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

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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 policymakers, 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 state administration, while neighboring states have periodically provided support to rebel groups in the country. Obama Administration officials have also expressed concern about DRC's democratic trajectory ahead of national elections scheduled for 2016. Incumbent President Joseph Kabila, in office since 2001, is prohibited from running for reelection under DRC's constitution, but many observers posit that he may seek to delay the polls. DRC has never experienced an electoral transfer of power between administrations.

Some progress in addressing recurrent conflict in eastern DRC was made in 2013. DRC and its neighbors agreed to a regional peace framework, and the Congolese military—backed by a new United Nations (U.N.) “Intervention Brigade”—defeated a relatively formidable rebel group known as the M23. Then-U.S. Special Envoy for the Great Lakes, former U.S. Senator Russell Feingold, helped facilitate a peace process with the M23 and pushed for full implementation of the regional accord. On the other hand, other armed groups remain active in the east, and the DRC government has made little progress on its commitments to demobilize and reintegrate former M23 combatants and to implement domestic security and governance reforms called for under the 2013 peace framework.

The United States provides development aid, security assistance, and emergency humanitarian assistance to DRC, and is the largest financial contributor to the U.N. peacekeeping operation in DRC (MONUSCO). As a permanent, veto-capable member of the U.N. Security Council, the United States is positioned to influence the annual authorization of MONUSCO and a U.N. sanctions regime, which is 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 support to the DRC government. U.S. efforts to advance peace and stability in DRC may nonetheless be constrained by limited resources, a lack of DRC state capacity and commitment to shared policy goals, and the challenge of coordinating with and influencing other key players. U.S. policy may also be affected by a recent change in personnel: in July 2015, former U.S. Representative Tom Perriello was appointed to succeed Feingold as Special Envoy.

Congress has shaped U.S. policy toward DRC through legislation, regular hearings, and oversight activities. Congress authorizes and appropriates aid funding and U.S. contributions to MONUSCO's budget. Congress has also enacted restrictions on certain types of U.S. aid to countries that, like DRC, use child soldiers in their military (P.L. 110-457, as amended), fail to observe minimum standards in countering human trafficking (P.L. 110-457 and P.L. 106-386, as amended), or fail to uphold budget transparency (most recently, P.L. 113-235). The Obama Administration has waived most such restrictions for DRC, other than prohibiting certain military grants and sales. In addition, the Administration suspended some military aid to neighboring Rwanda in FY2012-FY2014 due to its support for the M23, citing provisions in foreign aid appropriations measures and child soldiers legislation. Members of Congress have also focused attention on wildlife trafficking issues and on the DRC government's decision to suspend the issuance of exit permits for internationally adopted children. See also CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by (name redacted)

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## Introduction

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 a key focus of international policy toward the country. The emergence of a new, formidable rebel movement known as the M23 in 2012 prompted international policymakers to increase their diplomatic engagement in the Great Lakes region of central Africa.<sup>1</sup> The defeat of the M23 in November 2013, which followed a regional “Peace, Security and Cooperation Framework Agreement,” was hailed as a significant breakthrough for peace and stability.

However, multiple armed groups remain active in eastern DRC, the national military continues to be associated with abuses against civilians, and many elements of the 2013 Framework Accord are unimplemented—including commitments by the DRC government to improve governance and reform its security apparatus. State actors often appear more focused on controlling resources and augmenting their personal power than on establishing stability, creating effective state institutions, and fostering socioeconomic development for DRC’s 77 million inhabitants. Donor efforts to ensure greater accountability for individuals implicated in serious human rights abuses have had limited impact. Tensions endure between DRC and its smaller but more capable neighbors Rwanda and Uganda, which both reportedly provided support to the M23. Donors, including the United States, are now focused on prospects for national elections, currently slated for 2016. DRC has never experienced an electoral transfer of power between administrations.

DRC is rich in minerals, water resources, and agricultural potential, and has experienced high annual economic growth in recent years. DRC also receives substantial international aid, with \$2.57 billion in net official development assistance disbursed in 2013.<sup>2</sup> Yet the majority of Congolese live in poverty and many lack access to adequate food.<sup>3</sup> Over 2.7 million Congolese are internally displaced—more than at the height of the M23 crisis—and nearly a half-million more are refugees in nearby countries.<sup>4</sup> DRC was ranked second to last on the 2014 U.N. Human Development Index and has among the world’s lowest per-capita gross domestic product (GDP).<sup>5</sup> Despite abundant fertile land and water resources in DRC, the World Food Program found that 6.4 million residents—10% of the population—faced serious to severe food insecurity in late 2014.<sup>6</sup> A lack of health care, water, and sanitation facilities, along with DRC’s equatorial climate, have contributed to recurrent outbreaks of cholera, measles, Ebola, and yellow fever. DRC is the 11<sup>th</sup>-largest country in the world, and some areas, such as Katanga province, the heart of the industrial mining sector, have enjoyed comparative stability and prosperity. However, militia violence in parts of Katanga since 2012 suggests that even this relative security is tenuous.<sup>7</sup>

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<sup>1</sup> The region 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.

<sup>2</sup> Net flows of official development assistance, Organization for Economic Cooperation and Development (OECD).

<sup>3</sup> In 2006 (latest available), the World Bank estimated that over 95% of the population lived on less than \$2 a day. Note that statistical data used in this report are often approximate, as authoritative data from DRC are generally lacking.

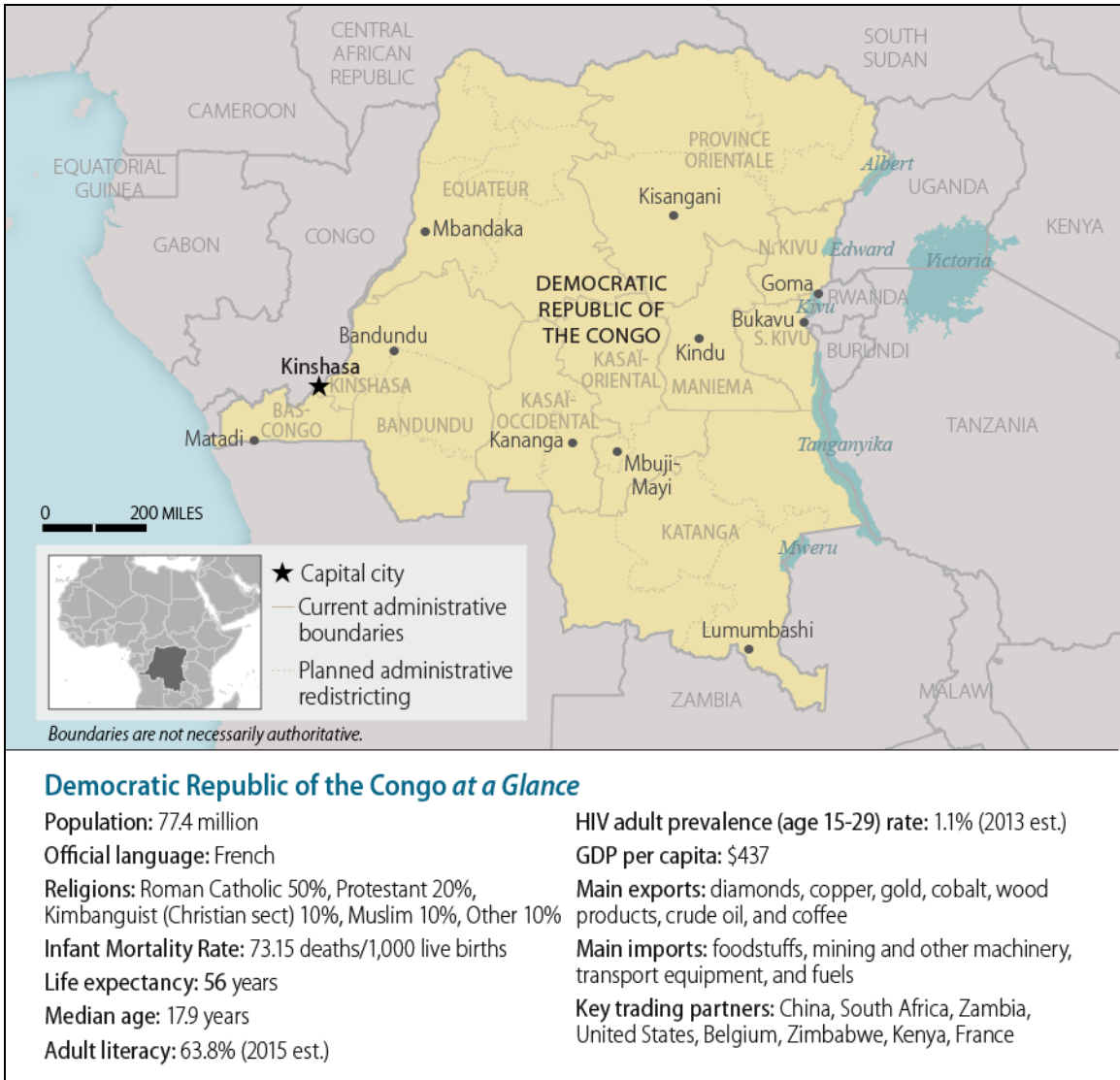
<sup>4</sup> U.N. High Commissioner for Refugees, *2015 UNHCR country operations profile, Democratic Republic of the Congo*.

<sup>5</sup> Per capita GDP projections for 2015, IMF, *World Economic Outlook data*, April 2015.

<sup>6</sup> World Food Program, “Congo, Democratic Republic Of: Overview,” at <http://www.wfp.org>.

<sup>7</sup> As of early 2015, U.N. statistics indicated that over 550,000 people were internally displaced in Katanga due to insecurity. Multiple separatist insurgencies have originated there since independence, and the area has also seen recent ethnic violence. See also Refugees International, *DR Congo: Katanga in Crisis*, June 26, 2014.

**Figure I. DRC Map and Key Figures**



**Source:** Graphic created by CRS. Map borders and cities generated by (name redacted) using data from the Department of State (2011), Esri (2014), DeLorme (2014), ArcWorld (2014), and the DRC Référentiel Géographique Commun (2015). At-a-glance information from CIA World Factbook, June 2015; UNAIDS; World Bank; and the IMF (April 2015). Figures refer to 2014 estimates unless otherwise indicated.

The United Nations (U.N.) Organization Stabilization Mission in DRC (MONUSCO) is the world’s largest U.N. peacekeeping operation, with nearly 21,000 uniformed personnel.<sup>8</sup> Its mandate focuses on protecting civilians and supporting the DRC government’s efforts to stabilize the east, tasks at which it has arguably had limited success. The U.N. Security Council has also tasked MONUSCO to support the disarmament and reintegration of ex-combatants, promote political rights and human rights, provide logistical support to DRC’s upcoming elections, and support implementation of DRC domestic reforms under the 2013 framework accord—including through efforts to “encourage and accelerate national ownership of security sector reform by the

<sup>8</sup> As of March 2015; see <http://www.un.org/en/peacekeeping/missions/monusco/facts.shtml>.

government of the DRC.”<sup>9</sup> In March 2015, the Security Council voted to extend MONUSCO, including its Intervention Brigade (see “Conflict in the East”), for another year.

Tensions between MONUSCO and the DRC government have grown over the past year amid U.N. and other international criticism of DRC’s democratic trajectory, human rights abuses, and lack of implementation of the framework accord. In the lead-up to MONUSCO’s latest mandate renewal, the DRC government requested a significant drawdown of its forces, echoing a similar debate ahead of the 2011 elections. The Security Council resolution reauthorizing MONUSCO endorses a recommendation by the U.N. Secretary General to reduce its size by 2,000 troops—but maintains the same authorized troop ceiling and states that the latter should be reduced only “once significant progress has been achieved” in implementing its mandate.<sup>10</sup>

Whether greater stability can be brought to DRC is likely to depend on whether the Congolese military can or will successfully counter remaining armed groups in the east; whether neighboring countries seek new armed proxies for leverage and/or economic gain; and whether the DRC government implements promised reforms. While such reforms could potentially benefit the administration of President Joseph Kabila by enabling it to project state authority, structural changes to the security sector and economic governance could also threaten the interests of powerful individuals. Finally, events in the turbulent sub-region—with conflicts in neighboring Central African Republic and South Sudan, and new instability in Burundi—may negatively impact DRC’s stability 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**). U.S. policymakers, 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 “conflict minerals” sourced in DRC and neighboring states.<sup>11</sup> Recent congressional actions include the following:

- Holding regular hearings on the situation in DRC and U.S. policy responses;
- Seeking to define U.S. policy toward DRC and authorizing certain policy and foreign aid responses to the conflict in eastern DRC (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);<sup>12</sup>
- Restricting government-to-government assistance to countries, such as DRC, that do not exhibit “budget transparency” (most recently in P.L. 113-235);
- 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

<sup>9</sup> U.N. Security Council Resolution 2211 (2015).

<sup>10</sup> U.N. Security Council Resolution 2211 (2015).

<sup>11</sup> “Conflict minerals” are designated ores that have reportedly fueled conflict and/or human rights abuses in DRC. See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by (name redacted)

<sup>12</sup> See CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by (name redacted), and “U.S. Policy” below.



environmental conservation efforts in Central Africa (most recently in P.L. 113-235);

- 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)—an armed group that operates in DRC and several other states in the region—and subsequently enacting various new defense authorities and appropriations in support of these efforts (most recently, e.g., P.L. 113-66 and P.L. 113-235);
- Requiring the Securities and Exchange Commission (SEC) to regulate the U.S. trade in “conflict minerals,” i.e., ores of tantalum and niobium, tin, tungsten, and gold, originating in DRC or neighboring states (P.L. 111-203);
- Mandating targeted travel and financial 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. 113-235).<sup>13</sup>

Two resolutions that called for greater U.S. policy engagement in DRC were introduced in the 113<sup>th</sup> Congress: H.Res. 131 and S.Res. 144, which was agreed to in the Senate. Members of Congress have also recently focused on the DRC government’s decision to suspend the issuance of exit permits for internationally adopted children, including those adopted by Americans. Two resolutions were introduced in the 113<sup>th</sup> Congress that addressed this issue, S.Res. 502 and H.Res. 588; related legislation introduced in the 114<sup>th</sup> Congress includes S. 1300 and H.R. 2922 . Legislation seeking to counter wildlife poaching, such as H.R. 2494 (Global Anti-Poaching Act) and H.R. 2772 (Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016; §7060[b]), may also have implications for U.S. policy and aid to DRC.

## 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 became 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.<sup>14</sup>

Belgium granted Congo independence in 1960, and nationalist leader Patrice Lumumba was named prime minister through parliamentary elections held shortly prior. The country’s early years were plagued by instability, including an armed secession movement in Katanga and an army mutiny that culminated in Lumumba’s murder in 1961.<sup>15</sup> One of the first U.N. peacekeeping operations deployed in response to the Katanga crisis in 1960 and stayed until 1964.

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<sup>13</sup> Previously, P.L. 112-74 extended such restrictions to Uganda as well as Rwanda.

<sup>14</sup> See Adam Hochschild, *King Leopold’s Ghost*, Mariner Books: 2006.

<sup>15</sup> 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. 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.”

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.<sup>16</sup> 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."<sup>17</sup> At the same time, petty corruption provided a crucial economic safety net for many Congolese.

Domestic and international pressures on Mobutu mounted as the Cold War drew to a close and as the aging president's health faltered. Mobutu agreed in principle to a multi-party democratic system in 1990, but 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, Rwandan Hutu extremists fleeing their new Tutsi-dominated government used refugee camps in eastern Zaire as bases to remobilize, with reported backing from Mobutu. Rwanda launched military operations against these groups in the mid-1990s, and also reportedly targeted civilians on a large scale.<sup>18</sup> Rwanda and Uganda then backed a 1996 rebellion against Mobutu led by Laurent Désiré Kabila, an exiled Congolese militant. The ensuing conflict 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, Kabila announced that Rwandan troops would be expelled. In response, Congolese soldiers of ethnic Tutsi descent rebelled. Rwanda and Uganda then 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.<sup>19</sup>

In 2001, President 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 citizens adopted a new constitution by referendum in 2005. Landmark national elections were held in 2006, the first relatively open multiparty vote in the country since independence. International observers viewed the elections as basically credible, despite procedural shortcomings and significant election-related violence. President Kabila won, following a tense and violent run-off against former rebel leader Jean-Pierre Bemba. Kabila was reelected in 2011 (see "Politics and Governance").

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<sup>16</sup> 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.

<sup>17</sup> See, e.g., Steve Askin and Carole Collins, "External Collusion with Kleptocracy: Can Zaire Recapture Its Stolen Wealth?" *Review of African Political Economy*, 57 (1993). For further analysis of the Mobutu era, see Library of Congress, Federal Research Division, *Zaire: A Country Study*, 1994, at <http://lcweb2.loc.gov/frd/cs/zrtoc.html>.

<sup>18</sup> 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.

<sup>19</sup> For a detailed account of the conflict and events preceding it, see Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*, PublicAffairs: 2011.



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 M23 conflict in 2012-2013 returned bilateral tensions to the fore, and the cycle of conflict in the region has continued.

## Politics and Governance

DRC has made limited progress, if any, in improving governance and advancing democracy since the historic 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.<sup>20</sup> Under a 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), received 32%. Tshisekedi rejected the results, but opposition efforts to mobilize mass protests foundered. Kabila's People's Party for Reconstruction and Democracy (PPRD) lost seats in the legislature compared to 2006, but nonetheless 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 recent electoral results suggest that Kabila is unpopular in much of the country, he has few political challengers with national appeal. The opposition is fractious and key leaders are former Kabila allies, such as former National Assembly speaker Vital Kamerhe. Tshisekedi, who is 82, has been less and less active since 2012; he and other opposition leaders have also faced periodic restrictions on their movements in DRC.

Recent maneuvers by Kabila and his supporters suggest he may intend to stay in power beyond his mandate. In 2014, some PPRD officials floated the idea of amending the constitution, which places a two-term limit on the presidency,<sup>21</sup> but these proposals did not advance amid apparent disagreements within the party. In January 2015, Kabila's administration backed a draft law that would have required a country-wide census prior to elections, a process that most observers asserted would delay voting by several years. Following days of protests, which continued in spite of a violent crackdown by Congolese security forces, the Senate ultimately amended the bill to drop the census requirement. Shortly thereafter, Kabila promulgated a law mandating administrative *découpage*, a reform mandated in the 2006 constitution that would subdivide Congo's 11 provinces into 26.<sup>22</sup> Critics have denounced the sudden push for decentralization as a delaying tactic, asserting that such large-scale territorial and administrative redistricting would likely require the postponement of elections.<sup>23</sup> The timeframe and precise mechanism are

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<sup>20</sup> 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.

<sup>21</sup> Article 70 of DRC's Constitution states "The President of the Republic is elected by direct universal suffrage for a term of five years which is renewable only once"; Article 220 prohibits amendments to "the number and length of the terms of office of the President of the Republic."

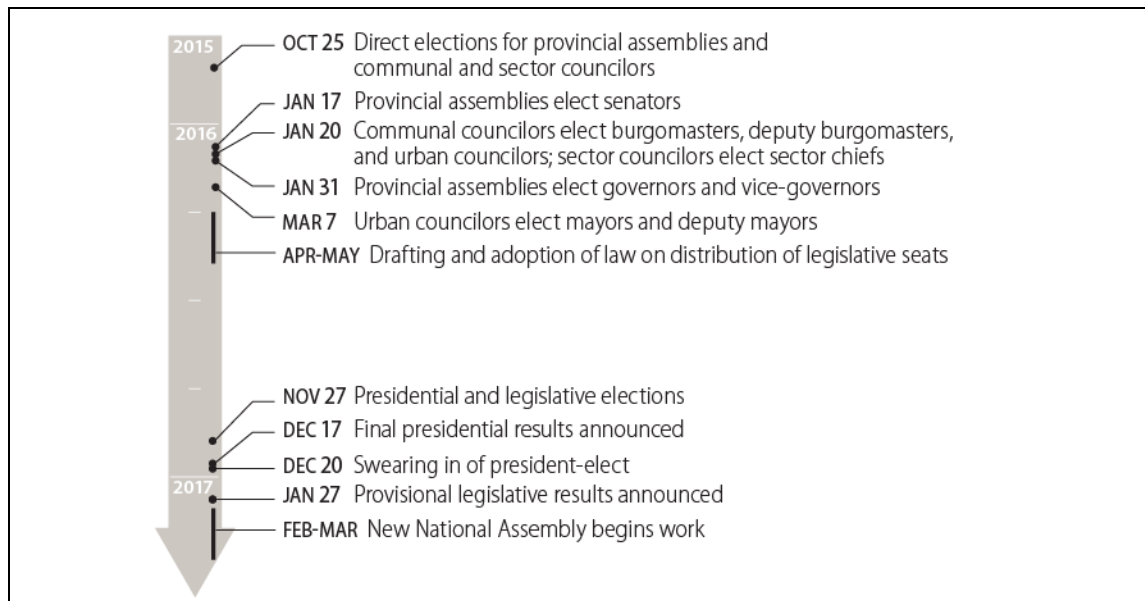
<sup>22</sup> See World Bank, *Democratic Republic of Congo: The Impact of the Decoupage*, March 2010.

<sup>23</sup> Christoph Wille, "President Kabila's Latest Ploy to Stay in Power," *Foreign Affairs*, May 21, 2015.

uncertain for implementing the process, which is vehemently opposed in parts of the country—notably the economically powerful Katanga province.

The national electoral commission, known as the CENI, promulgated an electoral calendar in February 2015 that involves six country-wide election days culminating in presidential and legislative elections in November 2016 (see **Figure 2** below), which opposition leaders and many analysts believe to be a logistical impossibility. The perception that Kabila will exploit delays in local elections to postpone presidential voting has led some opposition groups to call for a boycott of municipal elections altogether.<sup>24</sup> Others, including an assembly of Congo’s Catholic bishops, have called for a postponement of local-level elections until after the presidential and provincial elections to avoid delays in the electoral calendar.

**Figure 2. DRC’s 2015-2016 Election Calendar**



**Source:** National Independent Electoral Commission (CENI) of DRC, calendar released on February 12, 2015; National Democratic Institute field staff, consulted June 2015.

While substantial power is concentrated in the presidency, some local and provincial officials—such as the former governor of Katanga, Moïse Katumbi Chapwe—appear to wield significant authority locally. Katumbi, who is reportedly popular among both Katanga residents and the international business community, belongs to the ruling party, but he has grown more openly critical of Kabila over the past year and is widely seen as an emerging rival. Katumbi claimed in early 2015 that he had been poisoned, and he later stepped down from his position as governor, citing the requirement under *découpage* to divide Katanga into four new provinces. In June, a Kabila advisor filed an anti-corruption suit against Katumbi and several other prominent figures.<sup>25</sup> Whether Katumbi might challenge Kabila’s leadership within the PPRD, or form his own party, is a topic of intense speculation among DRC observers.

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

<sup>24</sup> Aaron Ross, “Congo opposition threatens boycott of elections,” *Reuters*, April 20, 2015.

<sup>25</sup> Bloomberg, “Congo’s Kabila Files Corruption Charges Against Governors: AFP,” June 25, 2015.

manage and monitor extraction of its natural resources has been a perennial challenge (see “The Mining Sector”). 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’s annual human rights report on DRC highlights “widespread impunity and corruption throughout the government,” state security force abuses, and a judiciary that is “corrupt and subject to influence.”<sup>26</sup>

## Conflict in the East

Two decades of intermittent conflict in DRC’s mineral rich, agriculturally fertile, and densely inhabited eastern provinces have rendered brutal violence against civilians common. Militia factions battling over territory and natural resources often prey on civilians. The national military (FARDC) and other state security forces are also implicated in atrocities, such as looting, killings, and sexual violence, including during operations against armed groups and as part of illicit involvement in mining.<sup>27</sup> Violence stems from deep-rooted tensions related to resources (including land) and citizenship, internal military disarray, and regional geopolitics. Security challenges also reflect a complex interplay of state negligence, incapacity, and coercion, including in the many regions of the country that are not directly affected by conflict.

Violence has been particularly acute in North and South Kivu and in the adjacent Ituri district of Orientale province, which together have been 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).<sup>28</sup> 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.<sup>29</sup>

### Rwanda’s Involvement in DRC Conflicts

According to numerous reports, Rwanda has periodically provided support for Congolese armed groups since the mid-1990s.<sup>30</sup> In 2012-2013, Obama Administration officials repeatedly criticized Rwandan support for the M23. Such

<sup>26</sup> State Department, 2014 Country Reports on Human Rights Practices, released June 25, 2015.

<sup>27</sup> See, e.g., State Department, *Country Reports on Human Rights Practices for 2014*; Human Rights Watch (HRW), “Democratic Republic of Congo: Ending Impunity for Sexual Violence,” June 10, 2014; MONUSCO and U.N. Office of the High Commissioner for Human Rights (UNOHCHR), *Progress and Obstacles in the Fight Against Impunity for Sexual Violence in the Democratic Republic of the Congo*, April 2014.

<sup>28</sup> 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.

<sup>29</sup> 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 repeatedly referred to a “credible body of evidence” indicating Rwandan support. See also U.N. doc. S/2012/348/Add.1, June 27, 2012; U.N. doc. S/2012/843, November 15, 2012; and U.N. doc. S/AC.43/2012/NOTE.26, November 26, 2012.

<sup>30</sup> See, e.g., Thomas Turner, *The Congo Wars: Conflict, Myth and Reality*, Zed Books: 2007; Gérard Prunier, *Africa’s* (continued...)

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.<sup>31</sup>

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 sentiments characterizing Kabila as beholden to Rwandan interests appear 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.

The M23 conflict prompted increased international diplomatic attention, particularly after the group occupied the city of Goma in November 2012. This produced a U.N.-facilitated “Framework Agreement” that DRC and all of its neighbors signed in February 2013, which aimed to define the respective responsibilities of the DRC government, neighboring states, and donors in ending cyclical conflict in the east.<sup>32</sup> Regional leaders committed to respect DRC’s 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.

### Security Sector Reform (SSR) in DRC

The roughly 135,000-person<sup>33</sup> Armed Forces of DRC (FARDC, after its French acronym) was forged at the end of the 1998-2003 war from disparate armed groups and elements of the deteriorated Mobutu-era army. FARDC troops reportedly are not provided with consistent training, are 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 has reportedly contributed to internal disarray. The national police, judiciary, and other security institutions also suffer from limited capacity and a reported record of corruption and abuse.

The 2013 Framework Agreement commits the DRC government “to continue, and deepen security sector reform,” reflecting long-running arguments by analysts and donors that SSR is essential to improving regional security, respect for human rights, 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 known as EUSEC; and bilateral train-and-equip programs administered by countries including United States, France, Belgium, South Africa, Angola, and China. To date, the success of such efforts has been undermined by a lack of strategic planning and coordination; conflicting policy goals (e.g., structural reform versus rebel integration); limited judicial capacity; and a lack of political will on the part of DRC authorities.

(...continued)

*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.

<sup>31</sup> See, e.g., *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; Howard French, “Kagame’s Hidden War in the Congo,” *New York Review of Books*, September 24, 2009.

<sup>32</sup> 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.

<sup>33</sup> International Institute for Strategic Studies, “The Military Balance 2015,” Vol. 115 (1), p. 442.

In the wake of the framework accord, the U.N. Security Council authorized an “Intervention Brigade” within MONUSCO tasked with “neutralizing” armed groups in the east.<sup>34</sup> While U.N. peacekeeping troops had previously provided support to DRC-led counterinsurgency operations, 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 had expressed a commitment to confronting the M23. As noted above (“Introduction”), the Intervention Brigade has since been reauthorized through 2016. In the second half of 2013, the FARDC, backed by the Intervention Brigade, initiated a string of successful operations against the M23, reversing a pattern of military setbacks.<sup>35</sup> Ultimately, the M23 agreed to end its rebellion in exchange for various guarantees. However, few ex-combatants have been demobilized, and over 1,000 former M23 fighters remain in camps in Uganda and Rwanda. A notional government-run “disarmament, demobilization, and reintegration” (DDR) program has yet to be implemented.<sup>36</sup>

After the defeat of the M23, the U.N. Security Council, MONUSCO commanders, and U.S. officials called for the FARDC and Intervention Brigade to initiate operations against the Democratic Forces for the Liberation of Rwanda (FDLR), a militia founded by perpetrators of the 1994 Rwandan genocide, and which Rwanda views as a national security threat. However, DRC authorities have instead focused on other groups, and the main troop contributors to the Intervention Brigade, South Africa and Tanzania, backed a regional plan that instead granted the FDLR a six-month de facto reprieve to voluntarily disarm. After this deadline expired, in early 2015, the FARDC initiated operations against the group, but it appointed two commanders to whom MONUSCO cannot provide support because they do not pass U.N. human rights vetting.<sup>37</sup>

Elements of a Burundian former rebel group, the National Liberation Forces (FNL), are also present in the east, as is the LRA, along with another militia of Ugandan origin, the Allied Democratic Forces (ADF). The Ugandan government and some analysts claim the ADF has ties to Islamist extremist groups.<sup>38</sup> The group’s attacks on civilians have made it a growing target of DRC and U.N. military operations since 2014.

Particular international attention has been paid to the issue of sexual and gender-based violence in DRC. Its scale and brutality are extreme in conflict-affected areas, with extensive reports of gang rape, mutilation, and other abuses by elements of the FARDC and armed groups. Such violence may be opportunistic or designed to systematically intimidate local populations. Its prevalence has been attributed to factors such as 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, it 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

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<sup>34</sup> U.N. Security Council Resolution 2098, March 28, 2013.

<sup>35</sup> 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.

<sup>36</sup> In 2014, HRW reported that nearly 1,000 surrendered fighters from “various armed groups” who had been relocated to a remote camp in northwestern DRC, supposedly to participate in DDR, faced starvation and disease, and that over 100 fighters and dependents had died there. “DR Congo: Surrendered Fighters Starve in Camp,” October 1, 2014.

<sup>37</sup> See *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, March 10, 2015, U.N. doc. S/2015/172.

<sup>38</sup> Jason Stearns, “Next Challenge for Congo: International Terrorism,” *Christian Science Monitor/Africa Monitor*, July 28, 2010. Other analysts, however, assert that “the group’s allegiance to Islamism seems rather superficial.” See ICG, *Eastern Congo: The ADF-NALU’s Lost Rebellion*, December 19, 2012.



legal reforms, donor pressure, and foreign assistance efforts, researchers report that most cases are never investigated or prosecuted.<sup>39</sup> U.N. peacekeepers have been criticized for failing to protect civilians, and U.N. personnel in DRC have also periodically been accused of sexual abuse.

### Wildlife Poaching in Eastern DRC

According to U.S. government analysts, DRC is one of several African countries where “poaching presents significant security challenges.”<sup>40</sup> According to a 2011 assessment by the U.N. Office on Drugs and Crime (UNODC), “despite the smaller size of the DRC’s elephant population compared to its neighbors to the south and east, it appears to contribute disproportionately to the illicit ivory supply.”<sup>41</sup> Ivory poaching is prevalent, notably, in two national parks located in conflict-affected areas of the east and northeast, Virunga (Africa’s oldest national park) and Garamba. A range of actors reportedly participate, including elements of the state security forces, Congolese militias, Sudanese poaching syndicates, and the Ugandan-origin Lord’s Resistance Army.<sup>42</sup> According to the World Wildlife Fund, 140 Virunga rangers have been killed “in the line of duty” since 1996.<sup>43</sup> Threats to Central African forest elephants—a subspecies of the African elephant—have led the World Wildlife Fund to declare them “vulnerable” to extinction.

According to the latest report by U.N. sanctions monitors on DRC, wildlife trafficking is “commonplace” and continues to “fund armed groups and criminal enterprises” despite efforts to heighten security in national parks and wildlife reserves. The report highlights, in particular, the role of the FARDC, which it accuses of lending firearms to poachers in exchange for meat and ivory. It also describes the use of helicopters to hunt elephants in Garamba.<sup>44</sup>

## The Economy

DRC has some of the largest endowments of natural resources in the world. Buoyed by high global commodity prices, the economy grew by 9.2% last year and is expected to grow by the same margin in 2015.<sup>45</sup> The vast majority of the population, however, remains dependent on subsistence agriculture for survival, and outside of major cities and industrial mining zones, 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 184 out of 189 countries in the World Bank’s 2015 *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, a shortage of skilled labor, and a lack of reliable electricity.<sup>46</sup> In addition, current law requires that Congolese have a majority stake in all

<sup>39</sup> MONUSCO and UNOHCHR, *Progress and Obstacles in the Fight Against Impunity ...*, op. cit.

<sup>40</sup> Office of the Director of National Intelligence, *Wildlife Poaching Threats Economic, Security Priorities in Africa*, 2013 [unclassified summary].

<sup>41</sup> UNODC, *Organized Crime and Instability in Central Africa*, 2011.

<sup>42</sup> See, e.g., The Resolve et al, “Kony to LRA: Bring Me Ivory, Gold, and Diamonds,” November 19, 2014.

<sup>43</sup> World Wildlife Fund, “Mountain Gorilla,” <http://www.worldwildlife.org/species/mountain-gorilla>.

<sup>44</sup> U.N. Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 12, 2015, U.N. doc. S/2015/19.

<sup>45</sup> IMF, “IMF Staff completes the 2015 Article IV Mission to Democratic Republic of the Congo,” June 3, 2015.

<sup>46</sup> State Department, “Investment Climate Statement-2015,” May 2015.



agriculture investments, which is seen as a significant impediment to foreign investment, despite government promises to revise the law.<sup>47</sup>

DRC's sovereign debt declined from 136% of GDP in 2009 to around 21% by 2014, after the country qualified in 2010 for multilateral debt relief worth \$12.3 billion under the World Bank- and IMF-led Heavily Indebted Poor Countries (HIPC) initiative.<sup>48</sup> Conditions for the debt cancellation included "satisfactory implementation of the country's poverty reduction and growth strategy, maintenance of macroeconomic stability, improvements in public expenditure and debt management, and improved governance and service delivery in key social sectors, such as health, education and rural development." While macroeconomic 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.<sup>49</sup>

## 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."<sup>50</sup>

The vast majority of state revenues from the mining sector, on the other hand, come from private sector industrial cobalt and copper mining operations located in relatively stable Katanga, in which the mining parastatal Gécamines is a partner. DRC accounts for 47% of the world's cobalt reserves and produced 55% of the world's supply of cobalt in 2012, along with 20% of industrial diamonds, and 12% of tantalum.<sup>51</sup> China has a growing stake in DRC mining, and as part of its Sino-Congolese Cooperation Agreement, it has pledged over \$6 billion in loans to DRC for infrastructure, which are expected to be repaid through joint-venture mining operations.<sup>52</sup> In 2014, nearly 40% of DRC exports were destined for China, up from 10% in 2005.<sup>53</sup> The DRC government has for several years announced plans to revise its mining code, which could allow the state to derive a higher share of mining revenues from the private sector, but has also sparked concerns from foreign investors.

<sup>47</sup> Michael Kavanagh, "Congo Seeks to Lure Investors for \$5.7 Billion Farming Plan," *Bloomberg News*, July 12, 2013.

<sup>48</sup> IMF, *Democratic Republic of the Congo Staff Report for the 2012 Article IV Consultation*, September 4, 2012; and "IMF and World Bank Announce US\$12.3 Billion in Debt Relief for the Democratic Republic of the Congo," July 1, 2010. This was the largest amount of debt relief provided to any eligible HIPC country, according to the IMF.

<sup>49</sup> See, e.g., Oxford Analytica, "Relief for Congo," July 7, 2010.

<sup>50</sup> 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. Sanctions monitors reported in January 2015 that "virtually no progress" had been made in addressing gold smuggling over the previous year. *Final Report of the Group of Experts*, January 12, 2015, op. cit.

<sup>51</sup> *Extractive Industries Transparency Initiative (EITI)*, "Democratic Republic of Congo: Overview."

<sup>52</sup> IMF Trade Data and Stefaan Marysse and Sara Geenen, "Win-Win or Unequal Exchange? The case of Sino-Congolese cooperation agreements," *Journal of Modern African Studies*, 47, 3 (2009): 371-396.

<sup>53</sup> Economist Intelligence Unit, "Congo (Democratic Republic)," Country CRS Legal Sidebar WSLG2, *Is Expansion of the Feres Doctrine on the Horizon?*, by (name redacted)

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).<sup>54</sup> 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.<sup>55</sup>

In 2012, the IMF halted its concessional lending program in DRC 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.<sup>56</sup> Similar transparency concerns have been raised concerning DRC's oil sector, as exploration is increasing. Independent researchers accuse a British oil company, Soco, of bribing DRC military commanders to intimidate opponents of its efforts to explore in DRC's Virunga National Park, a UNESCO World Heritage site.<sup>57</sup> DRC subsequently made some progress in improving economic governance, achieving EITI compliant status in July 2014. However, it was accused by the IMF in June 2015 of again failing to disclose the sale of a mining concession partially owned by Gécamines, in violation of Congolese law and the terms of an agreement between DRC and the World Bank requiring the disclosure of all state mining deals.

## U.S. Policy

The Obama Administration considers DRC "a strategic priority for the United States due to its size, location, and role in the Great Lakes region."<sup>58</sup> According to the U.S. State Department, "U.S. foreign policy in the D.R.C. 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."<sup>59</sup> Since 2013, the Obama Administration has focused on encouraging the implementation of the regional peace Framework Agreement, including commitments by DRC's neighbors to respect the country's territorial integrity, and commitments by the DRC to make progress toward demobilizing ex-rebel combatants and instituting reforms. Then-U.S. Special Envoy for the Great Lakes Russell Feingold, a former U.S. Senator, helped facilitate a peace process with the M23 and pushed for full implementation of the 2013 accord, in coordination with U.N. and other special envoys.

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<sup>54</sup> See, e.g., Franz Wild, Michael J. Kavanagh, and Jonathan Ferziger, "Gertler Earns Millions as Mine Deals Fail to Enrich Congo," *Bloomberg Markets Magazine*, December 5, 2012.

<sup>55</sup> Bloomberg News, "Congo Report Says Miners May Owe \$3.7b in Unpaid Taxes: Minister," January 30, 2014.

<sup>56</sup> EITI, "Democratic Republic of Congo Temporarily 'Suspended,'" April 18, 2013.

<sup>57</sup> Soco has denied the allegations. See Jon Rosen, "The Battle for Africa's Oldest National Park," *National Geographic*, June 6, 2014; BBC Online, "'Soco paid Congo major' accused of Virunga oil intimidation," June 10, 2015.

<sup>58</sup> State Department, FY2016 Congressional Budget Justification, Foreign Operations.

<sup>59</sup> State Department, Bureau of African Affairs, "U.S. Relations With Democratic Republic of the Congo," Fact Sheet, June 15, 2015.

Feingold left his position in February 2015 and was replaced by former U.S. Representative Tom Perriello in July 2015. In addition to pursuing regional diplomacy through the office of the Special Envoy, the Administration has imposed targeted sanctions under Executive Order 13413 (2006) on individuals and groups seen as fomenting conflict, impeding democracy, or committing gross human rights abuses, 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. The United States also provides logistical and advisory support for regional military operations against the Lord's Resistance Army, an insurgent group active in DRC and neighboring states.<sup>60</sup>

In the wake of the M23 conflict, Feingold called for continued high-level political dialogue among countries in the region, new military operations against armed groups still active in eastern DRC, and accountability for human rights abusers. He also championed respect for presidential term limits in Central Africa—an issue at play in upcoming elections in DRC, and also in neighboring Burundi, Rwanda, and the Republic of Congo.<sup>61</sup>

U.S. officials have repeatedly urged DRC to improve governance and compliance with the rule of law, and to cooperate with MONUSCO to stabilize the east. Secretary of State John Kerry stated during a visit to DRC in 2014 that “military force alone will not deliver stability to the DRC.” He also emphasized support for the 2013 framework accord and called for DRC to hold “free, fair, timely, and transparent elections.”<sup>62</sup> In April 2015, the State Department criticized the Kabila administration's detention of youth activists at a pro-democracy event sponsored, in part, by the U.S. government (a USAID official was also detained, but was soon released).<sup>63</sup> During a visit to Kinshasa in June 2015, U.S. Assistant Secretary of State for Human Rights, Democracy, and Labor Tom Malinowski praised the government's commitment to holding national elections in 2016 but warned against any “pretext for delay” as well as any effort to amend constitutional term limits.<sup>64</sup> He also urged the government to restart full military cooperation with MONUSCO, and indicated that MONUSCO's troop levels should not decrease while armed groups remained active in the east. The DRC government spokesman condemned Malinowski's comments as “unacceptable” and “intolerable” interference in the country's internal affairs.<sup>65</sup>

In 2012 and 2013, the Administration publicly criticized Rwanda for supporting the M23.<sup>66</sup> It suspended FY2012 and FY2013 Foreign Military Financing (FMF) assistance for Rwanda, consistent with the FY2012 Consolidated Appropriations Act (P.L. 112-74, as carried over into FY2013 via continuing resolution), which prohibited FMF assistance for Rwanda if it was found to support armed groups in DRC. While the amount of affected U.S. assistance was relatively

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<sup>60</sup> The LRA is a small militia of Ugandan origin that in recent years has operated in DRC, the Central African Republic, South Sudan, and reportedly Sudan. LRA massacres, mass abductions, sexual assault, and looting have caused significant human suffering and instability. See CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*, by (name redacted) and (name redacted).

<sup>61</sup> Reuters, “U.S. Envoy Urges Congo's Kabila to Respect Law, Step Aside in 2016,” June 5, 2014; “Sustained American Attention to the Great Lakes Region of Africa,” Remarks at the U.S. Institute of Peace, February 24, 2015.

<sup>62</sup> “Press Availability on the D.R.C. and the Great Lakes Region,” as released by the State Department, May 4, 2014.

<sup>63</sup> State Department, “State Dept. on Detention of Youth Activists in DRC,” April 16, 2015.

<sup>64</sup> U.S. Embassy Kinshasa, “Press Conference with Assistant Secretary Tom Malinowski,” June 4, 2015.

<sup>65</sup> AP, “Congo Slams U.S. for Political ‘Interference’ in Elections,” June 9, 2015.

<sup>66</sup> Then-Assistant Secretary of State Johnnie Carson 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; State Department daily press briefing, July 23, 2013; 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.

small, it appeared to embolden several European donors that then suspended or redirected their budgetary support for Rwanda. In October 2013, the Administration suspended additional 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.<sup>67</sup> The Administration has lifted child soldiers-related restrictions on Rwanda for FY2015, citing the end of the M23.

## **Trade and Investment Issues**

With its significant mineral wealth and large domestic market, DRC is a potentially attractive destination for U.S. commerce and investment. A bilateral investment treaty entered into force in 1989, and the United States also has signed a trade and investment framework agreement with the Common Market for Eastern and Southern Africa, of which DRC is a member. However, U.S. firms continue to face serious obstacles in DRC. The Obama Administration 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.<sup>68</sup> Bilateral trade is limited; in 2014, the United States imported \$154 million in goods from DRC, and exported \$182 million in goods to the country.<sup>69</sup> U.S.-listed companies active in DRC's mining sector are potentially affected by the 2012 SEC rule requiring certain U.S.-based firms to declare whether they source designated "conflict minerals" from DRC or neighboring states, as 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**

The Obama Administration states that "U.S. assistance seeks to consolidate recent gains by improving the capacity and governance of core national-level institutions, creating economic opportunities for all segments of the population, and addressing the root causes of the crisis in eastern DRC."<sup>70</sup> U.S.-funded aid programs seek 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. DRC also receives aid under U.S. regional initiatives related to tropical forest conservation, anti-poaching efforts, and counter-LRA efforts, among others.

U.S. bilateral aid totaled \$331 million in FY2014 (latest available; see **Table 1** below), including food aid, in addition to \$108 million in emergency humanitarian aid and \$411 million in U.S. assessed contributions to MONUSCO (see **Table 2** below.) Bilateral aid and emergency humanitarian aid allocations for DRC increased between FY2012 and FY2014, possibly as a result of increased U.S. policy attention resulting from the M23 conflict. During his trip to DRC in 2014, Secretary of State Kerry publicly pledged \$30 million "to support transparent and credible elections as well as recovery and reconstruction programs in the eastern DRC." He added that USAID "plans to invest \$1.2 billion over the next five years in the DRC, focusing on improving political and economic governance and on promoting social development."<sup>71</sup>

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<sup>67</sup> State Department daily news briefing, October 3, 2014.

<sup>68</sup> "Presidential Proclamation—African Growth and Opportunity Act," December 21, 2010.

<sup>69</sup> U.S. International Trade Commission data, accessed at [http://dataweb.usitc.gov/scripts/user\\_set.asp](http://dataweb.usitc.gov/scripts/user_set.asp).

<sup>70</sup> State Department, FY2016 Congressional Budget Justification, Foreign Operations.

<sup>71</sup> "Press Availability on the D.R.C. and the Great Lakes Region," as released by the State Department, May 4, 2014.

U.S. security assistance is focused on military and police professionalization. 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. These 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, which is the main vehicle for military train-and-equip programs.<sup>72</sup> The Administration has also waived restrictions, contained in annual foreign aid appropriations measures (most recently, §7031[b] of Division J, P.L. 113-235), on government-to-government aid for DRC due to its budget transparency shortfalls.<sup>73</sup>

**The U.S.-Trained 391<sup>st</sup> 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 391<sup>st</sup>, using about \$35 million in PKO funding. The battalion continued to receive U.S. advisory support, including training on human rights and gender-based violence prevention, until March 2013. At that point, U.S. support was suspended after a U.N. investigation found that members of the 391<sup>st</sup> had allegedly raped civilians near Goma during the M23 seizure of the town in 2012.

**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	FY2014	FY2015 (req.)	FY2016 (req.)
DA	0.0	0.0	0.0	7.9	0.0	0.0	0.0
GHP (State + USAID)	85.3	125.6	111.7	149.4	178.6	187.2	190.2
ESF	77.6	45.9	47.9	64.3 [35.1 as OCO]	48.6	71.4	70.6
INCLE	1.7	6.0	6.0	6.0	3.3	2.0	2.0
NADR	0.8	1.0	1.0	1.0	0.5	0.5	0.5
IMET	0.5	0.5	0.5	0.3	0.5	0.4	0.4
FMF <sup>a</sup>	1.5	0.3	0.0	0.0	0.0	0.0	0.0
PKO	14.0	21.5	19.0	12.0	10.0	11.0	14.0
FFP	101.3	67.3	68.3	82.0	89.8	30.0	0.0
<b>Subtotal</b>	<b>282.7</b>	<b>268.2</b>	<b>254.4</b>	<b>322.9</b>	<b>331.2</b>	<b>302.5</b>	<b>277.6</b>

<sup>72</sup> See, for FY2015, *Presidential Determination No. 2014-18 of September 30, 2014* (child soldiers) and *Presidential Determination No. 2014-16 of September 18, 2014* (trafficking in persons), via the Federal Register.

<sup>73</sup> See State Department notice, “Waiver of Restriction on Assistance to the Central Government of the Democratic Republic of the Congo,” December 18, 2013 (most recent available via the Federal Register). The State Department’s *2015 Fiscal Transparency Report* (June 25, 2015) found that DRC did not meet minimum requirements of fiscal transparency under P.L. 113-235, but had made “significant progress” toward doing so.



Account/ Fiscal Year	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015 (req.)	FY2016 (req.)
Additional Emergency Humanitarian Aid <sup>b</sup>	60.3	57.6	48.6	108.4	108.1	123.8	TBD
<b>TOTAL</b>	<b>343.0</b>	<b>325.8</b>	<b>333.0</b>	<b>431.3</b>	<b>439.3</b>	<b>TBD</b>	<b>TBD</b>

**Source:** State Department Congressional Budget Justification for Foreign Operations, FY2012-FY2016; 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; OCO-Overseas Contingency Operations; TBD-to be determined. Totals may not add up due to rounding. Table does not include regionally or centrally budgeted program funding.

- a. Since FY2012, 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 FY2015, emergency FFP aid to date, which is provided during the year according to need, is also included in this line. (For others years, FFP development and emergency aid are totaled.)

**Table 2. U.S. Contributions to MONUSCO by U.S. Fiscal Year**  
Appropriations, \$ Millions

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015 (est.)	FY2016 (req.)
CIPA	387.7	600.2	399.5	326.8	410.8	438.0	438.0

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

**Note:** CIPA = Contributions to International Peacekeeping Activities (Department of State Operations).

## Outlook and Issues for Congress

Many Members of Congress have expressed an interest, through legislation and oversight activities, in advancing peace and stability, improving governance and natural resource management, and addressing health and humanitarian needs in DRC. However, Congolese political actors have, at times, displayed limited ability and will to pursue such ends. U.S. influence may be further constrained by limited available U.S. fiscal and personnel resources, and by the challenges of coordinating with and influencing other key players, including other donors, China, and regional actors such as Rwanda, Uganda, Angola, Tanzania, and South Africa. U.S. bilateral aid does not easily present opportunities for leverage, as most programs are 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.

U.S. officials publicly criticized the 2011 electoral process, but in the end, the Obama Administration tacitly accepted Kabila's victory. Prospects for future steps toward greater democracy and accountable governance are uncertain. National elections scheduled for 2016 will be another test of DRC's political trajectory, but many analysts are skeptical that they will occur



on time and be conducted freely and fairly. Tensions with the U.N. peacekeeping operation appear to reflect an effort by DRC leaders to assert greater sovereignty ahead of the coming elections.

U.S. policymakers, including in Congress, face a particularly thorny set of challenges with regard to the situation in the east. The 2013 U.N.-backed Framework Agreement between DRC and its neighbors represents a potential foundation for more functional regional relationships and greater internal stability. However, the DRC government's commitments to demobilize and reintegrate ex-rebel combatants and institute domestic reforms have not been fulfilled. Security sector reform has also stalled, in part due to seemingly low DRC government interest in restructuring a security apparatus whose dysfunction may benefit powerful actors. The M23's defeat was a significant accomplishment and may point to the effectiveness of U.S. diplomatic criticism of Rwanda—but it did not, by itself, address the root causes of conflict in the region.

A key issue for Congress is whether a long-running focus on specific 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 and aid profile that overwhelmingly concentrates on the east at the possible expense of the rest of the country. Debate continues among policymakers in Congress and the executive branch over issues such as

- the 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 forums; 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.

## Appendix. Selected Legislation

- P.L. 109-456 (**Senator Barack Obama**), **Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006** (December 22, 2006). States U.S. policy toward DRC. Set a minimum funding level for bilateral foreign assistance to DRC in FY2006-FY2007 and stated the sense of Congress that the Secretary of State should withhold certain aid made available for DRC under the act if the government was found to be making insufficient progress toward policy objectives. Authorizes the Secretary of State to withhold certain types of foreign assistance for countries acting to destabilize DRC.
- P.L. 110-457 (**Representative 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 for countries 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 (**Representative David R. Obey**), **Supplemental Appropriations Act, 2009** (June 24, 2009). Provided \$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 (**Representative 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 (**Senator 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)—a Ugandan-origin armed group active in DRC—among other provisions.
- P.L. 111-203 (**Representative 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 (**Representative David Obey**), **Supplemental Appropriations Act, 2010** (July 29, 2010). Provided \$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 (**Representative 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 (**Representative John Abney Culberson**), **Consolidated Appropriations Act, 2012** (December 23, 2011). Prohibited certain security assistance and arms sales to DRC for training or operations that include child

soldiers. Restricted Foreign Military Financing (FMF) grants for Rwanda and Uganda, with some exceptions, if the Secretary of State found that they were providing support to armed groups in DRC that violated human rights or were involved in illegal mineral exports.

- P.L. 112-239 (**Representative Howard “Buck” McKeon**), **National Defense Authorization Act for Fiscal Year 2013** (January 2, 2013). Mandated travel and financial sanctions against individuals found to have provided support to the M23, subject to a presidential waiver.
- P.L. 113-66 (**Representative Theodore E. Deutch**), **National Defense Authorization Act for Fiscal Year 2014** (December 26, 2013). Authorized 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 (**Representative Lamar Smith**), **Consolidated Appropriations Act, 2014** (January 17, 2014). Restricted FMF for Rwanda, with various exceptions, unless the Secretary of State certified that Rwanda “is taking steps to cease... support to armed groups” in DRC that have violated human rights or are involved in illegal exports of various goods.

P.L. 113-235 (**Representative Donna Christensen**), **Consolidated and Further Continuing Appropriations Act, 2015** (December 16, 2015). Restricts FMF for Rwanda, with various exceptions, unless the Secretary of State certifies that Rwanda is “implementing a policy to cease political, military and/or financial support to armed groups” in DRC that have violated human rights or are involved in illegal exports. Like previous appropriations measures, provides funding for multi-country environmental conservation in the Congo Basin of Central Africa, and restricts government-to-government assistance for countries, like DRC, that fail to exhibit budget transparency.

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