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# Democratic Republic of Congo: Background and U.S. Relations

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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 that drew in multiple neighboring countries and reportedly caused millions of deaths—drew to a close. DRC hosts the world's largest U.N. peacekeeping operation and is a major recipient of donor aid. Conflict has nonetheless persisted in eastern DRC, prolonging instability and an enduring humanitarian crisis in Africa's Great Lakes region. New unrest erupted as elections were repeatedly delayed past 2016, their scheduled date, leaving widely unpopular President Joseph Kabila in office. Security forces brutally cracked down on protests, while new conflicts emerged in the central Kasai and southeastern Tanganyika regions, possibly fueled by political interference. An Ebola outbreak in the east has added to DRC's challenges.

Following intense regional and international pressure, national elections were ultimately held on December 30, 2018. An opposition figure, Felix Tshisekedi, unexpectedly won the presidency, though his ability to assert a popular mandate may be undermined by election irregularities and allegations of fraud. Notably, leaked data and a parallel vote tabulation overseen by DRC's Catholic bishops reportedly suggested that a rival and more hardline opposition candidate in fact had won more votes. Many Congolese nonetheless reacted to the official results with relief and/or enthusiasm, noting that Kabila would step down and that voters had soundly defeated his choice of successor, a former Interior Minister. At the same time, Kabila's coalition won sweeping majorities in simultaneous legislative and provincial-level elections. Many observers have posited that the official results reflect a power-sharing deal between Tshisekedi and Kabila. Whether President Tshisekedi will make durable progress toward spurring inclusive economic growth, reforming state institutions, or ending security force abuses remains to be seen.

The Trump and Obama Administrations expended significant efforts to encourage an electoral transfer of power in DRC, i.e., "credible" elections in which Kabila was not a candidate. U.S. officials welcomed Tshisekedi's election and have pledged to work with him, but in the aftermath of the polls they have also imposed sanctions against top election officials, citing corruption in the electoral process. The Trump Administration has more broadly maintained a high-level focus on human rights and governance in DRC, expanding a U.S. unilateral sanctions regime targeting high-level security commanders and appointing regional specialist J. Peter Pham as Special Envoy in 2018. U.S. diplomats have also called on DRC authorities to credibly prosecute the murder in 2017 of two U.N. sanctions investigators, including a U.S. citizen. The United States remains the largest humanitarian donor in DRC and the largest financial contributor to the U.N. peacekeeping operation, MONUSCO, though the Administration has advocated broad cuts to U.S. peacekeeping funding and secured a decrease in MONUSCO's troop level in 2017. U.S. bilateral aid to DRC totaled $375 million in FY2018, higher than in previous years.

Congress has shaped U.S. policy toward DRC, often focusing on human rights and democracy. Recent foreign aid appropriations measures have directed bilateral economic assistance for DRC. In the 115th Congress, the House passed H.R. 6207, which, among other measures, would have codified the Executive Orders authorizing U.S. targeted sanctions. The Senate agreed to S.Res. 386, urging the U.S. President to "deter further electoral calendar slippage and abuses against the people of Congo." For the past decade, Congress has also sought to deter Rwandan and Ugandan proxy involvement in DRC via provisions in aid appropriations legislation. Laws restricting U.S. aid to countries that, like DRC, have poor records on curtailing the use of child soldiers or human trafficking have also shaped U.S. engagement and aid. See also CRS In Focus IF11100, *Ebola Outbreak: Democratic Republic of Congo*; CRS Report R44402, *Rwanda: In Brief*; and CRS Report R42618, *Conflict Minerals in Central Africa: U.S. and International Responses*.

# Contents

Introduction ..... 1
Historical Background ..... 2
Politics ..... 4
Security and Humanitarian Trends ..... 6
Conflict in Eastern DRC ..... 8
Sexual Violence ..... 10
Wildlife Poaching ..... 10
U.N. Peacekeeping: Current Issues ..... 10
The Economy ..... 12
The Mining Sector: Policy Concerns ..... 13
U.S. Policy ..... 14
Foreign Assistance ..... 15
Recent Congressional Actions ..... 17
Outlook and Issues for Congress ..... 18

## Figures

Figure 1. DRC at a Glance ..... 2

## Tables

Table 1. U.S. Funding for Aid and U.N. Peacekeeping Contributions in DRC ..... 16

## Appendixes

Appendix. Selected Enacted Legislation ..... 19

## Contacts

Author Information ..... 20

# Introduction

The U.S. State Department welcomed opposition figure Felix Tshisekedi's victory in DRC's December 2018 presidential election, applauding the Congolese people "for their insistence on a peaceful and democratic transfer of power."[1] Election day was indeed largely peaceful, and alternate scenarios that outgoing President Joseph Kabila might have preferred—e.g., his own reelection or the election of his chosen successor, former Interior Minister Emmanuel Ramazani Shadary—ultimately did not materialize. Many Congolese reacted positively to the results.[2]

Whether the election was "democratic" is debatable, however, as is the degree to which Tshisekedi's presidency represents a "transfer of power." Former President Kabila—whose decision to cling to power past the end of his two constitutionally permitted terms in 2016 sparked a national political crisis and widespread protests—appears poised to retain significant political influence. Kabila, who first assumed the presidency in 2000, now holds the title of "Senator-for-Life," while his Common Front for Congo (FCC) coalition won a sweeping majority of seats in parliament and provincial assemblies. Tshisekedi's Union for Democracy and Social Progress (UDPS) won very few sub-national contests, and as of early 2019, it planned to form a coalition government with the FCC. These factors, along with evidence that a more hardline opposition figure won more votes than Tshisekedi, have led many observers to speculate that the official results reflect a power-sharing deal between Tshisekedi and Kabila (see "Politics").

Attention has now turned to gauging President Tshisekedi's performance in office and the extent of his independence. The challenges facing DRC are stark. The country is rich in minerals, forest resources, freshwater, and agricultural potential, but most Congolese live in poverty. Prior to the 2016-2018 impasse over the elections delay and Kabila's political future, international attention toward DRC was overwhelmingly focused on addressing long-running conflicts in the east and supporting the extension of state authority. Security threats, political uncertainty, "endemic corruption," poor infrastructure, and unpredictable regulatory enforcement have contributed to a poor business climate.[3] Ahead of a visit by Tshisekedi to Washington, DC in April 2019, the State Department pledged to work with the new president "to advance his agenda to combat corruption, strengthen the rule of law, enhance security, protect human rights and promote economic growth through increased foreign investment and trade, particularly with the United States."[4]

Enduring conflicts and humanitarian suffering in the east both reflect and contribute to regional instability. 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, including extrajudicial killings and mass rapes. There were 4.5 million internally displaced persons (IDPs) in DRC as of late 2017 (latest U.N. figure available), one of the highest numbers in the world, while another 825,000 Congolese are refugees in neighboring countries.[5] About 12.8 million people (15% of the country's estimated population) are in "dire need of assistance," according to U.N. agencies.[6]

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[1] State Department Deputy Spokesperson Robert Palladino, "U.S. Response to Constitutional Court Decision in the Democratic Republic of the Congo," January 23, 2019.

[2] *Politico.CD*, "Kinshasa et plusieurs villes du pays fêtent la victoire annoncée de Félix Tshisekedi," January 10, 2019.

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

[4] State Department press briefing, March 26, 2019.

[5] U.N. High Commissioner for Refugees (UNHCR), *DRC Situation: Regional Update at a Glance*, January 2019.

[6] U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), figure as of December 31, 2018.

DRC ranked 176 out of 189 on the 2018 U.N. Human Development Index, and its per capita gross domestic product (GDP), at $478 in 2018 according to the International Monetary Fund (IMF), 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). In recent years, DRC has notably produced over half the world's supply of cobalt, a key ingredient in electric car batteries among other industrial uses. Relations with the international financial institutions have been poor since 2012, when the 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<br>**Languages:** French (official), Lingala (lingua franca in the west), Swahili (lingua franca in the east), local languages<br>**Religions:** Catholic 50%, Protestant 20%, Kimbanguist (Christian sect) 10%, Muslim 10%, other 10%<br>**Infant Mortality Rate:** 66.7 deaths/1,000 live births (8th highest in world)<br>**Life expectancy:** 58.1 years (11th lowest in world)<br>**Median age:** 18.8 years<br>**Population under 14 years of age:** 41% | **Adult literacy:** 77% (male 89%, female 67%) (2016)<br>**HIV adult prevalence rate:** 0.7% (2017)<br>**GDP growth / per capita:** 3.8% / $478<br>**Major exports / partners:** diamonds, copper, gold, cobalt, wood products, crude oil, coffee / China (41%), Zambia (23%), South Korea (7%), Finland (6%) (2017)<br>**Major imports / partners:** foodstuffs, mining and other machinery, transport equipment, fuels / China (20%), South Africa (18%), Zambia (10%), Belgium (9%), India (4%), Tanzania (4%) (2017) |

**Source:** CRS graphic, drawn from Esri (2016). Figures from CIA World Factbook and IMF (October 2018); 2018 estimates unless otherwise noted.

## 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 repeatedly delayed elections. State institutions and the military fractured, while conflicts in neighboring states spilled into DRC, diverting state resources and destabilizing local communities. Hutu extremists who orchestrated the 1994 genocide 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 in response, 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 Congolese militant. The ensuing conflict came to be known as the "first" Congo war. With Mobutu's security forces and personal health in 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, Laurent Kabila attempted to expel these forces, provoking a mutiny. Rwanda and Uganda

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[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.

then deployed troops into DRC and cultivated rebel groups as proxies, this time against Kabila. They also fought each other. Angola, Zimbabwe, Sudan, and others intervened on the government's side. This conflict, dubbed "Africa's World War," caused a major humanitarian crisis and is estimated 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 advanced 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. Kabila headed a transitional government between 2003 and 2006, 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] The late opposition leader Etienne Tshisekedi, Felix Tshisekedi's father, rejected the results and declared himself president, but his calls for mass protests did not materialize. Kabila's party lost seats in the legislature compared to 2006, but nonetheless assembled a majority coalition.

DRC's relations with Uganda, Rwanda, and Angola remain complex and volatile. Tensions with Rwanda have periodically flared since the conclusion of the 1998-2003 war with 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's eastern border regions. Tensions surged during a 2012-2013 Rwandan-backed rebellion known as the M23, but they 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.

# Politics

Felix Tshisekedi's inauguration as president in January 2019 represented DRC's first peaceful transfer of executive power in its postcolonial history. That he is the son of the late opposition leader Etienne Tshisekedi—who was revered by many Congolese for his role in DRC's political liberalization in the 1990s and uncompromising stance against former president Kabila—added potent symbolism. For the Western donor community, Tshisekedi's victory also averted several scenarios that might have sparked a popular backlash (and thus, a potential for increased instability) or posed other challenges. These included 1) an unconstitutional third-term bid by outgoing president Joseph Kabila; 2) further election delays; or 3) a victory by Kabila's unpopular choice of successor, Emmanuel Ramazani Shadary, who is under European Union (EU) sanctions due to his role in political repression.[14]

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[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] See election observation reports by the U.S.-based Carter Center, the European Union, and DRC's Commission Episcopale Justice et Paix. Regional observers largely praised the election; see "Joint Statement by the AU, SADC, ECCAS, ICGLR, and Comesa, on the General Elections in the Democratic Republic of Congo," November 30, 2011.

[14] European Council Implementing Decision 2010/788/CFSP, May 29, 2017.

Whether Tshisekedi is able to deliver on Congolese hopes for change remains to be seen. As discussed above, Kabila appears poised to retain influence over state decision-making, including, potentially, over the security apparatus and lucrative mining sector. An electoral data leak and a parallel vote tabulation overseen by the widely respected Congolese Conference of Catholic Bishops (CENCO) reportedly both showed him losing by a wide margin to rival opposition candidate Martin Fayulu, who was backed by key exiled opposition figures and ran a campaign that was more ardently critical of Kabila.[15] DRC's election commission (known as the CENI) has not published disaggregated results by polling station that could be checked against election observer data. These factors have led some observers to speculate that the official results reflect a backroom deal—a "Plan B" after voters resoundingly rejected Shadary—in which Kabila granted Tshisekedi victory in exchange for protection and continued influence via control of the legislature and provincial-level assemblies.[16] The provincial assemblies, in turn, indirectly elect DRC's Senators and Governors. Fayulu has refused to recognize the presidential results.

### Who is Felix Tshisekedi?

Felix Tshisekedi (chee-say-KAY-dee), 55, was inaugurated in January 2019 as DRC's fifth post-independence president, having won 39% of the December 2018 vote according to official results. (DRC's electoral system was amended in 2011 such that the candidate with the most votes wins, even if they fall short of a majority.) In his inauguration speech, he called for national reconciliation and vowed to improve DRC's human rights record, release political prisoners, and advance peace and development. Tshisekedi has also pledged to fight corruption and impunity, introduce greater transparency into state mining contracts, and invest in education.[17]

A son of the late opposition leader and former Prime Minister Etienne Tshisekedi, Felix Tshisekedi grew up in Kinshasa and in his father's political stronghold of Kasai (central DRC). He lived in Belgium from the mid-1980s to the mid-2000s.[18] He was first elected to public office in 2011 as a member of parliament for his father's UDPS party, but he followed the party's directive to boycott his seat. (Etienne Tshisekedi refused to recognize the 2011 election results, in which he lost the presidential race to incumbent Joseph Kabila.) After the ruling coalition and opposition signed the St. Sylvestre accord in December 2016—which called for a unity government, an opening of political space, and elections within a year—prominent opposition figures called for Felix Tshisekedi to serve as prime minister, though this never materialized. After his father's death in February 2017, Felix Tshisekedi was elected to lead the UDPS. He signed a notionally binding intra-opposition agreement in late 2018 backing Martin Fayulu as a unified opposition candidate, then backed out because, he said, his party's base opposed it.

Uncertainty over the election process and Kabila's succession had dominated national politics and preoccupied donors since 2014, as it became clear that Kabila would seek to remain in office past the end of his term in 2016 and that this would provoke significant popular opposition and unrest. Local civil society groups, youth activists, CENCO, and regional powers such as Angola played a key role in pressuring the government to hold elections in which Kabila was not a candidate. Large street protests first erupted in 2015 in opposition to a ruling party proposal to delay elections pending a time-consuming national census. Activists, opposition parties, and Catholic lay organizations organized periodic protests through 2018 despite violent repression by state security forces, who fired on civilians, arrested activists, shuttered media outlets, expelled international researchers, and besieged churches where marchers gathered.[19] After the 2018

[15] Congo Research Group (CRG), "Who Really Won the Congolese Elections?" January 16, 2019.

[16] Reuters, "How Kabila's Election Strategy Unravelled in Congo," January 19, 2019. See also *Financial Times*, "How Joseph Kabila Lost Then Won Congo's Election," January 30, 2019; Tatiana Carayannis and Herbert Weiss, "Kicking the Can Down the Road," *Foreign Affairs*, January 18, 2019; and Michelle Gavin, "Accountability Lacking in Congo Election Debate," Council on Foreign Relations, January 14, 2019.

[17] Colette Braeckman, "La main tendue de Félix Tshisekedi," *Le Soir*, January 7, 2019.

[18] Biographical details drawn from *Jeune Afrique*, "Félix Tshisekedi, au nom du père," June 15, 2017.

[19] See Human Rights Watch (HRW) reports filed under *Democratic Republic of Congo in Crisis*, https://www.hrw.org/

election results were announced, a few areas saw violent clashes, but much of the country appeared calm or celebratory.

The election process was characterized overall by flaws and irregularities, as reflected in polls showing a dim view of the CENI among Congolese voters.[20] In addition to evidence of high-level CENI corruption, observers noted state restrictions on opposition activism and critical media, a problematic voter registry, a last-minute decision to cancel the presidential vote in four pro-opposition districts, and the fact that two prominent exiled opposition figures (former governor Moïse Katumbi and former rebel leader Jean-Pierre Bemba) were barred from running.[21] Several of these factors, along with repeated election delays, violated a political agreement brokered by CENCO in December 2016 (known as the St. Sylvestre accord) that aimed to encourage relatively fair and timely elections. The DRC government also rejected U.N. logistical support for moving electoral materials around the vast, infrastructure-poor country, which could have averted some disenfranchisement and delays.[22] Despite welcoming Tshisekedi's presidency, the U.S. government has assailed corruption and political repression tied to the electoral process that brought him to office and designated election officials for sanctions (see "U.S. Policy" below).

The presidential, National Assembly, and provincial-level elections on December 30, 2018, did not complete DRC's electoral cycle. Provincial assemblies elected members of the Senate on March 14, 2019, amid widespread reports of corruption in the process.[23] (Kabila's FCC won an overwhelming majority of provincial assembly seats and more than two-thirds of seats in the Senate.[24]) The four opposition-leaning districts excluded from the December 2018 vote—the CENI cited the Ebola outbreak in three eastern districts and a burst of political and ethnic violence in a western district—held legislative and provincial elections on March 30.[25] Indirect gubernatorial elections were slated for March 26, but have been delayed. Local elections are due in September 2019, and would be the first multiparty local-level polls since independence.

# Security and Humanitarian Trends

Uncertainty over DRC's political future coincided with a surge in conflicts throughout the country between 2016 and 2018.[26] Violence worsened in the east, while new conflicts emerged in

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blog-feed/democratic-republic-congo-crisis.

[20] CRG/BERCI poll, "Congolese expect flawed, contentious election," July 31, 2018.

[21] See, e.g., The Sentry, *Electronic Voting Technology DRC: Security vulnerabilities and déjà vu*, June 2018; CRG, *The Electronic Voting Controversy in the Congo*, April 2018; International Crisis Group (ICG), *Electoral Poker in DR Congo,* April 2018; OIF, *Audit du fichier électoral national de la République Démocratique du Congo,* May 2018; Enough! Project, "Red Flags in DR Congo's Electoral Process," March 8, 2018; and HRW et al., "DR Congo: US, EU Should Expand Targeted Sanctions," October 10, 2017.

[22] Bloomberg, "Congo Rules Out Any External Help for Presidential Elections," August 7, 2018. Days before it was scheduled to take place, election day was pushed back by one week due to logistical challenges. Domestic observers also reported that many polling stations opened late and that some (4-5%) did not have necessary materials. SYMOCEL, "Déclaration Préliminaire: Elections du 30 décembre 2018."

[23] Radio France Internationale (RFI), "RDC: la volte-face de Tshisekedi au sujet de l'installation du Sénat fait polémique," March 30, 2019.

[24] Reuters, "Congo Ex-Leader Kabila's Coalition Wins Decisive Senate Majority," March 16, 2019.

[25] The districts were Beni, Beni Town, and Butembo in North Kivu province, and Yumbi in Mai-Ndombe province. CENI data indicated that together, these districts comprised about 1.25 million registered voters—more than the gap separating Tshisekedi from Fayulu in the official presidential results.

[26] Ida Sawyer/HRW, "The crisis in Congo is spiraling out of control," *Washington Post*, June 30, 2017; Kris Berwouts, "It's no longer possible to predict what'll happen in the Congo," *African Arguments*, June 8, 2017; Jay Benson, "Don't

previously 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.[27] In the rural district of Yumbi in western DRC, hundreds of people were killed in December 2018 during an outbreak of violence fueled by local political and ethnic tensions.[28] In some areas, government officials allegedly sought to bolster Kabila's political support by intervening in delicate local power dynamics, while elsewhere, armed groups appeared to jockey for position in anticipation of a power vacuum.[29] The conflicts in Kasai and Tanganyika alone caused the displacement of nearly 2 million people.[30] Political unrest in urban areas, a string of prison breaks, and attacks in Kinshasa by members of an opaque religious sect contributed to worsening security trends.[31]

The conflict in Kasai, which erupted in 2016 after state security forces killed a traditional leader, spawned a serious humanitarian crisis featuring widespread atrocities, the recruitment and abuse of children, and severe food insecurity.[32] U.N. officials had documented at least 87 mass graves in the region as of 2017.[33] The DRC government blamed the violence on a shadowy antigovernment militia known as Kamuina Nsapu, while U.N. officials attributed many of the killings to the Congolese military and state-backed militias known as the Bana Mura.[34] In March 2017, two U.N. sanctions investigators—one of them a U.S. citizen—were murdered while probing human rights abuses in Kasai, while 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. Acute food insecurity has overlapped heavily with emergent conflict zones in recent years.[36] Communities affected by long-running conflicts in the Kivus continue to suffer abuses and displacement, but may have better access to international humanitarian aid. Efforts to contain the ongoing Ebola outbreak in North Kivu and Ituri provinces have nonetheless been stymied by security threats and deeply entrenched community distrust of government intervention.[37]

The Kabila government lashed out at the international donor community as U.S. and European issued targeted sanctions and criticized election delays. In April 2018, the government refused to attend a U.N. humanitarian donor conference in Geneva, accusing aid groups of "a demonization

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look away now: DR Congo is at greatest risk than for years," *African Arguments*, May 15, 2017.

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

[28] U.N. Joint Human Rights Office, investigative mission report on Yumbi, March 2019.

[29] 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.

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

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

[32] 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.

[33] IRIN, "Mass graves, missing bodies, and mysticism: Inside Congo's spiralling Kasai conflict," September 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] 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.

[37] CRS In Focus IF11100, *Ebola Outbreak: Democratic Republic of Congo*, by Tiaji Salaam-Blyther and Alexis Arieff.

campaign" and asserting that "there is no humanitarian crisis here."[38] The government subsequently called for donors to send aid funds directly to a state agency.[39] Aid organizations have reported increasing bureaucratic impediments, and as of mid-2018, a draft bill to regulate nongovernmental organizations threatened to 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 east. The national military, known as the FARDC, and other state security forces have been implicated in widespread atrocities, including during counter-insurgency operations and as part of illicit involvement in mining. Tensions over access to land and citizenship rights, localized disputes, organized criminal activity, and regional geopolitics have helped drive conflict. The spillover of violence from Rwanda and Burundi in the early 1990s aggravated long-standing tensions between and among communities seen as "indigenous" and those that trace their origins (however distant) 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, repeated rebellions in the east have reportedly drawn backing from Rwanda and escalated into regional crises. Rwanda's proxy involvement in eastern DRC conflicts 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 military.[42]

Under a U.N.-brokered regional "Framework Agreement" signed in 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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[38] *The New York Times*, "Despite Millions of Displaced People, Congo Rejects U.N. Aid Effort," April 7, 2018.

[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*,

Multiple armed groups remain active in the east, including "Mai Mai" militias—disparate groups that operate variously as self-defense networks and criminal rackets—as well as foreign-origin groups 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 ex-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 it was since been weakened by factional splits.[44] Formed by ethnic Hutu extremists implicated in the 1994 Rwandan genocide, the FDLR has been implicated in severe abuses and resource trafficking. 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 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 stymied by a lack of political will on the part of 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 U.N. investigators 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 warn that the FARDC's cultivation of militias to fight the FDLR has made other conflicts more difficult to resolve.

**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, while some recent accounts posit an Islamic State link, but many analysts are circumspect.[47] FARDC and MONUSCO operations in 2014 reportedly splintered the ADF, and founder Jamil Mukulu was arrested in 2015 in Tanzania and extradited to Uganda. The group reportedly continues to operate and recruit from the sub-region.

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."[48] 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.

December 4, 2017.

[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] CRG, *Inside the ADF Rebellion*, November 2018; IFRI, *L'Islam radical en République démocratique du Congo: Entre mythe et manipulation*, February 2017; ICG, *The ADF-NALU's Lost Rebellion*, December 19, 2012.

[48] U.N. Public Information Service, "At Least 71 United Nations, Associated Personnel Killed in Malicious Attacks against Peacekeeping Operations during 2017," January 26, 2018.

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.[49] 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."[50]

### 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.[51] Poachers are apparently increasingly well-armed and sophisticated, as are park rangers.[52] 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."[53]

## U.N. Peacekeeping: Current Issues

MONUSCO is the world's largest U.N. peacekeeping operation, authorized to comprise up to 16,875 military and 1,441 police personnel.[54] Its mandate has long focused on protecting civilians in conflict zones and supporting stabilization in the east. U.N. Security Council Resolution 2409 (2018) identified two top "strategic priorities": (1) protection of civilians and (2) "support to the implementation of the 31 December 2016 [St. Sylvestre] agreement and the electoral process." In March 2019, the Security Council extended MONUSCO's mandate and authorized troop ceiling for nine months, while reorienting the mission's second priority task toward supporting state

[49] CRG, "Report: Who Are the Killers of Beni?" March 21, 2016.

[50] 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.

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

[52] *GQ*, "The Bloody Toll of Congo's Elephant Wars," April 16, 2018.

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

[54] As of February 2019, MONUSCO comprised 15,726 military and 1,358 police personnel, according to U.N. data.

institutional strengthening and reforms. Other enduring tasks include the protection of U.N. personnel and facilities, support for demobilization of ex-combatants, and support for security sector reform. The Council has also called for an independent strategic review of the mission in 2019, including the articulation of a phased, progressive, and comprehensive "exit strategy."[55]

A previous strategic review of MONUSCO by the U.N. Secretary-General in 2017 found that the spike in violence in Kasai and urban locations since 2016 had "placed a major strain on limited resources."[56] Prior to 2016, MONUSCO had positioned the bulk of its forces in the east, in part due to Security Council pressure to align itself with active conflict zones that posed the most pressing threats to civilians. Security Council members and troop-contributing countries continue to debate how MONUSCO should respond to threats to civilians posed by state security forces, as well as what conditions, if any, should be placed on any logistical assistance for future elections (including local elections due in September 2019).

MONUSCO has drawn criticism for failing to protect Congolese civilians in various instances.[57] Such shortfalls may be attributed to a combination of factors, including a wide-ranging mandate, 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.[58] MONUSCO's mandate instructs it to support the DRC government in various ways, and its ability to operate is de facto contingent on government acceptance. MONUSCO personnel have also repeatedly been implicated in sexual abuse and exploitation.[59]

Ahead of MONUSCO's mandate renewal in March 2019, the U.S. acting Permanent Representative to the U.N. praised President Tshisekedi for committing to "work closely with MONUSCO to neutralize armed groups and pave the way for MONUSCO's drawdown and departure," but did not explicitly call for an immediate drawdown of personnel.[60] In 2017, the Trump Administration successfully advocated a decrease in MONUSCO's troop ceiling, asserting that the mission was propping up a "corrupt" government in Kinshasa.[61] Some observers expressed concern at the time that the troop reduction coincided with the emergence of new conflicts and threats to civilians, as well as election preparations.[62] It also appeared to grant a concession to the Kabila administration, which had repeatedly called for MONUSCO to draw down.[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 alter the troop ceiling in 2018 or in the March 2019 renewal.

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[55] U.N. Security Council meetings coverage, "Security Council, Adopting Resolution 2463 (2019), Calls for Strategic Review of Stabilization Mission in Democratic Republic of Congo, Extends Mandate," March 29, 2019.

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

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

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

[59] 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.

[60] U.S. Mission to the U.N., Remarks at a UN Security Council Briefing on the UN Mission in DRC, March 18, 2019.

[61] USUN, "Ambassador Nikki Haley Addresses the Council on Foreign Relations," March 29, 2017. Ultimately, the U.N. Security Council reduced the authorized troop ceiling by 3,700 military personnel.

[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,

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]

# The Economy

DRC has some of the world's largest natural resource endowments, 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 substantial production. DRC is a top global copper producer, and in 2018 it produced 64% of the global supply of cobalt (a key ingredient in batteries for electric cars as well as jet engines, among other industrial uses), along with 24% of natural industrial diamonds and 39% of tantalum.[67]

Private sector growth has been constrained by DRC's poor business environment, including its underdeveloped infrastructure, uneven contract enforcement, limited access to credit, continued insecurity in the east, endemic corruption, shortage of skilled labor, and 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. 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.[69]

A crash in global mineral prices, combined with political and regulatory uncertainty, produced a fiscal crisis in 2015-2017, but booming demand for copper and cobalt has since produced a rebound. GDP growth improved moderately to 3.8% in 2018, compared to 2.4% in 2016, although it remains well below the 2014 rate of 9.5%.[70] 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.[71] In 2014, independent researchers accused a

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*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 against MONUSCO peacekeepers," March 2, 2018.

[67] U.S. Geological Survey, *Mineral Commodity Summaries: 2019*.

[68] State Department, *Investment Climate Statements for 2018*.

[69] 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.

[70] IMF, World Economic Outlook database, October 2018.

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

British oil company, SOCO, of bribing DRC military commanders to intimidate opponents of oil exploration in Virunga.[72] SOCO later announced that it had ceased operations there.

## The Mining Sector: Policy Concerns

DRC's "conflict minerals" are associated with the informal artisanal mining sector in the east.[73] As of 2016, U.N. sanctions monitors reported that industry-led due-diligence measures had deprived armed groups of some opportunities to benefit from illicit mining of tin, tantalum, and tungsten, 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."[74] Gold smuggling through Uganda and Rwanda, and via intermediaries in the Gulf, reportedly continues to provide financing for armed groups.[75] 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—headed by Albert Yuma, a prominent Congolese businessman—as central to corrupt networks that it labels a "regime cash machine."[76] In 2012, the IMF ended its concessional loan program due to a lack of transparency in state mining contracts involving Gécamines. 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."[77] 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.[78] It sanctioned additional Gertler-linked firms in 2018.[79] Gertler has said he is being unfairly targeted, and that his success reflects his appetite for political risk and focus on DRC.[80]

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

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[72] 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.

[73] "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.

[74] 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.

[75] U.N. Security Council, *Final report of the Group of Experts*, June 8, 2018, U.N. doc. S/2018/531; and The Sentry, *The Golden Laundromat*, October 2018.

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

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

[78] 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.

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

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

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 appeared popular among Congolese, while adding to Western investor perceptions of risk.[81]

# U.S. Policy

The Trump Administration welcomed Tshisekedi's victory and has pledged to work with him (as noted), while strongly criticizing the process that delivered him the presidency. In March 2019, the Administration imposed targeted financial sanctions on three top CENI officials, citing "persistent corruption" and a "flawed electoral process" in which the CENI "failed to ensure the vote reflected the will of the Congolese people."[82] This followed the State Department's decision in February to prohibit U.S. entry visas for the same CENI officials, along with the outgoing National Assembly speaker, the head of DRC's Constitutional Court (which confirmed Tshisekedi's victory), and other, unnamed DRC officials, citing corruption and political repression.[83] In a media interview, U.S. Assistant Secretary of State for African Affairs Tibor Nagy asserted that the 2018 vote was "perhaps the most democratic election that Congo has ever known," while nonetheless acknowledging that it had been marked by "enormous problems."[84]

Some observers view these various statements as contradictory, while others perceive a U.S. effort "to help Tshisekedi to curb Kabila," and/or evidence of disagreements within the U.S. government on how to respond to the election results.[85] The Administration's broad emphasis on encouraging trade and investment ties while countering "great power competitors" in Africa may contribute to its interest in establishing a positive relationship with Tshisekedi.[86] China is DRC's largest trading partner by far, and Chinese firms are prominent in the mining sector. Russia has also intensified its outreach to the country, focusing on military cooperation.[87]

Generally, the Trump Administration continued its predecessor's efforts to ensure an electoral transfer of power from Kabila to a new president, and has maintained a high-level focus on DRC human rights issues. Although the Administration initially discontinued the post of Special Envoy to the DRC and Great Lakes region (which the Obama Administration maintained from 2013 to 2016), regional specialist J. Peter Pham was named to the position in late 2018. The Administration has also expanded a policy, initiated under President Obama, of sanctioning DRC state security officials for human rights abuses and obstruction of democracy.[88] In 2017, the

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

[82] Treasury Department, "Treasury Sanctions Congolese Officials Responsible for Undermining DRC Elections," March 21, 2019. The designations were made under E.O. 13413, as amended by EO 13671, which authorizes sanctions in light of actions or policies that undermine democratic processes or institutions in DRC (among other activities).

[83] State Department, "Public Designation of, and Visa Restrictions Placed on, Multiple Officials of the Democratic Republic of the Congo Due to Involvement in Significant Corruption, Human Rights Violations or Abuses, or Undermining of Democracy," February 22, 2019. The visa bans were issued under §7031(c) of P.L. 116-6; see CRS In Focus IF10905, *Targeting Foreign Corruption and Human Rights Violators in FY2018 Consolidated Appropriations*, by Liana W. Rosen, Derek E. Mix, and Michael A. Weber.

[84] RFI, "Tibor Nagy: 'Ce que je retiens, c'est que Kabila n'est plus au pouvoir,'" March 6, 2019; CRS translation.

[85] Peter Fabricius, "DRC President Tshisekedi Confronts Kabila's Establishment," *Daily Maverick*, March 25, 2019; see also *ForeignPolicy.com*, "How Washington Got on Board With Congo's Rigged Election," February 1, 2019.

[86] Remarks by National Security Advisor Ambassador John R. Bolton on the Trump Administration's New Africa Strategy, Heritage Foundation in Washington DC, December 13, 2018.

[87] Bloomberg, "Putin's Notorious 'Chef' Is Now Meddling Across Africa," November 20, 2018.

[88] In 2014, President Obama issued E.O. 13671, which amended E.O. 13413 (2006) to add as grounds for designation

Administration further broadened the scope of U.S. sanctions in DRC by issuing an Executive Order pertaining to global human rights abuses and corruption, and using it to designate a prominent businessman and close Kabila associate, Dan Gertler, and his firms, for sanctions.[89]

As U.S. Permanent Representative to the U.N. in 2017-18, Ambassador Nikki Haley played a high-profile role in DRC policy by calling for fair elections and greater respect for human rights. Her trip to DRC in October 2017, during which she met with then-President Kabila and called for elections by the end of 2018, appeared to spur the CENI's decision to announce an election date. U.S. diplomats then urged DRC authorities to adhere to the stated timetable and to confirm publicly that Kabila would not be a candidate.[90] 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."[91] U.S. officials simultaneously rejected opposition calls for a "transition without Kabila"—i.e., for Kabila to be replaced by a transitional government that would, in turn, organize elections—as "unconstitutional" and contrary to the 2016 St. Sylvestre accord.[92]

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.[93] U.N. sanctions monitors reported in mid-2018 that cooperation between DRC authorities and 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."[94] A colonel in the FARDC was reportedly arrested in connection with the killings in December 2018.

## Foreign Assistance

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 FY2020 aid budget request includes $201 million in bilateral funding for DRC, which would be a 25% decrease compared to FY2018 actual allocations. FY2018 bilateral aid levels were, in turn, higher than prior years (see **Table 1** below). The United States provides

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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.

[89] 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.

[90] Testimony by then-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.

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

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

[93] 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.

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

additional funds for emergency humanitarian aid, and for MONUSCO's budget under the U.N. system of assessed contributions for peacekeeping.[95]

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

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

| Account | FY2013 | FY2014 | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 (P.L. 106-6) | FY2020 (req.) |
|---|---|---|---|---|---|---|---|---|
| DA | 7.9 | - | - | - | - | - | 37.6 | N/A |
| GHP | 149.4 | 178.6 | 167.1 | 174.1 | 192.0 | 181.5 | TBD | 150.6 |
| ESF | 64.2 | 48.6 | 67.4 | 63.8 | 75.2 | 75.2 | 37.6 | 42.0 (ESDF) |
| IMET | 0.3 | 0.5 | 0.5 | 0.6 | - | - | TBD | 0.4 |
| INCLE | 6.0 | 3.3 | 2.0 | 2.0 | 2.0 | 3.0 | TBD | 2.0 |
| NADR | 1.0 | 0.5 | 0.5 | 0.5 | 2.0 | 4.0 | TBD | 4.0 |
| PKO | 12.0 | 10.0 | 10.0 | 14.0 | 10.0 | 5.0 | 5.0 | 2.1 |
| FFP (P.L. 480) | 82.0 | 89.8 | 72.8 | 46.9 | 81.0 | 106.7 | TBD | N/A |
| **Subtotal, bilateral aid** | **322.9** | **331.2** | **320.3** | **301.9** | **362.2** | **375.3** | **TBD** | **200.7** |
| Emergency Humanitarian (obligations; incl. some FFP) | 164.9 | 180.6 | 176.9 | 162.9 | 190.7 | 327.5 | TBD | TBD |
| CIPA for MONUSCO | 326.8 | 410.8 | 304.8 | 480.0 | 440.6 | 345.5 | 210.2 | 180.5 |

**Source:** State Department Congressional Budget Justifications for Foreign Operations (CBJ), FY2015-FY2020; explanatory statement accompanying P.L. 116-6 (full FY2019 allocations pending); USAID "Complex Emergency" fact-sheets on DRC. Some regionally and centrally allocated funding not included.

**Notes:** May not include funding from multi-country 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).

The Trump Administration's evolving policy toward implementing the Child Soldiers Prevention Act of 2008 (CSPA) and the Trafficking Victims Protection Act (TVPA), as amended, may reshape U.S. aid programs in FY2019.[96] The State Department has repeatedly designated DRC under CSPA (in response to state-backed militias' use of child soldiers) and ranked it as "Tier III"

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

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

(worst) under the TVPA; both designations trigger legal prohibitions on aid, subject to a presidential waiver. In FY2018, President Trump partially waived both types of restrictions for DRC, as the prior Administration had done.[97] For FY2019, in contrast, President Trump did not grant waivers for DRC, meaning—pursuant to the TVPA—that no "nonhumanitarian, nontrade-related" assistance may be provided to the government.[98] In principle, this means that military aid is generally prohibited, along with certain economic aid implemented by, or in coordination with, the DRC government. Some discretion may be involved in interpreting and applying the restrictions. The Administration has not publicly detailed which programs are affected by the policy, but it has notified some U.S. aid implementers that their funding may be discontinued.

## Recent Congressional Actions

In the 115th Congress, attention toward DRC focused on deterring President Kabila from clinging to power. H.R. 6207, which passed the House, would have codified the U.S. sanctions framework for DRC (currently imposed under Executive Orders) and potentially compelled additional designations. The Senate agreed to S.Res. 386, which called 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 called on the DRC government to enable a credible independent investigation into the murders of the two U.N. sanctions investigators in Kasai. In the 114th Congress, the Senate and House passed resolutions (S.Res. 485 and H.Res. 780) expressing concern over DRC election delays and calling for punitive measures against those responsible for abusing human rights or undermining democracy.

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**). As discussed above ("Foreign Assistance"), 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) have affected U.S. engagement and aid funding.[99] The Administration's decision not to issue waivers for DRC in FY2019 has led to the suspension of military assistance and may have a significant impact on other U.S. programs and funding, although the full extent has not been publicly detailed.

For the past decade, Congress has placed conditions on U.S. military aid to neighboring countries—at times specifically targeting Rwanda and/or Uganda—in order to deter proxy involvement in conflicts in DRC.[100] Most recently, the Consolidated Appropriations Act, 2019, restricts International Military Education and Training (IMET) funds for any government in Africa's Great Lakes region until the Secretary of State reports that it is not involved in "destabilizing activities in a neighboring country" (§7042([a] of Division F, P.L. 116-6).

Members continue to debate the impact of Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203), requiring the Securities and Exchange Commission (SEC) to regulate the disclosure by U.S. firms of their use of designated "conflict minerals"

[97] Presidential Determinations No. 2017-14 and 2017-15, September 30, 2017.

[98] The term "nonhumanitarian, nontrade-related foreign assistance" is defined under 22 U.S.C. 7102(8).

[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] Regarding executive branch application of foreign aid appropriations provisions pertaining to past Rwandan support for Congolese rebel groups, see CRS Report R44402, *Rwanda: In Brief*, by Alexis Arieff and Katherine Z. Terrell.

originating in DRC or neighboring states.[101] The SEC issued a regulatory 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 appropriate and whether any additional relief is appropriate in the interim."[102] During the 115th Congress, many Members in the House backed legislation that would have repealed Section 1502 or prohibited 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 included H.R. 4248, H.R. 10 (§862), and H.R. 3354 (§1108 of Division D). Other Members defended Section 1502 as an important contribution to international efforts to stabilize DRC.[103]

# Outlook and Issues for Congress

Achieving greater stability in DRC—a U.S. regional policy goal for over two decades—may depend on how President Tshisekedi and former president Kabila navigate their respective roles in policymaking, and how their rivals—such as Martin Fayulu, Moise Katumbi, and Jean-Pierre Bemba—choose to pursue their interests. Instability in DRC may be rooted in local-level grievances—namely, "poverty, unemployment, corruption, criminality, and poor access to land, justice, and education"[104]—but such issues, and the decision by some to take up arms in response, have often been inflamed by absent, biased, or abusive political leadership. Events in the turbulent surrounding region—notably, rising tensions between Uganda and Rwanda, which have historically intervened in DRC when they feel their interests are threatened—may also impact DRC's stability. Humanitarian crises in neighboring South Sudan, Central African Republic, and Burundi will likely continue to divert international attention and resources.

The Trump Administration has pledged to work with DRC's new president to advance reforms and economic prosperity, but similar previous efforts have been stymied by entrenched dysfunction, which appears to benefit certain elites. If President Tshisekedi owes his political survival to former president Kabila, and his electoral victory to flawed political institutions, he may be unlikely or unable to confront these problems. Reforming the security apparatus and the role of Gécamines in governing the mining sector are core challenges that could also be dangerous for a new and largely untested president to take on. Restrictions on U.S. bilateral aid stemming from DRC's designation under child soldiers and trafficking in persons legislation (see "Foreign Assistance") may also constrain the kinds of support that the United States is able to provide for the reform of state institutions, including the military. Policymakers in Congress and the executive branch are likely to continue to debate the relative effectiveness of various tools for exerting U.S. influence in DRC, such as diplomacy, sanctions, foreign assistance, and U.S. actions in multilateral forums.

[101] 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.

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

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

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

# Appendix. Selected Enacted Legislation

- P.L. 116-6, **Consolidated Appropriations Act, 2019**. 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 it is not involved in "destabilizing activities" in a neighboring country.
- 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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