

The Devastating Crisis in Eastern Congo

The United States House of Representatives

Committee on Foreign Affairs

Subcommittee on Africa, Global Health and Human Rights

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Tuesday, December 11, 2012

Chairman Smith, Ranking Member Bass and Members of the Subcommittee on Africa:

Thank you for the invitation and honor to testify before your committee. I come before you as a Congolese and concerned U.S. citizen. The views expressed in this statement are mine, and mine alone.

This important hearing comes at yet another critical time for the Democratic Republic of Congo and I commend you for your interest in my home country.

Congo is too big to fail and the U.S. should care today for the same strategic and security reasons it did during the Cold War. With its mineral and other natural wealth, DRC is the equivalent of the world's breadbasket of critical resources. At this time of Chinese scramble for resources, we cannot stand idle and let Uganda and Rwanda destabilize the heart of Africa. Measured in human lives, the cost of their military adventurism, which has indirectly killed over 6 million Congolese, now rivals King Leopold's holocaust. Ironically, Rwandan President Paul Kagame blames King Leopold for the current crisis. Substantial U.S. military assistance to

Rwanda and Uganda, and Washington's reluctance to denounce and stop its support to these regimes, make the U.S. an accomplice to the tragedy.

Today the greatest challenge and obstacle to resolving the crisis in Congo is neither the confusing alphabet soup of militia names nor the lack of engagement of the international community. Rather it is the lack of understanding of the drivers and dynamics of the conflict that stands between policymakers and the right prescriptions.

For the past two decades, the policy discourse on DRC has been defined by a narrative that focuses on the ramifications of the problem, such as ethnic identity, citizenship, sexual violence and the looting of natural resources, but ignores the root causes of crisis. As we fail to define the Congo crisis correctly, it becomes nearly impossible to solve the problem. While the problem is often viewed as a humanitarian disaster, DRC is paralyzed by a political crisis, which requires political solutions. That is where you can have the greatest impact.

Congo has been muddling through a series of crises for nearly two decades. The causes are well-known: An inept government with a weak leadership, no articulated vision and no legitimacy after the botched 2011 election, lack of capacity to resist or contain predatory designs of neighbors (Rwanda, Uganda, and Angola), proliferation of armed groups, and an underachieving and over-politicized U.N. peacekeeping mission. This cocktail of problems is topped by an apathetic diplomatic community motivated by short-term interests of the countries it represents, rather than the long-term stabilization of Congo and Central Africa.

The M23 rebellion is to be understood through this optic. As the M23 crisis enters a new phase with the withdrawal of rebels from the battered city of Goma, the people of North Kivu and their fellow Congolese citizens everywhere wonder whether the storm has passed or the rebels' retreat represents the quiet before a super storm. Either way, telltale signs and

history indicate that the conflict will continue unless appropriate deterring measures are taken.

The M23 (like its precursor, Laurent Nkunda's Congrès National pour la Défense du Peuple (CNDP)) and the dozen armed groups roaming the hills of the eastern provinces expose Congo as a dysfunctional state with weak political leadership and lacking a competent army and security institutions.

For the past decade, DRC government has failed to restore state authority over its territory, enabling the proliferation of armed groups, which recruit children, systematically rape women, and loot mineral resources. As was the case with CNDP, M23 receives material support from Rwanda and Uganda. To-date the conflict, which is the subject of new reports by a United Nations Group of Experts, has displaced nearly two million civilians both internally and outside the DRC.

With the failing of Congolese state power, old, latent community grievances stemming from land disputes, demographic pressures, ethnic tensions, and control of resources and trading routes has turned eastern Congo into a tinderbox. Ambitious war entrepreneurs and demagogues only need to embrace a cause and find a sponsor — a community, business or political elite or a state — to start a militia.

M23, which is primarily a Tutsi mono-ethnic armed group, sought to exploit these dormant grievances, citing discrimination against Tutsis as one reason for the rebellion. But they failed to generate support from important Tutsi communities, such as the Banyamulenge who have so far refused to join M23. Instead the Banyamulenge are serving with DRC army and fighting the rebellion. The rebellion had threatened to take over Goma, march on to Kinshasa and liberate DRC. But when Goma fell to M23 elements, spontaneous protests broke out in Bukavu, Kisangani and Kinshasa, denouncing Kinshasa's failure to protect the city and expressing ire against the rebellion and the United Nations Stabilization Mission (MONUSCO).

While it may be too early to draw meaningful conclusions, M23's failure to rally other Tutsis, who had previously presented a common front may signal the beginning of a new era of trust-building between ethnic groups. After two presidential and legislative elections that empowered the Congolese to seek change through the ballot, M23 has no popular appeal.

But the highly controversial and contested 2011 presidential and legislative elections eroded the legitimacy of President Kabila, making it impossible for the government to mobilize the masses in this time of crisis. M23 rebellion further exacerbated the legitimacy crisis by exposing the state's inability to protect its citizens. The government has failed to build a professional army, perhaps the single most important element in ensuring Congo's territorial integrity and the security of its citizens and coveted natural resources.

Without such a competent professional military, DRC is unable to stop the proliferation of militias. Instead, the government of DRC has chosen to compromise with militiamen and co-opt them into the national army with no disruption of their ranks and files. The lack of an adequate national integration program has resulted in the establishment of parallel commands and structures within the national army. This means that the militias who join the national army remain in their areas of control and keep their command nearly intact. This arrangement allows the "former" militiamen to perpetrate abuses on the civilian populations and keep their access to local resources all under the protection of a Congolese military uniform. This integration model enabled disgruntled ex-CNDP elements stationed in North and South Kivu to mutiny and launch M23 when DRC sought to arrest their commander General Bosco Ntaganda in early spring.

The predatory designs of neighboring Rwanda and Uganda also fuel the volatile situation. Both Rwanda and Uganda have invaded Congo twice, with continued incursions into eastern Congo where they still support

militias. Several UN reports have linked both countries to Congolese militias and the looting of resources. Recent reports document their support to M23.

Both countries have denied the charges and insist they are wrongfully used as escape goats for DRC government failures. Their denial and deceit, however, undermine the chances for lasting peace. It is impossible to solve the crisis when the parties to the conflict refuse to assume their share of responsibility. When you invade your neighbor twice, arm militias and support rebellions, loot its resources and indirectly cause the death of over 6 million Congolese, you are not an escape goat, you are a serious problem.

We know the primary supporters of militias, whether in Congo, in neighboring countries or overseas. We also know the primary illicit export routes and which neighbors profit from this trade.

What should the U.S. do?

1. Unequivocally Support Security Sector Reform:

This reform is long overdue. The Congolese people want and deserve peace. We should empower them to that end. DRC government's inability to protect its people or control its territory undermines progress on everything else. A competent, professional military - organized, resourced, trained and vetted - is essential to solving problems from displacement, recruitment of child soldiers and gender-based violence, to economic growth or the trade in conflict minerals.

Reform means a serious commitment to rebuilding a new army and not cobbling together old militias and new units. Millions of dollars have been invested in training, but not enough attention has been devoted to the reconstruction of the military. Unfortunately, these initiatives amount to very expensive window-dressing. For instance, the Belgian-trained elite units that fought M23 early in the spring did not receive the institutional support they needed to succeed in their mission. U.S. Africom has also

trained a unit, which could have made a positive contribution in North Kivu in another context. The current broken military structure cannot absorb new professionally-trained units effectively. Real military reform requires that we break down the old, decrepit foundation and build a new army from scratch. Such a reform process will phase out and discharge top commanders who came from militias as well as former militiamen who now fill the ranks.

In partnership with DRC, the U.S. should lead the coordination efforts among donors to generate greater political will to reflect the international community's commitment to real reform within the year 2013. Most importantly, U.S. technical know-how and assistance are needed in training commanders and non-commissioned officers.

2. Implement U.S. law:

As a senator, earlier in his career, and a member of the Senate Foreign Relations Committee, President Barack Obama worked successfully with Republicans to pass the *Democratic Republic of Congo Relief, Security and Democracy Promotion Act* that was signed into law by President George W. Bush.

The bill includes specific provisions on conflict minerals and sexual violence; sanctions on armed groups and their state-sponsors; and support for democracy. Section 105 of the Obama law authorizes the secretary of state to withhold some assistance from a foreign country if she determines that the foreign government is taking actions to destabilize the DRC. Obama's six-year-old law is still the only official policy the U.S. has on the books for dealing with the Congo crisis.

3. Activate the State Department Reward to Justice Program:

This is an effective way to encourage the arrest of individuals who are wanted by the international justice for crimes committed in DRC. Knowing

that they could be turned in to law enforcement by their associates for a bounty would increase pressure on criminals.

4. Apply sanctions against individuals and institutions identified in reports:

The current sanction regime singles out militia leaders, but leaves their backers and sponsors free to pursue their criminal enterprises. The Treasury Department, State Department and other relevant entities should apply sanctions against those officials and entities that are mentioned as primary planners, supporters or instigators of militias and rebellions in DRC, regardless of nationality or affiliation.

5. Push for Completion of Electoral Process and Opening of Political Space:

Political space has been restricted as a result of the botched 2011. Municipal and provincial elections have been delayed, adding to the legitimacy crisis. Provincial assembly members who were elected in 2006 are now serving with no mandate. Members of the national senate are in similar situation as they are elected by provincial assemblies. Without these elections, members of the national senate and provincial assemblies will continue to serve unconstitutionally as their mandate expired in March 2012.

6. Insist on the Restructuring of the Independent National Electoral Commission:

Opposition parties and international election observer missions have asked that the commissioners be dismissed as they contributed to the current crisis and lack credibility. The lack of commitment to a fair, transparent and credible process on the part of international community contributed to the 2011 electoral fiasco. The Electoral Commission in its current form and

composition remains an obstacle to the resolution of the legitimacy crisis. Donors, such as the U.S., should insist on this change as it is one of the first steps to restoring the credibility of the electoral system.

This conflict has gone on for too long, and challenges our principles and ideals. As we struggle to solve this calamity we would be better served by looking into Congo's early history.

Between 1885 and 1924, Congo, then known as Congo Free State or the private estate of Belgium's King Leopold II, was the theater of yet another holocaust driven not by mineral exploitation, but by the world's hunger for a commodity. The industrial revolution demanded rubber and more of it. Business' insatiable need for rubber and King Leopold's immeasurable greed pushed the Belgians to design one of the world's most repressive forced-labor structures.

The King's agents established a quota system, which required that each village produce a specific amount of rubber over a time period. Force Publique troops were then used to enforce the quota and demand taxes of the population. Failure to meet the quota or tax requirements led soldiers to chop off limbs of the unlucky Congolese who fell below the mark. Villages were torched, women raped and the people left to starve to death or die of diseases. By 1924, nearly 10 million Congolese had perished under the yoke of the Leopoldian regime.

The similarity to the current situation is eerie. Like the conflict minerals, which are primarily exploited in the east, rubber was only exploited in some areas of the Congo Free State. Both problems were symptoms of larger systemic and regime perversions that subjugated an entire country.

But there is a big difference between the approach the activists took to expose and denounce King Leopold's crimes and the way we choose to deal with the calamity today.

At a time when there was no computer, no internet, no fax and the telephone was still a curious invention, a shipping clerk in Liverpool decided to expose the mighty king and launched a campaign that would not end until Leopold relinquished possession of the colony and the regime and the system changed.

Working under great stress, members of the Congo Reform Movement could have easily chosen the easy route to fundraising on behalf of the victims, and send them medicine and physicians to mend their wounds.

Such a timid campaign would have made them Leopold's tacit accomplices and enablers, and prolong the suffering of the Congolese. Instead, they set out to destroy and change the repressive system and took the necessary time to accomplish their goal.

Today, at a time of instant satellite imagery, internet, instant messaging and other technological advances, our engagement is lackluster, and devoid of moral courage in the face of the unnecessary suffering of the Congolese. We hedge our action and refuse to see the reality before us by covering our faces like little children, hoping it would go away. Instead, we search for enemies where they do not exist.

Earlier this year in April, over 300 Congolese civil society organizations and their international counterparts showed great courage and published a report on security sector reform in Congo. This report calls for an end to the conflict through a comprehensive reform of security institutions, which include the military, law enforcement institutions such as the police and the courts, as well as customs and revenue agencies.

Mr. Chairman, with your permission, I would like to submit a copy of that report for the record.

In Congo, armed groups and their international and local backers are the enemies. Still, the Congolese army in its present form is arguably an even

bigger threat to the population than the smaller militias. If we are serious about DRC, we should target these dangerous groups and help restore state authority so that the Congolese government can finally meet its obligations toward the people. This means that together we need to work on ending impunity at all levels of the polity.

As long as the government is incapable to impose its authority and address the various grievances, the Congo will not know peace.

Thank you.