



# Democratic Republic of Congo: Background and U.S. Policy

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## Summary

Insecurity, poor governance, and a long-running humanitarian crisis in the Democratic Republic of Congo (DRC) present a range of challenges for U.S. policymakers, including the U.S. Congress. Chronic instability in eastern DRC, an area rich in minerals and other natural resources, has caused widespread human suffering and inhibited private sector investment throughout the Great Lakes region—which includes DRC and its neighbors to the east. Donors, including the United States, have recently increased their diplomatic engagement in DRC, but prospects for the future remain uncertain. Congolese political actors have often displayed limited capacity and will to improve security and government accountability, while several of DRC’s neighbors have reportedly provided cyclical support to nonstate armed groups within DRC.

In recent months, DRC and its neighbors have signed a regional peace framework; the United Nations (U.N.) and the Obama Administration have appointed special envoys to the region; and the U.N. Security Council has authorized an “Intervention Brigade” within the existing U.N. peacekeeping operation in DRC (MONUSCO) to conduct operations against armed groups in the east. These developments have raised hopes of progress, although similar efforts in the past have proven unable to bring lasting peace. While the Obama Administration has recently suggested that it will devote high-level attention to DRC and the region, U.S. leverage may be constrained by available resources, limited DRC capacity and commitment, and the challenge of coordinating with and influencing other key players, including European donors, China, and regional actors such as Rwanda, Uganda, Angola, and South Africa. U.S. policymakers, including in Congress, continue to debate the relative effectiveness of various policy tools in DRC, such as aid, diplomacy, and other forms of engagement.

The United States has a long history of diplomatic, economic, and security engagements in DRC and neighboring states. It has facilitated past regional peace accords and provided billions of dollars in bilateral and multilateral aid over the past decade. Annual bilateral aid to DRC has totaled \$200 million-\$300 million in recent years, in addition to roughly \$50 million-\$150 million annually in emergency humanitarian aid and \$400 million-\$600 million in annual contributions to MONUSCO. Under an executive order in place since 2006, the United States has imposed targeted sanctions against persons responsible for arms trafficking and human rights violations in DRC. As a permanent member of the U.N. Security Council, the United States also shapes the authorization of MONUSCO and U.N. sanctions, and it wields influence within the international financial institutions that provide crucial funding and technical support to the DRC government.

Congress has used a range of tools to shape U.S. policy toward DRC and the region, including hearings, legislation, and oversight activities. Congress authorizes, appropriates, and oversees U.S. foreign aid funding for DRC and neighboring states. In DRC, such funding supports programs seeking to address health and humanitarian needs, advance democratic governance, encourage economic growth and development, support military professionalization, and end the regional trade in “conflict minerals,” among other goals. Congress also appropriates funding in support of U.S. assessed contributions to MONUSCO’s budget, to which the United States is the largest donor. Based on long-standing human rights concerns, Congress has placed legal restrictions on certain types of U.S. aid to DRC, and has conditioned the provision of certain types of military aid to Rwanda and Uganda on their noninterference in eastern DRC. Two DRC-related resolutions have been introduced during the 113th Congress: H.Res. 131 and S.Res. 144. See also CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook.

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## Overview

The Democratic Republic of Congo (DRC) emerged from seven years of civil and regional war in 2003, but continues to face stark challenges. Despite international partners' hopes for increased democratization and reforms following landmark 2006 elections—the first relatively free and fair vote since independence from Belgium in 1960—the state remains weak and dysfunctional. State actors often appear more focused on controlling resources and personal power than on establishing security, creating effective state institutions, and fostering socioeconomic development for the country's 75 million inhabitants.

In contrast to 2006, international observers characterized the 2011 elections that returned President Joseph Kabila to office as deeply flawed, underscoring the fragility of the government's legitimacy. Since early 2012, President Kabila has also struggled to quell a new rebellion in the restive eastern province of North Kivu, by a group known as the M23. Recurrent conflict in the mineral-rich, agriculturally fertile, and densely inhabited east stems from deep tensions related to resources, land, ethnicity, citizenship, military reform, and regional geopolitics, as well as criminal motivations. It also reflects a complex pattern of state negligence, incapacity, and coercion throughout the country, most of which is not directly affected by conflict.

Economic growth, buoyed by high global commodity prices, has been relatively strong in recent years (7% in 2012). DRC also receives high levels of outside aid, with over \$5.5 billion in net official development assistance in 2011—equivalent to 35.3% of GDP.<sup>1</sup> Yet despite vast mineral riches, water resources, and agricultural potential, the majority of Congolese live in poverty, and food insecurity is widespread.<sup>2</sup> About 2.6 million Congolese are internally displaced, and nearly a half-million more have fled to nearby countries as refugees.<sup>3</sup> The U.N. consolidated appeal for humanitarian aid for DRC is the fifth largest in the world.<sup>4</sup> DRC is tied for last place on the U.N. Human Development Index and has the world's lowest per-capita gross domestic product (GDP). As the 11<sup>th</sup>-largest country in the world by area, DRC exhibits great internal diversity; some areas, such as the mineral-rich Katanga province, have enjoyed comparative stability and prosperity. However, recent militia violence suggests that even this relative security is tenuous.<sup>5</sup>

The United Nations (U.N.) Organization Stabilization Operation in DRC (known as MONUSCO, its French acronym), with some 17,000 military personnel, provides support for security and the extension of state authority in the east, with limited success according to many observers.<sup>6</sup>

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<sup>1</sup> Net flows of official development assistance (ODA), Organization for Economic Cooperation and Development (OECD); GDP, International Monetary Fund (IMF) World Economic Outlook database, April 2013.

<sup>2</sup> In 2006 (latest available), the World Bank estimated that over 95% of the population lived on less than \$2 a day. Note that statistical data used in this report are often approximate, as authoritative data from DRC are generally lacking.

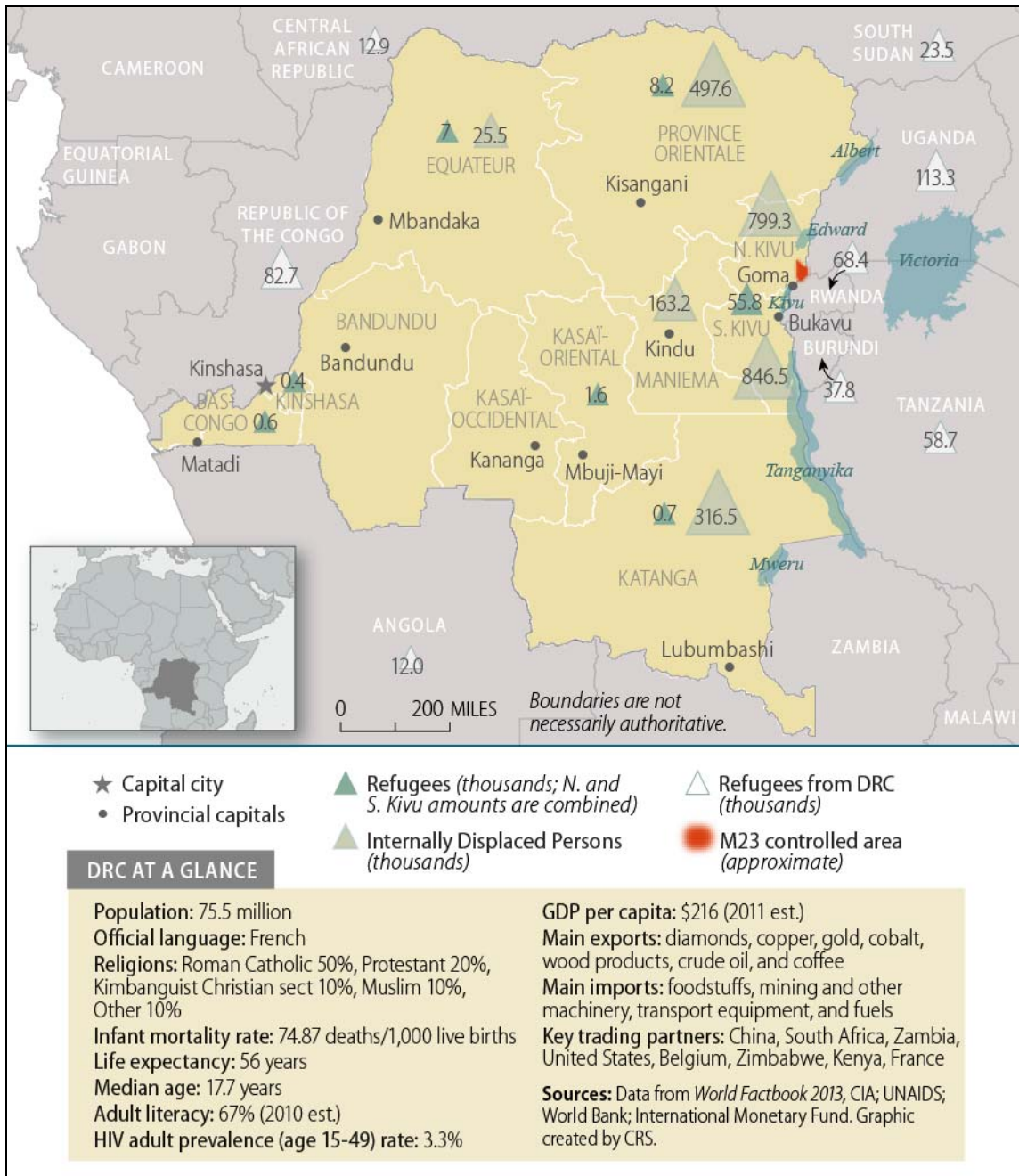
<sup>3</sup> DRC also hosts some 179,000 refugees, predominately from Angola, Rwanda, and the Central African Republic.

<sup>4</sup> United Nations, *An Overview of Global Humanitarian Action at Mid-Year*, 2013.

<sup>5</sup> Katanga was the heart of the colonial mining industry and continues to be the center of industrial mining, the main engine of DRC's economy. It has also been the seat of multiple separatist rebellions. In February 2013, the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA) reported that armed group activity in Katanga had provoked "an acute humanitarian crisis" and caused over 300,000 people to be internally displaced.

<sup>6</sup> MONUSCO is currently the second-largest U.N. peacekeeping operation (after Darfur) in number of troops, but others are much larger compared to local population size, such as those in Côte d'Ivoire, Haiti, Lebanon, Liberia, and South Sudan. (See U.N. Peacekeeping Fact Sheet: (continued...))

**Figure I. Map of the Democratic Republic of Congo**  
Population Displacements (Multiple Causes) and Approximate M23-Controlled Area



**Source:** CRS, based on reports by U.S. and U.N. agencies, news agencies, and nongovernmental organizations. Base map created by Hannah Fischer using Esri basemaps and world cities.

**Note:** Refugee and internal displacement figures date from late 2012-early 2013, and shift regularly.

(...continued)

<http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>.

In February 2013, the U.N. facilitated a regional “Framework Agreement” (discussed below) that aims to define the responsibilities of the DRC government, regional states, and donors in ending the cyclical conflict in DRC. A newly appointed U.N. Special Envoy of the Secretary-General, Mary Robinson, former president of Ireland and U.N. High Commissioner for Human Rights (1997-2002), is expected to lead international efforts to enforce the agreement and develop benchmarks for implementation. In March 2013, the U.N. Security Council authorized a new “Intervention Brigade” within MONUSCO, tasked with “neutralizing” nonstate armed groups in the east, including the M23. Whether the agreement and new component of MONUSCO have the potential to break the cycle of regional instability and humanitarian suffering remains to be seen.

The United States has a long history of diplomatic, economic, and security engagements in DRC and the region. U.S. policy is focused on regional stability, DRC’s economic importance as a source of global mineral commodities, its democracy and governance trajectory, and efforts to address human rights abuses—particularly violence against women—and to curtail the trade in “conflict minerals.”<sup>7</sup> U.S. assistance to Uganda’s military also supports efforts to counter the Lord’s Resistance Army (LRA) in DRC and neighboring states.<sup>8</sup> The Obama Administration recently elevated its diplomatic engagement by appointing former Senator Russ Feingold as U.S. Special Envoy to the Great Lakes region. In making the announcement, Secretary of State John Kerry said that achieving a lasting peace in Congo is a “high-level priority” with “very significant” stakes.<sup>9</sup> U.S. policymakers continue to assess the implications of DRC’s flawed 2011 elections and renewed conflict in the east—which point to the potential limitations of donor-supported stabilization and democracy-promotion efforts—for U.S. policy and aid programs.

## **Congressional Actions**

Congress has shaped U.S. policy toward DRC and the Great Lakes region, including through its authorization, appropriation, and oversight of U.S. foreign assistance. Additional details on relevant public laws can be found in the **Appendix**. Recent congressional actions include:

- Holding regular hearings on the situation in DRC and U.S. policy responses;
- Seeking to define U.S. policy toward DRC and authorizing certain policy and foreign aid responses to the conflict in the east (e.g., P.L. 109-456);
- Appropriating foreign assistance funds for specific purposes in DRC, particularly related to military professionalization and the prevention and treatment of sexual and gender-based violence (e.g., P.L. 111-32, P.L. 111-212);
- Restricting certain types of bilateral aid to DRC based on human rights concerns, particularly related to the DRC military’s reported use of child soldiers (e.g., P.L. 110-457, P.L. 112-10, P.L. 112-74) and the country’s reported failure to meet

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<sup>7</sup> See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook.

<sup>8</sup> The LRA is a small militia of Ugandan origin, currently present in DRC, the Central African Republic, South Sudan, and possibly Sudan. LRA massacres, mass abductions, sexual assault, and looting have caused significant human suffering and instability. The Ugandan military, or UPDF, deployed to DRC for counter-LRA operations in late 2008, with significant U.S. logistical support. However, most Ugandan troops withdrew from DRC in 2011 after the DRC government and military leaders objected to their continued presence. The UPDF reportedly retains a small presence at a U.N. logistics hub for counter-LRA operations in Dungu, northeastern DRC.

<sup>9</sup> State Department, “Press Briefing Announcement Regarding Great Lakes Special Representative,” June 18, 2013.

- minimal standards in responding to human trafficking (P.L. 106-386, as amended)<sup>10</sup>;
- Restricting certain military aid to Rwanda and Uganda if they are found to support rebel groups in eastern DRC (P.L. 112-74);
  - Requiring the executive branch to formulate a strategy to guide U.S. efforts to eliminate the regional threat of the Lord's Resistance Army (P.L. 111-172);
  - Requiring the Securities and Exchange Commission (SEC) to regulate international trade in Central African "conflict minerals," that is, ores of tantalum and niobium, tin, tungsten, and gold, and their derivatives (P.L. 111-203); and
  - Authorizing targeted sanctions against persons found to be providing support to the M23, a rebel group formed in 2012 (P.L. 112-239).

Two resolutions on U.S. policy toward DRC have been introduced in the 113<sup>th</sup> Congress: H.Res. 131 and S.Res. 144. The latter was agreed to in the Senate on June 26, 2013. Broadly, these resolutions call on regional and international actors to contribute to greater security and stability, and on the Obama Administration to provide multi-faceted support for regional peace.

## **Background**

With its resources, vast territory, and strategic position, DRC has long served as an arena of regional and international competition. "Congo Free State" was claimed in 1885 as the personal possession of Belgian King Leopold II. King Leopold's administration became notorious for its plundering of Congo's natural resources and its human rights abuses, leading the Belgian government to transition the territory into a formal colony in 1908.<sup>11</sup>

In 1960, Congo gained independence, after parliamentary elections that led nationalist leader Patrice Lumumba to become prime minister. The country's early years were plagued by instability, including an armed secession movement in Katanga and an army mutiny that culminated in Lumumba's murder in early 1961.<sup>12</sup> One of the first U.N. peacekeeping operations deployed in response to the Katanga crisis in 1960 and stayed until 1964.

In 1965, Colonel Joseph Mobutu, who had been involved in the mutiny against Lumumba, seized power in a coup, gradually instituting a more centralized and authoritarian form of government. Mobutu's claims to promote a more "authentic," indigenous Congolese national identity led him to rename himself Mobutu Sese Seko and the country Zaire. Mobutu's 32-year rule drew on U.S.

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<sup>10</sup> See CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana Sun Wyler.

<sup>11</sup> For analysis of these events, see Adam Hochschild, *King Leopold's Ghost*, Mariner Books: 2006.

<sup>12</sup> Some analysts have accused the United States of covert involvement in the Lumumba assassination. A 1975 congressional investigation into alleged U.S. foreign assassination plots concluded that the Central Intelligence Agency (CIA) had pursued plans to assassinate Lumumba, a populist who received support from the Soviet Union, but that they were thwarted by logistical factors. The investigation further concluded that available evidence did not point to a direct CIA role in Lumumba's death, despite advance CIA knowledge that Lumumba would likely be killed in the way that he was. See *Alleged Assassination Plots Involving Foreign Leaders: An Interim Report of the Select Committee to Study Government Operations with Respect to Intelligence Activities*, U.S. Senate, November 20, 1975; pp. 30, 48. The ad-hoc congressional committee was commonly referred to as the Church Committee after its chairman, Senator Frank Church. See also Lawrence Devlin, *Chief of Station, Congo*, PublicAffairs: 2008.



and other Western support in the context of Cold War rivalry over the loyalty of African leaders.<sup>13</sup> He also employed tools such as fraudulent elections, brute force, and patronage networks fueled by extensive official corruption, leading many analysts to view his regime as a “kleptocracy.”<sup>14</sup> At the same time, petty corruption provided a crucial economic safety net for many Congolese.

Domestic and international pressures on Mobutu mounted as the Cold War drew to a close, and as the aging president’s health faltered. Mobutu agreed in principle to a multi-party democratic system in 1990, but elections were repeatedly delayed. State institutions and the military progressively deteriorated, while regional civil conflicts and the genocide in neighboring Rwanda spilled over the border, diverting state resources and destabilizing local communities. In the aftermath of the 1994 Rwandan genocide, ethnic Hutu extremist forces fleeing the new Tutsi-dominated government in Rwanda used refugee camps in Zaire as bases to attack Rwanda, with reported backing from Mobutu. Partly in response, Rwanda and Uganda backed a rebellion against Mobutu led by an exiled Congolese militant, Laurent Désiré Kabila. This later became known as the “first” Congo war. With Mobutu’s security forces and personal health in tatters, the rebellion succeeded, and Kabila became president in 1997, renaming the country DRC.

Tensions between the erstwhile allies soon erupted. In 1998, amid growing public hostility toward Congolese Tutsis and the presence of Rwandan soldiers in DRC, the government announced that Rwandan troops would be expelled. In response, Tutsi soldiers rebelled. Rwanda and Uganda then intervened again, deploying troops into DRC and cultivating local rebel proxies, this time in an effort to unseat Kabila. Angola, Zimbabwe, Sudan, and others joined the fight on Kabila’s side. The conflict, dubbed “Africa’s World War,” led to a major humanitarian crisis.<sup>15</sup>

#### **Rwanda’s Reported Involvement in DRC Conflicts**

According to numerous independent reports, Rwanda has periodically intervened in the recurring conflict in eastern DRC, and has cultivated a series of Congolese armed and political proxy groups in DRC since the mid-1990s.<sup>16</sup> U.S. officials have recently publicly referenced reported Rwandan support for the M23 rebel group (see “U.S. Policy”). These alleged interventions by Rwanda might have been motivated by factors related to its own national security considerations; the two countries’ intertwined histories and populations; and economic incentives. While strongly refuting allegations of involvement in DRC conflicts, Rwandan officials often contend that the DRC has failed to rein in—and indeed has, at times, collaborated with—armed groups operating on Congolese soil that pose a security threat to Rwanda. These notably include the Democratic Forces for the Liberation of Rwanda or FDLR, which was founded by ethnic Hutu extremists involved in the 1994 Rwandan genocide.<sup>17</sup> Rwandans also point to Congolese efforts to deny land, citizenship, and other rights to ethnic communities of Rwandan origin in the Kivus, and to

<sup>13</sup> Notably, Mobutu’s government reportedly served as a conduit for U.S. assistance to anti-government rebels in neighboring Angola. See, e.g., John Stockwell, *In Search Of Enemies*, New York: Norton, 1979; and Howard W. French, “Anatomy of an Autocracy: Mobutu’s 32-Year Reign,” *New York Times*, May 17, 1997.

<sup>14</sup> See, e.g., Steve Askin and Carole Collins, “External Collusion with Kleptocracy: Can Zaire Recapture Its Stolen Wealth?” *Review of African Political Economy*, 57 (1993). For further analysis of the Mobutu era, see Library of Congress, Federal Research Division, *Zaire: A Country Study*, 1994, at <http://lcweb2.loc.gov/frd/cs/zrtoc.html>.

<sup>15</sup> For a detailed account of the second Congo conflict and events preceding it, see Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*, PublicAffairs: 2011.

<sup>16</sup> See Thomas Turner, *The Congo Wars: Conflict, Myth and Reality*, Zed Books: 2007; Gérard Prunier, *Africa’s World War: Congo, The Rwandan Genocide, and the Making of a Continental Catastrophe*, Oxford University Press: 2008; René Lemarchand, *The Dynamics of Violence in Central Africa*, University of Pennsylvania Press: 2009; Howard W. French, “Kagame’s Hidden War in the Congo,” *New York Review of Books*, September 24, 2009; and Stearns, op. cit.

<sup>17</sup> Most independent observers assert that the FDLR’s ranks have drastically diminished over the past decade. Still, insecurity in North Kivu could create opportunities for the FDLR to regroup, and Rwanda claimed a series of FDLR attacks on its territory in late 2012. See *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, November 14, 2012, U.N. doc. S/2012/838.

periodic violence targeting these communities. Some observers contend that alleged Rwandan intervention in DRC has also been motivated by involvement in resource smuggling.<sup>18</sup>

In 2001, President Laurent Kabila was assassinated by one of his bodyguards. His son Joseph Kabila assumed the presidency and continued a process of peace talks. A 2002 peace accord called for the withdrawal of foreign troops and the integration of rebel groups into the military and government. A transitional government was put in place from 2003 until national elections in 2006, which were largely funded and managed by international donors and the U.N. peacekeeping operation. President Kabila was returned to office in that election, following a tense and violent run-off against former rebel leader Jean-Pierre Bemba. He was re-elected in 2011 (see “Democracy and Governance Challenges”).

Congolese relations with Uganda, Rwanda, and Angola remain complex and volatile, although the latter is sometimes viewed as a Kabila ally. Relations with Rwanda have been periodically inflamed by reports that Rwanda has, at times, backed insurgent groups in eastern DRC (see **text box** above). In 2008, Kabila and Rwandan President Paul Kagame reached a fragile rapprochement, leading to the reestablishment of bilateral diplomatic ties in 2009. However, this and several efforts to integrate rebel groups into state institutions did not end the cycle of conflict.

## Selected Issues

### Democracy and Governance Challenges

Presidential and parliamentary elections held in November 2011, the first ever to be organized and financed primarily by the Congolese government, were widely perceived as a test of DRC’s fragile post-conflict transition. International observers had viewed the 2006 elections as basically credible, despite procedural shortcomings and significant election-related violence.<sup>19</sup> However, after an electoral period characterized by delays, disputes over the independence of key electoral institutions, and instances of violence, Western and domestic election observers concluded that the 2011 electoral process lacked credibility.<sup>20</sup> The vote also took place in an uneven playing field between incumbent President Kabila and his 10 rival candidates, with Kabila enjoying significant media, financial, and resource advantages and employing state security forces to harass the

<sup>18</sup> On alleged Rwandan smuggling during the 1998-2003 war, see *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, April 2001, U.N. doc. S/2001/357; on more recent periods, see Howard French, 2009, op. cit.

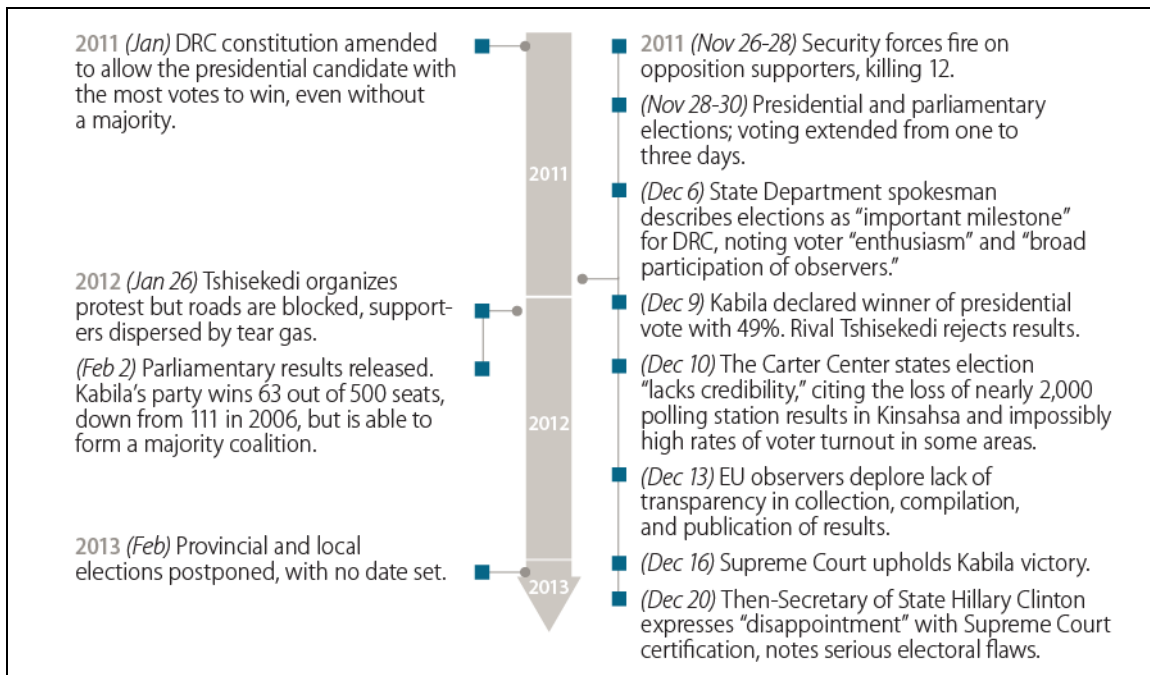
<sup>19</sup> See, e.g., European Union Election Observation Mission in the DRC, “Elections Présidentielle, Législatives et Provinciales 2006, Rapport Final,” February 23, 2007.

<sup>20</sup> Carter Center, “DRC Presidential Election Results Lack Credibility,” December 10, 2011; European Union, “The Election Observation Mission of the European Union Deplores The Lack Of Transparency And Irregularities In The Collection, Compilation And Publication Of Results,” December 13, 2011; *Direct.cd*, “‘Résultats conformes ni à la vérité ni à la justice,’ affirme Monsengwo,” December 12, 2011; International Crisis Group (ICG), *Congo: The Electoral Dilemma*, May 5, 2011; and *Report of the United Nations Joint Human Rights Office on Serious Human Rights Violations Committed by Members of the Congolese Defense and Security Forces [...] Between 26 November and 25 December 2011*, March 2012. Regional observers, on the other hand, largely praised the election; see “Joint Statement by the AU, SADC, ECCAS, ICGLR, and Comesa, on the General Elections in the Democratic Republic of Congo,” November 30, 2011.

opposition. The National Assembly had also recently amended the constitution to allow the presidential candidate with the most votes to win short of a majority, without requiring a run-off.

President Kabila was declared the winner of the presidential election with 49% of the vote. His closest rival, veteran opposition leader Etienne Tshisekedi, received 32%, according to the official tally. Tshisekedi rejected the results, declared himself president, and called—mostly unsuccessfully—for protests and for members of his Union For Democracy and Social Progress (UDPS) party who were elected to parliament not to take up their seats. Kabila's People's Party for Reconstruction and Democracy (PPRD) lost seats in the legislature in 2011 compared to 2006, but nevertheless assembled a majority coalition. As with the presidential election, the U.S.-funded Carter Center criticized "the integrity of the national assembly results," faulting in particular the National Independent Election Committee's (CENI's) handling of vote tabulation. Some observers viewed the CENI as biased in favor of Kabila.<sup>21</sup> Since the elections, Kabila has made limited overtures to political opponents, and the government has, at times, deployed security forces to harass opposition figures, including Tshisekedi.

**Figure 2. DRC's 2011 Elections: Timeline**



**Source:** CRS, based on reports by U.S. and U.N. agencies, news agencies, and nongovernmental organizations.

Substantial power is concentrated in the presidency, but some local and provincial officials—such as the governor of Katanga, Moise Katumbi Chapwe—appear to wield significant authority locally. Provincial and local elections, expected to be held soon after the 2011 polls, were instead repeatedly delayed as Kabila focused on solidifying his control, and as available funding appeared limited. As senators are elected by provincial assemblies, senatorial elections were therefore indirectly delayed; there have never been post-conflict local elections. The electoral

<sup>21</sup> Carter Center, "Democratic Republic of the Congo Legislative Election Results Compromised," February 23, 2012; e.g., statement of Mvemba Phezo Dizolele before the Senate Foreign Relations Committee, December 15, 2011.

timetable may be tied to broader efforts toward decentralization, including nominal plans for national redistricting. These plans are likely to confront significant resistance among powerful figures who benefit from the current electoral and governance structure. Some analysts have also recently raised concerns that the constitution could be amended again to allow Kabila to run for another term in 2016.<sup>22</sup>

Beyond the electoral process, the DRC has immense governance problems. Transparency International's 2012 Corruptions Perceptions Index ranks the DRC 160 out of 174 countries. The state's ability to manage and monitor extraction of its natural resources has been a perennial and crucial challenge (see "The Mining Sector"). Public service delivery is hampered by the fact that outside of Kinshasa, the central government has only nominal control over large swaths of its land and must contend with poor transportation and electricity infrastructure, challenging terrain, and protracted local conflicts. A decrepit agriculture sector and continued conflict have contributed to severe food insecurity, despite abundant fertile land and water resources.<sup>23</sup>

## **Conflict in the Kivus**

Conflict and insecurity are particularly acute in the densely inhabited and mineral-rich North and South Kivu provinces in the east, an epicenter of regional unrest since the 1990s. The spillover of conflicts in Rwanda and Burundi in the 1990s aggravated long-standing tensions in the region between and among communities self-identified as "indigenous" and those that trace their ethnic origins (however distant) to Rwanda. These dynamics have been entrenched by localized disputes and by regional geopolitical calculations. The Armed Forces of DRC (known as the FARDC after its French acronym) and other state security forces have been implicated in human rights atrocities in the east, such as looting, killings, and mass rapes, including during operations against abusive nonstate actors and as part of illicit involvement in the mining sector.<sup>24</sup>

The M23 rebellion in North Kivu is the latest iteration of cyclical conflict in the east. The M23 emerged in early 2012 after a mutiny by former members of the National Congress for the Republic of the People (CNDP), a rebel group that had been integrated into the FARDC in 2009 and thereby nominally dissolved.<sup>25</sup> M23 leaders claim that the DRC government did not uphold a March 23, 2009, peace accord, particularly regarding salaries and rank for ex-CNDP soldiers; the return of Congolese refugees from Rwanda; administrative reforms; and local development and

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<sup>22</sup> See, e.g., *Africa Confidential*, "Congo-Kinshasa: The Real Power Politics," June 21, 2013.

<sup>23</sup> See, e.g., USAID Fact Sheet, *Democratic Republic of the Congo – Complex Emergency*, June 28, 2013; and Adam Nossiter, "For Congo Children, Food Today Means None Tomorrow," *New York Times*, January 2, 2012.

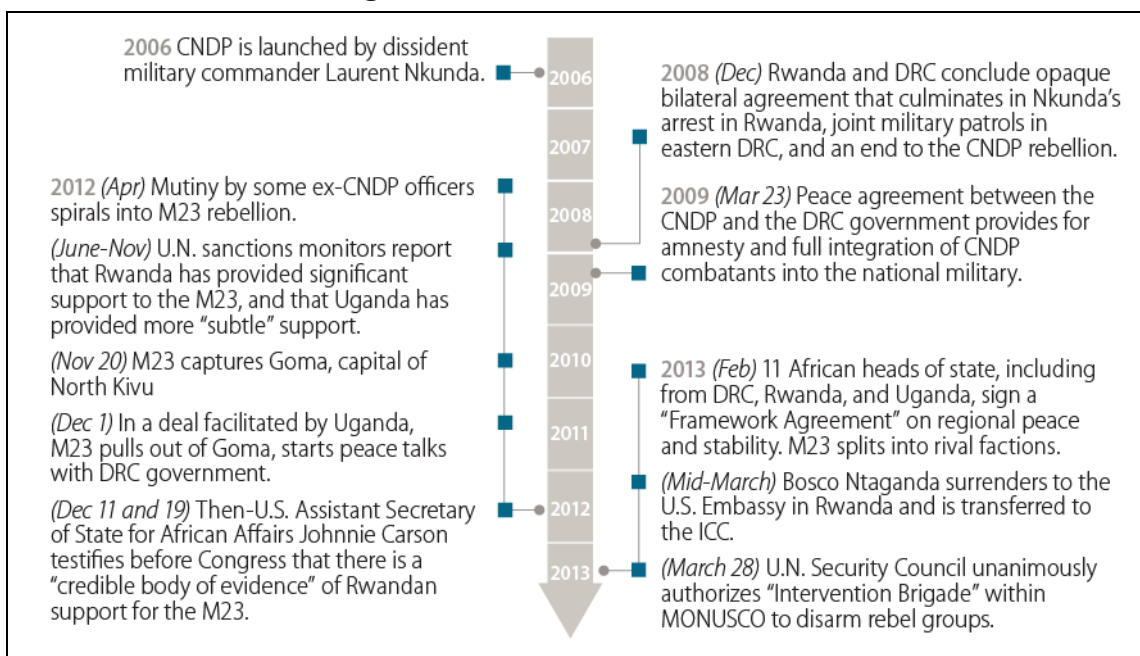
<sup>24</sup> See, among others, State Department, *Country Reports on Human Rights Practices for 2012, 2013*; *Report of the Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009)*, November 24, 2010, U.N. document A/65/592-S/2010/604; and Human Rights Watch (HRW), *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 16, 2009.

<sup>25</sup> The mutiny followed threats by President Kabila to arrest ex-CNDP commander Bosco Ntaganda and efforts to break up and redeploy ex-CNDP units outside the Kivu region, their ethnic and economic stronghold. Ntaganda, who had been integrated into the DRC military in 2009 with the rank of General, had been subject to an International Criminal Court (ICC) arrest warrant since 2006 in connection with crimes allegedly committed in the adjacent northern Ituri district. In March 2013, following a split in the M23, he turned himself in to the U.S. Embassy in neighboring Rwanda and reportedly requested to be transferred to the ICC, which the United States facilitated. He is now awaiting trial. The American Servicemembers' Protection Act (ASPA; Title II, P.L. 107-206) limits U.S. support for the ICC; the Obama Administration appears to have interpreted diplomatic support and information sharing, including Ntaganda's transfer, as permitted. Administration officials had previously called for Ntaganda's arrest.

reconciliation initiatives. The group has also occasionally espoused national-level aims. Some M23 commanders, several of whom are on U.S. and U.N. sanctions lists, appear motivated by self-preservation and a desire to control resource and smuggling revenues, but others are arguably driven by what they see as unequal treatment and broken promises by the government.

Available information also suggests that the M23 may have acted as a proxy or buffer force for Rwanda, which is alleged to have aided the group. Reports by U.N. Security Council sanctions monitors known as the Group of Experts (GOE) indicate that extensive and crucial material, logistical, and political support for the M23 has come from Rwanda, including via the deployment of Rwandan troops on Congolese soil. In 2012, the GOE also pointed to more “subtle” military and political support from Ugandan officials and military officers.<sup>26</sup> These allegations present complications for U.S. policymakers, as Rwanda and Uganda are considered key U.S. regional partners due to their leadership in U.S.-backed peacekeeping and stabilization efforts elsewhere on the continent. U.S. officials have confirmed and criticized Rwanda’s reported actions (see “U.S. Policy”) and called for all external support to cease. A recent GOE draft report reportedly finds more limited Rwandan support, and no Ugandan support, for the M23.<sup>27</sup>

**Figure 3. The M23 Conflict: Timeline**



**Source:** CRS, based on reports by U.N. agencies, news agencies, and nongovernmental organizations.

In November 2012, the M23 sparked a regional crisis when it captured the key city of Goma, in fighting marked by significant human rights abuses on both sides. Talks hosted by Uganda led to the M23’s withdrawal from the town within two weeks, and a subsequent U.N.-backed process

<sup>26</sup> Established in 2003, the U.N. sanctions regime in DRC consists of an arms embargo against armed groups in the country that are not part of the Government’s integrated army or police units, as well as a travel ban and an asset freeze on violators of the embargo and other designated persons and entities, as determined by Security Council resolutions. U.N. doc. S/2012/348/Add.1, June 27, 2012; U.N. doc. S/2012/843, November 15, 2012; and U.N. doc. S/AC.43/2012/NOTE.26, November 26, 2012.

<sup>27</sup> *BBC News*, “DR Congo’s M23 rebels: Rwandan Support ‘falling,’ July 5, 2013.

culminated in the regional “Framework” accord. Eleven African countries are signatories to the agreement, including DRC, all of its neighbors (Angola, Burundi, Central African Republic, the Republic of Congo, Rwanda, South Sudan, Uganda, Tanzania, and Zambia), and South Africa.<sup>28</sup> Regional leaders thereby committed not to interfere in the internal affairs of neighboring states or provide support to nonstate armed groups, while DRC leaders committed to security sector and institutional reforms, the extension of state authority in the east, political decentralization, and national reconciliation. The signatories also agreed to pursue regional economic integration. If these processes, and the new U.N. “Intervention Brigade,” do not lead to a political settlement and/or disarmament of remaining M23 forces, the degree to which the M23 continues to pose a threat may well hinge on its ability to expand its base beyond a narrow sub-set of North Kivu’s minority Tutsi community. The group’s trajectory may also depend on the calculations of neighboring states that have reportedly provided support either to the M23 or to the government.

Other armed groups that continue to attack local populations and illicitly extract natural resources in the Kivus include the Democratic Forces for the Liberation of Rwanda (FDLR), a brutally abusive group founded by ethnic Hutu extremists who fled to Congo from Rwanda after helping to carry out the 1994 genocide there; “Mai Mai,” a term that broadly refers to a disparate array of local militias; and a range of other armed groups. Elements of a Burundian Hutu-led former rebel group, the National Liberation Forces (FNL), are present, as is an obscure armed group of Ugandan origin, the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), which has carried out sporadic attacks. The Ugandan government and some analysts claim the ADF/NALU has ties to regional Islamist extremist groups.<sup>29</sup>

## **U.N. Peacekeeping Operations**

In 1999, the U.N. Security Council established the U.N. Organization Mission in the Congo (MONUC) to monitor a ceasefire in DRC’s civil-regional war. MONUC’s mandate was gradually expanded to include a range of tasks, notably helping to organize the 2006 elections, monitoring a U.N. arms embargo and related sanctions, and supporting the Congolese military in operations against armed groups in the east. In 2010, the Security Council ended MONUC’s mandate and established the U.N. Organization Stabilization Operation in Congo (MONUSCO) to replace it, emphasizing a “stabilization” rather than a “peacekeeping” role, reportedly partly in response to DRC government concerns about sovereignty. MONUSCO’s current mandate authorizes its military component to take “all necessary measures” to protect civilians, pursue armed groups, help monitor the arms embargo, and support DRC efforts to arrest and prosecute individuals responsible for war crimes and crimes against humanity. The Security Council has also tasked U.N. civilian officials to “encourage and accelerate” progress on security sector reform, promote political dialogue, improve state management of natural resources, support the extension of state authority, and monitor human rights, among other tasks.

In its most recent one-year extension of MONUSCO’s mandate, under U.N. Security Council Resolution 2098, adopted in March 2013, the U.N. Security Council authorized a new

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<sup>28</sup> The U.N. Secretary-General, African Union (AU), Southern African Development Community (SADC), and the International Conference on the Great Lakes Region signed as witnesses to the agreement.

<sup>29</sup> Jason Stearns, “Next Challenge for Congo: International Terrorism,” *Christian Science Monitor/Africa Monitor*, July 28, 2010. Other analysts, however, assert that “the group’s allegiance to Islamism seems rather superficial.” See ICG, *Eastern Congo: The ADF-NALU’s Lost Rebellion*, December 19, 2012. In July 2013, ADF attacks in North Kivu resulted in significant population displacements, according to news reports.

“Intervention Brigade” within MONUSCO’s authorized troop ceiling of 19,815. The Brigade, expected to comprise 3,000 troops from South Africa, Malawi, and Tanzania, is tasked with “neutralizing” nonstate armed groups. While MONUSCO forces have regularly provided support to DRC-led military operations against rebel groups in the east under past mandates, the new mandate authorizes the Intervention Brigade to “carry out targeted offensive operations,” including “unilaterally.” Some analysts are hopeful that the Brigade will deter human rights violations by armed groups, pressure the M23 to negotiate a political solution to the conflict, and help protect civilians. Others, however, are skeptical that it will resolve the long-running crisis in the east, due to concerns about its capabilities and the limits of a purely military approach.

## **Humanitarian and Human Rights Conditions**

As noted above, violence and other hardships have caused the displacement of over 3 million Congolese. About 6.4 million people in DRC face crisis- or emergency-level food insecurity, with North Kivu, South Kivu, Maniema, and Katanga the most affected provinces.<sup>30</sup> About 70% of Congolese lack access to adequate food and one in four children are malnourished, according to the World Food Program. Congo was ranked last on the 2011 Global Hunger Index, a composite scale that includes indicators on undernourishment, underweight children, and child mortality, and its hunger situation was rated “extremely alarming.”<sup>31</sup> The country also suffers from poor-to-nonexistent health infrastructure. A lack of healthcare, inadequate water and sanitation facilities, and DRC’s equatorial climate have contributed to the spread of diseases eliminated in most parts of the world, with recent outbreaks of cholera, measles, Ebola, and yellow fever.

Human rights conditions are severe. The State Department has identified the three most important human rights issues as “armed conflict in the East that exacerbated an already precarious human rights situation, particularly with regard to sexual- and gender-based violence (SGBV); the lack of an independent and effective judiciary; and impunity throughout the country for many serious abuses, including unlawful killings, disappearances, torture, rape, and arbitrary arrests and detention.”<sup>32</sup> According to the department, other “major human rights problems” include the abuse of journalists, human rights advocates, and U.N. investigators by state security forces; “life-threatening” prison conditions; “widespread official corruption”; the use of child soldiers by state and rebel actors; forced labor; and trafficking in persons.

Particular international attention has been paid to the issue of sexual and gender-based violence in DRC. SGBV affects women throughout the country, across class, regional, and ethnic lines, but its scale and brutality in eastern DRC are extreme, with extensive reports of gang rape, rape in public, forced incest, rape with foreign objects, and urogenital mutilation.<sup>33</sup> Sexual assault is sometimes carried out as part of coordinated armed attacks, but it is also frequently opportunistic. The psycho-social and health consequences have been devastating. The DRC military has reportedly been the largest perpetrator of such abuses, seemingly due, in part, to its size and the

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<sup>30</sup> USAID Factsheet, *Democratic Republic of the Congo – Complex Emergency*, June 28, 2013.

<sup>31</sup> Welthungerhilfe, Concern Worldwide, and International Food Policy Research Institute (IFPRI), “2011 Global Hunger Index, The Challenge of Hunger: Taming Price Spikes and Excessive Food Price Volatility,” October 2011. Note: DRC was not ranked in the 2012 index due to insufficient available data.

<sup>32</sup> State Department, *Country Reports for Human Rights Practices for 2012*, op. cit.

<sup>33</sup> Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo*, 2009. See CRS Report R40956, *Sexual Violence in African Conflicts*, by Alexis Arieff.

repeated integration of abusive rebel groups.<sup>34</sup> Significant perpetrators of sexual violence also include nonstate armed groups such as the FDLR and Mai Mai militias. The prevalence of sexual violence has been attributed to the eroded status of women, weak state authority, a deeply flawed justice system, and a breakdown in community protection mechanisms. As with other abuses, sexual violence has also been linked to structural problems within the security forces. While women and girls are the primary targets, men and boys have also been victims. Despite legal reforms, donor pressure, and foreign assistance efforts, observers report that impunity is the norm for perpetrators of sexual crimes, and indeed for most grave human rights abuses.

U.N. peacekeepers have been criticized for failing to protect civilians from SGBV, for example in several instances of mass rape carried out near U.N. outposts, and during the November 2012 M23 seizure of Goma. U.N. peacekeepers have also been accused of sexual abuse and exploitation; in 2012, 25 such allegations were recorded against MONUSCO personnel.<sup>35</sup>

## **Security Sector Reform (SSR) Efforts**

The roughly 150,000-person FARDC, formed at the end of the 1998-2003 war, reflects an attempt to forge a national military from disparate armed groups and elements of the abusive and dysfunctional Mobutu-era army. FARDC troops are not provided with consistent doctrine or training; they are also poorly and inconsistently paid, and are not given adequate food or supplies. These shortages may encourage looting and other abuses. The integration of additional armed groups into the FARDC has continued during the post-conflict period, and accelerated between 2009 and 2011, reportedly contributing to internal disarray.<sup>36</sup> The national police, judiciary, and other security institutions also suffer from limited capacity and a record of corruption and abuse.

Analysts and donors have viewed SSR as essential to a wide range of policy goals in DRC, including regional security; human rights improvements; and fiscal stability. Donors have supported a number of SSR programs since 2005, focusing on the military, police, and justice sector. These include a European Union advisory mission (EUSEC), which aims to reform the FARDC's administration of personnel and financing; MONUSCO-led police and military training; and bilateral train-and-equip programs administered by the United States (see "Foreign Assistance"), France, Belgium, South Africa, Angola, and China, among others. It is difficult to document clear signs of structural improvements in the security sector, however, and donor efforts appear to have been challenged by a lack of strategic planning and coordination; conflicting policy goals (structural reform versus the negotiated settlement of conflicts through integration); limited justice sector capacity; and limited political will and sustainability. While deep changes could potentially benefit the government by enabling it to project state authority, they could also threaten powerful interests within the government and Kabila's inner circle.

## **The Economy**

The DRC has some of the largest endowments of natural resources in the world. Yet it has been unable to translate that natural wealth into benefits for its citizens, even as the economy continues

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<sup>34</sup> HRW, *Soldiers Who Rape, Commanders Who Condone*, 2009, op. cit.

<sup>35</sup> United Nations Conduct and Discipline Unit, "Statistics," June 19, 2013

<sup>36</sup> ICG, *Congo: The Electoral Dilemma*, 2011, op. cit.



to recover from severe decline during the late Mobutu era and the 1998-2003 conflict. Educational opportunity is lacking, the workforce is overwhelmingly unskilled, and the vast majority of the population remains dependent on subsistence agriculture for economic survival. While GDP growth was estimated at 7% in 2012 and is expected to remain around that level in 2013, it has been driven mostly by high mineral commodity prices and resulting wealth has not generally been shared by the broader population. The reestablishment of relations with international financial institutions such as the International Monetary Fund (IMF) and World Bank after the 1998-2003 war has helped stabilize DRC's macroeconomic situation, but in 2012, the IMF suspended payments under a previous concessional loan agreement due to concerns about a lack of transparency in mining contracts (see "The Mining Sector").

Outside of major cities and industrial mining, economic activity is often carried out within a broad informal sector. The government is trying to improve its business climate, instituting a value-added tax (VAT) in January 2012 to raise revenue. It also joined the Organization for the Harmonization of Business Laws in Africa in August 2012 to simplify and standardize its business regulations. However, it is unclear how equitable collection of the VAT will be, and the DRC is ranked 181 out of 185 countries in the World Bank's 2013 *Doing Business* Report. The State Department has reported on a number of obstacles to foreign investment and private sector development, including underdeveloped infrastructure, inadequate contract enforcement, limited access to credit, continued insecurity in the east, inadequate property rights protection, high levels of bureaucracy and corruption, and the lack of reliable electricity.<sup>37</sup> In addition, current law requires that Congolese have a majority stake in all agriculture investments, which is seen as a significant impediment to foreign investment in that sector. The DRC government has said it plans to revise the agriculture code and limit the domestic ownership provision.<sup>38</sup>

DRC's sovereign debt declined from 136% of GDP in 2009 to around 25% at the end of 2012, after the country qualified in 2010 for multilateral debt relief worth \$12.3 billion under the World Bank- and IMF-led Heavily Indebted Poor Countries (HIPC) initiative.<sup>39</sup> Conditions for the debt cancellation included "satisfactory implementation of the country's poverty reduction and growth strategy, maintenance of macroeconomic stability, improvements in public expenditure and debt management, and improved governance and service delivery in key social sectors, such as health, education and rural development." While macroeconomic progress did occur, analysts have debated whether the World Bank and IMF moved ahead too quickly, thereby losing policy leverage in the absence of significant advances in governance and the business environment.<sup>40</sup>

## **The Mining Sector**

The issue of "conflict minerals"—that is, ores that, when sold or traded, have reportedly helped to fuel conflict or human rights abuses in DRC—has drawn extensive international attention.<sup>41</sup> Conflict mineral exports are particularly associated with the informal, artisanal mining sector in

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<sup>37</sup> State Department, "Investment Climate Statement-2013," April 2013.

<sup>38</sup> Michael Kavanagh, "Congo Seeks to Lure Investors for \$5.7 Billion Farming Plan," *Bloomberg News*, July 12, 2013.

<sup>39</sup> IMF, *Democratic Republic of the Congo Staff Report for the 2012 Article IV Consultation*, September 4, 2012; and "IMF and World Bank Announce US\$12.3 Billion in Debt Relief for the Democratic Republic of the Congo," July 1, 2010. This was the largest amount of debt relief provided to any eligible HIPC country, according to the IMF.

<sup>40</sup> See, e.g., Oxford Analytica, "Relief for Congo," July 7, 2010.

<sup>41</sup> See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook.

eastern DRC. The vast majority of state revenues from the mining sector, in contrast, come from industrial, large-scale mining of cobalt and copper in the relatively stable Katanga region, in which the mining parastatal Gécamines is a partner. DRC accounts for 47% of the world's cobalt reserves and produced 51% of the world's supply of cobalt in 2010, along with 25% of industrial diamonds, 14% of tantalum, 5% of gem-quality diamonds, and 3% of copper and tin.<sup>42</sup> China has a growing stake in DRC mining: nearly 50% of DRC exports are destined for China, up from 10% in 2005, reportedly including over 90% of mineral exports from Katanga province.<sup>43</sup>

International concerns related to this formal mining sector have focused on corruption, mismanagement, poorly protected property rights, regulatory uncertainty, and, to some extent, poor labor conditions. An independent investigation into five mining concessions sold between 2010 and 2012, for example, reported that DRC lost at least \$1.36 billion from underpricing those assets in complex deals featuring offshore companies and two multinational mining corporations, Glencore and the Eurasian Natural Resources Corporation (ENRC). Intermediary companies involved in the deals have been linked to companies owned by Dan Gertler, an Israeli businessman with reportedly close ties to President Kabila.<sup>44</sup>

In December 2012, the IMF halted its concessional lending program in DRC—with a reported \$240 million in the pipeline—because DRC had failed to publish mining contracts as required under the program. On April 17, 2013, the Extractive Industries Transparency Initiative (EITI), a U.S.-backed global standard that promotes revenue transparency for extractive resources, suspended the DRC as an EITI candidate country due to the unreliability of the revenue figures it disclosed from its extractive sectors.<sup>45</sup> Similar transparency concerns have been raised concerning DRC's nascent oil sector, although it is still in the exploration phase.<sup>46</sup>

The DRC government has announced plans to revise its mining code. This could allow the state to derive a higher share of mining revenues from the private sector and could, potentially, institute greater transparency. In addition to an increase in royalty payments, draft legislation reportedly includes provisions to increase taxes on mining firms, reduce a 10-year stability clause that shields firms from changes in laws, and increase the government's required stake in joint ventures.<sup>47</sup> The initiative has reportedly sparked concerns from international investors.

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<sup>42</sup> *Extractive Industries Transparency Initiative (EITI)*, "Democratic Republic of Congo: Overview."

<sup>43</sup> IMF Trade Data; *Economist Intelligence Unit*, "Congo (Democratic Republic)," June 11, 2013.

<sup>44</sup> See, for example, Franz Wild, Michael J. Kavanagh, and Jonathan Ferziger, "Gertler Earns Millions as Mine Deals Fail to Enrich Congo," *Bloomberg Markets Magazine*, December 5, 2012; *Africa Confidential*, "Gertler's Assets Multiply," May 24, 2013; and Africa Progress Panel Report 2013, *Equity in Extractives*, May 2013, which point to the systematic under-valuing of state-controlled mining assets sold to private foreign investors.

<sup>45</sup> EITI, "Democratic Republic of Congo Temporarily 'Suspended,'" April 18, 2013; see also EITI, *République Démocratique du Congo: Report 2010*, December 2012.

<sup>46</sup> See ICG, *Black Gold in the Congo: Threat to Stability or Development Opportunity?* July 11, 2012. Oil deposits have recently been found on the Ugandan side of Lake Albert, which also borders DRC, and Angola exports oil from offshore deposits bordering DRC.

<sup>47</sup> *Africa Mining Intelligence*, "Outcry Over New Mining Legislation," May 14, 2013.

## **U.S. Policy**

The Obama Administration states that its policy toward DRC “is focused on developing a nation that is stable and democratic, at peace with its neighbors, extends state authority across its territory, and provides for the basic needs of its citizens.”<sup>48</sup> The Administration also indicates that U.S. relations with DRC are “strong,” seemingly based on extensive U.S. efforts to improve DRC’s stability, and not necessarily on bilateral diplomatic ties.

In a public address on February 11, 2013, then-Assistant Secretary of State for African Affairs Johnnie Carson called for a new “energetic and international effort” toward a “comprehensive” peace settlement.<sup>49</sup> He argued that high-level U.S. engagement was necessary on moral, strategic, and financial grounds, contrasting the humanitarian costs and burden to donors of continued conflict in DRC against the country’s enormous economic potential. The speech presaged Feingold’s appointment as the U.S. Special Envoy to the Great Lakes region. On July 25, Secretary of State Kerry chaired a ministerial-level meeting of the U.N. Security Council on the Great Lakes region, at which he argued that there is a shared obligation to end the “targeted, grotesque violence” in DRC, referred to peace in the Great Lakes as “a high-level priority for President Obama and for me,” and called for “high-level leadership” to implement and enforce the regional Framework Agreement.<sup>50</sup> Secretary Kerry also applauded a World Bank proposal to provide \$1 billion to help states in the region provide better health and education, generate more cross-border trade, and fund hydroelectricity projects, in support of the Agreement.<sup>51</sup> Whether these remarks and the Envoy appointment mark a major departure for U.S. policy, and whether sufficient U.S. resources are available to implement a new policy approach, remains to be seen.

To date, the Administration has sought to address the M23 conflict through increased regional diplomacy, targeted sanctions instituted under Executive Order 13413 (2006) (with designations of the M23 and the FDLR in January 2013), and actions at the U.N. Security Council that aim to support the regional peace process and MONUSCO’s ability to protect civilians in the east. Since mid-2012, the Administration has also publicly criticized Rwanda’s reported role in supporting the M23. In July 2012, the State Department suspended FY2012 Foreign Military Financing (FMF) assistance for Rwanda, consistent with the FY2012 Consolidated Appropriations Act (P.L. 112-74), which prohibits FMF assistance for Rwanda and Uganda if they are found to support nonstate armed groups in DRC. While the amount of suspended aid was relatively small, it may have emboldened European donors who then suspended a portion of their direct budgetary support to Rwanda. In December 2012, then-Assistant Secretary of State for African Affairs Johnnie Carson testified before Congress that “there is a credible body of evidence that corroborates the assertions of the U.N. group of experts, that the Rwandan government provided significant military and political support to the M23.”<sup>52</sup> In July 2013, a State Department spokesperson again alluded to a “credible body of evidence” regarding “support by senior Rwandan officials to the M23 and of Rwandan military personnel in the DRC,” and called on

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<sup>48</sup> State Department, “U.S. Relations with Democratic Republic of the Congo,” December 3, 2012.

<sup>49</sup> Remarks at the Brookings Institution, “Finding a Lasting Solution to Instability in the Democratic Republic of the Congo,” February 11, 2013.

<sup>50</sup> John Kerry, “Remarks at the United Nations Security Council Ministerial on the Great Lakes,” July 25, 2013.

<sup>51</sup> See World Bank, “World Bank Announces US\$1 Billion Pledge to Africa’s Great Lakes Region,” May 22, 2013.

<sup>52</sup> Testimony before the House Foreign Affairs Committee, Subcommittee on Africa, Global Health, and Human Rights, December 11, 2012; and before the House Armed Services Committee, December 19, 2012.

Rwanda “to immediately end any support to the M23, withdraw military personnel from eastern DRC, and follow through on its commitments under the [February 2013] framework.”<sup>53</sup>

## Foreign Assistance

U.S. bilateral aid to DRC totaled over \$254 million in FY2012, about 40% of which was for health programs (**Table 1**).<sup>54</sup> U.S. assistance programs also aim to promote democracy and good governance, stabilization and conflict resolution in the east, agricultural development, natural resource management, military professionalism, and basic service delivery. The Administration has requested \$236 million in bilateral aid funding for FY2014, which would represent a significant increase compared to nonhumanitarian FY2012 levels of \$186 million. (Food aid, not reflected in the FY2014 request, totaled over \$68 million in FY2012. The Administration requested \$196.9 million for FY2013, not counting food aid; actual funding figures for FY2013 are not yet available.) In addition to bilateral aid, the United States provides significant financial support to international financial institutions that have given loans, grants, and technical assistance to DRC. The United States is also the largest donor to MONUSCO under the U.N. system of assessed contributions for peacekeeping operations (**Table 2**).

**Table 1. U.S. Bilateral Assistance to DRC, State Department and USAID**

Appropriations, \$ Millions

Account / Fiscal Year	2010 Actual	2011 Actual	2012 Actual	2013 Request	2014 Request
<b>GHP-USAID</b>	65.7	86.0	97.9	89.7	122.7
<b>GHP-State</b>	19.6	39.6	13.8	37.2	38.3
<b>ESF</b>	77.6	45.9	47.9	50.1	59.9
<b>INCLE</b>	1.7	6.0	6.0	5.3	3.3
<b>NADR</b>	0.8	1.0	1.0	0.5	0.5
<b>IMET</b>	0.5	0.5	0.5	0.4	0.3
<b>FMF</b>	1.5	0.3	-	0.2	-
<b>PKO</b>	14.0	21.5	19.0	15.0	11.0
<b>FFP (P.L. 480 Title II)</b>	101.3	67.3	68.3	30.0	-
<b>Subtotal</b>	<b>282.7</b>	<b>268.2</b>	<b>254.4</b>	<b>228.4</b>	<b>236.0</b>
<b>Add'l Emergency Humanitarian Aid</b>	60.3	57.6	78.6	139.5	-
<b>TOTAL</b>	<b>343.0</b>	<b>325.8</b>	<b>333.0</b>	<b>367.9</b>	<b>236.0</b>

**Source:** State Department Congressional Budget Justification for Foreign Operations, FY2012-FY2014; USAID fact-sheets on humanitarian aid to DRC.

<sup>53</sup> State Department daily press briefing, July 23, 2013.

<sup>54</sup> State Department, FY2014 *Congressional Budget Justification for Foreign Operations*.

**Note:** The FY2013 column shows the amount allocated as of July 2013 for additional humanitarian assistance. FY2014 figures do not include emergency humanitarian assistance, which is determined during the year according to need. This table does not include funding administered by agencies and departments other than the State Department and USAID, or regional program funding from which DRC may benefit. Totals may not add up due to rounding.

*ESF-Economic Support Fund; FFP-Food For Peace; FMF-Foreign Military Financing; GHP-Global Health Programs; IMET-International Military Education & Training; INCLE-International Narcotics Control & Law Enforcement; NADR-Nonproliferation, Antiterrorism, Demining & Related Programs; PKO-Peacekeeping Operations. Additional humanitarian assistance reflects funding administered by USAID’s Office of U.S. Foreign Disaster Assistance (OFDA) and the Department of State’s Bureau of Population, Refugees, and Migration (PRM), and, for FY2013, emergency FFP aid.*

Security assistance is focused on military professionalization and security sector reform. Such aid has largely been funded through the State Department-administered Peacekeeping Operations (PKO) account and has supported officer training, military justice assistance, and efforts to provide better food supplies for troops, among other activities. (U.S. assessed contributions to MONUSCO’s budget are funded through a separate account: Contributions to International Peacekeeping, or CIPA.) State Department-administered programs funded through the International Narcotics Control and Law Enforcement (INCLE) account have also supported police professionalization. The Defense Department has also administered some security cooperation programs, such as the Defense Institutions Reform Initiative (DIRI), which assists reforms at the Ministry of Defense. Foreign Military Financing (FMF) funding for DRC, which was relatively small, is prohibited under the Child Soldiers Prevention Act of 2008 (Title IV, P.L. 110-457) and the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). The Obama Administration has waived such sanctions on other forms of security assistance.<sup>55</sup>

In 2010, State Department-funded contractors and military personnel from U.S. Africa Command (AFRICOM) trained and provided nonlethal equipment to a “model” military battalion, now known as the 391<sup>st</sup>, using about \$35 million in PKO funding. The battalion continued to receive U.S. advisory support, including training on human rights and gender-based violence prevention, until March 2013. At that point, U.S. support was suspended after a U.N. investigation found that members of the 391<sup>st</sup>, among others, had allegedly raped civilians near Goma during the M23 seizure of the town. Until then, the Administration had been exploring the possibility of training a second battalion; prospects for future U.S.-funded train-and-equip missions are now uncertain.

**Table 2. U.S. Contributions to MONUSCO By U.S. Fiscal Year**

Appropriations, \$ Millions

	FY2010	FY2011	FY2012	FY2013 (est.)	FY2014 (req.)
CIPA	387.7	600.2	399.5	408.0	438.0

**Source:** Congressional Budget Justification, Department of State Operations, FY2012-FY2014.

**Note:** CIPA=Contributions to International Peacekeeping Activities.

<sup>55</sup> See Presidential Determination 2012-16 with Respect to Foreign Governments’ Efforts Regarding Trafficking in Persons, September 14, 2012; and Presidential Determination No. 2012-18 of September 28, 2012, with respect to the Child Soldiers Prevention Act of 2008.

## Trade and Investment Issues

With its significant mineral wealth and large domestic market, DRC is potentially an attractive destination for U.S. commerce and investment. A bilateral investment treaty entered into force in 1989, and the Kabila government has taken some steps to improve the country's business climate. However, investors continue to face serious obstacles, as noted above. The State Department also criticized a government review of mining contracts, initiated in 2007, for opacity and delays.<sup>56</sup> The Obama Administration revoked DRC's eligibility for trade benefits under the African Growth and Opportunity Act in December 2010, citing a lack of "continual progress in meeting the requirements" of the act.<sup>57</sup> Bilateral trade is relatively limited; in 2011, U.S. general imports from DRC were valued at \$606 million and U.S. exports to DRC at \$166 million.<sup>58</sup> In 2012, U.S. imports from DRC fell to \$41 million; exports rose to \$199 million. Among U.S.-listed companies potentially affected by the 2012 SEC rule regarding the trade in conflict minerals, required under **P.L. 111-203**, some are participating in industry-led initiatives to improve supply-chain accountability, and some are challenging the regulations in court and/or through advocacy.

## Outlook and Issues for Congress

Through legislation and oversight activities, Members of Congress have expressed an interest in advancing peace and stability, improving governance and natural resource management, and addressing health and humanitarian needs in DRC. However, Congolese political actors have, at times, displayed limited ability and will to pursue such ends. U.S. influence may furthermore be constrained by potential limits on U.S. fiscal and personnel resources, and by the challenges of coordinating with other key players such as European states, China, Rwanda, Uganda, Angola, and South Africa.<sup>59</sup> U.S. bilateral aid does not easily present opportunities for leverage, as most programming is aimed at addressing humanitarian and/or human rights problems. Citing this emphasis, President Obama has waived most legal restrictions on military aid stemming from human rights concerns, using waiver authorities provided by Congress.

The problematic 2011 elections and the renewed rebellion in North Kivu point to the stark obstacles that persist despite international efforts to support post-conflict stabilization and democratic progress. U.S. officials publicly criticized the 2011 electoral process, but in the end, the Obama Administration tacitly accepted Kabila's victory.<sup>60</sup> Some critics of U.S. policy contend that U.S. officials support Kabila because they view him as an anchor of regional stability, whereas—these critics argue—he has failed to improve the lives of most Congolese.<sup>61</sup> Whether or not this criticism is fair, perceptions that the United States is a nonneutral actor in DRC may hinder U.S. diplomatic and foreign assistance efforts. Contrary to some predictions, the disputed

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<sup>56</sup> State Department, "Background Note: Congo (Kinshasa)," April 13, 2011.

<sup>57</sup> "Presidential Proclamation—African Growth and Opportunity Act," December 21, 2010.

<sup>58</sup> U.S. International Trade Commission data, accessed at [http://dataweb.usitc.gov/scripts/user\\_set.asp](http://dataweb.usitc.gov/scripts/user_set.asp).

<sup>59</sup> South Africa in particular has recently elevated its influence in DRC, providing the bulk of troops for the U.N. Intervention Brigade and committing to purchase a sizable share of energy production from the prospective DRC Grand Inga III dam. South African relations with Rwanda also appear to have deteriorated due to a range of factors.

<sup>60</sup> State Department, Press Statement, Hillary Rodham Clinton, "Supreme Court Decision Confirming Results of the Presidential Election in the Democratic Republic of the Congo (DRC)," December 20, 2011.

<sup>61</sup> See, e.g., testimony by Mvemba Phezo Dizolele before the Senate Committee on Foreign Relations, 2011, *op. cit.*

election did not lead to a popular uprising and/or mass violence in Kinshasa (to date), but the prospects for improvements in future elections and democratic accountability are uncertain.

With regard to the situation in the Kivus, U.S. policymakers, including in Congress, face a particularly thorny set of challenges. The transfer of M23 faction leader Bosco Ntaganda to the International Criminal Court in March 2013, which the Obama Administration facilitated, may lead to human rights improvements but does not address the root causes of the conflict. The U.N.-backed Framework Agreement between DRC and its neighbors represents a potential step toward more functional regional relationships and a commitment by the DRC government to implement reforms. However, the mechanisms through which it will be implemented and enforced remain to be determined and tested. U.S. and other donor support for security sector reform in DRC has had limited impact on deep structural problems, in part due to seemingly low DRC government interest in restructuring a security apparatus whose dysfunction may benefit powerful actors. Cyclical conflict in the east also continues to highlight challenges confronted by MONUSCO, whose mandate and capabilities have often appeared to diverge. Whether the authorization of MONUSCO's new Intervention Brigade will close that gap, or increase it, is uncertain.

A key issue for Congress is whether a focus on issues such as sexual violence and the trade in conflict minerals has distracted from systemic governance problems—or has resulted in a policy that overwhelmingly concentrates on the east at the possible expense of the rest of the country. Debate continues among policymakers in Congress and the executive branch over issues such as:

- the strategic design of U.S. aid to DRC, such as whether aid flows to the areas of greatest need and/or highest U.S. national interests, and its impact;
- the degree to which U.S. aid to DRC and neighboring states can or should be conditioned or restricted as a tool of policy leverage;
- the relative effectiveness of various tools for exerting U.S. influence, such as diplomacy, foreign assistance programming, U.S. influence over international financial institution activities, and U.S. actions at the U.N. Security Council; and
- the degree to which the Kabila government has shown progress, even when assisted and prodded by donors, in confronting deeply ingrained problems related to the security sector, economic governance, and state accountability and capacity.

## Appendix. Selected Enacted Legislation

- **P.L. 109-456 (Sen. Barack Obama), Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006** (December 22, 2006). Sought to define U.S. policy toward DRC. Obligated a minimum funding level for bilateral foreign assistance to DRC in FY2006-FY2007, authorized the Secretary of State to withhold certain types of foreign assistance for countries acting to destabilize DRC, and directed the President to consider withdrawing certain forms of aid to DRC if the government did not make sufficient progress toward stated policy objectives.
- **P.L. 110-457 (Rep. Howard L. Berman), William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008** (December 23, 2008). Prohibits, with certain waiver provisions, certain security assistance funds and military sales from being made available to the government of a country identified by the Secretary of State as supporting the recruitment and use of child soldiers, and (pursuant to P.L. 106-386) to countries that receive a Tier 3 (worst) ranking in the State Department's annual *Trafficking in Persons Report*.
- **P.L. 111-32 (Rep. David R. Obey), Supplemental Appropriations Act, 2009** (June 24, 2009). Appropriated \$15 million in Peacekeeping Operations (PKO) funding for DRC that was used to train a Light Infantry Battalion, as part of ongoing U.S. support for security sector reform.
- **P.L. 111-84 (Rep. Ike Skelton), National Defense Authorization Act for Fiscal Year 2010** (October 28, 2009). Required the executive branch to produce a map of mineral-rich areas under the control of armed groups in DRC.
- **P.L. 111-172 (Sen. Russ Feingold), Lord's Resistance Army Disarmament and Northern Uganda Recovery Act** (May 24, 2010). Directed the President to submit to Congress a strategy to guide U.S. support for efforts to eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army (LRA)—an armed group originating in Uganda and currently active in DRC and other central African countries—among other provisions.
- **P.L. 111-203 (Rep. Barney Frank), Dodd-Frank Wall Street Reform and Consumer Protection Act** (July 21, 2010). Required the Securities and Exchange Commission to issue regulations requiring U.S.-listed companies whose products rely on certain designated “conflict minerals” to disclose whether such minerals originated in DRC or adjoining countries and to describe related due diligence measures, along with a number of other provisions.
- **P.L. 111-212 (Rep. David Obey), Supplemental Appropriations Act, 2010** (July 29, 2010). Appropriated \$15 million in Economic Support Fund (ESF) to assist emergency security and humanitarian assistance for civilians, particularly women and girls, in eastern DRC.
- **P.L. 112-10 (Rep. Harold Rogers), Department of Defense and Full-Year Continuing Appropriations Act, 2011** (April 15, 2011). Provided that certain military assistance funds available for DRC should not be used to support any military training or operations that “include child soldiers.”



- **P.L. 112-74 (Rep. John Abney Culberson), Consolidated Appropriations Act, 2012** (December 23, 2011). As amended and extended to FY2013 through continuing resolutions, prohibits certain types of security assistance and arms sales to DRC for training or operations that include child soldiers. Restricts Foreign Military Financing (FMF) grants to Rwanda and Uganda if the Secretary of State finds that these countries are providing support to armed groups in DRC. Previous annual foreign operations appropriations bills placed reporting requirements and restrictions on the allocation of FMF and International Military Education and Training (IMET) funds for DRC.
- **P.L. 112-239 (Rep. Howard “Buck” McKeon), National Defense Authorization Act, 2013** (January 2, 2013). Authorizes sanctions on individuals found to have provided significant support to the M23.

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