

**Testimony of Ambassador Donald Yamamoto
Principal Deputy Assistant Secretary of State for African Affairs
House Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Human Rights
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Chairman Smith, Ranking Member Payne, honorable Members of the Committee: Thank you for the opportunity to testify before you concerning the situation in the Democratic Republic of the Congo, or the DRC, and U.S. policy toward it. Assistant Secretary Carson is out of the country at this time and asked that I represent him at this hearing.

The DRC is a vast country of 65 million people that shares a border and a sometimes difficult history with nine other countries. The DRC was embroiled in a complex regional war for much of the 1990s and the early years of the last decade, leaving millions dead. In the tense years following the signing of a peace agreement in 2003, the U.S. government facilitated the Tripartite Plus process that played a significant role in helping several of the former belligerents – the DRC, Rwanda, Uganda, and Burundi – restore diplomatic relations. The Department of State remains actively engaged today in supporting efforts to bring a sustainable peace to the region, as the visits of Secretary Clinton in 2009 and several other Department principals attest. But the insecurity and governance challenges facing the DRC, particularly in the east of the country, remain profound. Helping the

Congolese people and their government meet these challenges will require long-term engagement from the United States and the DRC's other partners.

The DRC's economy and its people are deeply connected to central, eastern, and southern Africa. Developments in the Congo over the next few years will have a major impact on the well-being of the Congolese people as well as peace and stability throughout much of the continent. The Department of State and our embassies are working hard to ensure that this impact is a positive one and that the DRC is able to consolidate and build upon its progress. The constant theme of our partnership with the Congolese people and their government is the need to develop Congolese capacity and institutions. The potential of the Congo – including its agriculture, its natural resources, its water, and above all its people, both women and men – is extraordinary. This potential will remain unrealized, though, without sustained progress on several fronts. My statement will focus on issues of security, governance, and economic recovery. Raja Jandhyala, the Deputy Assistant Administrator for USAID's Africa Bureau, will offer further detail concerning our substantial bilateral assistance program – which totaled \$306 million in fiscal year 2010 and included support to economic growth, agriculture, health, education, and other critical sectors. Our engagement in the DRC and in the region advances our core values by mitigating and helping resolve the humanitarian crisis, and it advances our national interest in a democratic and stable Africa.

The Department of State is focused first and foremost on the complex security challenges facing the DRC, particularly in its eastern provinces. The shocking incidents of mass rape and other human rights abuses that we continue to see in these areas are symptoms of several factors that fuel or enable violence, each of which requires a different response. Our efforts and those of the broader international community have focused on stabilization in the eastern provinces. The attacks in the last year on government facilities in western provinces – including in Kinshasa as recently as last week – are a reminder, though, that stability is not fully consolidated and spoilers continue to operate even in the calmer provinces.

One key factor is that violent armed groups continue to operate in areas where the presence of the state is weakest. Among the most notorious, the Democratic Forces for the Liberation of Rwanda, or the FDLR, remain a threat in and around the Kivu provinces, though we are encouraged that France and Germany have arrested three top FDLR leaders and that several officers in the DRC have recently defected and returned to Rwanda. The Lord's Resistance Army, or LRA, also retains a violent and committed core of leaders who remain fully capable of carrying out brutal attacks on civilians in remote border areas of the DRC, Southern Sudan, and the Central African Republic. The LRA's estimated fighting strength has been reduced by approximately 60 percent since

2008, largely through the cooperation of those countries' armed forces and the Ugandan forces that are also pursuing the LRA. The U.S. government has provided logistical and intelligence support to these efforts, and we are helping sustain and improve this cooperation, which is essential to finally ending the threat that this militia has posed for 23 years. One key U.S. contribution in the effort to demobilize armed groups is the approximately \$4 million from the FY 2010 supplemental budget that is supporting a UN demobilization program that will help Congolese ex-combatants from these and other armed groups reintegrate into civilian society.

The DRC's security forces, whether through indiscipline or ineffectiveness, often compound the threat to civilians. Developing and reforming these forces is a massive undertaking that will require years of persistent support. We are focusing on specific areas where our assistance can make a difference in the short term as well as the long term. We recently completed our training of a vetted Congolese battalion, responding to a request made by President Kabila. This is only one battalion in an army of more than 100,000 soldiers, but we are prepared to explore providing additional training if the DRC government demonstrates that it can effectively sustain and make use of this unit to help protect civilians and secure areas affected by conflict. Additionally, we continue to provide capacity-building assistance for the DRC's military justice institutions, which have played a critical

and sometimes overlooked role in making incremental progress toward rolling back impunity. We are also assisting in developing the DRC armed forces' capacity to effectively investigate and adjudicate cases of sexual violence, which have resulted in several convictions for rape; and we are providing instruction on the principles of leadership, civil-military relations, human rights, and command responsibility. In light of the scope of the challenge, we are coordinating with other donors that are supporting vital and targeted programs as well, such as the European Union's support to the Congolese army's effort to develop a census of its soldiers and an effective chain-of-payment system. This system has helped identify and substantially reduce – though not yet eliminate – the presence of child soldiers from the DRC's armed forces. One of the greatest remaining challenges is to eliminate the presence of child soldiers among nominally integrated former militias that remain outside effective government control.

The forces of the former National Congress for the Defense of the People, or CNDP, have proven the most problematic in this respect. These forces, though nominally integrated into the Congolese army, remain under the effective command of known human rights abusers such as the infamous Jean Bosco Ntaganda, who is wanted on an International Criminal Court arrest warrant for war crimes allegedly committed in 2002 and 2003 and who is reported to have continued committing and directing atrocities since then. We continue to urge the

DRC government to remove, arrest, and prosecute alleged human rights abusers and mineral traffickers, particularly those in positions of senior command. The best prospect for improved behavior by the FARDC in the short term comes from providing visible examples that the cycle of impunity is being broken. We were encouraged recently by the swift arrest, trial, and conviction of several Congolese military officers and soldiers alleged to have perpetrated the New Year's Day rapes of several dozen women and girls in the town of Fizi. We encourage the DRC government to take similarly clear action to remove, prosecute, and, if convicted, effectively incarcerate other known abusers.

The illicit trade in minerals and other natural resources is another key factor behind the ongoing violence, enabling and encouraging illegal activity by militias and elements of the army alike. The decision in December of the heads of state of the Great Lakes region to create a regional mechanism to address the conflict mineral problem is a welcome and bold step. It recognizes that the illicit cross-border trade in natural resources is a collective problem requiring not just a Congolese response, but a regional response. The Department is providing support to key elements of this response as a central part of our ongoing and broader strategy on conflict minerals. This strategy focuses on helping develop civilian regulatory capacity, helping end the role of illegal armed groups and criminal networks within the security forces, promoting corporate due diligence, and

supporting regional and national efforts. We have allocated approximately \$11 million in Section 1207 and Human Rights and Democracy Funds to address key gaps in these mechanisms.

We appreciate the support that Congress, through the provisions of the Dodd-Frank Act that concern illicit minerals trade in the Great Lakes region, has provided to international efforts to insist that companies publicly traded in the United States that source minerals from the region exercise due diligence on their supply chains. The Department is in consultation with the Securities and Exchange Commission to promote effective due diligence regulations. These regulations and similar efforts by other international actors have the potential, through market pressure, to restructure the trade in minerals of DRC origin in a way that undercuts a key contributing factor to the conflict. This will only be the case, though, if companies and the governments charged with regulating them take their responsibilities seriously; relevant industries continue to develop systems to trace mineral origin and custody; the governments of the region establish the mechanisms they have agreed to put in place; and the DRC prosecutes military officers who violate Congolese law by trafficking in minerals. We are continuing to engage with these stakeholders to support a constructive outcome.

Finally, underlying every element of the international community's response to the DRC's security challenges is MONUSCO, the UN peacekeeping operation

in the DRC. Under the leadership of former U.S. ambassador Roger Meece, MONUSCO has continued to prove itself a worthwhile and essential investment in civilian protection. In the last several months, the Mission has enhanced its patrolling and community liaison efforts and enhanced the implementation of its policy to condition logistical assistance to state security forces on respect for human rights. We welcome the improved relations between MONUSCO and the DRC government. These good relations are vital to the Mission's success and are in the national interest of the DRC, which, for the time being, depends on MONUSCO for support in critical functions. One issue of serious concern is the Mission's shortage of utility and attack helicopters, which are critical to the Mission's ability to implement its mandate, particularly the protection of civilians in conflict-affected areas. Unfortunately, the shortage of helicopters is a challenge facing many UN peacekeeping operations and an issue we are keenly focused on. We continue to work with the UN's Department of Peacekeeping Operations, fellow Security Council members, and troop contributing countries to help address this problem. I would add that we take very seriously any allegations of sexual abuse by MONUSCO forces and as always urge the UN system to make effective use of its internal control systems.

After security, the second theme I want to highlight is governance. The national elections scheduled for November of this year are an essential step in

determining the Congo's democratic future. The legitimacy of the DRC's next president and parliament will be determined by the quality of the upcoming election. We are watching closely to encourage elections that are well and transparently administered and that are conducted in an environment conducive to free political expression. We are providing support as resources permit, and so far we are focusing our electoral assistance on civic education efforts.

Our other preoccupation in the area of governance is the human rights situation. The lack of adequate state capacity has allowed armed groups in many areas to kill and rape and has permitted forced labor and other forms of trafficking in persons. In many instances, some armed forces or territory are simply outside of effective state control. Just as troubling, however, are the numerous instances when state security forces – or former militias that are only loosely integrated into the government – are the ones who commit abuses against Congolese civilians. In the last few months, we have seen modest but encouraging developments in a few key areas: the Ministry of Justice has put forward a proposal to develop specialized judicial chambers, drawing on international expertise, to prosecute those who commit atrocities; and a handful of high-profile alleged abusers have been arrested and in some cases tried and convicted. We welcome the specialized chambers initiative, which we believe has the potential to strengthen the Congolese justice system through long-term capacity-building. The general situation,

however, remains one of impunity, and many more positive developments will be required to reverse this trend. As you know, the President determined in December that the human rights situation in the DRC was sufficiently problematic that the country was no longer eligible for preferential trading benefits under the African Growth and Opportunity Act. We are encouraging the DRC government to take concrete steps to improve the situation – and we are prepared to provide assistance where appropriate and as resources permit. In addition to our focus on security sector reform and criminal accountability, we are undertaking substantial programmatic efforts, expanding on the Secretary’s 2009 pledge of \$17 million in assistance to respond to and prevent sexual and gender-based violence, or SGBV. We are working specifically to promote changes in behaviors and perceptions that enable SGBV, provide treatment and reduce stigma for survivors, increase the capacity of local NGOs, and improve the status of women and girls throughout the DRC by promoting their effective political and economic participation. We also continue to build the capacity of local media to report effectively on human rights, and we continue to provide emergency assistance, including temporary security services, to human rights defenders, who continue to face harassment and violence.

Displacement within and from the DRC remains substantial: some two million Congolese are internally displaced, particularly within the Kivu provinces, and 400,000 remain abroad as refugees. We are providing humanitarian assistance

to Congolese refugees in neighboring countries and beyond, along with support to victims of conflict within the DRC, primarily in North and South Kivu, Orientale, and Equateur provinces. The eventual return of these populations has the potential to trigger conflict in the areas of return, so we are supporting processes – including a UN Habitat program on the resolution of land tenure disputes – to help address underlying causes of conflict. We are watching with interest to ensure that when the displaced do return, they do so voluntarily and with dignity. We support the UN High Commission for Refugees and NGO partners to provide protection and assistance to Congolese refugees throughout the region and to facilitate their voluntary return and reintegration.

The third theme is economic recovery. Security gains are not likely to be durable unless alternatives to joining an armed group emerge. The Congolese economy is unlikely to catch up with those of its neighbors and lay the foundation for broader job growth without outside investment, whether in agriculture, infrastructure, or the mining sector. In turn, attracting this kind of investment will require a more transparent and welcoming climate for businesses and improved management of the DRC's mineral wealth. We continue to encourage the DRC government to take the necessary steps to improve the investment climate, including enhanced transparency in the awarding and management of contracts in the mining sector, as well as ensuring full accountability of revenues derived from

the sector. We recognize the steps taken by the DRC so far towards becoming recognized as a country in compliance with the Extractives Industries Transparency Initiative, or EITI, and we look forward to the implementation of the multi-donor Promines program as the remaining steps are worked out between the DRC government and the World Bank. We also recognize the DRC's service as the chair of the Kimberley Process in 2011, as well as the leadership of President Kabila in acknowledging the role of local, provincial, and national civilian and military authorities in the illicit trade in minerals in eastern DRC. With the lifting of the ban on mining in the DRC's eastern provinces expected on March 10, we encourage all stakeholders to work to ensure that minerals leaving the DRC can be traced to their origin – and that abusive forces be cut out of the trade.

I would like to conclude with a final note about the regional context of the DRC. The DRC and its neighbors – not only Rwanda, Uganda, and Burundi to the east, but in the west, south, and north as well – are stakeholders in each other's security. Their cooperation, both bilaterally and through the many regional mechanisms in the Great Lakes area, is a welcome evolution from the open or indirect conflict of years past. The use of proxy forces in past years fueled shocking violence that we see resonating still in today's ongoing conflicts. The improved cooperation that we have observed is the cornerstone of the region's

progress and it will need to deepen further in the face of new developments, such as the emergence of an independent South Sudan.

Helping empower the Congolese people and their government to address the challenges they face will take time and persistence. The U.S. government intends to remain a strong partner over the long term in this effort. The DRC has the focused attention of the Department, directed by our Assistant Secretary for African Affairs Johnnie Carson and coordinated in the field by our capable new ambassador in Kinshasa, James Entwistle.

Mr. Chairman and Members of the Committee, thank you again for the opportunity to appear before you today. I will be happy to answer any questions.