

"Examining Ongoing Conflict in Eastern Congo"

The United States Senate
Committee on Foreign Affairs
Subcommittee on African Affairs

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Tuesday, April 16, 2013

Chairman Coons, Ranking Member Flake, Members of the Subcommittee on African Affairs,

Thank you for the invitation and honor to testify before your committee. I come before you as a Congolese Jesuit priest. The views expressed in this statement are mine. This present hearing is particularly timely and critical for the Democratic Republic of Congo (DRC) due to three very recent events: the adoption of the Peace, Security and Cooperation Framework; the appointment of a UN Special Envoy to the Great Lakes; and the passage of UN Security Council Resolution 2098.

From 1996 to 2013, the suffering in Congo has included 5.4 million people dead, 2 million refugees and IDPs, and an untold number of rapes, killings and other human rights violations. Congo is thus the "home of the deadliest conflict since World War II". The conflict is complex but the fundamental problems remain the same: poor governance, unresolved grievances, competition for natural resources, and outside interference. There is a new window of opportunity due to recent events that offers the United States, the United Nations, and the rest of the international community the chance to help end this terrible conflict for good.

The important and positive recent events started on February 24, 2013 in Addis Ababa, when a Peace, Security, and Cooperation (PSC) Framework for the DRC and the region was signed by 11 Heads of States or their Representatives, together with the Secretary-General of the United Nations, the Chairperson of the African Union, the Chairperson of the Southern African Development Community and the Chairperson of the International Conference on the Great Lakes Region. To fulfill one of the recommendations of the PSC Framework, former Irish President Mary Robinson was appointed as a high-level UN Special Envoy in the Great Lakes Region. On March 28, 2013, the Security Council voted for UN Resolution 2098, which demonstrates the Council's solidarity and wish to work for peace and security in the Great Lake Regions.

The United Nations has taken the lead on a new approach to the ongoing conflict in Congo by proposing a framework agreement among eleven countries in the region (known as the "11+4 mechanism framework") to promote peace, security and cooperation for DRC and the region, to put an end to recurring cycles of violence, and to promote cooperation and economic integration in the Great Lakes Region.

While this evolving framework is a positive step, it is crucial that it does not fall back on the half-measures of past initiatives. A comprehensive, holistic and synchronized approach is needed for the implementation of this framework.

From 1997 to December 2012, 15 UNSC Resolutions have been made, and 7 peace agreements have been signed. All of these resolutions and peace agreements have failed to bring lasting peace for many reasons: lackluster implementation, lack of political will, lack of strategic vision for the development of the region, and no sufficient financial support from the multilateral financial institutions or bilateral partners. This is why peace, security and cooperation for the DRC and the region are more remote today than 15 years ago.

In this statement, I will share my insights on the three key issues: peace and security; democracy, provincial and local elections; and regional cooperation for sustainable development. And lastly, and perhaps most relevant to this committee, I will offer specific recommendations to the DRC and US Governments.

1. Peace and Security

There are two key priorities in the area of peace and security – ending impunity for sexual violence and demobilizing M23.

In the context of Congo, the first priority for the restoration of the State is the establishment of the rule of law through justice. Why? Because without equitable and restorative justice, there can be no genuine and lasting peace and no economic development. Sexually-based violence continues to occur because there is a widespread culture of impunity. Perpetrators of sexual violence are not held accountable, thus they do not fear repercussions and the victims of sexual violence continue to suffer.

Obviously, one of the most pressing challenges is the demobilization of the M23 and other armed groups, in the context of a renewed stabilization strategy which should also include armed groups active in the provinces North Kivu, South Kivu, Katanga and Orientale.

In this context, the role of the Congolese government and army is clear. The government must undertake specific and concrete reforms to organize the army and improve the living conditions of the military. The government in Kinshasa must also pave the way for an efficient military administration to allow the police to play its role in the establishment of public order. They must also strengthen local governance and resolve customary conflicts and land issues. Again, it is also important that the DRC government proactively begins to fight impunity and arbitrariness in all its forms.

It is imperative that no deal includes amnesty for war crimes or crimes against humanity. Another aspect of regional engagement should be a ramped-up effort for dealing with the FDLR based on elements of the 2007 Nairobi Communiqué.

2. Democracy, Provincial and Local Elections

Given the lack a credible electoral process in November 2011, what is urgently needed is the restoration of the confidence of the Congolese people in the electoral process through the restructuring of the electoral commission to ensure real independence, fairness and transparency of the provincial and local elections.

The delay in holding local elections hinders the emergence of grassroots democracy. Without local governance, there is a significant negative impact on peoples' perceptions of the authority

of the State, leading to an identity crisis, hindering the social reintegration of demobilized combatants and the fight against the proliferation of armed groups.

The US government has an important role to play in ensuring that the DRC government reestablishes its legitimacy. First, we must work with them to establish in an inclusive manner a realistic and credible timeline for the elections and to ensure that the electoral process is monitored and evaluated closely. One particular thing to flag is that we must be sure the political space is open and that the political opposition is allowed to operate and air their views freely.

DR Congo is engaged in a process of restructuring the Independent National Electoral Commission (CENI). We must learn from the faulty 2011 elections and build the capacity of the new CENI in order to establish a credible and realistic timetable for local and provincial elections, taking into account the financial and logistical constraints and the stipulations of the electoral cycle. We also must promote the participation of all stakeholders and develop a rigorous scheme for electoral integrity.

The US message should be clear: the government of DRC must use 2013 to prepare and organize to hold both provincial and local elections in 2014 – ideally at the same time. In November 2016, only the presidential and legislative elections will take place.

The major financing of the elections will be provided by the DRC government, but the support of the international community should be complementary and should specifically include the following: support for training through the electoral training school in Central Africa (EFEAC); civic and voter education; supporting election monitoring by civil society and political parties; strengthening the capacity of those mechanisms charged with electoral dispute resolution and media regulation; and lastly, logistical support to CENI.

3. Regional cooperation for sustainable development

Regional cooperation should be based on regional economic projects for sustainable development. The US can promote and support financing (through international financial institutions) for those economic regional projects that incorporate the regional interests of all parties. If well-conceived and well-managed, Economic Community of Great Lakes Countries (CEPGL) projects in the area of roads, rail, energy, gas, oil, mining and fisheries could reduce tensions, competition and become an important factor in stabilization and economic development. This process should also seek input from the AU, the ICGLR, SADC and Congolese civil society.

4. Specific Recommendations

1. To the US and the broader international community

In 2006, the US Senate passed the “Democratic Republic of the Congo Relief, Security and Democracy Promotion Act.” (Public Law 109-456, SEC 101 and 102) When considering recommendations for the United States government, many of the priorities outlined in this legislation still resonate today. That law specifically mentioned the need for rehabilitation of the national judiciary to enhance the rule of law, the importance of combating corruption and the need to institute economic reforms to promote development. The legislation also mentioned the need for the US to support security sector reform, including the army, military, justice system

and police force. These are still the key necessary pre-conditions for peace and stability in the region.

Taking that into consideration, the US and broader international community should:

- Support the Peace, Security and Cooperation framework by financing integrating projects between the DRC and neighboring countries;
- Organize a donors' conference on the DRC and the Great Lakes region where the international community would demonstrate its financial commitment to support institutional reforms and cross-border economic initiatives;
- Sustain a renewed commitment by bilateral partners to remain engaged in supporting the Democratic Republic of the Congo and the region, including with appropriate means to ensure long-term sustainability; and
- Assist the DRC government in developing a robust monitoring and evaluation mechanism for assessing progress.

2. To the Government of the Democratic Republic of Congo

The Government of the Democratic Republic of Congo should:

- Create a robust monitoring and evaluation mechanism to assess progress in a transparent manner by a multi-stakeholder group, including the international partners of the DRC and DRC civil society;
- Promote a concerted effort by governments and companies to demilitarize mining areas in the Kivus to promote clean trade, which should comply with the ICGRL measures, OECD and UN standards, governments and companies to deny funding to belligerents, create better working conditions for artisanal miners and build investor confidence;
- Expand use of the credible mechanism for certification and traceability to monitor conflict-free minerals to export to downstream and end-users. This mechanism for certification and traceability to monitor conflict-free minerals is financed by USAID and BGR and coordinated by the ministry of mines and PROMINES. Work has shown that 55 artisanal mine sites out of 82 assessed have been validated as free from child labor and illegal taxation.

Thank you for the opportunity to present my perspective on this important issue. I welcome the engagement of this subcommittee and the US Congress and I look forward to your questions.

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