

**Testimony of John Prendergast
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I. Introduction

Thank you, Chairwoman Sanchez and members of the Terrorism, Unconventional Threats, and Capabilities Subcommittee for the opportunity to testify on the crisis in the Great Lakes region. The ongoing and too often unnoticed war in eastern Congo has already claimed more lives than any conflict since World War II. But today we have an opportunity to help propel a long overdue end to the war in Congo because we are finally paying attention to the economic factors that have fueled the fighting. Minerals critical to cell phones and other advanced technologies are a primary source of revenue for the armed groups and military units wreaking havoc in eastern Congo, similar to the way in which blood diamonds fueled the conflicts in Sierra Leone, Liberia and Angola in the 1990s.

Policy action on conflict minerals can help leverage an end to the conflict by changing the calculations of the armed groups, as well as those of the enabling political actors and trading partners that have benefitted from the status quo. Congress has led the way by passing the conflict minerals provisions in section 1502 of the Dodd-Frank Wall Street Reform act, but additional urgent action is required. By following through on conflict minerals certification, the United States can lead an international effort to enable the reform of Congo's army and security services and help catalyze and end to this deadliest of wars.

II. Background

The human cost of the conflict in Congo is immense. In addition to the more than five million people who have died, mostly from disease and starvation that festers in a context of chronic conflict and state collapse, another two million people remain displaced from their homes. The conflict in Congo has also been characterized by horrific human rights abuses, especially the use of rape as a weapon used by all sides to intimidate, humiliate, and control civilian populations.

The cost of not making Congo a priority has never been clearer. The United States spends more than \$900 million per year on peacekeeping and humanitarian aid that has mitigated some of the worst symptoms of the conflict but is no substitute for a solution. First steps toward accountability for the war crimes in Congo continue to be undermined as Bosco Ntaganda, who is wanted by the International Criminal Court, leads operations by the Congolese armed forces, or FARDC, in the Kivu provinces. The conventional tools used to address these problems—peace processes and peacekeepers—are insufficient when dealing with an unconventional war.

If the economic roots of the conflict in Congo—ground zero in the scramble for African resources—are not addressed, war, instability and atrocities will continue.

A new strategy is needed to address the competition by armed groups for strategic mineral resources in the region. The growing international focus on the illicit trade in natural resources—notably tin, tantalum, tungsten, and gold critical to electronics—has forced the governments, rebel groups, military units, and industries involved in this trade to alter their political and economic calculus. Armed groups to date have earned hundreds of millions of dollars per year by controlling mines and trading routes. They now have an opportunity to choose between continuing the corruption, violent extraction and illicit exploitation that keeps the region in a perpetual state of instability, which will result in a de facto embargo on the region’s mineral exports—or the possibility of regional and international cooperation that would allow Congo and its neighbors to implement the reforms required to bring a measure of security to the region. But as long as the illicit mineral trade continues, the environment for change will remain elusive, along with any specter of regional security and stability.

III. The growing spotlight

There is a growing international spotlight on Congo, which is beginning to create unprecedented momentum for turning the tide on the war. Congressional action has intensified this spotlight, and industry and regional governments are forced to pay attention. Legislative action targeting the end-users in the supply chain has reverberated back down to the governments and traders in the Great Lakes region. The need to be compliant with U.S. legislation has focused the attention of these actors. They are now scrambling to clean up their supply chains through unprecedented tracing and auditing schemes, including the International Tin Supply Chain Initiative, or iTSCi, and a due diligence framework developed by the United Nations and the Organization for Economic Cooperation and Development, or OECD, that was incorporated into U.N. Security Council Resolution 1952 on November 29, 2010.

Regional governments that have reaped the benefits from the smuggling of Congolese minerals must also face up to their role in this trade. In September, Congolese President Joseph Kabila suspended mineral exports from three provinces in eastern Congo, stating that he wanted to stop “a kind of mafia involved in minerals exploitation.”

The 11 member states of the International Conference on the Great Lakes, or ICGLR, are also working toward a regional mineral certification initiative. This system is developing quickly, having been negotiated early this year through multi-stakeholder deliberations—including representatives from governments, industry, and NGOs; approved by regional mining ministers in Nairobi, Kenya on October 1; and is set to be presented for ratification at a heads of state summit in Lusaka, Zambia on December 15. The ICGLR has the necessary legitimacy in the region, however it is still unclear whether real political will exists at the top levels. It is critical that U.S. engagement at the highest levels be made to show support for the process and to work with partner nations to ensure success. A harmonized and credible regional certification scheme is fundamental to regional security and stability.

IV. The case for mineral sector certification

A window of opportunity now exists for strategic policy reform to improve security and stability in the region. The U.S. government – both Congress and the Administration – now has the

opportunity to create leverage through leadership on two critical issues that will propel a solution to the larger conflict in the region: conflict minerals certification and comprehensive security sector reform.

Reducing violence in Congo will not be possible without reforming the predatory Congolese army, but security sector reform will not happen in a vacuum. As always, it comes back to dollars and cents—as long as soldiers are able to illegally and violently exploit strategic mineral reserves for personal gain, they will. The Congolese government’s offensive against the FDLR, conditionally backed by the U.N. peacekeepers, is almost completely focused on the acquisition of lucrative mines. A year ago, ex-CNDP rebel units that were integrating into the FARDC were going after FDLR. Now, money and new alliances have clouded that dynamic and led to much more cooperation than confrontation. And as one high-ranking government official from the region told me, “The FDLR survives due to minerals.”

Real security sector reform will not be feasible until there is a legitimate, transparent, and taxable framework to manage these resources. That framework is certification: an international, multi-stakeholder process to verify and certify that minerals coming from Congo and its neighbors no longer benefit armed groups and military commanders. Illustratively, the road to a certification process, in combination with other policies, helped to catalyze the end of the civil wars and violence fueled by blood diamonds in Sierra Leone, Liberia, and Angola. The Kimberley Process Certification Scheme was established in 2002 to stop the trade of blood diamonds, after more than two years of discussions and negotiations between governments, NGOs, and the diamond industry.

In making the case for certification, it is important to consider the opportunities and challenges that exist in creating a credible, effective, and sustainable scheme. There are three opportunities that currently exist that would allow the U.S. to make significant progress towards increasing long-term stability in the region:

- **Improving diplomatic relations in the Great Lakes region:** The political and military relationships in the region have improved to the point where there is room for cooperation and dialogue. Presidents Kabila and Kagame are increasing their security cooperation, following years of mistrust. The political will appears to be building in the region to tackle the problems arising from illegal mining in the east, as witnessed in the ICGLR protocols on conflict minerals.
- **Demand for U.S. Leadership:** The U.S. played a role in bringing about the regional diplomatic transformation—but the Administration needs to follow through with increased leadership to support security for civilians and sustainable regional stability. In our continued communications with regional heads of state, industry leaders, and in regular travel to the field, we hear one common theme: “Where is the United States? They could do so much to help bring change here.” This is one area of the world where the U.S. has extremely high approval ratings – 90 percent of Congolese have a positive view of U.S. policies, according to Gallup – and regional stakeholders are currently looking for greater U.S. engagement.

- **The shift in commercial logic:** The international push on conflict minerals has provided leverage on armed groups that did not exist until now. This push is a means to an end. Both Congo and Rwanda have begun to show signs that they understand that there is ultimately more benefit for their interests in transparent, legal, and peaceful regional development. Enemies of both regimes sustain themselves from the profits derived from resource exploitation, and the logic for regional leaders could shift from violent extraction to legitimate development, making the environment less accommodating for those contributing to instability in Congo.

The culmination of these three opportunities have created a moment that should be seized by diplomats, corporate actors, and civil society as a means to reinforce efforts at good governance, transparency, and reform, firm bedrocks of future peace in the Congo and the broader region.

One of the critical lessons from other certification processes is the need for a “conductor”—a senior political official or a partnership between senior officials from key governments—to lead the process. Successful models point to the conductor first convening the key stakeholders and issuing a call to action through a unified process, then organizing the follow up meetings and helping to form the body that will lead the technical work. Illustratively, President Bill Clinton called together sweatshop labor campaigners and companies in 1996 and 1998 to help found the Fair Labor Association to combat poor working conditions in apparel factories. Today’s conflict minerals certification process requires similar senior leadership, and it is time for Secretary of State Hillary Clinton to follow through on her commitment to eastern Congo and play this leading role.

As a first step, the ICGLR will host a special heads of state summit on certification on December 15 in Lusaka, Zambia. High-level U.S. participation would send a strong political signal for partnership with the region and would go a long way toward making that summit a success. The following key lessons from other certification initiatives on blood diamonds, fair labor, and illegal forestry, should be incorporated into this effort:

1. Independent third-party auditing and monitoring
2. Governance and funding structures that includes companies, governments, and NGOs
3. Transparency of audits and data collection to build public confidence
4. Credible sanctions in case of violations

V. The case for security sector reform

Leadership on conflict minerals certification provides the leverage to enable security sector reform in Congo’s troubled east. It both reduces the resources accruing to the illegal armed actors—foreign rebels and Congolese militias—that provide the pretext for the militarization of the region, and it begins to shift resources away from the private patronage networks that exist within the Congolese army toward official state coffers, providing a window of opportunity to bring the military under the control of the state.

Contingent upon the Congolese government demonstrating the will to reform, the United States should help lead a multi-donor, closely coordinated, comprehensive security sector reform effort. There is developing consensus from donors on the need for better coordination, and the Congolese government has welcomed a more prominent U.S. role. Three primary areas need to be addressed:

- **Building cohesion:** As the U.N. Group of Experts on Congo highlighted in their recently released 2010 report, the army is subject to “pervasive insubordination, competing chains of command, failure to actively pursue armed groups, amounting in certain cases to collusion, and neglect of civilian protection.” This lack of command and control has given operational autonomy to criminal networks within the FARDC, including wanted war criminals such as Bosco Ntaganda. A large majority of Congolese soldiers in eastern Congo are not even registered within the Army at the national level, allowing the systematic embezzlement of their salaries. The CNDP was incorporated last year and retains a separate command and tax administration structure, and its former rebel commanders have not been vetted for their atrocious human rights records. Barracks remain in conditions that resemble refugee camps, brigades are poorly trained and too large to undertake effective operations, and soldiers are not paid for months. If the army is not reformed, it will continue to be a catalyst for violence and chaos in the east. The U.S. must play a leading role in apply pressure or incentives if any forward progress is to be made.
- **Increase training focused on professionalism:** After years of ill-fated donor efforts at reforming the Congolese army, an abusive, disorganized military force is in dire need of comprehensive change. The United States Africa Command, or AFRICOM, has been engaging in a pilot training of one battalion focusing on human rights and unit cohesion conditions. However this needs to be followed by a multi-donor, closely coordinated, well-conditioned, comprehensive security sector reform that includes increased training, payment reform, barracks construction, and streamlining of large, unwieldy battalions.
- **Aiding military justice:** the United States can make a big contribution by investing its comparative advantage in helping to capacitate a serious military justice initiative within the FARDC. At present, FARDC commanders continue to act with impunity despite well-documented records of human rights violations. There needs to be a real accounting for the second-tier abusers, the ones not included in the ICC indictments. This requires serious investigations, naming and shaming, and prosecuting those that deserve it.

The AFRICOM training is only the tip of the iceberg and security sector reform to date has been far too piecemeal to have a serious impact. Recent lessons learned from army reform endeavors in Iraq and Afghanistan should be applied to the Congo, and multilateral coordination mechanisms similar to those employed before Congo’s 2006 elections should be employed. Such a package would provide the leverage for a newly designed anti-FDLR operation.

The regional security implications of failure to act are severe. The chronic humanitarian crisis will keep worsening. The regional economy will continue to be defined by illegal exploitation and trafficking of minerals and arms. This illicit economy will touch all Congo’s neighboring

countries, giving rise to increased instability and illegal activity in places like Tanzania, Burundi, Uganda and Rwanda. The ostensible complexity and lawlessness in the east also provides a safe harbor to criminal elements that breed instability. There can be no stability in the Great Lakes region without a stable eastern Congo.

VI. Conclusion

The window of opportunity afforded by international attention to Congo's conflict minerals will not remain open for long. Sustained U.S. leadership is the missing ingredient for success in reforming the economic networks and military structures that have sustained this deadly conflict. The first step is putting in place the right policy-making structure, in the form of a special envoy with stature commensurate to the urgency of the issue, who reports to the President and the Secretary of State. The envoy will need an experienced staff with the regional expertise to advance discussions on and help to implement both minerals certification and comprehensive security sector reform, the two main catalysts for peace. With this team in place, the United States can lead efforts to bring together the leaders of Congo, Rwanda, Uganda, and the wider region to follow through on the potential for a certification system that would enable the peaceful exploitation of the region's mineral resources.

Similarly, a high-level partnership to finally address Congo's security sector will require unprecedented levels of commitment and coordination. U.S. leadership on military justice would help create a center of gravity on both army reform and accountability. Absent such steps, U.S. rhetorical commitments will ring hollow and add to a lamentable track record of international involvement in Congo that has often been far more harmful than helpful.