

Open Letter to the New U.S. Special Envoy to the Great Lakes Region, Russ Feingold

June 2013

Dear Special Envoy Feingold:

Congratulations on your appointment to this important position. We are convinced that this is a critical moment of opportunity for U.S. policy towards the Great Lakes Region of Africa and would like to convey to you our recommendations on top priorities and necessary actions.

There are so many terrible symptoms of the crisis afflicting the Democratic Republic of the Congo and its Great Lakes neighbors – and so many international efforts to deal with them – that policy makers can lose sight of the fundamental roots of these problems. In our view, the U.S. and the international community have failed to give sufficient priority to two root causes: (1) the failure of DRC's democratic elections and institutions and (2) the absence of a comprehensive regional peace process. Unless these central issues are addressed, ongoing international programs to strengthen Congolese security forces, improve governance, promote human rights, and foster sustainable economic development will founder.

1. Promoting democratic elections and institutions in the Congo

Americans and Congolese share many democratic values. But that is not the only reason for privileging democratization among the reforms that the DRC has committed to under the Peace, Security, and Cooperation Framework signed in February. Virtually every respected analyst emphasizes the DRC government's "lack of political will" to undertake major reforms. The basic reason for this failure of will is an undemocratic political system based on and preoccupied with patronage and corruption. Despite gains from the 2006 elections, this system remains nearly impervious to Congolese citizens' demands for a political voice, respect for human rights, and effective and accountable public services. The DRC government's determination to frustrate the democratic transition culminated in the fraudulent 2011 elections. The most fundamental task for the U.S. and other donors is to help create political space for democratic forces that can, over time, generate an anti-corruption, reformist "will." Regrettably, in recent years donors have sent the opposite message to the DRC: that the cost of rigging elections and avoiding democratic accountability will be low.

With the adoption of Security Council Resolution 2098, and its support for democratization and credible provincial and local elections, the U.S. in partnership with U.N. envoy Mary Robinson should take the lead in promoting democratic progress. The U.S. should press for the holding of long-delayed provincial elections in 2014 – followed by local elections as soon thereafter as technically feasible (the latter were mandated under the 2006 Constitution but have never occurred). To ensure these elections' credibility, the U.S. should insist that the Independent National Electoral Commission (CENI) functions truly independently, with its decisions made technocratically and not influenced by the Government or other parties. To make provincial and local elections particularly meaningful, the U.S. should press for implementation of the 2006 Constitutional mandate for decentralization, under which 40% of revenues would go to

provincial governments and other local authorities. In this vast country with myriad local problems – like the explosive land issues of the Kivus and other areas of the country – legitimate, democratic provincial and local political representation is essential for achieving durable political solutions and moving away from recourse to arms.

President Kabila promised to hold a “national dialogue,” but in order for it to succeed, it must be truly representative and free-ranging. Most important, the success of a dialogue must be judged by its actual results on the ground for democracy, and it must not be used by the Congolese Government to further delay already mandated and essential elections. For such a dialogue to have any prospect for success, it must be impartially facilitated and broadly inclusive, with strong representation by women.

Elections are necessary, but they are not sufficient for enduring democratic progress. The U.S. should also support the development of other democratic institutions. Given the importance of political parties and their weak internal structures in the Congo, the U.S. should expand its technical assistance to help build more democratic and effective political parties. Similar aid should be provided to legislators in the parliament. A number of U.S.-based organizations – such as the National Democratic Institute, the International Republican Institute, IFES, The Carter Center, and others – have the capacity and relevant African experience to develop appropriate programs working with Congolese partners.

Democracy is constrained when citizens consider the police and military to be threats rather than protectors. Progress on security sector reform underpins democratic development, although the latter is the precondition for any *thoroughgoing, sustainable* change in the accountability of the army, police and judiciary. The U.S., along with other donors, should press the DRC to begin a reform process by adopting a well-formulated plan and budget for security sector reform. The U.S. should work in a concerted manner with MONUSCO and other donors to provide appropriate assistance to the DRC to develop the Rapid Reaction Force within the Congolese army envisioned by Resolution 2098. The members of the Force must be vetted by MONUSCO to eliminate anyone plausibly accused of human rights violations. These troops must be trained by regular military specialists and embedded mentors, not by contractors. They must receive proper logistic support and command and control, and sufficient salaries, food, and other essential conditions of effective, honest service.

To help end the threat of rebel and outside armed groups, MONUSCO's disarmament, demobilization, reintegration, repatriation, and resettlement programs (both DDR for Congolese rebels and DDR/RR for foreign rebels such as the FDLR and LRA), need additional resources and strong leadership. DDR programs must be accompanied by broader community-based, inclusive projects. DDR/RR programs for foreign fighters should include the option of resettling these former combatants to other Congolese provinces or to a third country.

Support for the justice sector also is crucial. In earlier peace processes, Congo integrated militias into its army, maintaining their command structure, rewarding their commanders with ranks as high as general. This shortsighted approach should not be repeated because it perpetuates the cycle of impunity and undermines the securing of a competent and respected army. For example, the formation of the M23 rebel force came from the defection of many of the same units of the

CNDP that were integrated into the Congolese army in 2009. Beyond continuing to support the work of the International Criminal Court (ICC), the U.S. should fight impunity for military and other human rights abuses by supporting justice reforms to enable local prosecutions of international crimes, including sexual violence crimes such as those perpetrated in Minova in November 2012. The U.S. should also lead efforts to build a credible military justice system for Congo's army, as hundreds of Congolese army officers have gone unpunished for serious abuses. This should include ensuring that military justice personnel operate free of interferences from the executive and military command, the current officer training curriculum covers the Code of Military Justice and its implementation, and the entire army is educated on the importance of military justice. The creation of the constitutional court and high court, as specified in the constitution will also be important.

As discussed in Resolution 2098, the U.S. and other donors must help U.N. envoy Mary Robinson and the new Special Representative of the Secretary-General to adopt firm benchmarks for measuring the Government's progress towards its national commitments and to respond with appropriate follow-up measures. Significant and timely movement has to take place on the ground and be confirmed by the views of independent experts and civil society organizations.

2. Building a regional peace process

Building on the current Kampala-based peace process, which is far too narrow to achieve peace and stability in the east, your appointment and robust support for U.N. envoy Mary Robinson increase the chances for the establishment of a credible and comprehensive peace process between Congo, Rwanda, and Uganda that addresses the core regional drivers of violence and tension that rebound so negatively on the people of the Congo. Within such a peace process, mediated by Mary Robinson, the U.S. can provide carrots and sticks to leverage cooperation among the three neighbors on key issues such as security, natural resources, and refugees.

First, it is important for the U.S., both bilaterally and through its role with the World Bank and broader diplomacy, to make clear to Rwanda and Uganda that there will be serious consequences for any continuation of past support to armed groups in the DRC, including diplomatic condemnation, budget support or military aid reductions, and/or targeted sanctions. Again, the U.S. should help Mrs. Robinson to establish meaningful benchmarks for progress in the peace process, close monitoring of progress and necessary follow-up measures. Additionally, the U.S. should work with regional partners to facilitate the arrest of indicted commanders such as indicted FDLR military commander Sylvestre Mudacumura and LRA leader Joseph Kony. Regional diplomacy will also be important to maintain progress against the LRA.

Second, the U.S. should help create economic incentives for all three countries to seek regional peace and development. An important source of regional tension is the struggle for control of the Congo's natural resources, especially its mineral wealth. Congo's eastern neighbors, particularly Rwanda and Uganda, as well as elites in Congo, have spent years constructing and supporting systems to illegally exploit the Congo's resources. The situation is starting to change for the better as reforms such as the Dodd-Frank legislation on conflict minerals and company initiatives such as Philips' Conflict-Free Tin Initiative make it more difficult and costly for armed groups and criminal networks to profit from the illicit trade, with untraceable conflict minerals tin,

tantalum, and tungsten now selling at one-third the price of traced, tagged minerals. As a result, economic incentives are shifting away from smuggling and the extreme violence that surrounds the resulting mafia economy, though smuggling continues today from eastern Congo into Uganda, Rwanda, and Burundi. More work must be done on gold to sanction smugglers, help build a more formalized trade, and improve governance in the sector. Additional steps should also be taken to aid livelihoods in mining communities. The U.S. should capitalize on the changing incentives to help turn the region towards mutually beneficial expansion of formal trade and investment. It should encourage finalization of a regional agreement for spot checks on mines and trading routes to combat smuggling, the Independent Mineral Chain Auditor. This monitoring will help multinational companies verify that minerals are conflict-free, which will help reopen international markets for regional mineral exports and provide new opportunities for international investment in mineral production.

If there is progress on the benchmarks for the peace process, the U.S. and other donors should also provide, in cooperation with the World Bank and existing regional organizations, assistance in planning for needed regional infrastructure, such as roads and electricity projects.

Third, mutually beneficial regional economic development is severely hampered by the serious governance issues in the eastern DRC. As the peace process advances, the U.S. should strongly support the revised U.N. Stabilization Program which emphasizes consultation with civil society and strict performance standards for the DRC.

Fourth, the U.S. should seek ways to demonstrate to the regional actors the potential benefits of regional economic integration through a responsible investment initiative. The U.S. should work with the private sector – in particular socially responsible high-tech, metals, and mining companies – as well as the World Bank, the European Union, local and international civil society, and other donors to enable regional actors to begin to jointly examine potential investment opportunities in natural resources, infrastructure, and financial services; to identify policy incentives to investment; and to find solutions to obstacles to responsible investment, including governance issues in Congo. The U.S. should emphasize to Congo's neighbors that the large-scale benefits of regional economic integration depend vitally on an eastern Congo that is secure, stable, peaceful, and effectively governed.

Effective coordination and appropriate aid leveraging are also important for progress in the Great Lakes. You are in a particularly good position to lead coordination initiatives with both public and private actors on all the crucial issues discussed in this letter.

We wish you great success in this crucial position and look forward to working with you for peace, democracy, economic development, and stability in Central Africa.

Sincerely,

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