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

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Summary

Conflict, poor governance, and a long-running humanitarian crisis in the Democratic Republic of Congo (DRC) present a range of challenges for international policy makers, including Members of Congress. Chronic instability in the mineral-rich and densely populated east of the country has caused widespread human suffering and inhibited private sector investment throughout the wider Great Lakes region of central Africa. Congolese political actors have displayed limited capacity and will to improve security and governance, while neighboring states have reportedly periodically provided support to rebel groups in DRC.

Some progress in addressing recurrent conflict was made in 2013, although DRC remains a fragile state and the east is still afflicted by violence. DRC and its neighbors agreed to a regional peace framework in early 2013. In November 2013, the Congolese military—backed by a new U.N. “Intervention Brigade”—defeated a relatively formidable rebel group known as the M23, which had emerged in 2012. Newly appointed U.S. and U.N. special envoys played a key role in facilitating a peace process with the M23 and have urged further talks among political leaders in the region. U.S. leverage may nonetheless be constrained by limited available resources, a lack of DRC state capacity and commitment, and the challenge of coordinating with and influencing other key players, including European donors, China, and regional powers such as Rwanda, Uganda, Angola, and South Africa. U.S. policy makers, including in Congress, continue to debate the relative effectiveness of policy tools in DRC, including aid, public advocacy, support for multilateral organization efforts, and other engagement.

The United States facilitated past peace accords in the Great Lakes region and has provided billions of dollars in bilateral and multilateral aid to DRC over the past decade. Annual bilateral aid 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 the U.N. Organization Stabilization Operation in DRC (MONUSCO). Bilateral aid programs seek to address health and humanitarian needs, advance democratic governance, encourage economic growth, improve military professionalism, foster transparent management of natural resources, and end the regional trade in “conflict minerals,” among other goals. As a permanent member of the U.N. Security Council, the United States influences the authorization of MONUSCO and a U.N. sanctions regime (implemented in the United States via executive order). The United States may also influence the actions of international financial institutions that have, at times, provided crucial support to the DRC government.

Congress has used a range of tools to shape U.S. policy toward DRC, including hearings, legislation, and oversight activities. Congress authorizes and appropriates bilateral aid funding, as well as U.S. contributions to MONUSCO’s budget, to which the United States is the largest donor. Congress has also placed restrictions on certain types of U.S. assistance to countries that, like DRC, use child soldiers, fail to observe minimum standards in countering human trafficking, or fail to uphold budget transparency. The Obama Administration has waived most such restrictions for DRC. The FY2014 Consolidated Appropriations Act (P.L. 113-76) restricts certain military aid for Rwanda if it is found to support armed groups in DRC. The Administration has also suspended some additional security assistance for Rwanda under the Child Soldiers Prevention Act of 2008 (P.L. 110-457), in connection with Rwanda’s support for the M23, which has used child soldiers. Two DRC-related resolutions have been introduced in 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

Since the mid-1990s, cyclical conflict in eastern DRC has caused regional instability and inhibited development, consuming substantial domestic and donor resources and thus becoming the focus of international policy toward the country. The emergence of a new, formidable rebel movement known as the M23 in 2012 prompted international policy makers to increase their diplomatic engagement in the Great Lakes region of central Africa.¹ A significant breakthrough was achieved in November 2013, when the Congolese military, backed by a new U.N. “Intervention Brigade,” defeated the M23. The Obama Administration’s Special Envoy for DRC and the Great Lakes, former U.S. Senator Russell Feingold, has since called for “broader political dialogue” among countries in the region, new military operations against armed groups still active in the east, and accountability for human rights abusers.²

Ongoing violence by remaining militias in eastern DRC and the abusive national military, as well as poor governance throughout the country, remain key challenges for achieving greater stability. Tensions endure between DRC and its smaller but more capable neighbors Rwanda and Uganda, including over reports that they provided support to the M23. DRC’s President Joseph Kabila has also displayed a limited commitment to democracy and reforms. State actors often appear more focused on controlling resources and augmenting their personal power than on establishing security, creating effective state institutions, and fostering socioeconomic development for DRC’s 75 million inhabitants.

DRC is rich in minerals, water resources, and agricultural potential. Annual economic growth, buoyed by high global commodity prices, has topped 5% in most recent years. DRC also receives high levels of international aid, with \$2.86 billion in net official development assistance disbursed in 2012.³ Yet the majority of Congolese live in poverty and many lack access to adequate food.⁴ Over 2.6 million Congolese are internally displaced, and nearly a half-million more are refugees in nearby countries.⁵ DRC tied for last place on the 2013 U.N. Human Development Index and has the world’s lowest per-capita gross domestic product (GDP).⁶ Given that it is the 11th-largest country in the world, some areas, such as mineral-rich Katanga province, have enjoyed comparative stability and prosperity. However, increased militia violence in Katanga since 2012 suggests that even this relative security is tenuous.⁷

¹ Definitions of the Great Lakes region vary, but it centers on DRC, Rwanda, Burundi, and Uganda. The International Conference on the Great Lakes Region (ICGLR), an inter-governmental body, includes as member-states Angola, Burundi, Central African Republic, Republic of Congo (Brazzaville), DRC, Kenya, Uganda, Rwanda, South Sudan, Sudan, Tanzania, and Zambia.

² Feingold interview on CNN International, November 5, 2013; transcript via *Congressional Quarterly* (CQ); Feingold news briefing via teleconference, State Department, November 6, 2013.

³ Net flows of official development assistance, Organization for Economic Cooperation and Development (OECD).

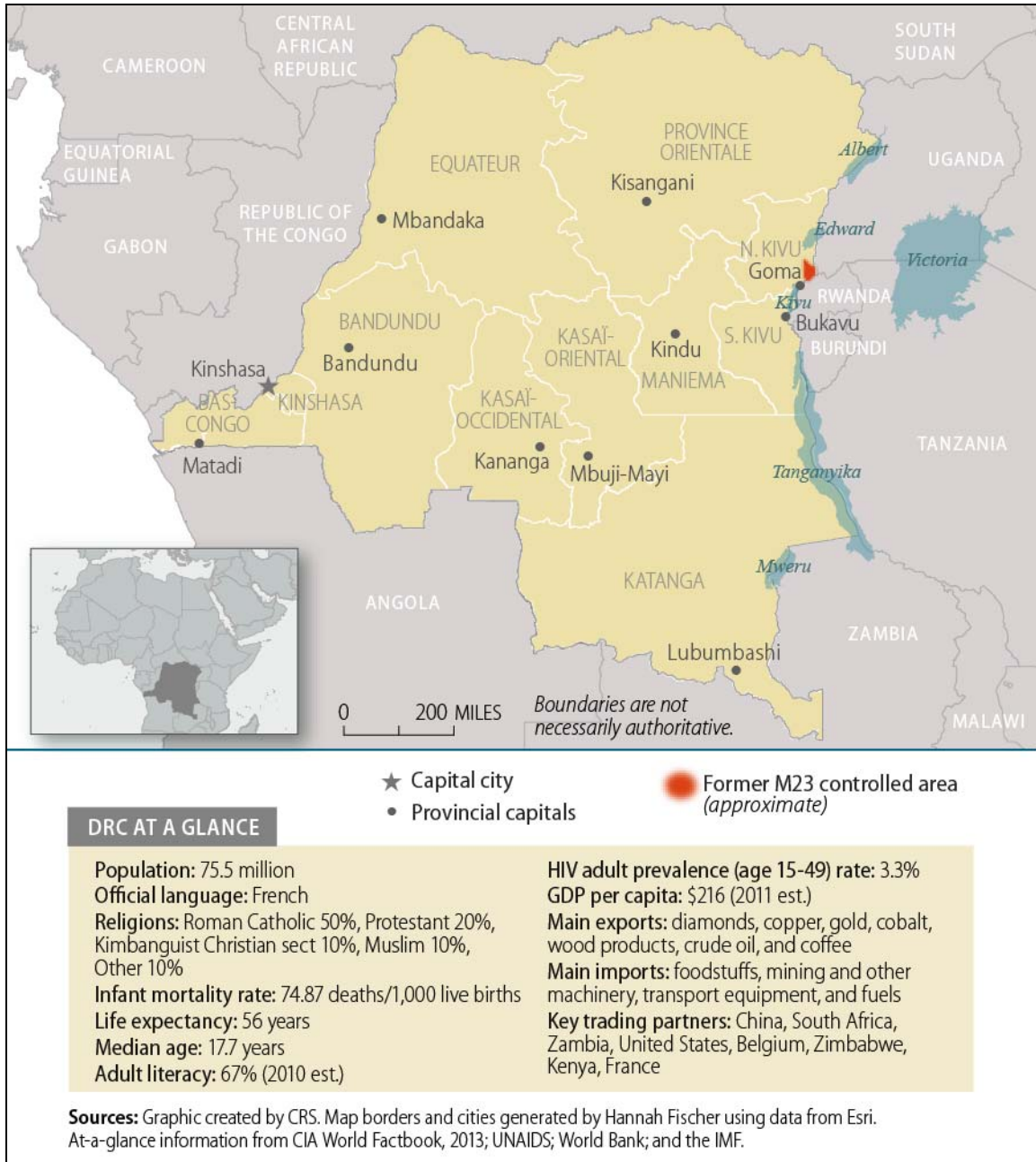
⁴ In 2006 (latest available), the World Bank estimated that over 95% of the population lived on less than \$2 a day. Note that statistical data used in this report are often approximate, as authoritative data from DRC are generally lacking.

⁵ U.N. High Commissioner for Refugees, *UNHCR Global Appeal 2014-2015: Democratic Republic of the Congo*.

⁶ Per capita GDP data for 2012, IMF, World Economic Outlook data, April 2013.

⁷ In January 2014, U.N. officials reported that 400,000 people had been displaced in Katanga due to militia activity. Katanga was the heart of the colonial mining industry and is the center of contemporary industrial mining, the main engine of DRC’s economy. Multiple separatist insurgencies have originated there since independence.

Figure I. Map, Facts at a Glance



The Obama Administration’s policy toward DRC “is focused on helping the country become 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.”⁸ The United States provided an estimated \$274 million in bilateral aid to DRC in FY2013, in addition to about \$165 million in emergency humanitarian assistance. Targeted sanctions are implemented via Executive Order 13413 (2006). U.S. policy makers, including in Congress, have often focused on human rights issues in DRC, such as sexual violence, the use of child soldiers, and the international trade in

⁸ State Department, “U.S. Relations with Democratic Republic of the Congo,” November 8, 2013.

“conflict minerals” sourced in DRC and neighboring states.⁹ The United States also provides significant logistical and advisory support for regional military operations against the Lord’s Resistance Army (LRA) in northeast DRC and neighboring states.¹⁰ As discussed below, the Administration has criticized Rwanda for supporting the M23 and has suspended some military assistance, although Special Envoy Feingold has emphasized that Rwanda is a “friend and ally.”¹¹

The United States is also a major financial contributor to multilateral efforts to stabilize DRC, including U.N. peacekeeping operations and international financial institution programs.¹² The U.N. Organization Stabilization Operation in DRC (MONUSCO, after its French acronym) is the world’s largest U.N. peacekeeping operation, with some 21,000 uniformed personnel.¹³ Its mandate focuses on protecting civilians and supporting the extension of state authority in the east, tasks at which it has arguably had limited success. 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 things.

Whether greater stability can be brought to DRC is likely to depend on whether the Congolese military and U.N. peacekeepers can successfully counter remaining armed groups in the east; whether neighboring countries choose to seek new armed proxies for leverage and/or economic gain; and whether President Kabila follows through on promised reforms. While such reforms could potentially benefit the DRC government by enabling it to project state authority, structural changes to the security sector and economic governance would also likely threaten the interests of powerful individuals. Also in question is whether momentum toward a broader regional peace process can be maintained in the absence of a pressing crisis such as the M23 insurgency. Finally, events in the turbulent sub-region—with burgeoning conflicts in neighboring Central African Republic and South Sudan—may negatively impact DRC’s trajectory or divert international humanitarian and peacebuilding resources.

Congressional Actions

Congress has played a key role in shaping U.S. policy toward DRC, including through its authorization, appropriation, and oversight of U.S. foreign assistance (see **Appendix**). Recent actions include:

- Holding regular hearings on the situation in DRC and U.S. policy responses;

⁹ “Conflict minerals” refer to a designated set of ores that, when sold or traded, have reportedly helped to fuel conflict or human rights abuses in DRC. See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook; and CRS Report R40956, *Sexual Violence in African Conflicts*.

¹⁰ The LRA is a small militia of Ugandan origin that is active in DRC, the Central African Republic, South Sudan, and at times Sudan. LRA massacres, mass abductions, sexual assault, and looting have caused significant human suffering and instability. The Ugandan military 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. Recently, the United States has provided support for South Sudanese and Congolese troops conducting counter-LRA operations in DRC. For background, see CRS Report R42094, *The Lord’s Resistance Army: The U.S. Response*, by Alexis Arieff and Lauren Ploch Blanchard.

¹¹ Feingold interview on CNN International, November 5, 2013, via *CQ*.

¹² See, e.g., World Bank, “World Bank Announces US\$1 Billion Pledge to Africa’s Great Lakes Region, Targeting Energy, Roads, Agriculture, Cross-Border Trade, Health, and Jobs,” May 22, 2013.

¹³ As of December 2013; see <http://www.un.org/en/peacekeeping/missions/monusco/facts.shtml>.

- 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);
- Restricting certain types of bilateral aid and arms transfers to countries, such as DRC, where military or state-backed forces employ child soldiers or fail to meet minimal standards in responding to human trafficking (Title IV of P.L. 110-457, as amended, and P.L. 106-386, as amended);¹⁴
- Restricting government-to-government assistance to countries, such as DRC, that fail to uphold “budget transparency” (most recently, P.L. 113-76);
- Appropriating foreign assistance funds for specific purposes in DRC, particularly related to assisting military professionalization and addressing sexual and gender-based violence (e.g., P.L. 111-32, P.L. 111-212), or for interagency environmental conservation efforts (most recently, P.L. 113-76);
- Requiring the executive branch to formulate a strategy to guide U.S. efforts to eliminate the threat of the Lord’s Resistance Army (P.L. 111-172) and enacting various new defense authorities and appropriations in support of these efforts (most recently, e.g., P.L. 113-66 and P.L. 113-76);
- Requiring the Securities and Exchange Commission (SEC) to regulate international trade in “conflict minerals,” that is, ores of tantalum and niobium, tin, tungsten, and gold, and their derivatives, originating in DRC or neighboring states (P.L. 111-203);
- Authorizing targeted sanctions against persons found to be providing support to the M23 rebel group (P.L. 112-239); and
- Restricting certain military aid to Rwanda if that country’s government is found to support rebel groups in eastern DRC (most recently, P.L. 113-76).¹⁵

Two resolutions on U.S. policy toward DRC have been introduced in the 113th Congress: H.Res. 131 and S.Res. 144. The latter was agreed to in the Senate on June 26, 2013. These broadly 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 location, DRC has long served as an arena of regional and international competition. “Congo Free State” was claimed in 1885 as the personal possession of Belgium’s King Leopold II. His administration of the territory grew notorious for plundering Congo’s natural resources and overseeing serious abuses against the local population, leading the Belgian government to transition the territory into a formal colony in 1908.¹⁶

Belgium granted Congo independence in 1960, and parliamentary elections held shortly prior led nationalist leader Patrice Lumumba to be named prime minister. The country’s early years were

¹⁴ See CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana Rosen, and “U.S. Policy” below.

¹⁵ Previously, P.L. 112-74 extended such restrictions to Uganda as well as Rwanda.

¹⁶ See Adam Hochschild, *King Leopold’s Ghost*, Mariner Books: 2006.

plagued by instability, including an armed secession movement in Katanga and an army mutiny that culminated in Lumumba's murder in early 1961.¹⁷ 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 pursuit of 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. and other Western support in the context of Cold War rivalry over the loyalty of African leaders.¹⁸ He also relied on fraudulent elections, brute force, and patronage networks fueled by extensive official corruption, leading many analysts to brand his regime a "kleptocracy."¹⁹ 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 he repeatedly delayed elections. State institutions and the military deteriorated, while civil conflicts in neighboring states and the 1994 genocide in Rwanda spilled over DRC's borders, diverting state resources and destabilizing local communities. In the aftermath of the Rwandan genocide, ethnic Hutu extremist forces fleeing Rwanda's new Tutsi-dominated government used the refugee camps in eastern Zaire as bases to remobilize, with reported backing from Mobutu. Rwanda launched military operations against the extremists in the mid-1990s, also reportedly targeting civilians.²⁰ Rwanda and Uganda then backed a 1996 rebellion against Mobutu led by Laurent Désiré Kabila, an exiled Congolese militant. This came to be known as the "first" Congo war. With Mobutu's security forces and personal health in tatters, Kabila seized power in 1997 and renamed the country DRC.

Tensions between the erstwhile allies soon erupted. In 1998, amid growing popular hostility toward Rwandan soldiers and Congolese of Rwandan descent, the Kabila government announced that Rwandan troops would be expelled. In response, Congolese soldiers of ethnic Tutsi descent rebelled. Rwanda and Uganda deployed troops into DRC and cultivated rebel groups as proxies, this time in an effort to unseat Kabila. Angola, Zimbabwe, Sudan, and others intervened on Kabila's side. The conflict, dubbed "Africa's World War," led to a major humanitarian crisis.²¹

¹⁷ Some observers have posited that the United States, prompted by fears of Soviet influence, was covertly involved in Lumumba's assassination. A 1975 congressional investigation into U.S. foreign assassination plots concluded that the Central Intelligence Agency (CIA) had pursued plans to assassinate Lumumba 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 as 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, a.k.a. the Church Committee report; pp. 30, 48. See also State Department, *Foreign Relations of the United States, 1964-1968*, vol. xxiii, "Congo, 1960-1968."

¹⁸ For example, 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.

¹⁹ See, e.g., Steve Askin and Carole Collins, "External Collusion with Kleptocracy: Can Zaïre 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://leweb2.loc.gov/frd/cs/zrtoc.html>.

²⁰ See U.N. Office of the High Commissioner for Human Rights (UNOHCHR), *Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003*, August 2010.

²¹ For a detailed account of the conflict and events preceding it, see Jason Stearns, *Dancing in the Glory of Monsters*: (continued...)

In 2001, President Laurent Kabila was assassinated by one of his bodyguards. His son Joseph Kabila assumed the presidency and continued a U.N.-backed peace process. 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 in 2003 and a new constitution was adopted by referendum in 2005. Landmark national elections were held in 2006, the first relatively free and fair multiparty vote in the country since independence. International observers viewed the elections as basically credible, despite procedural shortcomings and significant election-related violence.²² President Kabila won, following a tense and violent run-off against former rebel leader Jean-Pierre Bemba. Kabila was re-elected in 2011 (see below).

DRC's 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 of Rwandan backing for insurgent groups in eastern DRC. In 2008, Kabila and Rwandan President Paul Kagame reached a fragile rapprochement, leading to the reestablishment of bilateral diplomatic ties in 2009. However, the cycle of conflict has continued.

Politics and Governance

DRC has made only limited progress, if any, in improving governance and advancing democracy since the landmark 2006 elections. Presidential and parliamentary elections held in 2011, the first to be organized and financed primarily by the Congolese government, were widely viewed as flawed to the point of lacking credibility (see **Figure 2** below).²³ Under a new single-round presidential election system adopted less than a year prior, Kabila won reelection to a second five-year term with 49% of the vote. His closest rival, veteran opposition leader Etienne Tshisekedi, of the Union for Democracy and Social Progress (UDPS) party, received 32%. Tshisekedi rejected the results; however, opposition efforts to mobilize mass protests against the government foundered. Kabila's People's Party for Reconstruction and Democracy (PPRD) lost seats in the legislature compared to 2006, but nevertheless assembled a majority coalition.

Kabila has been in power since 2001, no small political feat given the high stakes at issue—control over lucrative state patronage networks and security arrangements—as well as regular allegations of coup plots and assassination attempts. While Kabila is reportedly unpopular in much of the country, he also has few political challengers with national appeal. Tshisekedi, 81, has been less and less active since 2012; he and other opposition leaders have also, at times, faced government restrictions on their movements. Some analysts have speculated that Kabila's supporters could back constitutional amendments to allow him to run for a third term in 2016.²⁴

(...continued)

The Collapse of the Congo and the Great War of Africa, PublicAffairs: 2011.

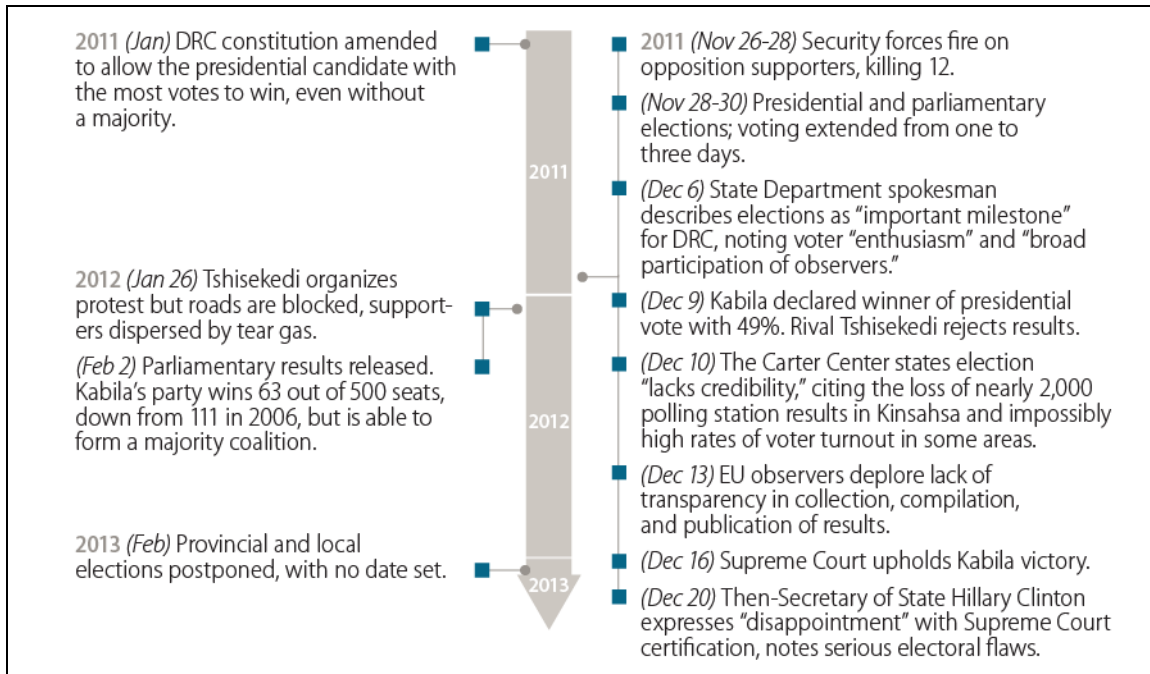
²² See, e.g., European Union Election Observation Mission in the DRC, *Rapport Final : Elections Présidentielle, Législatives et Provinciales 2006*, February 23, 2007.

²³ The Carter Center, *Final Report: Presidential and Legislative Elections in the Democratic Republic of the Congo, November 28, 2011*, October 30, 2012; European Union Election Observation Mission, *Rapport Final: Elections présidentielle et législatives, 28 novembre 2011*; *Direct.cd*, “‘Résultats conformes ni à la vérité ni à la justice,’ affirme Monsengwo,” December 12, 2011. 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. See also International Crisis Group (ICG), *Congo: The Electoral Dilemma*, May 5, 2011.

²⁴ See, e.g., *Africa Confidential*, “Holes in Kabila's Big Tent,” September 6, 2013.

While substantial power is concentrated in the presidency, some local and provincial officials—such as the governor of Katanga, Moïse Katumbi Chapwe—appear to wield significant authority locally. Provincial and local elections, initially expected to be held soon after the 2011 polls, have repeatedly been delayed. The electoral timetable is likely to depend on political will and available funding; it also appears to 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.

Figure 2. DRC's 2011 Elections: Timeline



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

Observers regularly note that DRC’s governance problems stretch far beyond the electoral process, citing endemic corruption and barely functional state institutions. The state’s ability to manage and monitor extraction of its natural resources has been a perennial challenge (see “The Mining Sector” below). Public service delivery is constrained by minimal central government control over large parts of the national territory, poor transportation and electricity infrastructure, challenging terrain, and protracted local conflicts.

The State Department has identified the following as the three most important human rights issues in DRC: “armed conflict in the East that exacerbated an already precarious human rights situation [...]”; 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.”²⁵ According to the State Department, other major 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 human trafficking.

²⁵ State Department, *Country Reports for Human Rights Practices for 2012*.

Security Sector Reform (SSR) in DRC

The roughly 150,000-person Armed Forces of DRC (FARDC, after its French acronym), formed at the end of the 1998-2003 war, represents an attempt to forge a national military from disparate armed groups and elements of the deteriorated 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 cyclical integration of new rebel armed groups into the FARDC, which accelerated between 2009 and 2011, has reportedly contributed to internal disarray.²⁶ The national police, judiciary, and other security institutions also suffer from limited capacity and a reported record of corruption and abuse.

Analysts and donors have argued that SSR is essential to a wide range of policy goals in DRC, including regional security; human rights improvements; and fiscal stability. Since 2005, donors have supported a number of programs identified as supporting SSR, focusing on the military, police, and justice sector. These include MONUSCO-led police and military training; a European Union advisory mission (EUSEC) that aims to improve the FARDC's administration of personnel and financing; and bilateral train-and-equip programs administered by countries including United States, France, Belgium, South Africa, Angola, and China. However, donor efforts appear to have been challenged by a lack of strategic planning and coordination; conflicting policy goals (structural reform versus the negotiated integration of rebel combatants); limited justice sector capacity; and a lack of political will on the part of DRC authorities.

Conflict in the East

Extremely brutal violence has become common in the east amid two decades of intermittent conflict. Militia factions continue to fight one another and prey on civilians in the east's mineral-rich, agriculturally fertile, and densely inhabited regions. The national military (known as the FARDC after its French acronym) and other state security forces have also been implicated in atrocities, such as looting, killings, and mass rapes, including during operations against armed groups and as part of illicit involvement in the mining sector.²⁷ Violence stems from deep-rooted tensions related to control over resources (including land), access to citizenship, military reform, and regional geopolitics. Security challenges also reflect a complex pattern of state negligence, incapacity, and coercion throughout the country, most of which is not directly affected by conflict.

Violence is particularly acute in North and South Kivu provinces, an epicenter of regional unrest since the 1990s. The spillover of conflicts in Rwanda and Burundi in the early 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, organized criminal activity, and the interventions of neighboring states.

In 2012, a new rebel group known as the M23 emerged as a mutiny of soldiers who had been integrated into the FARDC as the result of a 2009 peace accord with a reportedly Rwandan-backed rebel group known as the National Congress for the Defense of the People (CNDP).²⁸ The M23 was relatively militarily capable, despite having only several thousand members. In

²⁶ ICG, *Congo: The Electoral Dilemma*, 2011, op. cit.

²⁷ See, among others, State Department, *Country Reports on Human Rights Practices for 2012; 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.

²⁸ The CNDP, initially led by dissident military officer Laurent Nkunda, was founded in 2006. A peace deal signed in March 2009 following a diplomatic rapprochement between DRC and Rwanda led to the integration of CNDP combatants into the FARDC, where they reportedly maintained parallel chains of command. Nkunda was also arrested in Rwanda and reportedly placed under house arrest.

November 2012, the M23 temporarily captured the key city of Goma, the capital of North Kivu and a hub for international humanitarian and peacekeeping activities. According to a wide range of reports, including a 2014 assessment by the U.S. Director of National Intelligence, the group received substantial support from Rwanda (see **text-box** below), with U.N. sanctions monitors referring to additional, more “subtle” support from Uganda.²⁹

The M23 crisis prompted increased international attention and diplomatic efforts, which yielded some progress. In February 2013, DRC and all of its neighbors signed a U.N.-facilitated “Framework Agreement” that aims to define the respective responsibilities of the DRC government, states that border it, and donors in ending the cyclical conflict in eastern DRC.³⁰ Regional leaders committed to respect DRC’s territorial sovereignty and not to provide support to DRC-based armed groups, while DRC leaders committed to institutional reforms, the extension of state authority in the east, political decentralization, and national reconciliation. The signatories also agreed to pursue regional economic integration. The U.N. Special Envoy for the Great Lakes, former Irish president Mary Robinson, who was appointed in early 2013, is leading international efforts to oversee implementation of the agreement.

In March 2013, the U.N. Security Council authorized the creation of an “Intervention Brigade” within MONUSCO that is tasked with “neutralizing” armed groups in the east.³¹ While U.N. peacekeeping troops have regularly provided support to DRC-led counterinsurgency operations in the east, the Intervention Brigade is authorized to “carry out targeted offensive operations,” including “unilaterally.” The brigade is composed of about 3,000 troops from three African countries—South Africa, Tanzania, and Malawi—that have expressed a political commitment to confronting rebel groups in DRC. MONUSCO has reportedly been unpopular among many local residents because of what many perceive to be its insufficient response to armed group attacks on civilians, and also possibly because it is associated with some FARDC operations. Anecdotal evidence suggests that local opinions of MONUSCO and the FARDC may have improved over the past year, although public sentiment is difficult to gauge.³²

In the second half of 2013, the FARDC, supported by the U.N. Intervention Brigade, initiated a string of successful operations against the M23, reversing a pattern of military setbacks.³³ In November 2013, the M23 announced it was ending its rebellion, and the two sides subsequently signed peace declarations in Nairobi, Kenya. The M23 agreed to demobilize its fighters in return for amnesty for most combatants and the release of M23 prisoners, among other things. Consistent with calls from international diplomats, former rebel fighters responsible for serious

²⁹ Director of National Intelligence James Clapper, statement for the record on the *Worldwide Threat Assessment of the U.S. Intelligence Community*, January 29, 2014. State Department officials, in congressional testimony and other public statements, have repeatedly referred to a “credible body of evidence” indicating Rwandan support to the M23 (see “U.S. Policy” below). See also reports by the U.N. Group of Experts, e.g., 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.

³⁰ The original signatories to the Framework Agreement are Angola, Burundi, Central African Republic, the Republic of Congo, Rwanda, South Sudan, Uganda, Tanzania, Zambia, and South Africa, in addition to the U.N. Secretary-General, the African Union Commission, the Southern African Development Community (SADC), and the ICGLR. In January 2014, Kenya and Sudan were added as signatories.

³¹ U.N. Security Council Resolution 2098, March 28, 2013.

³² See, e.g., *Jeune Afrique*, “RDC: Le corps du colonel Mamadou Ndala rapatrié à Kinshasa,” January 4, 2014.

³³ Observers pointed to several possible factors for the FARDC’s ultimate success against the M23, including improvements in the FARDC’s command structure following the M23’s seizure of Goma; support provided to the FARDC by the Intervention Brigade; and an apparent cessation of previous Rwandan support to the M23.

human rights abuses are excluded from amnesty. The DRC government has taken some steps toward implementing its commitments, including by releasing a new disarmament, demobilization, and reintegration (DDR) strategy in December 2013 and enacting a new amnesty law in February 2014.³⁴ However, progress on demobilizing ex-M23 combatants—hundreds of whom are cantoned in Uganda and Rwanda—has been limited. Moreover, U.N. sanctions monitors suggested in January 2014 that “sanctioned M23 leaders were moving freely in Uganda” and that “[the] M23 continued to recruit in Rwanda.”³⁵

Rwanda’s Involvement in DRC Conflicts

According to numerous reports, Rwanda has periodically provided support for Congolese armed groups since the mid-1990s.³⁶ Since mid-2012, Obama Administration officials have repeatedly criticized Rwandan support for the M23. Such actions by Rwanda might be motivated by various factors. First, Rwandan officials view the situation in eastern DRC as a national security concern. Rwandan officials regularly contend that the DRC has failed to rein in—and indeed has, at times, collaborated with—anti-Rwandan armed groups operating on Congolese soil. A second potential motivation has to do with the two countries’ intertwined populations: Rwandans often point to Congolese efforts to deny land, citizenship, and other rights to ethnic communities of Rwandan origin in the DRC, and to periodic local violence targeting these communities, suggesting that they require protection. A third potential motivation is economic: some observers contend that Rwandans have profited from natural resource smuggling in eastern DRC.³⁷

Anti-Rwandan sentiment, at times expressed as ethnic hatred or xenophobia, is a recurrent theme in DRC politics and in grassroots dynamics in the east. While the Kabila government in DRC has regularly criticized the Rwandan government, it also renewed diplomatic ties in 2009 and has periodically engaged in bilateral security cooperation. Popular criticism of Kabila as supposedly beholden to Rwandan interests appears to resonate among many Congolese who feel that their vast, mineral-rich country has been weakened and manipulated by its smaller, stronger neighbor and its purported ethnic proxies in the Kivus. Such criticism underscores the political perils for Kabila of engaging in talks with Rwandan leaders or of making political concessions to various ethnic communities in the east.

Dozens of other armed groups continue to operate in eastern DRC. These include the Democratic Forces for the Liberation of Rwanda (FDLR), which was founded by perpetrators of the 1994 genocide in Rwanda, and which Rwanda views as a national security threat. Elements of a Burundian former rebel group, the National Liberation Forces (FNL), are also present, as is the LRA, along with another militia of Ugandan origin, the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU). The Ugandan government and some analysts claim the ADF/NALU has ties to Islamist extremist groups.³⁸ The group has carried out escalating attacks against civilians, provoking increased focus on the group on the part of FARDC and U.N. troops. In November 2013, the FDLR released a public statement suggesting it might be willing to disarm; several other armed groups also announced a willingness to demobilize following the

³⁴ U.N. News, “New DR Congo Amnesty Law Welcomed by UN Envoys,” February 5, 2014.

³⁵ U.N. Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 23, 2014, U.N. doc. S/2014/42.

³⁶ See, e.g., 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; Jason Stearns, *Dancing in the Glory of Monsters*, op. cit.; and

³⁷ 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.

³⁸ 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.

M23's defeat.³⁹ The practical implications are difficult to assess given similar, unfulfilled commitments in the past, as well as these groups' lack of internal discipline.⁴⁰

Humanitarian Conditions

Violence and other hardships have displaced millions of Congolese from their homes and contributed to a humanitarian emergency. DRC also hosts hundreds of thousands of refugees from neighboring countries, predominately from the Central African Republic, Rwanda, and Burundi. Despite abundant fertile land and water resources in DRC, U.N. agencies estimate that 6.7 million residents will face serious to severe food insecurity in 2014, and DRC ranks last on the International Food Policy Research Institute's Global Hunger Index, a composite scale that includes indicators on undernourishment, underweight children, and child mortality. A lack of health care, water, and sanitation facilities, along with DRC's equatorial climate, have contributed to the spread of disease, with recurrent outbreaks of cholera, measles, Ebola, and yellow fever.

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 by the DRC military and armed groups.⁴¹ Sexual assault is sometimes carried out as part of coordinated armed attacks; it is also frequently opportunistic. The psycho-social and health consequences have been devastating. 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 human rights problems, sexual violence has also been linked to structural problems within the security sector. 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.

U.N. peacekeepers have been criticized for failing to protect civilians from SGBV, for example in several instances of mass rape and during the November 2012 M23 seizure of Goma. U.N. peacekeeping personnel have also periodically been accused of sexual abuse and exploitation, with 22 such cases reported in 2013, according to the U.N. Conduct and Discipline Unit.

The Economy

DRC has some of the largest endowments of natural resources in the world. High rates of annual economic growth have been contingent on mineral commodity prices and may be tenuous; for example, the International Monetary Fund (IMF) revised initial 2013 growth estimates downward from 8% to 6.2% due to slowing construction growth and delayed mining output.⁴² The vast majority of the population remains dependent on subsistence agriculture for survival, and outside

³⁹ See U.N. Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, December 17, 2013, U.N. doc. S/2013/757.

⁴⁰ Reuters, "UN Congo Peacekeepers Question Rwandan Rebel Disarmament Claim," February 4, 2014.

⁴¹ Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo*, 2009.

⁴² Bloomberg News, "IMF Lowers Congo Growth Projections for 2013 to 6.2% From 8.1%," October 10, 2013.

of major cities and industrial mining, economic activity is often carried out within a broad informal sector. The reestablishment of relations with international financial institutions after the 1998-2003 war helped stabilize DRC's macroeconomic situation, but in 2012, the IMF ended its concessional loan program due to concerns about a lack of transparency in mining contracts.

DRC was ranked 181 out of 185 countries in the World Bank's 2013 *Doing Business Report*, despite some steps by the government to improve the business climate. 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 bureaucratic red tape and corruption, and a lack of reliable electricity.⁴³ 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, despite government promises to revise the law.⁴⁴

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.⁴⁵ 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 improvements 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.⁴⁶

The Mining Sector

Exports of "conflict minerals"—ores that are alleged to fuel conflict when they are controlled or traded by armed groups—are associated with the informal, artisanal mining sector in eastern DRC. Countries in the region, multilateral institutions, some private-sector firms, and donors (including the United States) have advanced several methods and models for reducing the trade in conflict minerals, with varying results. For example, U.N. sanctions monitors reported in January 2014 that 98% of the gold produced in DRC "is smuggled out of the country" and that as a result, DRC and Uganda—the main transit country for Congolese gold—"are losing millions of dollars annually in tax revenue and tolerating a system that is financing armed groups."⁴⁷

The vast majority of state revenues from the mining sector, on the other hand, come from private sector industrial cobalt and copper mines located 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

⁴³ State Department, "Investment Climate Statement-2013," April 2013.

⁴⁴ Michael Kavanagh, "Congo Seeks to Lure Investors for \$5.7 Billion Farming Plan," *Bloomberg News*, July 12, 2013.

⁴⁵ 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.

⁴⁶ See, e.g., Oxford Analytica, "Relief for Congo," July 7, 2010.

⁴⁷ U.N. Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 23, 2014, U.N. doc. S/2014/42.

diamonds, 14% of tantalum, 5% of gem-quality diamonds, and 3% of copper and tin.⁴⁸ China has a growing stake in DRC mining: as of mid-2013, nearly 50% of DRC exports were destined for China, up from 10% in 2005, reportedly including over 90% of mineral exports from Katanga.⁴⁹

International concerns related to the formal mining sector have focused on corruption, mismanagement, shortfalls in property rights, regulatory uncertainty, and poor labor conditions. A lack of transparency has been a perennial area of focus. For example, an independent investigation into five mining concessions sold between 2010 and 2012 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).⁵⁰ 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. A 2013 investigation by the DRC public prosecutor's office reportedly accused mining companies of owing billions of dollars in unpaid taxes, duties, and fines.⁵¹

In 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. In 2013, the Extractive Industries Transparency Initiative (EITI), a U.S.-backed global effort to promote revenue transparency for extractive resources, suspended DRC, citing the unreliability of revenue figures disclosed from its extractive sectors.⁵² Similar transparency concerns have been raised concerning DRC's oil sector, as exploration is increasing.⁵³

Implementation of decentralization policies has also been an issue in the management of mineral wealth. According to the U.S.-based organization Revenue Watch, although constitutional provisions require 40% of taxes from the mining sector to be collected directly by the provinces where extraction takes place, in practice, “revenues are centralized before shared and, according to provincial tax agencies, only 10 percent of the funds are effectively transferred.”⁵⁴

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.⁵⁵ The initiative has reportedly sparked concerns from some international investors.

⁴⁸ *Extractive Industries Transparency Initiative (EITI)*, “Democratic Republic of Congo: Overview.”

⁴⁹ IMF Trade Data; *Economist Intelligence Unit*, “Congo (Democratic Republic),” June 11, 2013.

⁵⁰ 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; and Africa Progress Panel Report 2013, *Equity in Extractives*, May 2013.

⁵¹ Bloomberg News, “Congo Report Says Miners May Owe \$3.7b in Unpaid Taxes: Minister,” January 30, 2014.

⁵² EITI, “Democratic Republic of Congo Temporarily ‘Suspended,’” April 18, 2013; see also EITI, *République Démocratique du Congo: Report 2010*, December 2012.

⁵³ See ICG, *Black Gold in the Congo: Threat to Stability or Development Opportunity?* July 11, 2012. Oil deposits have been found on the Ugandan side of Lake Albert, which also borders DRC. Angola exports oil from offshore ocean deposits bordering DRC.

⁵⁴ Revenue Watch Institute, “Democratic Republic of Congo,” at <http://www.revenuwatch.org/countries/africa/drc/overview>.

⁵⁵ *Africa Mining Intelligence*, “Outcry Over New Mining Legislation,” May 14, 2013.

U.S. Policy

In a public address in February 2013, then-Assistant Secretary of State for African Affairs Johnnie Carson called for a new “energetic and international effort” toward a “comprehensive” peace settlement in eastern DRC.⁵⁶ 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 preceded Feingold’s appointment as the U.S. Special Envoy to the Great Lakes region. In July 2013, Secretary of State John Kerry chaired a ministerial-level meeting of the U.N. Security Council on the Great Lakes region, at which he referred to peace in the Great Lakes region 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.⁵⁷

Toward this aim, the Administration has pursued regional diplomacy, imposed targeted sanctions under Executive Order 13413 (2006) on individuals and groups seen as fomenting conflict and human rights abuses—with designations of the M23 and the FDLR in January 2013—and supported actions in the U.N. Security Council that aim to advance the regional peace process and enhance MONUSCO’s ability to protect civilians. Since 2012, the Administration has also publicly criticized Rwanda’s for supporting the M23.⁵⁸ 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 prohibited FMF assistance for Rwanda and Uganda if they were found to support armed groups in DRC. A similar prohibition is contained in the FY2014 Consolidated Appropriations Act (P.L. 113-76), although it applies only to Rwanda, not Uganda. While the amount of affected U.S. assistance was relatively small, it appeared to embolden several European donors that then suspended or redirected their budgetary support for Rwanda. In October 2013, the Administration announced it was suspending several types of military aid to Rwanda under the Child Soldiers Prevention Act (Title IV of P.L. 110-457, as amended), citing Rwanda’s support for the M23, which used child soldiers.⁵⁹

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. However, U.S. firms continue to face serious obstacles. The Obama Administration

⁵⁶ Remarks at the Brookings Institution, “Finding a Lasting Solution to Instability in the Democratic Republic of the Congo,” February 11, 2013.

⁵⁷ John Kerry, “Remarks at the United Nations Security Council Ministerial on the Great Lakes,” July 25, 2013.

⁵⁸ In December 2012, then-Assistant Secretary of State Carson testified twice 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.” (Testimony before the House Foreign Affairs Committee, Subcommittee on Africa, Global Health, and Human Rights, December 11, 2012; and the House Armed Services Committee, December 19, 2012.) 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 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.” (State Department daily press briefing, July 23, 2013.) See also, e.g., White House, “Readout of the President’s Call with President Kagame,” December 18, 2012; and State Department press statement, August 25, 2013, and daily news briefing, August 26, 2013.

⁵⁹ State Department daily news briefing, October 3, 2014.

revoked DRC's eligibility for trade benefits under the African Growth and Opportunity Act in 2010, citing a lack of "continual progress in meeting the requirements" of the act.⁶⁰ Bilateral trade is limited; in 2012, U.S. general imports from DRC were valued at \$41 million and U.S. exports to DRC at \$199 million.⁶¹ U.S.-listed companies active in DRC's mining sector are potentially affected by the 2012 SEC rule regarding the trade in conflict minerals, required under P.L. 111-203 (see **Appendix**). Some are participating in industry-led initiatives to improve supply-chain accountability, and some are challenging the regulations in court and/or through advocacy.

Foreign Assistance

U.S. bilateral aid to DRC totaled over \$254 million in FY2012 and an estimated \$274 million in FY2013 (**Table 1**), in addition to humanitarian assistance. U.S. bilateral aid aims to improve health conditions; promote democracy and good governance; advance stabilization and conflict resolution in the east; enhance agricultural development, basic service delivery, and natural resource management; and encourage military professionalism. The Administration has requested \$236 million in bilateral aid funding for FY2014. Additional U.S. regional initiatives contribute to tropical forest conservation, anti-poaching efforts, and efforts to counter the LRA, among other goals. The United States also provides significant financial support to international financial institutions that have provided loans, grants, and technical assistance to DRC. The United States is the largest donor to MONUSCO under the U.N. system of assessed contributions for peacekeeping operations (**Table 2**).

USAID Administrator Rajiv Shah suggested during a trip to DRC in December 2013 that the Administration might provide funding for a massive, \$12 billion hydroelectric dam project in DRC known as Inga 3.⁶² However, U.S. support for potential World Bank or African Development Bank financing for the project would appear to be prohibited under the FY2014 Consolidated Appropriations Act, which states that "it is the policy of the United States to oppose any loan, grant, strategy or policy of [each international financial] institution to support the construction of any large hydroelectric dam" (P.L. 113-76; Division K, §7060 (c)(7)).

U.S. security assistance is focused on military professionalization. It has included officer training, military justice assistance, and efforts to provide better food supplies for troops. State Department programs have also supported police professionalization. The Defense Department administers some security cooperation, such as the Defense Institutions Reform Initiative (DIRI), which focuses on reforms at the Ministry of Defense. Various types of military assistance and arms transfers are 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), as amended, due to the DRC military's use of child soldiers and the government's poor performance in addressing trafficking in persons. The Obama Administration has waived most such restrictions for DRC, aside from those applying to Foreign Military Financing (FMF) and Foreign Military Sales, which are relatively minimal as the largest share of U.S. bilateral security assistance to DRC is provided through the State Department's Peacekeeping Operations (PKO) account.⁶³ The

⁶⁰ "Presidential Proclamation—African Growth and Opportunity Act," December 21, 2010.

⁶¹ U.S. International Trade Commission data, accessed at http://dataweb.usitc.gov/scripts/user_set.asp.

⁶² Bloomberg, "U.S. Considers Funding Part of Congo's \$12 Billion Inga Dam," December 16, 2013.

⁶³ See, most recently, "Presidential Determination With Respect to the Child Soldiers Prevention Act of 2008," October 23, 2013; and "Presidential Determination With Respect to Foreign Governments' Efforts Regarding Trafficking in Persons," September 25, 2013.

Administration has also waived restrictions, contained in annual appropriations measures, on government-to-government aid for DRC due to its budget transparency shortfalls.⁶⁴

The U.S.-Trained 391st Battalion of the FARDC

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, known as the 391st, 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 391st, among others, had allegedly raped civilians near Goma during the M23 seizure of the town.

Table I. U.S. Foreign Assistance to DRC (Selected Accounts)

State Department- and USAID-administered funds; Appropriations; \$ Millions

Account/Fiscal Year	FY2010	FY2011	FY2012	FY2013 (est.)	FY2014 (req.)
DA	0.0	0.0	0.0	7.9	0.0
GHP	85.3	125.6	111.7	154.1	161.1
ESF	77.6	45.9	47.9	64.3	59.9
INCLE	1.7	6.0	6.0	6.0	3.3
NADR	0.8	1.0	1.0	1.0	0.5
IMET	0.5	0.5	0.5	0.4	0.3
FMF ^a	1.5	0.3	0.0	0.0	0.0
PKO	14.0	21.5	19.0	12.0	11.0
FFP	101.3	67.3	68.3	28.0	0.0
Subtotal	282.7	268.2	254.4	273.8	236.0
Add'l Emergency Humanitarian Aid ^b	60.3	57.6	48.6	164.9	TBD
TOTAL	343.0	325.8	333.0	438.7	TBD

Source: State Department Congressional Budget Justification for Foreign Operations, FY2012-FY2014; State Department and USAID 653(a) initial allocations, October 2013; USAID fact-sheets on humanitarian aid to DRC.

Notes: DA-Development Assistance; GHP-Global Health Programs; ESF-Economic Support Fund; INCLE-International Narcotics Control & Law Enforcement; NADR-Nonproliferation, Antiterrorism, Demining & Related Programs; IMET-International Military Education & Training; FMF-Foreign Military Financing; FFP-Food For Peace; PKO-Peacekeeping Operations. Table does not include funding administered by other agencies and departments, or regional program funding. Totals may not add up due to rounding.

- a. In FY2012 and FY2013, the Obama Administration has applied legal sanctions on FMF assistance for DRC under P.L. 110-457 and P.L. 106-386), as amended. The Administration has waived such sanctions on other types of security assistance for DRC.
- b. Refers to funding administered by USAID's Office of U.S. Foreign Disaster Assistance and the Department of State's Bureau of Population, Refugees, and Migration. For FY2013, emergency FFP aid, which is provided during the year according to need, is also included in this line.

⁶⁴ See, most recently, State Department notice, “Waiver of Restriction on Assistance to the Central Government of the Democratic Republic of the Congo,” December 18, 2013.

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.

Notes: CIPA=Contributions to International Peacekeeping Activities (Department of State Operations)

Outlook and Issues for Congress

Through legislation and oversight activities, many 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. For example, a 2013 audit of European Union (EU) governance aid for DRC questioned these programs' effectiveness given "the absence of political will, the donor-driven dynamics of the programs, and the lack of absorption capacity" on the part of DRC authorities.⁶⁵

U.S. influence may be further constrained by limited available U.S. fiscal and personnel resources, and by the challenges of coordinating with and influencing other key players such as European states, China, Rwanda, Uganda, Angola, and South Africa.⁶⁶ U.S. bilateral aid does not easily present opportunities for leverage, as most programming is aimed at addressing humanitarian, development, and/or human rights problems. Citing this emphasis, President Obama has waived most legal restrictions on aid stemming from human rights and budget transparency concerns, using waiver authorities provided by Congress.

The problematic 2011 elections and ongoing violence in the east point to persistent challenges in advancing stability and good governance. U.S. officials publicly criticized the 2011 electoral process, but in the end, the Obama Administration tacitly accepted Kabila's victory.⁶⁷ Some critics of U.S. policy contend that U.S. officials support Kabila even though he has failed to improve the lives of most Congolese.⁶⁸ Whether or not this criticism is fair, perceptions that the United States is a non-neutral actor in DRC may hinder some U.S. policy efforts. Contrary to some predictions, electoral disputes in 2011 did not lead to significant political unrest (to date), but prospects for future democratic improvements are uncertain.

U.S. policy makers, including in Congress, face a particularly thorny set of challenges with regard to the situation in the east. The M23's defeat and 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 do not necessarily address the root

⁶⁵ European Court of Auditors, "EU Needs To Be More Demanding of Congo Authorities," October 1, 2013.

⁶⁶ 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 3 dam. Tensions between South Africa and Rwanda have also arisen in recent years, due to a range of factors.

⁶⁷ 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.

⁶⁸ See Mvemba Phezo Dizolele, testimony before the Senate Committee on Foreign Relations, December 15, 2011.

causes of conflict.⁶⁹ 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 are still being determined. U.S. and other donor support for security sector reform in DRC has had a 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.

A key issue for Congress is whether a focus on issues such as sexual violence in conflict zones 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 policy makers in Congress and the executive branch over issues such as:

- the impact and 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;
- 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, and U.S. actions in multilateral fora; and
- the degree to which the Kabila government has shown progress in confronting deeply ingrained problems related to the security sector, economic governance, accountability for human rights abuses, and state capacity.

⁶⁹ Ntaganda, who was wanted for arrest by the Court in connection with allegations that he oversaw human rights abuses in the northeastern district of Ituri in the mid-2000s, surrendered to the U.S. Embassy in Rwanda and was subsequently transferred to the ICC, reportedly at his own request. He had been implicated in multiple serious human rights abuses, at various times, as a combatant in the CNDP and M23 and as a DRC army officer.

Appendix. Selected 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. Russell 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 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 for Rwanda and Uganda if the Secretary of State finds that these countries are providing support to armed groups in DRC.
- **P.L. 112-239 (Rep. Howard “Buck” McKeon), National Defense Authorization Act for Fiscal Year 2013** (January 2, 2013). Authorizes sanctions on individuals found to have provided significant support to the M23.
- **P.L. 113-66 (Rep. Theodore E. Deutch), National Defense Authorization Act for Fiscal Year 2014** (December 26, 2013). Authorizes certain types of Defense Department support for foreign forces participating in operations against the Lord’s Resistance Army (as did **P.L. 112-81**, the National Defense Authorization Act for Fiscal Year 2012).
- **P.L. 113-76 (Rep. Lamar Smith), Consolidated Appropriations Act, 2014** (January 17, 2014). Restricts FMF for Rwanda, with certain exceptions, unless the Secretary of State certifies that Rwanda “is taking steps to cease... support to armed groups” in DRC that have violated human rights or are involved in illegal exports. Separately, restricts government-to-government assistance for countries, like DRC, that fail to uphold budget transparency (as did prior appropriations measures). Also, makes appropriations for U.S. interagency tropical forest conservation programs in the Congo Basin.

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