

Testimony by Federico Borello
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Senate Committee of Foreign Relations
On Examining Ongoing Conflict in Eastern Congo
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Chairman Coons, Ranking Member Flake, and other Members of the Subcommittee: I would like to thank you very much for inviting me to testify on the critical situation in eastern Congo and for your continuing attention to the plight of ordinary men, women and children in this troubled part of the world.

My name is Federico Borello, and I am Director of Investments at Humanity United, a private philanthropic institution that strives to build peace and advance human freedom. I have been working on and in the Great Lakes region of Africa since 2002, in the fields of human rights promotion, transitional justice and conflict prevention.

After years of international apathy towards the region, a new crisis, this time provoked by a rebel movement known as M23, seems to have shaken concerned international policymakers into action. Now is the time to turn promising but vague commitments and principles into action. Though this crisis manifests itself acutely in eastern Congo, where civilians have lived in an almost perpetual state of violence since 1993, the solution to the problem lies in a sustained and comprehensive approach that looks at the regional, national, and local dimensions of this conflict.

Three recent developments have helped to shape the current opportunity for progress. First, the recent Peace, Security and Cooperation Framework (hereby “the framework” or “11+4 framework”) signed in Addis Ababa on February 24, 2013, though it has its weaknesses, correctly identifies the need for such a comprehensive approach. Second, the appointment as UN Special Envoy to the region of former Irish President Mary Robinson, a proven leader with the appropriate political stature, experience, integrity and commitment to human rights and accountability, could prove a vital contribution to the cause of bringing peace to the region. Finally, the redefinition of the mandate of the UN peacekeeping mission (MONUSCO) and its newly enhanced strength can help the battered peacekeeping mission to become more effective in protecting civilians and bringing stability to the region. Combined, these measures offer an unprecedented opportunity to comprehensively tackle the root causes of conflict and violence.

However, very little has changed on the ground yet, and there is a serious possibility that the United States and the international community will repeat past mistakes. There is a real risk that the international community will not fully attend to all critical aspects of the crisis, squandering this opportunity by continuing to engage in a superficial and reactive way, taking cosmetic, short-term, and half-hearted initiatives but refraining from focusing on the deep and uncomfortable political issues that have defeated all efforts to bring peace to the region until now. This has been the *modus operandi* of the international community over the last two decades in the Democratic Republic of Congo (DRC), one of reacting to the symptoms, rather than the causes, of the problem, and always focusing on short-term measures in reaction to successive crises, rather than seeking to implement durable solutions.

This scenario would be a new variant of past attempts and would result in the

resumption of aid to Rwanda, the restoration of legitimacy to a much-weakened President Kabila, and the rehabilitation of the public image of MONUSCO. The Congolese people, however, would see no end to their misery. Further, the US taxpayer would have to shoulder the burden of paying for MONUSCO for years to come, given that the perpetuation of conflict in this context is almost inevitable. Today, we are not one day closer to MONUSCO's safe withdrawal than we were in 2006 when Congo held relatively successful national elections.

The U.S. Government and others in the international community must not allow this unfortunate scenario to happen. The Administration and Congress must reevaluate the current approach by the United States and move away from ineffective and short-term policies towards a long-term strategy. Deep and sustained political and economic engagement is sorely needed by the U.S. Government, the UN, the African Union (AU) and the donor community, to gradually but radically change regional, national, and local dynamics and incentives for governments and communities in the region.

In my testimony, I will lay out the steps that must be taken at the regional, national and local level to create a sustainable resolution to the challenges in the DRC, and I will conclude with a series of recommendations for the U.S. Government.

Unfortunately, we do not have the choice to prioritize among these recommendations, or the other elements I will address in my testimony. Only by addressing them simultaneously and comprehensively can we support the Congolese people to break the 20-year-old cycle of violence.

I. ACTIONS TO BE TAKEN AT THE REGIONAL LEVEL

A. Implementation of non-interference pledge

The 11+4 framework is very clear: all countries in the region have committed “*not to interfere in the internal affairs of neighboring countries*” and to “*neither tolerate nor provide assistance or support of any kind to armed groups.*”

Rwanda is the unnamed main target of this provision, having been the primary supporter of some of the largest insurrections in eastern Congo over the past two decades. After 15 years of regrettable tolerance, reports documenting the extent of the Rwandan government's support to the M23, including in its creation and the occupation of Goma, coupled with reports documenting the extent of M23's atrocities against civilians, led to an unprecedented wave of international condemnation, and the suspension of aid by several donors. These decisions by members of the international community were initially met with defiance by the government in Kigali. In recent months, however, we have seen signs that international pressure in general—and these sanctions in particular—are starting to produce the intended effect, and may eventually produce lasting change in the Rwandan government's attitudes and actions in the region, provided that pressure

and intense scrutiny are maintained over the next few months and years by the international community. On the one hand, there has been no major Rwanda-supported military offensive by the M23 since the occupation of Goma, but on the other hand there have been credible reports over the past two weeks about the movement of armed troops and supplies from Rwanda to Congo in support of the M23. In this context, the surrender of Bosco Ntaganda to the International Criminal Court through the good offices of the United States was a notable success of this pressure, but it would be premature to declare victory and assume that Rwanda's determination to support abusive armed groups in Congo has been broken.

Donors, including the U.S. Government, are mulling over the appropriate benchmarks that need to be agreed upon to resume aid to Rwanda. Some donors have prematurely already partly restored aid. I would strongly urge that the United States and the Members of this Committee make the dissolution of the M23 the main precondition for restarting aid. As has been documented by the UN Group of Experts and various non-governmental organizations, the M23 has been created, trained, supplied, and directed by Rwandan officials, and its leaders regularly travel to Kigali when summoned. It is now the Rwandan government's responsibility, and fully within its power, to push their proxy group to depose of their arms. This is not in any way a call for the Rwandan army to go back into Congo, as it did in 2009, and arrest M23 leaders, but rather a call for Kigali to use its considerable political leverage to convince the M23 to lay down their arms. The M23 should go through a rigorous Disarmament, Demobilization and Reintegration (DDR) program, just like any other armed group, in accordance with the principles outlined in section III below.

Several times in the past, Rwanda formally committed to not create or support armed groups in eastern DRC, but it has repeatedly broken these promises. Using this diplomatic window of opportunity, we must now ensure that this is the last time. The UN Group of Experts will continue to be a vital source of information on documenting outside support to armed groups, and its mandate will need to be renewed for at least another few years.

In order to address Rwanda's legitimate security concerns, a renewed effort for dealing with the Armed Forces for the Liberation of Rwanda (FDLR, from its French acronym) rebellion, which continues to be based in the eastern Congo and terrorizes civilians, should be launched. The new MONUSCO Intervention Brigade (IB) could be tasked with conducting targeted operations against the FDLR leadership, in strict compliance with international humanitarian law and with MONUSCO's protection of civilians mandate. However, a purely military solution would be insufficient, and the governments of the DRC and Rwanda should launch a new, comprehensive process to address this challenge. This should include:

- the publication of the list of suspected *genocidaires* by the Rwandan government (as agreed in a 2007 agreement between the governments of Rwanda and DRC);

- the possibility of third-country resettlement for leaders not charged with genocide, war crimes, or crimes against humanity;
- supporting the return, demobilization, and safe reintegration of the FDLR to Rwanda if they have not committed crimes;
- better information sharing between the United Nations, the Congolese government, and Rwanda regarding the remaining FDLR troops;
- public denunciation and, if appropriate, prosecution of FARDC officers collaborating with the FDLR; and
- ramping up UN sensitization efforts of FDLR combatants to induce them to demobilize and reintegrate civilian life.

Finally, the international community needs to be mindful of other regional players, such as Uganda. Uganda's historical involvement in the eastern Congo is well-known. Though Rwandan influence has been the largest factor in the development of the M23, we need to ensure that other countries do not fill what they may perceive to be a vacuum and benefit from a decreased footprint by Rwandan actors.

B. Regional economic progress

In parallel, significant efforts are needed to promote greater regional economic progress. The international community should back projects that demonstrate the benefits of regional peace and stability and help create mutually beneficial economic interdependence, possibly through the creation of a World Bank Fund. Such a Fund could help countries in the region adopt a common legal framework to facilitate cross-border trade and provide funding for projects that would benefit the entire region, such as in the electricity and mining sectors.

Developing new approaches to further economic progress in DRC and Rwanda needs to be done in consultation with local communities along the two sides of the border and not imposed through a top-down approach by regional governments and foreign donors. The 11+4 process needs to develop new solutions to the needs of these communities and generate a win-win mentality over the riches that should bring prosperity in both countries. As Ms. Robinson carries out her work, she needs to be particularly cognizant of the concerns of local communities in Congo in this regard. Given that the conflict has led to individuals outside these communities benefiting from the wealth of eastern Congo, proposals to foster improved economic cooperation will be greeted with concerns that they are in fact an effort to normalize an unfair status quo. Communities in eastern Congo need to be convinced that any economic arrangement is in their long-term economic interest and will help both their own peace and prosperity.

II. ACTIONS TO BE TAKEN AT THE NATIONAL LEVEL

The increasing focus on Rwanda's role in destabilizing its neighbor should not lead us to be oblivious to the Congolese government's near total failure in creating

functioning institutions and establishing at least the foundations of the rule of law. Eliminating Rwanda's destabilizing influence in the east is merely a necessary precondition to resolving the internal root causes of the conflict, which lie in long-standing governance failures.

The November 2012 rape of at least 126 women in Minova, South Kivu province by retreating Congolese army units, and the most recent involvement of other units in ethnic clashes in Kitchanga, North Kivu, which left at least 55 civilians dead, prove once again that the Congolese army (known by their French acronym, FARDC) are as abusive as any armed group roaming eastern DRC and terrorizing the civilian population.

The following reforms need to be urgently launched:

Security sector reform: The reform of the security sector, starting with the army and the police, is the most urgent priority. Bilateral train-and-equip approaches, including the U.S. Government's, should be re-evaluated and where appropriate suspended, in order to forge a multilateral, comprehensive reform strategy. The Congolese government, supported by the UN Envoy, MONUSCO, and its main donors, should develop a comprehensive proposal to create an effective and accountable security sector, in consultation with wide sectors of civil society. Any effort must include, and possibly start with, a vetting process to exclude alleged human rights abusers from all security services. The development of a concrete, realistic and participatory army and police reform plan should be the first benchmark against which Kinshasa's commitment to the 11+4 framework should be evaluated.

Judicial reform and accountability: Bosco Ntaganda's recent surrender to the International Criminal Court was an important development for justice and accountability for the DRC. However, it is just the tip of the iceberg. The creation of an *internationalized* judicial mechanism to end impunity for serious human rights violations should also be a top priority for Kinshasa. It is clear that, despite the competence and the valiant efforts of some of its members, the Congolese judiciary still does not have sufficient capabilities, resources, and independence to resolutely break the cycle of impunity, which is closely correlated to the cycle of violence. National legislation on mixed Congolese-international chambers within the DRC's judicial system should be supported and funded so such a mechanism can be established at the earliest possible time. This should be a second benchmark.

Democratization, decentralization, and local elections: The complete stalemate in the democratization agenda, and the failure to hold local elections are also a cause of serious concern. I would like to refer to an excellent paper recently published by Anthony Gambino and Stephen Weissman, which includes concrete and practical recommendations, and respectfully ask that this paper be included in the record of this hearing.

Land reform and natural resource management: Some of the other urgent priorities are comprehensive land reform and the creation of a more accountable and transparent natural resource management system. Donors should support the nascent land reform process led by the Congolese Ministry of Land Affairs, which was launched in July 2012 with USAID support. In the context of this process, the government has developed a roadmap and is setting up a Steering Committee that would oversee the reform process, whose ultimate goal is to give land tenure security to individuals and businesses. It is also imperative that donors coordinate their efforts among themselves, and ensure that this process is ultimately structured to deliver security of tenure over land to the largely agrarian poor communities in eastern DRC, thus eliminating a major grievance of many such communities, which often leads them to lend support abusive armed groups.

President Kabila, by signing the framework agreement, has formally committed to undertake most of these reforms. However, there are few reasons to assume that the Congolese government, after stalling on these reforms for a decade, will suddenly take a keen interest in their implementation. Its main diplomatic offensive during the negotiations of the framework agreement has been aimed at excluding donors and civil society from the proposed “national oversight mechanism”, set up under the framework to monitor the Congolese government’s compliance with its obligations to conduct a set of crucial institutional reforms. The revised mechanism includes only the Congolese government, which is now solely responsible for overseeing itself. In my view, this weakened method to monitor the Congolese government’s performance of the benchmarks in the framework agreement is a notable flaw in an otherwise important step towards regional peace. It is imperative, regardless of the terms of the agreement, that donors and civil society be brought back into this mechanism, or that an alternative and truly independent and effective monitoring mechanism is set up to review the DRC government’s compliance with its obligations under the framework and agree on consequences to be imposed for failure to meet those obligations.

The role of Ms. Robinson in overseeing the implementation of the entire framework, and not only of the commitments of regional governments, is therefore crucial to ensure the success of the 11+4 framework. With no progress at the national level, any progress made on other levels will be undermined, if not lost altogether.

III. ACTIONS TO BE TAKEN AT THE LOCAL LEVEL

Cutting Rwanda’s support for illegal armed groups and launching crucial reforms at the national level are necessary but insufficient measures to bring peace to eastern Congo. The lawlessness and proliferation of armed groups require energetic measures to restore security to Congo’s eastern provinces.

Three simultaneous local-level processes are needed to bring some stability to eastern DRC: (1) military operations by the MONUSCO Intervention Brigade; (2) a

revamped Disarmament, Demobilization and Reintegration (DDR) process; and (3) a serious inter-community dialogue process.

The creation of the new MONUSCO Intervention Brigade, authorized in the recent UN Security Council resolution 2098 on MONUSCO, can prove to be a positive development, and there are already signs that armed groups are concerned about its imminent deployment. The Brigade's military operations, to be conducted in strict compliance with international humanitarian law and with MONUSCO's protection of civilians mandate, should target the leadership of all armed groups (M23, FDLR, Congolese Mai-Mai groups, other foreign groups). In execution of the new MONUSCO mandate, the IB should also conduct targeted operations to arrest those against whom authorities in Congo or elsewhere have issued arrest warrants.

However, it is necessary to learn lessons from past failed attempts to use foreign forces to bring peace and stability to this troubled region.

First, absent any serious reform and sufficient accountability for past human rights violations, MONUSCO should carefully re-evaluate its support to the FARDC and joint operations with them, particularly because this army continue to behave just like many other armed groups in the region. The Brigade may want to consider conducting operations on its own, at least until concrete safeguards are created to prevent the FARDC from perpetrating abuses during or after joint military operations.

Second, any purely military approach is destined to fail. Such targeted military operations would weaken and demoralize armed groups members, and encourage them to lay down their weapons. However, it is imperative that a new DDR program is conceived and implemented, ideally prior to the beginning of the IB's military operations. Such a program would organize the combatants' vetting, training, integration, and deployment, and offer alternative opportunities to rejoin civilian life, such as road construction projects or other work opportunities. These projects should be funded by the international community in part for several years, and include a mix of former combatants and civilians, so that the perception is not created that economic opportunities are reserved for former combatants, but are rather available to communities as a whole.

A new DDR program and strategy should also ensure that those responsible for serious abuses are not integrated into the army but instead arrested and brought to justice. Finally, those who do wish to join the army and fit the criteria should be trained and then deployed into army units *throughout* the country; they should not remain in units operating in their former area of operation as an armed group.

Finally, a serious process of inter-community dialogue is necessary to address the legitimate community grievances that have previously moved many communities to lend support to abusive armed groups. Such a process, if accompanied by the crucial reforms mentioned in section II above (particularly land reform and

decentralization) would focus on cutting the links between communities and armed groups and work to prevent future instances in which communities resort to violence to accomplish their interests. Local, mostly NGO-led initiatives have tried to stimulate inter-community dialogue. The government, with the support of the international community and MONUSCO in particular, should institutionalize and expand such dialogue initiatives, within the framework of the revised International Security and Stabilization Support Strategy (ISSSS), a joint UN/donors effort that serves as the main vehicle for international support to the DRC 's own Stabilization and Reconstruction Plan for War-Affected Areas (STAREC), launched in June 2009. The ISSSS, revised in 2012, is a program aimed at supporting the establishment of sustainable security forces and the consolidation of state authority in eastern Congo. All donors wanting to contribute to the stabilization effort in eastern DRC are expected to do it within the ISSSS framework.

IV. RECOMMENDATIONS FOR THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

Ultimately, it is up to the Congolese government, civil society and people to find a solution to the lack of governance and violence that continues to plague their country, once external interference ceases. Only a national process of dialogue over reform and reconciliation, in which all actors assume their responsibilities and decide to work towards peace, can change the current dynamics and move the country closer towards peace.

Nonetheless, the international community and the United States in particular can play an important role in facilitating this process.

1. The U.S. should appoint a high-level Presidential Special Envoy to the Great Lakes Region, with the political stature, experience and skills necessary to engage at the highest levels with regional Presidents and the UN Envoy. Given the relatively neutral profile of the United States in the region's history and strong relations with the key parties, the appointment of a high-level U.S. Envoy would signal a renewed and stronger political engagement with the crisis to regional governments. Such a position would enable the United States to develop a long-term strategy and policies tailored to the regional dynamics that require complex solutions. The Special Envoy must closely coordinate with U.S. embassies in the region to ensure that the position would enhance, rather than hinder, coordination across the U.S. government. This position must have broad authorities, sufficient staff in Washington as well as in the region, and resources to execute their duties both bilaterally and multilaterally. Ultimately, the right U.S. Special Envoy can be a force multiplier, tipping the scales where Ms. Robinson needs support and helping to coordinate donors who need to be brought along to influence the DRC and Rwandan governments. It should be noted that there is strong bipartisan support in both the Senate and the House of Representatives for the appointment of a Presidential Special Envoy.

2. The United States and its allies in the international community must fully support Ms. Mary Robinson as she tries to hold governments accountable to their pledges. Given that the lack of political will in both Kigali and Kinshasa is the main obstacle to peace, a political process led by an experienced and principled politician is sorely needed. The U.S. Government, therefore, should insist that both the regional and the national processes fall under Ms. Robinson's watch. While it is clear that she will preside over the regional oversight mechanism, the language in the framework is more ambiguous when it comes to the national reform process, which is probably more important and complicated than the regional process.

3. The U.S. should closely coordinate with Ms. Robinson in the development of benchmarks for regional and national commitments. In the case of national commitments, Ms. Robinson should develop these benchmarks in cooperation with MONUSCO, and in both cases in full consultation with governments and civil society in the region as well as with key donor governments, including the United States. The benchmarks must be public and transparent. A wide variety of stakeholders, particularly local civil society groups, should be able to submit observations through clear mechanisms on the countries' progress in meeting the benchmarks. Donors should also be part of the process of developing benchmarks and monitoring progress, possibly through the already existing International Contact Group on the DRC.

4. The United States, under the leadership of its own Special Envoy, should redefine its political and aid strategy towards the region. In this regard, the U.S. government and other donors, acting in a coordinated way, must be prepared to hold all governments, particularly the DRC and Rwanda, accountable to their pledges and the agreed-upon benchmarks, if necessary by suspending or modifying aid programs. Aid to Rwanda should not resume until the M23 threat has come to an end, and all future aid should be tied to Rwanda's commitment not to support armed groups in neighboring countries. Evidence of such support gathered by the UN Group of Experts or other reliable sources should then automatically trigger the suspension of U.S. aid again. The United States should also be ready to sanction Rwandan officials found to be responsible for supporting rebel groups. In the case of Congo, aid should be tied to progress in the benchmarks on national reforms identified above.

5. The United States should never again refrain from airing publicly its concerns over current and future violations of international obligations by all governments in the region. The policy of quiet diplomacy initially employed by the United States vis-à-vis Rwanda in mid-2012 proved to be ineffective. After months of ignoring private threats and warnings by their international partners—and indeed even increasing support to the M23—it was only when public denunciation was stepped up, including through a publicized phone call from President Obama to President Kagame, that Rwanda started to respond to international pressure.

6. The United States should strongly encourage President Kabila to include donor governments and civil society in the national oversight mechanism envisaged in the framework agreement. This is absolutely necessary to lend credibility, competence and legitimacy to the national reform effort.

7. The United States, in close coordination with the UN and other international donors, must commit to supporting sustainable security sector reform, both technically and financially, over the long-term, as described in the section above. The U.S. focus on “train and equip” programs and policies must be rigorously reassessed and, if necessary, halted in order to support a multilateral, comprehensive reform strategy. The current limited efforts at retraining some units to be deployed in strategic parts of the country, in the absence of a coherent vision on the future of the institution as a whole, have not produced any lasting improvement, as we have seen once again in recent months.

8. The United States should also provide strong support to the creation of mechanisms for accountability in the DRC, such as the internationalized mixed chambers described above. The existing leadership of Ambassador Rapp in spurring the Congolese government to action on this point is noted and appreciated, and the 11+4 framework provides a new opportunity to make further progress on this key issue.

9. The United States should use its influence at the World Bank to ensure that the Bank’s decisions and policies are coordinated and aligned with the broader international effort. While the Bank is often reluctant to engage in political processes, this is a unique and concerted multilateral effort to which regional governments agreed, and the World Bank is crucial in this regard. Ms. Robinson needs to know that every major international player will rally behind her efforts, or else the chances for her success will decrease dramatically.

As part of its work with the World Bank, the United States should support the establishment of a fund to assist the development of the region, particularly with joint projects that can encourage a “win-win” mentality.

10. The United States should use its influence to ensure that an appropriate new Special Representative of the UN Secretary General, or SRSG, is chosen by the UN to replace the outgoing Roger Meece. In such a delicate phase, the mission will need to be led by someone with political skills and clout in the region. The context calls for someone with the profile of Ambassador William Swing, the former well regarded SRSG during the Congolese transition of 2003-2006.

CONCLUSION

In diplomatic circles, one often hears that “we have tried everything in the Congo, and nothing works. The conflict is just too complicated.” I strongly reject this defeatist attitude.

We have not tried everything. Since 2006, after a relatively successful electoral process, we have privileged purely military and technocratic solutions to fundamentally political problems. We have supported an increasing militarization of MONUC/MONUSCO and its checkered relationship with the FARDC, and silently watched the creation of new armed groups and the continuing abuses by the Congolese army. We have constructed buildings to house institutions, but forgot to build and develop the institutions themselves. We have rightfully applauded Rwanda's spectacular recovery from the ashes of genocide, but have tragically stayed silent for too many years about its abuses in the Congo. We have provided technical and financial support to the 2011 elections, but witnessed with impotence as massive fraud voided them of any significance. For these reasons, and because Congo has a tragic history of extremely poor leadership, we have failed the Congolese people, but there is nothing inevitable in this.

We should learn not only from failures, but also from past success stories. In 2006, the Congo held relatively successful elections, against all odds and predictions. That happened for two reasons: first, the determination of the Congolese people to go to the vote despite all barriers; and second, the determination of the international community to make those elections a success. Donors remained focused and politically engaged, MONUC led and coordinated the effort and the messaging, and relatively free and fair elections took place.

We now need a comprehensive process that creates incentives for Rwanda to stop supporting armed groups once and for all, for the Congolese government to start the long-overdue process of reforming its ailing national institutions, and for local communities in eastern DRC to stop supporting armed groups to further their grievances.

For this, a sustained political process, led by the UN Special Envoy, and supported by the United States and this Committee is the best hope we have had in more than a decade to help move this region towards the peace and prosperity that its people deserve.