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Summary

The United States and other donors have focused substantial resources on stabilizing the Democratic Republic of Congo (DRC) since the early 2000s, when "Africa's World War"—a conflict in DRC that drew in multiple neighboring countries and reportedly caused millions of deaths—drew to a close. Smaller-scale insurgencies have nonetheless persisted in DRC's densely inhabited, mineral-rich eastern provinces, causing regional instability and a long-running humanitarian crisis. In recent years, political uncertainty at the national level has sparked new unrest. Elections due in 2016 have been delayed repeatedly, leaving President Joseph Kabila—who is widely unpopular—in office well past the end of his second elected five-year term. State security forces have brutally cracked down on anti-Kabila street protests. Armed conflicts have worsened in the east, while new crises have emerged in previously stable areas such as the central Kasai region and southeastern Tanganyika province. Two Ebola virus outbreaks in 2018 have added to the country's humanitarian challenges, although one was contained as of mid-year.

Presidential, parliamentary, and provincial elections are currently scheduled for December 23, 2018. U.S. diplomatic engagement has focused on encouraging an electoral transfer of power—that is, a "credible" contest in which Kabila is not a candidate. In August 2018, Kabila surprised many observers by backing a loyal associate as his chosen successor, suggesting he will not attempt a bid for an arguably unconstitutional third term. Observers continue to point to evidence of political interference and other irregularities in the election process, however.

More broadly, the Trump Administration has maintained a high-level concern with human rights abuses and governance in DRC. It has also altered the U.S. approach in some ways by eliminating a senior Special Envoy position created under the Obama Administration and securing a reduction in the U.N. peacekeeping operation in DRC (MONUSCO) in 2017. The United States remains the largest humanitarian donor in DRC and the largest financial contributor to MONUSCO. U.S. bilateral aid to DRC totaled $362 million in FY2017, higher than previous years. The Administration has expanded a policy, initiated in 2016, of sanctioning prominent DRC security officials in an effort to deter human rights abuses and obstruction of the election process. It has also sanctioned allegedly corrupt businessmen close to Kabila and barred certain "senior DRC officials" from entering the United States. U.S. officials have assailed the DRC government over its failure to enable a credible investigation into the murder of two U.N. sanctions investigators—one of them a U.S. citizen—who were probing human rights abuses in Kasai in 2017.

Congress has shaped U.S. policy toward DRC through legislation and oversight, often focusing on human rights and democracy issues. H.R. 6207, introduced in the House in June 2018, would codify existing U.S. DRC sanctions regimes imposed via executive orders, and could compel additional designations. In the Senate, S.Res. 386 urges the President to "use appropriate means … to deter further electoral calendar slippage and abuses against the people of Congo." In the 114th Congress, the House and Senate respectively passed H.Res. 780 and S.Res. 485, which contained similar provisions. Congress has also sought to deter Rwandan and Ugandan proxy involvement in DRC's conflicts via provisions in foreign aid appropriations legislation, most recently by restricting International Military Education and Training (IMET) funds for any government in Africa's Great Lakes region unless the Secretary of State reports that it is not "facilitating or otherwise participating in destabilizing activities in a neighboring country" (P.L. 115-141). Laws restricting U.S. aid to countries that, like DRC, use child soldiers or have poor records on combating human trafficking have also shaped U.S.-DRC relations and policy.

See also CRS Report R44402, *Rwanda: In Brief*; CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*.

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Introduction

In recent years, growing unrest in the Democratic Republic of Congo (DRC) has prompted fears of a return to widespread conflict in the heart of Central Africa. Elections due in 2016 have been delayed repeatedly, leaving President Joseph Kabila in office well past the end of his second five-year term—arguably his last, under DRC's constitution. DRC has never experienced an electoral transfer of power between presidential administrations. Uncertainty over Kabila's succession has coincided with a surge in armed conflicts throughout the country. State security forces also have violently suppressed anti-Kabila street protests since 2015.

General elections are currently scheduled for December 23, 2018. On August 8, 2018, President Kabila surprised many observers by backing a loyal associate, Emmanuel Ramazani Shadary, as his chosen successor. With Shadary's nomination, Western diplomatic engagement may shift away from pressing Kabila to step aside, and toward ensuring that elections proceed as scheduled while assessing the credibility of the election process. A scenario in which election results are criticized by local observers but accepted by key regional players—which would be similar to the last elections, in 2011—may present challenges for U.S. policymakers. Other policy dilemmas may arise if the election date is again delayed or if the national election commission decides to disqualify top registered opposition candidates. Shadary may face new challenges in forging relations with the donor community if his presidential bid is successful: he is under European Union (EU) targeted sanctions due to his role, as then-Vice Prime Minister and Interior Minister, in overseeing violent political repression in 2016-2017.[1]

Prior to the impasse over Kabila's political future, international attention toward DRC was overwhelmingly focused on supporting the extension of state authority and addressing long-running conflicts in the east. Since the 1990s, instability in eastern DRC has caused regional turmoil, severe human rights abuses, and an enduring humanitarian crisis. Neighboring countries have periodically backed Congolese rebel proxies, and the security vacuum has drawn in foreign-origin militias. State security forces have been implicated in serious abuses in conflict zones, including extrajudicial killings and mass rapes. Crises in neighboring Burundi, Central African Republic, and South Sudan present further challenges.

DRC is rich in minerals, forest resources, freshwater, and agricultural potential. The country also receives substantial aid, with nearly $2.1 billion in total net official development assistance provided in 2016.[2] Most Congolese nevertheless live in poverty, and rising violence has had a severe impact on already poor humanitarian conditions. There were 4.5 million internally displaced persons (IDPs) in DRC as of early 2018, twice as many as in 2015 and one of the highest figures in the world.[3] As of April 2018, another 770,000 Congolese were refugees in neighboring countries.[4] About 13.1 million people (nearly 16% of the population) are in "dire need of assistance," according to U.N. agencies.[5] DRC was ranked 176 out of 188 on the 2016

[1] European Council Implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo, May 29, 2017.

[2] Organization for Economic Cooperation and Development (OECD) statistics, consulted February 15, 2018.

[3] U.N. Organization for the Coordination of Humanitarian Affairs (UNOCHA), *Democratic Republic of Congo: Internally Displaced Persons and Returnees (as of December 2017)*, January 31, 2018.

[4] U.N. High Coordinator for Refugees (UNHCR), *The Democratic Republic of the Congo Regional Refugee Response Plan, January-December 2018*, Revised in May 2018.

[5] UNOCHA, *DRC Humanitarian Response Plan, 2017-2019*, Updated January 18, 2018.

U.N. Human Development Index (latest available) and its per capita gross domestic product (GDP) is among the world's lowest.

Industrial mining—particularly of copper and cobalt—is the mainstay of DRC's formal economy, although much of the population is engaged in informal economic activity (including small-scale artisanal mining). Despite growing investor interest in DRC's cobalt (a key ingredient in electric car batteries, among other industrial uses), growth has been limited by poor infrastructure, corruption, and bureaucratic practices that range from incompetent to predatory. The State Department's annual human rights report describes "corruption and a lack of transparency at all levels of government."[6] 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.

Figure 1. DRC at a Glance

Population: 83.3 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:** 68.2 deaths/1,000 live births (11th highest in world) **Life expectancy:** 57.7 years **Median age:** 18.6 years **Population under 14 years old:** 42%	**Adult literacy:** 77% (male 89%, female 67%) (2016) **HIV adult prevalence rate:** 0.7% (2016) **GDP growth / per capita:** 3.8% / $478 **Major exports:** diamonds, copper, gold, cobalt, wood products, crude oil, coffee **Major imports:** foodstuffs, mining and other machinery, transport equipment, fuels **Top trade partners:** China, Zambia, South Africa, South Korea, Belgium, Saudi Arabia, Tanzania, France (2016)

Source: Map created by CRS using data from Esri (2016). Figures from CIA World Factbook (May 2018) and International Monetary Fund (IMF, April 2018); 2018 estimates unless otherwise noted.

[6] State Department, Country Reports on Human Rights Practices for 2017, released April 20, 2018.

Historical Background

With its resources, vast territory, and strategic location, DRC has long served as an arena of regional and international competition. Belgium's King Leopold II claimed "Congo Free State" as his personal possession. His administration of the territory became notorious for its plunder of Congo's natural resources, mismanagement, and egregious abuses against the local population, and the Belgian government transitioned the territory into a formal colony in 1908.[7] 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 southeastern Katanga and an army mutiny that culminated in Lumumba's murder in 1961.[8] One of the first U.N. peacekeeping operations deployed from 1960 to 1964 in response to the Katanga crisis.

In 1965, Colonel Joseph Mobutu (aka Mobutu Sese Seko), who was involved in the mutiny against Lumumba, seized power in a coup and gradually instituted a more centralized and authoritarian form of government. Mobutu's pursuit of an "authentic" indigenous Congolese national identity led him to rename the country Zaire. Mobutu's 32-year reign was backed by the United States and other Western powers in the context of Cold War rivalry in Africa.[9] He also relied on fraudulent elections, brute force, and patronage networks fueled by extensive corruption, leading many analysts to brand his regime a "kleptocracy."[10] 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 multiparty democratic system in 1990, but he repeatedly delayed elections. State institutions and the military fractured, 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, Hutu extremists who had orchestrated the killings in Rwanda fled across the border to Zaire, where they used refugee camps to remobilize against the new Tutsi-dominated Rwandan government, reportedly with Mobutu's backing. Rwanda launched cross-border military operations against these groups, reportedly also targeting civilians on a large scale.[11] 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

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

[8] 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."

[9] Notably, 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.

[10] 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.

[11] 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.

tatters, Laurent 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 and Congolese of Rwandan descent who had comprised the core of his rebel army, Kabila attempted to expel these forces, provoking a mutiny. Rwanda and Uganda then deployed troops into DRC and cultivated rebel groups as proxies, this time against Kabila. The rebels also fought each other. Angola, Zimbabwe, Sudan, and others intervened on the government's side. The conflict, dubbed "Africa's World War," led to a major humanitarian crisis and is estimated by some experts to have (directly and indirectly) caused 3.3 million deaths.[12]

In 2001, 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 those 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.[13] Then-opposition leader Etienne Tshisekedi, since deceased, rejected the results and declared himself president, but his calls for mass protests did not materialize. 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. Tensions with Rwanda have periodically flared due to reports of Rwandan support for Congolese rebel groups, which have fueled xenophobia in DRC. In 2008-2009, Kabila and Rwandan President Paul Kagame agreed to reestablish diplomatic ties and subsequently launched joint military operations in DRC border regions. A 2012-2013 Rwandan-backed rebellion known as the M23 (discussed below) returned bilateral tensions to the fore, although tensions appear to have eased since then. In early 2018, the eastern province of Ituri experienced a resurgence of militia conflict that spurred a flood of refugees into Uganda and echoed similar dynamics from the early 2000s.

The December 2018 Presidential Election

The debate over President Kabila's political future and succession has dominated national politics since 2015. The ruling PPRD's nomination of Emmanuel Ramazani Shadary to succeed Kabila appeared to put an end to speculation about whether Kabila would pursue an arguably constitutional third term, though some observers continued to raise the potential for the electoral

[12] 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.

[13] The Carter Center, *Final Report: Presidential and Legislative Elections in the Democratic Republic of the Congo, November 28, 2011*, October 30, 2012; EU 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 largely praised the election: "Joint Statement by the AU, SADC, ECCAS, ICGLR, and Comesa, on the General Elections in the Democratic Republic of Congo," November 30, 2011.

calendar or process to be derailed.[14] Like other senior officials associated with Kabila, Shadary is reportedly unpopular—although his precise level of national support is uncertain.[15] This does not necessarily stand in the way of his success, however: under DRC's electoral system, the candidate with the largest share of the vote wins, even if they fall short of a majority.

Nearly two-thirds of Congolese respondents in a mid-2018 nationwide poll reported that they did not trust the national electoral commission (known as the CENI) to organize a free and fair vote, echoing analysts' assessments of political interference and other irregularities.[16] Among other concerns, observers have noted enduring restrictions on opposition activism and critical media, the CENI's plans to use electronic voting machines procured from a dubious contractor, problems with the voter registry documented in an external audit, and the CENI's questionable financial practices.[17] Potential opposition front-runner Moïse Katumbi—a ruling party defector and former governor of Katanga province—has effectively been barred from running, as he remains in exile in the face of criminal charges filed in absentia and an apparent immigration ban.[18]

The government has referred to donor election support as "foreign interference,"[19] and stated in August 2018 that (unlike in 2006 and 2011) it would not accept U.N. logistical assistance for moving electoral materials around the vast, infrastructure-poor country.[20] Some activists and opposition figures have called for Kabila to step down in favor of a nonpartisan transitional government that, in turn, would organize elections, but such a scenario appears unlikely.

Opposition leaders have floated the idea of backing a single presidential candidate, which could boost their chances of defeating Shadary, but as of August 2018, none had formally withdrawn from the race.[21] In addition to Katumbi (who has declared his intention to run but was unable to meet the filing deadline due to his inability to reenter the country), opposition candidates include Jean-Pierre Bemba, a former rebel leader and Kabila's top challenger in 2006; Felix Tshisekedi, head of the Union for Democracy and Social Progress (UDPS) party; and Vital Kamerhe, a former speaker of parliament who heads the Union for the Congolese Nation (UNC) party.

DRC's domestic protest movements may play a role in communicating the level of local acceptance of the election results, although they appear to have been weakened by state repression and systematic arrests. Youth-led protests calling for elections and for Kabila to step down first emerged in 2015, when demonstrators successfully fended off a legislative proposal to

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[14] See, e.g., *Le Congo Libéré*, "RDC : en désignant comme dauphin le très controversé Emmanuel Ramazani Shadary, Joseph Kabila montre qu'il ne veut pas des élections mais d'une nouvelle transition," August 8, 2018.

[15] A recent independent poll found that all then-declared presidential candidates in Kabila's political coalition (which at that point did not include Shadary) would cumulatively garner about the same share of the national vote as any one of the three top opposition contenders. Congo Research Group (CRG)/BERCI poll, "Congolese expect flawed, contentious election," July 31, 2018.

[16] Ibid.

[17] The Sentry, *Electronic Voting Technology DRC: Security vulnerabilities and déjà vu*, June 2018; Organisation Internationale de la Francophonie, *Audit du fichier électoral national de la République Démocratique du Congo,* May 2018; International Crisis Group (ICG), *Electoral Poker in DR Congo,* April 2018; CRG, *The Electronic Voting Controversy in the Congo*, April 2018; Enough! Project, "Red Flags in DR Congo's Electoral Process," March 8, 2018; Human Rights Watch (HRW) et al., "DR Congo: US, EU Should Expand Targeted Sanctions," October 10, 2017; *Actualité.CD*, "La CENCO à l'UE: 'Il faut auditer la CENI, le soutien à cette institution doit être conditionné,'" September 26, 2017.

[18] France 24, "DR Congo Opposition Leader Katumbi Blocked From Returning Home," August 8, 2018. Katumbi asserts that the charges against him are politically motivated.

[19] Reuters, "Congo says it rejects foreign aid to fund elections," March 26, 2018.

[20] Bloomberg, "Congo Rules Out Any External Help for Presidential Elections," August 7, 2018.

[21] *Joint statement of opposition leaders, candidates for the presidential election in DRC,* August 13, 2018.

hold elections only after completion of a national census. Protests have since been organized by nonpartisan activists, opposition parties, and—most recently—Catholic lay organizations. The security forces have responded by violently suppressing many demonstrations, opening fire on marchers, arresting activists, shuttering critical media outlets, and expelling international researchers. In December 2017 and January 2018, security forces besieged Catholic churches where marchers had gathered.[22] The size of protests and strikes has decreased over time, possibly due to a combination of fear and protest fatigue among ordinary citizens.

The 2016 St. Sylvestre Agreement

DRC's constitution limits the president to two consecutive elected five-year terms, which, for Kabila, lasted until December 19, 2016. The constitution also forbids amendments to the number or length of presidential terms. Kabila is reportedly extremely unpopular, and the ruling coalition (which includes dozens of member parties) is fractious, unlike in neighboring countries where leaders and ruling parties exercise greater political control.[23] As the 2016 election date approached, the government—apparently unable to amend or fully bypass term limits as other regional leaders have done—instead delayed the vote on various grounds. In May 2016, the Constitutional Court ruled that Kabila could remain in office until his successor is inaugurated. Critics termed this tactic *glissement* ("slippage") and assailed it as unconstitutional in spirit.[24]

On December 31, 2016, the Congolese National Conference of Catholic Bishops (CENCO) brokered an agreement between the ruling Presidential Majority (MP) coalition and opposition groups. Under this "St. Sylvestre" accord, Kabila could remain president pending elections, in exchange for a commitment to hold a vote in 2017, refrain from changing the constitution in the meantime, appoint opposition members to the cabinet, and lift restrictions on opposition figures and media.[25] However, elections were further delayed and political restrictions remained in place.

In November 2017, the CENI scheduled presidential, legislative, and provincial elections for December 23, 2018. The announcement appeared to reflect rising regional pressure on Kabila to abide by the agreement, including from Angola, an influential player in Kinshasa.[26] The announcement also came shortly after U.S. Permanent Representative to the U.N. Nikki Haley visited Kinshasa and called for a vote by the end of 2018. (Prior U.S. and U.N. Security Council statements had called for elections "no later than December 2017" or "as soon as possible.")[27]

Security and Humanitarian Trends

Uncertainty over DRC's political future has coincided with a surge in conflicts throughout the country.[28] Enduring hotspots in the east have flared, while new ones have emerged in previously

[22] HRW, "DR Congo: Security Forces Fire on Catholic Churchgoers," January 19, 2018; and "Congo's Kabila Ignores Political Crisis Amid New Repression," January 29, 2018.

[23] A 2017 nationwide opinion poll found that 10% of respondents said they would vote for Kabila, and that 72% held unfavorable views of him. CRG, *A Troubled Transition in the DR Congo,* April 2017.

[24] *The Economist*, "Congo's Kabila chases an unconstitutional, unpopular re-election," June 16, 2018.

[25] *Accord Politique Global et Inclusif du Centre Interdiocésain*, aka the "St. Sylvestre" accord, December 31, 2016.

[26] *World Politics Review*, "As Kabila's Control Slips, Congo's Relations With Neighboring Angola Fray," September 6, 2017.

[27] USUN, "Ambassador Haley Meets with Permanent Representative of the Democratic Republic of the Congo Ignace Gata Mavita wa Lufuta," August 10, 2017; Statement by the President of the Security Council, July 26, 2017.

[28] Ida Sawyer/HRW, "The crisis in Congo is spiraling out of control," *Washington Post,* June 30, 2017; Kris Berwouts,

stable areas, notably the central Kasai region (a stronghold of the opposition UDPS party) and southeastern Tanganyika province. Violence also erupted in northeastern Ituri province in early 2018, sometimes described as interethnic but reportedly fueled by competition over political influence and resource extraction.[29] In some areas, government officials have allegedly sought to bolster Kabila's political support by intervening in delicate local power dynamics, while elsewhere, armed groups appear to be jockeying for position in anticipation of a power vacuum.[30] The conflicts in Kasai and Tanganyika alone have caused the displacement of nearly 2 million people since 2016.[31] Political unrest in urban areas, a string of prison breaks, and attacks in Kinshasa by members of an opaque religious sect have contributed to worsening insecurity.[32]

The conflict in Kasai, which erupted in 2016 after state security forces killed a traditional leader, has spawned a serious humanitarian crisis featuring widespread atrocities, the recruitment and abuse of children, and severe food insecurity.[33] U.N. officials have documented at least 87 mass graves in the region. The DRC government has blamed the violence on a shadowy antigovernment militia known as Kamuina Nsapu, while U.N. human rights investigators have attributed many of the killings to the Congolese military and state-backed militias known as the Bana Mura.[34] Two U.N. international sanctions investigators—one of them a U.S. citizen—were murdered while probing human rights abuses in Kasai in 2017, and four Congolese who were with them disappeared. Researchers have reported evidence of state security force involvement.[35]

Conflict and displacement have driven widespread food insecurity in DRC, which has ample surface water and arable land. Pest infestations and weather patterns also periodically limit harvests. The number of Congolese experiencing acute food insecurity jumped by 30% between 2016 and 2017, to nearly 7.7 million people as of December 2017.[36] Areas projected to experience acute food insecurity in 2018 overlap with emergent conflicts in Kasai, Tanganyika, and Ituri.[37] Populations in long-running conflict zones in North and South Kivu continue to suffer abuses and displacement, but may have better access to international humanitarian aid.

The government's relations with humanitarian donors have worsened as the United States and European Union have criticized electoral delays and imposed sanctions on DRC officials. In April 2018, the government refused to participate in a U.N.-convened donor conference in Geneva, accusing those appealing for funds of mounting "a demonization campaign" and asserting that "there is no humanitarian crisis here."[38] The government subsequently called for donors to send

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"It's no longer possible to predict what'll happen in the Congo," *African Arguments*, June 8, 2017; Jay Benson, "Don't look away now: DR Congo is at greatest risk than for years," *African Arguments*, May 15, 2017.

[29] IRIN, "Politics and oil: the unseen drivers of violence in Congo's Ituri Province," April 4, 2018.

[30] See, e.g., Reuters, "Congo warlord seeks to unite rebel factions in anti-Kabila alliance," October 1, 2017; International Crisis Group (ICG), *Kamuina Nsapu Insurgency Adds to Dangers in DR Congo*, March 21, 2017.

[31] UNHCR, "UNHCR warns of worsening displacement in Democratic Republic of the Congo," October 24, 2017.

[32] HRW, "Confusion Surrounds DR Congo Sect Protests Leaving at Least 27 Dead," August 10, 2017.

[33] IRIN, "Briefing: The Conflict in Kasai, DRC," July 31, 2017; UNICEF, "At least 400,000 severely malnourished children at risk of dying in DR Congo's volatile Kasai region," December 12, 2017.

[34] See monthly reports by the U.N. Joint Human Rights Office in the DRC, especially April-September 2017.

[35] Ida Sawyer and Jason Stearns, "Finding Justice in Congo [op-ed]," *New York Times*, June 14, 2017; Radio France Internationale, *RDC: Violences au Kasai*, "Bunkonde: L'exécution de deux experts de l'ONU," September 12, 2017; Reuters, "Who Killed U.N. Experts in Congo? Confidential Prosecutor's File Offers Clues," December 19, 2017.

[36] USAID, "Food Assistance Fact Sheet – Democratic Republic of Congo," December 27, 2017.

[37] Famine Early Warning Systems Network, February 2018; World Food Program, UNICEF, and U.N. Food & Agriculture Organization, "UN Agencies in Urgent Bid to Prevent Famine in Kasai," January 17, 2018.

[38] *The New York Times*, "Despite Millions of Displaced People, Congo Rejects U.N. Aid Effort," April 7, 2018.

aid funds directly to a state agency.[39] Aid organizations have reported increasing bureaucratic impediments to operating in DRC, and a draft bill that would regulate nongovernmental organizations would reportedly impose new constraints.[40]

Conflict in Eastern DRC

Civilians have been the primary victims of 25 years of brutal violence in DRC's mineral-rich, agriculturally fertile, and densely inhabited eastern provinces. State security forces—notably including the national military, known as the FARDC—have been implicated in atrocities, including during counter-insurgency operations and as part of illicit involvement in mining. Conflict has been driven by tensions over access to land and citizenship rights, localized disputes, organized criminal activity, and regional geopolitics. Notably, the spillover of conflicts from Rwanda and Burundi in the early 1990s aggravated long-standing tensions between and among communities self-identified as "indigenous" and those that trace their origins to Rwanda. Anti-Rwandan sentiment, at times expressed as ethnic hatred, has endured as a recurrent theme in national politics and in grassroots dynamics in the east.

Since the end of the 1998-2003 civil and regional war, cyclical smaller-scale rebellions in the east have reportedly drawn backing from Rwanda and escalated into regional crises. Rwanda's proxy involvement in conflicts in eastern DRC may have been motived by various factors, including its own national security concerns, solidarity with cross-border ethnic communities, and economic motivations.[41] The most recent example was a 2012-2013 rebellion known as the M23, which originated as a mutiny among members of a Rwandan-backed insurgent group who had been integrated into the national military.[42]

Under a U.N.-brokered regional "Framework Agreement" signed in early 2013, neighboring states agreed to respect DRC's sovereignty and not to sponsor DRC-based armed groups, while the DRC government committed to reforms. Later that year, the DRC military, backed by a newly created U.N. "Intervention Brigade," defeated the M23. To date, the DRC government has not fully implemented its commitments under the 2013 accord or a separate peace process with the M23. In 2017, Human Rights Watch reported that senior DRC security officers had recruited ex-M23 members to suppress protests and protect President Kabila.[43]

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[39] Reuters, "Congo Government Setting Up Fund to Manage All Aid Donations," April 17, 2018.

[40] U.N. Office of the High Commissioner for Human Rights, "Democratic Republic of Congo: UN experts urge review of draft NGO bill," June 4, 2018.

[41] Rwandan officials regularly contend that the DRC has failed to rein in—and indeed has, at times, collaborated with—anti-Rwandan and ethnic extremist armed groups operating on Congolese soil, such as the FDLR. Second, Rwandan officials point to Congolese state and grassroots efforts to deny land, citizenship, and other rights to ethnic communities of Rwandan origin, and to local violence targeting these communities. Prominent Rwandans also have reportedly profited from natural resource smuggling in eastern DRC. See, e.g., Stearns, *Dancing in the Glory of Monsters*, op. cit.; U.N. *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; and Howard French, "Kagame's Hidden War in the Congo," *New York Review of Books*, September 24, 2009.

[42] State Department officials referred in congressional testimony to a "credible body of evidence" indicating Rwandan support for the M23; see Testimony of then-Assistant Secretary of State for African Affairs Johnnie Carson before the House Committee on Foreign Affairs, Subcommittee on Africa, Global Health and Human Rights, hearing on "The Devastating Crisis in Eastern Congo," December 11, 2012.) See also U.N. doc. S/2012/348/Add.1, June 27, 2012.

[43] HRW, *"Special Mission": Recruitment of M23 rebels to suppress protests in the Democratic Republic of Congo*, December 4, 2017.

Multiple armed groups remain active in eastern DRC, including "Mai Mai" militias—disparate groups that operate variously as self-defense networks and criminal rackets—as well as groups of foreign origin seeking safe haven and illicit revenues. 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), a Ugandan-origin group implicated in large massacres. Elements of the South Sudanese rebel movement known as the SPLM-iO have 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).

Key Foreign-Origin Armed Groups in Eastern DRC: the FDLR and ADF

The FDLR. The FDLR is among the largest armed groups in eastern DRC, with some 1,000-2,500 combatants as of 2015, although subsequent factional splits appear to have weakened the group.[44] Formed in 2000 by extremists implicated in the 1994 Rwandan genocide, the FDLR has been implicated in severe abuses and illicit economic activity. The FDLR and several of its leaders are subject to U.N. and U.S. sanctions, and alleged commander Sylvestre Mudacumura is the target of an ICC arrest warrant. Rwanda views the FDLR as a national security threat, noting that its founders have vowed to overthrow the Rwandan government. The FDLR has not launched a major attack on Rwanda since the early 2000s, however, and its activities appear primarily oriented toward self-preservation in DRC.

The FDLR's complex embedded relationship with civilian communities makes it a challenging target for military operations. FARDC-led operations since 2009, some of which have been jointly carried out with Rwandan forces or local militias, have weakened the group, but they have also reportedly produced large-scale abuses on all sides. Local-level collusion between elements of the FARDC and the FDLR is also periodically reported. MONUSCO and Rwanda have sought to entice FDLR members to defect and undergo voluntary repatriation to Rwanda, while also encouraging continued military pressure. International calls for joint FARDC-MONUSCO operations against the FDLR in the aftermath of the M23's 2013 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 to appoint military commanders that could not benefit from MONUSCO logistical support because they did not pass U.N. human rights vetting.

In 2016, the FARDC's tactic of supporting local militias to counter the FDLR appeared to bear fruit, leading sanctions monitors to report that the group had been riven by internal divisions and defections. At the same time, the FDLR increased its "collaboration" with other Congolese groups that "act as force multipliers."[45] Some observers have warned that the FARDC's cultivation of militias to fight the FDLR could sow the seeds of new conflict.

The ADF. The ADF, estimated at 1,200-1,500 combatants as of 2013,[46] was founded in 1995 as an Islamist-inspired Ugandan opposition group. It is subject to U.N. and U.S. sanctions. The ADF's motivations are unclear and its structure opaque. Uganda and DRC assert that the ADF is linked to the Somali Al Qaeda affiliate Al Shabaab, but analysts are more circumspect.[47] 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 subregion.[48]

Since 2014, the ADF has reportedly carried out a series of large massacres of hundreds of civilians in the North Kivu territory of Beni. The group also reportedly carried out a December 2017 attack on U.N. peacekeepers in Beni that killed 15 and injured 43, in what the U.N. Secretary-General termed the "worst attack on United Nations peacekeepers in the Organization's recent history."[49] Both tactics are a significant shift for the group, compared to its first two decades of existence; whether the ADF remains a coherent organization is debated.

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

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

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

[47] 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.

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

[49] U.N. Public Information Service, "At Least 71 United Nations, Associated Personnel Killed in Malicious Attacks

The U.S.-based Congo Research Group has reported "extensive evidence indicating that members of the FARDC have actively participated in massacres" attributed to the ADF.[50] According to U.N. investigators, "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."[51]

Sexual Violence

Particular international attention has been paid to the issue of sexual and gender-based violence in eastern DRC due to reports of gang rape, child rape, mutilation, and other abuses by armed groups and FARDC personnel. Attacks may be opportunistic and/or designed to systematically intimidate local populations. The prevalence of sexual violence in Congolese conflict zones 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 produced legal reforms and some high-profile prosecutions, but appear to have had limited systemic impact.

Wildlife Poaching

Ivory poaching has been notable in two DRC national parks affected by armed conflict and insecurity: Virunga (Africa's oldest national park) in North Kivu, and Garamba in Haut-Uele. A range of actors reportedly participate, including state security force elements from DRC and neighboring states, Congolese militias, Sudanese poaching syndicates, and foreign-origin armed groups such as the FDLR in Virunga and the LRA in Garamba.[52] Poachers are apparently increasingly well-armed and sophisticated, as are park rangers.[53] According to U.N. sanctions monitors, 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."[54]

U.N. Peacekeeping: Current Issues

MONUSCO is the world's largest U.N. peacekeeping operation, with about 16,680 uniformed personnel.[55] Its mandate has long focused on protecting civilians in conflict zones and supporting the DRC government's stabilization efforts in the east. U.N. Security Council Resolution 2409 (2018) identifies two "strategic priorities" for the mission: (1) protection of civilians and (2)

against Peacekeeping Operations during 2017," January 26, 2018.

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

[51] MONUSCO and 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.

[52] On LRA involvement, see U.S. Department of the Treasury, "Treasury Sanctions Lord's Resistance Army Commanders Salim and Ali Kony," August 23, 2016.

[53] *National Geographic*, "Rangers Killed in Africa's Oldest Park Push Death Toll to 150," March 14, 2016; *GQ*, "The Bloody Toll of Congo's Elephant Wars," April 16, 2018.

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

[55] Figures as of September 2017. MONUSCO is currently authorized to have up to 16,215 military soldiers, 660 military observers and staff officers, 391 police personnel, and 1,050 formed police unit personnel.

"support to the implementation of the 31 December 2016 agreement and the electoral process." Other tasks include the protection of U.N. personnel and facilities, support for demobilization of ex-combatants, and support for security sector reform.

MONUSCO has drawn criticism for failing to protect Congolese civilians in various instances.[56] Such shortfalls may be attributed to a combination of factors, including a wide-ranging mandate, stark logistical challenges, the DRC government's limited commitment to work with the mission to improve stability, and limited capacity and political will among troop-contributing countries.[57] MONUSCO personnel have also repeatedly been implicated in sexual abuse and exploitation.[58]

A 2017 strategic review of MONUSCO by the U.N. Secretary-General found that the spike in violence in Kasai and urban locations since 2016 had "placed a major strain on limited resources."[59] Previously, MONUSCO had positioned the bulk of its forces in the east. Policymakers in U.N. Security Council member-states and in troop-contributing countries continue to debate how MONUSCO should respond to state security force threats to civilians, as well as what conditions, if any, should be placed on its logistical assistance for the election process. The mission's mandate instructs it to support the DRC government in various ways, and its ability to operate is de facto contingent on government acceptance.

The Trump Administration advocated significant cuts to MONUSCO's troop ceiling ahead of its March 2017 mandate renewal, arguing that the mission was propping up a "corrupt" government in Kinshasa.[60] Ultimately, the U.N. Security Council reduced the authorized troop ceiling by 3,700 military personnel.[61] Some observers expressed concern that the troop reduction coincided with the emergence of new conflicts and threats to civilians.[62] It also appeared to grant a concession to the Kabila administration, which has repeatedly called for MONUSCO to draw down ahead of planned elections.[63] The U.N. Secretary-General stated in 2017 that MONUSCO had pursued reforms to "yield efficiencies," but called for U.N. member states to "exercise caution in making further cuts to the Mission's budget that may compromise its ability to deliver on its core priorities."[64] The Security Council did not change the troop ceiling in 2018.

Since 2013, the Security Council has authorized a Force Intervention Brigade (FIB) within MONUSCO to target armed groups, including through unilateral operations. Observers have debated whether the FIB concept could be a useful model for other situations, such as South Sudan and Mali. The Council renewed the Intervention Brigade in 2018, although it has not been involved in a major operation since 2016.[65] A U.N. investigation into a deadly attack on a Tanzanian FIB contingent in 2017 found "gaps in the training and posture" of FIB troops.[66]

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[56] See, e.g., HRW, "DR Congo: Army, UN Failed to Stop Massacre," July 2, 2014;

[57] See, e.g., International Peace Institute (IPI), *Applying the HIPPO Recommendations to the DRC: Toward Strategic, Prioritized, and Sequenced Mandates*, July 2017.

[58] See, e.g., AFP, "18 new sexual abuse claims against UN peacekeepers in DRC," February 15, 2018; BBC News, "DR Congo: UN peacekeepers face fresh sexual abuse claims," April 28, 2017.

[59] *Special report of the Secretary-General on the strategic review of [MONUSCO]*, September 29, 2017, S/2017/826.

[60] USUN, "Ambassador Nikki Haley Addresses the Council on Foreign Relations," March 29, 2017.

[61] U.N. Security Council Resolution 2348 (2017); U.N. Security Council Resolution 2277 (2016).

[62] Reuters, "US Wants Quarter Cut to UN Congo Troop Cap, Others Warn Wrong Time," March 27, 2017.

[63] Deutsche-Welle, "Why DR Congo Wants UN Peacekeepers Reduced," March 25, 2016.

[64] *Special report of the Secretary-General*, U.N. doc. S/2017/826, op. cit. See also Center for Civilians in Conflict, *Protection With Less Presence*, January 2018.

[65] Institute for Security Studies, "Is the Force Intervention Brigade still justifying its existence?" June 22, 2017.

[66] U.N. Secretary-General, "Note to Correspondents on the findings of the Special Investigation on recent attacks

The Economy

DRC has some of the largest natural resource endowments in the world, but most Congolese depend on subsistence farming and/or informal activities for survival. Per-capita income and human development indicators are among the world's lowest. Industrial mining in the southeast is the mainstay of the formal economy, although small-scale artisanal miners also account for a substantial amount of the country's production. DRC is a top global copper producer, and in 2017 it single-handedly produced the majority (58%) of the world's supply of cobalt (a key ingredient in batteries for electric cars as well as jet engines, among other industrial uses), along with 31% of natural industrial diamonds and 28% of tantalum.[67]

Private sector growth has been constrained by DRC's poor business environment, including its underdeveloped infrastructure, inadequate contract enforcement, limited access to credit, continued insecurity in the east, endemic corruption, a shortage of skilled labor, and a lack of reliable electricity. The State Department assessed in 2018 that DRC's business climate had "deteriorated," reporting (among other concerns) that "government agencies … exert significant administrative pressure on businesses with audits and inspections that often result in questionable legal fines."[68] The country ranked 182 out of 190 in the World Bank's 2018 *Doing Business* Report. China is the largest consumer of Congolese copper and cobalt, and is DRC's largest overall trading partner, consuming 35% of DRC's exports and contributing 20% of its imports in 2016.[69] China first emerged as a key player in the economy in 2007, when it pledged $6 billion in loans to DRC for infrastructure, to be repaid through joint-venture mining operations.[70]

A crash in global mineral prices produced a fiscal crisis in 2015-2017, but booming demand for copper and cobalt has produced a rebound in 2018.[71] GDP growth improved to 3.4% in 2017, compared to 2.4% in 2016, although it remains well below the 2014 rate of 9.5%.[72] During the price slump, major investors pulled back or divested of their assets. Notably, the U.S.-based multinational Freeport McMoRan sold its controlling stake in DRC's largest industrial mine, the Tenke Fungurume copper concession, to a Chinese firm, in an effort to alleviate its global debt.

The government has approved oil production contracts around the perimeter of Virunga National Park, a UNESCO World Heritage site, and signaled plans in mid-2018 to open the park to oil exploration, raising concern from conservationists.[73] In 2014, independent researchers accused a British oil company, SOCO, of bribing DRC military commanders to intimidate opponents of oil exploration in Virunga.[74] SOCO later announced that it had ceased operations there.

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against MONUSCO peacekeepers," March 2, 2018.

[67] U.S. Geological Survey, *Mineral Commodity Summaries: 2018*, January 31, 2018.

[68] State Department, Investment Climate Statements for 2018, "Congo, Democratic Republic of the."

[69] CIA World Factbook, June 2018.

[70] 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.

[71] In 2016, the African Development Bank (AfDB) declined DRC's request for budget support, stating that uncertainty regarding elections was "preventing donors from responding positively to the country's call for appropriate assistance."

[72] IMF, World Economic Outlook database, April 2018.

[73] Bloomberg, "Gorilla Refuge, Rainforest May Be Opened in Congo Oil Search,"

[74] 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.

The Mining Sector: Policy Concerns

DRC's "conflict mineral" exports are associated with the informal artisanal mining sector, particularly in the east.[75] In 2016, U.N. sanctions monitors reported that industry-led due-diligence measures focusing on tin, tantalum, and tungsten had 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."[76] Gold smuggling via Uganda and Rwanda reportedly continues to provide financing for armed groups.[77] Mineral smuggling also arguably continues to deprive the state of revenues.

DRC's industrial mining operations have drawn a different set of concerns. The organization Global Witness has described DRC's mining parastatal Gécamines as central to corrupt networks that it labels a "regime cash machine."[78] In 2012, the IMF ended its concessional loan program due to concerns about a lack of transparency in state mining contracts. Dan Gertler, an Israeli businessman closely tied to President Kabila, has drawn particular international attention due to deals in which he has flipped state-held mining concessions for large profits. In recent years, firms linked to Gertler have been targeted in corruption probes in the United States, Canada, and the UK. In 2017, the Trump Administration imposed sanctions on Gertler and various firms linked to him, asserting that he "used his close friendship with ... Kabila to act as a middleman for mining asset sales in the DRC."[79] The Department of the Treasury cited an independent investigation that found DRC had lost over $1.36 billion in potential revenues from underpricing mining assets sold to firms linked to Gertler.[80] It sanctioned additional Gertler-linked firms in June 2018.[81] Gertler has said he is being unfairly targeted, and that his business success reflects his relative appetite for political risk and a single-minded focus on DRC.[82]

In early 2018, the DRC government promulgated a new mining code that steeply elevates taxes and royalty payments that foreign mining firms will owe the state. President Kabila signed the law in the face of intense opposition from international firms, who strenuously objected to the government's decision to ignore "stability clauses" that would otherwise have protected existing contracts for 10 years. The new mining code appears to be popular among Congolese, while adding to Western investor perceptions of risk.[83]

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[75] "Conflict minerals" are designated ores—of tantalum and niobium, tin, tungsten, and gold—that have reportedly fueled rebel movements and human rights abuses in DRC. See CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook.

[76] 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.

[77] U.N. Security Council, *Final report of the Group of Experts*, June 8, 2018, U.N. doc. S/2018/531.

[78] Global Witness, *Regime Cash Machine: How the Democratic Republic of Congo's booming mining exports are failing to benefit its people*, July 2017.

[79] Department of the Treasury, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe," December 21, 2017.

[80] Africa Progress Panel, *Equity in Extractives: Stewarding Africa's Natural Resources for All*, 2013. See also Franz Wild, Michael J. Kavanagh, and Jonathan Ferziger, "Gertler Earns Millions as Mine Deals Fail to Enrich Congo," *Bloomberg Markets Magazine*, December 5, 2012.

[81] Department of the Treasury, "Treasury Sanctions Fourteen Entities Affiliated with Corrupt Businessman Dan Gertler Under Global Magnitsky," June 15, 2018.

[82] Bloomberg, "Congo Bribery Probe Puts Israeli Billionaire's Future on Hold," February 22, 2018.

[83] Bloomberg, "Congo's Miners Face Harsh New Reality as Mining Law Finalized," June 13, 2018.

U.S. Policy and Aid

During the Obama Administration, the focus of U.S. policy shifted from defusing a resurgent Rwandan-backed rebellion in the east, to addressing the political impasse over the elections process and President Kabila's succession. The Trump Administration has altered the U.S. posture toward DRC in some ways, for example eliminating a State Department Special Envoy position and securing a MONUSCO troop decrease. At the same time, it has maintained a high-level focus on DRC human rights abuses and elections. The Administration has expanded a policy, initiated in 2016, of sanctioning state security force officials for human rights abuses and/or obstruction of democracy, invoking Executive Orders issued by previous Administrations.[84] In 2017, the Trump Administration further broadened the scope of U.S. sanctions in DRC by issuing a new Executive Order pertaining to global human rights abuses and corruption and using it to designate a prominent businessman and close Kabila associate, Dan Gertler, along with firms linked to him.[85]

The U.S. Permanent Representative to the U.N., Ambassador Nikki Haley, has played a visible role in DRC policy, calling repeatedly for fair elections and greater respect for human rights. Her trip to DRC in October 2017, during which she met with President Kabila and called for elections by the end of 2018, appeared to spur the CENI's subsequent decision to set December 23 as the election date. U.S. diplomats have since urged DRC authorities to adhere to this timetable and to confirm publicly that Kabila will not be a candidate.[86] In February 2018, Ambassador Haley expressed concern about the electoral process and the government's failure to "release political prisoners, end politically motivated prosecutions, and guarantee the rights of peaceful assembly and freedom of expression."[87] U.S. officials have simultaneously rejected opposition calls for a "transition without Kabila" as "unconstitutional" and contrary to the St. Sylvestre accord.[88]

U.S. officials have called for a credible investigation into the murders of two U.N. sanctions investigators, U.S. citizen Michael Sharp and Swedish citizen Zaida Catalán, in Kasai in 2017.[89] U.N. sanctions monitors reported in June 2018 that cooperation between DRC authorities and

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[84] In 2014, President Obama issued Executive Order (E.O.) 13671 authorizing DRC-related sanctions designations, which amended E.O. 13413 (2006) to add as grounds for designation any "actions or policies that undermine democratic processes or institutions." In 2016, the Obama Administration designated five sitting or former prominent DRC security officials in an effort to deter political repression and pressure the government to hold elections. President Trump sanctioned a sixth senior DRC security official and a related business in June 2017 for "undermining democratic processes." In February 2018, the Trump Administration and the U.N. Security Council designated a DRC military officer accused of abusing civilians in North Kivu—the first U.N. designation of an active-duty DRC military officer.

[85] Department of the Treasury, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe," December 21, 2017. The E.O. implements the Global Magnitsky Human Rights Accountability Act, i.e., §1261 of P.L. 114-328, and also invokes additional legislative and constitutional authorities granted to the President. See CRS In Focus IF10576, *The Global Magnitsky Human Rights Accountability Act*, by Dianne E. Rennack.

[86] Testimony by Acting Assistant Secretary of State for African Affairs, Ambassador Don Yamamoto, House Foreign Affairs Committee (HFAC), Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, Hearing, "Resolving the Political Crisis in the Democratic Republic of the Congo," November 9, 2017.

[87] Ambassador Nikki Haley, "Remarks at a UN Security Council Open Arria-Formula Meeting on the Democratic Republic of the Congo," February 12, 2018.

[88] Yamamoto testimony, November 2017, op. cit.; U.S. Embassy Kinshasa, "Statement of January 20, 2018."

[89] U.S. Mission to the United Nations, "Ambassador Nikki Haley's Remarks at a UN Security Council Open Debate on Peace and Security in Africa," July 19, 2017; "Statement by Ambassador Haley on the Board of Inquiry Report on the Deaths of Michael Sharp and Zaida Catalan," August 17, 2017; and "Statement by Ambassador Haley on the Election of the Democratic Republic of the Congo to the UN Human Rights Council," October 16, 2017.

U.N. experts tasked with assisting DRC's investigation into the case had been "deficient," adding that "the Congolese security services have interfered with the investigations."[90]

U.S. bilateral aid programs in DRC seek to promote stability, economic growth, health, good governance, education, security force professionalization, and military justice. The Trump Administration's FY2019 aid budget request includes $214 million in bilateral funding for DRC, which would be a decrease compared to FY2017 allocations (latest available), but would nonetheless place DRC in the top 10 U.S. bilateral aid recipients in Africa. The United States provides additional funds for emergency humanitarian aid and MONUSCO's budget, under the U.N. system of assessed contributions for peacekeeping.[91]

Table 1. U.S. Funding for Aid and U.N. Peacekeeping Contributions in DRC

State Department- and USAID-administered funds, appropriations, $ millions

Account	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018 (req.)	FY2019 (req.)
DA	-	7.9	-	-	-	-	N/A	N/A
GHP	111.7	149.4	178.6	167.1	174.1	192.0	122.4	146.9
ESF	47.9	64.2	48.6	67.4	63.8	75.2	71.0 (ESDF)	60.0 (ESDF)
IMET	0.5	0.3	0.5	0.5	0.6	-	0.4	0.4
INCLE	6.0	6.0	3.3	2.0	2.0	2.0	2.0	2.0
NADR	1.0	1.0	0.5	0.5	0.5	2.0	2.0	2.0
PKO	19.0	12.0	10.0	10.0	14.0	10.0	3.0	2.7
FFP (P.L. 480) development	68.3	82.0	89.8	72.8	46.9	81.0	N/A	N/A
Subtotal, bilateral aid	**254.4**	**322.9**	**331.2**	**320.3**	**301.9**	**362.2**	**200.8**	**214.0**
Emergency Humanitarian Aid	113.2	164.9	180.6	176.9	162.9	190.7	TBD	TBD
CIPA for MONUSCO	399.5	326.8	410.8	304.8	480.0	440.6	345.5 (est.)	210.2

Source: State Department Congressional Budget Justifications for Foreign Operations (CBJ), FY2014-FY2019; USAID "Complex Emergency" fact-sheets on DRC. Some regionally and centrally allocated funding not included.

Notes: May not include funding from multicountry regional programs. Figures may not sum due to rounding. DA=Development Assistance; GHP=Global Health Programs (State and USAID); ESF=Economic Support Fund; ESDF=Economic Support and Development Fund (proposed by the Trump Administration); IMET=International Military Education & Training; INCLE=International Narcotics Control & Law Enforcement; NADR=Nonproliferation, Antiterrorism, Demining & Related Programs; PKO=Peacekeeping Operations (military aid); FFP=Food For Peace; "Emergency Humanitarian Aid"=resources administered by USAID's Office of Foreign Disaster Assistance and Food for Peace office, and by the State Department's Bureau of Population, Migration, and Refugees; CIPA=Contributions for International Peacekeeping Activities. TBD=to be determined; N/A=not applicable (budget request proposes to discontinue accounts/funding).

[90] *Final Report of the Group of Experts on the Democratic Republic of the Congo*, June 4, 2018, U.N. doc. S/2018/531.

[91] See CRS In Focus IF10597, *United Nations Issues: U.S. Funding of U.N. Peacekeeping Operations*, by Luisa Blanchfield.

Recent Congressional Actions

Since 2016, congressional attention toward DRC has focused on deterring President Kabila's efforts to cling to power. H.R. 6207, introduced in the House on June 25, 2018, would codify U.S. sanctions regimes for DRC and could compel additional designations. S.Res. 386, which was agreed to in the Senate on July 16, 2018, calls on President Trump to use "appropriate means" to assist elections in DRC and "deter further electoral calendar slippage and abuses against the people of Congo," among other provisions. The resolution also calls on the DRC government to enable a credible independent investigation into the murders of U.N. sanctions investigators in Kasai. In the 114th Congress, the Senate and House each passed resolutions (S.Res. 485 and H.Res. 780) expressing concern over election delays and calling for punitive measures against those responsible for abusing human rights or undermining democracy in DRC. More broadly, Congress often focused on human rights challenges in DRC, such as sexual violence, child soldiers, and the international trade in "conflict minerals" (see **Appendix**).

For nearly a decade, Congress has sought to deter regional proxy involvement in conflicts in eastern DRC by placing conditions on U.S. military aid to neighboring countries.[92] Most recently, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018, restricts International Military Education and Training (IMET) funds for any government in Africa's Great Lakes region until the Secretary of State reports to Congress that that government is not "facilitating or otherwise participating in destabilizing activities in a neighboring country" (§7042([a] of Division K of P.L. 115-141).

Reports by U.N. sanctions investigators indicating that North Korea has engaged in transactions with the DRC government have also drawn scrutiny in the 115th Congress.[93] Reported North Korean arms sales to DRC would violate U.N. sanctions regimes for both countries.[94] Several Members praised H.R. 1644, *Korean Interdiction and Modernization of Sanctions Act* (engrossed in the House on May 4, 2017), as a measure that would aid North Korea sanctions enforcement by targeting the leaders of allegedly noncompliant countries such as DRC.[95]

Members continue to debate the 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 designated "conflict minerals" originating in DRC or neighboring states.[96] The SEC issued the rule in 2012 but a court challenge partially stayed its implementation in 2014. In January 2017, the then-acting SEC chairman directed staff to "consider whether the 2014 guidance is still

[92] On the application of foreign aid appropriations provisions pertaining to past Rwandan support for Congolese rebel groups, see CRS Report R44402, *Rwanda: In Brief*.

[93] See U.N. Security Council, *Midterm report of the Panel of Experts established pursuant to resolution 1874 (2009)*, September 5, 2017, U.N. doc. S/2017/742; and *Report of the Panel of Experts established pursuant to resolution 1874 (2009)*, February 27, 2017, U.N. doc. S/2017/150.

[94] The DRC arms embargo allows military assistance to the government of DRC but requires advance notification to the U.N. sanctions committee. See U.N. Security Council Committee Established Pursuant to Resolution 1533 (2004), "Sanctions Measures," at https://www.un.org/sc/suborg/en/sanctions/1533#summary%20listing%20criteria.

[95] Remarks by Rep. Chabot and Rep. Yoho, *Congressional Record*, p. H3026, May 2, 2017.

[96] See, e.g., remarks by Rep. Huizenga and Rep. Moore on a proposed amendment to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018, *Congressional Record*, p. H7334, September 13, 2017; and 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. For background, see CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*, by Nicolas Cook.

appropriate and whether any additional relief is appropriate in the interim."[97] Many Members have backed legislation in the House that would repeal Section 1502 or prohibit its implementation, asserting that the provision has imposed burdensome compliance costs on U.S. firms and/or is harming the Congolese people by deterring trade and investment. Examples in the 115th Congress include H.R. 4248, H.R. 10 (§862), and H.R. 3354 (§1108 of Division D). Other Members have defended Section 1502 as an important contribution to international efforts to stabilize DRC.[98]

Congress has enacted legislative restrictions on certain types of 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) or have a poor record on human trafficking (P.L. 106-386, the Trafficking Victims Protection Act or TVPA, as amended).[99] Relevant legislation in the 115th Congress includes H.R. 1191 (Child Soldier Prevention Act of 2017). The State Department has annually designated DRC under CSPA, but successive Administrations have waived some or all restrictions on military aid to DRC under the act—citing justifications ranging from the military's progress in discharging child soldiers, to its role in addressing atrocities by armed groups.[100] Pursuant to the TVPA, the State Department ranked DRC as "Tier 3" (worst) on human trafficking in 2017, an automatic downgrade after the country spent two consecutive years on the "Tier 2-Watch List." President Trump partially waived DRC aid restrictions under the TVPA for FY2018, applying them solely to Foreign Military Financing (FMF) (for which no funding has been requested or provided in recent years), Foreign Military Sales (FMS), IMET, and Excess Defense Articles (EDA).[101]

Outlook and Issues for Congress

Achieving greater stability in DRC—a U.S. regional policy goal for over two decades—may depend on how actors in DRC and neighboring states navigate the period leading up to elections slated for December 2018. Some analysts fear that political uncertainty and the government's tactics could prompt levels of chaos and conflict not seen in decades.[102] While no more sanguine, others assert that instability in DRC is driven less by the national political impasse than by local-level factors: "poverty, unemployment, corruption, criminality, and poor access to land, justice, and education."[103] Events in the turbulent surrounding region may also impact DRC's stability and are likely to divert humanitarian and peace-building resources.

The Trump Administration has taken a number of steps to identify and deter electoral malfeasance and human rights abuses. Officials have not publicly outlined what steps may be envisaged if elections are delayed past the current deadline of December 23, if more opposition candidates are

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

[98] Senator Durbin, "Conflict Minerals Law," *Congressional Record*, p. S2961, May 16, 2017.

[99] See CRS In Focus IF10901, *Child Soldiers Prevention Act of 2008: Security Assistance Restrictions and Proposals in the 115th Congress*, by Michael A. Weber; and CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana W. Rosen.

[100] See Presidential Determination 2017-14, September 30, 2017. President Obama partially waived restrictions for DRC in FY2017 and fully waived them for FY2016; see Presidential Determinations No. 2016-14, September 28, 2016, and No. 2015-13, September 29, 2015.

[101] Presidential Determination No. 2017-15, September 30, 2017.

[102] *The Economist*, "Congo Is Sliding Back to Bloodshed," February 15, 2018; *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, October 2, 2017, U.N. doc. S/2017/824.

[103] Séverine Autesserre, "What the Uproar Over Congo's Elections Misses," *Foreign Affairs*, March 1, 2017.

barred from running, or if results are not credible. U.S. influence in DRC may be constrained by limited resources, by a perceived need to maintain bilateral diplomatic ties, and by the challenge of coordinating with and influencing other key players—such as European donors, China, and regional actors such as Angola, Rwanda, Uganda, Tanzania, and South Africa. U.S. bilateral aid does not easily present opportunities for leverage, as most programs are implemented through nongovernment partners and seek to address humanitarian, development, and/or human rights problems. U.S. bilateral military aid—totaling $10 million in FY2017, relatively high for a country in Central Africa—may be an exception, although programs are aimed at supporting military professionalization and accountability.[104] Successive Administrations have invoked such considerations as reasons to waive certain human rights-related legislative restrictions on security assistance to DRC, as discussed above ("Recent Congressional Actions").

Some Members of Congress continue to examine the potential for a further escalation in violence in connection with the elections process, and to weigh the potential benefits and drawbacks of punitive measures such as additional sanctions designations. Policymakers in Congress and the executive branch continue to debate 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.

[104] State Department, FY2019 Congressional Budget Justification.

Appendix. Selected Enacted Legislation

- P.L. 115-141, **Consolidated Appropriations Act, 2018** (March 23, 2018). Restricts certain International Military Education and Training (IMET) funds for any government in Central Africa' s Great Lakes region until the Secretary of State reports that such government is not involved in "destabilizing activities" in a neighboring state.
- P.L. 114-231, **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, **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, **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, **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, **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 rebellion, subject to a waiver.
- P.L. 112-74, **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. 111-212, **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, **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, **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 multilateral efforts to eliminate the threat posed by the LRA, among other provisions.
- P.L. 111-117, **Consolidated Appropriations Act, 2010** (December 16, 2009). Restricted FMF grants for Rwanda if it was found to support DRC armed groups.
- P.L. 111-84, **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, **Supplemental Appropriations Act, 2009** (June 24, 2009). Provided $15 million in Peacekeeping Operations (PKO) funds for DRC, which were used to train a Light Infantry Battalion in an effort to promote security sector reform.
- P.L. 110-457, **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, **Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006** (December 22, 2006). Outlined U.S. policy toward DRC. Set a minimum funding level for bilateral foreign aid in FY2006-FY2007 and stated the sense of Congress that the Secretary of State should withhold certain aid 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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