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

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# Summary

War and humanitarian suffering in the Democratic Republic of Congo (DRC) have long preoccupied U.S. policymakers, including many Members of Congress. Since the 1990s, cyclical conflicts in eastern DRC have caused regional instability and impeded investment, becoming the focus of international attention toward the country. Since 2015, attention has turned toward DRC's political trajectory as President Joseph Kabila's efforts to remain in office past the end of his second elected term in 2016 (his last, under the constitution) have sparked unrest. Unable for now to amend constitutional term limits as other regional leaders have done, Congolese officials have delayed elections on various grounds, asserting that Kabila must remain in power in the meantime. In December 2016, under significant domestic and international pressure (including from the United States), the ruling party and opposition agreed to form a unity government and hold elections in 2017. However, the details and feasibility of implementation are in question. DRC has never experienced an electoral transfer of power between presidential administrations.

In the east, political elites have displayed limited capacity or will to improve security and state administration, while neighboring states have periodically provided support to DRC-based rebel groups. In 2013, DRC and neighboring states 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. Despite a subsequent peace process between the government and the M23, however, rebel combatants were never fully demobilized, and some appeared to be reorganizing as of early 2017. New armed groups have also emerged in the central Kasaï region, a political opposition stronghold.

The United States has provided significant 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 shaped the scope of MONUSCO's mandate and of a U.N. sanctions regime. In 2016, for the first time, the United States issued unilateral targeted sanctions against several DRC government and military officials. The United States furthermore wields influence over the decisions of international financial institutions, from which the DRC government has requested budget support amid a recent economic downturn. Starting in 2013, the Obama Administration maintained a U.S. Special Envoy for the Great Lakes region, reporting to the Secretary of State, a position held by two former Members of Congress. Whether, and at what level, the envoy position might continue under the Trump Administration remains to be seen.

Congress has helped shape U.S. policy toward DRC through legislation and oversight activities, often focusing on human rights and democracy issues. In the 114th Congress, the House and Senate, respectively, passed H.Res. 780 and S.Res. 485, which called for punitive measures to deter President Kabila from clinging to power. Congress has also restricted certain types of aid to countries that, like DRC, have child soldiers in their military (P.L. 110-457, as amended), although the Obama Administration largely waived such restrictions for DRC. Between 2012 and 2014, the Obama Administration suspended some military aid to Rwanda, citing its support for the M23 rebel group, consistent with both the child soldiers law and provisions in foreign aid appropriations measures at the time. Members of the 114th Congress separately focused significant attention on the DRC government's decision in 2013 to suspend its issuance of exit permits for internationally adopted children. Members continue to debate the impact of §1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203), regarding "conflict minerals" sourced in DRC and neighboring states. (See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, and CRS Report R43639, *Conflict Minerals and Resource Extraction: Dodd-Frank, SEC Regulations, and Legal Challenges*.)

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# Introduction

Cyclical conflicts in DRC have contributed to instability in Africa's Great Lakes region[1] since the 1990s, spawning a long-running humanitarian crisis and fueling human rights abuses. Since 2015, the country's domestic political trajectory has sparked new concerns. President Joseph Kabila is constitutionally barred from reelection, but he has remained in office following the notional end of his second elected term in 2016 because elections have not been held as scheduled. Large street protests over electoral delays have been violently suppressed by security forces. In December 2016, Congolese Catholic bishops negotiated a political agreement between the ruling party and opposition groups that attempts to defuse the standoff. The agreement foresees a unity government and elections in 2017. However, the details of implementation are in question, and government officials have since repeatedly suggested that further election delays are likely due to financial, logistical, and security challenges.

In the east, armed groups have exploited a lack of effective governance, enabled by local zero-sum contests over land, smuggling routes, and other resources. Neighboring countries have periodically backed Congolese rebel proxies, and the security vacuum has drawn in foreign-origin militias. DRC's military has been implicated in serious human rights abuses in conflict zones, including extrajudicial killings and mass rapes. Since 2014, new insurgencies have arisen in previously relatively stable parts of the country, including in southeastern Tanganyika province (formerly northern Katanga) and the central Kasai region. Although violence appears to be primarily driven by local concerns, both areas are political opposition strongholds.

In early 2013, a U.N.-backed regional "Framework Agreement" sought to define the respective responsibilities of regional governments and donors in ending the cycle of conflict in eastern DRC. Neighboring states agreed not to sponsor DRC-based armed groups, while DRC committed to governance reforms. Later that year, the DRC military, backed by a newly created U.N. "Intervention Brigade," defeated a formidable Rwandan-backed rebel group known as the M23. The DRC government, however, has not implemented its commitments under the 2013 accord or a separate peace process with the M23, and as of early 2017 some ex-M23 combatants appeared to be remobilizing. Tensions and conflicts in neighboring Burundi, Central African Republic, and South Sudan present further challenges.

DRC is rich in minerals, water resources, and agricultural potential. The country also receives substantial international aid, with nearly $2.8 billion in total net official development assistance disbursed by all donors in 2015.[2] Yet most Congolese live in poverty and some 7.5 million require humanitarian assistance.[3] Due to decades of conflict, some 2.1 million Congolese are internally displaced and nearly 460,000 are refugees in nearby countries; DRC also hosts about 500,000 refugees from nearby states.[4] DRC was ranked 176 out of 188 on the 2015 U.N. Human Development Index, and has among the world's lowest per-capita gross domestic product (GDP).

DRC's economy experienced strong growth during the decade that followed the formal end of a five-year civil and regional war in 2003. However, low global prices for DRC's mineral

[1] The region centers on DRC, Rwanda, Burundi, Uganda, and Tanzania.

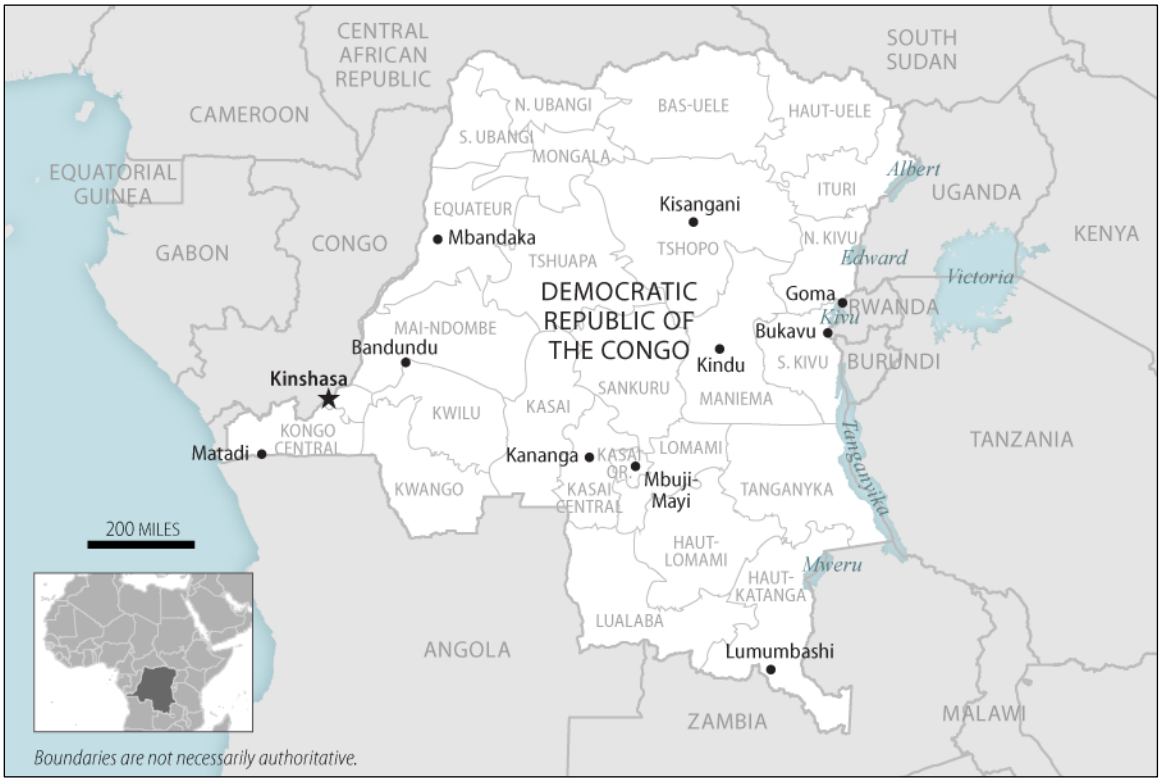
[2] Organization for Economic Cooperation and Development (OECD) international development statistics, consulted February 7, 2017. Total includes multilateral institution donors and non-traditional donor countries.

[3] USAID, *Democratic Republic of the Congo – Complex Emergency*, Fact Sheet #1 (FY2017), January 6, 2017.

[4] Figures drawn from U.N. High Commissioner for Refugees, "DRC Regional Refugee Response" (consulted February 27, 2017); and U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), "DRC: Three Year Strategy to Tackle a Relentless, Protracted Crisis," February 10, 2017.

commodity exports have produced severe fiscal strains since 2016. Relations with the international financial institutions 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 political 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," security force abuses, and a judiciary that is "corrupt and subject to influence."[5]

**Figure 1. DRC at a Glance**




**Population:** 81.3 million

**Languages:** French (official), Lingala (lingua franca in the west), Swahili (lingua franca in the east), local languages

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

**Infant Mortality Rate:** 69.8 deaths/1,000 live births (12th highest in world)

**Life expectancy:** 57.3 years

**Median age:** 18.4 years

**Adult literacy:** 63.8% (2015 est.)

**HIV adult prevalence rate:** 0.85% (2015 est.)

**GDP growth/per capita:** 3.9%/$473

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

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

**Key trading partners:** China, Zambia, South Africa, Belgium, South Korea, Zimbabwe, India (2015)

**Source:** Graphic created by CRS. Map generated by (name redacted) using data from Esri. Figures from CIA World Factbook, World Bank, and IMF. Figures refer to 2016 estimates unless otherwise indicated.

[5] State Department, 2015 Country Reports on Human Rights Practices, released April 13, 2016.

The U.N. Organization Stabilization Mission in DRC (MONUSCO) is the world's largest U.N. peacekeeping operation, with about 18,750 uniformed personnel.[6] Its mandate focuses on protecting civilians in conflict zones and supporting the DRC government's stabilization efforts in 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 national elections (under certain conditions), and support the government's efforts to advance security sector reform, among other activities.[7] Starting in 2013, the U.N. Security Council authorized an Intervention Brigade within MONUSCO to "neutralize" armed groups, potentially unilaterally.[8] Policymakers continue to debate whether the brigade could be a useful model for other situations, such as South Sudan and Mali. Policymakers have also debated the extent to which MONUSCO should assist the troubled electoral process and how it should respond to election-related political unrest in urban areas.

## Recent Congressional Actions

Congress has played a key role in shaping U.S. policy toward DRC, including through the authorization, appropriation, and oversight of U.S. aid (see **Appendix**). Members have often focused on human rights issues, such as high rates of sexual violence in DRC's conflict zones, the use of child soldiers by the DRC military and armed groups, and the international trade in "conflict minerals" sourced in DRC and neighboring states.[9] Members of the 114th Congress held regular hearings on political and security developments in DRC and U.S. policy responses.[10] President Kabila's efforts to stay in power drew particular attention in 2016, when the Senate and House each passed resolutions (S.Res. 485 and H.Res. 780) calling on the executive branch to consider punitive actions, including new targeted sanctions designations (see "U.S. Policy" below).

Members of Congress have continued to debate the wisdom and impact of Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203), which required the Securities and Exchange Commission (SEC) to issue a rule regulating the disclosure by U.S. firms of their use of "conflict minerals" originating in DRC or neighboring states.[11] Some Members view the resulting SEC rule—issued in 2012 but partially stayed in 2014 after a court challenge—as an important contribution to international efforts to stabilize eastern DRC. Others assert that it has imposed burdensome reporting and compliance costs on U.S. firms and/or is harming the Congolese people by deterring firms from sourcing their inputs from DRC or

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

[7] U.N. Security Council Resolution 2277 (2016).

[8] U.N. Security Council Resolution 2098 (2013) and subsequent resolutions reauthorizing MONUSCO.

[9] "Conflict minerals" are designated ores—of tantalum and niobium, tin, tungsten, and gold—that have reportedly fueled conflict and human rights abuses in DRC. For background on U.S. regulation of conflict minerals, see CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by (name redacted)

[10] Such hearings included: 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.

[11] For example, Hearing by the 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. See also CRS Report R43639, *Conflict Minerals and Resource Extraction: Dodd-Frank, SEC Regulations, and Legal Challenges*, by (name redacted) and (name redacted) .

investing in the region. In the 114th Congress, H.R. 5983, which would have repealed Section 1502 along with several other provisions of P.L. 111-203, was reported in the House. The Financial Services and General Government Appropriations Act, 2017 (H.R. 5485), which would have prohibited any funds appropriated by that act from being used to enforce the SEC rule (§1219), passed the House. New efforts to stay or weaken the SEC rule's requirements may be aided by a reported Trump Administration plan to suspend the rule, as well as by the acting SEC chairman's January 2017 directive for SEC staff to "consider whether the 2014 guidance is still appropriate and whether any additional relief is appropriate in the interim."[12]

Members of Congress widely condemned the DRC government's decision in 2013 to suspend the issuance of most exit permits for internationally adopted children, including those adopted by American families.[13] Some Members engaged directly with top U.S. and Congolese officials on this issue. In the 114th Congress, the FY2017 Department of State Authorization Act (S. 2937) included a "Sense of the Senate" provision (§405) urging the DRC government to complete its review of all "unresolved international adoption cases" and calling upon the State Department to "continue to treat the release of internationally adopted children" from DRC as a "priority."[14] In 2015, Congress passed the Adoptive Family Relief Act (P.L. 114-70), which allowed immigrant visa renewal fees to be waived for adopted children whose initial visas, issued on or after March 27, 2013, lapsed due to "extraordinary circumstances, including the denial of an exit permit."[15]

Congress has, at times, sought to deter 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. From FY2012 to FY2014, the Obama Administration suspended FMF for Rwanda, consistent with such provisions, after finding that Rwanda had provided support for the M23 rebellion (which Rwanda denied). Some additional military aid to Rwanda was suspended under legislation related to child soldiers. These actions, along with diplomatic efforts and other donors' decisions to suspend or redirect aid for Rwanda, appeared to contribute to a change of behavior by Rwanda and, ultimately, to the M23's military defeat.[16] No such provision was included in the FY2016 foreign aid appropriations measure (enacted as Division K of P.L. 114-113), nor in House and Senate FY2017 aid appropriations bills (H.R. 5912 and S. 3117).

In recent years, U.S. engagement with DRC has been influenced by legislative restrictions on bilateral aid for countries that, like DRC, use child soldiers (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 or TVPA, as amended); or fail to display fiscal transparency (most recently P.L. 112-74, the Consolidated Appropriations Act, 2012, as amended and extended into FY2013 via continuing resolutions). With regard to child soldiers, the State Department has annually designated DRC under CSPA, but President Obama partially

[12] Acting Chairman Michael S. Piwowar, "Statement on the Commission's Conflict Minerals Rule," January 31, 2017.

[13] 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.

[14] The DRC government announced the completion of its review of certain pending cases in November 2015, approving exit permits for about 72 adopted children. About 150 more children adopted by U.S. families were approved for exit permits in early 2016. However, hundreds more were reportedly still awaiting permits. Conor Gaffey, "Congo Lets 150 Adopted Children Join Families in U.S. After Two-Year Limbo," *Newsweek*, February 23, 2016.

[15] A related provision was included in the Senate-engrossed version of the Department of State Authorities Act, FY2017 (§121 of S. 1635) but was not included in the final enrolled bill (enacted as P.L. 114-323).

[16] Jason Stearns, "As the M23 Nears Defeat, More Questions than Answers," *Congo Siasa*, October 30, 2013.

waived aid restrictions for FY2017.[17] With regard to human trafficking, in 2016, for the first time since 2009, the State Department ranked DRC "Tier 2-Watch List" instead of "Tier 3" (lowest), and thus DRC is no longer subject to aid restrictions.[18] And since FY2014, the fiscal transparency provision in appropriations measures has not restricted aid (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, mismanagement, and serious abuses against the local population, and the Belgian government transitioned the territory into a formal colony in 1908.[19] Belgium granted Congo independence in 1960, shortly after parliamentary elections in which nationalist leader Patrice Lumumba became prime minister. The country's early years following independence were plagued by instability, including a secession movement in Katanga and an army mutiny that culminated in Lumumba's murder in 1961.[20] 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.[21] He also relied on fraudulent elections, brute force, and patronage networks fueled by extensive corruption, leading many analysts to brand his regime a "kleptocracy."[22] At the same time, petty corruption came to constitute a crucial economic safety net for many Congolese.

Domestic and international pressures mounted on Mobutu 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 spilled over into DRC, diverting state resources and destabilizing local communities. In the aftermath of the 1994 Rwandan genocide, Rwandan Hutu

[17] Presidential Determination 2016-14, September 28, 2016. For FY2016, President Obama fully waived such restrictions for DRC; see Presidential Determination No. 2015-13, September 29, 2015.

[18] 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).

[19] See Adam Hochschild, *King Leopold's Ghost*, Mariner Books: 2006.

[20] 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."

[21] 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.

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

extremists who had orchestrated the killings fled across the border and used refugee camps to remobilize against the new Tutsi-dominated Rwandan government, with reported backing from Mobutu. Rwanda launched cross-border military operations against these groups, reportedly also targeting civilians on a large scale.[23] Rwanda and Uganda then backed a 1996 rebellion against Mobutu by Laurent Désiré Kabila, an exiled 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. Mobutu died in exile in Morocco the same year.

Tensions among the erstwhile allies soon erupted. In 1998, amid growing popular hostility toward Rwandan soldiers as well as Congolese of Rwandan descent, Kabila announced that Rwandan troops would be expelled. This provoked a mutiny within the armed forces. 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 conflict, dubbed "Africa's World War," led to a major humanitarian crisis, estimated by some experts to have caused (directly and indirectly) some 3.3 million deaths.[24]

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 foreign troops to withdraw and for Congolese rebels to be integrated into the military and government. A transitional government took office in 2003 and citizens voted overwhelmingly to adopt a new constitution in a referendum in 2005. Landmark national elections were held in 2006, the first relatively open multiparty vote in the country since independence. International observers concluded that these elections were 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.

Kabila was reelected in 2011 in a vote that international and domestic observers characterized as extremely flawed.[25] Then-veteran opposition leader Etienne 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 nonetheless assembled a majority coalition (the "Presidential Majority" or MP).

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 xenophobia in Congo and by reports of Rwandan support for Congolese rebel groups. In 2008, Kabila and Rwandan President Paul Kagame reached a fragile rapprochement, leading to the reestablishment of bilateral diplomatic ties in 2009 and subsequent joint military operations in DRC border regions. The M23 conflict in 2012-2013 returned bilateral tensions to the fore, although tensions appear to have eased since then.

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[23] 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.

[24] International Rescue Committee (IRC), *Mortality in the Democratic Republic of Congo: An Ongoing Crisis*, 2007. For a detailed history of the conflict, see Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*, PublicAffairs: 2011.

[25] 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.

# Politics

National politics have been subsumed by a debate over President Joseph Kabila's political future and succession. The president is limited to two consecutive elected five-year terms under DRC's constitution (Art. 70), which, for Kabila, lasted until December 19, 2016. Ruling party officials in 2014 floated the idea of a constitutional amendment—despite a prohibition on amendments to "the number and length of the terms of office" of the president (Art. 220)—but these proposals stalled amid public opposition and apparent disagreements within the party. Most analysts assess that Kabila's supporters then turned to a different strategy to ensure that the president could remain in office, consisting of delaying elections on various technical grounds. Critics termed this strategy *glissement* ("slippage") and assailed it as unconstitutional in spirit if not in letter. In May 2016, the Constitutional Court ruled that Kabila could remain in office until an elected successor is inaugurated.[26] In December 2016, the ruling coalition and opposition agreed to a deal setting a deadline for elections by the end of 2017 (see below), but it faces stark implementation obstacles.

In January 2015, street protests in Kinshasa spurred the defeat of a ruling party-backed effort to require a national census prior to elections, which had widely been seen as a delay tactic. The protests were a turning point in Congolese politics, upending previous assumptions that street unrest was unlikely to produce significant political changes because opposition groups in DRC were too divided, society too fragmented, and social trust too low.[27] The protests also signaled the emergent influence of non-partisan youth activists. The security forces subsequently sought to constrain anti-government mobilization, violently suppressing protests, arresting activists, shuttering critical media outlets, and expelling international researchers.[28] In 2016, as the notional deadline for elections approached, opposition party leaders and youth activists called for more protests in an effort to force Kabila to step down. Some protesters turned violent, while security forces reportedly assaulted, set on fire, shot, and killed protesters with machetes.[29]

These dynamics placed new pressures on the government and elevated international concerns about DRC's stability. In October 2016, an African Union (AU) mediator produced a political agreement between the government and a relatively accommodating segment of the opposition, which notionally set April 2018 as the deadline for elections. A new cabinet was appointed along with a new prime minister, Samy Badibanga, who heads a splinter faction of the opposition Union for Democracy and Social Progress (UDPS) party. However, a larger opposition coalition known as the *Rassemblement* rejected the accord, and regional and Western diplomats critiqued it as insufficiently inclusive. The *Rassemblement* was spearheaded by two leading opposition groups: Etienne Tshisekedi's UDPS and the G7, made up of ruling party dissenters who have rallied around the popular former governor of Katanga, Moïse Katumbi.[30]

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[26] The court's ruling was based on the second paragraph of Article 70, which states, "at the end of his term, the President of the Republic remains in office until the inauguration of the new elected President" (CRS translation).

[27] Jason Stearns, "The Congo: A Revolution Deferred," *African Futures*, March 8, 2012; and Stearns, "Protests in Kinshasa: Why this time it's different," *Congo-Siasa*, January 22, 2015.

[28] See, e.g., Human Rights Watch (HRW), "DR Congo: Crackdown on Dissent Tops Rights Concerns," July 22, 2015; MONUSCO and UNOHCHR, *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; HRW, "DR Congo: Free Youth Activists," March 15, 2016; UNOHCHR, "DRC: UN reports reveal clear use of excessive force, rife impunity for rights violations," October 21, 2016.

[29] UNOHCHR, "Accountability for killings of protesters vital, Zeid says, as DRC crisis continues," Dec. 23, 2016.

[30] Katumbi has been in exile since mid-2016 and faces criminal charges in DRC that he says are politically motivated. In a nationwide public opinion survey by the independent Congo Research Group in 2016, a plurality of respondents said they would vote for Katumbi (33%), followed by Tshisekedi (18%), President Kabila (7.8%), and former National (continued...)

The October agreement's failure to defuse the political crisis led to a new mediation effort by the Congolese Conference of Catholic Bishops (CENCO). On December 31, after weeks of talks, CENCO announced a new agreement among Kabila's Presidential Majority (MP) coalition, the *Rassemblement*, and various other stakeholders. Under the deal, President Kabila is to stay president pending elections; a new and more empowered prime minister is to be nominated by the Rassemblement; presidential, legislative, and provincial elections are to be held together and by the end of 2017; Kabila may not run for a third term; and there may be no constitutional changes before the elections.[31] The agreement also commits the government to various "confidence-building" steps regarding political prisoners and media restrictions. However, implementation has stalled amid new disagreements among the parties, raising the possibility that the accord could be stillborn. In early 2017, Etienne Tshisekedi—who had been set to preside over an implementation oversight body—died after a long illness, potentially reshaping the political landscape in DRC and further plunging the status of the accord into uncertainty.

### Developments Affecting the Electoral Calendar, 2015-2016

**Census Law.** 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. Amid large street protests, the Senate ultimately amended the bill to remove the census requirement.

**Election Sequencing.** The Independent National Electoral Commission (CENI) issued a complex electoral calendar in February 2015 in which presidential and legislative elections were to follow a series of local- and provincial-level elections. From the outset, opposition leaders and many analysts denounced the timetable as impossible, asserting that the CENI should instead prioritize presidential and legislative elections by late November 2016.[32] CENI officials ultimately stated that they could not organize national elections without a political consensus on sequencing.

**Redistricting.** In February 2015, parliament passed a law mandating *découpage*, that is, the administrative subdivision of DRC's 11 provinces into 26, a previously unimplemented constitutionally required reform. In addition to creating a new logistical hurdle for elections, découpage was politically advantageous for Kabila. Rival Moïse Katumbi was forced to step down from the governorship of Katanga province (which was subdivided into four), and in indirect elections to select new interim governors, Kabila allies won a majority of the new posts.[33]

**Election Financing.** In December 2015, CENI members warned that the government had failed to fully disburse funds appropriated by parliament for elections.[34] The government later stated that it was making disbursements, but top officials indicated that the government would not be able to cover the full cost of the elections cycle, which the CENI has estimated at $1.8 billion.[35]

**Voter Registration.** In May 2016, the CENI announced that voter registration would recommence from scratch, following a dispute over whether the 2011 voter rolls could be repurposed for 2016.[36] A new national voter registration drive began in July and is expected to include diaspora Congolese for the first time.[37] In August, CENI president Corneille Nangaa stated that registration alone would take at least a year, and likely over 17 months.[38]

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Assembly speaker Vital Kamerhe (7.5%). *Impasse in the Congo: What Do the People Think?* October 2016.

[31] *Accord Politique Global et Inclusif du Centre Interdiocésain*, December 31, 2016.

[32] Jason Stearns, "Is the Congolese electoral calendar a pipe dream?" *Congo Siasa*, February 24, 2015.

[33] Reuters, "Congo's Kabila consolidates local control in governors' elections," March 26, 2016.

[34] Radio Okapi, "RDC : le gouvernement ne décaisse pas suffisamment de fonds pour les élections, selon la Ceni," December 10, 2015.

[35] This is higher than the initial $1.3 billion estimate for the 2013-2016 election cycle (including local and provincial elections). *Jeune Afrique*, "RD Congo: 1,8 milliard de dollars pour financer le processus electoral," December 7, 2016.

[36] Opposition leaders had criticized the idea of reusing the 2011 voter rolls, noting that this would exclude millions of Congolese who had turned 18 since then. An audit in 2015 by the International Organization of Francophonie (OIF) suggested that registration could be updated through a partial—rather than complete—revision. OIF, *Mission d'audit du fichier electoral de la République Démocratique du Congo: 17 juillet-1 août 2015*, November 2015.

[37] Radio Okapi, "RDC: la CENI veut enrôler entre 42 et 52 millions d'électeurs," May 20, 2016.

# Conflict in the East

Civilians have been the primary victims of brutal violence in DRC's mineral-rich, agriculturally fertile, and densely inhabited eastern provinces. Conflict has been especially acute in the Kivus and adjacent Ituri, together an epicenter of regional unrest since the 1990s. The spillover of conflicts in Rwanda and Burundi at that time aggravated long-standing tensions in the region between and among communities self-identified as "indigenous" and those that trace their origins (however distant) to Rwanda. Violence has been driven by deep-rooted tensions over access to land and citizenship rights, localized disputes, and organized criminal activity, as well as regional geopolitics. Rwanda and Uganda have periodically reportedly backed various rebel groups, although foreign proxy warfare has been less evident since the defeat in 2013 of the Rwandan-backed M23 insurgency. In addition to militia factions, the national military (FARDC) and other state security forces have also been implicated in atrocities, including during counter-insurgency operations and as part of illicit involvement in mining.[39]

### Security Sector Reform (SSR) in DRC

The roughly 135,000-person[40] 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 rebel and militia groups into the FARDC has reportedly contributed to internal disarray. The police, judiciary, intelligence service, and other security institutions also display limited capacity and a 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 an apparent lack of political will.

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 reports of gang rape, mutilation, and other abuses by elements of the FARDC and armed groups. Such violence may be opportunistic and/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

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[38] *Jeune Afrique*, "RDC : sans révision du fichier électoral, pas de présidentielle dans les délais, selon la Ceni," February 19, 2016. A U.N. internal report in early 2016 had concluded that organizing presidential elections with a full revision of the voter rolls would take roughly 14 months, but posited that organizing legislative elections would take longer due to the potential need to redistrict based on new voter registration figures.

[39] See, e.g., State Department, *Country Reports on Human Rights Practices*, op. cit.; HRW, "Democratic Republic of Congo: Ending Impunity for Sexual Violence," June 10, 2014; MONUSCO and UNOHCHR, *Accountability for Human Rights Violations and Abuses in the DRC: Achievements, Challenges, and Way Forward*, October 2016.

[40] International Institute for Strategic Studies, "The Military Balance 2015," Vol. 115 (1), p. 442.

systemic impact: despite legal reforms, diplomatic pressure, and aid programs, most cases are reportedly never formally investigated or prosecuted.

U.N. peacekeepers have been criticized for failing to protect civilians in DRC, a symptom of tension between MONUSCO's wide-ranging mandate, on the one hand, and stark logistical challenges paired with shortfalls of capacity and political will among troop contributors. U.N. personnel serving in DRC have also been implicated in sexual abuse and exploitation. Separately, members of a FARDC battalion that deployed as peacekeepers to neighboring Central African Republic in 2014-2015 were implicated in sexual violence, and were ultimately made to withdraw from the U.N. peacekeeping mission there in early 2016.

## Key Foreign-Origin Armed Groups

Multiple armed groups are active in eastern DRC, including "Mai Mai" militias (disparate groups that operate as a combination of self-defense networks and criminal 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 obscure group of Ugandan origin that has been implicated in large-scale massacres. In 2016, armed elements of South Sudan's anti-government rebel movement, the SPLM-iO, also entered DRC. Smaller foreign-origin groups include elements of the Burundian former rebel group the National Liberation Forces (FNL) and the Ugandan-origin Lord's Resistance Army (LRA).

**The FDLR.** The FDLR is among the largest armed groups in eastern DRC, with some 1,000-2,500 combatants as of 2015.[41] Formed in 2000, it has been implicated in severe violence against civilians as well as illicit economic activity. The FDLR and several key figures are designated for U.N. and U.S. sanctions, and alleged supreme commander Sylvestre Mudacumura is subject to an International Criminal Court (ICC) arrest warrant. Rwanda views the FDLR as a national security threat, noting that its founders helped perpetrate the genocide and have vowed to overthrow the Rwandan government. The FDLR's activities nonetheless appear primarily oriented toward self-preservation within DRC: the group has not launched major attacks on Rwanda since the early 2000s and it is deeply enmeshed in the political economy of the Kivus region.

The FDLR's complex embedded relationship with civilian communities makes it a challenging target for counterinsurgency operations. FARDC operations since 2009 appear to have weakened the group, but they have also reportedly produced large-scale abuses by both sides. Local-level collusion among elements of the FARDC and the FDLR is also periodically reported. MONUSCO and Rwanda have pursued efforts to entice FDLR members to desert and undergo voluntary repatriation, while supporting continued military pressure. In 2014, some regional leaders endorsed a notional voluntary disarmament plan, despite Rwandan and Western opposition; the plan appeared to produce little concrete impact. International calls for joint FARDC-MONUSCO operations against the FDLR in the aftermath of the M23's defeat were largely stymied by a lack of political will on the part of key U.N. troop contributors (namely South Africa and Tanzania), along with DRC's decision in 2015 to appoint military commanders that could not pass U.N. human rights vetting.

The FARDC has since conducted unilateral operations, with periodic MONUSCO support. It has also reportedly backed local militias at odds with the FDLR. As of late 2015, U.N. sanctions

[41] See Jason Stearns and Christoph Vogel, *The Landscape of Armed Groups in the Eastern Congo*, Congo Research Group/Center on International Cooperation, December 2015.

monitors reported that the FDLR's "top-level leadership, troop strength and overall military capacity remained largely intact."[42] However, in 2016, counter-FDLR efforts appeared to bear significant fruit, and sanctions monitors reported at year's end that the group had been riven by internal divisions and defections. At the same time, they reported that the FDLR had increased its "collaboration" with Congolese groups that "act as force multipliers."[43] Some observers warn that the FARDC's cultivation of militias to fight the FDLR could thus sow the seeds of new conflict.[44]

**The ADF.** The ADF, estimated at 1,200-1,500 armed combatants as of 2013,[45] was founded in 1995 with the reported aim of establishing an Islamic state in Uganda. It is designated for U.N. and U.S. sanctions. The group appears to be broadly influenced by Islamist ideology, although its motivations are unclear and its structure opaque. Since 2014, increasingly brutal attacks on civilians—including a series of large massacres that have killed hundreds of civilians in the North Kivu territory of Beni—have made it a growing target of international attention. The Ugandan and DRC governments assert that the ADF is linked to the Somali Al Qaeda affiliate Al Shabaab, but many analysts are more circumspect.[46]

FARDC and MONUSCO operations since 2014 appear to have splintered the ADF, and founder Jamil Mukulu was arrested in 2015 in Tanzania and subsequently extradited to Uganda. The group nonetheless apparently continues to operate and recruit from the sub-region.[47] Reports of security force complicity in ADF activities have sparked growing anti-government ire in affected areas. The independent Congo Research Group, notably, reported in 2016 on "extensive evidence indicating that members of the FARDC have actively participated in massacres."[48] U.N. human rights investigators earlier reported that "involvement of FARDC military units [in extrajudicial killings] could be explained by long-standing ties between some of them and the ADF in the territory of Beni, especially in relation to the illegal exploitation of natural resources."[49]

## The M23 Crisis (2012-2013)

In 2012, a 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).[50] According to a wide range of reports, the M23 received substantial support from Rwanda, with U.N. sanctions monitors referring to additional, more "subtle" support from Uganda.[51]

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[42] 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.

[43] *Midterm Report of the Group of Experts on the DRC*, December 28, 2016, U.N. doc. S/2016/1102.

[44] *Security Council Report*, "June 2016 Monthly Forecast: Democratic Republic of the Congo," May 31, 2016.

[45] *Final report of the Group of Experts on the DRC*, January 23, 2014, U.N. doc. S/2014/42.

[46] ICG, *Eastern Congo: The ADF-NALU's Lost Rebellion*, December 19, 2012; Institut Français des Relations Internationales, *L'Islam radical en République démocratique du Congo: Entre mythe et manipulation*, February 2017.

[47] *Midterm Report of the Group of Experts on the DRC*, December 28, 2016, op. cit.

[48] Congo Research Group, "Report: Who Are the Killers of Beni?" March 21, 2016.

[49] 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.

[50] 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.

[51] In a 2014 unclassified assessment, the U.S. intelligence community referred to the M23 as backed by Rwanda. (continued...)

The M23's seizure of the city of Goma in November 2012 prompted a flurry of international diplomatic action. The result was the "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. 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 Intervention Brigade, conducted a string of successful operations against the M23, reversing a pattern of military setbacks. Observers pointed to several possible explanatory factors, including improvements in the FARDC's command structure; support from the Intervention Brigade, made up of troops from other African countries (notably South Africa and Tanzania) that were at odds with Rwanda at the time; and an apparent cessation of Rwandan support to the M23. These developments also followed a split in the M23 and the surrender in Rwanda of one faction leader, Bosco Ntaganda, who was transferred to the ICC to stand trial for alleged crimes in Ituri. Ultimately, the M23 agreed to end its rebellion in exchange for various guarantees in December 2013. However, few ex-fighters were demobilized, and hundreds remained in camps in Uganda and Rwanda as of early 2016.[52] In early 2017, some elements appeared to be reorganizing, with uncertain effects.

### Rwanda's Involvement in DRC Conflicts

According to numerous reports, Rwanda has periodically provided support for Congolese armed groups since the mid-1990s.[53] 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.[54]

While officials from DRC and Rwanda regularly blame each other for security problems in the sub-region, the two countries renewed diplomatic ties in 2009 and have occasionally engaged in joint military operations. 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. President Kabila's domestic and diaspora critics sometimes assert 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 rhetoric underscores the perils for DRC politicians of engaging in talks with Rwandan leaders or of making political concessions to various ethnic communities in the east.

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Director of National Intelligence James Clapper, statement for the record, *Worldwide Threat Assessment of the U.S. Intelligence Community*, January 29, 2014. State Department officials also repeatedly publicly referred to a "credible body of evidence" indicating Rwandan support. See also U.N. doc. S/2012/348/Add.1, June 27, 2012.

[52] *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.

[53] 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.

[54] 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.

## MONUSCO: Current Issues

Tensions between MONUSCO and the DRC government have grown since 2014 amid international criticism of DRC's democratic trajectory, human rights abuses, and failure to implement peace agreements with armed groups and neighboring states. In 2015, MONUSCO ceased its logistical support to DRC military operations against the FDLR after the government appointed commanding generals who had been implicated in serious human rights abuses.[55] MONUSCO has since provided some ad-hoc support for FARDC operations against the ADF and Ituri-based militias, and in early 2016, MONUSCO and the government reached an agreement to resume some U.N. support for operations against the FDLR. The mission has struggled to respond to political violence (including in Kinshasa) and to emergent insurgencies in the central Kasai region, Tanganyika province, and elsewhere.

The DRC government has repeatedly requested a MONUSCO drawdown, though some Security Council members are reportedly concerned about force reductions in the lead-up to elections.[56] In 2015, the Security Council endorsed a withdrawal of 2,000 troops—recommended by the U.N. Secretary-General—while maintaining the mission's authorized troop ceiling (and thus, the flexibility to increase troop numbers if needed).[57] In renewing MONUSCO's mandate in 2016, the Security Council stated its intention to eventually make this reduction permanent through a revised troop ceiling, but only "once significant progress has been achieved"—and declined to endorse further reductions than those recommended by the U.N. Secretary-General.

Urban political unrest since 2015 has presented new challenges for MONUSCO, which as of 2014 had deployed the bulk of its uniformed personnel to conflict-affected areas in the east. MONUSCO's mandate instructs the mission to protect civilians "including […] in the context of elections"—a provision introduced in 2016 that goes beyond its previous mandate to "monitor, report, and follow-up on" election-related abuses.[58] The new language may have "contributed to expectations among Congolese civil society that the mission will protect them from political repression by the government."[59] However, the mission's mandate instructs it to work with the DRC government, and its ability to operate is de facto contingent on government acceptance.

## Wildlife Poaching in Eastern DRC

U.S. intelligence agencies have characterized DRC as one of several African countries where "poaching presents significant security challenges."[60] 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."[61] Ivory poaching is prevalent, notably, in two national parks located in conflict-affected areas of the east and northeast: Virunga (Africa's oldest

[55] 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.

[56] *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.

[57] U.N. Security Council Resolution 2211 (2015)

[58] Resolution 2277 and Resolution 2211, op. cit.

[59] Stimson Center and Better World Campaign, *Challenges and the Path Forward for MONUSCO*, June 2016.

[60] Office of the Director of National Intelligence, *Wildlife Poaching Threatens Economic, Security Priorities in Africa*, 2013 [unclassified summary].

[61] UNODC, *Organized Crime and Instability in Central Africa*, 2011.

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 (LRA). According to the World Wildlife Fund, 140 Virunga rangers have been killed "in the line of duty" since 1996.[62]

According to U.N. sanctions monitors, elephant poaching and ivory trafficking present 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."[63] U.N. sanctions monitors have highlighted poaching activity in Garamba national park, which reportedly lost at least 114 elephants to poaching in 2015. Poachers continued to use helicopters to hunt elephants in Garamba in 2015, though the U.N. Group of Experts reported that no such incidents were documented after the park promulgated a policy late in the year under which its guards will open fire on helicopters flying below 3,000 feet without prior clearance. The LRA reportedly profits from DRC elephant poaching by smuggling ivory from Garamba to Sudan for eventual export, according to research by the non-governmental Enough Project.[64]

# The Economy

DRC has some of the largest natural resource endowments in the world. The vast majority of the population nonetheless depends 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 improved DRC's macroeconomic stability, but in 2012, the IMF ended its concessional loan program due to concerns about a lack of transparency in mining contracts.

Since 2015, DRC has experienced a fiscal crisis due to falling global prices for copper and other minerals whose exports are the mainstay of the country's formal economy.[65] The economy grew by 9.2% in 2014, but growth fell to 6.9% in 2015 and dropped further to 3.9% in 2016.[66] The country ran budget deficits in 2015 and 2016, as some major investors pulled back or divested of their assets. Notably, in 2016, 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. The African Development Bank (AfDB) declined in July 2016 to provide budget support, indicating that political uncertainty related to DRC's elections process was "preventing donors from responding positively to the country's call for appropriate assistance."[67]

DRC was ranked 184 out of 190 countries in the World Bank's 2017 *Doing Business* Report, despite some efforts by the government to improve conditions. The State Department has reported on a number of obstacles to foreign investment, 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

[62] World Wildlife Fund, "Mountain Gorilla," http://www.worldwildlife.org/species/mountain-gorilla.

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

[64] Ledio Cakaj, *Tusk Wars: Inside the LRA and the Bloody Business of Ivory*, Enough Project, October 2015.

[65] 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.

[66] International Monetary Fund figures from the World Economic Outlook database, October 2016.

[67] Quoted in Bloomberg, "African Development Bank Won't Give Budget Support to Congo," July 25, 2016.

shortage of skilled labor, and a lack of reliable electricity.[68] In addition, domestic law requires that Congolese hold a majority stake in all agriculture investments, which is seen as a significant impediment to foreign investment.[69]

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.[70] Stated conditions for the debt cancellation included improved economic management, governance, poverty reduction, and social service delivery. Some analysts questioned 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.[71]

## The Mining Sector: Policy Concerns

Countries in the region, multilateral institutions, some private-sector firms, and donors (including the United States) have advanced various methods and models for reducing the international trade in "conflict minerals"—that is, designated ores that are alleged to fuel conflict in central Africa. Conflict mineral exports from DRC are associated with the informal, artisanal mining sector in the east. In 2016, U.N. sanctions monitors reported that due diligence measures focusing on tin, tantalum, and tungsten had successfully deprived armed groups of some opportunities to benefit from illicit mineral extraction, but that "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."[72] The U.N. Group of Experts also reported 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—had hindered efforts to fully eradicate conflict minerals.[73]

The vast majority of state revenues from the mining sector come not from artisanal mining in the Kivus, but from large-scale industrial cobalt and copper mining operations in the relatively stable southeast (formerly Katanga province), in which the parastatal Gécamines partners with multinational firms. International concerns related to the formal mining sector have focused on corruption, mismanagement, shortfalls in property rights, regulatory uncertainty, and poor labor conditions. In 2014 (latest available), DRC accounted for 47% of the world's cobalt reserves and produced 51% of the world's supply, along with 27% of natural industrial diamonds and 20% of tantalum.[74] China is the largest consumer of Congolese copper and cobalt, and is also DRC's

[68] State Department, "Investment Climate Statement-2016," May 2016.

[69] Michael Kavanagh, "Congo Seeks to Lure Investors for $5.7 Billion Farming Plan," Bloomberg, July 12, 2013.

[70] 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.

[71] See, e.g., Oxford Analytica, "Relief for Congo," July 7, 2010.

[72] 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.

[73] In 2014, sanctions monitors reported 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." 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*, January 12, 2015, U.N. doc. S/2015/19.

[74] U.S. Geological Survey, *Minerals Yearbook: Volume I. – Metals and Minerals*, consulted February 21, 2017.

largest overall trading partner, consuming 43.1% of DRC's exports and contributing 17.7% of its imports in 2015.[75] 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.[76]

A lack of transparency with regard to mining deals has been a perennial area of focus. Notably, 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).[77] Intermediary companies involved in the deals were linked to companies owned by Dan Gertler, an Israeli businessman with reputedly close ties to President Kabila.[78] Gertler has come under new scrutiny in the context of ongoing U.S. investigations into violations of the Foreign Corrupt Practices Act by a global asset management group, Och-Ziff, which agreed in September 2016 to pay $413 million in civil and criminal penalties.[79] Och-Ziff had reportedly invested heavily in Gertler's operations in DRC.

After the IMF ceased its lending to DRC in 2012, it again accused the country 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.[80] The pace of such incidents appeared to escalate in 2016 as the DRC government faced a growing fiscal crisis. In early 2016, Global Witness, an international transparency NGO, accused Gécamines of failing to release details regarding a planned joint venture with the China Nonferrous Metal Mining Company (CNMC).[81] In April, Gécamines allegedly sold a stake in an ENRC project without disclosing the transaction, according to news reports.[82] Global Witness subsequently criticized Gécamines for declining to make public the terms of a deal to sign over royalty rights in "its most lucrative mining project," Glencore's KCC copper project, to an offshore company owned by Gertler.[83] In early 2017, after Gécamines agreed to lift its objections

[75] International Monetary Fund, *Direction of Trade Statistics*, cited in Economist Intelligence Unit, *Country Report: Congo (Democratic Republic)*, 2nd Quarter 2016.

[76] 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.

[77] Franz Wild, Michael J. Kavanagh, and Jonathan Ferziger, "Gertler Earns Millions as Mine Deals Fail to Enrich Congo," *Bloomberg Markets Magazine*, December 5, 2012.

[78] Wild et al., op. cit. Gertler's name also appears in the "Panama Papers," a trove of documents leaked in 2016 that exposed offshore financial dealings. In 2001, U.N. sanctions monitors reported on an alleged diamond-concessions-for-arms deal involving Gerlter, though it was reportedly subsequently canceled by President Kabila. 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.

[79] U.S. Department of Justice, "Och-Ziff Capital Management Admits to Role in Africa Bribery Conspiracies and Agrees to Pay $213 Million Criminal Fine," September 29, 2016; U.S. SEC, "Och-Ziff Hedge Fund Settles FCPA Charges," September 29, 2016; Bloomberg, "Diamond Magnate at the Heart of Och-Ziff's Africa Ambitions," September 30, 2016.

[80] Aaron Ross, "Congo broke transparency rules with mine sale to Glencore unit: IMF," *Reuters*, June 26, 2015.

[81] 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.

[82] Thomas Wilson, "Congo Awards Payments From Glencore Mine to Kabila's Friend," Bloomberg, October 16, 2016.

[83] Global Witness, "Congo Signs Over Potential $880m of Royalties in Glencore Project to Offshore Company Belonging to Friend of Congolese President," November 15, 2016. Similar past royalties agreements with Gécamines reportedly allowed Gertler to retain the rights to millions of dollars in annual royalties even after subsequently selling his holdings in two projects to Glencore in early 2017. Bloomberg, "Gertler Keeps Royalties From Glencore's Congo Mines After Sale," February 16, 2017.

to the Tenke Fungurume copper concession sale, news reports indicated that the parastatal had received $33 million from U.S. seller Freeport McMoran in a settlement deal for which the full terms were not made public.[84]

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.[85] SOCO later announced that it had ceased operations there.

# U.S. Policy

The Obama Administration characterized DRC as "a strategic priority for the United States due to its size, location, and role in the Great Lakes region."[86] The State Department stated that U.S. policy toward DRC was "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."[87] Such policies have been pursued through diplomatic engagement, aid programs, targeted sanctions, and actions in the U.N. Security Council. The United States has also supported Ugandan-led regional military operations against the LRA.[88]

Starting in 2013, the Obama Administration maintained a U.S. Special Envoy for the Great Lakes region, elevating U.S. policy deliberations and diplomatic efforts to address challenges such as the M23 crisis and the political standoff over President Kabila's succession. The post was first filled by former Senator Russ Feingold, and subsequently by former Member of Congress Tom Perriello. Envoy Perriello focused particularly on efforts to produce a roadmap toward a peaceful electoral transfer of power in 2016, as part of a broader Administration policy to encourage respect for presidential term limits in Africa. Perriello acknowledged that the term limits policy—which also shaped U.S. responses to developments in neighboring Burundi, Rwanda, and the Republic of Congo (Brazzaville)—had not always produced desired results, but asserted that it was aimed at promoting economic and political stability, in addition to democratic norms.[89]

In August 2016, then-Envoy Perriello called on Kabila to commit publicly to stepping down at the end of his term. He called for a "negotiated solution" on the timing of elections, warning that other scenarios "could involve violence."[90] Assistant Secretary of State for African Affairs Linda Thomas-Greenfield had similarly characterized attempts by Kabila to remain in office as having "potentially disastrous results for the people of the DRC and the region."[91] While the AU-backed political dialogue in 2016 was controversial in DRC, the State Department called for Congolese political leaders to "seize the opportunity" and offered support to AU mediator Edem Kodjo.[92]

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[84] Bloomberg, "Congo Received at Least $33 Million to Approve China Mine Deal," January 26, 2017.

[85] 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.

[86] State Department, FY2017 Congressional Budget Justification, Foreign Operations.

[87] State Department, "U.S. Relations With Democratic Republic of the Congo," July 8, 2016.

[88] See CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*, by (name redacted), (name redacte d), and (name redacted) .

[89] Perriello remarks at the U.S. Institute for Peace, "Final Speech as U.S. Envoy," December 16, 2016.

[90] Remarks at the Brookings Institution, "Congo's Political Crisis," Washington DC, August 15, 2016.

[91] Thomas-Greenfield testimony before the Senate Foreign Relations Committee, hearing on "U.S. Policy in Central Africa: The Imperative of Good Governance," February 10, 2016.

[92] State Department, "Support for Facilitation of National Dialogue in the Democratic Republic of Congo," July 8, 2016.

Perriello subsequently voiced strong support for the CENCO-led dialogue as the best way to avert an escalating crisis in late 2016.[93] Obama Administration officials also repeatedly criticized the DRC government's repression of opposition leaders and civil society activists.[94]

Successive U.S. Administrations have used executive orders to bring targeted sanctions against individuals and groups seen as orchestrating conflict or committing gross human rights abuses in DRC. U.S. sanctions designations have implemented a multilateral DRC sanctions regime authorized by the U.N. Security Council, which is focused on enforcing a U.N. arms embargo against non-state actors. U.S. designations have also gone beyond the U.N. list. In 2014, 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 2016, the Obama Administration unilaterally designated DRC state officials for sanctions for the first time, in an apparent effort to force political concessions as well as to deter security force abuses. The Administration ultimately designated five senior sitting or former officials in connection with abusing civilians, threatening stability, or undermining democratic processes. The latest designations, issued in December 2016, targeted then-Interior Minister Evariste Boshab ("a key player in leading DRC President Kabila's strategy to remain in power") and Kalev Mutondo (on the grounds that he had orchestrated efforts to tilt the electoral playing field and suppress opposition groups).[95] The European Union also designated DRC officials for the first time in 2016. However, there does not appear to be consensus among other U.N. Security Council member states to similarly broaden the scope of the multilateral sanctions regime.[96]

U.S. officials began to openly express concern with presidential succession in DRC several years before the scheduled 2016 elections. During a visit to DRC in 2014, then-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."[97] In April 2015, the State Department criticized the government'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).[98] During a visit to Kinshasa in June 2015, then-U.S. Assistant Secretary of State for Human Rights, Democracy, and Labor Tom Malinowski warned against any "pretext for delay" in the elections schedule, and against any effort to amend constitutional term limits.[99] The DRC government spokesman condemned Malinowski's comments as "unacceptable" and "intolerable" interference in its internal affairs.[100] DRC officials also reacted hostilely toward statements by Perriello.

In 2013, then-U.S. Envoy Feingold 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

[93] Perriello testimony before the Tom Lantos Human Rights Commission, hearing on "Democracy and Human Rights in the Democratic Republic of the Congo," November 29, 2016.

[94] See, e.g., Perriello's testimony before the Senate Foreign Relations Committee, February 10, 2016, op. cit.

[95] U.S. Department of Treasury, "Treasury Sanctions Two Congolese Government Officials," December 12, 2016.

[96] *What's in Blue*, "Democratic Republic of the Congo: Meeting and Adoption of a Presidential Statement," December 5, 2016.

[97] "Press Availability on the D.R.C. and the Great Lakes Region," as released by the State Department, May 4, 2014.

[98] State Department, "State Dept. on Detention of Youth Activists in DRC," April 16, 2015.

[99] U.S. Embassy Kinshasa, "Press Conference with Assistant Secretary Tom Malinowski," June 4, 2015.

[100] AP, "Congo Slams U.S. for Political 'Interference' in Elections," June 9, 2015.

supporting the M23.[101] In mid-2012, 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). In October 2013, the Administration 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.[102] The Administration lifted these restrictions on Rwanda starting in FY2015, citing the end of the M23. (Rwanda was subsequently re-designated under CSPA due to its reported involvement in Burundian child soldier recruitment.)

**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.

## Foreign Assistance

U.S. aid programs in DRC have sought to improve health conditions; promote democracy and good governance; advance stabilization and conflict resolution; 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 allocations totaled an estimated $295 million in FY2016, in addition to $62.5 million in emergency food aid, $100 million in other additional emergency humanitarian aid, and $440 million in U.S. assessed contributions to MONUSCO. The Obama Administration's FY2017 bilateral aid budget request totaled $313 million, in addition to $440 million for assessed contributions to MONUSCO. (Emergency humanitarian aid is generally not requested on a country-specific basis.) Overall aid allocations for DRC increased between FY2012 and FY2014, possibly as a result of U.S. attention to the M23 conflict and the appointment of a special envoy.

Since 2007, successive Administrations have sought to promote security sector reform (SSR) in DRC, providing assistance for training, military planning, logistics, and military justice. An effort to develop and advise a "model" FARDC light infantry battalion, known as the 391st, was curtailed in 2013 when members of the battalion were implicated in mass rapes. The Obama Administration's FY2017 aid budget request nonetheless reflected 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, a key vehicle for military train-and-equip programs in Africa. For FY2017, the Obama Administration waived most child soldiers-related security assistance restrictions (under CSPA, P.L. 110-457, and §8088 of

[101] 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; State Department press statement, August 25, 2013, and daily news briefing, August 26, 2013.

[102] State Department daily news briefing, October 3, 2014.

P.L. 114-113), allowing such programming to continue (see "Recent Congressional Actions" above).

**Table 2. U.S. 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.) |
|---|---|---|---|---|---|---|---|
| **Base Budget** | | | | | | | |
| 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 | - | - | - |
| FMF[a] | 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[b] | 67.3 | 68.3 | 82.0 | 89.8 | 72.8 | 92.5 | 30.0 |
| **OCO** | | | | | | | |
| ESF | - | - | 35.1 | - | 67.4 | 70.6 | 75.2 |
| INCLE | - | - | - | - | - | 2.0 | 2.0 |
| NADR | - | - | - | - | - | - | 2.0 |
| PKO | - | - | - | - | - | 13.8 | 10.0 |
| **Subtotal** | **268.2** | **254.4** | **322.9** | **331.2** | **320.3** | **357.6** | **313.1** |
| Add'l Emergency Assistance | 60.3 | 57.6 | 48.6 | 108.1 | 114.7 | 100.4 | TBD |
| **TOTAL** | **343.0** | **325.8** | **333.0** | **431.3** | **435.0** | **458.0** | **TBD** |

**Source:** State Department Congressional Budget Justification for Foreign Operations (CBJ), 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 did not apply due to DRC's improved trafficking in persons ranking.

b. FFP figures include both bilateral development assistance funding (reported in the State Department CBJ) and emergency humanitarian food aid (reported in USAID humanitarian fact-sheets).

# Outlook and Issues for Congress

For many years, congressional policymakers addressing DRC focused overwhelmingly on human rights and humanitarian concerns in conflict-affected areas in the east. Since 2015, much attention

has turned to DRC's political trajectory, with some Members examining whether Kabila's efforts to stay in office could produce a violent crisis and weighing the benefits and drawbacks of U.S. punitive measures such as sanctions designations. U.S. policy deliberations have been influenced by violently contested third-term presidential bids in neighboring Burundi (2015) and Republic of Congo (2016) as well as a less contested constitutional amendment in Rwanda allowing the president 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 decisionmaking, such as diplomacy, sanctions, foreign assistance, and U.S. actions in multilateral forums.

Achieving greater stability in DRC—a U.S. policy goal in Africa for over two decades—may depend on how political actors navigate implementation disputes regarding the December 2016 political agreement. It may also hinge on whether the Congolese military can or will successfully counter endemic and emerging armed movements; whether neighboring states seek new armed proxies for leverage or economic gain; and how Congolese policymakers respond to the economic downturn. While international observers agree that deep governance reforms are needed, reform efforts can be destabilizing insofar as they 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, it has not been fully implemented.

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. 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 seek to address humanitarian, development, and/or human rights problems. The Obama Administration repeatedly waived legislative restrictions on aid to DRC related to human rights and transparency concerns, using authorities provided by Congress. Congressional appropriators have also removed some of these restrictions from recent aid appropriations bills. Potential new approaches by the Trump Administration and the 115th Congress are to be seen.

# Appendix. Selected Enacted Legislation

- P.L. 114-231 (Representative Edward Royce), **Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016** (October 7, 2016). Requires the State Department annually to provide to Congress a list of foreign countries that are major sources, transit points, or consumers of wildlife trafficking products; urges the United States to continue providing certain military assistance to African security forces for countering wildlife trafficking and poaching; and other provisions to address the illegal trade in endangered and threatened wildlife.
- P.L. 113-235 (Representative Donna Christensen), **Consolidated and Further Continuing Appropriations Act, 2015** (December 16, 2015). Restricted Foreign Military Financing (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; among other provisions.
- 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. 113-66 (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. 112-239 (Representative Howard "Buck" McKeon), **National Defense Authorization Act for Fiscal Year 2013** (January 2, 2013). Mandated the Secretary of the Treasury and Secretary of State to impose travel and financial sanctions against individuals found by the President to have provided support to the M23 rebel group, subject to a waiver provision.
- 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. 112-10 (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. 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. 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. 111-172 (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 posed by the LRA, among other provisions.
- P.L. 111-117 (Representative John Olver), **Consolidated Appropriations Act, 2010** (December 16, 2009). Restricted FMF grants for Rwanda if it was found to be supporting abusive armed groups in DRC.
- 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. 111-32 (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. 110-457 (Representative Howard L. Berman), **William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008** (December 23, 2008). Prohibited certain security assistance 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 ranked as Tier 3 (worst) in the State Department's annual *Trafficking in Persons Report*, subject to waiver provisions.
- 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 under the act if the DRC 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.

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