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

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## Summary

Poor governance, conflict, 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 mineral-rich and densely populated eastern DRC has caused widespread human suffering and inhibited economic development 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. U.S. officials have expressed mounting concern about DRC's democratic trajectory ahead of national elections notionally slated for 2016. Incumbent President Joseph Kabila, in office since 2001, is constitutionally barred from reelection, but he appears likely to cling to power by delaying the polls. DRC has never experienced an electoral transfer of power between administrations. Election-related tensions have raised concerns about possible violence in a sub-region already experiencing substantial political unrest.

A range of armed groups remain active in the east, an epicenter of regional conflict since the 1990s. In 2013, DRC and its neighbors agreed to a regional peace framework, and later that year, the Congolese military—backed by a United Nations (U.N.) “Intervention Brigade”—defeated a relatively formidable Rwandan-backed rebel group known as the M23. Then-U.S. Special Envoy for the Great Lakes, former U.S. Senator Russell Feingold, helped facilitate peace talks with the M23 and pushed for full implementation of the regional accord. However, DRC commitments under the peace process remain largely unfulfilled, and violence has since surged in some areas.

In July 2015, the Obama Administration named former U.S. Representative Tom Perriello to succeed Feingold as Special Envoy, spearheading high-level U.S. diplomatic engagement with DRC and its neighbors. 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 has influenced the scope of MONUSCO's mandate and a U.N. sanctions regime. Successive Administrations have also imposed bilateral targeted sanctions under an executive order, first issued in 2006 and expanded in 2014. The United States also wields influence over the decisions of international financial institutions from which the DRC government has recently requested budget support, amid an economic downturn caused by falling mineral export prices. U.S. efforts to achieve its policy goals in DRC may nonetheless be constrained by limited resources, a lack of state capacity, an absence of shared policy goals, and the challenge of coordinating with and influencing a diverse range of key players.

Congress has helped shape U.S. policy toward DRC through legislation and oversight activities. Congress authorizes and appropriates aid funding for DRC as well as U.S. funding for MONUSCO. In 2016, S.Res. 485 (Senator Jeff Flake), S.Res. 479 (Senator Ed Markey), and H.Res. 780 (Representative Christopher Smith) have urged the consideration of new sanctions designations if Kabila does not peacefully leave office. Members of Congress have also focused attention on the DRC government's decision in 2013 to suspend its issuance of exit permits for internationally adopted children. Congress has 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), but the Obama Administration waived such restrictions for DRC in FY2016. Between 2012 and 2014, the Administration suspended some military aid to neighboring Rwanda due to its support for the M23 rebel group in DRC, citing both the child soldier law and provisions in foreign aid appropriations measures in force at the time.

For background on U.S. regulation of DRC “conflict minerals,” see 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 instability and inhibited development in Africa's Great Lakes region,<sup>1</sup> consuming substantial domestic and donor resources and thus becoming a key focus of international policy toward the country. Recently, international attention has turned to the country's democratic trajectory. President Joseph Kabila, who has served two terms in office since DRC's landmark 2006 national elections, is constitutionally prohibited from running for reelection. However, the government has employed various delay tactics to ensure that elections will not occur in 2016 as scheduled, which may effectively maintain President Kabila in office past the expiration of his term in December. DRC has never experienced an electoral transfer of power between administrations. Electoral delays are fueling a mounting political crisis, sparking concerns about the repression of political dissent and the potential for new forms of instability.

Meanwhile, armed groups remain active in the east. A Ugandan-origin insurgency known as the Allied Democratic Forces (ADF)—which some analysts assert is linked to regional Islamist extremist groups—has recently come to be seen as among the most threatening, although the facts surrounding the ADF's membership and activities remain cloudy. Another foreign-origin armed group with deep roots in eastern DRC, the Democratic Forces for the Liberation of Rwanda (FDLR), which was founded by perpetrators of the 1994 Rwandan genocide, also continues to abuse civilians and cause tensions between DRC and its neighbors. DRC's military also continues to be implicated in serious human rights abuses in conflict zones. Conflicts in neighboring Burundi, Central African Republic, and South Sudan present further challenges.

A U.N.-facilitated regional peace accord in 2013, known as the "Peace, Security, and Cooperation Framework Agreement," defined the respective responsibilities of the DRC government, neighboring states, and donors in ending cyclical conflict in eastern DRC. A relatively formidable Rwandan-backed rebel movement known as the M23 was defeated the same year. Since then, there have been far fewer reports of Rwanda or Uganda providing support to Congolese rebel groups. Many provisions of the 2013 agreement, however, have yet to be implemented—notably commitments by the DRC government to improve governance and reform its security apparatus—and many M23 combatants have not been formally demobilized.

DRC's economy has experienced high annual growth rates over the past decade, but state budgets are currently under severe strain due to crashing global prices for its mineral commodity exports. Relations with the international financial institutions, which could provide support, have been poor since 2012, when the International Monetary Fund (IMF) ceased its concessional lending program due to a lack of transparency in state mining contracts. Overall, DRC 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. The State Department's annual human rights report highlights "widespread impunity and corruption throughout the government," state security force abuses, and a judiciary that is "corrupt and subject to influence."<sup>2</sup>

DRC is rich in minerals, water resources, and agricultural potential. DRC also receives substantial international aid, with nearly \$2.4 billion in net official development assistance disbursed in 2014

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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> State Department, 2015 Country Reports on Human Rights Practices, released April 13, 2016.

(latest available).<sup>3</sup> Yet the majority of Congolese live in poverty and some 7 million are reportedly food insecure.<sup>4</sup> Due to decades of conflict, some 1.7 million Congolese are internally displaced and 450,000 are refugees in nearby countries; DRC also hosts nearly 400,000 refugees from neighboring states.<sup>5</sup> DRC was ranked 176 out of 188 countries on the 2015 U.N. Human Development Index, and it has among the world's lowest per-capita gross domestic product (GDP). A lack of health services, clean water, and sanitation facilities—along with an equatorial climate—underlie recurrent outbreaks of cholera, measles, Ebola, and yellow fever.

**Figure I. DRC at a Glance**



**Population:** 79.4 million

**Official language:** French

**Religions:** Roman Catholic 50%, Protestant 20%, Kimbanguist (Christian sect) 10%, Muslim 10%, Other 10%

**Infant Mortality Rate:** 71.5 deaths/1,000 live births

**Life expectancy:** 56.9 years

**Median age:** 18.1 years

**Adult literacy:** 63.8%

**HIV adult (aged 15-49) prevalence rate:** 0.8%

**GDP per capita:** \$476

**Main exports:** diamonds, copper, gold, cobalt, wood products, crude oil, and coffee

**Main imports:** foodstuffs, mining and other machinery, transport equipment, and fuels

**Key trading partners:** China, Zambia, South Africa, Belgium, Zimbabwe, South Korea, India

**Source:** Graphic created by CRS. Map borders and cities generated by (name redacted) using data from Esri. Statistical data from CIA World Factbook, UNAIDS, and the IMF. Figures reflect 2015 estimates.

<sup>3</sup> Organization for Economic Cooperation and Development (OECD) international development statistics, consulted August 10, 2016. Includes concessional loan disbursements.

<sup>4</sup> World Food Program, "Congo, Democratic Republic Of: Overview," at <http://www.wfp.org>.

<sup>5</sup> U.N. High Commissioner for Refugees and U.N. Office for the Coordination of Humanitarian Affairs statistics.

The United Nations (U.N.) Organization Stabilization Mission in DRC (MONUSCO) is the world's largest U.N. peacekeeping operation, with about 18,700 uniformed personnel.<sup>6</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. MONUSCO is also mandated to support the disarmament and reintegration of ex-combatants, promote political space and human rights, provide support to the upcoming elections (under certain conditions), and support the government's efforts to advance security sector reform, among other activities.<sup>7</sup> Starting in 2013, the U.N. Security Council has authorized an "Intervention Brigade" within MONUSCO to "neutralize" armed groups, potentially unilaterally.<sup>8</sup> Policymakers continue to debate whether the brigade should be considered a useful model for other situations, such as South Sudan and Mali.

## Congressional Actions

Over time, 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. Members have often focused on human rights issues, such as the high rates of sexual violence in DRC's conflict zones, the use of child soldiers by the military and armed groups, and the international trade in "conflict minerals" sourced in DRC and neighboring states (see **Appendix**).<sup>9</sup> Members of the 114<sup>th</sup> Congress have closely followed political and security developments in DRC, holding regular hearings to probe U.S. policy responses.<sup>10</sup> Recent attention has focused on President Kabila's effort to stay in power, the regional context, and the potential usefulness of new U.S. sanctions as a policy lever. In mid-2016, House and Senate resolutions raising the threat of new sanctions designations if Kabila does not respect constitutional deadlines were reported out of their respective committees: S.Res. 485 (Senator Jeff Flake) and H.Res. 780 (Representative Christopher Smith).

Members have continued to examine the impact of §1502 of P.L. 111-203 (the Dodd-Frank Wall Street Reform and Consumer Protection Act), which required the Securities and Exchange Commission (SEC) to regulate the disclosure by U.S. firms of their use of "conflict minerals" originating in DRC or neighboring states.<sup>11</sup> Some Members view the conflict minerals provision as an important advance in international efforts to stabilize eastern DRC, while others assert that it has had negative economic consequences for both U.S. firms (by imposing the cost of greater supply chain controls) and civilian Congolese populations (by deterring investment in the region). In July 2016, the House agreed to an amendment to H.R. 5485 (Financial Services and General Government Appropriations Act, 2017) that would prohibit any funds appropriated by that Act from being used to enforce the SEC's conflict minerals regulation under §1502 (H.Amdt. 1253).

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<sup>6</sup> As of July 31, 2016; see <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml#MONUSCO>. MONUSCO's authorized uniformed personnel strength is 22,016 under U.N. Security Council Resolution 2277 (2016).

<sup>7</sup> U.N. Security Council Resolution 2277 (2016).

<sup>8</sup> U.N. Security Council Resolution 2098 (2013).

<sup>9</sup> "Conflict minerals" are designated ores—of tantalum and niobium, tin, tungsten, and gold—that have reportedly fueled conflict and human rights abuses in DRC. See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by (name redacted)

<sup>10</sup> Recent hearings include: Senate Foreign Relations Committee, Subcommittee on Africa and Global Health Policy, "U.S. Sanctions Policy in Sub-Saharan Africa," June 8, 2016; Senate Foreign Relations Committee, "U.S. Policy in Central Africa: The Imperative of Good Governance," February 10, 2016; and House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, "Africa's Great Lakes Region: A Security, Political, and Humanitarian Challenge," October 22, 2015.

<sup>11</sup> See, e.g., House Financial Services Committee, Subcommittee on Monetary Policy and Trade, "Dodd-Frank Five Years Later: What Have We Learned from Conflict Minerals Reporting?" November 17, 2015.

Members have also widely condemned the DRC government's decision since 2013 to suspend the issuance of most exit permits for internationally adopted children, including those adopted by American families.<sup>12</sup> Some Members have directly engaged with top DRC officials on this issue. In 2015, Congress enacted P.L. 114-70 to allow immigrant visa renewal fees to be waived for adopted children whose initial visas lapsed due to "extraordinary circumstances, including the denial of an exit permit." Other related legislative provisions are in S.Con.Res. 11 (budget resolution) and S. 2937 (Department of State Authorization Act, FY2017).

Congress has, at times, attempted to stem Rwandan proxy interventions in DRC, for example by adopting provisions in annual foreign aid appropriations legislation between FY2010 and FY2015 that restricted Foreign Military Financing (FMF) aid to Rwanda if it were found to be supporting Congolese rebels. The Obama Administration applied this legal restriction between FY2012 and FY2014 in connection with its finding that Rwanda had provided support for the M23 (which Rwanda denied). This action, along with U.S. diplomacy and other donors' decisions to suspend or redirect aid to Rwanda, appeared to contribute to a change of behavior by Rwanda and, ultimately, the M23's military defeat.<sup>13</sup> No such provision was included in the FY2016 foreign aid appropriations measure (Division K of P.L. 114-113), nor in the House and Senate draft FY2017 aid appropriations bills (H.R. 5912 and S. 3117).

In recent years, U.S. engagement with DRC has also been affected by legislative restrictions on bilateral aid for countries that, like DRC, use child soldiers in their military or state-backed forces (Title IV of P.L. 110-457, the Child Soldiers Prevention Act of 2008 or CSPA, as amended); have a poor record on human trafficking (P.L. 106-386, the Trafficking Victims Protection Act of 2000, or TVPA, as amended); or fail to implement budget transparency (annual aid appropriations measures—most recently P.L. 112-74, the Consolidated Appropriations Act, 2012, as amended and extended into FY2013 via continuing resolutions). While DRC remains on the State Department's annual child soldiers list under CSPA, the Obama Administration fully waived related aid restrictions for FY2016—a departure from prior years in which only a partial waiver was issued. With regard to human trafficking, in 2016, for the first time since 2009, DRC was ranked "Tier 2-Watch List" instead of "Tier 3" (the lowest ranking) in the State Department's annual Trafficking in Persons report, which means that DRC is no longer subject to aid restrictions under the TVPA.<sup>14</sup> And since FY2014, the fiscal transparency provision in annual appropriations measures has not included an aid restriction (see §7031[b] of P.L. 114-113).

## 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 its plunder of Congo's natural resources and serious abuses against the local population, leading the Belgian government to transition the territory into a formal colony in 1908.<sup>15</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

<sup>12</sup> See State Department Bureau of Consular Affairs, Intercountry Adoption Alert, "The Department of State Strongly Recommends Against Adopting from the Democratic Republic of the Congo (DRC)," April 25, 2016.

<sup>13</sup> Jason Stearns, "As the M23 Nears Defeat, More Questions than Answers," *Congo Siasa*, October 30, 2013.

<sup>14</sup> On the TVPA, CSPA, and related aid restrictions, see CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by (name redacted).

<sup>15</sup> See Adam Hochschild, *King Leopold's Ghost*, Mariner Books: 2006.

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>16</sup> One of the first U.N. peacekeeping operations deployed in response to the Katanga crisis in 1960 and stayed until 1964.

In 1965, Colonel Joseph Mobutu, who had been involved in the mutiny against Lumumba, seized power in a coup, gradually instituting a more centralized and authoritarian form of government. Mobutu's 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 was backed by U.S. and other Western support in the context of Cold War rivalry over the loyalty of African leaders.<sup>17</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>18</sup> At the same time, petty corruption came to constitute 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 withered, while civil conflicts in neighboring states and the 1994 genocide in Rwanda spilled over into DRC, diverting state resources and destabilizing local communities. In the aftermath of the Rwandan genocide, Rwandan Hutu extremists who had helped carry out the killings fled the new Tutsi-dominated Rwandan government across the border into then-Zaire. There, they used refugee camps as bases to remobilize, with reported backing from Mobutu. Rwanda launched cross-border military operations against these groups, also reportedly targeting civilians on a large scale.<sup>19</sup> Rwanda and Uganda then backed a 1996 rebellion against Mobutu 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 among 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, Tutsi soldiers rebelled. Rwanda and Uganda then deployed troops into DRC and cultivated rebel groups as proxies, this time in an effort to unseat Kabila. They also fought each other. Angola, Zimbabwe, Sudan, and others intervened on Kabila's side. The

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<sup>16</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."

<sup>17</sup> For example, Mobutu's government reportedly served as a conduit for U.S. assistance to 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>18</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>19</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.



conflict, dubbed “Africa’s World War,” led to a major humanitarian crisis, estimated by some experts to have resulted (directly and indirectly) in some 3.3 million deaths.<sup>20</sup>

In 2001, President Laurent Kabila was assassinated by one of his bodyguards. His son Joseph Kabila assumed the presidency and pushed forward with a U.N.-backed peace process. A 2002 peace accord called for the withdrawal of foreign troops and rebel integration into the military and government. A transitional government was stood up 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 credible, despite procedural shortcomings and significant election-related violence. President Kabila won reelection, following a tense and violent run-off against former rebel leader Jean-Pierre Bemba. He was reelected in 2011 (see “Politics and the 2016 Elections”).

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. The M23 conflict in 2012-2013 returned bilateral tensions to the fore, although tensions appear to have eased since then.

## Politics and the 2016 Elections

DRC has made limited progress in improving governance and advancing democracy since the historic 2006 elections. Presidential and parliamentary elections in 2011, the first post-conflict polls to be organized and financed primarily by the DRC government, were assessed by international and domestic observers to be flawed to the point of lacking credibility.<sup>21</sup> Under a single-round election system adopted via a constitutional amendment less than a year prior to the vote, President Kabila (45 years old) was reelected to a second five-year term with 49%. His closest rival, veteran opposition leader Etienne Tshisekedi of the Union for Democracy and Social Progress (UDPS), received 32% in the official tally. Tshisekedi rejected the results and proclaimed himself president, but his 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 was able to assemble a majority coalition (the “Presidential Majority” or MP).

President Kabila is constitutionally limited to two consecutive five-year terms in office, but all signs indicate that he intends to stay in power beyond the expiration of his current mandate on December 19, 2016. In 2014, some PPRD officials floated the idea of amending the constitution to allow Kabila to seek reelection to a third term—despite a constitutional prohibition on

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<sup>20</sup> One study estimated that 5.4 million “excess deaths” had occurred in DRC between August 1998 and April 2007, of which 2.1 had occurred after the formal end of the war in 2002. These figures included deaths from violence, but also deaths above regional rates for Sub-Saharan Africa from “easily preventable and treatable conditions such as malaria, diarrhea, pneumonia and malnutrition.” For more on the conflict, see Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*, PublicAffairs: 2011.

<sup>21</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.

amendments to “the number and length of the terms of office of the President of the Republic.”<sup>22</sup> The proposals stalled amid widespread opposition and apparent disagreements within the party.

Observers have since employed the term *glissement*, or “slippage,” to refer to a perceived strategy by Kabila to remain in power by delaying the polls on purportedly technical grounds. Although the Independent National Electoral Commission (CENI) proposed an electoral calendar in February 2015 that set presidential and legislative elections for November 27, 2016—in time for the finalization of results and the swearing-in of a new president by the end of Kabila’s current term—these were supposed to be preceded by five other elections (local and provincial-level) that have since failed to take place as scheduled. From the outset, opposition leaders and many analysts criticized the schedule as a logistical impossibility.<sup>23</sup>

Other developments that critics point to as evidence of *glissement* include the following:

- In January 2015, the government backed a draft law that would have required a national census prior to elections, which 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 remove the census requirement.
- In February 2015, parliament passed a law mandating administrative *découpage* or redistricting, a reform mandated in the 2006 constitution that subdivided Congo’s 11 provinces into 26. In addition to creating a new logistical hurdle for elections, observers also note that *découpage* has been politically advantageous for Kabila. Rival Moïse Katumbi was forced to step down from the governorship of Katanga province (which has been subdivided), and in March 2016 indirect elections to select interim governors of the new provinces, Kabila allies won a majority of the new governorships.<sup>24</sup>
- In December 2015, CENI members complained that the government had failed to fully disburse funds appropriated by parliament for elections preparations.<sup>25</sup>
- In May 2016, the Constitutional Court affirmed that according to Article 70 of the Constitution, Kabila can stay in power until a successor takes office—even if elections to select a successor are delayed.<sup>26</sup>
- Also in May, CENI president Corneille Nangaa announced that the CENI would re-do voter registration from scratch, following a months-long dispute over whether the 2011 voter rolls could be reused in 2016.<sup>27</sup> The new national

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<sup>22</sup> Article 220 of the Constitution of the Democratic Republic of the Congo.

<sup>23</sup> See, e.g., Jason Stearns, “Is the Congolese electoral calendar a pipe dream?,” *Congo Siasa*, February 24, 2015; Sarah Kazadi and Rebecca Sesny, “Congolese See No End to President’s Final Term,” *New York Times*, August 8, 2015.

<sup>24</sup> Reuters, “Congo’s Kabila consolidates local control in governors’ elections,” March 26, 2016.

<sup>25</sup> Radio Okapi, “RDC : le gouvernement ne décaisse pas suffisamment de fonds pour les élections, selon la Ceni,” December 10, 2015.

<sup>26</sup> VOA, “DRC Court: Kabila’s Mandate Can Be Extended If No Vote,” May 11, 2016.

<sup>27</sup> Opposition leaders had previously criticized the 2011 voter rolls as flawed, including because they excluded millions of Congolese who turned 18 since the last election. An audit in 2015 by the International Organization of Francophonie (OIF) recommended that the voter rolls be updated to add newly-eligible voters, but suggested that this could be done through a partial—rather than complete—revision. OIF, *Mission d’audit du fichier électoral de la République Démocratique du Congo: 17 juillet-1 août 2015*, published November 2015.

registration drive, which began in July 2016 in a far-northern district, is also expected to include diaspora Congolese for the first time.<sup>28</sup>

- In August 2016, Nangaa stated that voter registration would take at least a year, seeming to confirm that elections will not take place as scheduled.<sup>29</sup> A U.N. report had earlier concluded that organizing presidential elections with a full revision of the voter rolls would take roughly 14 months.<sup>30</sup> The U.N. report assessed that legislative elections would take longer to organize, due to the potential need to redistrict based on new voter registration figures.

Since 2015, state security forces have increasingly sought to constrain anti-government mobilization and dissent, including by violently suppressing protests, arresting youth activists, closing down critical media outlets, and expelling widely respected international researchers who have probed sensitive issues.<sup>31</sup> In one incident in March 2015, for example, the security forces arrested dozens of non-partisan youth activists who had been attending a civil society event in Kinshasa partly sponsored by the U.S. government; two of the more prominent activists were then imprisoned for nearly 18 months.<sup>32</sup> Youth activists have also been arrested in connection with protests and other mobilization in Goma and other provincial capitals. This trend has raised concerns about the potential for civilian casualties should the political stand-off continue.<sup>33</sup>

## Opposition Candidates and Parties

Political opposition in DRC has historically been fractious. While Etienne Tshisekedi (84 years old) is a longtime opposition figure who led the struggle for multiparty politics in DRC in the 1980s and 1990s, other key leaders are former Kabila allies, including former National Assembly Speaker and Information Minister Vital Kamerhe, former transitional speaker of parliament and Planning Minister Olivier Kamitatu, and the former governor of Katanga province, Moïse Katumbi Chapwe. Separately, the “Republican Opposition” includes figures such as longtime Senate president Léon Kengo wa Dondo, who has supported Kabila on some initiatives while remaining independent on others (e.g., ultimately opposing the census requirement in January 2015). The top opposition candidate in the 2006 elections, former rebel leader Jean-Pierre Bemba, is serving an 18-year prison sentence imposed by the International Criminal Court, which has weakened and divided his Movement for Congolese Liberation (MLC) party.

<sup>28</sup> Okapi, “RDC: la CENI veut enrôler entre 42 et 52 millions d’électeurs,” May 20, 2016.

<sup>29</sup> Reuters, “Congo opposition rejects talks with Kabila government over election,” August 20, 2016. Nangaa had earlier stated that a “partial revision” of the voter rolls would take 13 months while a complete revision would take at least 17 months. In June, he stated that even without updating the voter rolls, it was no longer possible to hold presidential elections in 2016. *Jeune Afrique*, “RDC : sans révision du fichier électoral, pas de présidentielle dans les délais, selon la Ceni,” February 19, 2016; Radio France Internationale (RFI), “RDC: tenir les délais constitutionnels est possible, selon des experts de l’ONU,” May 23, 2016.

<sup>30</sup> U.N. internal report, *Rapport de la Mission d’évaluation des besoins électoraux*, 24 avril au 10 mai 2016.

<sup>31</sup> See, e.g., Human Rights Watch (HRW), “DR Congo: Crackdown on Dissent Tops Rights Concerns,” July 22, 2015; MONUSCO and U.N. Office of the High Commissioner for Human Rights, *Report of the United Nations Joint Human Rights Office on Human Rights and Fundamental Freedoms During the Pre-Electoral Period in the Democratic Republic of the Congo Between 1 January and 30 September 2015*, December 2015. In 2016, DRC authorities have effectively expelled author Jason Stearns, two researchers with Global Witness, and longtime resident HRW researcher Ida Sawyer. See HRW, “DR Congo: Human Rights Watch Researcher Barred,” August 9, 2016.

<sup>32</sup> U.S. Embassy Kinshasa, “US Diplomat Arrested in Kinshasa,” March 16, 2015; HRW, “DR Congo: Free Youth Activists,” March 15, 2016.

<sup>33</sup> See, e.g., Enough! Project, “NGOs to Secretary Kerry: More Pressure Needed on Kabila on Congo Elections,” August 18, 2016.

Katumbi formally broke from the ruling PPRD in 2015, though he had previously been critical of Kabila—in December 2014, for instance, Katumbi urged his supporters to challenge any effort by Kabila to score a third term in office. Katumbi claimed in early 2015 that he had been poisoned, and he later stepped down from his position as governor, citing the decision under *découpage* to divide Katanga into four new provinces. He formally declared his candidacy for president in May 2016. Reportedly popular among Katanga residents and the international business community, Katumbi has since been targeted in a series of lawsuits—including criminal charges for allegedly hiring former mercenaries, based on his use of American private contractors as security advisors—and security forces have forcibly broken up rallies of his supporters.<sup>34</sup>

**Figure 2. Former Katanga Province**



Source: CRS, Map Resources.

Tshisekedi's influence appeared to fade in the aftermath of the 2011 elections. His activities within DRC were restricted by security forces, and he rarely appeared in public. In 2014, Tshisekedi traveled to Belgium for medical treatment and remained there for two years, stoking rumors that his health was failing. In June 2016, however, he convened a summit of opposition leaders in Belgium that produced a grand coalition named the *Rassemblement*, which includes Tshisekedi's UDPS and Katumbi's G7 (grouping seven politicians who dissented from the ruling MP coalition), among others. The alliance nominated Tshisekedi as its candidate, surprising some who believed Katumbi to be better positioned to defeat Kabila. Participants ascribed the choice to Tshisekedi's long track-record as an opposition activist.<sup>35</sup> Tshisekedi then returned in July to Kinshasa, where he was greeted by crowds reportedly numbering in the hundreds of thousands.

## What Comes Next?

Pointing to signs of *glissement*, opposition leaders have called for mass protests and for “the people” to “take back power” if Kabila remains in office past December 19.<sup>36</sup> At his huge rally in Kinshasa on July 31, Tshisekedi declared that it would be “high treason” for Kabila to stay on, and described September 19—arguably the constitutional deadline for the launch of the presidential elections process—as the “first red line which must not be crossed.”<sup>37</sup> Threats of mass mobilization may be credible in the wake of the January 2015 census protests, which surprised many long-time observers given the lack of historical examples of popular uprisings driving national political change in DRC.<sup>38</sup> Youth activist networks played a key role, seemingly inspired by similar movements in Burkina Faso and Senegal. The prospect of an escalating spiral of protests and state repression is driving heightened international concern.

<sup>34</sup> See Human Rights Watch, “DR Congo: Crackdown on Presidential Aspirant,” May 9, 2016.

<sup>35</sup> James Butty, “DRC Opposition Unites Against President Kabila,” *Voice of America*, June 13, 2016.

<sup>36</sup> Katumbi, quoted in *Africa Confidential*, “A Gathering Storm,” July 22, 2016.

<sup>37</sup> France 24, “Congo opposition chief demands elections by end of 2016,” July 31, 2016.

<sup>38</sup> See Jason Stearns, “The Congo: A Revolution Deferred,” Social Science Research Council, March 8, 2012; and “Protests in Kinshasa: Why this time it’s different,” *Congo-Stasa*, January 22, 2015.

President Kabila has called for a “national dialogue” to settle political disputes, including regarding the electoral timetable. Talks began in early September under the auspices of Edem Kodjo, a former Togolese Prime Minister, who was appointed by the African Union to facilitate the dialogue. Most opposition leaders have rejected the concept of a national dialogue as a delay tactic, even as alternative options to reach agreement on a way forward have dwindled. They have also criticized the government for dragging its feet in implementing pre-dialogue confidence-building measures, such as the release of political prisoners (including youth activists) and the reopening of pro-opposition media outlets. Further, Tshisekedi and others object to Kodjo as a mediator, viewing him as biased toward the government.<sup>39</sup> Donors have largely expressed support for the AU-backed mediation and, more broadly, for any effort to reach a political agreement.<sup>40</sup>

## Conflict in the East

Two decades of intermittent conflict have inflicted brutal and widespread violence against civilians in DRC’s mineral rich, agriculturally fertile, and densely inhabited eastern provinces. Violence has been especially acute in North and South Kivu and in adjacent Ituri (see **Figure 1**), which together have been an epicenter of regional unrest since the 1990s. The spillover of conflicts in Rwanda and Burundi in the 1990s aggravated long-standing tensions in the region between and among communities self-identified as “indigenous” and those that trace their ethnic origins (however distant) to Rwanda—who are often referred to as “Rwandophones.” These dynamics have been entrenched by localized disputes, organized criminal activity, and the interventions of neighboring states.

Militia factions battling over territory and natural resources often prey on civilians, while the national military (the FARDC) and other state security forces are also implicated in atrocities—such as looting, killings, extortion, and sexual violence, including during operations against armed groups and as part of illicit involvement in mining.<sup>41</sup> Violence often appears to be driven by deep-rooted tensions over resources (including land) and citizenship rights, as well as regional geopolitics. Security challenges also reflect a complex interplay of state negligence, incapacity, and coercion, which also affects regions of the country that are not directly affected by conflict.

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. While women and girls are the primary targets, men and boys have also been victims. As with other human rights problems, sexual violence has also been linked to structural problems within the security sector. Donor efforts to improve accountability for perpetrators of serious abuses have had limited systemic impact: despite legal reforms, diplomatic pressure, and aid programs, most cases are

<sup>39</sup> RFI, “RDC: premier meeting pour Tshisekedi depuis 2011,” July 31, 2016.

<sup>40</sup> U.N. Secretary-General, “Joint press release on the political dialogue in the Democratic Republic of the Congo,” February 16, 2016.

<sup>41</sup> See, e.g., State Department, *Country Reports on Human Rights Practices for 2015*; 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.

reportedly never investigated or prosecuted.<sup>42</sup> U.N. peacekeepers in DRC have also been criticized for failing to protect civilians, and U.N. personnel serving there have periodically been accused of sexual abuse. (Members of a FARDC battalion that deployed as peacekeepers in the Central African Republic in 2014-2015 were also implicated in sexual violence, and were ultimately forced to withdraw from the U.N. peacekeeping mission there in early 2016.<sup>43</sup>)

### 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>44</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>45</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. According to the World Wildlife Fund, 140 Virunga rangers have been killed “in the line of duty” since 1996.<sup>46</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 the U.N. Group of Experts on DRC, elephant poaching and ivory trafficking remain a “catastrophic threat” to elephant survival in DRC, but “the widespread disappearance of elephant populations has made it an ever-diminishing and increasingly marginal source of armed group financing.”<sup>47</sup> The report highlights, in particular, continued poaching activity in Garamba, which lost at least 114 elephants to poaching in 2015. Poachers reportedly continued to use helicopters to hunt elephants in Garamba in 2015, though the Group reported that no such incidents were documented after the park promulgated a policy in late 2015 that its guards would open fire on helicopters flying below 3,000 feet without prior clearance. The LRA reportedly continues to profit substantially from elephant poaching: research by the non-governmental Enough Project suggests that the group smuggles ivory from Garamba through the Central African Republic and into Sudan for eventual export abroad, principally to Asia.<sup>48</sup>

### The M23 Crisis (2012-2013)

In 2012, a new rebel group known as the M23 emerged as a mutiny of soldiers who had been integrated into the FARDC under a 2009 peace accord with a reportedly Rwandan-backed rebel group known as the National Congress for the Defense of the People (CNDP).<sup>49</sup> According to a wide range of reports, including a 2014 assessment by the U.S. Director of National Intelligence, the M23 received substantial support from Rwanda (see **text box**), with U.N. sanctions monitors referring to additional, more “subtle” support from Uganda.<sup>50</sup>

<sup>42</sup> MONUSCO and UNOHCHR, *Progress and Obstacles in the Fight Against Impunity*, op. cit.

<sup>43</sup> News24, “UN Pulls DRC Troops from Central Africa Mission,” January 8, 2016.

<sup>44</sup> Office of the Director of National Intelligence, *Wildlife Poaching Threats Economic, Security Priorities in Africa*, 2013 [unclassified summary].

<sup>45</sup> UNODC, *Organized Crime and Instability in Central Africa*, 2011.

<sup>46</sup> World Wildlife Fund, “Mountain Gorilla,” <http://www.worldwildlife.org/species/mountain-gorilla>.

<sup>47</sup> U.N. Security Council, *Final Report of the Group of Experts*, May 23, 2016, U.N. doc. S/2016/466.

<sup>48</sup> Ledio Cakaj, *Tusk Wars: Inside the LRA and the Bloody Business of Ivory*, Enough Project, October 2015.

<sup>49</sup> The CNDP, initially led by dissident military officer Laurent Nkunda, was founded in 2006. The 2009 peace deal, which followed a diplomatic rapprochement between DRC and Rwanda and Nkunda’s arrest in Rwanda, led to the integration of CNDP combatants into the FARDC, where they reportedly maintained parallel chains of command.

<sup>50</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.

The M23's seizure of the city of Goma in November 2012 prompted a flurry of international diplomatic action. The result was 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>51</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. In the second half of 2013, the FARDC, backed by MONUSCO's new Intervention Brigade, conducted a string of successful operations against the M23, reversing a pattern of military setbacks.<sup>52</sup> Ultimately, the M23 agreed to end its rebellion in exchange for various guarantees, and both sides issued peace "declarations" in Nairobi, Kenya, in December 2013. However, few ex-combatants have been demobilized, and hundreds of former M23 remain in camps in Uganda and Rwanda.<sup>53</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>54</sup> Such actions may 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, such as the FDLR. Second, Rwandan officials often point to Congolese state and grassroots 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>55</sup>

Anti-Rwandan sentiment, at times expressed as ethnic hatred or xenophobia, is a recurrent theme in DRC politics and in socio-political dynamics in the east. While the Kabila government has regularly criticized Rwanda, 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.

## Current Security Issues

Multiple armed groups remain active in eastern DRC, including so-called "Mai Mai" militias (disparate groups that often operate as a combination of self-defense networks and criminal

<sup>51</sup> The original signatories to the Framework Agreement were 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>52</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>53</sup> *Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, March 9, 2016, U.N. doc. S/2016/232.

<sup>54</sup> 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.

<sup>55</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.

rackets) as well as foreign-origin groups that have long sought safe-haven and illicit revenues in the area. These include the Democratic Forces for the Liberation of Rwanda (FDLR), founded by perpetrators of the 1994 Rwandan genocide, and the Allied Democratic Forces (ADF), an insurgent group of Ugandan origin that the Ugandan government and some analysts assert is tied to Islamist extremist groups.<sup>56</sup> Smaller foreign-origin groups include elements of the Burundian former rebel group the National Liberation Forces (FNL) and the Lord's Resistance Army (LRA).

**The FDLR.** After the defeat of the M23, the U.N. Security Council, MONUSCO commanders, and U.S. officials called for the FARDC and U.N. Intervention Brigade to initiate joint operations against the FDLR, and which Rwanda views as a national security threat. However, DRC authorities instead focused on other groups, and the main troop contributors to the Intervention Brigade, South Africa and Tanzania, backed a regional plan in 2014 that instead granted the FDLR a de facto six-month reprieve to voluntarily disarm (which it did not, despite some surrenders). This decision was taken amid South African and Tanzanian tensions with Rwanda.

After the disarmament deadline expired, in early 2015, the FARDC began operations against the FDLR, but without U.N. support (see “MONUSCO: Current Issues”). Initially ineffective, the counter-FDLR campaign has found increasing success. The group's ranks are reported to have declined from 6,000-7,000 in 2012 to 1,500-2,000 in mid-2016.<sup>57</sup> An October 2015 report by the U.N. Group of Experts found that FARDC operations had “forced many FDLR units to temporarily abandon long-held positions and disrupted some of their revenue streams,” but that “the movement's top-level leadership, troop strength and overall military capacity remained largely intact.”<sup>58</sup> In some cases, counter-FDLR efforts have reportedly been stymied by advance warnings from FARDC elements—reflecting an old pattern of FARDC collusion with the FDLR at the local level.<sup>59</sup> Some observers warn, moreover, that the FARDC's tactic of relying on militias as proxies against the FDLR could perpetuate the reign of armed groups in the region and sow the seeds of new conflicts.<sup>60</sup> Counter-FDLR efforts nonetheless advanced in May 2016 with the arrest of a top commander—albeit reportedly in a police stop, not a military operation.

**The ADF.** The ADF's increasingly brutal attacks on civilians since 2014—including a series of large massacres around the North Kivu town of Beni—have made it a growing target of DRC and U.N. military operations. However, reports by local civil society groups and international researchers point to blurred lines of responsibility that have sparked growing anti-government ire in the area. The non-governmental Congo Research Group, for example, has reported on collusion among the ADF, local militias, and elements of the national military, citing “extensive evidence indicating that members of the FARDC have actively participated in massacres.”<sup>61</sup> The U.N. Office of the High Commissioner for Human Rights (OHCHR) has documented similar dynamics, reporting that “the involvement of FARDC military units could be explained by long-

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<sup>56</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.

<sup>57</sup> Radio France Internationale (RFI), “RDC: l'arrestation du général Mujiyambere, 'prise' importante mais à relativiser,” May 6, 2016.

<sup>58</sup> U.N. Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, October 16, 2015, U.N. doc. S/2015/797.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Security Council Report*, “June 2016 Monthly Forecast: Democratic Republic of the Congo,” May 31, 2016

<sup>61</sup> Congo Research Group, “Report: Who Are the Killers of Beni?” March 21, 2016. A FARDC colonel is quoted in the report as stating that, “we know that there are FARDC officers who collaborate with the ADF. But we do not know who. [The ADF] know our Motorola frequencies and they follow our operations.”



standing ties between some of them and the ADF in the territory of Beni, especially in relation to the illegal exploitation of natural resources.”<sup>62</sup> U.N. sanctions monitors have also reported that recent changes in the ADF’s structure—in large part due to the arrest, in Tanzania, of ADF leader Jamil Mukulu in April 2015—indicate that it can no longer be considered a unified group.<sup>63</sup>

### Security Sector Reform (SSR) in DRC

The roughly 135,000-person<sup>64</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.

### MONUSCO: Current Issues

Tensions between MONUSCO and the DRC government have grown in recent years amid international criticism of DRC’s democratic trajectory, human rights abuses, and lack of implementation of the framework accord—and as the 2016 elections have neared. MONUSCO ceased its logistical support to DRC military operations against the FDLR in early 2015, after the government appointed two generals to head the operations who had been implicated in serious human rights abuses.<sup>65</sup> MONUSCO provided some ad-hoc support for FARDC operations against the ADF and Ituri-based militias in 2015, and in early 2016, MONUSCO and the government reached an agreement to resume U.N. support for operations against the FDLR—but this appears to have had limited practical impact, compared to previous successful operations against the M23.

The government has repeatedly requested a significant drawdown of MONUSCO forces, though some Security Council members, including the United States, are reportedly concerned about troop reductions in the lead-up to elections and in the absence of improved cooperation between MONUSCO and the Congolese military.<sup>66</sup> In 2015, the Security Council endorsed the withdrawal of 2,000 troops—pursuant to a recommendation by the U.N. Secretary-General—while maintaining the mission’s authorized troop ceiling (and thus, the flexibility to increase troop numbers if needed).<sup>67</sup> In re-extending MONUSCO’s mandate in March 2016, the Security

<sup>62</sup> UNOHCHR, *Report of the United Nations Joint Human Rights Office on International Humanitarian Law Violations Committed by the Allied Democratic Forces (ADF) Combatants in the Territory of Beni, North Kivu Province, Between 1 October and 31 December 2014*, May 2015.

<sup>63</sup> U.N. Security Council, *Final Report of the Group of Experts*, May 23, 2016, U.N. doc. S/2016/466.

<sup>64</sup> International Institute for Strategic Studies, “The Military Balance 2015,” Vol. 115 (1), p. 442.

<sup>65</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>66</sup> *Security Council Report*, “March 2016 Monthly Forecast: DRC and the Great Lakes Region,” February 29, 2016. See also Christoph Vogel in *Deutsche Welle*, “Why DR Congo wants UN peacekeepers reduced,” March 25, 2016.

<sup>67</sup> U.N. Security Council Resolution 2211 (2015)

Council stated its intention to make this reduction permanent through a revised troop ceiling but only “once significant progress has been achieved” in implementing MONUSCO’s mandate—and declined to endorse a further troop reduction recommended by the U.N. Secretary-General.

The election period presents additional political and operational challenges for MONUSCO. The contested electoral process appears likely to continue to fray relations between the U.N. and the government—U.N. Security Council Resolution 2277 (2016), for instance, expresses “deep concern” with increasing political restrictions and with election process delays. MONUSCO’s current mandate instructs the mission to ensure “effective protection of civilians under threat of physical violence, including [...] in the context of elections” —a new elections-related provision that goes beyond its previous mandate to “monitor, report, and follow-up on” election-related abuses.<sup>68</sup> The new language may have “contributed to expectations among Congolese civil society that the mission will protect them from political repression by the government.”<sup>69</sup>

## The Economy

DRC has some of the largest endowments of natural resources in the world. The vast majority of the population nonetheless 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 is currently experiencing a fiscal crisis due to falling global prices for copper and other minerals whose exports are the mainstay of the country’s formal economy. Previously buoyed by high global prices, DRC’s economy grew by 9.2% in 2014, but growth fell to 6.9% in 2015 and is expected to drop further, to 4.9%, in 2016.<sup>70</sup> In 2015, the country reportedly ran a budget deficit of \$205 million, and the reported deficit to date in 2016 is even higher. Low prices have led some major investors to pull back. Notably, in May, the U.S.-based multinational Freeport McMoRan decided to unload its controlling stake in DRC’s largest industrial mine, the Tenke Fungurume copper concession in Katanga, to a Chinese company, in an effort to alleviate its mounting global debt—a move that the state mining firm Gécamines, which holds a stake in the project, has challenged. (See “The Mining Sector.”) Warning of potential hyperinflation, Prime Minister Augustin Matata Ponyo—widely seen as a technocrat—has enacted a 22% budget cut, suspended payment of value-added tax reimbursements to private firms, and ordered the Central Bank to halt loans to a struggling private bank that he accused of being controlled by a “financial mafia.”<sup>71</sup>

The government has also appealed to the World Bank and African Development Bank (AfDB) for hundreds of millions of dollars in budget support. The AfDB declined in July, indicating that political uncertainty related to the elections process was “preventing donors from responding positively to the country’s call for appropriate assistance.”<sup>72</sup> (The Bank’s project-specific assistance is set to continue, however.) The World Bank’s stance was uncertain as of August 2016.

<sup>68</sup> Resolution 2277 and Resolution 2211, op. cit.

<sup>69</sup> Stimson Center and Better World Campaign, *Challenges and the Path Forward for MONUSCO*, June 2016.

<sup>70</sup> International Monetary Fund figures from the World Economic Outlook database and a June 8, 2016, press release.

<sup>71</sup> Bloomberg, “Congo’s Government Halts VAT Repayments to Support Currency,” April 22, 2016; “Congo Slashes Budget by 22% Due to Commodities Slump,” May 6, 2016; and “Congo Premier Halts Loans to Struggling Bank as Franc Weakens,” July 19, 2016.

<sup>72</sup> Quoted in Bloomberg, “African Development Bank Won’t Give Budget Support to Congo,” July 25, 2016.

DRC was ranked 184 out of 189 countries in the World Bank's 2016 *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>73</sup> In addition, current law requires that Congolese have a majority stake in all agriculture investments, which is seen as a significant impediment to foreign investment, despite government promises to revise the law.<sup>74</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>75</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>76</sup>

## The Mining Sector: Policy Concerns

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. In May 2016, the U.N. Group of Experts on DRC reported that new due diligence measures had successfully deprived armed groups of some opportunities to benefit from illicit mineral extraction, but that "tin, tantalum and tungsten supply chains face numerous challenges, such as the involvement of FARDC elements, corruption of government officials and smuggling and leakage of minerals from non-validated mining sites into the legitimate supply chain."<sup>77</sup> The Group also noted that the absence of similar traceability schemes for gold—due in large part to gold's high value relative to its size, which renders small-scale smuggling highly profitable—has hindered efforts to fully eradicate conflict minerals. 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>78</sup>

<sup>73</sup> State Department, "Investment Climate Statement-2016," May 2016.

<sup>74</sup> Michael Kavanagh, "Congo Seeks to Lure Investors for \$5.7 Billion Farming Plan," *Bloomberg News*, July 12, 2013.

<sup>75</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>76</sup> See, e.g., Oxford Analytica, "Relief for Congo," July 7, 2010.

<sup>77</sup> U.N. Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, May 23, 2016, U.N. doc. S/2016/466.

<sup>78</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. U.N. Security Council, *Final Report of the Group of Experts*, (continued...)

The vast majority of state revenues from the mining sector, however, come not from artisanal mining in the Kivus, but from large-scale industrial cobalt and copper mining operations located in relatively stable southeast Katanga region (**Figure 2**, above), in which the parastatal Gécamines partners with multinational firms. In 2013, DRC accounted for 47% of the world's cobalt reserves and produced 48% of the world's supply of cobalt, along with 12% of industrial diamonds and 17% of tantalum.<sup>79</sup> China is the largest consumer of Congolese copper and cobalt. It is also the country's largest overall trading partner, consuming 43.1% of DRC's exports and contributing 17.7% of its imports in 2015.<sup>80</sup> China has emerged as a major investor in the country since 2007, when it pledged over \$6 billion in loans to DRC for infrastructure, which were expected to be repaid through joint-venture mining operations.<sup>81</sup>

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>82</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.<sup>83</sup> A 2013 investigation by the DRC public prosecutor's office also accused mining companies of owing billions of dollars in unpaid taxes, duties, and fines.<sup>84</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 global effort to promote revenue transparency for natural resource exports, temporarily suspended DRC, citing the unreliability of its revenue figures—although DRC was subsequently reinstated and achieved “compliant” status in 2014.<sup>85</sup> The country was again accused by the IMF in June 2015 of failing to disclose the sale of a mining concession partially owned by Gécamines, in alleged violation of Congolese law and the terms of an agreement between DRC and the World Bank.<sup>86</sup> In early 2016, Global Witness, an

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(...continued)

January 12, 2015, U.N. doc. S/2015/19.

<sup>79</sup> U.S. Geological Survey, *2013 Minerals Yearbook: Congo (Kinshasa) [Advance Release]*, June 2016.

<sup>80</sup> International Monetary Fund, *Direction of Trade Statistics*, cited in Economist Intelligence Unit, *Country Report: Congo (Democratic Republic)*, 2<sup>nd</sup> Quarter 2016.

<sup>81</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>82</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>83</sup> Gertler's name also appears in the “Panama Papers,” a trove of leaked documents that exposes offshore financial dealings facilitated by Panamanian law firm Mossack Fonseca. Previously, a U.N. Panel of Experts reported in 2001 that “very credible sources” accused Gertler of involvement in a scheme whereby his firm, International Diamond Industries (IDI), would pay only \$20 million for concessions worth \$600 million. In return, “IDI agreed to arrange, through its connections with high-ranking Israeli military officers the delivery of undisclosed quantities of arms as well as training for the Congolese armed forces.” President Kabila reportedly cancelled the contract in April 2001. See U.N. Security Council, *Addendum to the 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*, November 13, 2001, U.N. doc. S/2001/1072.

<sup>84</sup> Bloomberg News, “Congo Report Says Miners May Owe \$3.7b in Unpaid Taxes: Minister,” January 30, 2014.

<sup>85</sup> EITI, “Democratic Republic of Congo Temporarily ‘Suspended,’” April 18, 2013.

<sup>86</sup> Aaron Ross, “Congo broke transparency rules with mine sale to Glencore unit: IMF,” *Reuters*, June 26, 2015.

international transparency NGO, accused Gécamines of failing to release details regarding a planned joint venture with the China Nonferrous Metal Mining Company (CNMC).<sup>87</sup> Transparency concerns have also been raised concerning DRC's nascent oil sector. In 2014, independent researchers accused a British oil company, SOCO, of bribing DRC military commanders to intimidate opponents of exploration efforts in DRC's Virunga National Park, a UNESCO World Heritage site.<sup>88</sup> SOCO later announced that it had ceased operations there.

## 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>89</sup> According to the 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>90</sup> U.S. policy is pursued through diplomatic engagement, aid programs, a targeted sanctions regime, and actions in the U.N. Security Council that aim to advance regional peace and enhance MONUSCO's ability to protect civilians. The United States also provides logistical and military advisory support for Ugandan-led military operations against the Lord's Resistance Army, an insurgent group active in DRC and neighboring states.<sup>91</sup>

The U.S. Special Envoy for the Great Lakes (SEGL), Tom Periello, a former Member of the House of Representatives, has spearheaded high-level U.S. diplomacy on DRC since his appointment in 2015. Periello has been particularly focused on the political crisis linked to the timetable for presidential elections. This focus is nested within a broader Administration effort to encourage respect for presidential term limits in Africa—an issue also at play in neighboring Burundi, Rwanda, and the Republic of Congo (Brazzaville). The emphasis also appears to stem from concern that the stand-off over whether President Kabila will remain in office could lead to mass violence.

In public remarks in August 2016, Special Envoy Periello called on Kabila to commit publicly to stepping down at the end of his term, and for a “negotiated solution” on the timing of elections—warning that other scenarios “could involve violence.”<sup>92</sup> Assistant Secretary of State for African Affairs Linda Thomas-Greenfield had similarly characterized any attempt by Kabila to remain in office as having “potentially disastrous results for the people of the DRC and the region.”<sup>93</sup> U.S. officials have also repeatedly criticized the DRC government's repression of opposition leaders and civil society activists.<sup>94</sup> While the AU-backed national political dialogue is controversial in DRC, the State Department has called for Congolese political leaders to “seize the opportunity”

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<sup>87</sup> In response, Gécamines has stated that existing agreements only “frame the negotiations,” and that “as soon as definitive contracts are signed with our partners they will be published.” Bloomberg, “Congo Copper Miner Plans Chinese Joint Venture at Main Asset,” June 15, 2016.

<sup>88</sup> Soco has denied the allegations. See Jon Rosen, “The Battle for Africa's Oldest National Park,” *National Geographic*, June 6, 2014; BBC, “Soco paid Congo major' accused of Virunga oil intimidation,” June 10, 2015.

<sup>89</sup> State Department, FY2017 Congressional Budget Justification, Foreign Operations.

<sup>90</sup> State Department, “U.S. Relations With Democratic Republic of the Congo,” July 8, 2016.

<sup>91</sup> Non-military aid is also provided to local communities to assist with early-warning and recovery. See CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*, by (name redacted), (name redacted), and (name redacted).

<sup>92</sup> Remarks at the Brookings Institution, “Congo's Political Crisis,” Washington DC, August 15, 2016.

<sup>93</sup> Thomas-Greenfield testimony before the Senate Foreign Relations Committee, “U.S. Policy in Central Africa: The Imperative of Good Governance,” February 10, 2016.

<sup>94</sup> See, e.g., Periello's testimony before the Senate Foreign Relations Committee, February 10, 2016, op. cit.

and has offered unspecified support to mediator Edem Kodjo.<sup>95</sup> In August 2016, Perriello reiterated U.S. support for the dialogue, stating, “we fully support it and think it’s incredibly important that everyone participate in it.”<sup>96</sup>

Successive U.S. Administrations have used executive orders to authorize targeted sanctions on individuals and groups seen as orchestrating conflict in DRC or committing gross human rights abuses. U.S. sanctions designations have implemented a multilateral U.N. sanctions regime authorized by the Security Council, and they have also gone beyond it. In 2014, in line with U.N. Security Council actions, President Obama issued Executive Order 13671, amending and expanding Executive Order 13413 (2006) to add as grounds for targeted sanctions any “actions or policies that undermine democratic processes or institutions” in DRC, in addition to other changes. In June 2016, the United States designated General Celestin Kanyama, Kinshasa’s police commissioner, in connection with abuses committed against civilians. While the designation cited a deadly police operation in 2013-2014, U.S. Treasury official John E. Smith stated that the action “sends a clear message that the United States condemns the regime’s violence and repressive actions [...] which threaten the future of democracy” in DRC—a broad statement seemingly intended to send a message to the Kabila regime in advance of elections.<sup>97</sup>

The Administration’s concern with the 2016 presidential elections goes back several years. During a visit to DRC in 2014, Secretary of State John Kerry stated that “military force alone will not deliver stability to the DRC,” and called for DRC to hold “free, fair, timely, and transparent elections.”<sup>98</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>99</sup> During a visit to Kinshasa in June 2015, U.S. Assistant Secretary of State for Human Rights, Democracy, and Labor Tom Malinowski warned against any “pretext for delay” in the elections schedule, as well as any effort to amend constitutional term limits.<sup>100</sup> The DRC government spokesman condemned Malinowski’s comments as “unacceptable” and “intolerable” interference in the country’s internal affairs.<sup>101</sup>

In 2013, then-U.S. Special Envoy for the Great Lakes Russell Feingold, a former U.S. Senator, helped facilitate a peace process between the DRC government and the M23, and he pushed for full implementation of the 2013 regional framework accord. In 2012-2013, the Administration also publicly and pointedly criticized Rwanda for supporting the M23.<sup>102</sup> Between FY2012 and FY2014, the Administration suspended Foreign Military Financing (FMF) assistance for Rwanda, consistent with a provision in annual appropriations measures that prohibited FMF assistance for Rwanda if it supported armed groups in DRC (§7043 of P.L. 112-74, which was carried over into FY2013 via continuing resolution; §7042[I] of P.L. 113-76). In October 2013, the Administration

<sup>95</sup> State Department, “Support for Facilitation of National Dialogue in the Democratic Republic of Congo,” July 8, 2016.

<sup>96</sup> Remarks at the Brookings Institution, *Congo’s Political Crisis: What is the Way Forward?* August 15, 2016.

<sup>97</sup> U.S. Department of the Treasury, “Treasury Sanctions High-Ranking Government Security Official for Role in Violence in the Democratic Republic of the Congo,” June 23, 2016.

<sup>98</sup> “Press Availability on the D.R.C. and the Great Lakes Region,” as released by the State Department, May 4, 2014.

<sup>99</sup> State Department, “State Dept. on Detention of Youth Activists in DRC,” April 16, 2015.

<sup>100</sup> U.S. Embassy Kinshasa, “Press Conference with Assistant Secretary Tom Malinowski,” June 4, 2015.

<sup>101</sup> AP, “Congo Slams U.S. for Political ‘Interference’ in Elections,” June 9, 2015.

<sup>102</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; 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.

additionally suspended other types of military aid to Rwanda under the Child Soldiers Prevention Act (Title IV of P.L. 110-457, as amended), citing the M23's use of child soldiers.<sup>103</sup> The Administration lifted these restrictions on Rwanda starting in FY2015, citing the end of the M23.

## Foreign Assistance

The Obama Administration states that “U.S. assistance [to DRC] 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>104</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 \$320 million in FY2015, including food aid, in addition to nearly \$115 million in emergency humanitarian aid and \$305 million in U.S. assessed contributions to MONUSCO (**Table 1** and **Table 2**). 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 and the appointment of a Special Envoy. During his trip to DRC in 2014, Secretary of State Kerry 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>105</sup>

U.S. security assistance focuses on military and police professionalization, with an emphasis on human rights training. Since 2007, successive Administrations have sought to promote security sector reform (SSR) in DRC, providing assistance for training, military planning, logistics, and military justice. A previous effort to develop and advise a “model” FARDC light infantry battalion foundered in 2013 (see text-box below) but the Administration's FY2017 aid budget request reflects continued interest in providing advisory support to DRC military leaders. Most U.S. security assistance to DRC has been funded through the State Department's Peacekeeping Operations (PKO) account, the main vehicle for military train-and-equip programs in Africa. For FY2016, the Administration has waived child soldiers-related security assistance restrictions (under CSPA, P.L. 110-457, and §8088 of P.L. 114-113), allowing such programming to continue.

### **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 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. U.S. officials have, at times, discussed potential training and equipment for a second battalion, but such plans appear to have been shelved, for now, amid human rights and policy concerns.

<sup>103</sup> State Department daily news briefing, October 3, 2014.

<sup>104</sup> State Department, FY2017 Congressional Budget Justification, Foreign Operations.

<sup>105</sup> State Department, “Press Availability on the D.R.C. and the Great Lakes Region,” May 4, 2014.

**Table 1. U.S. Contributions to MONUSCO by U.S. Fiscal Year**  
Appropriations, \$ Millions

	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016 (est.)	FY2017 (req.)
CIPA	600.2	399.5	326.8	410.8	304.8	440.6	440.0

**Source:** Congressional Budget Justification, Department of State Operations, FY2013-FY2017.

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

**Table 2. U.S. Bilateral Foreign Assistance to DRC**

State Department- and USAID-administered funds; Appropriations; \$ Millions. Figures are rounded.

Account	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016 (est.)	FY2017 (req.)
<b>Base Budget</b>							
DA	-	-	7.9	-	-	-	-
GHP	125.6	111.7	149.4	178.6	167.1	177.6	193.5
ESF	45.9	47.9	29.2	48.6	-	-	-
FMFA	0.3	-	-	-	-	-	-
IMET	0.5	0.5	0.3	0.5	0.5	0.4	0.4
INCLE	6.0	6.0	6.0	3.3	2.0	-	-
NADR	1.0	1.0	1.0	0.5	0.5	0.5	-
PKO	21.5	19.0	12.0	10.0	10.0	0.2	-
FFP	67.3	68.3	82.0	89.8	72.8	30.0	30.0
<b>OCO</b>							
ESF	-	-	35.1	-	67.4	70.6	75.2
INCLE	-	-	-	-	-	2.0	2.0
NADR	-	-	-	-	-	-	2.0
PKO	-	-	-	-	-	13.8	10.0
<b>Subtotal</b>	<b>268.2</b>	<b>254.4</b>	<b>322.9</b>	<b>331.2</b>	<b>320.3</b>	<b>295.1</b>	<b>313.1</b>
Add'l Emergency Assistance	60.3	57.6	48.6	108.1	114.7	TBD	TBD
<b>TOTAL</b>	<b>343.0</b>	<b>325.8</b>	<b>333.0</b>	<b>431.3</b>	<b>435.0</b>	<b>TBD</b>	<b>TBD</b>

**Source:** State Department Congressional Budget Justification for Foreign Operations, FY2012-FY2017; FY2016 653(a) estimates as of August 2016; USAID fact-sheets on humanitarian aid to DRC.

**Notes:** DA-Development Assistance; GHP-Global Health Programs; ESF-Economic Support Fund; FMF-Foreign Military Financing; IMET-International Military Education & Training; INCLE-International Narcotics Control & Law Enforcement; NADR-Nonproliferation, Antiterrorism, Demining & Related Programs; PKO-Peacekeeping Operations; FFP-Food For Peace; OCO-Overseas Contingency Operations; TBD-to be determined. Some regionally- and centrally-budgeted funding not included.

- a. Between FY2012 and FY2015, the Obama Administration applied legal restrictions on FMF assistance for DRC under P.L. 110-457 and P.L. 106-386, as amended, while waiving such restrictions on other types of security assistance for DRC. For FY2016, the Administration fully waived restrictions under P.L. 110-457, while those under P.L. 106-386 do not apply due to an improvement in DRC's trafficking in persons ranking.



## **Outlook and Issues for Congress**

For many years, congressional policymakers focused overwhelmingly on human rights and humanitarian concerns in conflict-affected regions of eastern DRC. In 2016, attention has turned to DRC's political trajectory, with Members examining whether Kabila's efforts to stay in office will produce a violent crisis and weighing the benefits and drawbacks of high-level sanctions designations. U.S. policy deliberations have been influenced by regional developments, including violently contested third-term presidential bids in neighboring Burundi and Republic of Congo and the decision by the president of Rwanda to seek a third term in 2017. Debate continues among policymakers in Congress and the executive branch over the relative effectiveness of various tools for exerting U.S. influence over Kabila's decision-making, such as diplomacy, sanctions, foreign assistance, and U.S. actions in multilateral forums.

Greater stability in DRC—a U.S. policy goal in Africa for two decades—will likely depend, in large part, on how political actors navigate the dispute over the timetable for elections and the coming end of President Kabila's term. It also hinges 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; how Congolese policymakers respond to the current economic downturn; and whether the DRC government pursues long-promised governance reforms. Any effort to pursue deep reforms could itself be destabilizing, however, as structural changes to the security sector and economic management could threaten the entrenched interests of powerful individuals. Events in the turbulent region are also likely to have an impact on DRC's stability, and may divert international humanitarian and peacebuilding resources.

The defeat of the M23 rebel movement in 2013 was a significant accomplishment and may point to the effectiveness of U.S. diplomatic criticism of Rwanda—but it did not, in itself, address the root causes of conflict in the region. 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 arguably stalled.

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 often 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 European 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. The Obama Administration has repeatedly waived most legislative restrictions on aid to DRC related to human rights and transparency concerns, using authorities provided by Congress. Appropriators have also removed some of these restrictions from FY2016-FY2017 aid appropriations bills.

## Appendix. Selected Enacted Legislation

- P.L. 109-456 (**Senator Barack Obama**), **Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006** (December 22, 2006). Stated 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. Authorized 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. 111-117 (**Representative John Olver**), **Consolidated Appropriations Act, 2010** (December 16, 2009) Restricted Foreign Military Financing (FMF) grants for Rwanda if it was found to be supporting abusive 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 LRA, 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 (SEC) 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). Expanded the scope of security assistance restrictions for countries found to be using child soldiers under P.L. 110-457. (Continued in subsequent defense appropriations measures, most recently P.L. 114-113.)

- P.L. 112-74 (**Representative John Abney Culberson**), **Consolidated Appropriations Act, 2012** (December 23, 2011). Restricted FMF 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 rebel group, 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 LRA (as had 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). Restricted FMF for Rwanda, with various exceptions, unless the Secretary of State certified 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, provided 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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