



**A BRIEF ON HOW CANADA BETTER CAN ADDRESS THE ISSUES OF:**

**CONFLICT, PEACE, GENDER BASED VIOLENCE, SECURITY, JUSTICE,  
RESPECT FOR HUMAN RIGHTS AND ECONOMIC DEVELOPMENT IN  
SOMALIA, SOUTH SOUDAN AND DEMOCRATIC REPUBLIC OF CONGO  
(DRC). PARTICULAR ATTENTION ON DRC.**

**SUBMITTED TO:**

**THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL  
DEVELOPMENT OF THE**

**HOUSE OF COMMONS, GOVERNMENT OF CANADA.**

**“YOU MAY CHOOSE TO LOOK THE OTHER WAY BUT YOU CAN NEVER SAY AGAIN  
THAT YOU DID NOT KNOW” WILLIAM WILBERFORCE**

**OTTAWA: NOVEMBER 28, 2018**

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Mr. Chair, thank you for this opportunity to appear before this honorable Standing Committee on Foreign Affairs and International Development of the House of Commons to contribute to its study of the situations in Somalia, South Sudan and the Democratic Republic of Congo (DRC), I accept this opportunity with respect and humility and I hope my presentation will have contributed to peacebuilding and development in the DRC and in Africa as a whole.

Mr. Chair, we may all agree that Somalia, South Sudan and the DRC are all fragile states characterised by weak governments, institutionalised corruption, mass killings of civilians and abuse against women and girls. However, with your permission, I will focus more today on the situation in DRC. Please allow me to express gratitude to Canada, for the chance to be part of this compassionate nation, I am proud to be Canadian and I also know that there are many new Canadians who share my feelings too. It is for this reason that I stand here today to build a bridge between the DRC a country where I was born and Canada a country, I now call home.

Mr. Chair, since time will not allow me tell my entire story and address the subject of the day, let me briefly introduce myself. I am Frederick Wangabo Mwenengabo a Human Rights Advocate and a Canadian Citizen of Congolese descent. I also come from one of the most marginalized and oldest indigenous community in DRC. I arrived here as a government sponsored political refugee in 2009 after escaping imprisonment, torture, persecution and likely death from Kabila's security forces. Prior to escaping from Congo with the support of Amnesty International and the Catholic Church, I was jailed by Joseph Kabila in 2002, 2003 and in 2005 on fabricated charges of Treason and organizing mass protests. This was Kabila's response to my Human Rights advocacy work and civic education in the DRC.

Since my arrival in Canada, I have been involved in different organisations and institutions at different levels, for example; I was a member of the Executive of the Canadian Council of Refugees and served as the Chair of the Overseas Protection and Settlement from 2010 to 2012, I taught in the Department of Anthropology and International Development at the University of New Brunswick from 2010 to 2012 and I also served as the Vice President New Brunswick African Association from 2010 to 2013. I am currently Chair of the Atlantic Council for International Cooperation (CACI) since 2016.

I am Executive Director of East and Central African Association for Indigenous Rights (ECAAIR), a non-governmental organization that promotes human rights, health and peace through education and activities to alleviate poverty. ECAAIR operates here in Canada and in Africa particularly The DRC and Uganda. I have also fulfilled other responsibilities of Canadian citizenry, such as monitoring of local government, provincial and federal elections in the last two election cycles since 2014. I also serve on the Police Diversity Committee alongside other government institutions and stake holders advising on policing matters in the community.

My organization ECAAIR is running a youth project in New Brunswick, 'I am me,' working with immigrants, indigenous communities and other vulnerable youths, teaching mental health awareness, resiliency and leadership skills since 2010. Our work with vulnerable youth has received commendations from our regional health authority 'Horizon Health Authority' with an award of excellence for 'Most Innovative programme to address youth mental health challenges in the province'.

With support of Canadian Heritage ECAAIR is currently engaging with schools in the Atlantic Provinces promoting human rights, multiculturalism and civic responsibilities in schools. Our project is called 'Rainbow Nation project and is youth led. I am also an Ambassador to the United Nations (UN) representing civil society organizations and my organization ECAAIR has Special Consultative Status with UN Economic and Social Council (ECOSOC). In my capacity as ambassador to UN and as an advocate of issues concerning the DRC, I have been privileged to address the UN several times on issues pertaining to the DRC and the world at large.

Mr. Chair, I bring to your notice today an unfolding compelling tragedy, the magnitude of which has never been seen or lived anywhere else in the world taking place in the DRC today. It is of such scale it behoves us to reflect on everything we have hitherto done towards addressing the DRC's troubles and to urgently seek a fresh new approach to securing lasting peace, security and development in the DRC. It is with this in mind that I stand here today with utmost humility, to speak on behalf of the Congolese people,

with recommendations on how to help address these deep-rooted problems that have challenged DRC for many years now.

Mr. Chair, the opinions, I share with you today are not only the results of my experience of two and half decades, working to advance human rights, rule of law and democracy in DRC but also that of the several organizations I have consulted with including but not limited to church groups, civil society groups, youth organizations, human rights groups, women organizations as well as other well-meaning Congolese citizens who have all freely contributed opinions and recommendations which I have incorporated to produce recommendations that are most representative of the diverse hopes and aspirations of the Congolese people.

The DRC's troubles are long-standing and undeniable, but I hope today to focus our attentions not only on the challenges before us but also on the enormous opportunities the DRC presents, on the many complex pieces that make up the DRC and to dispel the singular narrative of the DRC as a hopeless case as is misrepresented in the popular media. I as a proud Canadian citizen would also like to urge the Canadian Government to approach issues of the DRC from the point of view of Canada's interests, Canada's honour, and Canada's obligations home and abroad.

DRC is a land of very beautiful, peaceful people who are one of the warmest, most resilient people you will find anywhere in the world. Its landscape is strikingly picturesque, it's climate most hospitable and benign, with some of the most fertile arable land in Africa sufficient to make it the bread basket of the continent. The river Congo which traverses most of the DRC is the second largest river by discharge volume following only the Amazon River<sup>18</sup> and has the potential to produce enough electricity for the entire African continent and beyond.

The DRC also has enormous mineral resources including over 60% of world's Cobalt, high grade copper, diamond, tantalum, tin, and gold as well. Coltan and Tantalum are used for manufacture of batteries in electric cars, capacitors and semiconductors for electronic devices in mobile cell phones etc. Conservatively, an estimate of untapped mineral reserves in the DRC from a 2009 USA Geological Survey was put in excess of 24 trillion dollars.<sup>18</sup>

The DRC borders the Central African Republic to the north; South Sudan to the northeast; Uganda, Rwanda, Burundi and Tanzania to the east; Zambia to the south; Angola to the southwest; and the Republic of the Congo and the Atlantic Ocean to the west. It is the second-largest country in Africa by area and with a population of over 81 million people of which 70% are children and youth under 30 years old, DRC is the most populous Francophone country in the world and also home to the second largest Christian population in Africa.<sup>20</sup>

Mr. Chair, the DRC has suffered major wars and genocide from the time of King Leopold who alone killed as many as 10 of 20 million Congolese at the turn of the 20th century as he plundered and pillaged the country<sup>22</sup>. In 1960, when then Congo gained independence from Belgium and Patrice Lumumba became its first ever democratically elected Prime Minister, a conspiracy by United States Central Intelligence Agency (CIA) and Belgium led first to a sponsored secessionist movement and ultimately his assassination barely 1 year into his term.<sup>25</sup> Mobutu SeseSeko was installed next but after early stabilization and growth, he progressively became autocratic and very corrupt changing the Congo's name to Zaire. Nepotism and cronyism were rife and the state finances and institutions most notably the military, police, health and education began crumbling. The economy collapsed, there was a breakdown of law, order and security and all central control of power, government and authority was lost setting the DRC up for invasion and overthrow of the Mobutu regime by Rwandan and Ugandan forces with Laurent Kabila installed as proxy head in 1998.<sup>26</sup>

The first and second Congo wars that ensued between 1998 and 2003 was directly a consequence of Rwanda and Uganda invading Congo under the cover of certain world leaders, ostensibly to rout out Democratic Forces for the Liberation of Rwanda (FDLR) groups that had fled Rwanda after the genocidal killings that brought Kagame to power. The second Congo war at its peak sucked in armies from over 9 African countries and involved over 25 armed groups. It's been called the 'African world war' and

unleashed an orgy of killings and genocide of Congolese people with conservative estimates of up to 6 million Congolese between 1996 to 2001 and 3 million civilians between 2001 and 2009 killed.<sup>27</sup> The wars paved the way for Rwanda and Uganda to install proxies at the helm of the Congolese state and gave them cover to plunder its resources without international opposition. Paradoxically, the one stated objective of routing FDLR rebels was left unachieved and to this date continues to provide a pretext for incursions and proxy state sponsored rebel groups to further destabilize DRC and the Great Lakes Region of Africa (GLR) as a whole.<sup>28</sup> Meanwhile Congolese citizens have been left unprotected and at the mercies of these forces, rape and murders have become weapons of war and control earning DRC yet another unwanted title 'rape capital' of the world with 48 women estimated raped every hour according to a UN report of 2010.<sup>29</sup> The UN Office of the High Commissioner for Human Rights (UNOHCHR) in its 'Mapping Report' 2010, also identified widespread and systematic violations, war crimes, crimes against humanity and acts of genocide but despite this damning evidence very little has been done to address issues of accountability, impunity and lack of justice as identified.<sup>7</sup> From 2009 to date over 3000 people die every day from Joseph Kabila's state sponsored violence, the different militia groups or other related factors (such as lack of basic healthcare and hunger). It has also led to massive population movements and a humanitarian devastation (United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported a surge in violent conflict and violence that have forced more than 2.16 million people to flee their homes in 2017, an average of 50 families every hour every day. Today, the total number of internally displaced people in the DRC has reached 4.4 million, which is the highest IDP number of any country on the African continent. North Kivu Province remains the most affected, accounting for over 1.1 million displaced persons. Insecurity has had a devastating impact on people's capacity to access food, and 7.7 million people across the DRC are facing severe food insecurity, a 30 per cent increase from the same time last year. The situation is further complicated by political uncertainty and economic downturn. This deterioration, observed mainly in the Kasai, South Kivu and Tanganyika regions, is taking place against the backdrop of one of the world's largest and most complex humanitarian crises. Across the DRC, at least 13.1 million people need humanitarian assistance and protection and more than 2 million children under 5 years are affected by severe acute malnutrition.

In the face of such genocide of the Congolese people, whether by King Leopold of Belgium or more recently through ethnic cleansing by Kagame's forces or even by Kabila's state security agents the response of the world has been largely of silence and indifference, or restraint in speaking out against these acts. The UN will not admit that genocide was carried out and is continuing against the Congolese people, nor has there been political will to identify perpetrators or to hold them to account and justice. This cycle of exploitation and indifference by the international community has continued under Kabila's government. He has been allowed to illegitimately continue his misrule beyond his constitutional mandate which ended in December 2016 and he was instead encouraged to cobble up a plan that is supposed to lead to elections in December 2018, despite widespread concerns from the opposition and the Congolese.

Mr. Chair, the Commission Electorale Nationale Independante (CENI), the DRC's election commission charged with running elections has made very inadequate preparations with poor voter registration, limited funding against a background of increased insecurity and poor public confidence. Kabila's choice of electronic voting in the face of massive opposition of Congolese citizens further betrays his plans to subvert and rig the outcome of the elections in his favour and that of his cronies. Voter registers have not been verifiably updated and observers have pointed to the inclusion of over 6 million voters on the voter roll without proper identification. Electronic voter machines present multiple challenges, they are in short supply, there's a lack of electric power to run the machines and very little trained expertise while the machine itself is unreliable and has failed the government's own field trials. Additionally, poor logistic support to transport ballot boxes and voter materials to and from up to 90% of the rural areas of DRC has been identified as well as a lack of civic education of the population to ensure a hitch free exercise. Despite these shortcomings however Kabila is refusing any logistic support or involvement of monitors from the international community and has carefully contrived to set the stage to undermine this election and hence perpetuate his misrule. Unfortunately, his ploy is tacitly being provided cover by a conspiracy of silence by the International community.<sup>15</sup>

Mr. Chair, furthermore, Kabila has systematically disqualified all serious opposition from participating in local, provincial and national elections leaving the field clear for his hand-picked candidates, but as well fuelling the creation of more militia groups, more insecurity and killings from the resultant public protests and unrest. In Kabila's DRC today, rule of law is under siege, human rights and free speech under attack, incarcerations of political opponents and activists continues apace and the use of force and extra judicial killings has become the rule rather than the exception under this regime.<sup>36</sup> For example, the central prison of Bukavu: with the capacity to accommodate 300 prisoners currently has 2000 prisoners of which 1200 are detained without trial of which over 700 are young pro-democracy activists and human rights defenders. This situation is the reality for all prisons in the DRC and after a popular civilian uprising on 19, 20 and 21 January 2015 when the Senate tried to pass a bill that allowed President Kabila to stay in power beyond the constitutional limit of December 2016, 47 protesters were shot dead by government soldiers and police and a mass grave containing 425 bodies was found in Maluku in Kinshasa believed to be protesters killed by security forces.

Mr. Chair, The UN itself has not been immune from the failings of the DRC state and only last year two of its workers were murdered in Kasai by a group suspected to be one of Kabila's many proxy groups with no proper investigation yet carried out by the government to identify and punish its perpetrators.<sup>32</sup> There have also been other casualties of MONUSCO peacekeeping personnel and in 2017 alone, 15 Tanzanian peacekeepers were killed in a single attack by 'unidentified' militia forces further underlining the serious consequences and cost in human lives of allowing the Congolese state to continue deteriorating. In the 17 years of Kabila's misrule, government institutions have completely broken down, economic growth has declined, and corruption in all spheres of life is pervasive and undermines the international community's efforts to support DRC with aid. This government is failing on all indices and measures of human development and qualifies as a failed state. As of 2018, more than 80% of Congolese are living below the poverty line and the UNDP Human Development Index ranks the DRC as one of the worst countries in terms of human development (176 out of 187) in spite of massive debt relief, concessional loans, favourable world prices of its resources and security support from MONUSCO.<sup>43</sup>

Mr, Chair, Kabila bears ultimate responsibility for the failings of the DRC state under his rule but there are also numerous examples of his direct involvement in human rights abuses such as the massacres and genocide against civilians in Tingi Tingi in the Maniema Province (United Nations Mapping report 2010), the Bundudia Kongo sect in the Bas-Congo Province (Human Rights Watch) or in the territory of Kamonia in the Kassaï Province and the ongoing genocide in Beni North Kivu Province.

Mr. Chair, Kabila today continues to use state sponsored violence, and is waging a campaign of intimidation of voters using militia groups, police and army to indiscriminately arrest and kill targeted opposition to his government including journalists, civil society leaders and human rights activists.<sup>36</sup> Underlying these problems has been Kabila's efforts to hold onto power and the vast network of corruption and patronage system he has built to enrich himself and others without any commensurate efforts to provide basic services or build the Congolese economy for the citizenry. As corruption and incompetence continues to eat into the fabric of the nation's institutions state authority and presence is eroded and lacking in large areas of the country outside of Kinshasa creating a ripe environment for war lords, militia and terror groups to establish footholds filling this vacuum within their local communities. Paradoxically this has afforded his regime legitimacy under the misguided rationale of bringing stability to the affected regions which he uses to coerce international community to continue their support of his government. Historically Kabila has used state sponsored proxy rebel groups at various points to sow discord and instability at periods when he's been confronted with the most pressure locally or internationally. The current proliferation of rebel groups in the Eastern DRC and destabilization of security in the region is part of his grand scheme to establish an unsafe environment that will give him cover to manipulate or justify postponing the polls. The murder of the UN workers in Kasai was another one such case where he tried to deflect criticism by blaming rebel groups who were in reality under his patronage.

Mr. Chair, Kabila's hold on power over the last 17 years has not surprisingly been a major financial boon for Kabila, Kabila's family as well as for his close confidants and supporters whilst it has been an unmitigated disaster for Congolese citizens, impoverishing and reducing them to one of the poorest people with the lowest living standards anywhere in the world.

The DRC remains the poorest despite being Africa's biggest copper producer and the world's leading source of cobalt with "up to \$10 billion" worth of those minerals mined and sold abroad. An investigation by Global Witness, the anti-corruption charity, shows that "as little as 6%" of DR Congo's annual mining exports reach the national budget. This reality, described as a "paradox of poverty", is the consequence of large-scale corruption which ensures very little of the country's mineral wealth find its way back to the people. Between 2013 and 2015, mining revenue of up to \$1.3 billion—twice the amount the country spends annually on health and education—failed to reach the treasury, according to Global Witness. The shortfall is blamed on a "dysfunctional state-owned mining company and opaque national tax agencies" as well as "corrupt networks linked to President Joseph Kabila's regime."<sup>41</sup>

Gécamines, the state-owned mining company described as a "closed book in terms of revenue management," owns shares in over 20 mining projects in DRC yet it does not make significant payments to the national treasury and has been known to owe its workers for months. Once a major player in mining, Gécamines currently carries out no mining of its own. Fully operational in the 90's, the company contributed 43% of DR Congo's budget revenues and also produced half a million tonnes of copper annually before its collapse.

But Global Witness says Gécamines' commercial status is "in name only." Its shares are wholly owned by the government so it remains "under the control of those in power." A popular racket which was uncovered by the report involves "farming out" of mining licenses at knockdown prices. In one instance, offshore companies paid \$275 million to gain control of the mining assets which were worth at least \$1.6 billion.

Just as crucial to DRC's disappearing wealth is the existing culture of "predatory" tax agencies. Under DRC's laws, tax agencies can levy companies, including miners, sometimes to the tune of millions of dollars, and keep some of the fines.

In a separate report, Congo Research Group (CRG) found that president Joseph Kabila's family, including some of his siblings, "either partially or wholly owns" more than 80 businesses operational inside and outside DR Congo.<sup>39</sup>

In addition to over 100 mining permits for diamond and gold, president Kabila and his wife own 70,000 hectares farmland (around 10 times the size of Manhattan). This forced misappropriation of real estate has often come at great cost to the poor land owners. Just to mention, this year alone hundreds of families who owned small plots of lands and small farmhouses in Mbobero a Bukavu City suburb in the South Kivu Province were forcibly ejected and dislocated to make way for Kabila's private estate construction. As a result, over 3000 children and women in Mbobero were rendered homeless without any compensation paid to them. Jaynet Kabila, the president's twin sister, owns a stake in Vodacom Congo, DR Congo's largest mobile network and also holds more than 100 mining permits while Zoé Kabila, the president's brother, has a string of business interests in several key sectors of DRC's economy.

In general, the family's businesses operate across multiple sectors spanning aviation, banking, telecoms and real estate.<sup>39</sup>

Mr. Chair, in my estimation assets owned by Kabila and his family are easily worth many billions of dollars and it is clear that DRC's elite have abused their office for personal enrichment.

Mr. Chair, I have lived and experienced the collapse of the DRC under Kabila's government and I understand too well the consequences of families living under a gravely unjust system, where populations who have had war crimes committed against them can find no recourse to justice, or where communities lack security, are being displaced by wars and cannot look up to their government to secure their lives or provide them the most basic services such as portable water, electricity, schools or health care.

Mr. Chair, it was because of these grave injustices and traumatic events and the wall of silence in the media, and indifference of the International community, that I embarked on a 48 day hunger strike in 2012. I was in much despair and wanted to force the attention of Canada and the world at large to grave issues that were being left unresolved, under reported and unremarked upon despite the urgency it deserved.<sup>35</sup> The policy changes and progress made by Canada toward the DRC as a result of the hunger strike included the following:

- In June 2012, a Canadian delegation led by Honourable Bernard Valcourt, (Minister of La Francophonie, Aboriginal Affairs and Associate Minister of Defence) was sent to the DRC and met with key members of the Congolese government, as well as civil society and representatives of opposition to discuss issues related to democracy and human rights leading up to the 14th Francophonie Summit in Kinshasa.
- In October 2012, Canada facilitated peace resolutions in the DRC signed by all (75) Francophone states except Rwanda. These resolutions were presented and adopted by the United Nations Security Council and allowed the creation of a robust UN force to reinforce peace in DRC. It is this same force that was eventually deployed to fight rebel groups such as the ADF and ended the Rwanda sponsored M23 movement which had invaded Goma.
- The Prime Minister of Canada announced additional support in funding for victims of sexual violence and also designated the DRC as 'Countries of Priority'.<sup>11</sup>
- Canada's pressure and leverage led to a war criminal Bosco Ntaganda being eventually brought to justice in the International Criminal Court.

Overall, of the crisis situation in DRC that led to my hunger strike then, the initial responses from the Canadian government that followed were a hopeful start but were never sustained or followed through to a logical conclusion and consequently today 6 years on, the situation in DRC has only worsened and the desperate plight of Congolese further deepened.

Unemployment today stands at a staggering 80%, majority of who are youths, while conflict, insecurity, sexual and gender-based violence, and graft are of epidemic proportion. 70% of recruits into militia and rebel groups are youths and children below 30 years who themselves are mostly coerced and forcibly conscripted but are also the most vulnerable to be used in committing acts of terror, sexual violence and genocide against the population.

The US States Department's most recent annual report on human rights around the world described corruption in the DRC as "endemic," noting that officials often act with impunity and rights abuses remain widespread particularly among women, children and other vulnerable groups.

Mr. Chair, in June 1998, the newly introduced Congolese franc traded at 72 cents to the U.S. dollar but today, it is essentially worthless trading at daily unpredictable rates between 1600 and 3000 Congolese francs to the U.S. dollar. As a result, 95% of the economy is conducted in U.S. dollars, leaving the central bank unable to collect revenues or conceive and implement independent, monetary policy.

Health and education indices rank among the world's lowest, while only about 5% of the population, mainly city-dwellers enjoy reasonable access to either electricity or potable water. Within families, children are often malnourished; they lack access to basic healthcare with maternal and infant mortality remaining high. Basic infrastructure such as roads, ports, airports, rail and air transport, and sanitation, along with essential services such as education, are woefully inadequate. Transparency International classifies the DRC as one of the world's most corrupt kleptocracies.

The judicial system has not escaped the effects of institutional break down in the DRC and is beset with many limitations in effectively adjudicating the many major cases before it including war crimes. It struggles with maintaining and showing any independence from the influence of the executive and allows impunity to flourish leading to further violence and victimisation of the public.<sup>7</sup>

The Office of the United Nations High Commissioner for Human Rights 'Mapping Report' in its conclusions highlighted the limited will and engagement of Congolese government in strengthening the judicial system, minimal resources, interference by the political and military authorities, inadequacy of the military justice system bearing exclusive jurisdiction to deal with the number of crimes under international law, many of which were committed by security forces, and poor judicial practices and judgements that were not always substantiated in law.

In its opinion "Congolese courts given the current state of affairs have neither capability nor the credibility required in order to fight against impunity for the many violations of fundamental human rights committed against the people."<sup>7</sup>

The grave situation in DRC is multifactorial and demands urgent, concerted international engagement and determination to change perceptions and understanding on how issues of Congo have been viewed for years now. There is a pressing need for Canada and the International community to be more decisive in actions to bring about sustained change in a crisis situation that will otherwise end in collapse of a

weakened DRC state at war within itself. This would have severe reverberations beyond DRC into the wider Great Lakes Region where it will destabilize countries and the delicate geopolitical balance currently being maintained. It would additionally trigger fresh waves of population migratory movements increase internally and externally displaced peoples and fuel a new wave of migration into Africa, Europe and North America further compounding an already existing migration crisis. An unstable DRC will create an even more enabling environment and base for the proliferation and growth of more terrorist organizations with likelihood of spread of their brand of terrorism including Islamic terrorism beyond the DRC's borders.

There is an even more alarming reason to fear any situation that will worsen proliferation of terror groups in DRC which I made the thrust of my speech at the recent UN session on nuclear proliferation in September of this year. The DRC has provided rich sources of uranium in its southern province of Katanga since the 1920's which has been mined and exported, and was indeed the source for the United States 'Manhattan project' which produced the first nuclear bombs used on Hiroshima and Nagasaki in the Second World War.<sup>40</sup> Unfortunately, today a corrupt Kabila led Congolese government has encouraged and tolerated the illegal exploitation and exports of uranium and has been suspected of secretly exploring backchannels to supply uranium to some regimes in contravention of UN sanctions. Worse still with a growing breakdown of law and order and a proliferation of terror and rebel groups, it has lost any ability to adequately secure or police this valuable resource with a distinct risk of nuclear materials finding its way into the black market.<sup>40</sup> The DRC's own General Atomic Energy Commissioner himself was so alarmed he announced a few years ago that raids by unidentified agents on abandoned uranium mines in the country were becoming more frequent, a situation which has further worsened in the last two years as Kabila's government continues to lose its grip on governance and security. A destabilized fragmented DRC provides a rich unregulated source of nuclear material and the possibility that a warhead, or the material to build one, could fall into the hands of a rogue state or terrorist organization will exponentially be increased if the DRC fails as a state.

Mr., Chair, committed leadership by the Congolese Government is required to stabilize, reconstruct and secure a new DRC that can begin to realize its fullest potentials. The Congolese people must lead this change but Congo's Mr. Joseph Kabila's implication in genocide and mass killings of civilian populations, his crimes against humanity, widespread corruption and systematic destruction of the Congolese state infrastructure and overall misrule in 17 years of being at the helm of Congo's affairs has delegitimized him and the Congolese people have lost faith in his ability to lead this change.

His latest efforts to handpick his replacement in an election that he has rigged to fail and his refusal of international support or oversight further point to his real agenda of perpetuating his hold on power against the will of his own citizens.<sup>37</sup>

Mr. Chair, the Congolese people have endured extreme hardships and challenges but have shown deep-rooted resilience that has helped them survive in the face of very extreme conditions. They continue to show an unwavering faith in their ability to rise above these challenges and look to the international community for their goodwill, support and partnerships.

There are multiple civil society organizations and Congolese citizens advocating and working daily with minimal resources and in face of a very hostile security environment to mobilize citizens, force change locally and heighten international awareness and attention. Altogether they constitute the most important elements that must be supported and which combined with international partners can reliably bring about real and lasting change for DRC.

## **RECOMMENDATIONS**

### **Preamble:**

- Considering the twice postponed election dates by the Kabila government;
- Considering Kabila's unsuccessful attempt for an unconstitutional presidential third term;
- Considering Kabila's reluctance to relinquish power and appointment of his crony to run in his place;
- Considering CENI's refusal of MONUSCO logistical support or of financial support or oversight from donor countries;



- Considering the Congolese public's poor confidence in CENI's ability to hold credible transparent elections;
- Considering the uncertainty of credible elections in DRC as slated for December 23rd that will reflect the people's democratic will;
- Considering the lack of confidence of opposition parties in the released list of presidential candidates, the selective disqualification of certain opposition members and the lack of space for political dissent or expression of speech;
- Considering CENI's insistence in using a dubious electronic voting machine over objections of all;
- Considering Kabila has set the stage for perpetuation of his stay in office with the result of increased violence and creation of more rebel groups;
- Considering that under these circumstances Kabila cannot be entrusted to midwife a peaceful transition of power;
- Considering that if Kabila is allowed to follow his agenda it will surely provoke widespread opposition and protests which he will suppress by use of overwhelming force and brutality;
- Considering that Kabila's ascended to the presidency of DRC in 2001 via a transitional arrangement after the assassination of his father Laurent Kabila when he was chosen as a consensus candidate and in 2003 through another transitional government with the transitional period ending in the 2006 election;
- Considering that the only feasible pathway for a peaceful transition in the DRC must exclude Kabila and his cronies in government or opposition who have not acted in good faith in previous negotiated transitional arrangements.
- Considering that a call for a transitional arrangement is endorsed by a broad spectrum of civil society and Congolese leaders including opposition party leaders suspicious of a hidden agenda by the Kabila regime;
- Considering that a transfer of power to the current cabal of discredited self-serving political class only portends ill for hopes of reversing corruption and will be tantamount to more of the same failed DRC policies;
- Considering that DRC needs a robust transitional government headed by credible nonpartisan Congolese citizens accountable to their communities and of proven integrity and records of strengthening their communities;
- Considering transitional team members must be accountable and drawn from a cross section of the Congolese society that will be supported to work within agreed transitional period to stabilize the affairs of the DRC;
- Considering transitional team will be given a mandate to rebuild services and institutions that will lay proper foundation for credible elections in the future;
- Considering Article 1 of the Universal Declaration of Human Rights (UDHR) stating that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood;
- Considering Article 2 of the UDHR stating that everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty;
- Considering Article 5 of the UDHR stating that No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
- Considering that Article 2 of the UN Convention on the Prevention and Punishment of the Crime of Genocide (1948) defines Genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group;"

- Considering that DRC is the only country on earth where over 10 million people have been slaughtered on this 21st century without an appropriate tribunal to bring about justice and compensation for the victims;
- Considering that the UN has recognised through its Mapping Report, that genocide has been committed against the millions of Congolese people; I make the following recommendations:

#### **A. TRANSITIONAL GOVERNMENT**

##### **Canada to consider the following:**

1. Supporting a Transitional Government without Kabila or his political acolytes;
2. Supporting and leading strong and meaningful leverage to encourage engagement of Kabila and his cronies in this proposed transitional arrangement;
3. Expanding targeted sanctions on President Kabila's family members and financial associates benefitting from unlawful activity in DRC, including those involved in serious corruption, misuse of government funds, money laundering, or fraud in order to quash peaceful dissent, improperly delay elections, or otherwise maintain Kabila's rule;
4. Suspending all support to Congolese security forces and direct financial support to the Congolese government until there is demonstrated willingness to allow a peaceful transition;
5. Maintaining support for the UN peacekeeping mission in DRC and supporting the deployment of a special force within MONUSCO to help stabilize and secure the transition period and mandated to deter and respond robustly to violence or other threats to the general population and transitional institutions;
6. Serving as guarantors to agreements safeguarding Kabila's physical security and or other concerns that may pose a barrier to a peaceful transfer of power;
7. Maintaining consistent focus and attention at the highest levels of government on this crisis and ensuring dedicated resources for ongoing and consistent engagement with representative Congolese leaders.

#### **B. JUSTICE REFORM**

##### **Canada to consider the following:**

1. Recognizing formally that genocide has been committed against the Congolese people and leading the international community in collective action in identifying perpetrators and appropriately sanctioning them according to the UN statutes and other existing International instruments of Justice;
2. Supporting establishment of an international tribunal for crimes committed in DRC and, creation of a truth and reconciliation committee; which will involve all actors in the genocides in Congo;
3. Making the UN mapping report a priority and addressing its recommendations through the Canadian Ambassador to the United Nations;
4. Pressing for an independent investigation into the murders of the UN experts Sharp and Catalán, and helping ensure that those most responsible irrespective of rank or position are held to account;
5. Supporting the ICC in issuing an International Arrest Warrant against Joseph Kabila for his direct and indirect involvement in war crimes and crimes against humanity;
6. Supporting a regional reconciliation mechanism of the peoples of the Great Lakes Region.

#### **C. DISARMAMENT, DEMOBILISATION AND REHABILITATION OF COMBATANTS**

##### **Canada should consider the following:**

1. Supporting the establishment of compensation and rehabilitation programs for all victims of genocidal wars, state sponsored terrorism acts, extra judicial killings and politically motivated imprisonment;
2. Supporting programmes targeted at youth and child soldiers to discourage recruitment and encourage demobilisation and rehabilitation for a successful reintegration back into the community;

#### **D. PROMOTING DEMOCRACY, CIVIC EDUCATION AND HUMAN RIGHTS**

##### **Canada should consider the following:**

1. Making upholding Peace, Democracy and the rule of law a priority in all foreign and trade relations with DRC through the Canadian Foreign Affairs and International Trade Canada;
2. Publicly denouncing and sanctioning ongoing repression against human rights activists, political opposition members, journalists, and peaceful protesters;
3. Calling for the immediate release of all political prisoners and activists in detention and for all politically motivated charges against political party leaders to be dropped;
4. Calling for freedom of the press, of speech, and of movement for opposition leaders, journalists, and activists and supporting the Congolese people's right to peaceful protest;
5. Condemning with actions against use of excessive force by Congolese security forces against lawful peaceful protests;
6. Investing preferentially in supporting and building capacity of Congolese civil society more likely to reach to the grassroots, and to achieve successful participation by the people;
7. Supporting and strengthening local women and youth groups with leadership training, to gain skills and enable full participation in political and leadership positions;
8. Investing in and empowering civil society organizations to facilitate civic education in rural and urban areas;
9. Continuing engagement with the Democratic Republic of the Congo and strongly condemning, and holding accountable those responsible for all election related violence;
10. Proposing and supporting Participation of international observer teams with helping organize inclusive, transparent, free and fair elections in due time.

#### **E. SECURITY REFORM**

##### **Canada to consider the following:**

1. Through a UN Security Council resolution, support the demobilisation and rehabilitation of all children coerced in the army and other militia groups;
2. Through a UN Security Council resolution, support military reforms and ban all types of invasions by all foreign; troupes and nonboring countries;
3. Support through training and other resources thorough reforms of the entire security sector (army and police).

#### **F. ADDRESSING REGIONAL PEACE**

##### **Canada to consider the following:**

1. Ceasing military support of Congo's neighbours implicated in the report of having committed mass atrocities, crimes against humanity, war crimes and genocide in the Congo;
2. Supporting the creation of a United Nations International Day to be observed each year for the recognition of the millions slaughtered in the DRC between 1996-2010;
3. Supporting a regional accountability and reconciliation mechanism to address issues of impunity and lack of justice;
4. Strongly condemning any use of disproportionate overwhelming force by state security agents and to take strong measures to hold the executive branch to account through use of sanctions, indictments, travel bans or other more appropriate means; and,
5. Strengthening a robust UN peacekeeping mandate and urging DRC's international partners, including the UN peacekeeping mission in Congo, to protect peaceful protesters and individuals at risk and support the Congolese people's quest for a more democratic and rights-respecting future.

#### **CONCLUSION**

I believe the DRC is today at a watershed that affords conscionable leaders and countries such as Canada an opportunity to put right a century of injustice and neglect by taking bold concerted actions. DRC policy as formulated by the international community has been piecemeal, limited, relative to the enormity of the crisis, and without an overarching plan for promoting long-term, systemic change.<sup>42</sup> It has not taken into account the conspiracies of western countries to exploit and maintain geopolitical interests and how this fundamentally contributed to the Congo's troubles from the time of Belgium's King Leopold through to the assassination of Congo's first democratically elected Prime Minister, Lumumba. There has neither been any acknowledgement of the tacit support from the UN and leaders of some countries that

gave cover for Rwanda's invasion of Congo setting off a cataclysmic chain of events still having terrible consequences and reverberations in the country and the region today.<sup>23</sup>

Any true recognition and appreciation of the depth and root causes of DRC's troubles, of the toll in human lives and capital, the destruction of the very social fabric of the nation, or of the wholesale breakdown of institutions and infrastructure should sharpen our attention and understanding of the enormous challenges and obligations owed the DRC. In recognizing this, effective policy by Canada and the international community must therefore be planned and executed with a holistic approach, addressing security, disarmament, infrastructure, economic and health care which must all undergird greater efforts to establish the rule of law. In effect, we must initiate a massive resource and assistance intervention to bring about wide-ranging, organic change and secure lasting positive change.

This will require a massive commitment of financial resources beyond the piecemeal investments hitherto and will target multiple economic sectors to drive growth regeneration and development. It will advance human capital, create opportunities for many, particularly Congolese women who suffer gender discrimination and high rates of sexual and gender-based violence.

A well thought out plan of intervention will additionally promote peace, security, rule of law, and democracy by restructuring the army and police and building strong democratic institutions, transparent governance practices and a functional public administration.<sup>38</sup>

Mr. Chair, the economic investment required to achieve this will be great, it will require a willing coalition of countries jointly contributing into this fund in the clear understanding that for Canada in particular and all other donor countries the economic rewards and incentives for this scale of intervention are enormous beyond just moral imperatives.

The close link between mineral extraction and on-going violence has been well documented and researched and Canada's involvement in the mining industry in DRC is equally well documented. According to the Embassy of Canada to the DRC fact sheet, Canadian companies hold more than 3.2 billion USD in mining related investments alone making the DRC the second destination for Canadian mining activities in Africa. This further makes it imperative for Canada to take an active role in midwifing lasting change in DRC.

I do believe on account of Canada's investments and financial involvement in DRC, its profile amongst other states, its current preeminent position on the world political stage and its prominent involvement in peacekeeping in the region, there is a strong economic, geopolitical, moral and rational case to make for Canada to take an active lead in promoting and implementing peace in DRC.

It can only ultimately be in Canada's own best medium- and long-term strategic interests both geopolitically and economically to lead the rest of the world in redressing an injustice and setting a country with such vast potential on the path to a free democratic and just society.

There is pressing need for strong leadership to be demonstrated with a clear vision to serve peace and justice for the Congolese people as well as for the security of the region and the world as well. I have great hopes for the future destiny of the DRC and look up to Canada to be an active partner in achieving this.

"I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." - Elie Wiesel

## Bibliography

1. United Nations General Assembly resolution (A/RES/96-I). 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention).
2. United Nations General Assembly in Paris Declaration on 10 December 1948 (General Assembly resolution 217 A) - Universal Declaration of Human Rights.
3. United States House of Representatives Committee on Ways and Means, ed. 2003 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa.
4. United Nations General Assembly (FIFTH COMMITTEE) Resolution GA/AB/4287
5. United Nations General Assembly Resolution S/2012/843 (adopted on 14/11/2012)
6. United Nations Security Council Resolution S/RES/2076 9(2012) and S/RES/2078 (2012)
7. United Nations Office for Human Rights (UNOHCHR) 'Mapping Report' 2010
8. Friends of the Congo: Le Conflit au Congo: La Vérité Dévoilée - Crisis In The Congo: Uncovering The Truth <https://www.youtube.com/watch?v=NMtgHzXZnlg>
9. XI<sup>e</sup> Conférence des chefs d'État et de gouvernement des pays ayant le français en partage Kinshasa (Résolution sur les situations de crise, de sortie de crise et de consolidation de la paix dans l'espace francophone) les 13 et 14 octobre 2012
10. Government of Canada Communiqué: Canada Again Condemns M23 Acts of Aggression on Goma and Surrounding Area; affirms Canada's commitment to the sovereignty and territorial integrity of the DRC <http://www.international.gc.ca/media/aff/news-communiques/2012/11/20a.aspx?lang=fra&views=d>
11. CTV News: Prime Minister Stephen Harper stressed the importance of human rights on Saturday during a visit to the DRC and increase funding to help in the fight against sexual and gender-based violence in the DRC. <https://www.ctvnews.ca/world/harper-stresses-human-rights-during-francophonie-summit-speech-1.994491/comments-7.334368>
12. Catholic Church (Conférence Episcopale Nationale du Congo - CENCO) Communiqué (of October 31st 2018) on the eviction of refugees and displaced Congolese from Angola
13. Catholic Church - CENCO communiqué of 31 /12/2017, 23/06/2017 and 29/09/2018 calling on the Government of DRC and the United Nations to intervene and stop the ongoing genocide in in Beni, North Kivu Province, DRC.
14. Catholic Church - CENCO communiqué (of 12/09/2018) concerns and Recommendations on DRC elections.
15. Crisis Group (why, elections must fail in DRC)
16. United States House of Representatives H.Res.780 –( 114th Congress) Urging respect for the constitution of the Democratic Republic of the Congo in the democratic transition of power in 2016.
17. United States Senate House: Bipartisan resolution by the Foreign Relations Committee sponsored by U.S. Senators Cory Booker (D-NJ) and Jeff Flake (R-AZ).
18. Oberg Kevin July 2008 US geological survey and United Nations News Global perspective <https://news.un.org/en/story/2011/10/390912-dr-congo-un-advises-prudent-use-abundant-resources-spur-development>
19. United States geological survey.
20. United Nations Department of Economic and Social Affairs
21. Safe John 1982, The Cambridge of Africa
22. King Leopold II - The Man who killed more than 10 million people, yet is not seen as repulsive <http://www.documentarytube.com/articles/king-leopold-ii--the-man-who-killed-more-than-10-million-people-yet-is-not-not-seen-as-repulsive>
23. Forever in chains: The tragic history of Congo by the Independent, United Kingdom News Paper.
24. King Leopold's Ghost': Genocide With Spin Control by the New York Times, United States
25. Patrice Lumumba: the most important assassination of the 20th century by the Guardian Newspaper.
- The Last Days of Mobutu, the Economist 20 /03/1997.
27. First and Second Congo Wars UCDP (Uppsala Conflict Data Program).
28. Rwanda defence chief leads DR Congo rebels, UN report says – British Broadcasting Corporation (BBC) 17 /10/ 2012.
29. UN official calls DR Congo 'rape capital of the world'-BBC report, 28 /04/ 2010.
30. Leaked UN report accuses Rwanda of possible genocide in Congo by the Guardian.
31. A draft UN report says crimes by the Rwandan army and allied rebels in Democratic Republic of Congo could be classified as genocide (BBC).
32. Who killed U.N. experts in Congo? Confidential prosecutor's file offers clues. Reuters 20/12/2017.
33. Over 3000 people dislocated in Mboberaro, Radio France International <http://www.rfi.fr/afrique/20180711-documentaire-rdc-mbobero-expropriations>
34. Dossier Joseph Kabila-Habitants de Mbobero : les forces vives du Sud-Kivu s'opposent à toute nouvelle démolition – la prunella rdc 18/04/2018
35. New Brunswick man in hospital after ending 48-day hunger strike, Huffington Post 04/21/2012 [https://www.huffingtonpost.ca/2012/04/21/new-brunswick-man-in-hosp\\_n\\_1442827.html](https://www.huffingtonpost.ca/2012/04/21/new-brunswick-man-in-hosp_n_1442827.html) ;
36. Time for concerted action in DR Congo. Crisis Group Report No. 257; 4 December 2017;
37. Resolving the political crisis in DR Congo, Testimony at the US Foreign Affairs Subcommittee on Africa Global Health. Global Human Rights and International Organization. Ida Sawyer, Human Rights Watch; Nov 9 2019;
38. How to Reform the Democratic Republic of Congo, Noel K Tshiani; Time Jun 22 2016;
39. All the Presidents Wealth: The Kabila Family Business; July 20 2017; Congo Research Group; Michael Kavanagh Dan Mccarey
40. Uranium Mining in the DR Congo, A Radiant Business fir European Nuclear Companies.
41. Regime Cash Machine ; How the Democratic Republic of Congo Booming Mining Exports Are Failing to Benefit it's people; Global witness report 21 Jul 2017;
42. Fordham International Law Journal, An African Marshall Plan: Changing US Policy to Promote the Rule of Law and Prevent Mass Atrocity in the Democratic Republic of Congo; Gregory J. Gordon;
43. UNDP Human Development Report 2018