf](http://www.odi.org.uk/events/docs/4640.pdf)
- 88 OECD-DAC, all figures in USD millions, current prices. Accessed on 20 March 2012
- 89 Figures in USD millions, from UN Secretary General's reports, accessed at [www.un.org](http://www.un.org)
- 90 OECD-DAC, all figures in USD millions, current prices. Accessed on 20 March 2012
- 91 *Ibid.*
- 92 'Democratic Republic of the Congo: Enhanced Initiative for Heavily Indebted Poor Countries—Completion Point Document and Multilateral Debt Relief Initiative Paper', IMF Country Report No. 10/36, December 2010



For more information please contact  
[andrew.hudson@crisisaction.org](mailto:andrew.hudson@crisisaction.org)

