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THE DEMOCRATIC REPUBLIC OF THE CONGO: SECURING PEACE IN THE MIDST OF TRAGEDY

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

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THE DEMOCRATIC REPUBLIC OF THE CONGO: SECURING PEACE IN THE MIDST OF TRAGEDY

TUESDAY, MARCH 8, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:10 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. Good afternoon, everyone. I want to thank you all for joining us on this very important hearing on the Democratic Republic of the Congo at this critical juncture in its history. As one might conclude from the significant media interest evident in the room, we do have a special guest witness joining us today to spotlight attention on the Democratic Republic of the Congo. I am grateful to Ben Affleck for agreeing to be here to share his perspectives and that of the Eastern Congo Initiative that he founded. He is to be highly commended for contributing his time, finances, and fame to bring the world's attention to the needs of the people who have suffered far too long and in a great deal of obscurity.

I would also like to recognize Ms. Cindy McCain, who is also with us today. Ms. McCain is a founding member of and investor in the Eastern Congo Initiative and shares Mr. Affleck's dedication to ending the suffering in this region. She also has dedicated her time and energy to a number of other very worthwhile projects. For example, she serves on the boards of directors of several nonprofit philanthropies, including Operation Smile, which provides reconstructive surgery to children with facial deformities, and the landmine removal group, The HALO Trust.

Mr. Affleck and his organization are making a major contribution in focusing political will on resolving the crises in the DRC and bringing constructive recommendations to the table. But just as importantly, he is setting an example for all of us as to the need to direct whatever resources and influence we may have to help those who are less fortunate and without a voice to help themselves. And for his presence, perspective and example, the subcommittee is most appreciative.

I am also grateful for our distinguished witnesses who are here as well. We look forward to examining the administration's current

strategy for and involvement in the DRC with the Principal Deputy Assistant Secretary of the Bureau of African Affairs, Ambassador Donald Yamamoto, and USAID's Deputy Assistant Administrator for the Bureau for Africa, Rajakumari Jandhyala. We will hear about the Catholic Relief Services' experience in the DRC as well, particularly in addressing the abhorrent and widespread practice of sexual violence as a weapon of war from their sexual and gender-based violence advisor, Francisca Vigaud-Walsh.

And finally, the subcommittee again welcomes John Prendergast of the Enough Project to learn from his extraordinary expertise in the region, particularly on the issues of conflict minerals. Mr. Prendergast reminds us boldly in his testimony that the conflict minerals provision, Section 1502, requires the administration to develop a strategy for addressing linkages between the trade in conflict minerals, armed groups and human rights abusers in eastern Congo by January 17th. This strategy has not yet been submitted; however, I hope it is coming soon, and that will be an obvious question for Ambassador Yamamoto.

An individual from the DRC was invited to testify at this hearing, but fortunately arrangements could not be made in time. I can assure you the DRC will be an ongoing focus of our subcommittee, and I am certain that we will hear from DRC's citizens and indigenous activists at a future hearing.

My friends, I had the privilege of traveling to the DRC back in 2008, and I still have vivid memories of both the suffering and the courage of the Congolese people. A highlight of my visit was meeting Dr. Jo and Lyn Lusi, founders of HEAL Africa Hospital in Goma. I met with several women who had been subjected to severe sexual violence, including rape, and spoke to many women who were in the process of healing and recovery. The courage, the resilience, and the resolve of these victims to overcome all that had affected them was truly astonishing, and the meticulous care and compassion of the hospital staff was absolutely remarkable.

I am pleased to know that USAID has supported fistula prevention and treatment in the DRC since 2005, including 1,000 repairs at the HEAL Africa and Panzi Hospitals in Fiscal Year 2010. In 2005, I would note, I sponsored legislation that included authorization of assistance to establish centers for the treatment of obstetric fistula in developing countries. This legislation passed the House but did not get through the Senate for unrelated reasons. However, Mr. Kent Hill, the USAID Assistant Administrator for Global Health, agreed to significantly bolster USAID's funding for fistula programming. The women of the DRC, together with thousands of other women around the world, have benefited as a result.

As the prime sponsor of the Trafficking Victims Protection Act of 2000, I am especially interested, and I hope the administration witnesses will address this, in the DRC's Tier III ranking as an egregious violator when it comes to human trafficking. Has it improved since the Trafficking in Persons Report was submitted and what has and can be done to reintegrate former child soldiers?

The Democratic Republic of the Congo has an abundance, as we all know, of valuable natural resources, water, arable land and people, making the DRC a potential leader in terms of prosperity and

development on the continent. But like too many of its neighbors, it faces enormous challenges.

The people in the DRC have endured ongoing violence and bloodshed for decades and often have not been paid attention to, again why I think Ben Affleck, in the appearance today, finally brings us much needed, often neglected attention to the DRC.

The country has been the scene of one of the longest and deadliest manmade humanitarian crises in the world, characterized by two major civil wars involving seven neighboring countries; multiple cross-border conflicts; fighting by and among foreign proxies, militia groups and rebel movements; the illicit activities, including the illegal exploitation of mineral resources; an absence of governance; human rights atrocities directed against civilians by all parties, including the predatory Congolese military; and an unreliable U.N. peacekeeping force, which I am told is getting better. Millions of people in the DRC have died from wars and war-related malnutrition and disease since 1998 and nearly 2 million are displaced. The sufferings of war have been compounded by horrific human rights abuses committed against innocent women and children.

The country as a whole faces enormous challenges. The DRC is one of the five poorest countries in the world, with 80 percent of its people living on just $2 a day. Corruption is rampant, as evidenced by the DRC's ranking 164 out of 178 countries surveyed by Transparency International's 2010 Corruption Perceptions Index. The country is tenth among the world's 22 high-burden tuberculosis countries, and malaria accounts for 35 percent of the deaths of children under the age of 5. Life expectancy is only about 51 years. An estimated 8.2 million, or one out of every eight people in the DRC, are orphans and vulnerable children.

Clearly, this country and the surrounding region are in desperate need of peace and the coordinated efforts of the world community to prevent a complete loss of its people's hope for the future.

The upcoming Presidential and parliamentary elections in November render this a particularly critical time to focus our attention on the U.S. strategy for addressing the many issues confronting the Congolese people and government. And given that today is International Women's Day, this is a particularly appropriate occasion to recognize the courageous women of the Democratic Republic of the Congo. In addition to the hardships that unduly impact women in situations of conflict and under development, the women in the DRC have had to endure years of brutal victimization of rape and other forms of sexual violence used as a weapon of war. An estimated 200,000 women have been raped there since 1998. Their physical and psychological suffering has been compounded by the ongoing absence of measures to prevent future attacks, the impunity with which the perpetrators continue in their communities or the military, and the stigma wrongly placed on the victims by Congolese society.

A recent report by a U.N. panel detailed interviews held with victims of sexual violence in the DRC. While the plight of all the victims is heart wrenching, the interviews with those in the Kivus who are still experiencing ongoing armed conflict are worth emphasizing. These women are desperately in need of the most basic necessities—medical care, housing and a means of supporting them-

selves and their children. But when asked what they would like to have done to restore their lives and regain their dignity, virtually every one responded that peace and security is their first and most immediate need. They pleaded with the panel to convey this message to the world because without peace and security, anything else they might acquire could be lost again at any time. Our primary goal of this hearing is to answer these women's plea.

I would like to turn to my good friend and colleague, Mr. Payne, for any opening comments he might have.

Mr. PAYNE. Thank you very much. And let me congratulate you, Mr. Smith, on assuming chairmanship of this subcommittee, and I certainly look forward to our continued working together on these issues of mutual interest and concern that we have had over the years. I certainly want to also welcome the new Democratic members to the committee. He is not here right now, but Mr. Carnahan is a former chair of the subcommittee that in the last Congress had jurisdiction over human rights, which, as you know, our subcommittee has expanded that, so he will certainly bring in experience there, and is a dedicated advocate for the rights and the needs of refugees and displaced persons, women, and is passionate about assisting child soldiers, as well as empowering women as peace builders. Mr. Carnahan's commitment to Africa runs in his veins. His grandfather, A.S.J. Carnahan, became the first United States Ambassador to the newly independent Sierra Leone in 1961, and so he has a very strong interest and has had a number of conversations with me about Africa.

We also are pleased to be joined by Ms. Karen Bass, who is not only new to the committee but she is new to Congress; however, a former Speaker of the California Assembly, the first African-American woman to hold a Speaker's gavel in the history of this Nation. And so we are very pleased and honored to have her as a member of our committee. And so she is no strange to legislating. I welcome the opportunity to help Ms. Bass turn her experience and interest in health, women's rights, and economic empowerment into policies that can benefit the enterprising women of Africa and their children.

I am excited to have this small but powerful team with us here on our subcommittee. I want to also recognize Representative McDermott, author of the bipartisan Conflict Minerals Act, which is an important tool for accomplishing long-term stability and economic growth, and he is also the author of the AGOA Act. We have called him the father, but he has gotten older so we call him the grandfather now of the AGOA Act. So it is good to have my classmate Mr. McDermott here today.

It is fitting, Mr. Chairman, that we begin our subcommittee business for the 112th Congress by highlighting a foreign policy challenge that resonates in the hearts and minds of so many Members of Congress, Democrats and Republicans. The humanitarian crisis in eastern Congo has captured the attention of thousands of Americans from all walks of life. Our commitment to solving this problem exemplifies that Americans care deeply about these issues and really want to see a resolution. As a former teacher, I know that we must understand a problem before we begin to tackle it. We

must understand the history of the Congo and the Great Lakes region, perhaps the richest, most fertile area on the continent.

Many here today will talk about the ravaged militias that continue to terrorize the eastern part of the country. I want you to understand that the ravaging began in the late 1880s when King Leopold of Belgium savagely and gruesomely sought out to strip the Congo of its vast natural resources, which continued to be a source of conflict in that country back then and continues on today. Leopold's nightmare reign in the Congo left 58 million Congolese dead and even more maimed. The atrocities that we witness today are the vestiges of Leopold's bloody enterprise. For decades this region's wealth washed ashore in ships at ports in Antwerp and Congo's loss became Leopold and Belgium's gain. As destructive as their rape of the Congo was on the country's natural resources, the impact on its people is immeasurable and still plays out today, yet its impact is still misunderstood and underestimated.

As we contextualize the gruesome violence in Congo, we know that this gruesome history is no excuse for the ugly reign of terror that armed groups such as the FDLR and the LRA have perpetrated against the people of the Congo. There is no excuse for impunity. The humanitarian crisis in eastern Congo has captured the attention of thousands of Americans across this country. Rape and sexual violence are used as a weapon of war in numbers that are simply unimaginable. In addition to the Lord's Resistance Army, led by Joseph Kony, continues to havoc on parts of the DRC.

The DRC continues to face insurgency from armed major groups and a major humanitarian crisis continues, especially in the eastern Congo, fueled by a resource grab. The integration of many former domestic rebels from the CNDP into the Congolese Army has presented serious challenges with professionalizing the security sector. The current reconfiguration of the Congolese Army units in the Kivus, in an apparent effort to eventually draw down the U.N.'s Amani Leo peacekeeping operations, have the potential to leave civilians in some areas of the east at the mercy of the FDLR and other non-state armed groups. All of this is compounded by the troubling political developments and turmoil in Kinshasa and the lack of overall preparedness for the upcoming elections scheduled for November.

The American people and indeed the world are not willing to watch idly by as women and children in the DRC are victimized time after time, time and again, year after year. They have advocated over the last few years, and we have advocated bipartisan legislation such as the conflict minerals bill and the LRA legislation. Americans from red, blue and purple districts come together for the people of the Congo. That is a united effort. The people of the Congo deserve to see firsthand the resounding impact that our relatively small foreign aid investment can have on the world's most vulnerable population. Indeed, while the human needs are enormous, the required economic commitment is miniscule when compared to the $100 billion yearly committed in Afghanistan and trillions of dollars we spent in Iraq during our course of time there, and the potential impact is monumental. The United States must leverage the good will that the American people have for the people of eastern Congo by devising—and having a coherent and a focused

policy toward the Congo, and that is what I hope we can have as a conclusion of these hearings as we move forward.

I must close by saying it is fitting, as Mr. Smith mentioned, that this hearing is on the 100th anniversary of International Women's Day. Ending sexual violence as a weapon remains one of the greatest challenges to the protection of women's human rights. While the survivors can be as young as a girl or her grandmother, we must do all we can to end this scourge. The White House, the State Department, Capitol Hill and the American people all understand the importance of reducing violence in eastern Congo. This means regulating trade and conflict minerals that act as an economic fuel to the conflict, creating the political will to reform the Congolese National Army from predators or making them from predator to protector and tackling impunity for war criminals and illegal actors that continue to enable those most responsible for mass atrocities.

The United States in its role on the U.N. Security Council recently demonstrated strong leadership on the passage of U.N. Resolution 1960, which requires the Council and member states to honor commitments to combat sexual violence and conflict, investigate abuses, and hold perpetrators to account. I encourage the United States to continue to lead on this issue by developing a strategy to tackle the root causes of sexual violence and other human rights crimes in eastern Congo.

The United States is the largest contributor to the United Nations Mission in Congo, or MONUSCO, and the first country to pass the law monitoring publicly traded companies using minerals mined in the Congo or its neighbors in an effort to reduce the direct or indirect financing of illegal groups. The Departments of Defense and State are engaged in initiatives to build capacity through military professionalization and justice training. We must also ensure that we continue strong programs and policies that give women in the Congo back their dignity. We all want to see a day when the women of eastern Congo are able to feed their families, earn a decent living, protect and defend their communities, and sit at the peace building table with the men.

Thank you, Mr. Chairman, and I appreciate this meeting and look forward to our very distinguished panel of experts. Thank you.

Mr. SMITH. Thank you very much, Mr. Payne. The Chair recognizes the vice chairman of the subcommittee, Jeff Fortenberry.

Mr. FORTENBERRY. Thank you, Chairman Smith, for convening this very important hearing, and I think it is important to note that it is especially poignant that today is International Women's Day, as we hold the hearing for the more than 200,000 women in the Democratic Republic of the Congo who have been heinously victimized in recent years. Last year alone nearly 15,000 new cases of sexual violence were reported in the country, thousands of which involve children, and those numbers don't reflect the many women who must remain silent. But this hearing today breaks that silence.

The intense human tragedy in the Democratic Republic of the Congo continues to weigh heavily upon all of us. While numerous signs of democratic progress have been seen in recent years, civil strife has reached an unfathomable high in some areas, particularly in the eastern part of the country. The social emergency is

seen quite clearly in a recent study that revealed rape has increased 17-fold within the country.

In the last Congress we made two significant strides toward mitigating two sources of the conflict by passing the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, as well as the conflict minerals provisions in another law. We also directed millions of dollars in humanitarian assistance to the victims of sexual and gender-based violence. But aid can hardly keep pace with the staggering numbers of new rape victims each year.

Sexual violence in the Democratic Republic of the Congo is the worst in the world in both its pernicious scope and unrelenting brutality. The scourge of rape is especially prevalent in the Kivu provinces where we saw last year a particularly monstrous series of systematic rapes by rebel fighters. As we later learned, these vicious attacks were committed less than 20 miles from a U.N. peacekeeping base, which only learned of the month-long attack a week after their end. Since that inexcusable lapse, the U.N., with the Congolese Government and other nongovernmental organizations, successfully brought to trial and convicted nine FARDC soldiers, including their commanding officers, for crimes of mass rape last month. I join with the United States Government in commending this conviction. The rule of law did prevail, but there are many, many more perpetrators who not only elude justice, but flout the most basic notions of humanity through their brutal acts of extreme violence toward the daughters of the Congo.

But our human rights concerns lie not only with the scourge of gender and sexual-based violence in the DRC, child conscription by rebel forces, but purportedly by the Congolese military itself, continues. UNICEF released a new report this past Friday warning that despite the reintegration of as many as 5,000 former child soldiers in the DRC, forcible child recruitment is an ongoing problem.

As we give attention to the victimized women and girls of the DRC, we must also give special consideration to the plight of girl soldiers who are often victims of grotesque sexual slavery and violence as well. These girls, stripped of innocence and dignity, face heartbreaking stigma and challenges as they seek to reintegrate into their families and their community.

So today, Mr. Chairman, I do look forward to hearing the U.S. State Department and USAID's efforts to help bring peace to this tragedy worn country, as well as the unique on-the-ground perspectives from the Eastern Congo Initiative, Catholic Relief Services, and the Enough Project. Thank you all for coming today, thank you for your important work, and I look toward to our hearing.

Mr. SMITH. Thank you, Mr. Fortenberry. I now yield to Ms. Bass.

Ms. BASS. Thank you. Thank you, Chairman Smith and Ranking Member Payne. Since this is our first subcommittee meeting, I wanted to start by expressing my sincere enthusiasm about serving on this committee on Africa, Global Health, and Human Rights. It is also an honor to serve with Chairman Smith. I know that you are committed to improving lives around the world and are particularly passionate about preventing sex trafficking. I look forward to learning about your legislation and working with you.

And to Ranking Member Payne, Representative Payne is well known in my district in Los Angeles. And I represent a section of

my district as Little Ethiopia, and I have a number of African residents who live in the district. And Representative Payne is well known there, as he is throughout the country, for his effective leadership and ability to move policy that makes a significant difference around the world.

I would like to thank our witnesses for your dedication and to establishing peace and prosperity in the DRC. Your work truly keeps people alive and contributes to global security.

The State Department and the USAID have played an important role in generating progress toward stability in the DRC, but the United States must continue to increase our strategic leadership in the Congo. Secretary Clinton's visit in 2009 was a great start, but the severity of the violence and instability requires heightened and focused U.S. engagement. In fact, U.S. leadership is needed now more than ever as we approach the November elections, and we expect President Kabila to lift the ban on conflict minerals in the east as early as March 10th.

I want to join my colleagues in acknowledging International Women's Day. It has been referenced several times, the consequences of the rape of women and girls, but one of those consequences is that women make up a significant majority of HIV infections in the country with little access to basic health services. USAID has led the effort to provide health care and services to Congolese women and children. UNICEF coordinates effective programs for women and girls that reduce infant, child and maternal mortality rates and improve access to clean water and sanitation and increase primary school enrollment, particularly for girls, who are often denied equal access. In the face of grave atrocities in the DRC, we must ensure ongoing investment in these programs.

I look forward to hearing the testimony of our witnesses today to learn more about how we can best support the Congolese people in addressing these hardships and ultimately transform their potential into prosperity.

Thank you very much.

Mr. SMITH. Anybody else on the subcommittee that would like to be heard? Mr. McDermott is with us, and I know it is a little bit of a breach of rules, but I would like to yield to him if he would like to make some opening comments.

Mr. MCDERMOTT. Thank you, Mr. Chairman. In 1987–1988, I lived in Kinshasa and was a regional medical officer with the State Department and saw the beginning of the AIDS epidemic as well as the conflict that ultimately led to Mobutu Sese Seko leaving and followed by Kabila and all of what has followed. I have many friends out there. The Lucis are people I have known. A friend of mine from Los Angeles that I went to college with has been one of the big supporters of that organization, and I have been there several times. I really came to listen today. So thank you.

Mr. SMITH. Mr. McDermott, thank you very much. I would like to now introduce our two distinguished witnesses, leaders in the field, who have done much. Ambassador Yamamoto is no stranger to this subcommittee, having been before us many times in the past. He has served since 2009, though, as the Principal Deputy Assistant Secretary for the Bureau of African Affairs of the U.S. Department of State. His prior assignments included serving as

U.S. Ambassador to Ethiopia from November 2006 to July 2009, and as Deputy Assistant Secretary of State in the Bureau of African Affairs from 2003 to 2006. We are also joined by Ms. Jandhyala, who has served as USAID's Deputy Assistant Administrator for Africa since October 2010. In this capacity she oversees the Offices of Sudan Programs and East Africa Affairs and also has a great deal of experience at the Department. And I would, without objection, include both of your full bios in the record.

Ambassador Yamamoto.

STATEMENT OF MR. DONALD Y. YAMAMOTO, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador YAMAMOTO. Thank you very much, Mr. Chairman. It is indeed a great honor to appear here before the subcommittee and I wish to express my congratulations to you, Mr. Chairman, on your appointment, and also to the great work of your predecessor, Congressman Payne, and also before the distinguished members of the subcommittee.

President Obama, Secretary Clinton and this administration have demonstrated a firm commitment to the challenges in this region. The violence, the human rights abuse, the suffering of the people in the Congo, exploitation of minerals and resources are unacceptable, and none of us should tolerate it and we will not accept it. The work raised by the good works by your main witnesses, Mr. Ben Affleck and by others, by Cindy McCain, really are a testament to what the power of what individuals can do in the Great Lakes area, and I also notice that my good friend John Prendergast and the other NGO groups who are here whose work has helped a great deal in moving this process along.

Let me tell you, Mr. Chairman, that the United States continues to play a very significant role to make a difference in the lives of the people in the DRC and wherever there is suffering and tragedy. In the tense years following 2003, we led an international effort through our Tripartite Plus peace process to address the causes of violence and to end the tragedies that promote violence. I was greatly honored to help lead the process for nearly 4 years, making some two dozen trips to the region. Secretary Clinton traveled to the DRC in 2009, as have other senior administration officials in the last 2 years.

Our overarching goals and objectives in the DRC to resolve it lies in governance and security. You need to have a government that is accountable to the people. You need a security which is reliable and dependable and not part of the problem. The U.S. has focused first and foremost on the complex security challenges facing the DRC. The shocking incidences of mass rape and other human rights abuses that continue in these areas are symptoms of several factors that fuel or enable violence, each of which requires its own responses.

One key factor is the continued presence of violent armed groups. Among the most notorious are the Democratic Forces for the Liberation of Rwanda, or the FDLR, and the Lord's Resistance Army, or the LRA, retain a violent and committed corps fully capable of carrying out brutal attacks on civilians. The U.S. Government has

provided significant diplomatic and programmatic support to disarm and demobilize these groups. Defined capacity of many of these groups has been significantly reduced in the last few years, but much more slowly than we wished it to happen. The forces of the former National Congress for the Defense of the People, or the CNDP, remain only partly integrated into the Congolese Army serving under the effective command of known human rights abusers and retaining in their ranks significant numbers of children soldiers.

The DRC security forces often compound the threat to civilians. Developing and reforming these forces is a massive undertaking that will require years of persistent support. Our assistance in this effort is aimed at both short-term and long-term progress and includes training of a vetted Congolese battalions, capacity building assistance for the DRC's military justice institutions, training to officers on the principles of leadership, civil-military relations, human rights and command responsibility.

The illicit trade and minerals and other natural resources also encourages violence, and the effective Congolese response and regional international responses by governments and industries will be key to resolving these problems. The United States is focused on helping develop civilian regulatory capacity, helping to end the role of illegal armed groups, criminal networks within the security forces, and promoting corporate due diligence and supporting the development of regional and national mechanisms to certify and trace the minerals trade.

We appreciate the support of the Congress that has provided these efforts, and we are consulting with the Securities and Exchange Commission, as you have directed, Mr. Chairman, as they develop regulations to promote rigorous corporate due diligence.

Underlying every element of the international community's response to the DRC security challenges is MONUSCO, the U.N. peacekeeping operation in the DRC. Under the leadership of the former U.S. Ambassador Roger Meece, MONUSCO has taken welcome steps to improve its effectiveness in civilian protection. We are also encouraged by the improved relations between MONUSCO and the DRC Government.

A second theme is governance. The national elections scheduled for November of this year are an essential step in determining Congo's democratic future. 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.

Our other preoccupation in the area of governance is human rights. The lack of adequate state capacity and discipline of existing state forces continues to fuel existing abuses against civilians. We are undertaking substantial programmatic efforts, expanding on the Secretary's 2009 pledge, $17 million in assistance to respond to and prevent sexual and gender-based violence. We are also supportive of modest but encouraging recent developments in a few key areas, including the arrest and conviction of a handful of high profile alleged abusers and the DRC Government's proposal to develop specialized judicial chambers to prosecute those who committed atrocities. The general situation, however, remains one of

impunity, and many more positive developments will be required to reverse this trend.

The third theme is economic recovery, which is essential in providing alternatives to enlistment and armed groups and laying a foundation for development. We are encouraging the DRC Government to take the necessary steps to improve the investment climate and to enhance transparency in the mining sector. With soliciting a ban on mining the DRC's eastern provinces expected on March 10th, we encourage all stakeholders to work to ensure that minerals leaving the DRC can be traced to their origin and that abusive armed forces are cut out of the trade.

Finally, it is worth emphasizing that the renewed cooperation among the DRC and its neighbors is a cornerstone of this region's future progress. The cooperation, while vastly improved over the last 2 years, will need to deepen further in the face of new developments, such as the emergence of an independent southern 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.

The DRC has focused attention of the United States Government and the activities that are directed onto the Assistant Secretary of African affairs, Johnnie Carson, and coordinated with our ambassadors in the field, the interagency and our NGO community partners, and also the donor community.

Mr. Chairman and members of this subcommittee, thank you for giving me an opportunity to speak to you today, and I will submit a longer version for the record. Thank you, Mr. Chairman.

[The prepared statement of Mr. Yamamoto follows:]

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
March 8, 2011

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.

Mr. SMITH. Mr. Ambassador, thank you very much for your testimony. I would like to yield to our second distinguished witness.

STATEMENT OF MS. RAJAKUMARI JANDHYALA, DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR AFRICA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. JANDHYALA. Good afternoon, Chairman Smith, Ranking Member Payne, members of the subcommittee. Thank you for inviting me to discuss the foreign assistance activities of USAID in the Democratic Republic of the Congo, which is particularly relevant in recognition of the International Women's Day today.

My name is Rajakumari Jandhyala. I am the Deputy Assistant Administrator for Africa Bureau since October 2010, and prior to joining the government I had an opportunity to work on the continent for 17 years, including the Congo, in the months after the Global Accords that were signed in 2003.

My testimony adds to the themes that Ambassador Yamamoto has raised about peace and security, progress toward governance, economic development, health and well-being of the population.

As part of the Presidential Policy Directive on Development which was issued recently and in support of our foreign policy toward the Democratic Republic of the Congo and Administrator Shah's efforts to look at our review and look at our approaches to assistance on the continent, we really have taken an effort to look at Congo as a very complex challenge in terms of like Sudan and in Somalia. So we really have a strategy review that is going on to look at our complex operations on the continent.

DRC is yet another example of a place where diplomacy and development are critical to assisting the Congolese in finding solutions to their current challenges, lay the groundwork for meeting the aspirations of its population at the end of the day, and build a nation that contributes to regional stability. And in that effort we work with both regional organizations, international partners and national institutions, both in the short term and in the long term.

The U.S. recognizes the enormous challenges and financial resources required to improve conditions, and in that regard the U.S. Government continues to be the largest donor in DRC, providing $306 million in bilateral assistance in Fiscal Year 2010, plus support to the U.N. peacekeeping operations, MONUSCO, multi-lateral institutions like the UNDP and U.N. agencies. U.S. foreign assistance is coordinated among agencies through a country assistance strategy that outlines our plans for U.S.-Congolese cooperation in addressing the immediate needs as well as long-term development needs.

In addition, we are one of 19 bilateral and multilateral donors participating in the common assistance framework established in 2007 with the Government of the Democratic Republic of the Congo. This gives us the opportunity as the international community to really leverage our assets and how we bring pressure and establish a dialogue with the Congolese on development objectives in the Congo.

Mr. Chairman, I would like to now review the major development challenges in DRC and current summary of USAID activities to address them. A written testimony has been submitted.

The DRC, and in particular in the east, continues to experience instability, violent conflict, and widespread population displacement. A key area of concern remains the Lord's Resistance Army. USAID promotes stability through community reconciliation, infrastructure, livelihood recovery and ex-combatant reintegration. Our Offices of Foreign Disaster Assistance and Food for Peace have ongoing commitments to provide emergency humanitarian and food relief where LRA are active. We are currently working on a regional strategy in support of LRA issues, as part of our northern Uganda strategy as well, to find the linkages in CAR, Northern Uganda, and Congo.

With regards to conflict minerals, our activities are in support of the 2010 Dodd-Frank legislation, which includes reporting requirements for mineral origin. In DRC the legal mineral trade fuels armed groups and undermines legitimate economic activity. To reduce the security and governance problems relating to conflict, and the trade in conflict minerals which results in the violence, USAID seeks to improve enforcement of the DRC mining code through regulatory support and rehabilitation of roads, and build capacity for better monitoring and transparency, including certification.

Addressing human rights abuses and sexual and gender-based violence is a high priority for USAID. USAID activities provide access to support services for rape and abuse survivors and their families, including medical care, counseling and legal aid where women are afraid to report to local authorities, and how we deal with the local justice to support their efforts. More importantly, we also support women survivors and livelihoods. Many times they are not participating in the community recovery activities that are taking place.

In addition to addressing the immediate needs of survivors, USAID has supported drafting critical legislation and subsequent prosecution related to sexual violence, and this continues to be an ongoing challenge given the weakness in the justice institutions and sectors. And we are trying to work with both at the national level at the community justice mechanisms at the moment.

Turning to democracy and governance, USAID focuses on capacity building among legislators, civil society organizations, and media. We also work to improve the independence of the judicial sectors and bring legal services to remote populations such as mobile courts where they are possible.

In preparation of the DRC's Presidential and legislative elections plan for this fall, USAID continues to build on our strengths and citizen outreach and mobilization. More than 8.2 million voters across the DRC's 11 provinces are expected to be reached by civic education programs, and we are attracting and leveraging other resources to enhance the participation of the population in a transparent manner.

In terms of social services, the health sector is our largest priority at the moment, given the violence and in terms of preventing a lot of the health-related epidemics we find in the Congo. USAID seeks to strengthen primary health care. In addition to our continued support to HIV and AIDS programs, we also support malaria programs.

As Chairman Smith mentioned, we support two important fistula hospitals which have treated over 1,000 women who received repair surgeries in 2010, and we hope to expand the outreach of those services. We have also brought together 12 providers of these services to ensure there is a network that they learn and exchange ideas on these issues. And we also contributed to the national fistula strategy in the Congo.

Lastly, in alignment with the Feed the Future Initiative that USAID is investing in Africa, promoting the agriculture sector as a means of economic growth is a high priority for USAID. In Fiscal Year 2010, programs assisted nearly 40,000 households and more than 500 producers' associations in improving agricultural management practices and use of technology.

In conclusion, despite many of the complex challenges to development, U.S. foreign assistance is making a difference with children being reunited with their families after being abducted, trafficked or abused. Low income women are accessing the judicial system for the first time and we are encouraging the expansion of that program. Health care workers are gaining skills necessary both for preventive as well as curative measures, and farmers are learning better ways to grow and process and distribute their crops. Across many areas where foreign assistance is needed we are promoting an approach DRC that addresses short-term, medium-term, and long-term sustainable development.

Members of the subcommittee, thank you for your attention to development issues in DRC, and I look forward to answering your questions and providing additional information.

[The prepared statement of Ms. Jandhyala follows:]

Testimony by U.S. Agency for International Development
Deputy Assistant Administrator for Africa Rajakumari Jandhyala

U.S. House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights

"The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy"

March 8, 2011

Good afternoon Chairman Smith, Ranking Member Payne, and members of the subcommittee. Thank you for inviting me to speak with you about current issues and foreign assistance activities in the Democratic Republic of the Congo (DRC). I have been the Deputy Assistant Administrator for Africa at USAID since October 2010. Prior to joining USAID, I was a senior advisor and head of the Peace and Security Division in the Department of State Office of the U.S. Special Envoy to Sudan, and I have been working to help countries transition from war to peace for the past 17 years.

My testimony adds to the remarks of Principal Deputy Assistant Secretary Donald Yamamoto who spoke on U.S. diplomatic issues in the country. I am pleased that we can discuss these issues together, as the DRC is a yet another example of a place where diplomacy and development work together to build a safer and more hopeful future, not only for those within the country, but throughout the world. As Secretary of State Hilary Clinton said during her 2009 visit to the DRC, "We know that the DRC, its government, and people face many serious challenges, from the lack of investment and development, to the problem of corruption and difficulties with governance, to the horrible sexual and gender-based violence visited upon the women and children in the country. We know these are big challenges, and we are ready to help the government address them."

U.S. foreign assistance supports the Government of the DRC (GDRC) in its efforts to establish peace and stability, make progress toward good governance and effective rule of law, increase agricultural productivity and economic development, and safeguard the health and well-being of its people. The U.S. Government (USG) continues to be one of the largest donors in the DRC, providing $306 million in bilateral assistance in FY 2010. The United States also provides support to the UN peacekeeping operation MONUSCO and multilateral institutions. U.S. foreign assistance is coordinated among USG agencies under a Country Assistance Strategy (CAS) to address stability, governance, economic growth, health, and education. The CAS (FY 2009 to FY 2013) outlines plans for the U.S. to work with Congolese government and local actors to transition from conflict and humanitarian relief programming to development assistance and poverty reduction.

Despite many and complex challenges to development, U.S. foreign aid is making a difference. Congolese children are being reunited with their families after being abducted, trafficked, and abused. Some low-income women and other vulnerable individuals are accessing the judicial system for the first time. Surgical teams are gaining

the resources and skills necessary to treat health issues like fistula. Small farmers are learning better ways to grow, process, and distribute their crops. Across the many areas where foreign assistance is needed, USAID is promoting an approach in the DRC that addresses both short-term, immediate needs and long-term, sustainable development.

Peace and Security

Resurgence of widespread conflict remains the biggest threat to stability in the DRC, with the potential to incite regional flare-ups. The eastern region lacks sufficient governmental oversight, creating an environment where illegal armed groups easily find refuge. The area continues to experience instability and violent conflict, which often results in population displacement. Conflict hinders stabilization and reconstruction efforts, while fueling human rights abuses that include brutal and repressive violence against women and girls in particular—though men, too, are suffering sexual assaults.

USG efforts to promote stabilization and post-conflict recovery are aligned with the GDRC's Stabilization Program for Eastern DRC, as well as with the International Security and Stabilization Support Strategy. Components under these programs aim to establish and maintain peace and security along strategic roads, or "axes," re-establish infrastructure needed to create or maintain state authority, and support the disengagement of armed groups that remain a threat to Congolese state authority. In FY 2010, U.S. assistance supported these components through community-based reconciliation and conflict mitigation programs that seek to promote peace in eastern DRC by mediating conflict within communities, addressing land tenure issues, improving livelihoods through small income generating activities and employment in infrastructure rehabilitation projects, and bringing public administration services closer to citizens. These targeted interventions are creating tangible, rapid peace dividends that lay the foundation for longer-term stability.

USAID's programs seek to increase stability in the DRC by addressing the root causes and mitigating the consequences of conflict. In recent years, agreements between the GDRC and armed groups, along with DRC military offensives, have weakened armed groups in eastern DRC. USAID responds to humanitarian need and promotes stability there through activities in community reconciliation; community-driven infrastructure and livelihoods recovery; reintegration; local governance and justice; and social protection. Further, we are working along with the State Department and Department of Defense to support the GDRC's development of a national action plan on women, peace and security—ensuring women's role as agents of peace, reconciliation, economic growth, and stability.

The Lord's Resistance Army

A key area of concern remains the Lord's Resistance Army (LRA), a rebel movement that has roamed effectively ungoverned portions of the DRC, southern Sudan, and the Central African Republic (CAR) since being ejected from northern Uganda in 2005. The 2010 LRA Disarmament and Northern Uganda Recovery Act called for the development of an interagency LRA strategy, and USAID has been a key partner with the State Department in developing this strategy. USAID's Office of Foreign Disaster Assistance

and Office of Food for Peace have ongoing commitments to provide emergency humanitarian and food relief where the LRA is active.

Human Rights Watch and other actors consistently identify a lack of reliable communications in LRA-affected areas as a key factor enabling a shockingly high level of violence against citizens. In response, USAID assembled a team to design a program to increase communications by supporting community-based protection planning and providing information communications technology in LRA-affected areas.

Sexual and Gender-Based Violence and Human Rights

Addressing the consequences and causes of human rights abuses and sexual and gender-based violence (SGBV) continues to be a priority for USAID. Insecurity and conflict in eastern DRC have fueled rape and sexual terror as weapons of war. Impunity for SGBV crimes is still pervasive although there has been limited progress, as Deputy Yamamoto noted in his testimony. Additionally, women and girls throughout the DRC are affected by destructive gender norms and discriminatory laws—for example, women cannot open a bank account or file a case in court without their husband's approval.

For nearly a decade, USAID has been the leading bilateral donor in the DRC for SGBV response and prevention activities, as part of a broader effort for stabilization and protection. We are an active member of the interagency working group on SGBV and an important contributor to donor discussions about SGBV. USAID and State led the development of the U.S. Strategy to Address SGBV in the DRC, with four key objectives: to reduce impunity for perpetrators, to increase prevention of and protection against SGBV for vulnerable populations, to improve the capacity of the security sector to address SGBV, and to increase access to quality services for SGBV survivors.

USAID programs to provide access to support services for SGBV survivors and their families include medical and psychosocial care, counseling and family mediation, social and economic reintegration support, and legal aid. In FY 2010, over 57,000 vulnerable individuals and nearly 20,000 SGBV survivors received specialized support services as a result of USAID programs. Additionally, more than 7,000 service providers and 300 Congolese service delivery organizations improved their ability to deliver high-quality services to SGBV survivors, abandoned children, and their families. Finally, 1,450 separated or abandoned children—many of whom are survivors of sexual abuse—were reunited with their families.

In addition, USAID has provided technical assistance in the drafting of critical legislation and subsequent prosecutions in SGBV cases in the DRC. USAID efforts to promote awareness of the 2006 Law against Sexual and Gender-Based Violence led to an increase in surveyed population awareness from 21 to over 66 percent in South Kivu province. USAID also works with civil society organizations to improve gender perceptions and empower vulnerable populations, including through behavior change communication and engaging men and boys. We have provided technical assistance to almost 100 national human rights organizations on how to successfully plan and manage projects, raise

community awareness of human rights and SGBV, and monitor courts and judicial processes.

Trafficking in Persons and Child Soldiers
Indicating the dire human trafficking conditions, the 2010 Department of State Trafficking in Persons (TIP) Report ranked the DRC as Tier III after being ranked a Tier II watch list country for the two previous years. Since 2003, USAID has been implementing anti-trafficking projects focused on providing care and reintegration services to former child soldiers, including those abducted by the LRA, and identification and reintegration services for women and child survivors of sex trafficking and abduction.

Current TIP programming seeks to raise awareness and build the capacity of the GDRC to address trafficking through a new grant to the International Office of Migration (IOM). USAID has directed other resources to a UNICEF program in Ituri District to reintegrate former child soldiers back into their families and communities. As a result, in FY 2010, more than 1,000 vulnerable children—many of whom were formerly associated with armed groups and affected by sexual violence—received protection and medical and psychosocial assistance. Additionally, over 700 children and youth participated in income-generating activities and vocational training. Similar programs are ongoing and planned in the Haut Uele District and North and South Kivu provinces.

Democracy and Governance
As responsibility and leadership of the DRC's future progress lie ultimately with the DRC's government and people, establishing a functioning and responsive political system is paramount. USAID programs focus on civic participation and education; building capacity among legislators, civil society organizations, women's groups, and the media; and judicial strengthening and access to justice—all essential elements of a legitimate and functional democratic government. Additionally, to support an effective decentralization process, we have provided technical assistance to draft and assess several laws related to improving local governance structures.

To build capacity for good governance, USAID programs have trained nearly 2,000 national and local legislators and staff, improving management ability and accountability. We have improved the ability of radio and television stations to broadcast information on a broad array of political and social issues. Critically, we have collaborated with the GDRC and international organizations to support credible election processes.

Support to Elections
In the fall of 2011, the DRC plans to hold its second presidential and national legislative elections. In addition to logistical and practical challenges—such as the DRC's enormous geographic size, ongoing conflict in the east, general lack of infrastructure, and low voter education rates—the elections face many political challenges. The voter registration process has been slow, with the new electoral commission being sworn in only in late February. A controversial constitutional amendment to reduce the number of rounds of elections as well as delays in the final adoption of the electoral law that

provides the legal foundation for the elections further contribute to uncertainty around elections.

Donor and MONUSCO resources for elections are not as robust as they were during the 2006 presidential elections, and the GDRC projects a funding gap of over $350 million for the 2011 elections. The UNDP-managed election assistance basket fund provides $163 million for electoral operations and administration, and MONUSCO is focusing on logistical support.

Our strength in promoting civic education has been recognized in the DRC. USAID is managing a $5.2 million two-year civic education program through International Foundation for Electoral Systems (IFES) to inform and enable citizens to register and vote in the elections. We have produced a massive amount of materials and empowered civil society organizations to promote and distribute them. The program is expected to reach more than 8.2 million men and women voters across all of DRC's 11 provinces. USAID is also playing an important role in leveraging additional donor resources for civic education, and has attracted over $3 million in commitments from Great Britain, Germany, and Canada.

The GDRC has agreed upon an elections calendar that includes local elections, which are now scheduled for 2012 to 2013. USAID's experience in promoting civic education and community dialogue will provide an important foundation for preparing for these local elections, which are key to the decentralization process.

Rule of Law

The DRC's judiciary continues to suffer from a lack of independence, resources, and public trust, leaving the most vulnerable members of society with no meaningful access to justice. The justice system is absent from most of the country, with the nearest court often hundreds of miles away from people's homes. Overall there is a severe shortage of magistrates and court personnel, and recent constitutional amendments have eroded previous progress in judicial independence. Existing courts supplement their insufficient operating budgets with arbitrary and undocumented fees from citizens—a practice rife with corruption and partiality. Judges lack formal and systematic training and access to new laws and decisions, which is essential to administration of fair and equitable justice.

Promoting the rule of law and establishing an independent, effective, and accountable judiciary is a key long-term U.S. foreign assistance priority in the DRC. USAID activities in rule of law support judicial institutions, civil society organizations, and individual citizens. In cooperation with international donors, U.S. assistance led to the training of 1,000 new magistrates. We provided assistance in establishing new laws that increase judicial independence, clearly define the roles and responsibilities of magistrates, improve judicial salaries, and increase oversight of the executive branch. Additionally, we provided technical assistance to the High Judicial Council in drafting an organizational structure, strategic plan, and magistrates' code of ethics. Thousands of lawyers received new handbooks on pre-trial detention and penal code compendia that incorporate DRC criminal legislation. USAID has also helped bring legal services and

courts to remote populations through mobile courts, providing access to justice for over 5,000 vulnerable individuals—including more than 1,100 women—and combating impunity for grave abuses.

Health

The DRC is ranked among the bottom ten countries worldwide on a range of basic social and quality of life indicators. Health indicators in particular are among the worst in the world and reflect the hardships resulting from many years of conflict and significant deterioration of health services throughout the country. According to the 2007 Demographic and Health Survey, about one child out of seven dies before reaching age five. Negative health outcomes reduce productivity while increasing expenditures of scarce resources on health care.

Support for health services is a major component of U.S. foreign assistance and continues to represent an important area of cooperation between the United States and the DRC. In addition to ongoing programs to combat HIV and malaria, USAID health programs seek to increase the availability and utilization of cost-efficient primary health care. USAID provides technical and financial assistance to strengthen the fragile health system while improving access to integrated, quality care to more than 11 million Congolese in 80 of the country's 515 health zones. USAID-supported health zones continue to operate at a high level; the overall clinical and preventative service utilization rate is 40 percent in USAID-supported health zones, compared to 25 percent nationwide.

Through USAID's flagship primary health care program and a range of other health activities in FY 2010, U.S. assistance:

- Provided antenatal care to more than 400,000 pregnant women, enabled 351,073 deliveries with a skilled birth attendant, and provided care to 323,516 newborns within three days of birth.
- Trained nearly 15,000 people in child health and nutrition by working with mother-leaders to provide health and nutrition education as part of a package of community development activities through the Food for Peace program.
- Helped combat micronutrient malnutrition by providing nearly 2.3 million children under the age of 5 with Vitamin A supplements.
- Provided treatment to 292,675 children with diarrheal illnesses and 430,171 children with pneumonia, as well as DPT3 immunization to 324,772 children.
- Prevented malaria cases by purchasing and distributing 824,100 long-lasting insecticide treated nets, purchasing 4.5 million artemisinin-based combination treatments, and collaborating with the UN to support the distribution of 5.5 million bed nets in Maniema and Orientale provinces.
- Improved access to safe drinking water for more than 230,000 individuals and improved sanitation facilities for than 120,000 additional individuals.
- Improved outreach activities related to tuberculosis through private and public media outlets.

Fistula
Women lack access to even the most basic health services, including maternal and reproductive health services, such as prenatal care and skilled birthing care. Compounding this lack of access to services is early forced marriage, early pregnancy, and a lack of voluntary family planning services resulting in pregnancies occurring at too early an age or spaced too closely together, which often gravely endanger the health of the mother and child.

These precarious social conditions and the lack of available health care services are predisposing causes of gynecological fistula, a severe problem in the DRC. In addition, the prevalence of brutal rape with objects, such as weapons or sticks, has also led to cases of traumatic fistula, particularly in North and South Kivu provinces of eastern DRC.

USAID support to prevent and treat fistula has been ongoing since July 2005 with a program designed to reduce incidence of obstetric and traumatic fistula and rehabilitate women with injuries as a result of childbirth and gynecologic trauma in North and South Kivu provinces. In FY 2010, USAID continued to support two key fistula hospitals—Heal Africa and Panzi. Technical and financial assistance was provided to perform fistula repairs, train surgical teams for fistula repair and management, and strengthen the capabilities of surgical and nursing staff to prevent obstetric fistula through safe pregnancy and delivery practices. Thirteen health care providers received fistula surgery training and 197 others received fistula-related training. As a result, nearly 1000 fistula repairs were performed. USAID has also been able to stimulate dialogue among fistula activists in the country and help coordinate the development of the National Fistula Strategy. However, much more work is needed to best advance girls' and women's overall health in the DRC.

Economic Growth
Food insecurity and the global economic crisis have had adverse impacts on the DRC's ability to increase food production and generate revenue. In FY 2010, USAID's economic growth program, aligned with the principles of the Feed the Future Initiative—which include recognizing the contribution of women to agricultural productivity as critical to achieving food security—focused on investing in agricultural productivity, distribution, and processing; livelihoods support in three conservation areas; and food aid assistance in eastern DRC targeting the most vulnerable individuals. With the International Food Policy Research Institute (IFPRI), USAID provided support for the launching of the Comprehensive African Agriculture Development Program (CAADP) as well as six other research and policy activities. Additionally, USAID:

- Supported the release of five new varieties of cassava and provided new equipment to Congolese producers and processors to increase cassava productivity.
- Supported the release of 15 new technologies made available to farmers in the agricultural sector that addressed soil, land, and water management practices in biodiversity landscapes.

- Assisted 38,654 households and 572 producers' organizations and associations through improved agricultural technologies and management practices.
- Implemented agricultural livelihood-improvement activities in three important target areas reaching tens of thousands of target households in Ituri, Maringa-Lopori Wamba, and Salonga landscapes, in partnership with the Central Africa Regional Program for the Environment.

Conflict Minerals

Recognizing the role of the illegal mineral trade in promoting violence and human rights abuses, the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act included a provision requiring certain U.S. companies to report on the origin of "conflict minerals" used in their products. The illegal exploitation of and trade in natural resources originating in the DRC fuels armed groups and contributes to the region's security and governance problems. Profits from this trade not only support arms purchases, but also undermine the ability of the GDRC to collect much-needed revenue. Men and women civilian miners and traders are routinely victimized along mining routes as armed groups or individuals solicit "taxes" for passage, which hampers regional economic growth. A comprehensive response to these problems calls for diplomatic and security solutions that are complemented by conflict mitigation strategies, infrastructure development, and the strengthening of Congolese national institutions.

USAID planned programming in conflict minerals is designed to improve strategic roads to decrease the barriers to legal trade, lay a foundation for long-term cooperative efforts among the Great Lakes countries, and strengthen the GDRC's capacity to manage and regulate the mineral sector. Activities will include the rehabilitation of key roads; improving legal and regulatory frameworks by harmonizing new legislation to enforce the DRC's 2002 mining code; building the capacity of the DRC's mining sector institutions; and reinforcement of monitoring and transparency in the mining sector, including certification. Recognizing the role of cooperation in responding to the problem of conflict minerals, USAID has been very involved in the development of due diligence guidance together with interagency and international counterparts through the OECD that complement these domestic efforts.

Humanitarian Assistance

USAID continues humanitarian support for the DRC to respond to the effects of conflict and mass population displacement. In FY 2010, our Office of U.S. Foreign Disaster Assistance provided approximately $24 million in aid concentrated in North Kivu, South Kivu, and Orientale provinces. Activities included agriculture and food security, economic recovery and market systems, health, humanitarian coordination and information management, logistics and relief commodities, nutrition, protection, shelter and settlements, and water, sanitation, and hygiene. P.L. 480 emergency food aid was also provided to meet urgent hunger needs.

Donor coordination and conclusions

In the DRC, USAID has been successful in attracting and leveraging resources from other donors in order to amplify our programs' impacts. Additionally, USAID is actively

engaged in donor coordination: exchanging ideas, sharing data, streamlining and improving division of labor so that our activities are harmonized. USAID is one of the 19 bilateral and multilateral donor institutions that organized its programs under a Common Assistance Framework (CAF) in 2007. USAID participates in CAF monthly meetings with donors and senior GDRC officials as well as the CAF network of 20 thematic groups, which establish structured dialogue at the sectoral level.

In line with the Paris Declaration on Aid Effectiveness, we have worked with other donors to improve the division of labor, beginning with a mapping exercise, a forum on aid effectiveness in June 2010 and a forthcoming retreat of CAF donors. USAID participates in additional coordination groups around specific development topics. A USAID representative serves as Second Vice President for the Country Coordinating Mechanism of the Global Fund for AIDS, Tuberculosis and Malaria and we also serve on the steering committee for the GAVI Alliance, which focuses on childhood vaccination. In the security sector, USAID coordinates assistance with the UN and other donors under the framework of the International Security and Stabilization Support Strategy, which in turn supports the GDRC's STAREC. Finally, in cooperation with donors from the United Nations, European Union, and other groups, USAID actively participates in the cluster system, which increase donor coordination around specific sectors and services provided during humanitarian crises.

With the signing of bilateral assistance agreements with the GDRC in February, 2011, USAID has formalized its cooperation with the GDRC and plans to continue to deepen its dialogue on development issues with key government actors in FY 2011.

Thank you for your attention to development issues in the DRC and for providing me with the opportunity to speak with you today. I am happy to respond to any additional inquiries you may have.

Mr. SMITH. Thank you very much for your testimony. And without objection, both of your full statements will be made a part of the record.

Let me start off by saying that Mr. Affleck in his testimony with regards to the elections, and I know, Ms. Jandhyala, you made the point as well, says that there is a $350 million gap as it relates to the upcoming elections, and I would ask you if you could address whether or not you think that gap will be bridged and by whom. And in his testimony Mr. Affleck says he requests that the U.S. Government take a hard look at its current commitment to support the elections and asks if offering the assistance needed to truly support a free and fair election is actually there. He asks a number of questions and he says, the time for decision is upon us. With national elections only 8 months away, the U.S. is not focused on the Congo.

How will that gap be bridged, if you could, Mr. Ambassador? And secondly, with regard to the conflict minerals strategy, which was due in mid-January, is that going to be forthcoming soon or perhaps has it been sent up today? If you could give us a timeline for that and maybe give us an idea about what will be included.

The issue of army reform remains a very serious issue, and I wonder if you could update us on how military reform is proceeding. On trafficking, Congo obviously is a Tier III country now. It has dropped. In the recommendations made in the TIP Report, one of the key recommendations is to investigate and punish military and other law enforcement personnel accused of unlawfully conscripting child soldiers, and then it goes on from there. And I am wondering if you could tell us, because obviously this report was issued last year in the beginning of summer, whether or not any progress has been made in the area of trafficking both for sex and labor and for child soldiering. If you could address that.

On the fistula repair, congratulations and kudos to the USAID for the work you are doing on repair. At 1,000, do you anticipate that the numbers will go up in terms of actual repair of fistulas, and by how many? Do you have a glide slope as to how you will build out the capacity for fistula?

And on the issue of faith-based organizations, we will be hearing from Catholic Relief Services in our second panel, and they make a very cogent argument as to why faith-based organizations are critical in Congo, and I would argue for all of sub-Saharan Africa, if we want to mitigate HIV/AIDS, if we want to combat all health issues. The estimates are that up to 70 percent, as you know, of health care in Africa is provided by faith-based organizations or churches and seemingly we would want to more faithfully utilize that mechanism. And if you could speak to whether or not that is where you think we go in the future as well as in the present.

And then on MONUSCO, during my trip part of what caused me to go there was the ongoing problem, you know it is bad enough that soldiers in the Congolese Army and militia groups are committing heinous crimes against women, but to our shock and dismay we discovered that the peacekeepers in like manner, but in a much smaller number, were committing these kinds of crimes against young children. Mr. Payne will remember that I actually had three hearings on the abuse by peacekeepers. We heard from Jane Holl

Lute from the U.N., who was then heading up the office. She is now over at Homeland Security as number two. But she was emphatic that there needs to be a zero tolerance policy vis-à-vis peacekeepers and women and children. At the time we were talking about zero compliance, and I know that has changed. But we are told that there are some 33 allegations of sexual misconduct since January 2010 to February of this year, and one of my arguments has been you need investigators to make sure that if there is an allegation it is followed up on. There are now only two OIOS investigators in Goma, which I think enables, however unwittingly, these crimes that are committed. So if you could address that as well.

Ms. JANDHYALA. In terms of the elections that are being held in November, USAID sees it as part of a broader international strategy required to build a coalition on democratic transformation in Congo, and we have multiple challenges. One is a partner in terms of financial resources. We are contributing to a basket fund at the moment, and we are working with the European donors to see how that gap can be filled and how rapidly it can be filled in the coming months. The second issue we are facing is the capacity of the national institutions to actually take international support and technical assistance with some degree of support from our regional organizations.

So in terms of funding we have contributed $5 million to voter education and we are working with our other partners to see how we can fill the gap at the moment.

Mr. SMITH. Could I ask during the last elections how much we contributed?

Ms. JANDHYALA. I would have to get back to you.

Mr. SMITH. It was significantly higher, I know that.

Ms. JANDHYALA. It was well over, I think, $80 million.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MS. RAJAKUMARI JANDHYALA TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

USAID provided $12.0 million in support of DRC's 2006 elections.

Ambassador YAMAMOTO. Just to follow up on the elections, during the 2006 elections I was an observer with the U.S. Government observers. And also the Ambassador was Roger Meece, who is now head of MONUSCO. And as you know, Mr. Chairman, it was a very difficult, it was a very challenging process to register and just to identify who the voters are. And we used a variety of resources; the Catholic Church, who registered the parishioners, faith-based groups who were working throughout the area. And so we used very innovative and creative ways to do it. And in going to the criticisms of the electoral process, we try to make it as transparent as possible in each successive election to be better than the last one. And we have a country with so many challenges as the DRC. And more importantly is the lack of capacity and institutions. Those are challenges that we work with our partners and also with the DRC to overcome, in order to ensure that these elections are better than the ones before and that there is a system of progress.

I guess we should go to your other questions?

Mr. SMITH. If you could.

Ambassador YAMAMOTO. On the conflict minerals legislation that has been completed, these should be submitted to the Congress. And as you and the Congress have directed, we have addressed the issue on Securities and Exchange regulatory process. And just to kind of briefly, oversight. On the conflict minerals we are really enhancing how to protect those areas in conflict, enhance civilian regulation of the resource trade, protect artisan miners in local communities, strengthen regional and international efforts to monitor and protect civilians, and then to promote responsible trader resources.

And as you know, Mr. Chairman, the DRC is perhaps one of the richest countries in the world. It is extraordinary lush, it is green, it could be the breadbasket. I want to give you one story that, you know we have been talking to other donors in other countries who are benefiting from these minerals and resources, the Chinese. One thing that the Chinese told us we found fascinating. There is more arable land in the Congo than all of China, yet China is able to meet the basic needs of a population that is 20 times greater than the DRC. Why is that? What is it that we need to do more with our Congolese partners to ensure that we have a rich country that meets the benefits of its people and also the region? And the water productivity in that area can fuel energy for half of the African continent. And so these are things that are really dramatic and things that we are trying to work on, and we are very excited about.

The other issues, too, that I want to get to is on the TIP Report. On the TIP the DRC is classified in Tier III. We have of course removed the DRC reluctantly from AGOA benefits. But it came after 2 years of consistently asking the DRC Government to address certain human rights abuses. And we offered assistance and help and support, and we will continue to do so. We wanted to see that to the benefit of the people it has to be part of AGOA, but it also has to address the needs of its people. And those are some of the things that I know you are very passionate about, Mr. Chairman, and we have addressed those issues.

The next thing that you address is the efforts of faith-based groups such as CRS and other groups. You are absolutely correct, you know, we provide right now on the continent anywhere from $6.4 billion, about $6.8 billion in total assistance to the African continent. Of that, 85 percent is administered through NGO groups. Most of them are faith-based. And what we have learned on the faith-based is that it has tremendous accuracy, low overhead cost, and they have very creative and innovative approaches. This is a lot of the other groups that we have worked with. And we must commend a lot of the work that they have done to address some basic problems that are facing Africa today. And let me just highlight one thing that addresses what my colleague Raja and what we in the United States Government is trying to address, is how do you address the violence against women.

And one of the things that we have worked with on the faith-based groups is some innovative programs which try to elevate the status of women. Without the elevating of status of women, to show girls that their moms are really the heroes in the family, then we are going to have problems. And one of the creative programs that we have is we have community-based development, in others we

have kids who are going to community schools. Then we have moms who we give loans. And we now know that women on average will repay loans at a rate of 95 percent, much higher than men. And then for the men, looking at agricultural techniques and technologies. And then have that community strengthen and bonded and sustainable. And what happens we have found is that it raises the status of women, helps girls' education and expands to other communities. And so those are things that we have learned in working with our NGO and faith-based groups to expand.

The next thing is, and I want to turn to Raja, is on the FARDC and on the MONUSCO problems. In our approach, our $306 million area, we are looking at security sector reform. Without the security sector reform, you are not going to have a security force which is reliable, dependable, and accountable to the people. You want forces that are going to protect you, not be a problem and a source of crime and violence against the people. What we are doing right now on one area is to promote accountability through training and prosecution. You need to have accountability and to hold people responsible for their actions.

The other issue is advocating demilitarization and strengthening payment systems to ensure that the security forces are going to be paid. We are looking at mobile banking services to ensure that money gets into the accounts so that, let's say the commanders are not pilfering the money of their NCOs or the other military trainees. The other thing is to train police forces to serve as a basis to help protect civilians and protect the rights of civilians.

The other issue is on MONUSCO. As you remember, Mr. Chairman, and of course when Congressman Payne was also there, we looked at the abuse of MONUC. And at that time the SSRG was Ambassador Bill Swain and the Ambassador was Roger Meece. We worked extremely hard to look at how we can do training and advancement programs. So right now we are looking at our programs and projects on how we can advance and promote the professionalization within the FARDC troops but also within MONUSCO now to ensure that you have the highest quality.

In that context let me just tell you, in the State Department we have over the last decade trained 120,000 troops. That is 36 battalions in 24 partner countries. And what they are doing now is to address African problems through African solutions. Of those 120,000, 77,000 remain in peacekeeping operations. We monitor them, we keep track of them. And of those, 33,000 are in U.N. operations. And we know that their quality is good and that they are attracted and maintain a high quality. And that is what we need to do, not only in the DRC, but in other parts of Africa where we see instability.

Ms. JANDHYALA. Thank you, Mr. Chairman.

On the issue regarding trafficking in persons, we are approaching it as a human rights issue; and, in that regard, we have spent approximately $3 million in anti-trafficking projects in DRC, working with UNICEF in Ituri district to reintegrate former soldiers, help them put in systems to monitor families and communities where this is taking place.

In addition, we are working with the International Organization for Migration to build awareness and capacity in the Government

of the DRC to stop this and to address the issues raised in the Tier III status that they have been given.

On the issue of fistula repairs, we are finding in our assessment of our current activities that, so far, we have dealt with repairs as part of the violence generated in the war, in the conflict situation. But we think there are also fistula issues regarding the domestic violence and frequency of birth and the population increases that are happening in communities. So we are approaching it both as a treatment for gender-based violence as well as domestic violence and sort of population issues regarding young girls who are having children at a young age as well as the number of children that they are having, which is also another reason for the fistula situation in the Congo.

On the issue regarding faith-based organizations and working with communities, we believe the fundamental issue of community reconciliation has to be done through local organizations. Promoting community reconciliation can't be done at the state organizations or at the level of national institutions. So we are at the moment working with our colleagues in OTI and other places in the east to see what organizational networks, social networks that exist currently and how we tap into those social networks, including churches and mosques and other institutions on the ground.

In terms of elections, that is another challenge we are facing. As my colleague Ambassador Yamamoto said, we view this as a transformation. How do we set benchmarks for assessing progress in that process?

In 2006, I also was in Congo with Ambassador Swing's office at that time and we see that each election is an opportunity for us not only to fund the event, the idea of an election, but all of the consequences that we would have to deal with on the parliamentary level. What institutions do we have to build for the next election? So we are managing our resources between the immediate event investments as well as what it requires for state building and capacity on the parliamentary level.

We are also preparing for the state-level elections that have been postponed to see how we can encourage and revive that strategy with the government a little bit more.

And, lastly, in terms of all of these issues, Mr. Chairman, that we are dealing with ungoverned spaces. So development in ungoverned spaces means currently we are dealing with the consequences of ungoverned spaces. So of the 11 provinces in Congo, seven are viewed in the eastern areas which are considered sort of ungoverned on many levels. But there are 40 million other people in the rest of the Congo that we are balancing the immediate interventions for conflicts and crises but also continuing to invest in the other parts that are stable.

So those are the issues that we are managing at the moment.

In terms of the budget, Administrator Shah is coming up to the Hill next week, and I would leave that to him to talk about Congo as part of the broader budget issues.

Mr. SMITH. Thank you. I thank you both.

Just a note, not a question, I want to thank you for including in your written submission some of the very laudatory and outstanding accomplishments, especially in the area of mitigating ma-

ternal mortality. As you point out, we have enabled over 351,000 deliveries. And, as we know, the greatest way of mitigating maternal mortality is by having a skilled birth attendant available to deal with complications, especially if a caesarean section might be needed. So that is very good news contained in your testimony.

Mr. Payne.

Mr. PAYNE. Thank you very much.

As has been mentioned, Secretary Clinton visited the eastern Congo, and she really was very moved and gave a very strong report about what was going on there. I was on that trip, although I left before she visited the Congo.

My assessment, the U.S. needs to refocus all parts of our Government on achieving clear results in two critical issues which were actually mentioned on her trip. The first priority should be to bring greater stability and to reduce civilian suffering in the eastern Congo, and the second priority will be to ensure next year's elections that will take place will be fair and free. So I just wonder if you could just comment very quickly on those two.

I have a series of questions.

Ambassador YAMAMOTO. You are absolutely correct, Mr. Congressman. Stability is key, and that is really part of our security sector reform approach which I just explained in the testimony.

And the other issue is on the elections. Yes, the elections are a key indicator for the progress; and, yes, there are going to be problems. Yes, there are going to be areas that we need greater improvement on; and, yes, there will be questions on it. But as long as we can continue to make the progress and development we have since 2006, we should be in good shape as we head to the next elections as well.

Ms. JANDHYALA. In terms of the elections, after USAID's experience in Sudan recently and the enormous international lift that it took to make the referendum happen, I think we are working toward what institutions we can lay the groundwork for now as we set the tone for both the subnational elections that we hope will take place. And I think it is a commitment to the democratic transformation of Congo. It is a critical element of our aid strategy at the moment.

Mr. PAYNE. And you didn't have the dollar amount that we contributed to the 2006 elections and what is in the budget for the 2011 elections.

Ms. JANDHYALA. Right. The 2006, I can come back to you with that. I am sorry about that.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MS. RAJAKUMARI JANDHYALA TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE DONALD M. PAYNE

USAID provided $12.0 million in support of DRC's 2006 elections.

Ms. JANDHYALA. On the 2011, it is part of the budget discussions that Administrator Shah would like to talk with as part of the overall DG budgets we are looking for within the agency, both for Africa and for the agency.

Mr. PAYNE. Because, of course, we can almost guarantee failure if we do not supply the appropriate—it was daunting at the last election, which I attended, also. And simply the logistics of getting

ballots to remote places, you had to use helicopters; and I was thankful, as I mentioned, that South Africa was able to bring in aircraft to deliver ballots and then pick them up after the election. Congo was so important.

And we could almost, like I say, guarantee a failure if we don't have the proper amount of—which, of course, comes to the Congress. You all don't appropriate. That is something that we need to perhaps have a discussion with us on this side of Washington.

Could you give me a definition of the difference between MONUC and MONUSCO? It tends to get gray sometimes.

So would anyone want to try to take a shot at that? I don't want either one of you to jump at it, but——

Ambassador YAMAMOTO. The issue was—the progress between MONUC and MONUSCO was on the mandate. In other words, to articulate exactly what the precise mandate would be for the U.N. operation. And one of the things that was additional or added to that was, in what circumstances will these forces address, you know, the FDLR, the LRA process? And one of the additions to the MONUSCO mandate was looking much more at the LRA problem.

But I would have to go back to you and refer to other experts who know the precise technical and legal distinction between the two.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. DONALD Y. YAMAMOTO TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE DONALD M. PAYNE

Following the signing of the Lusaka Ceasefire Agreement in July 1999 between the Democratic Republic of the Congo (DRC) and five regional states, the UN Security Council established the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) by its resolution 1279 of November 30, 1999. MONUC initially observed the ceasefire and disengagement of forces and maintained liaison with all parties to the Ceasefire Agreement. Later, in a series of resolutions, the Council expanded the mandate of MONUC to the supervision of the implementation of the Ceasefire Agreement and assigned multiple related additional tasks. In accordance with the Security Council's May 28, 2010 resolution 1925, MONUC was renamed the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to reflect the transformation of MONUSCO into a stabilization force. UNSC resolution 1925 also permitted a reduction of up to 2,000 of the Mission's 19,815 uniformed personnel in areas where security has improved. The MONUSCO mandate emphasizes civilian protection.

Mr. PAYNE. Initially, they were criticized—I guess it was early on—about their lack of aggressiveness in their Chapter 7 mandate. There had been a reaffirmation of Chapter 7. Is there a more aggressive stance on a part of the forces?

Ambassador YAMAMOTO. The problem with the definitions is this ability to respond. I know that Roger Meece has requested more air assets, in other words, to address the ability to rapidly deploy his troops to areas of instability. And he gave the example of ecoterror, where you had disarmed groups coming in and taking over the airport temporarily, killing some of the U.N. peacekeepers as well as civilians.

But those are some of the major challenges that are facing MONUSCO today. It is not only the budget but also the capacity to respond quickly.

Ms. JANDHYALA. We have also made a commitment. We have reinforced our message with the U.N. agencies that we are committed to a peacekeeping mission, and we wouldn't be able to do a lot of

our work without the environment being created by the peacekeeping mission in the east at the moment. And we have made that message clear to the Government of the Democratic Republic of the Congo who have come around to establishing a better relationship and improving their relationship with the peacekeeping mission.

Mr. PAYNE. And about the FDLR, initially, they were very involved with the government in Kinshasa. However, there seemed to be a position where the Kabila government have been working toward the infiltration of the FDLR. In other words, the agreement between Rwanda and the DRC, is there an effort? At one time, it seemed FDLR were even a part of the Congolese forces. Has all of that changed? And is the—into harm's way—and the ex-FAR that still roam around the eastern Congo, is that still a problem?

Ambassador YAMAMOTO. Yes, Mr. Congressman. The FDLR, you know, remains a continued issue. From our tripartite-plus process to today, we continue to work with the Rwandan groups as well as the Congolese, because the FDLR is a threat to both countries and to the regional stability and also to the violence against the civilians and really is a major block and obstacle to peace and stability in the region. So that continues to be a top priority.

Mr. PAYNE. I had a chance to speak to Mr. Meece earlier in regard to even the CNDP. Now Nkunda is under house arrest in Rwanda. Has that therefore lessened the tension there in the area or are his forces still roaming and doing destructive work?

Ambassador YAMAMOTO. No. Nkunda's detention or house arrest in Rwanda is one area, but you still have continued members of the FDLR who continue to roam, and then you also have other high-profile individuals who are creating havoc. And one of them, of course, is Bosco Ntaganda, who is an ICC-indicted war criminal and part of the groups. As you know, he fought with Kabila's forces, and he is extremely well armed. So that remains a problem.

Ms. JANDHYALA. And, also, I think one of the issues we are facing with the FDLR in terms of community development and reconciliation issues is that command and control is not clear on different parts of the east, of where they have impact and where they don't in terms of command and control. So I think both the bilateral agreement between Rwanda and Congo gives one framework, but I think we will have to work as an international community at many levels both at the political level but also within communities who have reached out under the DDR program and other reconciliation efforts to see how we can minimize the damage that they do to the communities.

Mr. PAYNE. Okay. My time has just about expired, but I just wonder, what is the prospect of a special envoy being appointed? We wrote a letter back several months ago asking that a special envoy be considered once again. Mr. Swing was very effective. And what is the status now?

Ambassador YAMAMOTO. We are continuing to take that under advisement. After the departure of Howard Wolpe last year, we will continue to do the work that he has started through our ambassadors and through Johnnie Carson who has made trips as well as the Secretary and other senior officials.

But, again, depending on the budget and other objectives, et cetera, we continue to take that under advisement, Mr. Congressman.

Mr. PAYNE. Thank you very much.

Mr. SMITH. Thank you, Mr. Ranking Member.

Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman.

Thank you again for coming, and thank you for your testimony.

The United States is constantly called upon to clean up messes throughout the world. And now that is a testament to the generosity of the American people as well as to the philosophical ideals that guide us and perhaps as well our unique position as an exceptional world power. But, with that said, what is the relative nature of our assistance compared to European assistance, particularly France and Belgium, given the colonial legacy here?

Ms. JANDHYALA. In terms of the United States, we are still the largest donor in terms of our support in bilateral assistance, but our support through the peacekeeping agencies, in terms of our support through the U.N., service agencies like UNICEF; and we continue to lead on this.

It depends also on certain sectors where our European partners have taken the lead in terms of the security sector where the EU is in the lead. But in other areas and other sectors we continue to lead in regards to this.

Mr. FORTENBERRY. Do you feel this is disproportionate in terms of the responsibility?

Ms. JANDHYALA. We are working with our partners to continuously find ways, because we partner with them on a number of other countries that are a priority for the U.S. Government. So it is a balancing act between Congo, Sudan, Liberia, and many other countries. So we are in constant discussions with our British partners, our Norwegian partners, the EU, the World Bank, both on the bilateral to see where we bring our relative expertise, we lead, and where they bring their relative expertise and political will. So it is a constant negotiation between us and our partners.

Mr. FORTENBERRY. All right. The second question—and perhaps, Mr. Ambassador, you could answer this. It is against the law in the United States to provide military assistance to countries who use child soldiers. Now we have exceptions for that in terms of national security waivers, and this country has received one. But, with that said, that doesn't absolve our responsibility from continuing to push at the highest possible diplomatic levels to end this pernicious practice. What specifically is being done in this regard?

Ambassador YAMAMOTO. You know, overall, on the child soldiers, it is not just in the Congo but it is throughout the continent and, of course, around the world as we establish on our GTIP rankings and address—to work with these countries to address those problems and to ensure that they understand those problems and that they address them and that we work together to find the solution.

And throughout Africa and other parts of Africa, from Chad and to other countries where there are reports of child soldiers, we have worked with those troops that we have helped, let's say, train not only on vetting but to ensure that they observe all the precepts and

legal aspects that we have under our laws in distribution of funding and assistance.

In the Congo area, it remains a challenge, but we remain committed to ensuring and to working hard so that the battalions that we train and also those that we work with are meeting the legal notes established by you in the Congress on the distribution of the assistance.

Mr. FORTENBERRY. That perhaps is certainly an appropriate response for those areas that are under our direct influence, such as military assistance, direct military assistance and training. But in terms of a robust diplomatic push at the highest levels, what are we doing?

Ambassador YAMAMOTO. Right now, we are working with the FARDC troops, which is a major challenge, to work on military justice and also to ensure that they develop the justice systems to bring to justice those individuals who are in violation, not only those who have violated the law in participation in rape and human rights abuse but also those who have conscripted and trained child soldiers. That becomes an accountability issue under the judicial and legal system that we are trying to develop within the DRC, and that is something that our USAID colleague is working on. And our part is working to ensure the professionalization of the military as well as the police to follow up and to work with the communities and sectors so that these abuses do not occur. But, again, it is going to be a long-term process, but we are making those efforts.

Mr. SMITH. The gentleman's time has expired.

Mr. FORTENBERRY. Thank you.

Mr. SMITH. Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman; and congratulations again on your chairmanship and leadership of this subcommittee.

It is great to be here with the ranking member, Mr. Payne. We notice a slight New Jersey tilt to the leadership here, but we do appreciate you being here and really bringing attention to this topic today.

I just wanted to say a personal welcome to Ambassador Yamamoto for his leadership and for the time we spent with him in Ethiopia and for the great work that you did there.

This topic is very timely in terms of assessing our effectiveness and the international community's efforts to address these challenges from ethnic conflict, government corruption, extreme poverty, and widespread human rights abuses. And, in particular, the sexual and gender-based violence against women and children here on this day I think it is especially important being International Women's Day.

Also, we have heard many talk about the high risk of relapse there. When there was a concerted effort around the elections in 2006, many believe that we mistakenly scaled down our efforts there in terms of democracy assistance and political engagement. So certainly as we lead up to this next national election, I think it is important that we have a robust international engagement there.

I have seen some statistics with regard to there being over 14,000 new cases of sexual violence reported in the DRC, including

thousands of child victims. And my question is, how is USAID and its bilateral assistance working to specifically address the needs of children in the eastern Congo? And how is the U.S. assisting UNICEF in their efforts to address these challenges?

And I would like to start with Ambassador Yamamoto.

Ambassador YAMAMOTO. Thank you, sir.

We continue to look at—you know, when I was traveling throughout the DRC before my Ambassadorship to Ethiopia and now here—is the issue of the high rate of violence not only against women but civilian areas and the high rate of death. You are talking anywhere from 800 to 1,100 deaths from violence each and every day in the Congo. It is unacceptable and prohibitively high.

What we tried to do through our budgeting and assistance—and not only us but also in coordination with our donor community and with other groups—is to look at how we can address the needs of the communities to ensure not only security sector reforms but also to look at how we can bring strength and dynamism to these communities to protect themselves against the violence. And that encourages not only security sector reforms to address the training of forces but also on the other side on the justice system to hold people accountable and that they go through a course in procedures and processes.

I want to turn to my colleague, Raja, who can kind of go into the details on the programs that we have implemented.

Mr. CARNAHAN. Thank you.

Ms. JANDHYALA. In terms of the sexual- and gender-based violence, we work on three levels. One is, survivors have access to critical care and treatment and that both women and children come through our service providers. Second is to expand the current—we have got 5,000 local service providers that we want to expand, the number of those providers that provide services to children. And then, lastly, we deal with 250 local organizations to deal with psychological counseling and treatment.

And in terms of UNICEF, we have worked with them in Ituri in eastern Congo on protection, on medical services, on psychosocial services; and about 1,000 children have gone through all three of them. They come in in waves, and we support UNICEF and fund them for these services throughout eastern Congo, and they then use those services to deal with the community. Issues of women and children—at least in the USAID portfolio—we deal with in terms of reconciliation at the community level, livelihoods. We have youth issues. A large part of it is youth. And then we also deal with them through health care and then local administration issues.

So we kind of view it as a cross-cutting issue, where we have opportunities to support women and children. It should be something that goes across all of our interventions in addition to the targeted interventions we provide for specific treatments.

Mr. CARNAHAN. Thank you.

Mr. SMITH. Thank you.

Ms. Bass.

Ms. BASS. Both of you have made several references to the upcoming elections. And I just wanted to ask you, if you could, to specifically talk about what specific steps you think the United States could or should take immediately and in the upcoming months to

assist in helping to prevent a fraudulent election. If there is hope that it could be done in a way—given the decision that was made to revise the constitution in January to reduce the number of election rounds from two to one, is there hope that it could be viewed legitimately?

And then what contingency plans are the U.S. and international community discussing should violence occur? I know it is not an automatic that because they made that constitutional change that it is going to be viewed fraudulently, but——

Ambassador YAMAMOTO. Very important on the violence is, obviously, the MONUSCO plays a critical role as far as on the security but also on the electoral processes. In 2006, they were very key in getting the ballots out and bringing the ballots back. Right now, USAID has provided $5 million for training, voter registration, and voter education, which remains key, and also to continue to reach out through educational processes to bring in as many of the people who are eligible to vote, to vote, to be a participant in the electoral process.

The other issue, too, is on the ballot counting as well. What we have done is to ensure that all the opposition groups do have members at the areas where the ballots are being counted.

We have met very rigorously with all the opposition leaders who are potential candidates for the presidency as well as many of the local candidates—on the Presidential level, that is Mobutu and Kamerhe, the former speaker, the parliamentary speaker, as well as President Kabila himself—and to understand and not only to have a dialogue among all the groups and parties but to work out systems and mechanisms and measures to work together to ensure that the ballot counting and the vote, there is a process in place which can be lived by and lived with by all the parties who are contesting the election.

Ms. JANDHYALA. USAID looks at this in terms of what institutions are critical to ensure that it is transparent, limits fraud and really addresses the systemic changes that we need to do. So we are providing technical assistance to the independent elections commission in the country. We are working with the Parliament to ensure that whatever elections legislation that is coming through is viewed through a critical eye; and, lastly, working with provincial administration at local levels to see how they can participate in this elections process to prevent it.

The other critical element for us is the population. How do we get the population involved in ensuring that the fraud doesn't take place? How do they get information out there? How do we educate voters so they report on the instances where they do find weaknesses in the process as it goes? And lastly is we were in discussions with the other donors about elections observation teams from the international community and how to organize that in the coming months so that we, as an international partnership, are able to provide some views on what is going on in this process.

Mr. SMITH. Thank you, Ms. Bass.

Mr. McDermott.

Mr. MCDERMOTT. Thank you, Mr. Chairman.

I just have a question for both of you. To what extent do you think the legislation that Senator Durbin and I got into the bill in

terms of conflict mineral is actually going to have a positive effect in reducing the amount of money available to the rebels to carry on the chaos that has gone on in Kivu for the last 5, 6, 7 years?

Ambassador YAMAMOTO. Well, Mr. Congressman, we worked very closely with your staff members on that legislation. And let me say that that has remained a key aspect in our dealings with the DRC since the last several years and not only monitoring the conflict minerals but also tracking it and also how it is being utilized and denying those illegal traders from benefiting from those conflict minerals.

What I think the legislation does is strengthen and support what we have been doing over the last several years which is to—the people and the civilians, in areas where you have tungsten, titanium, and timber, have them benefit from the resources that are being mined. And I think that legislation helps us in this regard, and it strengthened those communities.

And then the other issue, too, is to hold not only traders but also smelters and end users accountable to ensure that those moneys and funds will benefit the people as well as those who are trading.

Ms. JANDHYALA. I think the impact of the legislation has been that the due diligence that the companies are taking, are taking this seriously. We see a lot of companies that we are working with the government to say, How do we establish a due diligence in this regard?

The second area of impact is our ability to have them look at it as part of a broader extractive framework, that we are providing technical assistance.

And largely at the community level, again, is what role do they play in monitoring and tracking? And, in that regard, we have invested in infrastructure to access these remote sites; and by preventing people from traveling in between these sites they have been able to keep this process going. So we are also investing in rural infrastructure to access these areas where we think that there is a high instance of trafficking in conflict minerals.

Mr. MCDERMOTT. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. McDermott.

I would like to thank our distinguished panel for your testimony. I would just echo the words of my good friend, the ranking member, Mr. Payne, both he and I strongly hope that you will consider a special envoy or a special representative.

Mr. Affleck makes a very strong and impassioned appeal for that in his testimony. I hope you stick around to hear it.

And Mr. Prendergast does the same. As a matter of fact, he even says, why is U.S. policy failing and what could be done about it? And that is one of his chief recommendations.

So the sooner the better. Please name that special envoy so we have a truly coordinated strategy.

I would like to now welcome our next panel, panel number two, beginning with Mr. Ben Affleck, who is the founder of the Eastern Congo Initiative in addition to a successful career as an actor, writer, and director. Mr. Affleck is also a passionate advocate and philanthropist.

In March 2010, he founded the Eastern Congo Initiative, or ECI, an advocacy and grant-making initiative with the mission of help-

ing the Congolese people support local, community-based approaches that create a sustainable and successful society in the long-troubled region. ECI is the first U.S.-based advocacy and grant-making initiative wholly focused on working with and for the people of eastern Congo.

Since 2007, Mr. Affleck has made multiple trips to Africa, with a focus on eastern Congo. He is focused on understanding the causes and consequences of conflict on the continent and learning about African solutions to the problems affecting the DRC.

We will then hear from Ms. Francisca Vigaud-Walsh, who is with Catholic Relief Services as a sexual and gender-based violence advisor, spearheading the effort to incorporate SGBV prevention and response into CRS programming in conflict and disaster-affected communities worldwide.

Ms. Vigaud-Walsh has nearly a decade of refugee camp management and protection experience with the U.N. and various NGOs, working with displaced communities in the Balkans, Latin America, and Africa, and has spent a considerable amount of time in eastern Congo helping CRS and its local partners design effective responses to psychosocial, medical, and economic needs of survivors of sexual violence.

We will also then hear from Mr. John Prendergast, who is a human rights activist and best-selling author who has worked for peace in Africa for over 25 years. He is co-founder of The Enough Project, an initiative to end genocide and crimes against humanity affiliated with the Center for American Progress.

Mr. Prendergast has worked with the White House under President Clinton, the State Department, two Members of Congress, the National Intelligence Council, UNICEF, Human Rights Watch, the International Crisis Group, and the U.S. Institute of Peace. He has authored or co-authored 10 books and has appeared on numerous TV programs and, as I said earlier, has been here frequently before this subcommittee.

And I also would like to, if she would like to come to the witness table, Cindy McCain who, as I said earlier, has been a leader on issues dealing with health care for Africa, including the American Voluntary Medical Team, leading several medical missions to developing and war-torn nations. She is the wife of the distinguished Senator from Arizona, John McCain, but she has also worked with CARE, Operation Smile, and the landmine removal group, the HALO Trust.

Mr. Affleck, if you would proceed.

STATEMENT OF MR. BEN AFFLECK, ACTOR, WRITER, DIRECTOR, & ADVOCATE

Mr. AFFLECK. Thank you very much. I am very excited about this. It is a great honor. So thank you all very much for including me today.

Mr. Chairman, Mr. Ranking Member, and members of the subcommittee, my name is Ben Affleck. I am founder of the Eastern Congo Initiative. ECI is the only U.S.-based grant-making and advocacy organization entirely focused on working with and for the people of eastern Congo, an area that carries the unwanted distinc-

tion of being the deadliest and most volatile region of the country and one of the deadliest in the world.

According to the United Nations, the crisis in eastern Congo has displaced an estimated 1.7 million Congolese and has led to over 1,000 rapes being committed every month. The International Rescue Committee estimates that 5.4 million people have lost their lives in the conflict since 1998. Many of these deaths were children under the age of 5. Not all were killed in combat but rather perished from the ravages that accompany this horrific region: Malaria, pneumonia, malnutrition, and diarrhea.

ECI invests in Congolese efforts that help protect the most vulnerable among the population in the Congo, including child soldiers and survivors of sexual violence. ECI works closely with community based groups focused on education, economic opportunity, capacity building, and legal reform. I thank you for your attention to Congo and for holding this important hearing. On behalf of ECI, I would like to submit a complete written statement for the record.

Today's hearing occurs on the 100th anniversary of International Women's Day, which I also think is important to recognize; and I think it is particularly appropriate to call attention to the particular suffering of women and girls in eastern Congo as well as the undeniable strength they exhibit in the face of ongoing atrocities.

I am also pleased to recognize Cindy McCain, who is with us here today and who recently joined ECI as a founding member and investor. Cindy and I just returned from eastern Congo where we saw firsthand the tragedy and triumph of the Congolese people.

While large parts of eastern Congo remain under the control of armed groups, there are many reasons—most of them rooted in the strength and fortitude of their people—to be hopeful about Congo's future.

I want to share with you the story of a remarkable woman named Laba Kamana, who exemplifies the potential of the Congolese people to transform themselves and their society. Laba was captured by rebel soldiers at the age of 14 in South Kivu and held as a sex slave for over 2 years. She was raped virtually every day by her captors until she found her freedom through the thick jungle in what makes up the second-largest rainforest in the world. She discovered she was pregnant with the child of one of her rapists.

The counselors of a remarkable Congolese organization called Let Africa Live found Laba. They took her in. They provided her with counseling and job training. And while caring for her new daughter she used her skills to start a small business and earn enough income to return to school.

Laba is now 22 years old. I met her. She is wonderful. She is in her third year of studying law, and she advocates the rights of women using her own story.

Since my first visit to Congo more than 5 years ago, I have witnessed remarkable efforts to improve governance, promote economic growth, and reduce conflict. Unfortunately, despite some positive movement, the record over these last 5 years is not promising. Congo risks heading into another deeper spiral of violence

that could lead to more fighting and suffering and could risk destabilizing surrounding African countries.

In 2006, millions of Congolese voted for the first time in a free and fair democratic election. Voting in more than 50,000 polling places around the country, the Congolese people elected Joseph Kabila as President. It was a period of great excitement and high hopes; and the United States, indeed, testified to by some of the other panelists, played a very important role.

Starting in 2007, the U.S., along with others in the West, drew back involvement. Instead of continuing a high level of engagement to consolidate a new and fragile democracy, Congo was treated as if it was a well-functioning state from which the United Nations' mission in Congo could be safely withdrawn. This notion was quickly dispelled when rebels waged a new battle against the government in eastern Congo in 2007 and 2008 that brought another terrible round of death, displacement, and destruction.

Our Government has a long history of involvement in the Congo, from our shameful role in the murder of Patrice Lumumba and three decades' support of Mobutu to some very admirable recent efforts. In the early 2000s, the United States Government helped to bring to the table various forces then fighting in Congo. The U.S. Government also provided key early funding for the 2006 elections and played a major role in helping peace and development return to the Congo. Of this, there is no question.

In the past few years, Secretary of State Hillary Clinton, as also testified to by Ambassador Yamamoto, visited the region; and USAID has escalated its efforts in eastern Congo. Also, USAID has provided millions of dollars in humanitarian assistance to the Congo since the mid-1990s.

This commitment has indeed paid dividends in Congo, but with conflict persisting and elections coming up, we must develop a cohesive strategy and be fully engaged on this issue. Today, with national elections only 8 months away, on November 27, the U.S. is not focused on Congo, even with events like last week's attack on the President's residence in Kinshasa. That, paired with Congo's recent history, should remind everybody of the fragility of the Congo's progress and stability.

The United States Government can and should play an active role in ensuring this November's elections are free and fair. An electoral outcome that is questioned could easily perpetuate another downward spiral, division, and rupture. The last time Congo collapsed, armies came in from across Africa. And as I said before, 5 million people died. Five million people have died since 1998 because of the conflict in eastern Congo. We must learn from history and do our part to see that this never happens again.

In this time of heightened concern over Federal spending, some suggest that austerity demands we turn a blind eye to the crisis in Congo. I believe nothing could be more misguided. It would simply be penny wise and pound foolish to allow the Congo to again fall into a state of crisis or further humanitarian chaos.

If Congo were to collapse again, as members of this subcommittee know full well, the United States would respond generously with humanitarian assistance. We would try to save lives.

But we have to do better. Our goal must be to avert a humanitarian disaster by proactive investment and stronger diplomacy.

The path to stability in today's Congo requires fostering stable elections and preventing another disaster that could easily require hundreds of millions of dollars in assistance. I humbly suggest that the U.S. Government take a hard look at its current commitment and find a way to do more. Come November, we must be able to look ourselves in the eye and say that we did what our principles demanded. We helped democracy emerge in a place where tragedy is the alternative.

In November, 2010, the Eastern Congo Initiative released a white paper—here it is—"Strengthening United States Foreign Policy in the Democratic Republic of the Congo." You do titles differently in DC than we do back home. This paper, commissioned and reviewed by experts, encourages steps the U.S. should take to promote progress in the Congo.

I would like a summary of the paper to be included in the record.

Mr. SMITH. Without objection, so ordered.

Mr. AFFLECK. Thank you. I have included a more detailed explanation of the steps we believe are necessary in the written testimony.

One, the U.S. Government must do more to support a multidimensional strategy to protect civilians—women, girls, boys, and men—from the onslaught of violence in eastern Congo.

Two, the U.S. Government must do more to support the 2011 elections, which we have heard about already a little bit today. In addition to providing diplomatic support, the U.S. should support robust election monitoring by Congolese civil society and by credible international organizations.

Three, to ensure that the United States steps up to the serious challenges to stability in Africa posed by the Congo, the President or the Secretary of State should appoint a special representative to the Great Lakes region of central Africa. The appointment should occur as soon as possible in order to coordinate the U.S. response to the challenges in the Congo.

We also believe that the treatment of conflict minerals, demobilization, and security sector reform, as well as the Lord's Resistance Army, are a serious concern and deserve a comprehensive approach and cohesive strategy.

This is an ambitious agenda, but it can be accomplished.

In December, 2005, then-Senator Obama introduced a bill called the Democratic Republic of Congo Relief, Security, and Democracy Promotion Act of 2006. This bill had a bipartisan list of Senate cosponsors, including then-Senator Hillary Clinton. On December 6, 2006, it was passed by the House by voice vote. On December 22, 2006, President Bush signed the bill into law. The majority of our recommendations are found in this very law. They simply need to be implemented.

Thank you, Mr. Chairman, for your very strong support of this important legislation. We place special emphasis on full diplomatic support for the upcoming elections and the reappointment of a Great Lakes special advisor in the State Department. This special advisor would serve as a point of accountability and an important and necessary coordinating function. Maybe most relevant in these

tough economic times, this appointment would inevitably ensure efficiencies are found across multiple investments and diplomatic efforts.

We strongly believe that if we continue to place Congo on the back burner of U.S. policy it will indeed come back to haunt us. The Federal budget may indeed be a zero-sum game, but our morality, our sense of decency, our compassion for our fellow human beings is not. Recognizing one tragedy need not diminish understanding and empathy for another.

Our basic humanity, our sense of compassion is not a fixed number. It expands with our vision. It can grow with our purpose. But our moral compass is fixed. Our sunrise, our east as a Nation, even when we have failed, has always pointed us toward what is right. Now, not what is easy, not what is cheap, but what we can live with and how we can sleep with ourselves at night.

The values we hold true are priceless to us. They are the soul of our Nation. They are rooted in our Constitution, our Bill of Rights, our Declaration of Independence. We believe in being free from the tyranny of violence. We believe in life and liberty, and we believe that basic human rights are not just important, are not just something to be worked toward but a fundamental right to be demanded for all mankind.

These ideas make us who we are. They make us great. But if our foreign policy does not reflect these ideals, it completely undermines them.

I have seen firsthand the determination and the promise of the Congolese people. I hope you will consider visiting eastern Congo to learn and see what I have. Any of you are welcome to come with me.

The Congolese people simply want to live their lives in peace, earn a decent living, and raise their families, just like the rest of us. They want a voice in their country's governance.

I will never give in to the naysayers who suggest Congo is hopeless or too complex. It is not. The 70 million people of Congo deserve a better tomorrow, and Eastern Congo Initiative will do our small part to ensure that it does. It is in the interest of all of us here to support the people of the Congo, move forward toward democracy and respect for human rights, and to move away from the multiple crises and horrors of the last 15 years.

Thank you very much. It really is an honor to be here, and I am happy to expand on any of these points to answer your questions.

[The prepared statement of Mr. Affleck follows:]

Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights

Testimony of

Ben Affleck,
Founder of the Eastern Congo Initiative

Tuesday, March 8, 2011

Mr. Chairman, Mr. Ranking Member, and Members of the Subcommittee, my name is Ben Affleck and I am the founder of the Eastern Congo Initiative (ECI). ECI is the only U.S. based grant-making and advocacy organization wholly focused on working with and for the people of eastern Congo—an area that carries the unwanted distinction of being the deadliest and most volatile region of the country—and one of the deadliest in the world. According to the United Nations, the crisis in eastern Congo has displaced an estimated 2.1 million Congolese, and has led to over 1000 rapes being committed every month. The International Rescue Committee estimates that 5.4 million people have lost their lives in the conflict since 1998. That number continues to increase at a staggering rate of almost 45,000 a month. Half of these deaths are children under the age of five. Not all were killed in combat, but rather perished from the ravages that accompany this horrific region: malaria, diarrhea, pneumonia and malnutrition.

ECI funds efforts that help protect the most vulnerable people within the Congo, including child soldiers and survivors of sexual violence. ECI also works with local groups focused on education, economic opportunity, capacity building, and legal reform. I thank you for your attention to the Congo and for holding this important hearing.

Today's hearing occurs on International Women's Day, so it is particularly appropriate to call attention to the continued suffering of women and girls in eastern Congo, as well as the undeniable strength they exhibit in the face of ongoing atrocities.

I would like to recognize Cindy McCain who is here with us today and who recently joined ECI as a Founding Member and an investor. Cindy and I just returned from eastern Congo where we saw firsthand the tragedy and the triumph of the Congolese people.

I. Introduction

Having just returned from the Congo last month and I can assure you that Congo is on the brink. If Congo continues on its current path, women like Laba Kamana will perish under the weight of armed groups. Laba was captured by rebel soldiers at the age of 14 in South Kivu and held as a sex slave for two years. She was raped daily by her captors before she escaped by walking through a jungle for a week to safety. She then discovered she was pregnant with the child of one of the soldiers. The counselors of a remarkable Congolese organization, called Let Africa Live, found Laba and took her in. They provided her with counseling and job training, and while caring for her new daughter, she used her skills to start a small business and earned enough income to return to school. Laba, now 22 years old, is in her third year of studying law and advocates for the rights of women using her own story. Unfortunately, Laba is the exception. Most women never escape.

It is ECI's goal to ensure that more "Laba" successes happen and, more importantly, that more young women never have to experience the hardship that she endured. ECI provides grants to individuals like Dr. Denis Mukwege, the head of Panzi Hospital in Bukavu, and to Jo and Lynn Lusi of Goma's HEAL Africa Hospital. I would like to share with you the nature of some of the groups that ECI is privileged to work with on behalf of Congo.

HEAL Africa reaches tens of thousands of people each year through community action, and works to transform local communities through: **Health**, **Education**, community **Action** and

Leadership development. Founded in 1994 by an orthopedic surgeon and his wife who wanted to train health care workers, it has promoted safe motherhood in the region since 2003. It is the cornerstone in eastern Congo for promoting the right of women to deliver safely at a health facility.

ECI also provides hundreds of rural women with the opportunity to create their own income generating business plans through micro-grants. One inspiring group created their own maternal health insurance collective to provide financial support to safely deliver their children at health centers. As a complement to this initiative, ECI also provides emergency obstetric training for nearly 100 health professionals and midwives working from 15 health centers in remote areas of North Kivu.

As children are also a core focus for ECI, we partner with a local organization called Children's Voice. Children's Voice was formed in the aftermath of the most intense period of violence in Goma and serves the needs of orphans and former child soldiers or sex slaves living in extreme poverty. This year, Children's Voice provided an accelerated schooling program for 591 vulnerable children.

These are just a few of the projects we have committed our resources to achieve. We know, however, that we can not pave the road to peace, stability, and self-reliance by ourselves. The United States and the international community must continue to be active participants in this struggle.

While the tendency is to lose hope from 35,000 feet—we believe that great progress can be and is being made. It must be generated by the Congolese themselves and it must be done person by person, brick by brick. When an orphan or former child soldier is enrolled in school, they not only receive an academic education but they are socialized, learning to develop healthy

relationships with others (including women) so that they have learned a value of human life and will be less likely to go out and cause to someone else the damage that was done to them. One is less likely to participate in rape if one knows, values and respects women in one's own life.

When militiamen and soldiers (the vast majority young, unemployed men) are trained in a trade, and work is located for them in the private sector which utilizes these skills, supported by the local community—they are less likely to return to the bush, return to the militias and participate in the kinds of mass atrocities and killings which fill the newspapers and in turn cause those in a position to help bring change to throw up their hands.

At each step, each Congolese group that puts themselves on the line, at risk and at service for their fellow citizen—is making the difference in Congo on the hardest part of the problem.

But they can't do it alone; the work there is, while not unsolvable, certainly large in scope. Regional actors, NGO's, local governments, the IMF, World Bank, UN and international community must all play their part.

We must do our part. It doesn't cost a lot of money, it doesn't unduly burden the deficit, but it does add to the moral standing of our country. It doesn't require extreme sacrifice elsewhere in government—but it can ameliorate suffering, terrible suffering in place which is, in fact, not so far away.

All we need is focus. It requires our attention and our priority. It requires a special advisor to coordinate between agencies, it requires diplomatic energy and it requires a concrete commitment.

II. Background

Since my first visit to Congo in 2006, I have witnessed efforts to improve governance, promote economic growth, and reduce conflict. Unfortunately, despite some positive movement, the record over the last five years is not promising. Congo is moving in a negative direction and its fragile democratic progress is at risk. If this does not change, the country risks heading into another, deeper spiral of violence which could lead to more fighting and suffering, and could risk destabilizing surrounding Central African countries like Rwanda—a country that is on its own precarious road to stability.

The US government has a long history of involvement in Congo, from our shameful assistance in the coup that killed Lumumba and brought in Mobutu to some admirable recent efforts. In the early 2000s, the United States government helped bring to the table the various forces then fighting in Congo. The U.S. government also provided key funding for Demobilization, Disarmament and Reintegration programs and played a major role in helping peace and development return to Congo's embattled Ituri district. Over the last few years, Secretary of State Clinton has visited the region, and USAID has escalated its efforts in eastern Congo, including providing humanitarian assistance through the Food for Peace program. This commitment has indeed paid dividends in Congo. But with conflict persisting and elections coming up, we must develop a cohesive strategy and fully engage on this issue.

The US supported the deployment of the UN Mission to the Congo, initially known as MONUC, and continued to strongly support it as it became the largest peacekeeping operation in the world. From 2003-2006, the US stayed heavily engaged—both diplomatically and financially—helping the Congolese government and people find stability.

In 2006, millions of Congolese voted for the first time in a free and fair democratic election. Voting in 50,000 polling places around the country, the Congolese people elected

President Joseph Kabila. It was a period of great excitement and high hopes, and the United States played an important role.

Starting in 2007, the U.S., along with others in the West, drew back involvement. Instead of continuing a high level of engagement to help consolidate a new, fragile democracy, Congo was treated as if it were a well-functioning state from which the United Nations Mission in Congo could be safely withdrawn. This notion was quickly dispelled when rebels waged a new battle against the government in eastern Congo in 2007 and 2008 that brought another terrible round of death, displacement, and destruction.

With U.S. attention distracted, the tide had turned. In 2008, the CNDP (Congrès National pour la Dèfense du Peuple; National Congress for the People's Defense) nearly overran the capital city of North Kivu and brutally massacred 150 people in Kiwanja, a town just north of Goma. While international attention briefly focused on the Congo in October and November 2008, it took a secret agreement between President Kabila and President Paul Kagame of Rwanda to end the rebellion and to reduce the Congolese presence of the FDLR (Forces Démocratiques de la Libération du Rwanda; Democratic Force for Rwandan Liberation), a rebel group led by Rwandan Hutus who participated in the 1994 genocide in Rwanda. Even with the Congolese army's coordinated efforts with MONUC to move FDLR out of the country, other armed groups take their place. The CNDP, which—on paper—has been integrated into the Congolese National Army, is still responsible for horrible crimes committed against Congolese civilians, including sexual violence. The CNDP also controls and illegally exploits many of eastern Congo's mines.

CNDP Commander Bosco Ntaganda is an example of the dichotomy of CNDP's presence in the national army. Bosco is responsible for numerous atrocities and, while I was in Congo last

month, was implicated in a gold smuggling scheme worth tens of millions of dollars. Yet, he is the Deputy Commander of the Congolese National Army in North Kivu. Men under his command continue to commit human rights violations throughout the region.

III. Major Issues

A. Support for Girls and Women in Congo

Even with the successful operations against the FDLR, unacceptable levels of abuse against civilians continue across eastern Congo. Unfortunately, most of the abuses are committed by members of the Congolese army. The army remains a largely ineffective fighting force against those that work against Congo stability, but surprisingly efficient when it comes to terrorizing Congo's civilian population.

Girls and women across rural areas continue to live in fear of their own security forces. Although there have been some prosecutions of soldiers for these crimes, they have been too few and too far between. As we applaud the good news regarding the recent prosecution of Congolese soldiers for horrible rapes committed in South Kivu, we must remember that the vast majority of these crimes still occur with no consequence for perpetrators. For example, yet another Congolese commander was convicted and imprisoned in 2006 for recruiting child soldiers. He escaped from prison and holds a post as a senior commander in the Congolese Army.

There are some bright spots. The UN force, renamed MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo), has the protection of civilians as its most important task. The present head of MONUSCO, Roger Meece, is a distinguished retired American diplomat who served twice in the Congo, including as

Ambassador from 2004-2007. Meece has publicly advocated for increased support from the international community. Without increased resources, however, MONUSCO core objective is severely threatened.

B. Protecting the Electoral Process in November 2011

In a recent report, the UN Secretary General stated that "delays in the voter registration process and with respect to the adoption of essential legislation posed challenges to the timely holding of the polls." The report detailed a number of other concerns over preparations for upcoming elections. If the situation continues in the same direction as it is now, Congo will have deeply flawed elections in November that will not meet minimal international standards and will be neither free nor fair.

An unfair election with an illegitimate result tarnishes the victor, depriving them of the legitimacy that only comes when citizens elect their leaders in genuinely free and fair elections.

An electoral outcome that is questioned, along with a depleted MONUSCO presence, could perpetuate another downward spiral of violence, division, and rupture in the Congo. The last time Congo collapsed, armies came in from across Africa and five million people died. We must learn from history.

V. U.S. Involvement

In this time of heightened concern over Federal spending, some suggest that austerity demands we turn a blind eye to the crisis in Congo. Nothing could be more misguided. It would simply be a "penny wise and pound foolish" to allow the Congo to again fall into a state of chaos and humanitarian crisis. If Congo were to collapse again, as members of this Subcommittee

know very well, the United States would respond generously to save lives. We have done so in the past in Congo by providing hundreds of millions of dollars of assistance through the United States Agency for International Development's Office of Foreign Disaster Assistance (OFDA), Food for Peace, and through various United Nation (UN) agencies (e.g., UNICEF). Our goal must be to *avert* a humanitarian disaster by proactive investment. The path to stability in today's Congo requires fostering stable elections and preventing another disaster that could easily require hundreds of millions of dollars in humanitarian assistance.

In the UN Secretary General's recent report, he stated: "With regard to funding, the European Union and Belgium announced contributions of 47.5 million euros and 12.5 million euros, respectively, for the general elections, leaving a funding gap of $25 million. Other donors have indicated their willingness to consider additional funding. The Congolese Government contribution is expected to amount to $154 million, or approximately 60 per cent of the budget needed as estimated by the Independent Electoral Commission for the general elections." Surely, the United States can work with others to help fill the funding gap.

Let me be clear; what I'm addressing is not simply a matter of increasing a dollar amount. What I would humbly request is that the US government takes a hard look at its current commitment to support the elections and ask if it offering the assistance needed to truly support a free and fair election. Is there enough support to the government of the DRC to implement a comprehensive plan for a national election? Is there enough support for training of election workers, polling stations and local observers? Are we as a nation offering enough assistance, overall, to say with integrity that we have made an honest effort to help another nation give its citizens the freedom of choice that democracy demands? I sincerely hope that by the time the election arrives in November we can answer in the affirmative.

The time for decisions is upon us. Today, with national elections only eight months away, the US is not focused on Congo, even with events like the recent attack on the president's residence in Kinshasa. That, paired with Congo's recent history should remind everyone of the fragility of Congo's democratic progress and stability.

VI. Next Steps

In November 2010, the Eastern Congo Initiative released a White Paper, *Strengthening United States Foreign Policy in the Democratic Republic of the Congo*. The paper discusses steps the US should take to promote progress in the Congo. I request that a summary of the paper be included in the record of this hearing. I've included a more detailed explanation of the steps we believe are necessary in my written testimony.

1. The US government must do more to support a multidimensional strategy to protect civilians, girls, women, men and boys from the onslaught of violence in rural eastern Congo. This is best accomplished through a range of measures, including:
    a. Strengthening the professionalism and discipline of vetted Congolese Armed Forces (FARDC) troops serving in eastern Congo;
    b. Providing technical and logistical support to the FARDC and UN in neutralizing foreign armed groups, such as the FDLR;
    c. Exerting diplomatic pressure within the UN Security Council to ensure more proactive engagement by MONUSCO in protecting civilians;
    d. Supporting ongoing efforts to demobilize and reintegrate combatants into civilian life; and

e. Sending a strong signal that those responsible for war crimes and other crimes against humanity are at risk of arrest by working with the Congolese Government and MONUSCO. With individuals like Bosco Ntaganda roaming free, no credible case can be made that serious efforts are under way to quell the atrocities occurring in the eastern Congo.

2. **The US must do more to support the 2011 elections**. In additional to providing diplomatic support for free and fair elections, the US should support robust election monitoring efforts by Congolese civil society and by credible international organizations. Once the elections occur, the free and fair nature of the results should be above reproach. A finding of anything less risks Congo's stability and democratic progress.

   To ensure that this process gets on track as soon as possible, a team of technical electoral experts from concerned countries and relevant international organizations should travel as soon as possible to the Congo to report on what is required to achieve free and fair elections, including the financial obligations required and the logistics needed. Such a team should have at least one member from the US and should meet with Congolese, MONUSCO, members of Congolese political parties, and civil society. The result should be the presentation of findings and recommendations by early Spring.

3. To ensure that the United States steps up to the serious challenges to stability in Africa and democratic progress posed by the Congo, **the President or Secretary of State should appoint a Special Representative for the Great Lakes region of Central Africa**. The appointment should occur as soon as possible in order to coordinate the US response to the challenges at issue in the Congo.

While I strongly believe that doing more to protect civilians and to promote democratic elections needs to be the highest priorities for the US right now, there are other important efforts that must continue. Efforts to address the treatment of conflict minerals and to end the threat posed by the Lord's Resistance Army (LRA) are also of serious concern.

This is ambitious agenda, but it can be accomplished. In December 2005, then Senator Obama introduced a bill entitled the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 (the 2006 law). The bill had a bipartisan list of Senate cosponsors, including then Senator Clinton. On December 6, 2006, it passed the House by voice vote. On December 22, 2006, President Bush signed the bill into law. The message is simple: It can be done.

The goals of the 2006 law are still relevant today. Yet, the US has waned its attention on the real threat posed by an unsecure Congo and ceased its compliance with the law. For example, Section 107 of the law states that "the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo." Former Representative Howard Wolpe served for a short time in 2009 and 2010 as a Special Advisor to Assistant Secretary of State for African Affairs Carson, but resigned for health reasons last fall. He has not been replaced. Yet the need for the Special Envoy remains as acute as it was in 2006. In fact, with the upcoming Congolese elections on the horizon, the need for a Special Envoy may be more important now than ever.

VII. Conclusion

My testimony today is, in short, a plea to you to insist that the Executive Branch take the necessary steps to implement the key provisions of the 2006 law. I strongly believe that if we continue to place the Congo on the back burner of US policy it will come back to haunt us. The

federal government may view the national budget as a zero sum game, but our morality, our sense of decency and compassion for our fellow human beings is not. It must not be. Recognizing one tragedy need not diminish understanding and empathy for another. Our basic sense of humanity and compassion is not at a fixed number. It expands with our vision, it can grow with our purpose, but our moral compass is fixed—our sunrise, our east, as a nation, even when we have failed, has always pointed us toward what's right. Not what's easy, not what's cheap—but what we can live with when we go to sleep at night.

The values we hold as true are priceless to us. They are the soul of our nation – rooted in our Constitution, our Bill of Rights, and our Declaration of Independence. We believe in being free from the tyranny of violence. We believe in life and liberty and we believe basic human rights are not just important, not a thing to be "worked toward"—but a fundamental right to be demanded for all mankind.

These ideas make us who we are and they make us great. But if our foreign policy does not reflect those principles it undermines our ideals.

I have seen firsthand the determination and promise of Congolese citizens. They want to live their lives in peace, earn a decent living, and raise their families just like any of us. They would like a voice in their countries' governance. I will never give in to the attitude that Congo is hopeless or too complex. It is not. The seventy million people of the Congo deserve a better tomorrow, and the Eastern Congo Initiative, Cindy and I will work tirelessly to help.

It is in the interest of all of us here to help the people of the Congo move forward towards democracy and respect for human rights and to move away from the multiple crises and horrors of the last fifteen years.

Thank you very much. I am very happy to expand on any of these points in response to your questions.

Mr. SMITH. Mr. Affleck, thank you so very much for your very eloquent and passionate statement; I do hope that the White House and the Capitol, the Congress, is listening to your strong appeal. The Congo cannot be on the back burner of U.S. foreign policy. I think—as Mr. Payne and I have been very clear, I think every member of our panel, we strongly want that special envoy, that special representative yesterday. And so your appeal today, I think

could be a pivoting point for the administration to say, Now do it. Time is running out. So thank you so very much.

I would like to now introduce Ms. Vigaud-Walsh and thank you for your testimony.

STATEMENT OF MS. FRANCISCA VIGAUD-WALSH, SEXUAL AND GENDER-BASED VIOLENCE ADVISOR, CATHOLIC RELIEF SERVICES

Ms. VIGAUD-WALSH. Mr. Chairman, I would like to submit my written statement for the record, and I will briefly summarize.

Mr. SMITH. Without objection, so ordered.

Ms. VIGAUD-WALSH. Thank you, Chairman Smith, for calling this very important hearing today and for giving Catholic Relief Services the opportunity to testify. I would also like to thank the ranking member, Mr. Payne.

Mr. Smith, I know how passionate you are about advocating for the survivors of sexual- and gender-based violence in the Congo. And, Mr. Payne, I know that your interest in the region has led you to travel to the Congo several times, even dating back to when it was still called Zaire.

Let me also thank Mr. McDermott for his role as one of the original authors of the Congo Conflict Minerals provision that recently became law. This provision will help to curb sexual violence in the Congo.

This morning in Bukavu, over 180,000 women marched in the streets advocating for their own rights, today being their day, International Women's Day. They marched behind a banner that stated, we can stop violence against women. And they chanted slogans that included two key demands, the first being impunity for rapists must cease, and the second being that women must be included in all the political processes.

As the sexual- and gender-based violence advisor for Catholic Relief Services, I focus a lot of my efforts on the Congo just because of the sheer magnitude of the problem there; and in this capacity I have had the privilege of working for and with some of the women that marched this morning.

In eastern Congo, today is a cry for women to no longer be used as a battleground, and here it is a call for us to even make greater efforts to help them. CRS, which has been working in the DRC since 1961, partners with the local Catholic Church to address the scourge of sexual violence. The Church has an extensive network throughout the most remote networks of the country. This network allows us to reach the most isolated of rape survivors.

Also, in the absence of an effective and functioning government administration, the Catholic Church has provided most of the basic services, such as health care and education for decades. It has thus gained the trust of the population.

In eastern Congo, I have repeatedly come across rape survivors who have walked many kilometers from their displacement camps to seek support at the nearest parish. The fear of stigmatization by their fellow camp dwellers, coupled with the trust in the Church, drives them to seek assistance there.

Together, we have implemented numerous activities to respond to this crisis. We have provided access to life-changing fistula re-

pair surgeries, psychosocial training for counselors, and trauma healing for thousands of survivors in four provinces, income-generating and entrepreneurial skills for at least 1,500 rape survivors, community training to mobilize military, police, and traditional justice leaders and, most recently, an innovative, community-based early warning and protection project in three provinces.

The funding for these projects do come from a variety of sources, but the great majority of it comes from the United States Government. This partnership between the United States Government, CRS, and the Church in Congo extends the reach and magnifies the impact of U.S. Government assistance into remote areas with needy, vulnerable populations that could not be reached otherwise.

It is critically important that the U.S. Government maintain and expand the support for the essential responses I have just described as well as preserving and strengthening its partnership with the Church and other faith-based organizations. If the DRC is to have a future, the hundreds of thousands of women who have been raped must continue to be able to access these services; and even within the context of scarce resources today, the U.S. can and should do more to combat the conditions that foster the use of rape as a weapon of war.

I would like to make these additional recommendations: One, the U.S. must use its leverage as a donor and as a partner to press the Congolese Government to fulfill its security mandate, uphold human rights, and genuinely work to protect its civilians. The Congolese Government has requested more military support recently, such as the training of more battalions. The U.S. Government has to link the support to measurable changes in key areas.

Two, the U.S. should condition its assistance on progress against impunity and survivor access to justice. As long as ranking military officers who condone and perpetrate rape roam free or as long as civilians accused of rape can continue to pay the equivalent of 5 U.S. dollars for a get-out-of-jail card, sexual violence will persist.

Three, the U.S. Government should urge the Congolese Government to uphold its previous commitments to include women in the political and peace processes. They should be respected and included and prepared for elections.

Indeed, violence against women in the DRC is symptomatic of women's second-class status and marginalization from decision making. Women have been consistently excluded from previous peace processes and continue to be sidelined from political power.

One of the women who led in the march in Bukavu this morning is the director of the Diocesan Office for Women's Issues. When I telephoned her yesterday to tell her about this hearing, she was ecstatic, because she knows the political leverage the United States Government has with the Congolese Government. She drafted a declaration alongside her counterparts in the Muslim and Protestant communities and urged me to make these recommendations.

Ultimately, in order to eradicate sexual- and gender-based violence in the DRC, we need to stop the wider, more generalized conflict. The United States Government needs to more urgently engage diplomatically. The United States Government can lead the process that will end the fighting and increase women's participation in the political sphere.

The magnitude of the seemingly never-ending humanitarian crisis and the potential for the fragile situation to get even worse demands a proportionate response. At this critical juncture, with elections coming, the United States Government must rise to the task, as it did in the Sudan; and as long as violence persists the U.S. must continue to support the lifesaving partnership with faith-based institutions in the DRC.

Thank you.

[The prepared statement of Ms. Vigaud-Walsh follows:]

Testimony by

Francisca Vigaud-Walsh,

Sexual and Gender-Based Violence Advisor
Catholic Relief Services (CRS)

Presented to:

Subcommittee on Africa, Global Health, and Human Rights
Christopher H. Smith, New Jersey, Chairman

House Committee on Foreign Affairs

"The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy"

March 8, 2011

I. Introduction

Thank you, Chairman Smith (NJ) for calling this very important hearing concerning the Democratic Republic of the Congo (DRC) and for giving Catholic Relief Services (CRS) the opportunity to testify before this committee. I also would like to thank the Ranking Member, Mr. Payne (NJ). Mr. Smith, I know how passionate you are about advocating for survivors of Sexual and Gender-Based Violence (SGBV) in the DRC and Mr. Payne, I know your interest in the region has led you to travel to the country several times, dating back to when the DRC was known as Zaire.

Let me also take a moment to thank Mr. McDermott (WA), one of the original authors of the Congo Conflict Minerals provision -- Section 1502 -- in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) which passed last year. For more than 15 years, the DRC has been plagued by regional conflict and a deadly scramble for its vast natural resources, which have contributed to the rape of hundreds of thousands of women and girls. Without taking a position on the overall legislation, the U.S. Conference of Catholic Bishops (USCCB) and CRS urged members of Congress to support this provision. Many of you did, and we are grateful. The Congo Conflict Minerals provision will help end the war in Congo and curb sexual violence.

My name is Francisca Vigaud-Walsh and I am the CRS Advisor for Sexual and Gender-Based Violence (SGBV). I coordinate and oversee our efforts to prevent and respond to sexual and gender-related violence in conflict and disaster-affected communities worldwide. Much of my effort is focused on the DRC, given the sheer magnitude of this problem there.

In my testimony, after providing background on CRS in the DRC, I will explain the unique position and role of the Catholic Church in responding to needs, alleviating human suffering, and providing hope to millions of Congolese people. I will summarize how CRS works in partnership with the Church to support these efforts highlighting our work to address SGBV. I will then give our brief analysis of the ongoing tragedy in the DRC with a focus on SGBV. Finally, I will draw attention to some critical issues related to SGBV and women's participation in the DRC, concluding the presentation with several recommendations for the U.S. government (USG).

II. Background

CRS has been present in the DRC since 1961 working in a range of sectors including education, health, HIV/AIDS, agriculture, peacebuilding, governance, and sexual and gender-based violence. We have also regularly responded to humanitarian emergencies, including providing shelter to those left homeless by the 2003 volcanic eruption in Goma, and providing non-food items and other assistance to populations displaced by violence in the Kivus. We have projects in all ten provinces, including recent interventions in Province Orientale to assist those suffering at the hands of the Lord's Resistance Army. We have offices in Kinshasa, Lubumbashi, Bukavu, and Goma, and currently employ more than 130 national staff and 13 international staff in country.

In the DRC, CRS works in close partnership with the local Catholic Church. Over 35 million Catholics live in the DRC (55% of the total population of 67 million) and the Church has an extensive network reaching the most remote areas of the country. In the absence of functioning government structures, the Catholic Church has for decades provided most of the basic services such as health care and education. The Church in the DRC is a known, trusted, effective local institution. The courageous Congolese religious leaders and lay personnel who staff the vast network of parishes, providing services at great risk to themselves, are amongst the true heroes in the DRC.

Our DRC program receives resources from a variety of sources, including the United States Government. We currently have five active U.S. government-funded projects in the DRC and all five are implemented via our local church partners. This tri-partite arrangement of USG-CRS-Church extends the reach and magnifies the impact of USG assistance into remote areas with needy, vulnerable populations that could not be reached otherwise.

In eastern and north-eastern DRC, the Catholic Church, in strong partnership with CRS, has been a major player responding to the conflict, delivering lifesaving humanitarian assistance to internally displaced persons, returnees and host families. In North Kivu, for example, CRS and our local Church partner provide food items through voucher fairs to more than 9,000 internally displaced persons (IDPs) a month. In the Haut-Uele district of Orientale Province in the heart of LRA-affected territory, CRS and its church partners are providing seeds and tools to both IDPs

and host communities, as well as establishing mechanisms for safe access to fields, through a USAID/OFDA project. Parallel to that, we work through the local Diocesan Justice and Peace Commission to ensure that FARDC provides security to groups cultivating their fields.

The Church has also been active in peacebuilding in eastern DRC promoting local community reconciliation and conflict resolution mechanisms, as well as launching regional initiatives. For example, with resources from USAID and in partnership with CRS, the Diocese of Uvira's Justice and Peace Commission is currently implementing a project aims to prevent and manage violence stemming from the reintegration of ex-combatants and community-level disputes. The project uses activities like trainings, dialogue sessions, radio programs, and publications, as well as sports and cultural events. Focusing on the regional aspects of the conflict, CRS and others supported a ground-breaking "Conference for Peace and Reconciliation of the Catholic Bishops of the Great Lakes Region" in Bujumburu last October that included delegates from the DRC, Rwanda, Burundi, Uganda, Tanzania, and Kenya. Participants identified common challenges and needs and agreed to develop a common strategic plan and create a mechanism for more agile regional coordination.

In addition, the Church seeks to address the root causes of the conflicts and violence. In several statements issued over the last decade, the Church has raised the alarm about the link between illicit exploitation of minerals and the perpetuation of the violence in the eastern DRC. In 2009, the DRC Bishops' Conference wrote to urge support for Congress' proposed conflict minerals legislation, calling the exploitation of natural resources by armed groups "one of the causes, if not the main cause, of tragedy in Eastern Congo." Just recently, the Church held several workshops on the implications of the Congo conflict minerals provision (section 1502 of Dodd-Frank) and to design activities that can complement its implementation.

Conflict minerals are also a central focus of the DRC Catholic Bishops' Conference's Commission for Natural Resources, which recently deployed eleven observers dedicated to monitoring the impacts of mining and its links with conflict. In his recent visits to the United States, Bishop Djomo, the President of the DRC Catholic Bishops' Conference, discussed conflict minerals and spoke of the importance of stepping up USG efforts to work with the governments of the Great Lakes Region to end the conflict.

The Church is particularly important in responding to sexual violence. In eastern Congo, I have repeatedly come across rape survivors who have walked many kilometers from their displacement camp to seek support at the nearest Parish. The camps are equipped with health clinics that can and do provide services to rape survivors, but the fear of stigmatization by their fellow camp dwellers, coupled with the trust in the Church, drives some to seek assistance from the Church. The Church provides a safe haven for stigmatized survivors and facilitates trauma counseling, medical services, and legal assistance in prosecuting cases.

CRS and the Church have implemented numerous project activities to respond to the SGBV crisis. In South Kivu, as part of the USAID-funded Project AXxes that ended in September 2010, CRS facilitated training at Kaziba Hosptial in techniques for fistula repair. We provided fistula repair kits to both Panzi and Kaziba hospital and in FY 2010 supported more than 200 corrective surgeries for fistula. Through another component of Project AXxes, CRS worked with a local

Catholic NGO Centre Olame (part of the Bukavu Diocesan structure) to prevent sexual violence against women by sensitizing communities and by mobilizing local leaders (administrative, military, and traditional) and civil society organizations in 17 health zones in South Kivu. The project trained 508 transitional justice leaders and 228 military and police officials in SGBV awareness, supporting them to become community sensitization leaders.

CRS currently partners with CARITAS and the Justice and Peace Commissions of the Dioceses of Bukavu and Uvira along with Centre Olame to implement an International Criminal Court/ Trust Fund for Victims (ICC/TFV) –funded project that ensures survivor-access to psychosocial and medical assistance in South Kivu. There is also a strong community mobilization and public awareness component as well as socio-economic reintegration activities for survivors of sexual violence and other vulnerable women via the CRS Savings and Internal Lending Communities (SILC) micro-finance methodology. The project has thus far reached 11,250 persons in 75 communities, trained 150 community workers and 325 community leaders, and formed SILC groups with 1400 women. Due to the success of this project, we will expand it and add a local peacebuilding component that involves the formation of "peace clubs" and leader training in intra-community conflict resolution.

CRS and local church partners have been particularly active in supporting mechanisms to address the psychosocial needs of SGBV survivors. Over the past several years, we have collaborated to facilitate the training of counselors in psychosocial support and trauma healing in Kindu (Maniema province), Kisangani (Orientale Province), Mbandaka (Equateur), and Fizi (South Kivu), as well as the creation and capacity building of "listening centers" for survivors in Maniema and Fizi.

With funding from the Bureau of Population, Refugees, and Migration (BPRM), CRS is also jointly launching an innovative community-based early-warning and protection project in the Orientale, North and South Kivu provinces. 250,000 people will benefit from radio and phone communication network coverage. CRS will provide cell phones, radios, equipment, and training in 50 community "focal points". The project will support efforts to share information with local security forces and the nearest MONUSCO base. The overarching goal is to ensure that communities send and receive timely information on the humanitarian situation, as well as security threats. However, given the limitations of security forces, the project works with communities to protect themselves. Diocesan Justice and Peace animators are conducting awareness-raising sessions for 5,000 community leaders and security forces on preventing sexual violence, and working with communities to develop community protection plans, The combination of these efforts will create community capacity to send early alerts and thus allow more timely, coordinated and effective responses from MONUSCO, other UN agencies, and NGOs to security and humanitarian needs of communities.

These programs, including those funded by the USG, have allowed the humanitarian community to increase thousands of survivors' access to critical and lifesaving services. We have increased survivors' access to life-changing fistula repair surgeries. With support from the USG and other donors, we have provided indispensable trauma healing therapy to thousands. We have seen rape survivors learn the income-generating and entrepreneurial skills critical to their survival in the aftermath of being abandoned by her husband and/or ostracized from her village. More and

more religious and community leaders are speaking up against this stigmatization, and more and more women are coming forward to assert their human rights and access services. This suggests that our behavior change and communication programs are working. CRS, the broader humanitarian aid community and the Congolese survivors are thankful for USG support.

III. The Ongoing Tragedy of Sexual and Gender Based Violence in the DRC

DRC has been called the rape capital of the world and this is no cliché. Despite the increased international and USG attention and support in recent years to preventing and responding to sexual violence, this atrocious phenomenon continues to be a daily threat to women, peace and security in the DRC.

In 2008, the UN estimated that at least 200,000 women had been raped since 1998. Three years later, the crisis continues unabated. In 2010, some 8,000 rapes were recorded in South Kivu alone. The international community was horrified as details were shared of the mass rape of more than 300 women, girls, men and boys this past August in Luvungi. Fifteen days later, another attack occurred in the same territory – in Mubi. CRS staff there estimated that over 100 rapes were perpetrated. Since the start of the year, at least 200 rape survivors have sought assistance in Fizi, South Kivu. According to Doctors without Borders, dozens of people were raped just at the exit of the Misisi/Milimba and Bwala/Ibindi markets in South Kivu just two weeks ago. These are only the 'reported' figures; the real numbers are in fact much higher. Many women, girls and men – male rape is an increasing phenomenon – do not come forward to seek assistance out of fear of retaliation and stigmatization.

The consequences are unimaginable. Rape survivors are routinely ostracized from their families and communities; they suffer severe medical consequences including urogenital and rectogenital fistula; HIV and STIs such as gonorrhea, chlamydia and syphilis; they endure life-lasting and sometimes incapacitating post-trauma stress disorder. Some children born of rape – referred to by some Congolese as "Interahamwe babies" in reference to members of the Hutu paramilitary organization involved in the Rwandan genocide and who constitute the FDLR militia group – are abandoned out of shame. This is just the tip of the iceberg.

While we wait for a definitive solution to this conflict, over 1.7 million internally displaced people are unable to return home, simply because home is too unsafe. Insecurity is directly related to sexual violence. Meanwhile, assisting rape survivors is becoming more and more dangerous for us. In 2010, there were 202 attacks on humanitarian workers– a 10% increase against the previous year overall, and up over 100% in South Kivu. The security of a population is one of the main functions of any government. This function is not being exercised effectively in the DRC. On the contrary, a significant proportion of attacks both on civilians and on humanitarian staff are reportedly carried out by sections of the national security services.

IV. What Needs to Be Done

In the face of what may sometimes seem like little progress, it is increasingly important that the USG maintain and expand its support for the critical responses I have already described. USG support needs to be provided with adequate conscience protections and clauses so that it does not

discriminate against faith-based providers, like the Church. If the DRC is to have a future, the hundreds of thousands of women who have been raped must get the care they need and further violence must be prevented. Even within the context of scarce resources, there are cost-effective measures that the USG can implement to reduce the scourge of sexual violence in the DRC and respond to the context of insecurity, conflict and poor governance that promote rape and violence as a weapon of war against the people of eastern Congo.

Yet, why has so little progress been made in curbing rape in the DRC? In part, the sheer magnitude of the problem and its geographical dispersion exceeds the capacity to respond. More importantly, we will not make progress curbing rape until the root causes are addressed; sexual violence cannot be seen within a vacuum. It is the pervasive violence, the lack of infrastructure, the inefficacy of the security sector, the impotent and corrupt justice system, and last but not least, the lack of political will, that impedes effective and comprehensive solutions to this epidemic. Consequently, the United States can do more that can have tangible benefits and impact the numbers of sexual violence.

Sexual violence is inextricably linked to the war – it is a tool, a strategy employed as parties vie for political power and access to the country's rich natural resources. In the Kivus, the gold trade alone is valued at $160 million per year, ample incentive for armed actors to use violence as a means to control the communities living in these resource-rich areas.

The Congo Conflict Minerals provision (section 1502 of Dodd-Frank) requires that companies actively research their supply chains to determine whether the production of the minerals used in their commercial products benefits armed groups in the DRC. This is an important part of the provision, and the USCCB and CRS have submitted comments on the draft rules prepared by the Securities and Exchange Commission. We have urged the Commission to design the rules so that they have their intended effect. Other aspects of the provision merit attention as well. It also requires the State Department to develop a strategy to address the linkages between human rights abuses in the DRC, armed groups, mining of conflict minerals, and commercial products. This is vital. We hope that the State Department's strategy will be strong and comprehensive and that it will serve as a springboard for increased USG engagement with the governments of the DRC and other countries in the region. In addition, we hope that it will include significant attention to the important roles that civil society and the Church can play in working towards peace.

The United States also provides logistical support and intelligence to the armies in the Great Lakes, which makes it a critical partner for the Congolese government. The US can and should use this leverage with the Congolese government to fulfill its security mandate, uphold human rights and effectively protect its civilians. We are aware that the Congolese Government has requested more military support, including the training of other battalions. The USG must link such support to measurable changes in key areas – military/police reform and justice, and full implementation of the 2006 law on sexual violence. The USG should highlight the significant proportion of attacks on civilians and humanitarian workers carried out by members of the security services, and demand that the government ensure that soldiers and police officers are adequately paid, provided for, supported and disciplined in order to curb such attacks.

Similarly, the US should leverage its assistance with progress against impunity and survivor access to justice. In the unprecedented trial two weeks ago of 11 Congolese soldiers accused of mass rape committed on New Year's Day in Fizi, commanding officer Lt. Col. Mutuare Daniel Kibibi was convicted of four counts of crimes against humanity. The Congolese government should be congratulated and encouraged to ensure that these trials become commonplace, for as long as ranking military officers who condone and perpetrate rape roam free, we will not see a reduction in sexual violence. As long as civilians accused of rape can continue to pay the equivalent of $5 to be released from jail, we will not see a reduction in sexual violence. As long as the State does not exercise its obligation to prosecute rapists, and young survivors are encouraged and/or forced to marry their rapists, sexual violence will continue.

SGBV in the DRC is symptomatic of women's second class status and marginalization from decision-making. Women were consistently excluded from previous peace processes and continue to be sidelined from political power. If women are not empowered and permitted to represent themselves about the challenges they have faced throughout this conflict, and cannot participate in the development of national policies and action plans that address their health, education, economic needs, then who will represent their needs and interests?

The women of the DRC are at a critical juncture. Presidential elections have been scheduled for December 2011. Provincial elections have been delayed several times and are now expected in 2012. As the elections approach, we are already seeing a very worrying trend. Not only are female candidates absent from the process despite the existing vibrant women's civil society, but also those who have secured political positions in previous elections are being pushed out of office. To cite one example, since August 2010, two female leaders in South Kivu endured severe pressure from their male counterparts to resign. The women held the position of Communal *Bourgemestres*, or Mayor of a grouping of cities, which are important positions at the provincial level. The Archbishop of Bukavu met with these leaders to encourage them to resist the pressure, effectively fulfill their mandate and ensure that women's needs are represented in local office. This past November, they were summarily fired and replaced by male politicians.

One of our partners of the Bukavu Diocesan office, with whom we have worked to train army and militia groups on human rights, also serves as President of the Congolese Women's Caucus of South Kivu for Peace. In that capacity, she drafted a declaration alongside women leaders of the Muslim and Protestant communities, demanding that President Kabila respect his previous commitments to gender equality and UN Security Council Resolution 1325. This declaration also exhorts the international community to pressure the DRC government to protect and restore women's rights in political participation. A place needs to be made for the existing female vibrant civil society. The USG, which supports 1325, must leverage its influence with the Congolese government and require that the powerful tools set forth in this resolution are respected as the country prepares for elections. The USG can also support programs that train women leaders and help them to establish a strong support network amongst their constituency.

As a major MONUSCO donor, the USG can help ensure that MONUSCO more effectively fulfills its mandate of civilian protection. MONUSCO can collaborate more effectively with both international and national civil society organizations that have expertise in creating effective and sustainable mechanisms for governance and protection at the community level. Such

mechanisms must include consultation with women's groups to develop protection strategies that address their protection needs.

Ultimately, in order to eradicate SGBV in the DRC, we need to stop the wider more generalized conflict that involves an array of armed groups and factions within the DRC and connected to neighboring countries. This complex interplay of armed actors is aggravated by longstanding simmering local tensions that flare up periodically. Frequently related to land tenure and other scarce resources, and sometimes ethnicity and citizenship, these tensions are exacerbated by refugee returns from neighboring countries.

Military solutions to the conflict have not and will not work. What is needed is negotiation, mediation, and diplomacy with skillfully applied pressure on all the actors – including neighboring countries and most importantly, the Congolese government. The U.S. government needs to step up its role and much more aggressively, urgently, comprehensively and cohesively engage diplomatically in the DRC. The USG must do everything possible to find the pressure points and use its influence to foster processes that will lead to an end to armed conflict. The magnitude of the seemingly never-ending humanitarian crisis and the potential for the fragile situation to get even worse demands a proportionate response.

The upcoming elections scheduled for December 2011 are another reason why USG engagement on the DRC must increase. The DRC people have the right to freely choose their own leaders and hold their leaders accountable. Fraudulent elections could spark a popular reaction that could lead to chaos. In the case of Sudan, U.S. Presidential leadership, and sustained high-level diplomatic attention from the United States contributed definitively to the successful conduct of the recent referendum and, hopefully, the establishment of a new country in the south. This level of attention is needed in the DRC.

V. Summary/Conclusion

We thank the USG for its critical support to programs that assist survivors of sexual and gender-based violence, and hope that we can continue to count on this support. Much more must be done, however. I urge the USG to

(1) Implement fully Section 1502 of Dodd-Frank.

(2) Pressure the Government of the DRC to (a) fulfill its responsibilities to protect its citizens, upholding human rights, (b) end impunity for perpetrators of SGBV, and (c) restore and protect women's rights in political participation.

(3) Ensure MONUSCO more effectively fulfills its mandate for civilian protection

(4) Engage in a sustained, high level diplomatic initiative to bring an end to the conflict and violence.

Thank you.

Mr. SMITH. Ms. Vigaud-Walsh, thank you so very much; and thank you for the absolutely encouraging news about the 180,000 women marching. That is just incredible.

Hopefully, in a small way, this hearing and the follow-up that we will do, it is all ongoing, but I think this is an important venue to say, Now is the time for the administration to do much more, and that goes for us as well. So thank you for that wonderful news.

Mr. Prendergast.

STATEMENT OF MR. JOHN PRENDERGAST, CO-FOUNDER, THE ENOUGH PROJECT

Mr. PRENDERGAST. Thank you, Chairman Smith and Ranking Member Payne, for your ongoing commitment to Congo and human rights throughout Africa.

I would like to ask that my testimony be submitted into the record and to People magazine—a hat tip to Mr. Affleck.

I would also like to set aside my written testimony to say a few things this afternoon about this unique moment that the Congo is facing.

While women from marching in Congo in Bukavu this morning, the 180,000, two of my colleagues from Enough were in Goma this morning and talked with one of the leading women's rights advocates in the country, Justine Masika, who everyone probably on this panel knows and some of you know and Secretary Clinton met when she was in Congo in 2009.

For this hearing, Justine wanted to say the following: "The link between conflict minerals and mass rape here in Congo is crystal clear. So the first and foremost priority for ending the war here in Congo is to set up a system to regulate the minerals trade." And the upcoming election, she said, "is the critical window to push the Government of Congo on this issue since it will try harder to please the population before the vote."

Now I was in Congo twice in the last 6 months, and I would strongly concur with Justine's assessment that this is an unparalleled moment of opportunity to make real changes in Congo. The election is the primary internal factor, no question. But the U.S. Congress' conflict minerals legislation, spearheaded by Congressman McDermott, is the primary external factor; and it has created a moment full of uncertainties and anxieties but also of huge opportunities in the country.

Now before we get to these opportunities, I wanted to make one commercial time-out on why we focus so much on the economics of Congo's war. Of course, we believe the conflict there is about more than conflict minerals, but let's take a look at the broader agenda and how it is compromised by the Mafia-like economy there.

Now everyone wants to reform, for example, the military. However, the military officer corps is the primary beneficiary of mining in the country. President Kabila stays in power by allowing these officers free reign to make as much money as they can and cratering the rule of law throughout the eastern third of the country.

Number two, everyone wants to reform the justice system, of course. However, the military and civilian beneficiaries in government of this conflict minerals trade do not want a strong, efficient

government. The rule of law will subvert this illegal economy, and the money now going into their pockets will go to the Treasury. And that is simply unacceptable to this Mafia.

The third thing I want to bring up is everyone, of course, wants to stop the FDLR and the other militias. However, they sustain themselves through mineral profits and everyone knows that and they often trade increasingly with the military itself, the Congolese military.

Fourth, everyone wants clean elections. However, who in power would give up this gravy train? You lose, and you are out. It is winner take all. They can't take that chance, and they will fix it.

Everyone supports peace agreements, no question. However, even the peace deals in Congo can make matters worse if we don't deal with the economic fuel for war. One-and-a-half million Congolese people have been displaced since Presidents Kagame and Kabila signed their agreement 1½ years ago. That is a tragic record.

Back to the people of Congo. Ryan Gosling and I went there over Thanksgiving. We met an extraordinary Congolese woman named Marie. Marie is a rape survivor twice over, and she has overcome her own trauma to found a women's organization that helps other women who survive sexual crimes.

We asked her what she recommends, and she said the following: "Please stop this bloody business. You are fueling conflict. Families are being torn apart, women are being raped, communities are being destroyed so armed groups can profit from the mines. Companies should stop supporting this and do ethical business."

Well, the good news is that because of the congressional legislation, because of your legislation, every one of you champion this, companies have to start trying now to do this ethical business. And some companies are already moving ahead even beyond what the legislation is requiring them to do. But they need help from the United States Government. And the key, I believe, as it has been on so many critical foreign policy issues in Africa, the key is the United States Congress. Two critical processes are coming to fruition now that this subcommittee and the wider Congress can influence.

First, the Securities and Exchange Commission is going to issue very soon implementing regulations for your conflict minerals legislation. We need to ensure that these regulations have serious teeth and do not delay the implementation of the bill. We have a letter that we are releasing today from Congolese Civil Society Organizations making this very point, that we cannot countenance a delay in the implementation of the bill. Strong regulations will send a major signal to the actors in the supply chain that foment violence, that subvert the rule of law, that undermine good governance, that they have to clean up their act.

The second major opportunity we have now is that the conflict minerals legislation as it was discussed requires the executive branch to develop a strategy for dealing with conflict minerals and ending the violence. That is a first the executive branch hasn't been required by Congress to have a strategy to actually end this thing. We have always wanted to deal with the symptoms. The bill says, how are you going to end it? Well, that strategy was due over a month ago, but it is still being debated inside the administration.

That is a good thing. That means you can have influence over what the Obama administration comes out with. This is a huge opportunity for the United States to make a critical difference in the Congo.

We think Secretary Clinton should lead in putting together a stakeholders meeting that involves the regional governments, with the Congo at the center, the companies that matter, the United States and the European Union, all together to launch a process that would result in an international certification system to end the conflict minerals trade in central Africa. And we need a senior envoy to help spearhead this and all the other efforts that my fellow panelists and you have all spoken about and written to the administration about so passionately in the country and throughout the region.

U.S. leadership has helped do this with diamonds. We have done it with forestry. We have done it with fisheries. We have done it with a number of other products where, when the United States helped lead in bringing the companies and governments in question together, standards were changed, and this positively has impacted the lives of millions and millions of people. Well, now it is Congo's turn.

So if we act on the deadly minerals trade, it is not a magic wand, but it is a catalyst, and it is a domino that will help topple the edifice of greed and militarization that kills and rapes people in Congo at a higher rate than anywhere else in the world. Thank you for your leadership.

[The prepared statement of Mr. Prendergast follows:]

Testimony of John Prendergast
Co-Founder, Enough Project
House of Representatives Committee on Foreign Affairs
Subcommittee on Africa, Global Health and Human Rights
March 8, 2011

Introduction

Thank you, Chairman Smith and Ranking Member Payne for the opportunity to testify at this crucial moment for the Democratic Republic of the Congo.

My testimony today will focus on two of the key catalytic elements of change in Congo: a senior partnership to drive certification of conflict minerals, and the transformation of the country's army from predator to protector. At the Enough Project, we believe these are the two areas of policy where the United States potentially has the most influence, and where a concentrated push could yield the biggest impact in terms of a reduction of violence and the building blocks for a comprehensive solution to Congo's multi-faceted crisis.

Congress has a unique opportunity right now to ensure a more coherent and assertive strategy from the Obama administration. The conflict minerals provision in Section 1502 of the Dodd-Frank Wall Street Reform Act required the Obama administration to develop a strategy for addressing the linkages between the trade in conflict minerals, armed groups and human rights abuses in eastern Congo by January 17. This strategy has yet to be submitted. Congress should press the administration to put forward a strategy that fully invests in an international certification process with independent monitoring and enforceable penalties on the ground, as well as comprehensive reform of the Congolese Army, to effectively end the conflict minerals trade in Congo and bring a measure of security and genuine economic opportunity to the lives of Congolese civilians.

The United States has an opportunity to contribute to finally breaking the cycle of violence that has devastated eastern Congo and destabilized the wider Great Lakes region for the last 15 years, but it will not succeed unless U.S. efforts are dramatically increased. Preventing a further deterioration of this already dire crisis 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 minerals trade from a driver of violence into a catalyst for regional peace, and a focus on military justice as a means of promoting accountability and improving the behavior of Congo's predatory army.

During the last year, we have actually seen a sea change in the international response to Congo driven by citizen demand for an end to the crisis, and channeled through strong bipartisan leadership in Congress, which led to the passage of the conflict minerals provision in the Wall Street Reform Act. Spurred in part by this legislation and thanks to investigative work by the U.N. Group of Experts, the international architecture needed to

sever the linkages between the minerals trade and the conflict is taking shape, with the U.N. Security Council supporting an emerging norm for due diligence on purchasing minerals. These are important first steps, but the next challenge will be developing effective means of implementation.

The risks from continuing the present policy of incrementalism are growing precipitously. Although Secretary Clinton's visit to Goma in eastern Congo helped jolt U.S. Congo policy out of stasis, in the 19 months since her visit little has been accomplished. Insecurity, including ongoing instances of mass rape, remains pervasive in the Kivus and the Lord's Resistance Army continues to prey upon civilians in the northeast. We have already begun to see a worsening of political tensions, including what appears to be an attack on President Kabila's residence a little more than a week ago, attesting to the potential for much worse violence, human rights violations, and further instability as Congo moves toward Presidential elections scheduled for November 2011.

The state-of-play

Heightened tensions across Congo and the region

Heading into Congo's election year, there are a number of potential flashpoints that could lead to additional instability across the region. Rising tensions between the government and political opposition groups has led to a rise in politically motivated violence throughout the country. Controversy continues over the electoral calendar, legitimacy of provincial voter roles, and the transitioning electoral commission.

As the international community begins to prepare for a diplomatic surge around elections, it is important to be mindful that continuing to address the issue of the illicit conflict minerals trade as well continuing to build momentum on military justice will be critical not only to address the ongoing humanitarian crises in eastern Congo, but to ensure lasting stability nationwide.

Congo, its neighbors, and the international community now have an opportunity to change the equation in addressing the issues that have caused suffering in the region for decades. The increased international focus on the illicit mineral trade is forcing the business leaders, governments, and armed groups involved to re-assess the political and economic calculus of the status quo and choose between two paths—one, marked by apathy and corruption leading to a political, economic and humanitarian crisis worse than we have now; or the other marked by regional and international cooperation, leading to an environment in which the government of the Congo, neighboring governments, other concerned governments, and relevant actors in the private sector can contribute to reforms necessary to create stability and engender regional economic and infrastructural development.

Violence, illicit mineral extraction continues in the east

In eastern Congo the future remains uncertain. Violence and illicit mineral extraction has continued despite President Kabila's imposition of a mining ban in three provinces last September, due to be lifted officially on March 10. This haphazard approach to addressing the conflict minerals trade created a number of problems, including increasing the militarization of mine sites, punishing mining communities by increasing exploitation by armed actors, and delaying multi-stakeholder efforts to create on-the-ground mineral traceability schemes.

- **The ban did not stop extraction or smuggling.** It allowed the Congolese military, including the ex-CNDP forces, to consolidate their control over strategic mineral reserves in the three eastern provinces by wresting control over extraction and transport from rebel groups that previously relied on local communities for labor. Since September, there have been numerous incidents of mineral smuggling, perpetrated primarily by the Congolese military. These include the seizure of truck loads of tin ore on the Rwandan border at Rubiya and the recent dramatic cases of gold smuggling in Goma and Nairobi—all linked to senior military commanders.

- **Communities continue to suffer.** Although the ban applied to both civilian and military entities, while recently traveling through North and South Kivu, our staff heard multiple reports of armed groups not wanting to relinquish control or exploitation of mine sites, forcing individuals from nearby communities to work in the mines.

- **Certification initiatives stalled.** Finally, international multi-stakeholder efforts to create mineral traceability schemes were hampered by the ban. Projects that were being piloted prior to the ban, such as the tin industry's "bag and tag" system, had to shut down because they could not legitimately trace extraction and transport of the minerals from the mines. These groups attempted to shift their pilot areas to Rwanda and the Katanga province, but were unable to operate where it really counted—in the eastern provinces.

Two days from now the mining ban will be lifted and civilian extraction and transport will resume. It will be critical that the United States, in conjunction with regional governments and other donor nations, play a larger role in ensuring a transparent and credible process.

The way forward

The United States and the nations of the Great Lakes region now have unprecedented momentum for turning the tide on the conflict in eastern Congo. A window of opportunity has been created for increased security and stability in the region through strategic policy reform. The U.S. government, and particularly the Departments of State and Defense have the opportunity to create leverage through leadership on two critical issues that will propel a solution to the larger issues of conflict in the region: the illicit

trade of conflict minerals and military justice reform to prosecute war crimes and economic crimes.

Minerals certification

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 companies that are the largest end-users of conflict minerals and as a powerful diplomatic actor in Africa's Great Lakes region, now has a choice to make: exercise leadership and help transform the current efforts into a robust certification system or to step back and allow vested interests to develop systems that lack appropriate checks and balances. The administration does not need to construct an entirely new certification initiative, but rather use its convening power, diplomatic influence, and sanctioning power to alter incentives, lend credibility, and close loopholes. There are three critical areas where the U.S. can provide much needed leverage:

- **Political will matters.** A "conductor" is needed to convene a high-level diplomatic partnership on certification and help transform words into action. A critical lesson from other certification systems, such as the Kimberley Process for blood diamonds, is the need for a "conductor" – a leader with the *gravitas* and political support needed to bring all of the players to the table and to issue the call to action.

- **Creation of a multi-stakeholder commission.** Certification should be governed and funded by a multi-stakeholder body that includes companies, governments, and NGOs. Nothing matters more to the legitimacy of a process than how it makes decisions and who pays for it. Genuine partnership requires shared ownership of the process, with equal representation for government, civil society and industry in the steering body of the initiative. In order to ensure independence of the system, the certification process should be paid for by a multi-stakeholder trust with contributions from companies, donors, and NGOs.

- **Transparency of audits and data.** This point is essential to making certification work. Disclosure helps build public confidence in the process. Making audits and other collected data publicly available not only lends credibility and legitimacy to a certification system but also allows governments, industry, and civil society to monitor participants and the initiative, as well as hold them accountable.

In order to maintain the congressional intent of the conflict minerals provision within the Dodd-Frank Act, it is critical that a credible and sustainable regional certification system be in place.

Only if mineral processing facilities, component manufacturers, and end-user companies can rely on the assurance of viable regional process will the pieces be in place for a streamlined supply-chain reporting mechanism.

Military justice

Efforts to fight impunity in Congo continue to struggle, as wanted war criminals freely lead military operations on behalf of the Congolese government. However we have seen small steps toward accountability. In recent weeks the Congolese government tried and convicted several military officers for their role in an incident of mass rape in Fizi, South Kivu. This was accomplished under significant pressure from the United States, and with U.S. support for the mobile court that tried the case. This is a small but important step on the road to reform that must be expanded.

The U.S., in coordination with other donor governments (or by itself) should:

- **Invest in a serious military justice initiative within the Congolese army.** Rather than spreading its assistance too broadly, the United States should concentrate its bilateral assistance on security sector reform in support of the greatest opportunity, military justice, which would pay dividends both in fighting impunity and reforming army behavior.

- **Continue to support and expand the mobile court system in eastern Congo**. The recent trails to prosecute the perpetrators of the Fizi assaults were held using mobile courts near the location of the incident in the town of Baraka. The trial and subsequent convictions where a promising example that the government in conjunction with the international community can begin to stomp out the environment of impunity in the east and send strong signals to malicious actors.

- **Provide technical and monetary support to the national judicial mixed chambers initiative**. In addition to mobile courts, the Congolese Parliament is set to begin debate on the proposed creation of specialized mixed chambers within the national judicial system in mid-March that would have jurisdiction over serious crimes in violation of international law committed on Congolese soil. The U.S. could play a critical role in capacity building and technical support through the mixed chambers process, ensuring that a sustainable framework for the prosecution of war crimes and crimes against humanity are punishable within the state.

- **Expand punishable war crimes to include economic crimes.** Building on existing programs, broaden the focus of military justice training programs so that in addition to sexual violence, it includes economic crimes, and demand Kabilia hold up his commitments and crack down on senior FARDC commanders who are profiting from minerals and abusing civilians.

Ending the environment of impunity must coincide with the establishment of legitimate resource extraction in order to create a viable peace. Many of the same actors will be targeted under each initiative. Eastern Congo is a petri dish for reform in the country. The toughest challenges exist in the east and success there will translate nation wide.

Why U.S. policy is failing and what can be done about it

Following her visit to eastern Congo, Secretary Clinton rightly said "we will banish sexual violence into the dark past, where it belongs, and help the Congolese people seize the opportunities of a new day." Lamentably, the actions of the Obama administration have not measured up to this bold call to action. Although the administration has identified the critical issues--illegal armed groups, the abusive role of the Congolese army, the culture of impunity, and the role of natural resources in fueling the conflict--the response has suffered from a lack of focused, empowered leadership and has amounted to less than the sum of its parts, illustrated by the lack of a formal policy toward Congo, and the overdue conflict minerals strategy mandated by Dodd-Frank.

The leadership gap. Secretary Clinton's words sparked unprecedented interest in Congo from senior state department officials, including strong words from Under Secretaries and Assistant Secretaries throughout the building. On comparably complex crises in the Middle East, South Asia, and Sudan, the administration appointed Special Envoys of stature commensurate to the urgency of the issue. But for Congo and the Great Lakes region, the administration downgraded Howard Wolpe to a special advisor to the Assistant Secretary, without the political support and resources necessary to succeed in a challenging mission, a position that has not been replaced since his resignation in August 2010.

Technical solutions to political problems. Without an empowered envoy to implement Secretary Clinton's vision of a new approach to Congo, the administration has largely focused its efforts on programs that emphasize technical solutions to Congo's problems. The Department deployed five assessment teams that generated more than a thousand recommendations for greater U.S. engagement, and we have seen a flurry of ad hoc issue-specific initiatives, from the training of a Congolese army brigade in Kisangani to specialized pots of funding to fight sexual violence and increase government capacity around the minerals trade, absent an overarching strategy.

Recommendations for a revitalized strategy

It is crucial that the United States not back away from its laudable commitments to change the lives of Congolese women and their families for the better. With elections on the horizon, consistent high-level engagement from Secretary Clinton and her key deputies can begin to shape Congolese government behavior.

With the correct policy-making structure and a strategy that combines coordinated diplomatic pressure and commercial leverage, we can deliver concrete changes in behavior and steps toward transparency and accountability on the ground in eastern Congo that will pay enormous dividends in security and stability in the wider Great Lakes region:

1. **Appoint a Special Envoy or Coordinator that has the commensurate respect in both the region and Washington to be effective.** There are several moving parts within the Administration's Congo policy apparatus, including conflict minerals, sexual violence, security sector reform, and elections, which represent a clear need for a focal point to provide the leadership and coordination to channel these pieces into a focused strategy.

2. **Invest in minerals certification to shift the commercial incentives in the region away from conflict and toward peaceful development.** Building on the momentum around conflict minerals, convene a high-level meeting to bring together senior executives from end-user industries with President Kabila, regional governments, and mineral processors. Use this opportunity to establish an ongoing process toward an independent auditing mechanism for a certification system that includes representatives from stakeholder governments, industry leaders, and NGOs.

3. **Revitalize a multi-donor framework to address national army reform, but focus U.S. bilateral assistance on the greatest opportunity, military justice, which would pay dividends both in fighting impunity and reforming army behavior.** Link training to implementation by deploying international legal teams to support prosecutions in the military justice system, focused on holding senior commanders to account.

Mr. SMITH. Mr. Prendergast, thank you so very much for your passion and for your insights and counsel which you have provided to this subcommittee and in Congress for many years. Thank you so much. As previously discussed and agreed by my friend Mr. Payne, the ranking member, and I, I would ask unanimous consent to welcome Ms. Cindy McCain to speak and participate as a witness on this panel, even though we had not prior noticed it.

STATEMENT OF MRS. CINDY MCCAIN, PHILANTHROPIST

Mrs. MCCAIN. Thank you, Mr. Chairman.

I don't intended to take long at all. But I would like to thank you and the committee members for taking your time in hearing what we have to say with regards to such a critical issue that is facing our world.

My first trip to the Congo was in 1994 during the Rwandan genocide. And so my history with Congo is dicey at best. But what I have learned through these years is that what is most important are organizations just like this, particularly organizations like ECI that go in and take not only a strong look at what is going on but become active on a community-based level. These NGOs, organizations like this are the most important for what we are doing, but we can't do it alone. We are here today to ask all of you, and I know some of you in this room right now have been to Congo and have taken an active interest in Congo, to please come. But most importantly, we are depending on your voice to spread the word.

We are going to lose a generation of women and children in Congo unless we do something now. I am only a humanitarian relief worker. That is the only thing I have ever done. It is the only thing I know with regards to this region. But I also know what is right. And we can't leave behind these women and children. So we

rely on you when we talk to you today with great hope that you will lead this charge and not forget about these wonderful human beings in a rich culture that has so much to offer to this world.

I leave it to the experts to tell you today what is most important, but I would hope that you would ask those people who are on the ground to not only help you but for you to let them know that you are behind them and most importantly to let the women and children know that they are not forgotten.

I particularly want to thank Ben Affleck for allowing me to be a part of this today and for allowing me to be a part of ECI. We are strange political bedfellows. We are the odd couple perhaps in politics. But that is the beauty of this, because this transcends political parties.

So thank you so much for what you are doing. Most importantly, thank you for listening to what they have to say. And thank you for many, many NGO workers that are on the ground that need your help. Thank you.

Mr. SMITH. Ms. McCain, the thank goes to you and to the three other distinguished witnesses for leading and leading so well by pouring yourselves into these humanitarian efforts. I would like to ask Mr. Affleck, I know that you have been to HEAL Africa and that ECI actually aids them. Could you just provide some additional insights into the work of HEAL Africa and other like-minded NGOs and hospitals that you have supported?

Mr. AFFLECK. Sure. Unfortunately, there are not very many hospitals in that part of the country. We were initially attracted to them because, of course, they are Congolese-run and based, and that is the kind of organization that we want to be supporting. Sometimes we support grass roots organizations that don't have that level of infrastructure and high level education. But these people are—they are a Congolese-run hospital that started out very small, primarily of course doing fistula repair, because the need for fistulas was so urgent there. And they have grown. They have grown because of their skill, their talent, what they are providing and who is doing the work. And it is one of the few that actually has attracted a decent amount of attention from people. And they provide just top level—I mean, obviously, there is emergency care.

I visited them and met soldiers who were recovering from gunshot wounds. One guy showed me that he had his wallet in his pocket, and he had been in the war. He took the wallet out and the bullet had gone into his pocket and hit the wallet and saved his life. He had some other wounds that he was being treated for, but they were on the front lines of the war, and they are on the front lines of building the peace. And I don't know what people would do without this kind of hospital there. And they are receiving more. We are working with them, and others are as well, and they are really pretty exceptional.

The other, of course, a really well known hospital is Panzi Hospital that Dr. Mukwege works at, which is in Bukavu in South Kivu, and he also is just doing exceptional work. He is the guy who is himself personally, early on, doing 10 fistula surgeries a day at the height of this epidemic. And it still goes on, but he doesn't have to do all the surgeries. Then they started training other doctors

and became sustainable. And those two organizations are spectacular.

There are many others that we are working with. Part of what we try to do at ECI is to recalibrate people's perceptions about Africa and about who is doing what. If people go, oh, we were going to throw money down there, it is money down a rat hole; it is not the case at all. Really, in our experience, people who are doing it and solving these problems, maybe it was Congressman Payne who was talking about this earlier, it is Congolese solving Congolese problems. And that is what is so inspiring to me. And both those hospitals are really emblematic of that. And I have other stories, but I will spare you.

Mr. SMITH. In your testimony, you, and Mr. Prendergast in his, make a very strong appeal for the special envoy.

And Mr. Prendergast, you actually point out that Howard Wolpe, who used to be chairman of the subcommittee years back, actually had his capability diminished, his resources and influence cut at a time when, of course he has been ill recently, but even when he had the position. It seems to me that the message we need to send to the White House, because they need to do this, like I said before, yesterday, is to name that special envoy and properly resource that individual.

If you both, and perhaps any of you who would like to speak to that issue, it seems to me that we don't have a point person who can in a rapid way with the ear of the President and the Secretary of State, you know a phone call away, this window of opportunity, as one of you said in your testimony, could quickly evaporate.

Mr. Payne and I were talking about this in between testimonies, you know $5 million expended so far on the election. Last time it was about $80 million, and when the administration testifies that there is a $350 million gap, that may doom this election unless quick corrective action is taken. And the special envoy would have that ability to say, you know, "We are going to make this happen." So if you could speak to that.

Mr. AFFLECK. I will just give a quick answer and then John can go into the nuance policy detail stuff. There is a lot going on. We have heard other people talking about what the U.S. Government is doing, what other folks are doing. A big part of this is about synthesizing all this stuff, of taking all these strands. And as many of you know working in the private sector, you can have a lot of people doing stuff and maybe doing their jobs well, but if they are not working together and they don't know what the other hand is doing, frankly, you just have a lot of waste. So we have got resources dedicated that are now being frittered away because they are not working collectively; they are not working cohesively. You know, somebody is supposed to be doing elections. Somebody is supposed to be doing gender-based violence. There are people designated to liaise with regional governments, like Burundi, Rwanda, Uganda and others. But without somebody sort of taking a lead and being able to do that kind of shuttle diplomacy where they move across those folks, it just really isn't going to be successful.

In fact, we are under utilizing what we are already deploying in effect. And I have talked about the stakes a little bit, and I will let John.

Mr. PRENDERGAST. Just a footnote. What Ben is saying there is, when I worked at the White House and the State Department, I just found it to be endlessly frustrating because so much issues and countries were stovepiped and kept in their categories. And what a special envoy—and you got—you know, in Central Africa, you have got cross border issues; you have got multiple issues that bring equities in from all kinds of different departments throughout the U.S. Government. So you need someone to be able to break through this stovepiping. And it can't be a Deputy Assistant Secretary of State who gets dual-hatted to be doing something else besides their regular job, which is 20 hours a day anyway, with the beeper going off every 30 minutes in the other 4 hours. You just got to have someone whose full-time job is focused. And it is someone with influence, someone who can pick up the phone and say, Secretary Clinton, it is actually time for you to say or do something now, and someone who can actually move the system, move the needle away from the inertia that just pervades government.

You know, this is just where it is. People are well meaning, but the system is systemically tilted toward the status quo. To be able to move that needle away from the status quo toward action, that is what you need a special envoy for. And you should collectively, civil society and the legislative branch, press the executive branch to do this as soon as possible. We know President Obama moved on the special envoy in Sudan because of George Clooney. Maybe he will move it in Congo because of Ben.

Mr. AFFLECK. Well, I don't think it will have much to do with me. But from what I have heard, and we spent a lot of time asking people around this town, I know that if we had the support of Ambassador Yamamoto and Assistant Secretary Carson, we would go a long way. So I urge, Yamamoto, you are still here, and Carson, wherever you are, help us out. This can be a collective effort and I know we can get there.

Mr. SMITH. Thank you.

And I couldn't agree more. Ms. Vigaud-Walsh, in your testimony, you reference a CRS project that aims to prevent sexual violence against women by sensitizing communities and mobilizing local leaders, that is done through training transitional justice leaders, military and police officials who then become community sensitization leaders. Can you tell us how successful that program has been?

And secondly, and Mrs. McCain, you might want to speak to this as well, the issue of microcredit financing is huge in Africa. And dollar for dollar, I can't think of a better way of helping to empower women, especially because most of those grants or loans, I should say, go to women. And with a small amount of money, someone can not only get gainfully employed, but they end up hiring four, five, six people in many cases. For those women who have been so sexually abused and traumatized, do you find that microcredit financing and job skills training helps them mend, not only helping to provide for themselves and perhaps their families, but also is part of the healing process?

Ms. VIGAUD-WALSH. Thank you, Chairman.

With regards to our project with the Catholic Church, we train traditional justice leaders. The program is critical, and it is very ef-

fective, because we have to step back for a moment and look at the context. We are talking about a country where there is no rule of law. The justice system is in shambles. So there is nothing but traditional leadership in justice. So the fact of the matter is we are working in communities where the view of justice still is embedded in cultural ideas that are attached to the stigma, how to overcome the stigma or how to reduce stigma.

And what I mean by that is a girl that is perhaps as young as 14 years old, in order to avoid that stigma, she is forced to marry her rapist. And that is the traditional justice system.

So we have been working with hundreds and hundreds of justice leaders, traditional justice leaders, in order to work with them on making their policies, shall we say, more gender-sensitive and more sensitive to the needs and protection of the women and girls. That is on the first point.

And with regards to the microcredit financing, absolutely, absolutely critical. And I am glad that you noted that it is part of the healing process, in fact. Through our savings and lending schemes, we have helped rape survivors that had been ostracized from their communities and, therefore, lost their breadwinners once their husbands abandoned them. And one particular case that I am thinking of right now, she was actually able to save the equivalent of $600—U.S. dollars—to build her own house. This is a woman who would have been living in the street, quite literally, after having been ostracized by her community.

Those kinds of programs work so much on the self-esteem. And the self-esteem after rape is so critical to being able to move on and to be able to remake one's life, even in the face of having been ostracized by the community. So these programs are critical, and I strongly suggest that they continue to be supported. And I do thank the U.S. Government for all the support that we have received for these programs thus far. Thank you.

Mr. SMITH. Mrs. McCain, did you want to comment?

Mrs. MCCAIN. The only thing I would add to that, you are exactly right. Microfinancing is, in my opinion, key to this. So are free and fair elections. And unless we can do both, we are never going to have a society of women that will have any kind of rights at all. So that would be the only thing I would add to that.

Mr. SMITH. Thank you.

Mr. Payne.

Mr. PAYNE. Well, let me certainly thank all of you for your testimony. And I think that the interest of all of you in this issue really assists us in Congress to try to highlight the problems without people like you, Mrs. McCain and Mr. Affleck, and of course Prendergast is the agitator behind all of this stuff, and of course the work that Catholic Relief Services does. We probably would have a difficult time filling the room, probably only have a third of it covered. So I think that people don't realize the importance of people in your categories that you can bring attention to issues. And I think it is important.

Once we get the attention, we know what to do, you know, Congressman Smith and myself and the other Members of Congress. But you do help us highlight the problems. And I really, once again, thank you all for your interest in these issues.

It seems, and it is very clear, that we definitely need to have a special envoy. I recall—maybe, John, you were a member—when we went with President Clinton to Africa. And during our time there, we just simply had a meeting of the Great Lakes Region Presidents, I mean because so much is interrelated. Uganda was arguing a little bit with Burundi. You had Rwanda looking over at what was happening in Zimbabwe. It is so interrelated that a special envoy, not only should deal with the problems of the Congo but to be able to coordinate.

As a matter of fact, Uganda was the recipient of a terrorist attack because Uganda was assisting in Somalia with their troops to protect the government of Sheikh Sharif Sheikh Ahmed and the transitional Federal Government. And without Ugandan troops there, the situation would be much worse. Well, that is all connected that at the World Cup game, Uganda suffered the loss of 20-some of their citizens by Al-Shabaab planting a bomb as people were simply watching the World Cup because they were Ugandan troops helping in Somalia.

So it is so all connected that it seems it would certainly make a lot of sense that we do have an envoy, especially to deal with the DRC, but also to have the surrounding countries there involved. And the fact that so many—and the tragedy of the Congo, as I mentioned earlier, with King Leopold and how the country was just devastated, and then once they decided to move forward, the conspiracy of the West to come together and have Patrice Lumumba murdered, that was really—and I am glad, Mr. Affleck, that we can't forget the past. We don't need to dwell on it, but if we know the past, we know why we are in positions we are in. In Congo, with the leadership of Lumumba and those who were emerging at that time could have had a total difference on the way the Congo is today. But by us propping up Mobutu, who raped the country for decades and decades, we find ourselves now struggling again to try to get democracy moving and trying to get this whole question of rape, which should be despised by society, but it is something that people sort of shrug their shoulders and say, well, that happens.

So I really, like I say, I really commend you for your efforts.

I know Ms. Vigaud-Walsh, you all work with child soldiers. And I know that perhaps some of the abusers who are involved in rape now were probably child soldiers before. And so I wonder what your organization is doing as it relates to child soldiers in the DRC.

Ms. VIGAUD-WALSH. To illustrate what we are doing with child soldiers, I can speak of a program we had in North Kivu in partnership with the Caritas Goma and Caritas Rome, as well. We were supporting centers through which demobilized children—or children were transported to after being demobilized, providing a trauma healing therapy, working with them to prepare them for reintegration back into society.

The problem is that clearly these kinds of services aren't enough. The number of children that were needing DDR services a few years ago was much, much greater than the funding, level of funding that we had. Thank you.

Mr. PAYNE. Thank you.

Mr. Affleck, maybe you and Mr. Prendergast might be able to deal with the question, what do you see us needing on the ground in order to make these elections work?

Mr. AFFLECK. Well, first of all, I want to go back to an earlier question that I don't think I answered, that the difference between MONUC and MONUSCO is two letters which stand for stabilization and organization, the idea being that it has got an expanded mandate for, well, stabilization, among other things. And you know Meece, who replaced Alan Doss, seems to be doing a fine job. He is an American, and people are optimistic, and there have been some appreciative changes.

Now that entity plays a real role, obviously, in elections. As you know, you were there, they played an instrumental part in elections last time. What I hear from people in this environment is, well, the second election is always harder. It is the one fewer people want to pay attention to. It is the one that can either cement democracy, or it can all fall backward and become unwound. We need to have monitors. We need to have, like I said, internationally credited monitors. We are hoping the Carter Center will up the ante a little bit on what they are willing to do. I think the IRI is going to come in. I think NDI will then follow.

But we also need a fully committed effort, and frankly, we need to maintain that piece of stability. You asked about the FDLR and CNDP to sort of more fully address that. Where we are right now is that, yes, because when Nkunda got taken away by the Rwandese the CNDP folded up into the FARDC. However, they cut a deal with Bosco Ntaganda, so Bosco is now kind of the de facto leader of the CNDP inside the FARDC, which creates a kind of tension, and it is one that has to be managed by MONUSCO because if you arrest him, you may create a lot of problems, and you may go back to the war that you had before. It is tricky.

When we were there recently, right after we flew out, the airport was the scene of a huge shooting and chase, and Bosco had brought in gold. They had brought in a bunch of gold that they were smuggling, and there was a big police chase up there. So this is a guy acting with a lot of impunity and creating a lot of instability. And the Kamane RDF FARDC efforts to go after the FDLR, on the flip side, which I think represented, to get to your question, a further break between the FDLR and the FARDC and Kamane and those guys, who really were kind of on his side during the war, but it got stopped a bit because the FDLR were smart, and they knew if there were enough civilian casualties, that they would leave, and then come back and kill a lot of civilians, and they knew that that would stamp down enthusiasm for further military actions. The Rwandese of course left.

These intractable thorny issues need to be solved as well as the other practical electoral stuff, vis-à-vis the elections. So you have a lot of logistical stuff that needs support. You need people there saying this is how we should do it. You need MONUSCO flying people around; you need MONUSCO fully dedicated. And it also needs increased diplomatic involvement and engagement to help to continue to—and this is a place where the U.S. has done a lot of really good work, you know Tim Shortly at the State Department, who was over there several years ago and working closely within

Nkunda and the peace accords and such, that we need to continue to push that toward peace. Because any of these guys, the Boscos and so on, that if those situations flare up, it could easily trigger further instability in elections. That was more than you wanted to hear.

Mr. PAYNE. You are pretty up on this stuff. You are very impressive.

J.P.

Mr. PRENDERGAST. The only thing I would add there—and that was indeed a great answer.

Mr. AFFLECK. Thank you. I paid him to say that.

Mr. PRENDERGAST. But I would add to just actually highlight the diplomatic effort that you just spoke of as part and parcel the larger thing and put a little meat on those bones and say what you need, of course, as we do in other countries that matter to the United States, is you create these unified coordination mechanisms. Call them donor coordination, call them diplomatic coordinators. They then craft multilateral carrots and sticks related to electoral benchmarks. And you deploy them early enough that they can actually influence the process as it unfolds. Because, of course, anyone who wants to steal an election is watching to see what the world will do. And if the world does nothing but put out a little press release saying, bad, you know, slap on the wrist, of course, they are going to go ahead because of the reasons we have talked about for so long. The money, the gravy train will be lost if you lose the election. So we need that multilateral unified voice of the governments that have influence to develop the carrots and sticks, create the watchdog actions that will blow whistles when there are problems and do it early enough, create this thing early enough so you are not just waiting until the day of the vote to say, Wait a minute, there is something wrong here, but we can actually watch and see how it unfolds. We will know months in advance whether this is going to be a credible election. And if the answer is no, then we can deploy and say, wait a minute, we are not going to support this; you are going to have to change it for anyone to take this seriously. And then it is up to the Congolese Government to develop their own calculation about whether or not they want to reform it. So I think that is what we really—that is one of the elements of many, as Ben said, that we need to be engaged in to try to make a difference here.

Mr. PAYNE. Thank you.

I guess my time is just about expired. I won't ask you Mrs. McCain about elections. I just want to say that elections are so important.

I just want to remind the chairman that we have the problem in Cote d'Ivoire, where the President who lost the elections just decided I am not going to leave. I mean, this is unbelievable with everyone saying, AU, ECOWAS, ICAD, the EU, U.S., saying you lost, you should step out. So I think that we really have to keep the pressure on Gbagbo to step down. And if we could move that legislation forward to have the Congress on record with the rest of the world saying, get out, because if he stays in, it is going to be a bad example for all of these other elections. There are about a dozen elections coming up in Africa this year. And if this is the principle,

where you lose and you stay and you say, well, I am not leaving, then we are going to be in a world of trouble in these elections coming up, including the Congo. So, once again, thank you all for your testimony.

Mr. SMITH. Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman.

A question for you, Mr. Affleck and Mrs. McCain. I am curious, how did you choose the eastern Congo as a focus of your passion and interest? The reason I say that is because those of us who sit on this committee and others where global human rights is a concern and a deep interest and essential, the insults to humanity, the effrontery that comes across our desk daily in so many places throughout the world can almost just be exhausting. So I am curious, how did you choose this particular area?

Mr. AFFLECK. I came to it, I won't go into my own personal journey, because that may be inappropriate for this, but I think really for me it was—frankly, it was reading. I was looking at some other stuff, trying to cast around looking at advocacy, and I came across this. Well, of course it pales in comparison with the millions of deaths in eastern Congo, and I was, on the one hand, shocked and, on the other hand, really ashamed. How could I not have known this? You know, I read the newspaper and yet I had no idea. And so I thought, well, maybe this is a place where I can at least show up, I don't know what.

And I started studying, and I started learning. I took a couple of years. I didn't want to be, you know, kind of a celebrity dilettante sort of person that doesn't know what they are talking about and irritates everyone, because I thought that wouldn't help any.

Mr. FORTENBERRY. Well, that is very impolitic of you to say but very well received, I should say as well.

Mr. AFFLECK. So I really did a lot of studying—Whitney Williams, who is here, was instrumental in helping me do that—and met with a lot of learned experts, John foremost among them. And when I ultimately got to a place where I wanted to—I wanted to build an organization because I kind of identified the best people I thought were doing the best work, the people who had some skin in the game, who were living in the community every day, who knew people, who knew the militia, who knew who the children were. I talked to people who were taking kids out—child soldiers out of the militias. And they would go to them and address them kind of personally and bargain; look, at least you don't need him, well, give me her, and then while that was happening, already found a place for the child to live in the village rather than an institutional home and the like. And I thought, gosh, this is what happens when something bad happens in your community and you are dealing with it because you know the people.

And I got struck and I wanted to help empower those folks because of course they had no money. And so we started raising money. And I also thought nothing changes without advocacy, without powerful people making up their minds, people like you. And the idea to ultimately sit here and address you is a real thrill for me. And then I wanted to surround myself with kind of smart, thoughtful philanthropists and people who got it. And everybody who knows something about this knows how long Mrs. McCain has

been involved. She said she was in Goma in 1994. That is a big deal. And since then, doing a lot of work. And so I gave her a call and hoped she wouldn't think it was a prank call.

Mr. FORTENBERRY. Well, clearly, your investment, time and passion is very genuine, and I think it is going to give continuity to this effort, and I am grateful.

Mrs. McCain, did you want to add anything.

Mrs. MCCAIN. Other than to say everything is always a personal journey. And my story is no different. I won't go into it.

But what I will say is that from my own personal well being, Africa has haunted me in a good way. It has kept me coming back, because I see such hope there. I see such possibilities. And I know that, with the help of people like Mr. Affleck and others around the world, that we can make a difference. And so it is nothing more than a personal journey for me as well. But it is one that has kept me coming back. And I love it there, and I would rather not be any place else.

Mr. FORTENBERRY. Thank you as well for your time and passion on it. I did want to raise a couple of quick issues in the limited time I have left.

Mr. Prendergast, you had made a correlation between the pervasiveness of a culture of rape and the conflict regarding minerals. It is unclear to me what that direct correlation is. If you could spend 20 seconds unpacking that please.

Mr. PRENDERGAST. Actually, it says 40 here.

Mr. FORTENBERRY. I have another question though.

Mr. PRENDERGAST. We didn't need a laugh line right before talking about this because it is so crushingly serious.

What basically our assessment is, is that these militia group, armed groups on the ground, including the government army, we always talk about rebels; "rebels" is militias both from Rwanda and Congo and the government army. They have used the tactic of rape as a weapon to——

Mr. FORTENBERRY. I don't think this point is very clear. And I appreciate you saying there is a correlation there, but go ahead.

Mr. PRENDERGAST. To use rape as a tactic of war in order to intimidate local communities to go along with the kind of mafia economy that we are talking about all day today. I mean, in Sierra Leone, they used the amputations to terrorize civilian populations. People use what works.

And if there is no consequence, if impunity reigns, then why not this? And so there are many other factors involved.

I think you are wanting to say something in there. Can I yield some of my time?

Mr. FORTENBERRY. Yes, please.

Ms. VIGAUD-WALSH. Just to clarify that also a bit more. It is a displacement mechanism. It moves people out of the areas where these resources are so they can move in and take control of the mines.

Mr. FORTENBERRY. So this is not just some act of depravity that happens in ungoverned spaces? It is deliberate. It is intentional for larger geopolitical purposes.

Ms. VIGAUD-WALSH. It is a strategy, absolutely.

Mr. AFFLECK. It is both. It is all of those things. What happens is these tactics create an environment where it seems like anything goes. But I do absolutely concur, at least from what I have seen from these two folks is that it is about armed groups saying we are going to go after this area and this is how we are going to attack them. And then it becomes kind a horrible reality where it is acceptable.

Mr. FORTENBERRY. I called it a culture of rape. I don't know if that is the right description.

Mr. PRENDERGAST. I don't think it is actually because the vast majority of Congolese are absolutely devastated by what has happened to their country.

Mr. FORTENBERRY. That is why it becomes a powerful weapon.

Mr. PRENDERGAST. Yes.

Mr. FORTENBERRY. Thank you.

Mr. SMITH. Ms. Bass.

Ms. BASS. Thank you for your last comment about that.

But let me just start by thanking all of you for the work that you do, and in particular, Mr. Affleck, for using your celebrity in this manner, because it is extremely powerful, and it is, as the chairman and ranking member said, one of the reasons this issue has received so much attention.

And the same to you, Mrs. McCain.

I wanted to reference some comments that Mr. Prendergast, when you described the deadly mineral trade and the mafia economy, I think you described it very well. But I wanted to know, in your opinion, what about the political leadership, is it there? I mean, there is an election that is getting ready to happen in November. Is there legitimate—we talked about the elections being legitimate. You know, maybe they will be; maybe they won't. But my question is, is there legitimate political leadership to be elected?

Mr. PRENDERGAST. Well, just in 30 seconds, you know, we have this country, which for 125, 150 years has been just pillaged by the international community for—going back to the turn of the century, the last century, ivory and rubber to help our jewelry industry and our auto industry, and then uranium from the Congo was critical in our atomic bombs and Hiroshima and Nagasaki, and now cell phones, laptops and all the other things that we use every day are fueled. And what happens is you create a system where, a political system that basically is designed to maximize private gain and crater the public sector because the public sector, the rule of law, would undermine this.

So you have internal collaborators with this international system, but it is a system that benefits us. We have cheap phones. We have cheap computers. We had nuclear weapons that worked. We had piano keys and all the rest of it at the turn of the century with the ivory. So, in other words, this has gone on for so long; it is hard to say suddenly, oh, we are going to turn this around with one election. It is a system in which the termites have absolutely devastated the political foundation of the country. And until you address that economic foundation, I don't think it—it is just changing chairs on the Titanic, on the deck of the Titanic with these electoral processes. Terribly important to invest in, but you got to do

both the political and economic at the same time to make a difference.

Ms. BASS. I wanted to ask another question, too. This is about AFRICOM. The question is, the United States African Command or AFRICOM has been engaging in pilot training of one battalion focusing on human rights, and unit cohesion conditions in AFRICOM is controversial. So my question is, should the U.S. expand on this project to address other security needs?

And then I guess just in reference to what you were saying before, you know, I remember 20, 30 years ago, when there were liberation movements in the various countries, and we can talk about how all those turned out, but there were independence and liberation movements. And I don't think you have described one in the Congo.

Mr. PRENDERGAST. Do you want to also say something on this, Ben? Jump in if you want. No, I am saying if you want to say something when I am done.

The military forum issue I think is—I mean, I think ECI, if you look at their recommendations, if you look at what the Enough Project and others that have worked on this stuff, military forum, security sector reform is at the top of anyone's list of what we need to invest. And now you go to the Congo and you spend time with the Congolese leadership, and what militaries do they respect, you know, it is not a surprise, the United States military. So when the U.S. comes in and says, we are going to train a battalion in Kisangani, this makes a difference to them. People are bumping each other out of line to sign up to be part of this. So the United States has influence; it has leverage on this one.

And here is one where if we work more aggressively—and this is why you need a special envoy, because we don't have enough diplomatic firepower with the existing system to be able to do this kind of full-time work, is to get the donors together that actually do military training like China, like South Africa, like Angola, the countries that actually have influence with the Congolese Government, we work together with them about a systemic reform of the military, and then AFRICOM becomes a major player in all of that.

And specifically I want to highlight one element of the larger security sector reform, and that is military justice. Again, we have a comparative advantage there. They respect us on this front. You have got to get at this impunity issue. Getting at the impunity issue within the military is even as much or maybe more important than within the broader society; you start to see convictions for rapes and for other kinds of crimes in Congo of military officers or soldiers who are involved in this kind of stuff, then that sends a signal. So these are the building blocks to a state. And I think AFRICOM, for all the controversy in other fronts, can play a major important role in the Congo in helping to build that particular block of the larger foundation.

Mr. AFFLECK. I think the relevance of AFRICOM there has to do with—you know, look, MONUSCO does all of the training now, the FARDC. They work together; they train guys. They are having difficulties. We are better at it than they are. I met some of our guys down there doing this work. They are obviously great guys. They are U.S. military. They really know what they are doing, men and

women. They are doing very good just training very few units. That is good. It needs to happen.

And I hate to have all these answers come with caveats, because then I don't want to feel like, well, you know, but you have got to do everything. But really that has to be accompanied by some reform in the units that they go back to. Particularly a huge, huge problem is that soldiers just don't get paid. A legacy from the Mobutu era was you kind of went and lived off the people. Mobutu had destroyed all the infrastructure and eaten up all the money, and so he sent his army around, and it was like, well, if you want to get paid, take what you can take; you have got a gun. There is a little bit of that left. Not a little bit, a lot, unfortunately. I visited FARDC battalion camps. They are like tent cities. They are a little better than the refugee camps. In fact, they often go and loot and pillage those refugee camps. FARDC soldiers are responsible for 40 percent of the rapes in the country. This is where you have a military that is deployed among the population that is feeding off of the population. It is unimaginable to us. Our militaries go elsewhere and secure our freedoms. This a horrible inversion of that.

The eastern Congo would be better off, I think, if you just took the divisions out of there. That is not practical politically. But what is practical is to go around and just train troops on one side. I would love for us to take over a little bit more and do some training of the MONUSCO guys. But on the other side, get people paid. You are going to make $40 a month being a soldier in the FARDC, but at least it is enough to buy what you need where you are not compelled to go out—I mean, they walk. There are stationed in Kisangani. It is 800 miles to go somewhere. They walk that far. It is like you know, ancient Rome.

Ms. BASS. Thank you.

Mr. SMITH. Mr. McDermott.

Mr. MCDERMOTT. Thank you, Mr. Chairman.

I would like you to respond to the need for PEPFAR money being included for the Congo in the treatments, particularly in terms of maternal-infant transmission of AIDS and the fact that PEPFAR does not affect the Congo. That is one thing I would like.

And the second thing is I think you get a little more humble as you go along in this business and you realize that passing a bill isn't everything that it is cut out to be. You are going to have the champagne and have a good time, clap your hands and be happy. It really is writing the rules and regulation where it really happens. And that is going on right now.

And I would like you, John,to talk about what the committee can do, because you put this up as an action item, what the committee should be looking for in the writing of those rules and regulations as to whether they are good rules and regulations or whether they are slippery. I have been doing this long enough to know that you can't hardly write a law that somebody can't figure out a way to get around. So what I am really looking for is the best set of rules and regulations that we can have to make this law work and what things we as a committee should be looking at or we as a Congress should be looking at.

Ms. VIGAUD-WALSH. Congressman McDermott, I am sorry, I can't answer that question as I don't work in AIDS relief and I am not familiar with that kind of programming.

Mr. PRENDERGAST. I don't know the specific answer on PEPFAR, but I think between us, between our staffs, we can get back.

Mr. MCDERMOTT. I know it is a problem in HEAL Africa in Goma, because I know where they are getting their drugs or not getting their drugs——

Mr. AFFLECK. You are right, they are short on drugs in HEAL Africa. And particularly—anyway there are shortages that need to be addressed. PEPFAR is a great program and obviously implementation is good, and getting people access to those drugs is important, and we can furnish the committee with details of that.

Mr. MCDERMOTT. I was asking a softball so you could let the subcommittee know, but go ahead.

The more tough question is the regulations.

Mr. PRENDERGAST. I think the top two I would say for the SEC regulations, they are getting bombarded right now because the industry lost that battle on the Hill. And they are mad, and they are coming back with lots of lobbyists to try to press the SEC to water this thing down. Like you said, so keep the cork in the champagne, we are not done yet, you are absolutely right.

Number one, I think that there will be stiff fines for companies that do not comply with the intent of the law, do not open up the books to demonstrate that their supply chains indeed are free of conflict. And if they are not, they are at least acknowledging, yes, we got it from there, and yes, we know where it came from, and now, consumers, you can make your choices. But if you try to hide it, you try to circumvent it, you try to subvert it, then let's see you some serious fines.

Secondly, I think then is the question of when this all should come into effect. And I think one of the big things that you are seeing lobbyists push for now is a significant delay in implementation. We haven't yet seen the State Department make its own recommendations in this regard, but I talked to a senior member of the administration last night who said that they were going to not advocate for delay. I hope that his opinion actually ends up being the U.S. Government's opinion. But right now, the SEC is hearing from a lot of industry sources that they simply can't comply with all this. Although other companies, particularly within the electronics industry, they have been working on this now for a couple of years, partly as a response to the legislation, but partly also because some of them want to do the right thing. And they have shown very clearly that they can do what is required to do with respect to the law.

Illustratively, Apple, 1½ years ago, Apple was not much of a contributor to the Electronics Industry Association in its efforts to try to clean up the supply chain. Basically their argument if you talked to them about it was, look, we have no idea where this stuff is coming from or how can we possibly be expected to know; it is a war down there and where it comes from is not really something we can control. Well, a week ago, now we have had the legislation, we have had Mr. Jobs actually get personally engaged, and his wife, of course, with ECI. Now, a week ago, Apple put out whatever re-

port that it does, and it was the most robust reporting of any company of where their materials are coming from, right down to the smelters, to the processors. I mean, this is something, again, the lobbyists said a year ago, even that were working for Apple, said it was impossible.

So basically I think this is what the legislation is going to be able to do. It is going to urge people to actually do the right thing when they have said for quite a long time they can't. They actually can, so the question is, how fast are they going to have to do it? And instead of a delay of 1 year or 2 years or whatever some of these guys are asking for, we would like to see the timely implementation of the regulations to come into force very quickly after the SEC makes its rulings.

Mr. MCDERMOTT. Keep on making the publicity to keep it up above the radar. Thank you.

Ms. VIGAUD-WALSH. Thank you. Just to add one note. Catholic Relief Services and USCCB did write the SEC to ask for the absolutely most strongest rules possible, and we hope for a timely implementation as well. Thank you.

Mr. MCDERMOTT. Good. Thank you.

Mr. SMITH. Thank you, Mr. McDermott.

Mr. Payne, do you have anything?

Mr. PAYNE. I just wanted to say that we do have to really make sure that they don't change. What was interesting years ago, I was able to encourage Congressman Tancredo, who was working with me on Sudan, to get a bill passed in the House that capital market sanctions were put in. In other words, if you were doing business with Sudan, you had to come out of Wall Street. And we passed it in the House. That is where it ended, when a lobbyist ran over to the Senate, even had the head of every top one. And Mr. Tancredo, who was great on Sudan, we didn't have champagne when it passed, but we were very happy. And it simply died by virtue of the lobbyists saying, you can't do that. So hopefully we will be able to push this through.

I just have comments from the International Crisis Group that would like to add their statement for the record, Mr. Chairman.

Mr. SMITH. Without objection.

Mr. PAYNE. Thank you.

Mr. SMITH. I will just conclude by, again, thanking you.

I would like to ask if—and maybe, Mr. Prendergast, you might want to speak to this—the administration's LRA strategy. How well or poorly do you think it is being implemented? What is it from your perspective? Anyone else who would want to touch on it as well?

Mr. PRENDERGAST. Thanks for bringing that up. I should have at least in my testimony. I think it is such a crucial element of overall security and stability in Central Africa. We battled internally within our organizations in the groups that care about the LRA. We were putting out this report card, and I was trying to give the administration Ds and Fs, and everybody was like, no, no, no, that will just demoralize everyone. Because I feel like there is one major thing that has to be done.

I mean the elephant is swinging its tail around the living room. It is that you have to create a focused military strategy to appre-

hend or whatever the leadership of the Lord's Resistance Army. As long as Joseph Kony continues to run around. We have presented him with a very, very fair peace deal, peace proposal, which he didn't even bother to show up to not sign. And so there is a military option that needs to be exercised.

What has happened now over the last 3 years is a broader counterinsurgency strategy, where millions and millions of dollars and thousands of Ugandan troops are running around Central Africa attacking LRA units, and often those are conscripted child soldiers. So I don't think that kind of a broad counterinsurgency strategy has any chance of working. We need to target the leadership, use our technical assets that are superior to anyone's in the world, ensure that they are out there. We robustly support a commando unit to be able to close and act on a hot lead and take these guys out.

Hopefully, we will apprehend them and send them to Hague, and there will be a great trial, and the ICC will have a major success. If not, let's do what we have to do to bring an end to this tragedy, because the attacks in the Congo are getting worse, not better. We have seen almost an attack every week over the last few months in northeastern Congo. And these are remote areas no one knows. Every once in a while a report trickles in and makes a little column in a local newspaper here in the United States. We are not even looking at this anymore. So we have to refocus and say, what is the thing that is going to end it? That is the catalyst I think that will end it.

Mr. AFFLECK. I think he makes a really good point. I think absolutely I have seen people. I have seen the evidence of this stuff and people who are after it. There are really good people involved in trying to pursue some of the goals that John is talking about. And you do hear, every month or 2, oh, well, 400 people got killed and such and such. A lot of times, it will take 2 or 3 days or a week to even come through. I think it is equally important to maintain a focus on the FDLR in eastern Congo. The FDLR really are the people that—well, still their leadership now—committed the genocide in Rwanda, fled to what was then Zaire, created—injected this sort of sociopath toxic poison. It wasn't like people weren't raping one another in Zaire. You know, that is where everyone in Rwanda was going to party and dance when Rwanda was the uptight country in the early 1990s. And what happened was that these people who got pushed into that place who committed these barbaric crimes then sort of allowed that to be—it got contagious, and they further ruptured the social fabric. The subsequent two wars completely obliterated any infrastructure.

These guys are still there, and they are still killing civilians all the time. They are a big part of who is committing the rapes, and they are the ones that we need to stay at, and we need to support MONUSCO's effort to do that, despite some push back. And I think it is important to remember there is the CNDP, and obviously, they have committed a lot of crime. They are now part of the Army that presents—you know, Congo has openly said peace first, justice second. And they are going to testify with that kind of thing. But there is no question about the FDLR because they are now getting pulled into the army and some of them are going to fight to the

death. And that part of the country will not be safe until that militia is dealt with, as well as the LRA, who is varying from Uganda to CAR and stuff.

Mr. SMITH. Thank you.

And one final statement or question. There is no doubt that if Senator Danforth had not initiated the work with regards to the Comprehensive Peace Agreement in the Congo, there probably would not have been a comprehensive peace agreement in Sudan. And in like manner, in Northern Ireland, had it not been more Senator Mitchell, it is unlikely that a peace agreement would have been hammered out there between two disparate parties that were at each other's throats for decades.

One last appeal, when Ambassador Yamamoto said he will take it under advisement with regards to the special representative or special envoy, I didn't get a very strong sense of affirmation there. If you could, all of you if you would like, make one final appeal to the administration because time is running. And the fear is that if we don't have someone who can really cobble together all the disparate elements here and really push hard, this may be an opportunity lost.

Mr. PAYNE. I just would like to reemphasize that. It is the key thing if we are going to see success in the DRC, and it is vital.

And finally, I certainly would like to commend you, Mrs. McCain, for, you know, when you said you had been involved since 1994, to continue to be way ahead of the curve, and I really commend you for that and for your continued interest. Thank you.

Mr. AFFLECK. Thank you very much.

On the special advisor, I haven't heard any good arguments against it. We have been banging on it, talking about it and going everywhere asking about it, and no one can tell me why it is a bad idea. It is one appointment in the Federal Government that could save potentially, who knows, 100,000 lives or 500,000 lives, a lot. It will make a difference, a big difference. If it helps prevent another outbreak of violence and destruction—I don't know Washington, I am not an expert. What I hear is that it is a tough place because you have got turf battles and bureaucracy, and fortunately, that is your business and not mine. But I am really pleased to be encouraged by you and to be empowered by you to continue to advocate for this, because I, too, think it is really important.

And I know that Ambassador Yamamoto, were he to give us his full-throated support and Assistant Secretary Carson give us his support, it will would really help us to go to the Secretary, even on, if necessary, to President Obama.

Thank you again.

Mr. PAYNE. Mr. Smith, you have been asking probably why we should have it. Maybe you should just turn the question around and ask them why not and see if they can come up with an answer.

Ms. VIGAUD-WALSH. Chairman, you started off speaking about the elections, and I think that my final appeal would regard increasing women's political participation. As I said before, we are at a critical juncture, and we are not seeing women represented. In fact, not only are they being sidelined, but they are being cast out of the process.

And to give you an example, after enduring sustained pressure by their male counterparts, three female mayors in South Kivu, the equivalent of mayors, but actually of a grouping of cities, quite a high position in fact, administrative position, were forced out of office. The bishop of Bukavu had even gone to them and tried to encourage them to carry out their political mandate and represent women and girls' needs, and finally, in November, they were fired. It is unacceptable.

And if women do not represent themselves and their needs, their health, their education needs, then who will? We are not seeing others in the DRC represent their needs. So that would be my final appeal. Thank you.

Mr. PRENDERGAST. I think we need to understand that the system is like, We have got this. We have got this under control. The system doesn't like aberrations. They don't like these things like special envoys and other kind of exceptions to the rule. That is just the way institutions work, and the State Department is no different than any other institution. My understanding is—and this is what I fear, and I am glad we got our last chance to say this because I want to impart this to you, is my fear is that they are going to give this position—they are going to create the title of it and then give it to a Deputy Assistant Secretary of State. They are going to dual-hat a Deputy Assistant Secretary of State and say, Yes, that is going to our point person, our lead person. Again, no human being has enough time to be a Deputy Assistant Secretary of State of any regional bureau in the U.S. State Department and be a special envoy to one of the most complicated countries in the world, definitely the most complicated I have ever been in in 25 years of working in Africa. So that would be a tragic mistake.

And secondly, I think, that position needs juice—sorry to use a Hollywood term. You need influence, you need gravitas, you need somebody who can make the system respond to different ideas, new ideas, to doing things in a way that are actually going to get results and bring an end to something rather than manage symptoms. And that person needs to report to the Secretary of State as opposed to being just only in a regional bureau. I think these are the keys of success; and if we don't have them, it is just going to be yet another little spoke in a wheel of failure.

Mr. SMITH. Thank you. Mrs. McCain.

Mrs. MCCAIN. Lastly, I would just like to thank all of you again for paying attention to this issue, for listening to us, for allowing us to tell you our thoughts and where we think the most important parts lie and, most importantly, in championing this issue from here because we will be following you and we are going to watch. And we really encourage you to continue in such a whole-hearted way. As a mother—and the only thing I can say is that as a mother, doing nothing is unacceptable there. So thank you.

Mr. SMITH. Thank you. And the last word goes to Mrs. McCain. Thank you so very much. Truly inspiring panel. Truly inspiring individuals. The hearing is adjourned.

[Whereupon, at 4:12 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

March 1, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Tuesday, March 8, 2011

TIME: 1:00 p.m.

SUBJECT: The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy

WITNESSES:

Panel I:
Mr. Donald Y. Yamamoto
Principal Deputy Assistant Secretary
Bureau of African Affairs
U.S. Department of State

Ms. Rajakumari Jandhyala
Deputy Assistant Administrator
Bureau for Africa
U.S. Agency for International Development

Panel II:
Mr. Ben Affleck
Actor, Writer, Director & Advocate

Ms. Francisca Vigaud-Walsh
Sexual and Gender-Based Violence Advisor
Catholic Relief Services

Mr. John Prendergast
Co-founder
The Enough Project

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, and Human Rights* HEARING

Day *Tuesday* Date *March 8, 2011* Room *2172 Rayburn*

Starting Time *1:10 p.m.* Ending Time *4:12 p.m.*

Recesses [0] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy

SUBCOMMITTEE MEMBERS PRESENT:

Smith, Payne, Fortenberry, Marino, Buerkle, Carnahan, Bass

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

*Jim McDermott**

HEARING WITNESSES: Same as meeting notice attached? Yes [ ] No [✓]
(If "no", please list below and include title, agency, department, or organization.)

addition: Ms. Cindy McCain, Philanthropist

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Full biography of Mr. Yamamoto
Full biography of Ms. Jandhyala
Written Statement from Mr. Yamamoto
Written Statement from Ms. Jandhyala
Executive Summary and Recommendations from Strengthening United States Foreign Policy in the Democratic Republic of the Congo
Written Statement from Mr. Affleck
Written Statement from Ms. Vigaud-Walsh
Written Statement from Mr. Prendergast
Opening Statement of Mr. Carnahan
International Crisis Group Statement

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:12 p.m.*

Sheri Rickert
Subcommittee Staff Director

OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
U.S. HOUSE OF REPRESENTATIVES

Hearing on
The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy
Tuesday, March 8, 2011, 1:00 P.M.
2172 Rayburn House Office Building

Chairman Smith and Ranking Member Payne, thank you for holding this hearing regarding the Democratic Republic of Congo. I appreciate the attention that is being given to this topic and hope that we shed light on the effectiveness of the U.S. and international community's efforts to address the serious challenges this nation faces—from ethnic conflict to government corruption, extreme poverty, and widespread human rights abuses.

Many years of civil war, exacerbated by complex regional conflicts, cross border tensions, and intervening foreign forces, have resulted in millions of lives lost, at least two million internally displaced persons, and over 200,000 rapes. Since the signing of a peace agreement in 2003, marginal progress has been made in security, governance, and regional relations. Meanwhile, eastern Congo remains a region marred by the ongoing presence of armed militias, perpetuating civil strife and a crisis of sexual and gender-based violence against women and children.

Appropriately, this hearing falls on International Women's Day. While sexual violence has plagued the DRC since the beginning of conflict, the frequency and brutality has spiraled dramatically in recent years. Moreover, perpetrations on behalf of civilians outside of state and non-state combatants point to the increasing socialization of sexual and gender-based violence, a culture which will likely take several decades to reverse. I look forward to hearing recommendations on how to improve the effectiveness of efforts to address this crisis.

For over a decade, the international community has been engaged in conflict resolution, peacekeeping, humanitarian, and democracy promotion activities. In the face of rampant corruption, particularly in the run up to presidential elections scheduled for this November, I would like to explore options for the U.S. and the international community's strategy to more effectively influence progress. A step forward to that end, is Section 1502, the conflict minerals provision, of the Dodd-Frank Act, which represents an important mechanism to combat the illicit mineral trade that props up militias, enables cycles of violence, and deprives the Congolese of critical natural resources—I look forward to hearing the Administration's plan to implement SEC regulations and witnesses' recommendations of further steps necessary to advance security sector reforms.

In closing, I'd like to thank the panelists for their testimonies and presence here today. I hope that your answers and opinions will further our understanding of how the U.S., along with MONUSCO and other international partners, may help the DRC meet vast challenges and realize meaningful progress for stability in the Great Lakes Region.

MATERIAL SUBMITTED FOR THE RECORD BY MR. BEN AFFLECK, ACTOR, WRITER, DIRECTOR, & ADVOCATE

Strengthening United States Foreign Policy in the Democratic Republic of the Congo

A White Paper Commissioned by Eastern Congo Initiative

Strengthening United States Foreign Policy in the Democratic Republic of the Congo

Authors Spyros Demetriou & Salamah Magnuson

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Democratic Republic of Congo: Between Hope and Fear

The Democratic Republic of Congo (hereafter Congo) has made remarkable progress towards security and stability after years of armed conflict and foreign intervention within the region. With the signing of the Global and All-Inclusive Agreement in 2002, the Congo is now governed under a democratically-elected government. Former rebel leaders and combatants have been demobilized or integrated into public service, and economic growth has resumed. While the country has achieved these notable milestones, armed conflict and violence in its eastern provinces continues to undermine progress, threatening to throw the country back into chaos.

With national elections scheduled for 2011 and critical institutional reforms about to be launched, the Congo today is at a critical juncture in its history. If remaining threats to security and stability in eastern Congo are not addressed in the immediate future, not only will the elections and planned reforms fail, but they could further destabilize the country by provoking new armed rebellions and violence, weakening governance institutions, and encouraging authoritarian practices among political actors.

The Great Lakes region has been wracked with civil wars and is characterized by fledgling democracies. Weak states are susceptible to hosting armed groups and enabling illegal commerce in weapons and natural resources. It is these very trends in the eastern Congo that continue to threaten the region's stability. The Congo, situated within the Great Lakes region and sharing its borders with nine countries, has already suffered greatly, with an estimated 3.5 million conflict-related deaths over the past ten years, and its infrastructure and institutions having been laid to waste. The Congo has yet to recover from this devastation; the impact of further destabilization and conflict would be magnified, and could result in casualty rates and destruction far greater than has occurred in the past. Untold hundreds of thousands of people, already in an extreme state of vulnerability, would be uprooted once again, except this time with coping mechanisms that are extremely weak or non-existent. The world cannot afford a new tragedy in eastern Congo that would reverse the gains achieved after so much effort over the past years, and threaten the stability of the Great Lakes region as a whole.

Today the Congo has a population of 64 million and a territory the size of western Europe, and ranks among the five poorest countries in the world, with 80 percent of the population living below the poverty line at 2 USD per day.

Yet the region also has some of the greatest agricultural potential in Africa. Agricultural productivity has been identified as key for regional development and for gains in the standard of living. In addition to its agricultural potential, the Congo benefits from abundant natural resources which, if properly managed, could yield revenues for the Congolese state to improve its social services and infrastructure. For the region to realize this potential, the Congo, and specifically eastern Congo, first needs to be stabilized.

The international community—and the U.S. in particular—must do more to address the challenges in eastern Congo if another failure of humanity is to be averted in Central Africa. Averting the breakdown of efforts to create peace and democracy in the Congo has never been more urgent than now. For these reasons—regional stability, strengthening the Congolese state, and preventing further human suffering—the Great Lakes region and specifically the Congo is a regional security priority for the U.S. Addressing these challenges necessitates breaking a vicious cycle caused by three specific conflict dynamics: 1) the Congolese State's inability to project an effective presence in the east and protect its citizens; 2) the continued violence and abuse of civilians perpetrated by remaining armed groups and the war economy that sustains them; and 3) the deep socioeconomic and ethnic tensions between communities.

What is needed to break the current cycle of instability and conflict is a radical re-focusing and expansion of international assistance. This assistance must address urgent stabilization needs and confront the structural causes and dynamics of these regional problems, while at the same time laying the foundations for longer-term recovery, governance reform and economic development.

The international community provides strong support through diplomatic, humanitarian, and development assistance. International investment in the Congo is significant—more than 14 billion USD between 2007 and 2010. However, for the U.S. to help Congo ensure a successful transition and meet its own foreign assistance goals, its focus must extend beyond financial assistance to a reframing of existing strategy. The U.S. must address specific security and stabilization objectives in eastern Congo, while also catalyzing broader international engagement in this context. It must capitalize on past gains and seize opportunities for a more stable future for the Congo and the region, while meeting U.S. foreign policy objectives.

The time for renewed commitment and action to bolster stabilization efforts is now. The Congo is at a tangible confluence of windows of opportunity, opening simultaneously at 1) the regional level, given recent support of agriculture-based economic initiatives by the region's heads of state; 2) the national level, with the upcoming presidential and local elections; and 3) the international level, with a renewed mandate for MONUSCO and two mandates that are specific to the United States.

A more strategic and directed policy of U.S. engagement in the Congo could build on the potential that the windows of opportunity offer, and significantly contribute to efforts by the Congolese government (GDRC) and the international community to stabilize the region. Thus it is possible to prevent a new tragedy from threatening the stability of the Great Lakes region as a whole and avoid a reversal of the gains achieved after so much effort over the past years.

Averting a Tragedy: Nine Objectives for Critical Support and Empowered U.S. Leadership

The following nine objectives and corresponding priority actions outline the requirements for U.S. support for eastern Congo. The first five objectives focus on the most urgent and critical interventions needed to interrupt current cycles of violence and conflict in the east, to improve the discipline and professionalism of security forces, to restore critical state services, and to prevent the impending return movement of displaced populations from reigniting interethnic and communal conflicts. The final four objectives focus on securing and coordinating U.S. leadership so that the U.S. is empowered to provide necessary diplomatic leadership and development assistance. With this empowerment, the first five objectives may then be implemented.

These objectives are derived from existing goals and priorities supported by the government, current U.S. foreign policy towards the Congo, and the recent UN Security Council mandate for MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo), as well as by other major multilateral and bilateral partners.

Objective 1: Facilitate renewed political engagement

The U.S. must provide strong support to the GDRC in addressing political bottlenecks to urgent peace and stabilization measures. The U.S. should also link provision of further technical and financial assistance to demonstrated commitment and action by the GDRC in this context. Priority areas include 1) the ending of impunity for crimes committed by security forces; 2) the payment of salaries to state personnel deployed or supported by the international community; 3) the prevention of political interference in the military and civilian justice systems; and 4) the implementation, in good faith, of GDRC obligations within the 23 March Peace Accords.

Objective 2: Support a multidimensional strategy to protect civilians

The U.S. must support a multidimensional strategy to create a safe environment for civilians through a range of measures, including 1) the strengthening of the professionalism and discipline of vetted Congolese Armed Forces (FARDC) troops in eastern Congo; 2) provision of technical and logistical support to the FARDC and UN in neutralizing foreign armed groups; 3) exerting

diplomatic pressure within the UN Security Council to ensure more proactive engagement by MONUSCO in protecting civilians; and 4) supporting ongoing efforts to demobilize and reintegrate combatants into civilian life.

Objective 3: Support GDRC *reforms including the 2011 and 2013 elections*

The U.S. must provide more diplomatic pressure to catalyze action on critical institutional reform processes and continue technical assistance to ensure an appropriate environment for the upcoming elections. U.S. priority areas include 1) the reform of the security sector; 2) improved institutional transparency and accountability; 3) renewed attention on decentralization; and 4) strengthened democratic practices within government, including the organization of the 2011–2013 elections.

Objective 4: Support GDRC *in regulating trade in natural resources and ensuring deployment of justice and administrative services*

The U.S. must strengthen its financial and technical support for the GDRC to restore law and order and access to justice, in addition to essential administrative and other public services in former conflict areas, and also to establish regulatory control over the production and trade in natural resources in eastern Congo. U.S. assistance should be specifically focused on strengthening provincial institutions to manage and support the deployment of personnel in remote conflict areas, and also to support GDRC efforts to extend road and communications infrastructure, thus ensuring access by state services to areas where the civilian population is most vulnerable to attacks by armed groups.

Objective 5: Support IDP *and refugee returns and encourage socioeconomic recovery*

The U.S. must reorient and expand its current support in the area of economic recovery to specifically target and support the return and reintegration of Internally Displaced Persons (IDPS) and refugees. Specific priorities include 1) supporting GDRC and UN efforts to establish interethnic reconciliation committees at the local level; 2) strengthening community dispute resolution capacities; and 3) targeting economic recovery assistance in return areas to support the socioeconomic reintegration of returnees within a broader community recovery framework.

Objective 6: Reappoint a U.S. Special Advisor for the Great Lakes region

It is imperative that the U.S. continue the office of the U.S. Special Advisor, and appoint a U.S. Special Advisor—preferably to the Great Lakes region specifically, or secondarily as another viable option, to the Congo as a whole. The new advisor must be appointed immediately to assume responsibility and help lay the groundwork for next year's milestone election events.

Objective 7: Encourage a regional response to the crisis

The U.S. must develop a regional strategy for the Great Lakes region no later than January 17th, 2011, this being 180 days after the date the Dodd-Frank Wall Street Reform and Consumer Protection Act was adapted into law (Public Law 111-203).

Objective 8: Support and complement multilateral efforts

The U.S. must actively support the development of a stronger relationship between the GDRC and the international community. The U.S. should also promote the alignment of international efforts in eastern Congo within the framework of existing stabilization strategies, and the adequate resourcing of MONUSCO to fulfill its mandate.

Objective 9: Engage the U.S. advocacy community

The U.S. must engage the U.S. advocacy community for the Congo by soliciting their input and participation in the development of a U.S. Government (USG), regional, and Congolese strategy.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Testimony prepared for the House Foreign Affairs Committee,
Subcommittee on Africa, Global Health, and Human Rights
"The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy"
8 March, 2011

The International Crisis Group appreciates the opportunity to offer written testimony to the House Foreign Affairs Committee, subcommittee on Africa, Global Health, and Human Rights for this important hearing on the Democratic Republic of the Congo (DRC).

Crisis Group is an independent, non-partisan, non-governmental organization that provides field-based analysis, policy advice and advocacy to governments, the United Nations, and other multilateral organizations on the prevention and resolution of deadly conflict. Crisis Group was founded in 1995 as an international non-governmental organisation by distinguished diplomats, statesmen and opinion leaders including Career Ambassador Mort Abramowitz, Nobel Prize winner and former Finland president Martti Ahtisaari, the late Congressman Stephen Solarz, and former UN and British diplomat Mark Malloch Brown who despaired at the international community's failure to anticipate and respond effectively to mass atrocities in Rwanda and Bosnia. Senator George Mitchell was our first chairman; Ambassador Thomas Pickering and former EU external affairs commissioner Chris Patton are our current chairmen. Louise Arbour, former chief prosecutor at the International Criminal Tribunal for Rwanda and at the International Criminal Tribunal for the former Yugoslavia is our current president.

Crisis Group publishes annually around 80 reports and briefing papers, as well as the monthly CrisisWatch bulletin. Our staff are located on the ground in twelve regional offices and seventeen other locations covering between them over 60 countries focused on conflict prevention and post-conflict stabilization. We maintain four advocacy and research offices in Brussels (the global headquarters), Washington, New York and London; and liaison and research presences in Moscow and Beijing.

Crisis Group's Africa program oversees four projects covering Central, Southern, and West Africa, and the Horn of Africa, reporting on 20 different countries within these regions. Our two most recent Congo reports include: Congo: No Stability in Kivu despite Rapprochement with Rwanda, 16 Nov 2010, and Congo: A Stalled Democratic Agenda, 8 Apr 2010. We have produced 32 reports/briefings on the DRC.

Our testimony today highlights some of the overarching and most immediate issues for the Democratic Republic of Congo. We are particularly concerned that without fundamental policy decisions by the DRC government, which require concerted and unified international action, the November general elections, the second since the end to the Congo conflict, will result in massive fraud with the potential for widespread violence prior to, during or following the announcement of election results. We also believe that two critical challenges to development, governance and civilian protection in the Congo are security sector reform and more competent and non-corrupt management of the country's natural resources---both of which are conspicuous failures at the moment. The result has been participation by an array of militias as well as FARDC units in rape and marauding in the Eastern Congo and an unending competition over conflict minerals that sows the seeds of violence throughout the region.

Background and Current Context

Years after the official end of the Second Congo War, which raged from 1998 to 2003 and was responsible for up to 4.5 million deaths, whole swathes of the enormous Central African country remain in upheaval. In the eastern Kivu provinces, an undisciplined national army battles with rebel groups for territorial control. Amid the frenzy of violence and rape that follows in their path, the world's largest U.N. peacekeeping force, MONUSCO, is at a loss to protect even those civilians that live close to its bases.

Lurking behind the conflict is Congo's vast natural wealth, the very embodiment of the so-called resource curse. Government, militants, private corporations, and local citizens all angle to tap the gold, cobalt, copper, coltan and host of other minerals under the country's soil -- which are focused in the east and south of the country. Meanwhile, the central government lies nearly 1,000 miles to the west, separated from its eastern provinces by impenetrable jungle, a different language, and ethnicity. Rebel groups still roam the eastern border regions, exercising their authority with impunity and cruelty. Neither the government nor rebel groups have the strength to win, but both have the resources to keep fighting indefinitely.

Adding to the misery are appalling humanitarian conditions. Only a third of Congolese in rural areas have access to clean water, an estimated 16,000 children die each year before ever reaching the age of five, and life expectancy has actually fallen by five years since 1990.

Unless the Congolese and regional governments are encouraged to adopt fundamentally different governance and development strategies that incorporate the rule of law, there is no end in sight to the continuing humanitarian crisis of the Congo. Military campaigns in North and South Kivu provinces need to be closely controlled by MONUSCO until better-trained troops can be deployed -- troops than can carry out targeted operations while protecting civilians. Meanwhile, governments in Africa's Great Lakes region should convene a summit and negotiate agreements on economic, land, and population-movement issues. A worst-case scenario would see more of the same; a mosaic of armed groups in eastern Congo more or less integrated within the army continues to fight indefinitely, with civilians paying a terrible price.

On 1 October 2010, the UN released a long awaited report on crimes committed in the Democratic Republic of Congo between 1993-2003, which not only re-examines the historical record of mass violence in DRC - the scale and nature of which was often overlooked in the wake of the genocide in neighboring Rwanda - but is also a chance to correct the flaws in the proclaimed but still not fully realized peace in the resource-rich Great Lakes region of Africa. The report exposed the scale and nature of the violence, and it should be enough to spark international calls for justice and accountability.

Elections and Security Sector Reform

Electoral Process in DRC: A Predictable Problem

The November 2011 presidential elections in the Democratic Republic of Congo (DRC) are looking more and like a disaster in the making --in terms of President Kabila's legitimacy and democratic development. There is a serious risk of violence either before the polls or following announcement of results. Although the 2006 elections were judged as placing the country on a democratic path, the 2011 process already appears to have lost its way. The international community will play a much less significant role in overseeing the November elections than it did five years ago. This would be fine if the democratic institutions had been built and if the democratic ethos had been rooted within the political class. But as these did not happen during president Kabila's mandate, the second elections in Congo's post-war transition are receiving less international attention and they show signs of yielding greater violence and fraud than those held in 2006. The decision to change the basic rules of the presidential election, enshrined in the Constitution, in a unilateral manner by Kabila's parliamentary majority, with all of the opposition parliamentarians boycotting the session and without public consultation, has raised the level of anxiety and frustration. The many emerging and predictable capacity problems also increase distrust and tension. The electoral process will mirror all the government's shortcomings. Presently, several scenarios are possible:

- change of the electoral calendar (postponement of both presidential and legislative elections in 2012 or postponement of the legislative elections only)
- boycott of certain opposition parties
- pre and post-electoral violence

The DRC's election donors, in particular the EU, should be wary of funding an election whose basic rules have not been decided in an adequately inclusive and democratic manner and are contested by the main opposition parties and civil society. Donors should use their critical and essential election support funds as leverage to press for concessions from President Kabila to restore a fair electoral process. They should also continue to monitor the carrying out of sentences handed down in the rape trials of some of those FARDC troops accused of more than 50 rapes in Fizi in the eastern Congo. On 21 February, military judges sentenced a Congolese Army Lieutenant Colonel Mutuare Daniel Kibibi for four counts of crimes against humanity for his role in the rapes on 1 January in Fizi. Three of Kibibi's officers received the same sentences and five soldiers received lesser sentences. Monitoring the carrying out of those sentences, and further investigations into this and other rapes, also is essential. While this is a small step, justice often remains elusive as the decades of impunity continue for rape and other crimes. Too often troops are under FARDC command but clearly not under control.

An electoral process on a slippery slope

1. Revision of the Constitution: changing the rules of the game in a non-inclusive way

Proposed on 3 January, the revision of the Constitution was passed during an extraordinary session of Parliament on 15 January which was boycotted by the main opposition parties[1]. The main constitutional change relates to the election of the president: a one round election replaces the two round elections (article 71). The government justified the revision as a way to cut costs and prevent potential tensions that may occur between two rounds of voting. President Joseph Kabila's intention to modify the electoral rules was first expressed in 2009 by his party, but was officially denied several times, notably by the General Secretary of the presidential majority in December 2010. The government has already breached the electoral and constitutional rules by failing to organize local election in the last five years.

In addition to the modification of the electoral rules, the constitutional changes reinforce the president's powers. The president is now allowed to dissolve the provincial assemblies and remove governors, after consultation with the cabinet and parliament, in case of "grievous political circumstances" (art. 197 and 198). The amended art. 218 now gives the president the prerogative to decide to organize a referendum but there are no plans for a referendum right now.

This timely but contested constitutional amendment favors the ruling president ahead of the elections and increases his powers. The opposition and civil society organizations, have expressed discontent in the media and to the UN Special Representative of the Secretary General in DRC. The Mouvement pour la Libération du Congo (main opposition party), the Union pour la Démocratie et le Progrès Social (Tshisekedi's party) and the Union pour la Nation Congolaise (former National Assembly president, Vital Kamerhe's party) argue that the constitutional amendments are a clear attempt to skew the elections in favor of president Kabila when popular support for him seems on the decline[2].

Determining the presidency in a single round is not inherently undemocratic. In fact, many countries use a single round system for presidential elections. However, DRC is a politically and ethnically diverse country arguably more suited to a two-round system, by which a candidate has to win at least 50 percent of votes to assume the presidency. The mandate of a president who wins in a single round vote with only a plurality of, for example, 30 percent of votes may be perceived as less legitimate, especially if the majority of those votes were concentrated in part of the country and the remainder was left without representation in the executive.

[1] 485 out of 504 expressed votes were for the constitutional review but the total number of MPs is 608.
[2] In 2006, president Kabila thought he would be elected after the first round and was very worried not to have secured an immediate victory.

Furthermore, the reforms are especially problematic for two reasons: firstly, because of the manner in which they were adopted, secondly because some other controversial changes of the electoral law may follow soon[3]. Changing such a fundamental part of the constitution should have involved broad public consultation or, at the very least consensus within political elites. An incumbent changing rules to his benefit without consultation and against the will of the main opposition parties is unhealthy. There are emerging "good practices", which aren't binding on the DRC but suggest that electoral rules should not be changed too close to elections without broad consent. For example, the Venice Commission, the advisory body to the Council of Europe, advised that laws governing elections should not be changed within a year of the election.[4] ECOWAS Supplementary Protocol on Democracy and Good Governance also prohibits signatories in West Africa from changing election laws within six months of elections without "the consent of a majority of political actors".[5]

2. Preparation of the elections: a contested, delayed, mismanaged, underfunded and dangerous process

Aside from opposition discontent over the presidential one round vote, preparations for the elections remain problematic.

The voter registration process is encountering financial and technical difficulties. Firstly the process has only been finalized in two small provinces out of 11(Bas Congo and Maniema) and it proves to be too slow to meet the August deadline. Furthermore, because of a technical mistake, the CENI has to restart the voters' registration in Kinshasa, a city of 8 million people. Rushing the voter registration operations is not compatible with a transparent, comprehensive and reliable voters' list. Given the financial constraints, it is very likely that there will be far fewer voting stations in 2011 than in 2006 which will impact first the rural voters and may allow to exclude some constituencies on political and tribal basis.

Civic education campaign for these elections. A critical need in the still maturing nature of democracy in the DRC is for the public to have a greater understanding of where and how to vote, why to vote and the differences among the parties. Only an externally financed civic education campaign is likely to achieve those objective. The US and UK are funding Congolese NGOs via international NGOs for civic education. Unfortunately, this national campaign that requires several months of preparation has not yet started. It is pretty clear that, in terms of monitoring, donors must focus on political freedoms and human rights as political intimidation has already started.

The electoral organizations are not yet operational. The names of the 7 members of the new Commission Electorale Nationale Indépendante (CENI) were confirmed by the Parliament on 15 January, among which 4 were proposed by presidential majority (Ngoy Mulunda, Flavien Misoni, Elisee Nkoy and Mathieur Mpika) and 3 by the opposition (Jacques Ndjoli, Ndaye Nkondo and Carole Kabanga). The CENI seven members were swom in on Sunday, 27 February. The CENI president, Ngoy Mulunda is Kabila's 'spiritual advisor' and is a very controversial figure in government circles[6]. There are concerns regarding management, the need for greater controls over resources and

[3] It is rumored that the ruling party is considering additional changes of the electoral law in order to prevent some candidates from running (some age, residence, even fiscal requirements may be used to exclude some candidates).
[4] Venice Commission Code of Good Practice in Electoral Matters 3.2.b. "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."
[5] ECOWAS Supplementary Protocol on Democracy and Good Governance Article 2.1. "No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors."
[6] As a reverend, Ngoy Mulunda was already involved in the 2006 elections, campaigning for Joseph Kabila in the popular districts of Kinshasa, and he ran several "locally made" DDR programs in Katanga and the Kivu. The last one was supposed to target the FDLR but was totally botched. Given his record and his close association with the president, his appointment to chair the Electoral Commission appears suspect.

serious threats to the impartiality of the process. There are strong arguments for his being replaced by a more independent figure acceptable across the political spectrum. Similarly, the High Council for the Media that will regulate media coverage of the elections was only created by law on 10 January and is not yet operational.

Given these financial and operational constraints, the local elections will not be organized, even after the national ones.

3. Tense security environment and pressure on the opposition

Unlike 2006, in the prelude to these second elections in Congo's post-war transition, the security services are already on a "targeted intimidation mode" and tension is quickly rising.

The opposition is already under pressure by the security services. When Kamerhe visited Goma on 15 December, the police tried to prevent his supporters' demonstration. Eugene Diomi Ndongala, the president of Démocratie Chrétienne and a political heavyweight in the Bas-Congo province that voted against Joseph Kabila in 2006, was arrested on 12 January and released in February. An opposition demonstration was forbidden in Ituri even though Kabila's party had held a rally.

Several mysterious security incidents have been happening since the end of last year, all in western provinces, the fiefdoms of the opposition. In November 2010, in Kikwit (Bandundu province), the military camp 'Colonel Ebeya' was attacked by unidentified individuals, resulting in the death of 3 soldiers. This attack was later alleged to have been carried out by General Faustin Munene, a former Mai Mai commander who was arrested in Brazzaville on 18 January. In early January, in Bas Congo, 72 unidentified rebels were also arrested for allegedly planning to sabotage the Inga dam. More recently, in Kinshasa, the students of the main university rioted after the mysterious death of one of them. The police response to the riots was violent and caused 2 deaths. This incident of urban violence highlights the volatility of Kinshasa and starkly exposes the lack of crowd control management by the police despite five years of EU involvement in police reform.

The last security incident occurred on 27 February. According to an official communiqué from the Government of the Democratic Republic of Congo, a group of approximately one hundred unidentified gunmen attempted to enter the presidential residence in Kinshasa at 1:30pm. According to several reports, the group of attackers, armed with machetes and Kalashnikovs, arrived by the river before heading towards the presidential residence by foot. An official communiqué released on Monday, 28 February 2011, reports 7 dead among the attackers and more than 30 prisoners. According to AFP, the attack led to 10 deaths among the attackers and 5 deaths among the security forces. Other sources mention 3 to 7 deaths at the presidential residence and up to 15 deaths in the Kokolo military camp. The assailants' motives are still unknown and several diverging reports about their nature are being circulated.

In the context of the preparations for the elections, the announcement by Lambert Mende, the government spokesman, of the presence of military documents designating one of the prisoners as a member of the Mouvement de Libération du Congo (MLC), tends to discredit the thesis of the involvement of that movement. A few days earlier, unfounded accusations suggesting that former members of the MLC had been hired as mercenaries in Libya alongside Gaddafi's troops were circulated. The Congolese government appears to be trying to implicate the MLC in various security incidents in order to discredit the movement and justify further repression against former 2006 opposition strongman Jean-Pierre Bemba.

According to some sources, the assailants were part of a group of former Mai Mai combatants integrated in the FARDC who, following the return of their "leader", headed towards the presidential residence to complain about the non-payment of their salaries. Other sources posit that the attackers were members of the presidential guard that came to meet with Kabila with similar grievances.

The fact that the salaries of the FARDC had not been paid for 3 months and that this incident took place on a Sunday, the penultimate day of February, tends to support the thesis implicating a group of disgruntled soldiers of the presidential guard or former Mai Mai who would have come to claim their salaries.

This incident reveals once again the volatile security situation in Kinshasa, and in the DRC in general, and highlights once more the fragility of the national army.

It also tends to underscore the rising unhappiness of sectors of the military over non-payment of salaries, and the failure of integration of various armed groups (Mai Mai, FRF, PARECO and CNDP) in the FARDC. With respect to the CNDP, it once again shows that the failure to dismantle CNDP units as they were integrated into the FARDC harmed international efforts, including those of the EUSEC, to restructure the national army through conducting a census of the FARDC soldiers and formalizing their channels of payment.

* * *

Learning lessons

With the standoff in Cote d'Ivoire still looming over elections in Africa, neither the continent nor the international community – especially the EU and UN – can afford another electoral crisis.

Therefore, those donors who are likely to pay for the Congolese elections should agree on an "emergency electoral support package" that could be implemented through the existing PACE structure (UNDP)[7] and the MONUSCO electoral directorate. Funding for the elections would be conditional on the Congolese government agreeing to these conditions and accepting these components. Donors are concerned with the way elections preparation is going and a unified voice is needed by the international community. The US is funding civic education and observation via IFES, Carter Center and NDI. Thus the US is funding the participation of local NGOs in the electoral process.

Given the short timeframe, assistance should target strategic elements of the electoral process:

- assistance for the voters' registration process to ensure reasonable opportunities for all eligible voters to be registered;
- training and planning for the implementation of an adequate security plan in conjunction with MONUSCO that protects voting sites and assures that all parties are able to campaign and hold rallies without fear;
- agreement on a code of conduct between political parties;
- support and training for national monitoring and fair media coverage;
- deployment of a large-scale and long-term international and national observation mission with full access to voting sites and tabulation centers;
- presence of representatives of all political parties and international experts in the data collection center;
- support and legal training for electoral disputes resolution after the vote, with international monitoring of that process permitted as well.

In order to ensure a credible electoral process, the MONUSCO mandate should be amended: this mandate should not be limited to logistical support to the process but the renewed mandate should also include a strong political component (political monitoring of the electoral preparations, of the campaign, and results, etc.).

Three conditions should be attached to any electoral assistance:

1. The "package" of electoral reform conditions listed above is non-negotiable; it is a "take it or leave it" deal;
2. There should be no further unexpected and significant changes to the electoral rules, except for aligning the electoral law with the recent constitutional modification;
3. A re-assessment of the electoral budget should be carried out by independent experts.

[7] PACE : projet d'appui au cycle électoral. This is a support program put in place for the 2006 elections and is still operational in Kinshasa.

Simultaneously, on the security front, the foreign supporters of the peace process in the DRC should prepare for a worst case scenario: a surge of local insurrections and/or urban violence (Kinshasa, Lubumbashi, Goma, etc.). In addition to its logistical support for the preparation of the election, MONUSCO should undertake operational planning in order to be able to redeploy quickly in western Congo if needed.

Given the very predictable risks of violence and fraudulent elections, the international community cannot afford the present "wait-and-see attitude" concerning the electoral process in the DRC. Most important, presidential and legislative elections must happen simultanously as initially scheduled.

LRA

Major challenges also remain with respect to dismantling the LRA, which continues to be a threat to security in the northeast (Haut and Bas Uele, districts of the Province Orientale). In our April 2010 report, Crisis Group made key recommendations, citing institutional weakness, lack of contact with LRA leadership, and the importance of civilian protection, cross-border regional cooperation, and national ownership. These would be implemented through increased institutional capacity, enhanced coordinated DDR alongside greater military pressure which would include greater shared intelligence resources by UN/EU/US, and greater humanitarian support to LRA victims. The LRA legislation that President Obama signed into law in May 2010 was an enormous step forward but its impact on the ground remains nearly invisible.

The LRA strategy, as required by law, was presented on November 24, 2010, and listed four objectives that support regional and multilateral peacebuilding efforts: increase protection of civilians; apprehend or remove from the battlefield Joseph Kony and senior commanders; promote the defection, disarmament, demobilization, and reintegration of remaining LRA fighters; and increase humanitarian access and provide continued relief to affected communities.

Given the situation on the ground, the scenario developed in the ICG report on the LRA (successful military action targeting Joseph Kony) will lead to some predictable consequences: after eliminating or neutralizing the main target, the many LRA groups that spread out in Central African Republic, Sudan and Congo will not be regarded as a security priority and they are likely to disappear from the newspapers' headlines. They will carry on terrorizing the villagers without receiving much media attention. It is essential to neutralize the LRA and not only Joseph Kony. Therefore the recommendations related to the defection, disarmament, demobilization and reintegration of LRA combatants should be implemented as fast as possible.

Conflict Minerals and Resources

The conflict minerals provision, passed in July 2010 in the Dodd-Frank Wall Street Reform and Consumer Protection Act, H.R.4173, has yet to be implemented pending adoption and enforcement of SEC proposed regulations and annual reporting requirements for companies. Independent auditing will be critical to insuring corporate compliance with those regulations.

The last UN experts report documented in detail the involvement of the Congolese army in the mineral trade, which at the very least undermines any credibility of FARDC as a provider of security in the mining areas. Gold, coltan, and cassterite continue to be mined, purchased and exported in the Eastern Congo contrary to law and with violent competition for control of the minerals. On 4 February, the Goma airport authorities grounded a plane after they found $6.8 millions in suitcases, probably meant to be exchanged against gold with an officer of the Congolese army who also has been indicted by the ICC. In parallel, 800 kg of cassiterite were intercepted in Goma on 15 February, proving that the ban on mining activities is not respected.

Oil exploration across the Congo, on the western coast and on the Ugandan border have added a new source of conflict and environmental threat. The DRC is disputing some off-shore oilfields with Angola and the exploration on the Eastern border of the country is starting in war-torn areas. Evidence of the violence surrounding oil findings was shown less than a month ago on 14 February when rebels - probably FPLC/FDLR-Soki, which includes a contingent from the CNDP and a breakaway from the FDLR - attacked a Soco company convoy in block 5 in Albertine Graben, taking hostage one South African who was released the day afterwards. Exploration in this part of the country may also impact the environment. Congolese law prevents exploration in national parks, but the environment minister is considering a request from 41 local MPs to redraw the boundaries of the Virunga park to enable the rapid start of oil exploration.

International endeavors to curb illegal trade of minerals include the International Conference of the Great Lakes Region (ICGLR) held in Lusaka on 15 December which resulted in an agreement establishing a certification process for minerals, the political validation of the OECD due diligence guidelines and an agenda for the reform of the mineral trade in the Great Lakes. An EU resolution and a U.S. law also seek to impose additional restrictions on this illegal commerce. However, the current situation on the ground requires far greater urgency in implementing those norms and enforcing their provisions. The ban on minerals trade in Eastern Congo is supposed to be lifted on 10 March. There has been little real improvement--militias have not been pushed out of the mining areas, smuggling did not stop, certification mechanisms are not in place.

Other steps also could be:

-Mapping gold trading routes.

-Supporting the ICGLR agenda agreed at the Lusaka conference in December 2010, with the specific focus on certification and traceability mechanisms, and providing technical support for implementing and for monitoring those agreements.

-Supporting the formalization of the artisanal mining sector in Eastern Congo.

-Prioritizing good governance in the extraction industries in the DRC and the Great Lakes region (ITIE, code of conduct, corporate responsibility, due diligence, fight against corruption, transparency of trade statistics, etc.).

-Engaging the EU and China to replicate and implement the US conflict minerals legislation.

At this time, the Congo faces a critical watershed in its political and economic history. If the coming election is seen as a corrupt and fraudulent process that denies minorities and opposition parties a fair chance for political expression and a share of political power, the country's democratic future is imperiled. If the Congolese government fails to give priority to security sector reform and the rule of law, its stability will be at risk. Finally, if it fails to enforce controls on natural resource exploitation, its economic future will be jeopardized.

In all of these areas, the United States as a prominent actor must be more engaged, committed and energetic in forging a common international stance in support of those reforms if they are to have any chance for success.