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# EXAMINING ONGOING CONFLICT IN EASTERN CONGO

UNITED STATES SENATE, COMMITTEE ON FOREIGN RELATIONS, SUBCOMMITTEE ON  
AFRICAN AFFAIRS

ONE HUNDRED THIRTEENTH CONGRESS, FIRST SESSION

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**Testimony of John Prendergast  
Co-Founder, The Enough Project  
Senate Foreign Relations Committee  
Subcommittee on Africa  
April 16, 2013**

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 3 Ts, 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% 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 UN 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 governments 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 UN 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 multi-faceted 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 UN 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 UN 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 mini-summits 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.

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<sup>i</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).

Examining Ongoing Conflict in Eastern Congo

The United States Senate

Committee on Foreign Relations

Subcommittee on African Affairs

Testimony by Mvemba Phezo Dizolele

Strategy and Advocacy Fellow, Eastern Congo Initiative

Tuesday, April 16, 2013

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 healthcare 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 two 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 government 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 UN 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 UN 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 follow-up 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 UN 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 UN 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 UN Special Envoy can provide a much-needed focal point and energy at the precise moment when the UN 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 towards 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 UN resolution 2098. The UN system, particularly the permanent five members of the Security Council, must ensure that MONUSCO and the UN 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 UN 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 follow-up 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.
- US Africa Command successfully trained a battalion that performed well in LRA-affected areas in Orientale Province. As part of a comprehensive SSR blueprint, the US should increase its military assistance to DRC, including training of more units of FARDC and greater access to US 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 re-integrated 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 UN, 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.

## **"Examining Ongoing Conflict in Eastern Congo"**

The United States Senate  
Committee on Foreign Affairs  
Subcommittee on African Affairs

Testimony by Rev. Professor Muhigirwa Rusembuka Ferdinand SJ  
Former Director of CEPAS and Managing Director of Arrupe Research & Training Center

Tuesday, April 16, 2013

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 UN Special Envoy to the Great Lakes; and the passage of UN 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 UN Special Envoy in the Great Lakes Region. On March 28, 2013, the Security Council voted for UN 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 eleven 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 US 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 is 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 governance 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 US 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 US 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 US 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 US and the broader international community**

In 2006, the US 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 US to support security sector reform, including the army, military, justice system

and police force. These are still the key necessary pre-conditions for peace and stability in the region.

Taking that into consideration, the US 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 multi-stakeholder 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 UN 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 US Congress and I look forward to your questions.

Rev. Muhigirwa Rusembuka Ferdinand SJ

**Testimony by Federico Borello**  
**Director of Investments, Humanity United**  
**Before the Subcommittee on African Relations of the**  
**Senate Committee of Foreign Relations**  
**On Examining Ongoing Conflict in Eastern Congo**  
**April 16, 2013**

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 towards 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 UN 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 UN 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 US 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 towards a long-term strategy. Deep and sustained political and economic engagement is sorely needed by the U.S. Government, the UN, 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 non-interference 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 two 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 UN Group of Experts and various non-governmental 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 UN 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 UN 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 re-evaluated and where appropriate suspended, in order to forge a multilateral, comprehensive reform strategy. The Congolese government, supported by the UN 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 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 towards 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 inter-community dialogue process.

The creation of the new MONUSCO Intervention Brigade, authorized in the recent UN 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 re-evaluate its support to the FARDC and joint operations with them, particularly because this army continue 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 inter-community 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 inter-community 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 UN/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 towards peace, can change the current dynamics and move the country closer towards 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 UN 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 towards 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 UN 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-à-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 UN 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 UN Secretary General, or SRSG, is chosen by the UN 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 UN 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 towards the peace and prosperity that its people deserve.