

Democratic Republic of Congo: Targeted Sanctions

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Congress has long focused on human rights and humanitarian hardship in war-ravaged eastern Democratic Republic of Congo, an epicenter of instability in Central Africa's Great Lakes region. Recently, congressional attention has turned to DRC's democratic trajectory and dynamics in the capital, Kinshasa. President Joseph Kabila's effort to stay in office—which opposition and civil society activists view as [unconstitutional](#)—has spurred unrest and could become a violent crisis (see CRS Report R43166, [Democratic Republic of Congo: Background and U.S. Relations](#)).

In October, the DRC government and [regional leaders](#) backed an [agreement](#) extending the deadline for elections from November 2016 to April 2018. Top opposition and civil society leaders boycotted the talks that produced the agreement, however, and some have called for mass protests on December 19—when Kabila's second elected term nominally ends. Since 2015, the security forces have [violently](#) suppressed protests, [arrested](#) youth activists, [blocked](#) independent media, and [expelled](#) international researchers. Several religious leaders have [reportedly](#) been killed after criticizing the government. Protesters have also been [implicated](#) in violence against police.

The State Department has [criticized](#) threats to political rights and [called for](#) a more inclusive agreement involving elections in 2017 and a commitment from Kabila not to seek another term or amend the constitution. In this context, U.S. policymakers have [examined](#) "the threat and use of targeted sanctions" as a tool to deter government abuses against protesters and/or to force Kabila to compromise. Sanctions against DRC were a focus of a recent Senate [hearing](#) and Lantos Human Rights Commission [hearing](#). [S.Res. 485](#) and [H.Res. 780](#) (each recently passed by their respective chambers) express concern about the situation in DRC and call on the President to consider additional punitive measures.

Context

In 2006, citing "widespread violence and atrocities that continue to threaten regional stability" in DRC—and in the wake of [U.N. Security Council resolutions](#) seeking to isolate those violating an arms embargo on non-state actors and/or committing grave human rights abuses—President George W. Bush [invoked national emergency authorities](#) to impose an asset freeze on certain rebels and arms traffickers. In 2014, President Obama [expanded the national emergency](#) to enable sanctions against those found to "undermine democratic processes or institutions," among other new grounds for designation.

In 2016, the Administration has for the first time designated Congolese state officials: one for [undermining democracy](#)

and two for threatening [peace](#) and [human rights](#), respectively. No other country has sanctioned DRC government officials to date, although the European Union is [considering](#) doing so. During recent negotiations over a U.N. Security Council [statement](#) on DRC, a U.S. proposal to threaten targeted measures against actors who threaten individual freedoms was [reportedly](#) opposed by other Council members—possibly due to sovereignty concerns—and did not advance.

At the recent Lantos Commission [hearing](#), non-government witnesses called on the Administration to designate additional top DRC security force commanders, civilian officials, and Kabila family members, among [others](#). They argued that sanctions would punish human rights abusers, deter violence against protesters, and/or spur progress in new [talks](#) facilitated by the Congolese Conference of Catholic Bishops (CENCO).

Considerations

Sanctions designations can have unanticipated effects, and may be weighed in light of conditions in DRC and broader findings about their effectiveness. The following considerations may inform the debate:

- **Signaling.** As a "name-and-shame" tool, sanctions enable the U.S. government to signal its disapproval of DRC officials' behavior. Some may also view sanctions as an expression of U.S. support for the Congolese people in the face of [repressive](#) government action.
- **Deterrence.** [Human Rights Watch](#) contends that the designation of Kinshasa police commissioner Celestin Kanyama in June 2016 had the immediate effect of deterring abuses by state security forces against protesters. On July 31, a large public opposition gathering proceeded undisturbed. Anti-government protests on September 19 were nonetheless [violently suppressed](#). For some observers, this suggests that new, higher-level designations are needed; for others, it suggests that any deterrence may be of limited duration or scope.
- **Implementation.** Some observers [assert](#) that targeted sanctions are particularly powerful in DRC because some senior officials use foreign bank accounts and travel internationally. Congo's economy is also partially [dollarized](#), which may broaden the scope of U.S. jurisdiction. In this regard, DRC differs from more isolated countries where U.S. sanctions are in play, such as Burundi and the Central African Republic (see CRS Report R44018, [Burundi's Political Crisis](#) and CRS Report R43377, [The Central African Republic: Background and U.S. Policy](#)). The extent of exposure nevertheless likely varies among potential DRC designees. Some individuals cited in press or advocacy group reports may have also attempted to hide or repatriate assets. For those with ties to Europe and to other African countries, the impact of U.S. designations may increase if other countries follow suit.
- **Political Leverage.** Whether additional designations would make it more or less likely for Kabila to make serious concessions in support of a near-term democratic succession is debatable. New sanctions could conceivably induce members of his inner circle to reconsider their allegiances and, perhaps, pressure the president to step down. However, Kabila and his inner circle have shown little obvious interest in compromise or a peaceful transition, despite two years of growing [U.S.](#) and [domestic](#) pressure. Additional designations could, conversely, entrench key figures, including Kabila. [Divergent](#) U.S. and regional approaches, combined with historic distrust of U.S. interference in the sub-region, could also lead neighboring leaders to increase their support for Kabila.
- **Other Tools?** One might question whether the policy debate about DRC is overly focused on financial sanctions. Some activists have proposed U.S. consideration of additional tools of U.S. leverage, such as [visa restrictions](#) (which Belgium has [recently](#) instituted) or [money laundering investigations](#). The U.S. designation of security force commanders may also raise questions about the value of continued U.S. security assistance to DRC (with [\\$10 million](#) in bilateral funds requested for FY2017).
- **Potential Unintended Consequences.** [Human Rights Watch](#) and [others](#) have called for designating the head of DRC's national intelligence agency and other top security officials. Potential retaliation—such as reduced DRC cooperation in addressing security threats to U.S. personnel, or restrictions on U.S. military advisors in DRC to help counter the Lord's Resistance Army—may be a consideration for policymakers (see CRS Report R42094, [The Lord's Resistance Army: The U.S. Response](#)).