

**Testimony of John Prendergast  
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Senate Foreign Relations Committee  
Subcommittee on Africa  
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Thank you, Chairman Coons and Ranking Member Flake, for the opportunity to testify at a crucial moment for the Democratic Republic of Congo and Africa's Great Lakes Region.

There now exists a better chance for peace in eastern Congo than at any time since the current deadly cycle of conflict began in the mid-1990s. A number of variables contribute to this unique opportunity.

First, following the Dodd-Frank conflict minerals legislation, consumer pressure, and resulting market adjustments, the economic incentives of the warring parties are starting to shift away from illicit violent profiteering to legitimate trade. Just like with the blood diamonds saga, the profit incentive is shifting from war to peace.

Second, donor and World Bank pressure on Rwanda for alleged cross-border support for the M23 rebel group has weakened that group, and rising calls for accountability for war crimes helped pave the way for the surrender of one of Congo's worst warlords, Bosco Ntaganda.

Third, the International Monetary Fund's refusal to renew aid to Congo until reforms are enacted provides a window to finally address critical governance issues within Congo.

Fourth, the new *Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region*, signed by United Nations Secretary-General Ban Ki-moon and 11 African heads of state in February, provides a foundation upon which a sustained peace process, led by African partners and the United Nations, can be operationalized.

Fifth, the recent appointment of Mary Robinson as the new U.N. envoy, combined with the hoped-for naming of a significant U.S. Special Envoy, will provide a major external boost to African regional peace efforts.

The mere signing of agreements of course does not end the war in Congo. Rather, it provides a starting point for a new, comprehensive peace initiative led by U.N. envoy Robinson and key African actors. The United States can play a vital role in shepherding a credible and transparent peace process, but with new personnel in place or coming soon at the White House and Foggy Bottom, it will require a rethinking and expansion of the U.S. role in support of lasting peace in the Great Lakes.

## **Why it's different now**

Elaborating on the above, four important changes are underway in Congo today, giving an internationally supported peace initiative a much better chance than its more limited predecessors.

First, U.S. and European consumer demands for a conflict-free minerals trade, the Dodd-Frank legislation on conflict minerals, and related corporate and regional reforms are making it harder to profit violently and illegally from mineral smuggling. For decades, all of the benefits of eastern Congo's vast mineral resource wealth have gone to those with the biggest guns -- the Congolese army, local militias, or neighboring countries. These minerals include gold, tin, tantalum, and tungsten, or 3 Ts, used in cell phones, computers, and jewelry. Dodd-Frank has made the price of untraceable conflict minerals one-third the price of tagged, traceable minerals, and thus it is no longer profitable for many armed groups and their backers to trade in conflict minerals. The Enough Project found in a study last year that because of these economic changes, armed groups are now earning approximately 65% less from the minerals tin, tantalum, and tungsten. Gold still remains a challenge, however, because it is more easily smuggled, and this must be addressed through policy and corporate action, particularly from jewelers. If the commercial incentives for the minerals trade can continue to shift from violent, illegal extraction to peaceful, legal development, Congo could enjoy a transition similar to those experienced by West African countries plagued by blood diamond wars a decade ago.

Second, for the first time, the international community is imposing meaningful consequences for cross-border support to armed groups and for a lack of reform. Regional support for armed groups inside eastern Congo has been a staple of the ongoing cycle of war. Rwanda strenuously denies involvement, but some donors have suspended certain aid programs to that nation and will continue to do so until the evidence shifts toward solutions. The International Monetary Fund's refusal to renew aid to Congo until transparency reforms are enacted has placed Kinshasa under pressure to transform its economic policies and governing institutions.

Third, calls for international justice have intensified inside Congo and beyond, and accused war criminals are beginning to face sanctions. Until recently, accountability for war crimes was a distant part of the discussion despite some of the worst crimes against humanity being committed globally. Bosco's surrender ups the ante and provides some potential momentum for further action.

Fourth, the reform of a U.N. peacekeeping mission that costs more than \$1 billion is under way. A new force intervention brigade has been created, garnering troops from African nations to respond directly to the threat of illegal armed groups in eastern Congo. This brigade has been given a unique mandate by the U.N. to engage in offensive action against these groups in the name of stability and civilian protection. Refocusing the mission on eradicating the worst armed groups, demobilizing rank-and-file combatants and helping to reform Congo's army would go much further than the present mandate.

Despite the progress, closed-door talks are now taking place in Kampala, Uganda between Congo and the M23 rebel group – with no involvement of political parties, civil society elements (including women who have borne the brunt of the war), religious leaders, or other armed groups. Each time that rebels have taken or threatened Goma over the past decade, hasty backroom negotiations have produced deeply flawed deals that have reduced the military pressure on Congolese President Joseph Kabila's weakened government and permitted the alleged Rwandan-backed rebels to administer strategic eastern zones and oversee taxation and resource looting. There is serious risk that a deal from the Kampala talks will resemble the failed deals that came before it through similar processes. The talks must be broadened into a wider peace process.

### **A two-track peace process: regional talks and Congolese reform**

The U.N. Framework lays a foundation for a successful peace process that should contain two main elements: regional negotiations and institutional reform within Congo. The Framework commits Congo and its neighbors to deepen regional economic integration, increase judicial cooperation, and respect legitimate regional security interests. In order to turn these commitments into lasting change, Special UN Envoy Robinson and her African partners should lead regional negotiations -- particularly between Congo, Rwanda, and Uganda -- over key economic, security, and accountability issues. Competition over control of natural resources has been a critical driver of conflict in the region, as armed groups backed by regional governments have sustained themselves through profits from the illicit trade in natural resources. It will thus be critical to incorporate economic drivers into the regional talks, particularly on how Congo, Rwanda, and Uganda can cooperate to more fully cut off smuggling and boost the legitimate, conflict-free trade in natural resources and increase transparent government revenue flows that can benefit all three countries.

Security issues will also be critical in the talks. Building on and in support of the U.N. Force Intervention Brigade agreed to by the U.N. Security Council on March 28, the countries should discuss and agree on a comprehensive security strategy to deal with illegal militias. Finally, it is critical for the peace process to foster accountability for those who have committed mass atrocities. Rather than repeating the practice from past processes of allowing human rights abusers to gain positions of power in government or the military, the peace process should ensure that the region cooperates to bring to justice those most responsible for war crimes and crimes against humanity. A possible upcoming deal between Congo and M23 in Kampala is at risk of mirroring past agreements that reinforced impunity and led to renewed conflict. This deal must be different and leave out those most responsible for atrocities.

The second track should focus on neglected issues within Congo that continue to drive the war at a deeper level. The UN Framework commits Congo to undertake institutional reform on critical issues that fuel continued instability, such as decentralization, security sector reform, and justice reform. To operationalize the Framework, a multi-faceted reform process is needed with proposals from the Congolese government, political

parties, and civil society. To buttress this process and following President Joseph Kabila's announced intention to initiate a national dialogue, there is a need for an impartially facilitated Congolese national dialogue that respects the Constitution and allows civil society, government, key armed groups, and political parties to discuss and debate reform proposals. This is critical to ensure that an eventual agreement might have the buy-in of a wide swathe of stakeholders. The U.N. Special Representative of the Secretary-General to Congo, or SRSG, mandated to help the Congolese reform process in the U.N. framework, should work closely with Kinshasa to ensure there is an impartial facilitator of the process and that it is inclusive, particularly with women and gender issues fully represented.

### **Recommendations to the U.S. Government**

As a country with close relationships with all regional players and substantial international leverage, it is critical for the U.S. government to play a much more active role in the upcoming initiatives. This will require far greater attention from senior policymakers, a step-change in diplomatic engagement in the region, and concentrated focus on areas of U.S. leverage, especially efforts to transform the trade in natural resources from a driver of violence into a catalyst for regional peace.

Therefore, I strongly recommend that the United States urgently take the following steps:

1. **Help Build a Comprehensive Peace Process:** The Kampala-based talks are not enough. The U.S. should work with African partners, U.N. envoy Robinson, and the U.N. SRSG in Congo to build a peace process to operationalize the commitments made in the UN Framework. Peace efforts need proper staffing and coordinated leverage, two areas for which the U.S. can provide key support.
2. **Deploy a High-Level Envoy Quickly:** If Beltway whispers are true, a high-level U.S. envoy has already been selected. President Obama and Secretary Kerry should deploy that envoy as soon as possible to buttress UN envoy Robinson and African efforts to build the comprehensive effort for peace. The envoy should use incentives, strong relationships, and leverage to help move the parties toward constructive engagement in the process.
3. **Sanction Arms and Minerals Smugglers:** The U.S. government and U.N. Security Council should place targeted sanctions against officials and arms and minerals smugglers in Congo, Rwanda, and Uganda that are violating the U.N. arms embargo on Congo. In particular, the U.S. should press to have the owners of gold smuggling businesses on U.N. and U.S. lists sanctioned, as they continue to aid and abet violence by M23, the FDLR, and other armed groups. There are five key gold smugglers that have easily gotten around sanctions on their businesses by changing business names, so it is time to sanction the owners of these companies.

4. **Convene a Responsible Investment Initiative:** The U.S. should work with the European Union to convene key electronics, gold, smelting, and mining companies, socially responsible investors, and NGOs in a responsible investment initiative aimed at addressing risks and identifying opportunities to conflict-free economic investment in the Great Lakes region. This should take place parallel to the peace talks through a series of mini-summits and a high-level conference and build on lessons from Northern Ireland and Central America.<sup>1</sup> The initiative would gather potential investors in natural resources, infrastructure, and financial services and design further responsible trade partnerships, as well as identify obstacles to responsible investment and brainstorm solutions. With such a process going on parallel to the peace talks, the African governments would see outside interest in a responsible economic trade, thus creating further incentives for progress in the talks. The Public Private Alliance might be a good vehicle for helping to organize this.
  
5. **Support Accountability for War Crimes:** In the aftermath of Bosco Ntaganda's surrender, the Obama administration should increase support to the International Criminal Court to investigate and indict additional leaders of the M23, FDLR and other armed groups most responsible for war crimes and crimes against humanity, and the administration should work with regional partners to facilitate their arrest upon indictment.
  
6. **Provide Aid to DDR Efforts:** The U.S. should work with the U.N. to develop enhanced disarmament, demobilization, repatriation, reintegration, and resettlement programs, or DDR/RR, and provide special forces training to enhance the capacity of the new U.N. force intervention brigade, along the lines of the model for the Lord's Resistance Army.

## **Conclusion**

After nearly 20 years of war, peace will not come overnight to eastern Congo. It has been one of the world's most protracted conflicts, but there may finally be a glimmer of hope to end it because the policy context for the war is changing. Ntaganda's surrender, the new economic realities for armed groups, and the signing of the U.N. Framework can lay the groundwork for a peace process, if the international community sufficiently invests in such an initiative. The issues to be dealt with in a genuine peace process are complex, and it will require painstaking mediation work to hammer out agreements on economic, security, and political issues that continue to drive conflict. Such an effort will require the sustained attention of actors from the U.N. Secretary-General to local civil society activists. The U.S. role will be key in creating coordinated international leverage and buttressing the forces for peace on the ground in Congo.

The reward of these trials and tribulations will be great: peace in eastern Congo, one of the most convoluted and destructive conflicts the world has ever known.

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<sup>i</sup> Salili Tripathi and Canan Gündüz, “A Role for the Private Sector in Peace Processes? Examples, and Implications for Third-party Mediation,” background paper, The Oslo Forum Network of Mediators, 2008, available at [http://www.hdcentre.org/files/Salil Tripathi Mediation Business WEB.pdf](http://www.hdcentre.org/files/Salil%20Tripathi%20Mediation%20Business%20WEB.pdf) (accessed March 2013); Mats Berdal and Nader Mousavizadeh, “Investing for Peace: The Private Sector and the Challenges of Peacebuilding,” *Survival* Vol. 52, No. 2 (April-May 2010).