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# The Democratic Republic of Congo: Background and Current Developments

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## Summary

In October 2008, the forces of the National Congress for the Defense of the Congolese People (CNDP), under the command of General Laurent Nkunda, launched a major offensive against the Democratic Republic of Congo Armed Forces (FARDC) in eastern Congo. Within days, the CNDP captured a number of small towns and Congolese forces retreated in large numbers.

Eastern Congo has been in a state of chaos for over a decade. The first rebellion to oust the late President Mobutu Sese Seko began in the city of Goma in the mid-1990s. The second rebellion in the late 1990s began also in eastern Congo. The root causes of the current crisis are the presence of over a dozen militia and extremist groups, both foreign and Congolese, in eastern Congo, and the failure to fully implement peace agreements signed by the parties. Over the past 14 years, the former Rwandese armed forces and the Interhamwe militia used eastern Congo as safe haven and carried out many attacks inside Rwanda and against Congolese civilians. A Ugandan rebel group, the Lord's Resistance Army (LRA), is also in Congo, despite an agreement reached between the LRA and the government of Uganda.

The crisis in eastern Congo has displaced an estimated 1.7 million Congolese, according to United Nations High Commissioner for Refugees (UNHCR). Other regions of Congo have also been affected by sporadic violence. In 2012, UNHCR is expected to spend \$12.4 million in support of IDPs.

In late 2008, the governments of Rwanda and Congo agreed on a wide range of issues. The two governments agreed to launch a joint military offensive against the National Congress for the Defense of the Congolese People (CNDP) and the Democratic Forces for the Liberation of Rwanda (FDLR). They also agreed to restore full diplomatic relations and to activate economic cooperation. In January 2009, Rwanda and Congo launched the joint military operation in eastern Congo. In late February Rwandese forces pulled out of Congo as part of an agreement reached with Congo.

The United States has been actively engaged in facilitating the Tripartite Plus talks among the four key players in the Great Lakes region: Rwanda, DRC, Burundi, and Uganda. The Tripartite Plus process has led to a number of agreements over the past several years, including the creation of a Joint Verification Mechanism (JVM) to address cross-border issues. The United States provided \$205.1 million in FY2008 and \$111.6 million in FY2009. The DRC received a total of \$296.5 million in FY2009 and an estimated \$183 million in FY2010. The Obama Administration has requested \$213.2 million for FY2011 and \$230.8 million for FY2012. In late July 2010, President Obama signed into law the Wall Street Reform and Consumer Protection Act (P.L. 111-203). The 2,300-page legislation contains an amendment on Congo Conflict Minerals. The law requires that American companies disclose what kind of measures they have taken to ensure that minerals imported from Congo don't contain "conflict minerals."

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## Recent Developments

In February 2011, the Congolese government formally charged one senior military officer and 10 soldiers of mass rape in the town of Fizi, in the eastern province of South Kivu. The 11 were tried in a mobile court setup near the town of Fizi. Congolese soldiers under the command of Colonel Kibibi Mutware attacked the town of Fizi on New Year's day. Dozens of civilians were injured and an estimated 40 women were raped, allegedly in retaliation for the killing of a soldier. The soldier was lynched by a mob after he shot a civilian. In late February, nine soldiers and Colonel Mutware were convicted and sent to prison.

In early October 2010, French authorities arrested the executive secretary of the Democratic Forces for the Liberation of Rwanda (FDLR), Callixte Mbarushimana. The International Criminal Court (ICC) said that Mr. Mbarushimana is wanted for five counts of crimes against humanity and six counts of war crimes committed in the Democratic Republic of Congo (DRC) in 2009. In March 2009, the United States imposed a travel ban and an asset freeze on Mr. Mbarushimana. On December 1, 2010, the United Nations Sanctions Committee for DRC added three FDLR members and one other individual to its sanction list. The three FDLR members are Gaston Iyamuremye, Felicien Nsanzubukire, and Innocent Zimurinda. The other individual is Leodomir Mugaragu.

In September 2010, the government of the Democratic Republic of Congo (DRC) issued a strong statement welcoming a report by the United Nations Commission on Human Rights (UNCHR) on human rights abuses in the DRC. The report accused several DRC neighbors of serious human rights abuses, including war crimes and crimes against humanity.

In late August 2010, Secretary of State Hilary Clinton expressed serious concern about reports of mass rape in eastern Congo. Secretary Clinton, in a statement, stated that "the United States is deeply concerned by reports of the mass rape of women and children in the DRC by the Democratic Forces for the Liberation of Rwanda (FDLR), an armed, illegal group that has terrorized eastern Congo for over a decade and elements of the Mai Mai militia group." In early October 2010, U.N. peacekeeping troops in the DRC arrested the leader of a rebel group suspected of orchestrating the mass rape. Lieutenant Colonel Mayele of Mai Mai Chaka was arrested in North Kivu province. An estimated 300-500 people were reportedly raped in July-August 2010.

In early June 2010, the leader of the Voice of the Voiceless in the DRC, Floribert Chebeya, was found dead in his car. Mr. Chebeya was a well-known human rights advocate. He had expressed concern about his safety in recent months. The State Department offered the DRC government help in the investigation. U.N. Secretary General Ban Ki-moon said in a statement that "his work will be remembered as a tribute to Congolese perseverance." Ban Ki-moon also called for a transparent and independent investigation.

In January 2010, the United Nations High Commissioner for Refugees (UNHCR) said that it was providing assistance to over 100,000 civilians from eastern Congo. United Nations officials report that an estimated 1.7 million people are displaced throughout the Democratic Republic of Congo. In a September 2009 report to the United Nations Security Council, Secretary General Ban Ki-moon stated that the "humanitarian situation remained precarious during the reporting period due to large-scale population displacements, human rights violations by armed men, including rapes,

killings and lootings; impeded humanitarian access; and security incidents against humanitarian workers.”<sup>1</sup>

## Background: The Crisis in DRC

The DRC, formerly Zaire, has been in political turmoil for years. In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo-Zaire (AFDL), with the support of Rwanda and Uganda, marched into Kinshasa and ousted longtime dictator Mobutu Sese Seko. Within one year, tensions between then-President Laurent Kabila and his Rwandan and Ugandan allies began to mount. In August 1998, open conflict erupted between Kabila and Congolese forces supported by Rwanda, Angola, Namibia, and Zimbabwe joined the fighting in support of Kabila.

In July 1999, at a summit in Lusaka, Zambia, the leaders of Uganda, Rwanda, Congo, Zimbabwe, Namibia, and Angola signed a peace agreement. The withdrawal of foreign forces from Congo was one of the key elements of the Lusaka Accords. The accords also called for political dialogue among Congolese political and armed groups to settle their differences peacefully and to map out a new political chapter for Congo. The former president of Botswana, Sir Ketumile Masire, was appointed to facilitate the talks. In January 2001, President Kabila was assassinated by a member of his security guards. A few weeks later, his son, Joseph Kabila, was sworn in as president. By late 2002, after a series of South African-U.N.-sponsored talks, foreign troops in DRC withdrew their forces. In December 2002, the inter-Congolese dialogue achieved a major breakthrough when President Kabila and the parties to the conflict agreed to a transitional government. The All-Inclusive Agreement was signed in Pretoria, South Africa, by the DRC government, Congolese Democratic Rally (RCD-Goma), the Movement for the Congolese Liberation (MLC), and representatives of the unarmed political groups. The agreement called for a transitional government headed by President Kabila and four vice presidents. In July 2003, the four vice presidents were sworn in, and the event was considered by some observers to be an historic step towards peace in the DRC.

### DRC at a Glance

Population: 70.9 million
Independence: 1960 from Belgium
Area: Slightly less than one-fourth the size of the United States
Ethnicity: Over 200 ethnic groups, majority Bantu
Religions: 50% Catholic, 20% Protestant, 10% Kimbanguist (Syncretic), 10% Muslim, 10% other/indigenous
Languages: French (official)
GDP (purchasing power parity): \$22.9 billion (2010)
GDP per capita: \$300 (2010)
<b>Source:</b> CIA, <i>The World Factbook</i> , 2011

## Regional Issues: Background and Recent Agreements

The 2002 Pretoria Agreement between Rwanda and DRC led to significant improvement in border security in the Great Lakes region. The agreement called for a cessation of hostilities, an inter-Congolese dialogue, withdrawal of foreign forces, and disarmament of the “negative forces.” The parties have implemented all of these agreements and a number of the armed groups have been demobilized. On September 22, 2004, the governments of DRC and Rwanda signed the terms of reference for a Joint Verification Mechanism (JVM), an agreement designed to

<sup>1</sup> <http://www.un.org/documents/repesc.htm>.

address cross-border issues, specifically to deal with the threats of the Interhamwe and ex-FAR (former Rwandese Armed Forces), groups responsible for the 1994 genocide in Rwanda.

The mechanism consists of a Joint Verification Team of experts from the parties, representatives from MONUC, and the African Union. In October 2004, the group had its first meeting, and in late November the parties adopted operational procedures for the Joint Verification Teams. In addition, the United States has been facilitating Tripartite Plus talks among the key regional players: DRC, Rwanda, Uganda, and Burundi. The parties agreed that the most serious threat to regional stability is the presence of the negative forces in DRC. In order to deal with this threat, the parties established a Tripartite Joint Commission and agreed to disarm, demobilize, and repatriate foreign armed groups.

The governments of Rwanda and DRC cooperate on a wide range of issues, including on security matters. Rwanda helped facilitate dialogue between the Kabila government and some political groups in DRC on issues related to the 2006 elections. Moreover, Rwanda agreed to help find a political solution with General Nkunda, as requested by President Kabila. But the process did not go far because the Kabila government launched a campaign against General Nkunda. Rwandan President Kagame stated in August 2007 that he remains very concerned about the activities of the remnants of the Interhamwe and FDLR forces. He asserted that these forces are currently reorganizing in eastern Congo.<sup>2</sup>

In November 2007, the governments of the DRC and Rwanda signed an agreement in Kenya “on a common approach to end the threat posed to peace and stability” in the Great Lakes region. The parties agreed to end political and material support to armed groups in the region. The government of the DRC agreed to disarm the ex-FAR and Interhamwe militia and to hand over those individuals wanted by the government of Rwanda and International Criminal Tribunal for Rwanda (ICTR). According to the agreement, those who do not wish to return to Rwanda will be placed in a camp away from the border until a solution is found. In January 2007, several dozen rebel groups and the DRC government signed the Goma Accord, primarily focused on ending the violence in Eastern Congo. Since the signing of the agreement, while progress has been made, there have been a number of reports of ceasefire violations and sexual violence against civilians.

## **Political Developments**

Some progress has been made over the past several years in moving the DRC from political instability and civil war to relative stability and limited democratic rule, although eastern Congo remains a region marred by civil strife. The international community has been actively engaged in support of the transitional process, conflict resolution, and democracy promotion. On July 30, 2006, the DRC held its first presidential and parliamentary multi-party elections in almost four decades. Regional, local, and international observers monitored the elections. More than 19 million Congolese were registered to vote in the 2006 elections, including 2.9 million in Kinshasa, the capital. In the presidential elections, there were 33 presidential candidates, while an estimated 9,707 candidates ran for the 500-seat parliament. There were an estimated 50,000 polling stations for the 25.6 million registered eligible voters. According to Congolese and international observers, the elections were largely peaceful and well managed, considering the logistical and other challenges, although post-election conditions were not properly managed in

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<sup>2</sup> Ted Dagne’s interview with President Kagame, August 2007.



some areas.<sup>3</sup> In parliament, no party emerged with a majority, while none of the candidates in the presidential elections secured the necessary 50% of the vote. In October 2006, President Joseph Kabila defeated Jean-Pierre Bemba in the second round of presidential elections. On December 6, 2006, President Kabila was sworn in as president.

The next presidential elections are scheduled for November 2011. It is possible that the presidential election may be postponed to 2012. A number of candidates are expected to challenge President Kabila, including former Speaker of Parliament Vital Kamerhe, opposition leader Etienne Tshisekedi, and the governor of Katanga, Moise Katumbi. Some observers are concerned that recent amendments to the constitution may undermine the credibility of the upcoming election. The ruling party and President Kabila pushed an amendment to replace the two-round elections with one round. The candidate that receives the highest percentage votes would be declared the winner. Another amendment approved by parliament provides the president additional powers, including the power to dissolve provisional assemblies and remove governors. These amendments were rejected by the main opposition.

## **Bemba and the Movement for the Liberation of Congo (MLC)**

In March 2007, the Congolese army and Bemba's militia clashed in Kinshasa, forcing Bemba to flee to the South African embassy. In April, Bemba, who is the leader of the MLC, was allowed to leave for Portugal with his family. Bemba's departure may have resolved the crisis in the short term, although his supporters and militia could become a source of instability. Bemba demanded that he be allowed to return to Congo in order to participate in the political process where his party controls 20% of the seats in the National Assembly. Bemba saw his forced exile as a sign that Congo might be returning to a one-man rule.<sup>4</sup> In May 2008, Bemba was arrested in Belgium for alleged war crimes committed by his group in the Central African Republic (CAR) and was handed over to the ICC.

## **Security Conditions in Eastern Congo**

The DRC faces serious challenges, despite progress in some areas and relative stability in most regions of the country. Relations between the DRC and its neighbors have improved over the past two years, largely due to facilitation by the United States of the Tripartite Plus process, a policy initiative aimed at regional stability and cooperation. The four key regional participants in the process are DRC, Uganda, Rwanda, and Burundi. Despite progress in regional security, insecurity in parts of the DRC, especially in the east of the country, continues to pose a serious threat to political stability in the Great Lakes region. Relations between DRC and Burundi are warm. Uganda upgraded its diplomatic presence to ambassadorial level over a year ago. Relations with Rwanda have improved as well.

The presence of armed groups in parts of Congo is a major source of instability. The Special Representative of the Secretary General of the U.N. reportedly stated that, while there are many challenges facing Congo, conditions have improved in some parts of eastern Congo since the handover of two militia leaders to the International Criminal Court (ICC) for trial. In October 2007, the DRC government transferred former Ituri militia leader Germain Katanga to the ICC in

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<sup>3</sup> The author met with a number of Congolese officials and election observers in DRC in 2006.

<sup>4</sup> CRS interview with Bemba, August and October 2007.

the Hague. In February 2008, Congolese authorities arrested and later transferred to ICC custody Mathieu Ngudjolo Chui, former chief of staff of the Front for National Integration (FNI). In March 2006, Thomas Lubanga Dyilo, the leader of the Union of the Congolese Patriots (UPC), was handed over to the ICC.

The presence of the Lord's Resistance Army militia, a Ugandan rebel force, in the Garamba National Park in eastern Congo was a major source of tension between Uganda and DRC over the past several years. In September 2007, Uganda and DRC signed an agreement in Arusha, Tanzania, to cooperate on a wide range of issues, including removing the LRA from Congo. In October 2007, the third-highest-ranking LRA official, Opio Makasi, surrendered to MONUC and was later transferred to Congolese authorities. In November 2007, Congolese and MONUC officials handed over Makasi to Ugandan authorities, who reportedly provided amnesty. President Kabila has stated on a number of occasions that his government will force the LRA out of DRC.<sup>5</sup>

## **Rwanda, DRC, and the CNDP**

In October 2008, the National Congress for the Defense of the People (CNDP), under the command of General Laurent Nkunda, launched a major offensive against the DRC Armed Forces (FARDC) in eastern Congo. Within days, the CNDP captured a number of small towns, and Congolese forces retreated in large numbers. MONUC also withdrew from some areas and pulled most of its forces into Goma. In late October, General Nkunda declared a unilateral cease-fire and ordered his forces to remain outside Goma. The cease-fire was violated in subsequent weeks by both sides, although fighting did not spread to other parts of Congo. On November 19, 2008, the CNDP withdrew from two areas in eastern Congo in order to create humanitarian corridors.

The DRC government initially accused Rwanda of supporting General Nkunda, although a few days later in a meeting in Rwanda, Congolese officials did not bring this issue up with senior Rwandan officials. Rwanda consistently argued that its forces, while deployed along the Rwanda-DRC border, did not cross into Congolese territory, a position supported by U.S. and United Nations officials.<sup>6</sup> Congolese officials, however, argue that Rwandan soldiers were captured inside Congo.<sup>7</sup> In late October, at the height of the crisis, Congolese Foreign Minister Alexis Thambwe Mwamba paid a visit to Kigali and met with President Paul Kagame and other Rwandan leaders. At that meeting, the minister did not raise the issue of Rwanda's alleged involvement in support of Nkunda.<sup>8</sup> A few days later, Rwandan Foreign Minister Rosemary K. Museminari visited Kinshasa and met with Congolese officials as well as other foreign leaders.

In subsequent weeks, a number of foreign officials visited the Great Lakes region in an effort to find a peaceful solution to the crisis in eastern Congo. Then-U.S. Assistant Secretary of State for African Affairs Jendayi Frazer met with the leadership of Congo and Rwanda in November. The foreign ministers of France and Britain visited Congo in early November in an effort to broker a peace agreement. United Nations Secretary General Ban Ki-moon went to Kenya in early November to take part in a regional summit on the crisis in eastern Congo. Several heads of state

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<sup>5</sup> CRS interview with President Kabila in 2006 and 2007 in Washington and DRC.

<sup>6</sup> CRS interview with MONUC, Rwandan, and U.S. officials in August and November 2008.

<sup>7</sup> CRS interview with Congolese ambassador to the United States, November 19, 2008.

<sup>8</sup> CRS interview in late October 2008 with a senior Rwandan official in Kigali by phone.

participated in the Kenya meeting, including Presidents Kabila and Kagame. General Nkunda was not invited to participate in the Kenyan meeting. The meeting in Kenya did not secure an agreement. In November 2008, Secretary General Ban Ki-moon appointed former Nigerian President Olusegun Obasanjo as his envoy to help broker a peace agreement to end the crisis in eastern Congo. The appointment of Obasanjo was welcomed by regional leaders. President Kagame told reporters that Obasanjo is the “right person” to help secure a peace agreement to resolve the crisis in eastern Congo.

## **Armed Groups Active in DRC**

The presence of armed groups in parts of Congo is a major source of instability. Some of the main rebel groups active in DRC include the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defense of the People (CNDP), the Lord’s Resistance Army (LRA), the Mai Mai militia, and the Allied Democratic Forces (ADF).

### **Democratic Forces for the Liberation of Rwanda (FDLR)**

Over the past 15 years, elements of the former Rwandan armed forces and the Interhamwe militia were given a safe haven in eastern Congo and have carried out many attacks inside Rwanda and against Congolese civilians. These well-armed forces are now known as the Democratic Forces for the Liberation of Rwanda (FDLR). Analysts and officials in the region estimate their number between 6,000 and 8,000, now led by the most extremist leaders of the FDLR. Over the past year, the FDLR has reportedly intensified its recruitment campaign. Until recently, the FDLR reportedly received assistance from some Congolese government forces and in the past coordinated military operations with the Congolese army. The FDLR also receives assistance and guidance from Rwandans in Europe, Africa, and the United States. The government of Rwanda submitted a list of FDLR, Interhamwe, and other militia leaders in early 2008 to United States government officials. A number of these FDLR leaders still live in the United States and none have been extradited to Rwanda; the United States does not have an extradition treaty with Rwanda. The United Nations, the United States, and some European countries have imposed sanctions, including travel ban, on some FDLR leaders. In October 2010, French security arrested a top leader of the FDLR in Paris, Callixte Mbarushimana.

### **The National Congress for the Defense of the People (CNDP)**

The CNDP is DRC-based rebel group once led by Laurent Nkunda, who is currently under house arrest in Rwanda. The CNDP claims that its main objective was to protect the Tutsi population in eastern Congo and to fight the FDLR. After the Congo-Rwanda joint military offensive in 2009, the CNDP no longer exists as a cohesive group. Many of its fighters have been reintegrated into the Congolese armed forces and some may have joined other militia groups. Some of these units in the Congolese armed forces are engaged in abuses against civilians, according to U.N. officials.

### **The Allied Democratic Forces (ADF)**

The ADF is a Ugandan Muslim rebel group with limited activities in Uganda and DRC. In 2010, ADF forces were active in Beni district near the Ugandan border. In June 2010, after

consultations between the governments of Uganda and DRC, the Congolese armed forces launched a military operation known as Rwenzori against the ADF and its allies in Beni. The military operation dislodged ADF forces but also displaced an estimated 100,000 Congolese civilians, according to U.N. officials.

## **Mai Mai Militia**

The Mai Mai is a loosely grouped set of Congolese militia, with no unified or consistently articulated political demands. They actively target civilians and U.N. peacekeeping forces in eastern Congo. In early October 2010, Congolese and U.N. peacekeeping troops in the DRC arrested the leader of a Mai Mai militia suspected of orchestrating mass rape. Lieutenant Colonel Mayele of Mai Mai Cheka was arrested in North Kivu province. More than 500 people were reportedly raped in July-August 2010, according to U.N. officials.

## **The Lord's Resistance Army (LRA)**

The LRA is a Ugandan rebel group active since the mid-1980s. Under the leadership of Joseph Kony, the LRA has conducted military operations in northern Uganda, the DRC, the Central African Republic (CAR), and Southern Sudan. The primary targets of the LRA have been the civilian population, especially women and children. The LRA was given protection, facilities for training, and supplies by the government of Sudan to wage war in northern Uganda and Southern Sudan until a few years ago. The takeover of the government in Southern Sudan by the Sudan People's Liberation Movement (SPLM) curtailed LRA activities in South Sudan. The Sudan Comprehensive Peace Agreement (CPA) has a provision that all foreign groups, which include the LRA, must be forced out of Sudan. In 2005, some LRA units went into DRC, reportedly looking for a new home after the SPLM took power. Over the past several years, the LRA has been weakened significantly and has lost a number of its top leaders in battle or defection. The LRA currently has presence in parts of DRC and the Central African Republic (CAR). The LRA is not operational in northern Uganda. The government of Uganda has carried out a number of military operations against LRA forces in CAR and jointly with Congolese forces in DRC.

## **The Arrest of FDLR Executive Secretary and a Senior Rwandan Official**

On November 4, 2008, German authorities released the secretary general of the FDLR, Callixte Mbarushimana, who was arrested in Frankfurt in July 2008. The State Department criticized the release of the FDLR official and blamed the group as the "root cause of instability in eastern Congo."<sup>9</sup> In October 2010, French authorities arrested Mr. Mbarushimana, who is wanted by the International Criminal Court (ICC) for five counts of crimes against humanity and six counts of war crimes committed in DRC. A week after the release of the FDLR official, German authorities arrested a senior Rwandese government official. Rose Kibuye is a senior Rwandan government official, a liberation fighter with the Rwandan Patriotic Front (RPF), the group that ended the 1994 genocide, and served in different government positions over the past decade, including as mayor of Kigali and personal secretary of President Kagame. The government of Rwanda

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<sup>9</sup> State Department press release, November 13, 2008.

condemned her arrest and later expelled the German ambassador to Rwanda. German authorities did not detain Kabuye in April 2008 when she traveled with President Kagame to Germany because of diplomatic immunity. Rwandan officials contend that Kibuye went to Germany as an advance team member to prepare for President Kagame's visit to Germany. She traveled on her diplomatic passport and the German embassy in Rwanda was informed about the purpose of her visit to Germany. On November 19, 2008, Kibuye was transferred to France to stand trial.

## **Joint Military Operations**

### **Umoja Wetu**

In late 2008, the governments of Rwanda and Congo agreed on a wide range of issues and agreed to launch a joint military offensive against the CNDP and the FDLR. They also agreed to restore full diplomatic relations and to activate economic cooperation. In January 2009, Rwanda and Congo launched a joint military operation in eastern Congo. The military operation dislodged and seriously weakened the CNDP forces. In January, the leader of the CNDP, General Laurent Nkunda, was arrested inside Rwanda, after he fled eastern Congo. The FDLR forces were also dislodged from their stronghold in North Kivu and forced to retreat. More than 2,000 Rwandan refugees returned home in January and February, as well as some FDLR militia members. In late February 2009, Rwandan troops pulled out of Congo as part of the agreement with the Kabila government. The government of Congo has requested the extradition of General Nkunda. Nkunda still remains under arrest in Rwanda. Congolese forces continued to go after the remaining CNDP and FDLR forces. As part of an earlier agreement, those CNDP forces willing to join the Congolese army were integrated. Rwanda also welcomed FDLR forces willing to return home. Meanwhile, remnants of the FDLR continue to target Congolese civilians. In late April 2009, United Nations officials accused the FDLR of committing serious atrocities against civilians in Luofu, a town north of Goma.<sup>10</sup> Human rights organizations criticized abuses carried out by government forces against civilians.

### **Operation Kimia II**

After the withdrawal of Rwandan forces and the completion of Operation Umoja Wetu, the government of Congo, with the support of MONUC forces, launched Operation Kimia II. In eastern Congo, government forces targeted FDLR militia, especially in mining areas. According to a December 2009 report by the United Nations Secretary General Ban Ki-moon, "the role played by MONUC in Kimia II continued to be focused on assisting FARDC with planning and on providing logistical support, including tactical helicopter lift, medical evacuation, fuel and rations."<sup>11</sup> The report also stated that MONUC provided military support to government forces. Kimia II operations involved an estimated 16,000 government forces in North and South Kivu, according to U.N. officials. Government forces reportedly engaged in serious abuses against civilians, while FDLR forces retaliated by attacking civilians as well. According to Human Rights Watch, "the attacks against civilians have been vicious and widespread. Local populations have

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<sup>10</sup> <http://allafrica.com/stories/200904271233.html>.

<sup>11</sup> Report of the U.N. Secretary General on the United Nations Organization Mission in the Democratic Republic of Congo, December 4, 2009.

been accused of being collaborators by one side or the other and deliberately targeted, their attackers saying they are being punished.”<sup>12</sup> Human Rights Watch reported that an estimated 1,400 civilians were killed between January and September 2009. MONUC forces have been accused of providing support to government military units engaged in serious human rights abuses. Human rights groups also criticized MONUC for failing to protect civilians. United Nations officials assert that despite the many challenges, MONUC has made every effort to protect civilians. United Nations Special Representative for the DRC Alan Doss stated that the primary objectives of Kimia II were to “protect the population; to put an end to the threat of the FDLR; and to re-establish the authority of the Congolese state.”<sup>13</sup>

## **Amani Leo (Peace Today)**

On December 31, 2009, the government of Congo ended Operation Kimia II and in February 2010 launched Operation Amani Leo. According to United Nations officials, the objectives of Amani Leo are to protect civilians, remove negative forces from population centers, re-establish authority in liberated areas, and restore state authority. According to a directive signed by Congolese military Chief of Staff General Didier Etumba and MONUC Force Commander Lieutenant General Babacar Gayer, Congolese and MONUC forces “will concentrate on controlling strategic areas in order to ensure that armed groups, notably FDLR elements, will not be able to retake territory and inflict reprisals.”<sup>14</sup> The Congolese government and MONUC also agreed “the deployment of Military Police at the battalion level in order to prevent and sanction violations of human rights, international humanitarian and refugee law by their own forces. A zero tolerance policy for human rights violations will be strictly enforced.”

## **MONUSCO**

On May 28, 2010, the United Nations Security Council passed Resolution 1925. The Congolese government had asked for the gradual withdrawal of the U.N. peacekeeping force. The resolution converted the name and mission of the current peacekeeping force from the U.N. Organization Mission in DRC (MONUC) to the United Nations Organization Stabilization Mission in the DRC (MONUSCO) effective July 1, 2010. The resolution also authorized MONUSCO’s mandate until June 30, 2011, and ordered the withdrawal of up to 2,000 peacekeeping troops by June 30, 2010. The resolution also called for the protection of civilians and humanitarian workers; support for the DRC government on a wide range of issues; and support for international efforts to bring perpetrators to justice. In June 2010, U.N. Secretary General Ban Ki-moon appointed former U.S. Ambassador to the DRC Roger Meece as the special representative and head of the U.N. mission in DRC.

## **MONUC: Overview**

In August 1999, the United Nations Security Council authorized the deployment of 90 United Nations military liaison personnel to the DRC. In November 1999, Security Council Resolution

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<sup>12</sup> Human Rights Watch. *You Will Be Punished*, December 13, 2009.

<sup>13</sup> <http://www.irinnews.org/Report.aspx?ReportId=84943>.

<sup>14</sup> MONUC News. *After Operation Kimia II*, January 2010.

1279 affirmed that the previously authorized United Nations personnel would constitute the United Nations Organization Mission in the DRC (MONUC). The operation is authorized under Chapter VII of the United Nations Charter, which allows peacekeepers to use force, if necessary, to carry out their mandate. Over the past decade, the Security Council passed a number of resolutions to strengthen MONUC's force and its mandate. Resolution 1291, passed in 2000, authorized MONUC to carry out a number of important tasks, including implementation of the cease-fire agreement, verification of disengagement and redeployment of forces, and support for humanitarian work and human rights monitoring. The resolution provided MONUC the mandate, under Chapter VII, to protect its personnel, facilities, and civilians under imminent threat of physical violence.

Resolution 1565, adopted in 2004, increased MONUC personnel, with a primary objective of MONUC deployment to eastern Congo to ensure civilian protection and seize or collect arms, as called for in U.N. resolution 1493. The resolution also authorized MONUC to temporarily provide protection to the National Unity Government institutions and government officials. Resolution 1493 authorized MONUC to assist the DRC government to disarm foreign combatants and repatriate them to their home countries. The resolution, under Chapter VII, authorized MONUC to use "all means necessary" to carry out its mandate.<sup>15</sup> In December 2009, Security Council resolution 1906 authorized MONUC's mandate until the end of May 2010. The Kabila government has asked for the withdrawal of MONUC forces by 2011. A U.N. Security Council delegation was scheduled to visit Congo in late April 2010 but was postponed to May due to travel complications. In mid-May, a Security Council delegation visited the DRC and met with senior Congolese officials. The delegation was led by Ambassador Gerard Araud of France. According to Ambassador Araud, "The mission of the Security Council was to begin a dialogue with the authorities, population and civil society of the Democratic Republic of the Congo over the future of the United Nations presence."<sup>16</sup> As of February 2010, MONUC had 20,573 total uniformed personnel, including 18,645 troops, 760 military observers, 1,216 police, 1,001 international civilian personnel, 2,690 local civilian staff and 629 United Nations Volunteers.<sup>17</sup> MONUC is currently the largest U.N. peacekeeping operation in the world.

## **The Role of MONUC in the Current Crisis**

The United Nations has been actively engaged in mediation efforts, although MONUC has come under criticism for failing to carry out its mandate to protect civilians.<sup>18</sup> Congolese sources and foreign observers have reported that MONUC forces did not provide sufficient protection to civilians, who have been the primary target of government forces and militia groups. MONUC has a robust U.N. Security Council-authorized mandate to protect civilians under eminent physical threat. United Nations officials argue that MONUC has done what it could under difficult circumstances and that Congo is a large territory to effectively manage. These officials contend that it is the primary responsibility of the Kabila government to protect its citizens, over 250,000 of whom were displaced as a result of the military clashes in eastern Congo. According to United Nations officials, abuses by government forces and militia groups have been carried out

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<sup>15</sup> <http://www.monuc.org>.

<sup>16</sup> <http://allafrica.com/stories/201005171804.html>.

<sup>17</sup> MONUC Mission website available at <http://www.un.org/Depts/dpko/missions/monuc/>.

<sup>18</sup> Tom Maliti, "African Leaders Chide Peacekeepers," *Chicago Tribune*, November 9, 2008.

against civilians. There is no reliable estimate of the number of people killed since the current crisis erupted.

## **MONUC: Human Rights Concerns**

MONUC's record has been marred by persistent allegations that it has not been able to halt gross human rights violations of civilians by local groups in the Ituri and Kivu regions and charges of incompetence since its deployment in 1999. In late February 2005, nine Bangladeshi peacekeepers were killed by militia members in the Ituri region. Then-U.N. Secretary General Kofi Annan condemned the killings and called on the Transitional Government to "hold accountable those responsible for this reprehensible and criminal attack." The United Nations has increased the number of troops to help bring stability and security, especially in the Kivus and Ituri regions.

MONUC also was the focus of allegations of sexual exploitation and abuse of women and children. In December 2004, in his report to the Security Council, then-Secretary General Annan stated that "between June and September 2004, an Office of Internal Oversight Services investigation into sexual misconduct in Bunia revealed that 8 of some 72 allegations could be corroborated." The report revealed that the majority of these allegations involved "soliciting the services of prostitutes." This kind of behavior by U.N. peacekeeping troops, the report contends, is a violation of the United Nations "Code of Conduct" for peacekeeping troops.

In November 2004, a team from the United Nations Department of Peacekeeping Operations was sent to investigate allegations of sexual exploitation by several United Nations civilian personnel in other parts of DRC. Another U.N. team was sent to DRC to investigate allegations against MONUC personnel. In January 2005, a report by the United Nations Office of Internal Oversight Services (OIOS) issued its findings about sexual exploitation and abuse by MONUC personnel in DRC. The OIOS made a number of recommendations, which it claimed have been accepted by the United Nations Department of Peacekeeping Operations. Still, between January and September 2008, 23 sexual exploitation and abuse allegations were made against MONUC personnel.

## **Human Rights Conditions**

Human rights abuses continue to plague the DRC despite movement toward democratic rule and an end to the civil war. Government security forces and armed rebel groups committed serious abuses against civilians. Security forces were responsible for the arbitrary arrest, abduction, and torture of civilians despite the country's law prohibiting torture, according to human rights groups and the State Department's *Country Reports on Human Rights Practices*. According to the State Department's 2010 report,

In all areas of the country, state security forces continued to act with impunity throughout the year, committing many serious abuses, including unlawful killings, disappearances, torture, rape and engaging in arbitrary arrests and detention. Severe and life-threatening conditions in prison and detention facilities, prolonged pretrial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Members of the state security forces continued to abuse and threaten journalists, contributing to a decline in press freedom. Internally displaced persons remained a major problem, and the integration of ex-combatants and members of rebel and militia



groups (RMGs) into state security forces and governance institutions was slow and uneven. Government corruption remained pervasive, and some corporations purchased minerals from suppliers who financed mining activities by armed entities that committed serious human rights abuses. Elements of the state security forces were charged in the death of one of the country's leading human rights defenders and at times beat or threatened local human rights advocates and obstructed or threatened UN human rights investigators. State security forces retained and recruited child soldiers and compelled forced labor by civilians.<sup>19</sup>

There were no confirmed reports that abductions were politically motivated, although some of the abductees were journalists. Government security forces also raped civilians, according to the same report. On a positive note, professionalism among police forces appears to be increasing; government security forces, however, remained corrupt and ineffective. Prison conditions remained inadequate due to overcrowding and lack of funds. The judicial system remained ineffective and highly corrupt, and civil courts are rarely used by the public. According to the State Department's annual report, the government restricted freedom of speech, although Congolese law provides these rights. On a number of occasions, radio and television stations were temporarily closed for violating a media code of conduct.

As the internal conflict in the East continued, according to reports, security forces and rebel groups killed, abducted, tortured, and raped civilians in addition to burning or destroying their homes and villages. Mass rape and sexual violence were used as weapons of war, and FARDC soldiers committed sexual violence against young girls, especially in eastern Congo. Gang rapes also occurred and were frequently committed in front of the victims' families. The trafficking of women and children also remained common in the East. Humanitarian aid workers and NGOs reported being threatened and harassed by armed groups, especially in eastern DRC. The government did not provide adequate protection or assistance to civilians in conflict areas, and armed groups restricted humanitarian access to IDPs and routinely abuse the civilian population.

## **Economic Conditions**

Bilateral and multilateral donors have made significant investments in support of DRC's transitional process. The World Bank has a number of active projects in DRC. The International Monetary Fund (IMF) is requiring the DRC to implement reforms in macroeconomic stability before it will begin a poverty reduction and growth facility program. A tight fiscal policy is thought to be necessary for the DRC to improve economic conditions. The DRC's fiscal policy is primarily focused on increasing domestic revenue and shifting state expenditures toward infrastructure and the social sectors. The Central Bank of the DRC appears committed to maintaining price stability and tight control of the country's money supply, according to the Economist Intelligence Unit (EIU). Real GDP growth is expected at 6.5% in 2011 and 6.3% in 2012, according to the EIU.<sup>20</sup> Inflation rates, however, are expected to reach 15% in 2011 and 12% in 2012.

Although agriculture is the dominant sector of the economy (accounting for approximately half of GDP and employing 75% of the labor force), development and productivity rates are nearly impossible to gauge due to a lack of reliable statistics. The mining sector is likely to be the

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<sup>19</sup> <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154340.htm>

<sup>20</sup> The Economist Intelligence Unit. *Country Report: Democratic Republic of Congo*, December 2010.

country's primary vehicle for growth as foreign direct investment increases. Mining output should also increase the DRC's export earnings and compensate for falling commodity prices in the international market. DRC's high external debt burden (\$13.5 billion) underscores the need for debt relief under the IMF-World Bank's HIPC (heavily indebted poor countries) initiative and the multilateral debt relief initiative. In February 2010, the Paris Club agreed to reschedule or write off at least half of the DRC's \$7 billion debt. The Kabila government's budget expenditure plans are very cautious and somewhat vague, a fact government officials attribute to the need for pragmatism to address DRC's large external debt. In recent years, China has expanded its trade and economic activities with DRC. In 2008, China signed a major mining and construction agreement with the DRC government. The mining agreement is a source of contention in Congo.

## **U.S.-Congo Relations**

Relations between the United States and Congo are warm, although there are a number of areas of concern. Over the past decade, the United States played key roles in mediation efforts to bring about peace and stability in the Great Lakes region. In August 2009, Secretary of State Hillary Clinton visited Kinshasa and Goma in eastern Congo. At a press conference with Foreign Minister Alexis Thambwe, Secretary Clinton stated that "the DRC, its government, and the people face many serious challenges, from the lack of investment and development to the problem of corruption and difficulties with governance to the horrible sexual and gender-based violence visited upon the women and children in the country." The Secretary assured the minister that the United States will help the DRC government address these challenges.

## **U.S. Assistance to Congo**

One of the major objectives of the U.S. Agency for International Development (USAID) program in the DRC is to support the country's transition to democracy and to strengthen its healthcare and education systems. Special attention is being paid to the HIV/AIDS epidemic, with \$4 million of funding designated for AIDS treatment and prevention programs. In FY2011, Economic Support Funds (ESF) are targeted to support the government of Congo's "stabilization and recovery program through support to community recovery and reconciliation, conflict mitigation and resolution, and the extension of authority." International Military Education and Training (IMET) funds are intended to focus on training Congolese officers on military justice, human rights and joint operations. The United States also provides significant humanitarian assistance to DRC. The United States provided \$205.1 million in FY2008 and \$111.6 million in FY2009. The DRC received a total of \$296.5 million in FY2009 and an estimated \$183 million in FY2010. The Obama Administration has requested \$213.2 million for FY2011 and \$230.8 million for FY2012.

## **Legislation**

### **Conflict Minerals (P.L. 111-203)**

In late July 2010, President Obama signed into law the Wall Street Reform and Consumer Protection Act (P.L. 111-203). The 2,300-page legislation contains an amendment on Congo Conflict Minerals. The law requires that American companies disclose what kind of measures

they have taken to ensure that minerals imported from Congo don't contain "conflict minerals." In a statement issued on July 22, 2010, Secretary of State Clinton stated that the government of Congo "formally expressed its support for this law and has thanked both the executive and legislative branches of our government."

## **The DRC Relief, Security, and Democracy Promotion Act of 2006 (P.L. 109-456)**

The DRC Relief, Security, and Democracy Promotion Act was introduced by then-Senator Barack Obama on December 16, 2005 and signed into law on December 22, 2006. The main objectives of the Act include the following:

### **Section 102: Statement of Policy**

- Expresses support for political reform.
- Calls for discipline and reform of the DRC armed forces.
- Supports security sector reform.
- Calls for disarmament, demobilization, repatriation, reintegration, and rehabilitation.

### **Section 103: Bilateral Assistance**

- Authorizes \$52 million for fiscal years 2006 and 2007.

### **Section 104: Accountability**

- Expresses the sense of Congress that the DRC government work with the international community; end sexual abuse by armed forces; and provide support for victims of sexual abuse.
- Authorizes the Secretary of State to withhold assistance if the DRC government is not implementing reforms.

### **Section 105: Withholding Assistance**

- Authorizes the Secretary of State to withhold assistance from foreign governments engaged in the destabilization of DRC.

### **Section 107: Special Envoy**

- Expresses support for the appointment of a Special Envoy.

## **Title II: Multilateral Actions**

Calls for the United States to use its influence in the U.N. Security Council to strengthen MONUC, end child recruitment, halt sexual abuses and trafficking in persons, and strengthen the arms embargo.

**Table I. U.S. Assistance to DRC**

(\$ in thousands)

	<b>FY2005 Actual</b>	<b>FY2006 Actual</b>	<b>FY2007 Actual</b>	<b>FY2008 Actual</b>	<b>FY2009 Actual</b>	<b>FY2010 Est.</b>	<b>FY2011 Request</b>	<b>FY2012 Request</b>
Total	76,392	90,176	114,390	80,889	296,582	183,085	213,284	230,893
Development Assistance	16,812	21,447	18,065	25,412	5,000	70,650	64,199	
Economic Support Fund	4,960	4,950	23,868		52,800	59,100		59,908
Foreign Military Financing				298	600	1,450	1,450	300
Global Health and Child Survival-State	25,415	23,537	30,681	12,000	18,114	19,635	19,635	49,635
Global Health and Child Survival-USAID			3,000	35,074	51,265	65,700	68,500	95,550
International Military Education and Training		306	263	588	506	500	500	500
Int. Narcotics Control and Law Enforcement				496	1,500	1,700	6,000	6,000
Nonproliferation, Antiterrorism, Demining and Related Programs			1,375	75	300	1,000	1,000	
Public Law 480 (Food Aid)	29,205	39,898	37,138	6,946	125,997	16,000	14,000	
Peacekeeping Operations					40,500	18,000	22,000	19,000

**Source:** State Department.

Figure I. Map of Democratic Republic of Congo



Source: CRS.

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