

**Testimony of John Prendergast
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Thank you, Chairman Smith and Ranking Member Bass for the opportunity to testify at a crucial moment for the Democratic Republic of the Congo.

The crisis in eastern Congo continues to deteriorate, threatening to spiral out of control into an all-out war involving several neighboring countries. Throughout the latest explosion and previous cycles of conflict, the root causes of war are not being and have not been addressed, leaving “peace processes” to focus on flimsy power-sharing arrangements that have undermined the sovereignty of the Congolese state and the professionalism and neutrality of its armed forces. This in turn has left the civil population of eastern Congo subjected to globally unparalleled violence, predation, and impoverishment. Another unrepresentative agreement between powerful interests with the biggest guns might ease open fighting momentarily, but it lays a deeper foundation for further devastation and state deconstruction. The United States should not be a party to such a short-term and destructive approach, and must alter its policy to help avert an outcome that simply sews the seeds for further war.

Drivers of Congolese War Unaddressed

The lack of a credible, effective, internationally mandated and leveraged peace process addressing the escalating war in Congo is becoming a major reason for that war’s continuation. The current negotiation between the government of the Congo and the M23 rebels is already making all of the same mistakes as its predecessor processes, and will likely result in the same kind of short-term deal that keeps the Congolese government in power, reduces international pressure on Rwanda and Uganda for backing the M23, and re-dividing the spoils of war. The root causes of structural violence will remain unaddressed, and any agreement will lack the involvement of political parties, representative civil society elements including women and religious leaders, and local armed groups representing the diverse voices and interests of eastern Congo.

This is the latest chapter of a long story involving competing mafia-like networks controlled by leaders in the capitals of Congo, Rwanda and Uganda, all of whom wrap themselves in national security concerns to mask economic and political interests. Sometimes these competing elites fight and sometimes they cooperate for control of lucrative land, livestock, mineral, and timber resources.

The opportunity that the current rebel withdrawal from Goma opens up should not be squandered by leaving the resolution of the conflict solely to these three governments and the armed rebellion that two of them support, ignoring the root causes and the real representatives of eastern Congo. The time has come, finally, for a real international peace effort, the kind that actually has a chance of ending the deadliest war globally since World War II.

The fundamental drivers of conflict are never on the table at the peace talks, and the basic recipe of conflict resolution – coming to agreement based on the parties’ underlying interests – has been missing. It is time to place these issues openly on the table and agree on a joint plan to deal with them in a transparent way that leaves room only for peaceful development, not war. Getting the parties to agree to discuss these normally taboo issues – control of the minerals trade, a political framework, etc. – will also require significant outside leverage and the right mediation process.

Two key pieces of the solution are missing.

First, a shared framework for the future must be agreed upon in which the sub-region – Congo first and foremost – can benefit much more from peaceful, legal natural resource development, rather than violent, illegal extraction. Section 1502 of the Dodd-Frank bill, a nascent regional certification effort, initiatives by forward-leaning companies, and new OECD guidelines are catalyzing movement in the right direction, but more must be done to change the economic incentives from war to peace, just as cleaning up the blood diamond trade helped incentivize peace in West African countries. Coupled with strong international investment, these efforts will create the conditions for transparent and effective governing institutions that tax revenues from legitimate economic operations can help build more than foreign aid ever could. **Dealing with the economic roots of war not only removes the main driver for the conflict but creates the main engine for state reconstruction.**

Second, a political framework for Congo must be agreed upon that restores public confidence and brings back the viability of the Congolese state, while ensuring that further rebellion does not ensue. President Kabila faces a political crisis as a result of the failures of the army and the elections, and talks with M23 alone will only erode his authority and provide further insult and injury to the Congolese people. It is now time for a wider inter-Congolese dialogue, in which leaders from the government, political parties, and civil society across Congo actively participate and decide on a national consensus on reforms on key issues such as a political framework, decentralization, protection of minorities, and the return of refugees. Security sector reform, which is an inherently political issue, should also be a central part of the equation, and there are ways of beginning it which are low-cost once political agreement and buy-in have been reached. If he does not construct such a platform, Kabila may not survive politically. Legitimate grievances of M23 negotiators will also be brought in, but should not allow integration of wanted war criminals into state institutions, further eroding the rule of law. The initiative should be buttressed by also allowing civil society and political parties to help set the agenda and put fundamental issues forward for discussion and agreement. The process should be based on key lessons and shortcomings of the first inter-Congolese dialogue.

By global standards the international effort to construct a credible peace process for Congo is manifestly derelict, condemning that country to further cycles of devastating conflict. When the curtain is pulled back and one looks behind the occasional United Nations Security Council resolution calling simply for an end to violence, the

international diplomatic response is revealed to be shockingly ineffective, perhaps even violating the Hippocratic Oath: “First, do no harm.” Harm has been done through agreements that integrate groups led by internationally indicted war criminals into the Congolese army, that do not address the exploitative economic arrangements that benefit elites in Kigali, Kampala and Kinshasa, and that ignore the broken political institutions and processes in eastern Congo that leave the politics of the region totally militarized.

How the Congo Peace Process Has Been Fatally Flawed

An entire semester’s curriculum could be constructed on Congo as a case study for how not to run a peace process. Every item on any conflict resolution 101 checklist has been violated or neglected. Though there are more, seven of the deadliest sins of Congo’s peace process follow.

First, a non-transparent peace initiative has been largely left to the three actors who have benefited most from the absence of the rule of law: the leaders of Congo, Rwanda and Uganda. Second, in the past these backroom deals have led to short term security arrangements which address none of the root causes, with that pattern repeating itself in the current effort as the drivers of violence remain untouched. Third, none of the diverse stakeholders from civil society, political parties, or even other armed groups have a role in the negotiations, effectively silencing the voices of grassroots Congolese.

Fourth, there is no credible senior mediator who has the gravitas and international backing to introduce an agenda that would go beyond short-term deals cut by those with the biggest guns. Fifth, there are no expert teams to support what must be protracted negotiations over the tough issues, drawing in best practices from other peacemaking efforts around the world. Sixth, there is no internationally coordinated leverage to compel intransigent parties to consider compromises, and no effective approach to creating real accountability for committing, orchestrating, or funding crimes against humanity. Seventh, there are no senior special envoys of the United Nations and United States, the absence of which helps widen the vacuum of diplomatic leadership and corrode any chance for peace.

There is no excuse for this sorry state of affairs. Rectification does not require huge amounts of money or wrenchingly divisive moves within the UN Security Council. It requires leadership – from the African Union, from the UN Secretary General, and from President Obama, who has a strong history of clarity on Congo going back to his days in the U.S. Senate when he sponsored legislation that – had it been implemented then – would have addressed many of today’s deficiencies.

The answers to this diplomatic train wreck lie within the lessons of successful peace processes that have ended previous African wars. A highly respected senior UN envoy should be appointed to work with the African Union envoy in crafting and leading a transparent and inclusive peace process. Beyond the Congolese, Rwandan and Ugandan governments, the initiative should involve armed and unarmed representatives from throughout eastern Congo, in particular civil society and political party officials, to

ensure that any agreement might have the buy-in of a wide swathe of stakeholders. Key regional governments such as South Africa and Angola must also be involved to help build leverage for a solution. A senior US Special Envoy should be appointed to support the mediation and better organize international leverage opportunities, including UN sanctions and war crimes accountability.

Time for a Credible Internationally Supported Congo Peace Process

A peace process for Congo must be constructed in which – for the first time ever – root causes are addressed and the broad and diverse constituencies and interests of eastern Congo have a voice in the solutions. Creative approaches to incentivizing the peaceful and legal development of Congo’s natural resource sector that draw upon best practices from successful cases should be at the basis of any agreement, along with political arrangements that are more inclusive and decentralized than anything that has come before.

A credible international process doesn’t guarantee peace. Its absence, however, guarantees further war.

The United States has an opportunity to help break the cycle of violence that has devastated eastern Congo and destabilized the wider Great Lakes region for the last 15 years, but it will require far greater attention from senior policymakers, a step-change in our diplomatic engagement in the region, and concentrated focus on areas of U.S. leverage, especially efforts to transform the trade in natural resources from a driver of violence into a catalyst for regional peace.

Therefore, I strongly recommend that the United States urgently take the following actions in support of peace in the Congo:

- **Appoint a Presidential Envoy:** The current U.S. policy structure does not allow the U.S. to exercise fully its latent leverage, creativity and coordinating function with respect to supporting peace in Congo. Appointing a Presidential Envoy would help rectify that. The Envoy should be a high-level individual with experience and relationships in the region who would be responsible for developing a unified policy toward the regional crisis and be able to fully invest in helping to widen and deepen the peace process to address its gaping deficiencies. Such an Envoy would leverage America’s economic, political, and military influence to ensure that all parties fully cooperate with an international political process, and also work closely with the current AU Envoy and a proposed UN Envoy.
- **Call for a UN Envoy to the Great Lakes:** The current peace initiative sponsored by ICGLR lacks internationally coordinated leverage and strong external voices that can help ensure that the real drivers of conflict are eventually addressed within a political framework. The UN should play a major role in this. Therefore, the United States should work within the UN Security Council to

ensure the appointment of a high-level envoy to work with the ICGLR and the AU to build a credible international political process that addresses the continual cycles of violence and regional interference.

- **Support robust UN Sanctions:** The international community is leaving a huge reservoir of leverage on the table by not following the recommendations of the UN Group of Experts and others. There must be accountability for those who have restarted Congo's war, and those who are orchestrating or funding war crimes and crimes against humanity. As a responsible supporter of the UN sanctions regime, the United States should push to impose sanctions on all individuals identified in the UN Group of Experts final report and those individuals and entities supporting criminal networks through the trade in natural resources, one of the main but unspoken drivers and motivations of the current round of conflict.
- **Suspend certain U.S. assistance to any government supporting conflict and obstructing peace:** The United States should cut all military assistance and suspend certain categories of bilateral and multilateral non-humanitarian aid to any government continuing to support conflict in eastern Congo. For example, if the Rwandan and Ugandan governments are found to be continuing their support for M23 and are supporting M23 efforts to obstruct progress at the negotiating table, then corresponding measures should be taken by the U.S., other partner governments, and multilateral organizations to which the U.S. contributes substantial American taxpayer dollars. Such steps are crucial to encouraging all parties to engage constructively in a comprehensive political process.
- **Call a high-level summit on responsible investment in the Great Lakes region.** As part of any comprehensive peace deal that addresses root causes, the U.S. could be very helpful in ensuring implementation. In that regard, the United States, in partnership with the European Union, could facilitate an international investment conference on "Investment in peace mines in the Great Lakes: an engine for development," in order to help expand the pie in the region for conflict resolution and development. The summit would focus on developing market-based opportunities for responsible investment in Congo and the region. Critically, it would involve investors, who have been missing from the discussions on building a responsible minerals trade in Congo.

Removing the Economic Fuel for War

There will be no peace in Congo as long as ruthless interests can make immense profits from the extraction of minerals and other natural resources with the connivance of regional governments. Corrupt Congolese officials have no interest in justice or army reform because they reap windfalls from mafia-like smuggling and land grabbing. It will take an effort to change market incentives similar to the one that ended the blood diamonds wars elsewhere in Africa.

Rwanda's post-genocide economic miracle has benefited from huge exports of smuggled Congolese tin and tantalum. Influential Ugandans enrich themselves through major illicit Congolese gold exports. This ensures that eastern Congo remains at the mercy of armed groups and their criminal business partners allied with Kinshasa, Kigali or Kampala. As with all mafias, sometimes these competing groups fight, sometimes they cooperate.

After the passage of the Dodd-Frank legislation that requires companies to disclose whether they source minerals from conflict areas, war profits from the 3 T minerals have decreased by 65 percent, as it has become increasingly difficult to sell untraceable minerals on the global marketplace. Several reforms by Congo and industry have also emerged, including the Great Lakes region developing a certification process for minerals and Congo kicking out several Chinese companies that were smuggling minerals. But much of these processes are nascent, and the vested interests in the rotting status quo remain strong.

A new cooperative framework between regional states is not about rewarding aggressors with the spoils of war, as in former French President Nicholas Sarkozy's earlier plan. Instead, it is about expanding the economic pie through negotiating a framework and a forum for greatly increased investment in Congolese development. Congo's resources would still be Congo's, and Rwanda's would still be Rwanda's, but cross-border cooperation will need to be better defined, and new mine and oil concessions would be opened up under a new, transparent framework for both international and regional investors, and requirements would be put in place to have the resources processed in the region in order to add value for all parties, especially the Congolese. This way, there would be both regional and private sector buy-in to Great Lakes resources as an engine for peace. Based on lessons from cases such as Nigeria-Sao Tome, each country would benefit much more from a transparent, certified trade that would also build each country's capacity for adding value to minerals and oil through processing. This investment has suddenly become a new possibility because of the vastly increased corporate spotlight on the region following recent regional and international minerals transparency reforms.

In addition to the sanctions and international investment conference outlined above, there is a need to close the smuggling loopholes that allow conflict minerals to filter through, albeit in lower amounts. To that end, the U.S. should strongly urge Congo and Rwanda to finalize an Independent Mineral Chain Auditor to act as an independent monitor on minerals trading and support the Auditor's team.

From the perspective of the Enough Project, reducing violence and enacting political and military reform in Congo is not possible without stamping out the illegal trade in conflict minerals and the environment of impunity for those involved. The United States, as home to the largest end-user companies of conflict minerals and as a powerful diplomatic actor in Africa's Great Lakes region, has a choice whether to exercise leadership and help further efforts to legitimize Congo's mineral sector in the east of that country.

Internationalizing the Peace Process

In September 2012, the United Nations held a special high level meeting on the crisis in the Great Lakes on the sidelines of the General Assembly that was chaired by Secretary General Ban Ki-moon and attended by both heads of state from Congo and Rwanda. This meeting resulted in the U.N. recommending the exploration of joint U.N and A.U. initiative to address the conflict in eastern Congo. The African Union has recently appointed a new Special Representative to the Region, former head of the A.U. mission to Somalia, Boubacar Gaoussou Diarra, of Mali.

In light of the spike in international engagement in the region, the current situation presents a new opportunity to bring conflicting parties and stakeholders together to embark on a broader process that seeks to address the roots of conflict in the region. Given the long history of violence and mistrust among the core states, it is difficult to see a solution reached through only regional mechanisms such as the ICGLR, particularly while Uganda holds the rotating chair. Therefore, regional efforts to resolve this conflict must be coupled with international efforts from a joint U.N. and A.U. initiative that can draw conflicting parties to the negotiating table in good faith and sustain a process that addresses both the short term and long term issues that perpetuate the cycle of conflict in eastern Congo.

In a region so shaped by the personas of its leaders—some of whom have been in power for decades—finding the right person and process to engage reluctant parties is critical. One path towards a viable process might be to create a mediating mechanism, spearheaded by both the newly appointed U.N. Envoy and the existing A.U. envoy. Another idea might be to create a panel similar to the A.U. High Implementation Panel, or AUHIP, on Sudan, currently working to facilitate negotiations relating to South Sudan's independence from Sudan in July 2011 over oil, security, citizenship, assets, and their common border.

However, the first and arguably most important step is to find an individual who has the trust and relationships with the key leaders in the region. This U.N. Envoy must have the skills and stature to bring these parties to the table and move them toward a durable agreement. He or she should have a deep understanding of the regional history and dynamics in play, and the time and ability to work with the ICGLR and the AU to direct a process that in all likelihood could take years to oversee to completion.

Conclusion

One of the most important factors in creating peace will be the international mediation process mandated with ending the war. How the process is structured and the identity of the mediator who will help lead it will determine whether there is a chance for lasting peace. Significant decisions await the international community. A more active international role will ruffle regional feathers and have no guarantee of success. But without such a robust effort, there can be no chance at achieving a lasting peace.