Spring 5-7-2013

The Utility of Darkness: Figments of a State called the Democratic Republic of the Congo

Aimee M. Mackie
Macalester College, aimee.mackie@gmail.com

Follow this and additional works at: http://digitalcommons.macalester.edu/intlstudies_honors

Part of the African Studies Commons, International Relations Commons, and the Other International and Area Studies Commons

Recommended Citation
http://digitalcommons.macalester.edu/intlstudies_honors/17

This Honors Project is brought to you for free and open access by the International Studies Department at DigitalCommons@Macalester College. It has been accepted for inclusion in International Studies Honors Projects by an authorized administrator of DigitalCommons@Macalester College. For more information, please contact scholarpub@macalester.edu.
The Utility of Darkness:

Figments of a State called the Democratic Republic of the Congo

Aimee Mackie

Honors Thesis
Presented to the Department of International Studies
Macalester College
Faculty Advisor: Dr. Ahmed I. Samatar
7 May 2013
# TABLE OF CONTENTS

Acknowledgements...........................................................................................................3  
Abstract............................................................................................................................4

**Chapter One**  
*Introduction*  
A. The Problem..................................................................................................................6  
B. Research Questions ......................................................................................................7  
C. Personal Motivation.......................................................................................................8  
D. Sources and Methods...................................................................................................9  
E. Organization................................................................................................................10

**Chapter Two**  
*Literature Review*  
A. Colonialism..................................................................................................................11  
B. Violence........................................................................................................................14  
C. The State......................................................................................................................16  
D. Bureaucratic Secrecy....................................................................................................21

**Chapter Three**  
*Colonialism as Violence*  
A. Basic Information about the Congo.............................................................................25  
B. Formal Colonialism.....................................................................................................29

**Chapter Four**  
*Post-colonial Congo?*  
A. Granting Disunity.......................................................................................................34  
B. Assassinating Lumumba...............................................................................................43  
C. Assisted Neocolonialism...............................................................................................50  
D. Humanitarianism without Accountability.....................................................................59  
E. Conflict Mineral Mistakes............................................................................................70

**Chapter Five**  
*Conclusion*  
A. Findings.......................................................................................................................83  
B. Lessons........................................................................................................................87  
C. Future Inquiries..........................................................................................................90
Appendices

A. Map of Africa.........................................................................................................................92
B. Section 1502 of Dodd-Frank Wall Street Reform Act......................................................93
C. Flow Chart, Page 33 of The Securities and Exchange Commission’s Rules for Conflict
   Minerals...............................................................................................................................99
D. Email Response from Securities and Exchange Commission.........................................100

Endnotes.....................................................................................................................................101

Bibliography...............................................................................................................................108
Acknowledgements

First, I am grateful for my experience interning at Congo Global Action. During this time, Nita Evele facilitated my understanding of the DRC and demonstrated the ability to eloquently defend the interests of the Congolese people. Richard Swarte, the former desk officer for the DRC at the State Department, was also helpful in providing me with a list of reading materials to grant me better insight into the role of the US in the DRC. That summer would not have been possible without Tara, Jim, and Victoria whose kindness and generosity continues to astound me.

Though each of my professors has enabled my ability to write this thesis, I would like to specifically thank David Moore and Olga Gonzalez for guiding my theoretical understandings of these concepts, and facilitating classes that generate rich intellectual engagement. I also cannot thank Professor Samatar enough for all he has contributed to my education over the past four years. From my first semester in his introductory course, through the seminar in The Hague, and finally his work as my advisor for this thesis, he has continued to challenge me to complicate my understandings and achieve to the greatest of my potential.

During the first months of reading and drafting this project, Margaret Beegle provided me with joy, coffee, and a peaceful environment for which I am grateful. My family has also offered me encouragement and support. I particularly need to thank Hannah for giving me the honest feedback one could only ask of a sister. Finally, the people who have endured the majority of my musings on this topic: the residents of 1517 Grand 3 and 4. Though I have only provided them snippets of this secret project, they have thoroughly maintained an air of interest beyond what one could ever expect. Thank you!
Abstract

Since the *Heart of Darkness* brought the cruelty of King Leopold’s rule of the Congo to the world’s attention, it has been viewed internationally as the locus of inhumanity. My thesis examines how this perception has excused the role of neocolonial actors in furthering destabilization. After independence, the United States and Belgium, with the assistance of Mobutu Sese-Seko, exploited the nominally sovereign Congo. The weakening of the Congolese state has continued in recent years through a lack of accountability for international interventions brought about by bureaucratic secrecy, popular ignorance, and human rights rhetoric.
Independence is not a word which can be used as an exorcism, but an indispensable condition for the existence of men and women who are truly liberated, in other words who are truly masters of all the material means which make possible the radical transformation of society.

Frantz Fanon

Dead or alive, free or in prison by order of the imperialists, it is not myself who counts. It is the Congo, it is our poor people for whom independence has been transformed into a cage from whose confines the outside world looks on us, sometimes with kindly sympathy, but at other times with joy and pleasure. But my faith will remain unshakeable. I know and I feel in my heart that sooner or later my people will rid themselves of all their enemies, both internal and external, and that they will rise as one man to say No to the degradation and shame of colonialism, and regain their dignity in the clear light of the sun.

Patrice Lumumba
CHAPTER ONE

Introduction

A. The Problem

“The horror! The horror!” This final exclamation, uttered through Joseph Kurtz in 1899, came to characterize the global perception of the Congo: a land rife with tragedy. Over two centuries have passed since Joseph Conrad labeled what is now the Democratic Republic of the Congo the *Heart of Darkness*. Yet this perception of it, as the locus of inhumanity, lives on. The ambiguity and intrigue of this mineral rich country has been mobilized in its exploitation at the expense of its civilian population. Viewing instability as the norm in the DRC has excused near constant invasion and internal conflict.

The effects of the destruction are far-reaching. Over 5.4 million people have died. Sexual violence has become a prominent weapon of war. The countrywide rate of unemployment or underemployment amounts to ninety percent of the population. The Congolese state lacks the ability to provide economic or physical security. Despite the gravity of this decades-long devastation, it has gone without consistent Western media attention or constructive international intervention. The culpability of local forces and actors from neighboring states is plainly visible. However, the role of the global North in sustaining the destruction is more opaque and calls for further inquiry.

---

When I speak of “Congo” I mean what is today known as the Democratic Republic of the Congo, but has been called by a number of names such as Congo Free State, Belgian Congo, Republic of the Congo, Zaire, Congo-Leopoldville, Congo-Kinshasa, and should not be confused with the country currently called Republic of the Congo.
In March 1998, US President Bill Clinton gave a speech in Kigali, Rwanda promising to never allow genocide to occur again. Less than a month later, units from the national armies of the Congo and Rwanda killed several hundred civilians, committed many rapes and carried out a large number of arbitrary arrests in the villages on the outskirts of Butembo…Some of the victims were shot dead in their homes; others were taken to the Kikyo military camp where they were shut, run over by jeeps, or buried alive.6

This is just one of the 238 incidents listed in the UN Mapping Report for the period from July 1996 to July 1998. Since the UN published this report in 2011, no concrete action has been taken to hold those responsible for these violent acts accountable. Many guilty parties are still in power as heads of state and military commanders.

In an era that that expounds rhetoric of universal human rights and the “responsibility to protect,” the persistence of grave human rights violations demands explanation. While it is important to understand how the lack of a strong state in the DRC has facilitated this continual destruction, an exploration into how the international community has allowed the conflicts to continue is integral to this discussion. Ignorance cannot be used as an excuse for failing to act, as reports of human rights abuses have been made throughout the conflict. Additionally, the presence of thousands of UN troops within the DRC since 1994 attests to the ability of the international community to garner further information. If not lack of knowledge, why is this violence allowed to continue?

B. Research Questions

In this thesis, I ask the three following questions:

• Have the United States and Belgium contributed to the weakening of the post-independence Congolese State?
• Did the granting of independence by Belgium, in the absence of a revolutionary struggle carried out by the Congolese people, foster disunity?
• Have bureaucratic secrecy and popular ignorance enabled the US to contribute to the destabilization of the DRC?

Without denying the role of domestic and regional factors in the chronic insecurity that bedevils the DRC, this thesis focuses on the influence of the US and, to a lesser extent, Belgium.

C. Personal Motivation

My motivation to study the DRC began when I interned for Congo Global Action Coalition during the summer after my sophomore year of college. My time working for this organization in Washington granted me insight into the inner workings of Congolese-American relations and how global power structures influence Congolese politics. One notable Congolese woman, Nita Evele, carries out the daily operations of Congo Global Action. As it was an election year in the DRC, a stream of Congolese presidential candidates came to Washington to speak to US politicians and members of the Congolese Diaspora. Oftentimes, these visits were paired with corresponding trips to Belgium. I was able to attend a conference featuring presidential candidate Étienne Tshisekedi and another with the head of the electoral commission, Pastor Daniel Mulunda. I also attended a consultative meeting with representatives of the US Securities and Exchange Commission on their plans to implement a provision regarding the labeling of “conflict minerals.” In addition, I had the opportunity to meet and dine with Dr. Denis Mukwege, the recipient of the 2011 King Baudouin African Development Prize.
The second source of my motivation is related to my experiences during the following semester in the Netherlands. Here, I learned from Belgian friends, as well as travels to Belgium, about the shameful colonial history. During these conversations, I witnessed a sense of culpability for Belgium’s role in Congo. In the US such awareness of the destabilizing influence of the US is minimal. In sharing some of my findings for this thesis with friends and family members, I have been responded to with such utterances as, “I know nothing about that” or “you lost me at neocolonialism.” These reactions have compelled me to seek further understanding of the violent turbulence in Congo, and to explore the reasons behind the difficulties in the way of accessing clarity.

As I have never been to the DRC, let alone done any research there, the majority of my analysis of the DRC focuses on national politics rather than intimate experiences. However, I cannot deny that this subject affects me. Much of the most profound violence that has taken place in the Congo occurred during my lifetime with the permissiveness of my government, and my own apathy. Realizing how members of my community and I are implicated in this situation through our passive acceptance encouraged me to reach a deeper understanding. After becoming informed, I could not return to the blissfulness of ignorance. My position, as a scholar in the US, best positioned me to engage with the situation by first educating myself on the historical and political contexts before then analyzing the factors contributing to the destabilization.

D. Sources and Methods

I have formulated my ideas through formal courses and independent research. For the literature review, my curiosity has been inspired by two courses I recently took at
Macalester College. I participated in the first, *Anthropology of Violence* taught by Olga Gonzalez, in the spring of my junior year. This course allowed me to construct my understandings of violence and bureaucratic secrecy. My thoughts on neocolonialism and post-coloniality were influenced by the course *Postcolonial Theory* taught by David Chioni Moore, which I took in the fall of my senior year.

For the case study of the Congo, the bulk of my information comes from historical and political economy works describing the context of Belgian colonialism, as well as the post-independence period. The last section, which focuses on the contemporary time period, draws upon my experiences working for Congo Global Action. I also include information from statements made by representatives from non-governmental organizations as well as government officials, and policy analysts. In order to turn these experiences into a coherent narrative, I include more of my personal analysis of the situation in this last section than in the others.

### E. Organization

My thesis is divided into five chapters. After this introductory chapter, the second offers a review of the literature by way of the key concepts: colonialism, violence, the state, and bureaucratic secrecy. Chapter three focuses on the history of Belgian Colonialism. The fourth chapter moves on to investigate the role of the US in the Congo following independence. Finally, the conclusion details key findings, lessons learned, and possible further research.
A. Colonialism

Colonialism is the antithesis of sovereignty. Under systems of colonialism, a powerful group, usually externally based, exerts command over a territory and its people without the input or agreement of the majority of that population. The methods of colonialism vary. There have been forms of indirect rule whereby a few state agents exploit the people through existing power structures. Alternatively, forms of settler colonialism involve members of one population moving to a new territory, displacing local populations, and establishing a new community. All forms of colonialism are destructive and dehumanizing. Along with exploiting material resources from colonized lands, colonialism breaks down conquered societies in order to avoid resistance or mutiny. As Aimé Césaire explains, “I am talking about societies drained of their essence, cultures trampled underfoot, institutions undermined, lands confiscated, religions smashed, magnificent artistic creations destroyed, extraordinary possibilities wiped out.”

The height of formal colonialism on the African continent began with the Berlin Conference in 1884-1885 and then generally ended by or shortly after the institution of the 1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples. This declaration proclaimed that “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Despite the formal end to colonialism, however, many Western nations continue to exert their influence over former colonies through neocolonial economic, cultural, and political means. Whereas
formal colonialism could be openly acknowledged, neocolonialism has to take place under the guise of cooperation or development assistance.

The United States used the period of decolonization to establish its dominance. As Césaire warned, an end to formal colonialism “means that American high finance considers that the time has come to raid every colony in the world.”9 World War II had weakened most Western European countries. As an emerging empire, it was in the interest of the United States to take advantage of this situation by usurping the power of other states and establishing its influence globally. The onset of the Cold War caused even further urgency in the establishment of US influence in nations deemed to be at risk of Soviet intervention. However, after decrying the evils of formal colonialism the US had to turn to less transparent means of exerting its power.10

In order for neocolonialism to have an effect, leaders within the former colonies had to be susceptible or acquiescent to outside intervention. New political leaders often used their positions of power for their personal advantage rather than to benefit the nation as a whole. Leaders in newly independent states, akin to societies globally, most often came from elite classes that had been privileged during colonial times. This led to a condition of neocolonialism, in which the political class of independent states acted at once as plunderers to build their own narrow interests, and facilitated the strategic designs of external powers. In many cases of neocolonialism, foreign military imposition is unnecessary for the old relations to dominate the new period.

Foreseeing the possibility that colonial efforts might continue after formal independence, Frantz Fanon, in the conclusion of The Wretched of the Earth, lays out a plan by which decolonization and nation building might take place in a meaningful way.
He exhorts nations not to merely imitate Europe. Of course, one cannot easily label any idea or action as distinctly “European”—ideas both transcend boarders and are not one directional. Nevertheless, in his final sentence, Fanon pleads “for Europe, for ourselves and for humanity, comrades, we must make a new start, develop a new way of thinking, and endeavor to create a new man.” This creation of a new man entails rebuilding every aspect of life and reimagining of what it is to live. Fanon proposes that communal imagining involve the denial of colonial myths of inferiority, which tell the colonized that he cannot create something better for himself than what the colonizer imposed, and that the past must be indicative of the future.

Fanon did not want former colonial subjects to be confined by the exploitative cultural, political, or economic practices of former colonizers. He knew the ease with which mimicry could foster a semi-stable state fit only to prevent total chaos yet continue, if not deepen, exploitation. Fanon warned against the bourgeoisie’s attempts to make themselves rich at the expense of the nation. He believed in the ability to create a nation in the wake of destruction that went beyond all the expectations of the colonizer. Essential to his plan was national solidarity that could overcome individual greed for the sake of civic well-being.

Fanon suggested a unifying violent revolution as the first step to instill loyalty. Violence would make each person realize the price of national freedom, and therefore be invested in its continued protection. However, many colonial powers granted independence to their colonial subjects before they could seize it for themselves. In instances when decolonization took place without a violent struggle, communities did not have to join together in an effort to build a unified state based on consent to be ruled.
Divisionism could remain, as could the influence of the former colonizer, although in a new form.

In some cases, the granting of independence only shifted power from exploitative foreigners to exploitative nationals working in conjunction with foreigners. If colonialism can be imagined as a process that disenfranchises peoples as well as haphazardly groups them together, and not only a form of external invasion, then multiple versions of it can be witnessed after formal independence. Only in the formation of a capable and legitimate state bent on the transformation of the society and its institutions can the process of decolonization be viewed as a success. Participation, consent to state power, and the security of the nation can measure the degree to which a state can be labeled as truly postcolonial.

B. Violence

Violence has come to be defined more broadly than physical aggression between conflicting parties. There are subtle ways in which symbolic or hegemonic dominance is exerted. Thus, even in the absence of physical violence, systems of coercion and manipulation may still be intact. Pierre Bordieu and Loïc Wacquant define symbolic violence as “the violence which is exercised upon a social agent with his or her complicity.”¹⁵ They go on to write that these social agents commit violence “by the mere fact of taking the world for granted or accepting the world as it is, and of finding it natural because their mind is constructed according to cognitive structures that are issued out of the very structures of the world.”¹⁶ Therefore, non-action against forces of domination is violence. Dominated peoples can assist in maintaining systems of
oppression. Thus, “we cannot understand symbolic violence and practice without forsaking entirely the scholastic opposition between coercion and consent, external imposition and internal impulse.” Symbolic violence involves victims in processes of self-harm.

Symbolic violence exists in a realm in which systems that create inequality, such as colonialism, patriarchy, and racism, are dependent upon the inaction of those who live within them to survive. Allen Feldman questions the distinction between victim and perpetrator as promulgated through the focus on specific events of violence within popular discourse. He suggests that by placing such emphasis on particular events where violence bursts into the physical realm, more powerful, underlying forms of violence are left unacknowledged. This particular discourse of violence “reserves for the author and reader a semantic and moral hold on violence denied to aggressors and victims who are seemingly blindly caught up in the fulcrum of morbid action.” And yet, this is the sphere in which violence most often takes place, beyond the recognition of those enacting it or suffering because of it. Responsibility for the violence is only placed on those who are visibly witnessed participating in physical manifestations.

In reality, the range of those who might be implicated in systems of violence is much broader. Thomas Pogge addresses the negative duties of “affluent countries” to actively not harm the citizens living in “poor countries.” Before they can focus on making positive contributions, affluent countries must first stop perpetrating harm. For example, the inequalities created by systems of trade established by the global North actively harm citizens of poor countries. In response to the plethora of arguments for increased positive duties, Pogge points out that “more stringent negative duties are also in
play: duties not to expose people to life-threatening poverty and duties to shield them from harms for which we would be actively responsible.”

Pogge demands that affluent countries recognize that they are implicated in global poverty. He rejects that they have achieved their wealth through working hard or living near plentiful natural resources more so than through systematic exploitation. Rather, the active perpetuation of inequality morally implicates the affluent countries. As Pogge explains,

the common assumption, however, is that reducing severe poverty abroad at the expense of our own affluence would be generous on our part, not something we owe, and that our failure to do this is thus at most a lack of generosity that does not make us morally responsible for the continued deprivation of the poor.

The perception of aid as an altruistic donation rather than a responsibility to prevent harm decreases the amount of accountability felt in the global North. Shifting the perception from altruism to responsibility would grant more power to the “poor countries” in demanding a decrease of inequality. In cases of violence, Pogge’s logic suggests that before outside actors begin responding to the outcomes of violence they should first address ways in which they are responsible for causing it. Doing so would increase the commitment of outside actors to ensure the violence comes to an end.

C. The State

Despite trends, in the age of globalization, towards increased multilateral action, and international governing bodies such as the UN, the nation-state has continued to function as the primary mode of political organization. In 1793, Immanuel Kant defined three *a priori* principles necessary to a state: “The freedom of every member of society as a human being. The equality of each with all the others as a subject. The independence of
each member of a commonwealth as a citizen." The power of the state is thus based upon the freely given consent of its citizens. Kant describes the social contract whereby individuals embrace the state’s right to create laws so long as those laws assure equal protection of freedoms for all its citizens. The duty of the state, then, is to ensure that each of its citizens is not subjugated to violations of freedom by other citizens, external forces, or the state itself. He also stresses the importance of obeying with a spirit of freedom, rather than coercion, in order for law to prevail. Citizens have to believe it is in their interest to be governed and see the ability of the state to maintain order. Kant’s theory can act as a basis for understanding the fundamental role of consent in the power of the state.

Antonio Gramsci added to the theory of the state’s power explaining hegemony as an outcome created by a mixture of coercion and consent. His idea of hegemony explains why citizens who are not equally benefiting from the state system still might obey its laws. In this view, the dominant social group creates an ideology to enforce its power, which over time is accepted as common sense and therefore widely internalized as the necessary order of the world. Citizens again believe that the laws created by the state, and the cultural norms that justify them, serve their best interest. Consent, then, decreases the need for state coercion to maintain compliance by the population. When hegemony is vibrant, groups may not realize they have a choice in consenting to being ruled, but rather accept their positions in society as natural. These people then participate in the further promulgation of the hegemonic ideology.

Within this system, it is necessary “that account be taken of the interests and the tendencies of the groups over which hegemony is to be exercised, and that a certain
compromise equilibrium should be formed.” Consent to hegemony is not possible if significant portions of society are excluded from its benefits. In cases where the nation has not consented, the state is likely to utilize coercion in order to maintain its power. In this way, the physical force necessary to assure hegemony diminishes with the level of consent freely given. Where consent is complete, coercion should not be necessary.

Writing in response to Gramsci, James Scott questions whether hegemony is ever so fully established as to escape the recognition of subordinated groups. Unlike Kant and Gramsci, Scott addresses situation of domination in which the people are not part of a representative state, but rather under the influence of oppressive forces. In the final chapter of his landmark book, Weapons of the Weak, he proves how groups placed in subjugated positions retain the capability to revolt against their oppressors. While believing that ideological hegemony is a necessary factor for peace to exist, he does not believe that a state of peace proves that ideological hegemony is either voluntary or complete. It is possible that hegemony is only tolerated because the subordinate class lacks the means to subvert the forces of domination. Scott labels the phenomenon of seeing inequality, but not acting to change it as “pragmatic resignation.” In these circumstances, the consent that is given is only a result of the realization of the costs it would take to change the system.

The formation of states in the wake of decolonization, particularly on the African continent, has faced unique challenges. As many colonial territories within Africa drew together a number of previously unassociated peoples without a common language, culture, or system of power, post-independence states had to rapidly form legitimacy in the eyes of their nations. Ahmed and Abdi Samatar, in the introductory chapter of The
African State: Reconsiderations, list the minimum features of the state as “monopoly of coercion; territorialization of rule; fixed population; sovereignty; economic and cultural activities; recognition by other states.”\textsuperscript{27} The state is therefore based upon both internal and external judgments that it is functioning to represent and serve its people.

Samatar and Samatar go on to describe various levels of state vitality, the most healthy of which they label as integral, in which the state freely serves the basic needs of the population through a “moral and intellectual bonding of people” thus emphasizing the necessity for unity within a state.\textsuperscript{28} The stages of state vitality decline as it loses its ability to serve the people until the state becomes first a predatory scavenger of resources and then cadaverous: not able to function in any way.\textsuperscript{29} When the state loses, or never had, legitimacy in the eyes of the people, they see the state as a burden rather than source of security. Consent to state rule is especially weak when it is seen as a force of exploitation rather than contribution.

A number of post-independence states have continued to only profit select political elite, and at times former colonial powers, through remaining economic relationships.\textsuperscript{30} John Clark labels states of this type as extractive in that they mine wealth from citizens and natural resources. Social services provided by these states occur insofar as they function to continue the extraction. While extractive states only serve a few elite at the top of the political echelon, many people along the chain of extraction keep it in place. Clark labels this a “psychology of scarcity” in which “even those who benefit in some very small way from the extractive state feel protected, and therefore exude some acquiescence to the state, in the midst of unspeakable deprivation.”\textsuperscript{31} The state therefore gains power through making people feel they can survive only by
participating in the system of corruption. States that depend upon this rampant extraction, however, must turn to increasing levels of force to maintain their dominance, and eventually weaken to the point of powerlessness.

During the 1960s, projects of state creation began with varying degrees of success. Crawford Young finds a trend of what he labels as “Developmental States” to be predominant within African contexts at this time. Key characteristics of this type of state were a focus on industrialization, and the perception of the masses as “backward people” who needed to be ruled from above by the elites.32 Towards the 1970 there was then a move towards more integral states in which the state “seeks unencumbered domination over civil society” with state power extending into the economy and society.33 This period entailed near universal participation in civil society in a usually singular political party. State expansion, however, took a drastic turn in the 1980s when the dire economic situation of many states, which had become dependent on foreign assistance, became clear. Thus, the 1980s ushered in structural adjustment programs promoted by Western nations and international financial institutions. Structural adjustment sought the formation of liberalized states that had “fiscal discipline, elimination of subsidies, reduction in the public bureaucracy, an end to exchange controls, encouragement of foreign and domestic private investment, privatization of the sprawling parastatal sector, deregulation, and reinforced property rights.”34 The terms of structural adjustment programs, as well as haphazard implementation, led to the failure of this project along with many cases of weakened and failed states. The 1990s witnessed movements towards democratization and a number of crises, which led once more to the remaking of state structures and new forms of international interventions. Present within all of these transformations were
shifts in both the relationship between civil society and the state as well as fluctuating levels of involvement of the international community. Although the means by which the state secures power are for the most part visible to the public, there are also unseen factors that bolster popular support for the state.

D. Bureaucratic Secrecy

Bureaucratic secrecy is a source of state power that removes personal responsibility from actions made through institutional apparatuses. In Max Weber’s 1919 work, “Politics as a Vocation,” he describes the effect of bureaucratization on political systems. In bureaucratized systems of control, Weber distinguishes between officials and politicians. Officials are charged with carrying out the policies written by others with learned expertise. They should be able to “execute conscientiously the order of the superior authorities, exactly as if the order agreed with his own conviction.”\(^{35}\) While the ability to execute given orders is necessary to ensure the will of the people, or at least their elected leaders, is carried out, bureaucracy also can decrease responsibility. It must be noted that Weber does not say to execute blindly, but that officials must sustain some level of conscientiousness. The degree to which an official should use his moral judgment, however, remains contentious.

In order to address this dilemma, Weber discusses the conflict between the “ethic of ultimate ends” and the “ethic of responsibility.” The ethic of ultimate ends endorses the idea that if one sets forth with good intentions in mind, then if bad results occur, that is the fate of the world and not the fault of the actor. The ethic of responsibility calls upon the actor to take responsibility for any results that may occur due to his or her
actions. Or, in Weber’s words, the actor, with regards to the ethic of responsibility “does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them; he will say: these results are ascribed to my action. The believer in an ethic of ultimate ends feels ‘responsible’ only for seeing to it that the flame of pure intentions is not quelled.” 36 While this battle between ends and responsibility is in the hands of the politician, and can shape policy, the non-political official is only responsible for carrying out orders and only witnesses the ends insofar as his particular assigned task is concerned.

Hannah Arendt examines the power of bureaucracy in erasing a sense of personal responsibility in her 1976 book, *Eichmann in Jerusalem: a report on the banality of evil*. Extreme cases of removed individual responsibility felt under the power of a charismatic leader who operates through politics of fear can facilitate atrocities. When one feels he is strictly following orders rather than acting out of his own agency, he can be capable of horrific behavior. Arendt’s thesis has been sustained by a number of psychological studies such as the Milgram Experiment and the Stanford Prison Study. These studies explored the circumstances necessary for individuals to enact harm upon other people while being supervised or instructed, and witnessed the power acting under orders could have.

Bureaucratic systems create secrecy. Even without intention, people within bureaucracies can function without knowing the full scope of the project they are working on. Beyond the internal effects of bureaucracy, the impenetrability of state proceedings also can create atmospheres of secrecy. If a US citizen were to seek full understanding of every action his state is involved in, he would likely be unsuccessful
even by devoting every waking moment to this task. Aside from the impossibility to comprehend every state operation, there also has been a development of a “state of exception” within government proceedings that has in some cases become the norm.

Giorgio Agamben explains a state of exception as a temporary suspension of law in which executive power fills a lacuna of law and acts of its own volition. This is likely to be deemed acceptable within a society when the fabric of that society is threatened by some great disruption (i.e. Cold War, terrorism, or a national emergency). Agamben, quoting an Italian jurist, points to the fact that law “not only is necessarily not unrelated to the juridical order, but it is the first and originary source of law.” Therefore, since law comes out of a necessity for order, and not out of whimsical spontaneity, it must be questioned that there could ever be a time in which the legislative and juridical process should be suspended in order to increase stability.

These suspended legislative and juridical processes disallow civil engagement with the state. Thus, pure executive power takes the place of the citizen input. States of exception reveal vulnerability, and operate outside of normal bounds. Rights of citizens may be suspended in order to protect the public good. An example of this would be the Patriot Act in the US following September 11, 2001. State secrets, as precursors to states of exception, mark areas of state vulnerability. Secrecy, similar to bureaucracy, can decrease public responsibility for state action. Under the guise of security, a state can act without public agreement or awareness. A public that is unaware of exactly how its government conducts itself internationally may feel excused from answering for the wrongs that are done on its behalf.
Even when it is not essential for information to be secret, keeping it so can increase state power over citizens and allow for greater executive freedom. Thus secrecy, created through bureaucracy and states of exception, diminishes public responsibility. This system of secrecy makes limited revelation essential. The public has to know that there are some things they do not know, and would not like to know, in order to participate in protecting the status of the secrets as such. After all, it is easier for citizens to accept their state of wealth and security if they do not understand its costs. Every citizen benefiting from systems of colonialism has a stake in maintaining the imagined ease of their success.
A. Basic Information about the Congo

In the center of the African continent, the Democratic Republic of Congo covers an area of over 2.3 million square kilometers. For comparison, it is about the size of the United States east of the Mississippi River. The central basin of the country has a hot and humid climate near the Equatorial River. The Congo Rainforest, within the basin, is the second largest rainforest in the world, after the Amazon. The eastern portion of the country is mountainous and thus less accessible. The Albertine Rift Valley in the Nord Kivu, Sud Kivu, Orientale, and Katanga regions are rich in minerals including gold, tin, copper, coltan, and cobalt. The DRC touches ten neighboring countries.
Despite being rich in resources, the DRC has not developed a vibrant formal economy. The GDP per capita in 2012 was four hundred US dollars, with seventy-one percent of the population below the poverty line. Agriculture makes up forty percent of the economy. The remainder is composed of twenty-eight percent from manufacturing, and thirty-two percent from the service industry. The top exports are diamonds, gold, copper, cobalt, wood, crude oil and coffee. Nearly half of the yearly exports go to China, followed by twenty-one percent to Zambia, and ten percent to the United States. The country is currently $7.644 billion in debt.40

The Congo has a population of 72,599,190 people. Forty-four percent of these people are under the age of fourteen. Only six percent of the population is over fifty-five years old. The median age is 17.6 years old. After independence, rapid urbanization took place, with thirty-five percent of the population now living in urban areas. The major cities are the capital, Kinshasa, with eight and half million people, followed by Lubumbashi and Mbuji-Mayi, with one and half million people each, and then Kananga and Kisangani with eight hundred thousand people each. The four major ethnic groups, out of a total 200, are Mongo, Luba, Kongo, and Mangbetu-Azande.41 These groups are Bantu-speaking. In addition, 2.7 million refugees and internally displaced people live in the DRC.42

One percent of the population is comprised of the oldest inhabitants: the Batwa and Mbuti, who are popularly and pejoratively called “pymgies.” Bantu-speaking groups largely displaced these first inhabitants from their historical territory by 1000 B.C. E. From this time forth, a number of kingdoms took control of the area. One was the Kingdom of the Kongo, from which name for the Congo River, and eventually the
Belgian colony was derived. From its founding in 1390, until the arrival of Portuguese in 1438, the kingdom increasingly centralized around the capital of Mbanza Kongo. By 1500, it expanded into the region near the mouth of the Congo River, which now comprises the western DRC. The kingdom was organized as a patriarchy. During the 16th and 17th centuries it became increasingly connected with Portugal through collaborating in the administration of the slave trade. As part of this agreement, members of the Kongo Kingdom were not sold into slavery. However, after years of both internal succession disputes and external pressures, the remnants of the kingdom of Kongo ceased to exist by 1914.43

In the fifteenth-century, the Luba kingdom formed west of Lake Tanganyika and was composed of groups of farmers who originally organized as chiefdoms. The kingdom expanded westward and developed trade routes as well as copper mining, palm oil manufacturing, and fishing. Similarly to the Kongo, the Luba took part in the slave trade. The peak of the Luba kingdom came in the 1700s when it expanded towards the Congo and Invua Rivers. Their decline began in the mid-nineteenth century with the arrival of Arab and Swahili groups involved in the ivory trade. The small factions that remained lost further power with the arrival of Belgian colonialism. After a failed rebellion in 1885, many were forced to work in mines. Today, the Luba are the majority group in the Katanga region.44

The Luba and Kongo were only the two most prominent groups present in the area known called the Congo. These diverse identities continue into the present and are especially noticeable in the distinct linguistic divisions across the country. The most prevalent of the over two hundred languages spoken in Congo are Lingala in the north,
Kicongo in the western tip, Tshiluba in the central region, and Kiswahili in the southeast. The linguistic divides also play out in political divisions.

Thus, the idea of a singular Congo remains contentious. I cannot, especially within the bounds of this thesis, determine whether a unified Congolese identity can or should exist. The space delineated by the Berlin Conference, and the people who live therein have never become wholly unified. The nation did, however, experience a common colonization in which the Belgians installed a colonial state apparatus that restructured power relations as well as sought to influence the culture through religion and education. After the end of formal colonialism, much of the state apparatus and cultural influences remained, now with Congolese people filling many of the roles formerly held by Belgian administrators. While it would be wrong to take for granted that the Congo exists as one unified entity, it is also dangerous to assume that it cannot or should not be unified. Regional separatist movements have often fallen under the influence of neocolonial powers, and the secession of resource rich areas would endanger the country as a whole. Some of these movements have represented the will of a majority of the people living within the region, while others were little more than the dreams of a couple of power-hungry politicians. External powers have actively worked to prolong the disunity in the Congo in an attempt to maintain influence, rather than to recognize wrongly homogenized identities. Nevertheless, the terms “Congolese” and “Congo” must be used as imagined and sought after identities rather than existent categories.
B. Formal Colonialism

King Leopold II of Belgium appealed to the international community for possession of the territory he called the Congo by spewing humanitarian objectives and assuring that other Western powers would be able to trade with the Congo. However, after being granted possession of the territory at the Berlin Conference in 1885, Leopold established a system of forced labor to exploit his territory’s natural resources, especially rubber. Treaties with local leaders granted him complete access to “vacant land” as well as mandatory manual labor by all the people within his newly acquired territory. In his book, *King Leopold’s Ghost*, Adam Hochschild estimates that between 1880 and 1920 nearly ten million lives were lost due to disease, killings, or infertility resulting from the conditions of colonialism.

As the Congo Free State was a personal possession of King Leopold until 1908, the Belgian public had no say in its rule. In fact, many Belgians were uninterested in the Congo beyond possibilities for personal gain in the colonial process. In the early 1900s, when the extraction of rubber became highly profitable, reports of atrocities in the Congo started to filter back to the US and Europe. Joseph Conrad’s *Heart of Darkness*, although a work of fiction, highlights some of the inhumanity practiced within the Congo during colonialism. Leopold’s management policies for the Belgians in Congo led to many of the worst abuses. For example, he required that colonial officials only use the ammunition he provided to fight the autochthonous people. They were forbidden to use it to hunt animals for food. To prove they had followed his instruction, officials had to turn in a corresponding number of human hands to the amount of ammunition they had used. This policy led to Belgian officials cutting off the hands of people they had not killed and
bringing them to their superiors.\textsuperscript{49} This practice completely disregarded the humanity and physical autonomy of the people in the Congo.

Such atrocities did not go unnoticed in the press. In the 1890s, the British journalist E.D. Morel found proof of slavery in the Congo through suspicious trade records and implicating shipments of weaponry.\textsuperscript{50} Eventually Morel, along with humanitarian campaigner Roger Casement, compiled enough facts relating to atrocities in the Congo to convince Britain to condemn Leopold’s rule.\textsuperscript{51} International, as well as Belgian, pressures led Leopold to establish a Commission of Inquiry to investigate the administration of the Congo. The details of these reports were so incriminating that the full transcripts were kept secret until the 1980s. However, leaked portions of the findings were sufficient to force Leopold to sell the Congo to the Belgian state in 1908.\textsuperscript{52} In little over a decade, King Leopold managed to extract around 1.1 billion dollars in today’s wealth from the Congo. He invested much of this wealth in personal property within Belgium.\textsuperscript{53}

During the period of colonial violence, the United States played a complicated role in the Congo. Significantly, the United States was the first country to recognize Leopold’s power over the Congo because it hoped to establish trade with the Congo Free State.\textsuperscript{54} Another motivation behind this support was the desire of some Americans, like Alabaman Senator John Tyler Morgan, for the Belgians to make conditions in the Congo receptive to welcoming former slaves. Morgan did not think the freed slaves should remain in the United States. With these motivations in mind, he lobbied Congress stating, “It may be safely asserted that no barbarous people have ever so readily adopted the fostering care of benevolent enterprise as have the tribes of the Congo, and never was
there a more honest and practical effort made to…secure their welfare." Statements such as these, and others made by Leopold himself led many in the US to believe his efforts in the Congo to be of a humanitarian nature.

However, when reports of the atrocities reached the United States, many Americans condemned Leopold’s rule. George Washington Williams, an African American politician, minister, and historian was one of the few Americans to actually visit the Congo Free State. After doing so in 1890, he traveled to Belgium to report to Leopld the atrocities he had witnessed Belgian men participating in. Famous Americans such as Mark Twain and Brooker T. Washington also joined the popular movement to improve the situation in the Congo that in part catalyzed Leopold’s establishment of the Commission of Inquiry. This movement was one of the first large-scale international efforts to dictate how the internal affairs of other states (in this case, the Congo Free State as a part of Belgium) should be conducted. Although there were similar abuses in many colonies throughout the world, those in Congo caused quite a diplomatic stir. The fact that Belgium was not as powerful as other colonial powers such as France, Britain, or Germany facilitated this condemnation.

The involvement of the US during formal Belgian colonialism brings to light a number of trends that have continued to characterize its relationship with Congo to this day. The first is the way in which American views can shift so rapidly. Particularly notable is the lack of responsibility felt for former support of now-condemned Belgian rule. While the US should be able to alter diplomatic relations in response to changing circumstances, this lack of accountability does not engender practices of careful action. Also important here is that members of the US Senate were the ones endorse Belgium’s
endeavors in the Congo, whereas members of civil society took it upon themselves to protest against the inhumane treatment.

When the Belgian state acquired control of Leopold’s former possession, they renamed it “Belgian Congo.” From 1908 until 1960 the Catholic Church, Belgian government, and private Belgian corporations formed an alliance that shared control in the colony. Although the church offered social services, such as primary education, the majority of Belgian interests in the Congo remained economic. As James-Emmanuel Wanki describes, “Belgian economic exploitation in the Congo, perhaps only matched by scant investment in social, educational and institutional structures, as well as the politics of repression and divide and rule, meant that Belgium was effectively designing the Congo to fail.”

Physical and symbolic colonial violence instituted a dehumanizing structure meant to exploit the Congo. Belgians gained power over the inhabitants of Congo by only allowing socio-economic mobility through collaboration with the colonial administration.

This violent act of limiting human potential was institutionalized through the practice of administering certificates of human evolution to non-European individuals. The Belgians created a system of judging which people had earned the status of évolué. This label was reserved for the select few who were able to prove they had effectively adopted Belgian standards of civilization in domains ranging from hygiene to religion. Évolués gained higher levels of employment within the colonial administrative system. This process allowed the Belgians to define levels of humanity, and even control the ways people in the Congo “chose” to care for their bodies.
Michel Foucault explains, “the body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs.”63 The members of the évoluté class were physical representations of nearly complete colonial domination. Every part of the body of an évoluté had to conform to the ideal of a civilized person. The only hope people in the Congo had for a better future came through collaborating with the colonizers and suppressing any trace of their former identities. While the process of becoming an évoluté involved profitable education and training, it also disabled many évolutés from maintaining ties to the masses.

Along with a separation from the masses, évolutés also found they remained excluded from engaging with the Europeans as equals. This failure of the colonial administration to deliver on their promises weakened their hegemonic power. Perpetual inequality caused évolutés to see through the empty promises of shared power offered by the colonizer. Only total independence and not a Belgian-Congolese federation would be sufficient. The évolutés no longer believed the Belgian claim that inequality was due to lack of education and that colonial education would eventually lead to racial equality. The évoluté system could not lead to social or economic equality with the Belgians, as it was part of the colonial system that perpetuated the inequality.64 The dissolved consent of the évoluté class sparked the independence movement.
A. Granting Disunity

In the wake of the wave of decolonization sweeping through the Africa continent, Belgium began to reconsider its role in the Congo. In 1955, the Belgian Professor Antione van Bilsen wrote a thirty-year plan for how the Congo could become independent. Then, in 1956, a number of educated Africans and Catholics proclaimed their support for this plan in *Le Manifeste: Conscience Africaine*, which was edited by the future Congolese politician Joseph Ileo. They thought it would allow for independence to “be realized peacefully and in agreement.”

Others did not have as much patience. One such man was Joseph Kasavubu, the founder of *Alliance des Bakongo* (ABAKO), a movement to unite the Bakongo people in efforts to preserve the Kongo language and reestablish the former glory of the Kongo Kingdom. On August 23, 1956 he became the first major political figure to demand *indépendance immédiate*. ABAKO then continued to gain political influence in the Bas-Congo region in which the capital, Leopoldville, was situated.

In January 1959, the push for independence gained momentum once again. The previous year had seen an economic downturn, with 30,000 unemployed Congolese people in Leopoldville. The economic situation, accompanying dissatisfaction with colonialism, and confusion resulting from the postponement of an ABAKO meeting, sparked what are known as the “Leopoldville Riots.” These riots lasted from the fourth to the sixth of January. Somewhere between 42 and 340 Congolese were killed and many
more injured, including 49 Europeans. An estimated 50,000 Congolese took part in these riots. Although no Europeans were killed, this demonstration of defiance shattered the illusion of Belgian dominance. A week later, in response to the riots, and a growing fear among the Europeans in Congo, Belgium’s King Baudouin promised to grant formal independence.

One could view the sequence of events in the Congo, a demonstration of violent resistance leading to a promise of independence, as an example of Fanonian revolution. However, this is distinctly not the case. While the riots quickened the pace of decolonization, the promise of independence prevented further unifying action. Competing Congolese politicians scrambled to bolster their support bases rather than joining together in a struggle against the Belgians.

The Belgian government also had an interest in preventing a Congolese revolution. Like other European colonial powers, Belgium had been anxiously witnessing the costs the war in Algeria was incurring upon France during Algeria’s fight for decolonization. This was not a situation to envy. Belgian companies had twenty-one billion Belgian francs per year worth of reasons for maintaining economic relations within the Congo. In order to sustain is position of economic power without enduring a costly revolution, Belgium sought to appease Congolese politicians by kindly granting independence. This apparent cooperation halted further revolutionary action, as it would have been difficult for Congolese political leaders to motivate a violent revolt when their demands seemingly had already been met. As such, King Baudouin’s early promise of independence crushed any chance the Congolese had to win sovereignty for themselves.
Fanon’s assertion that colonialism “is violence in its natural state, and it will only yield when confronted with greater violence” suggests that in order for decolonization to take place fully, it must occur through a violent revolution. The colonized people have to overcome the ideological domination of colonialism and decide that regardless of the personal cost, they can no longer live under such oppression. Through such a struggle, “the interests of one will be the interests of all, for in concrete fact everyone will be discovered by the troops, everyone will be massacred—or everyone will be saved.”

Thus, the nation will be unified. Although violent revolutions cost more initially, they also allow the colonized to look into the eyes of his oppressor and decide that he will no longer stand to be oppressed. In Fanon’s view, the unity created by such a force, as well as the dedication required for it to succeed, are necessary in order ensure that decolonization is more than nominal.

Jean-Paul Sartre agrees with Fanon that people gain a sense of unity by joining together in a physical effort to overcome an oppressive power. The fact that the Belgians promised independence at such an early point in the fight meant that a portion of the population was not yet convinced it was necessary. Furthermore, factions within Congolese society based on ethnicity and regionalism persisted past independence. Had there been a violent revolution, these factions may have joined together to overthrow Belgian colonial powers and a new sense of strengthened national identity would have emerged.

In the pre-independence period, Patrice Lumumba, when he was just over thirty years old, emerged as a voice for Congolese unity. Coming from a relatively small ethnic group, Lumumba needed to draw support from throughout the Congo. He thus
understood that all Congolese shared interests and sufferings under colonialism. His political party, the *Mouvement National Congolais* sought to reinforce a unified national identity as a defense against the neocolonial influences, which he saw influencing factionalist leaders. In order to destroy colonial influence, Lumumba envisioned a centralized, omnipresent, and democratic party in which every Congolese person was a member. He resisted the idea of creating a federalist government that would allow competing regions to play into the hands of the former colonizers.

In his struggle to foster unity, words were Lumumba’s most dangerous weapon. Although Lumumba spoke with ferocity, he was a “revolutionary without a revolution,” who for the most part believed in non-violence. This was in part due to his belief that he could win people’s support through his charismatic ideas, but also because he did not have the power to organize an armed revolution. Lumumba’s rhetoric influenced Belgian perceptions as much as Congolese. He did not feel a need to make the Belgians comfortable in his county. While attending dinners with Belgian diplomats, he often “launched into a tirade about imperial oppression.” When asked why he spoke in such a manner, he said his speech ought to make the Belgians glad because “if we talk like this we are much less likely to actually have violence.” However, this did not quell Belgian fears.

The most renowned of Lumumba’s orations came on June 30, 1960, the day before Congolese Independence. In order to fully appreciate Lumumba’s speech, one must first understand the context in which it was given. King Baudouin of Belgium had journeyed to the Congo in order to formally grant independence. During the main ceremony, Baudouin gave a speech praising the good work of Belgium, led by his great
uncle King Leopold II in freeing the Congolese from Arab traders and providing them with civilization. Baudouin claimed these efforts “deserve admiration from us and acknowledgement from you [the Congolese].”\textsuperscript{86} He also warned against the influence of “certain foreign powers,” referencing the Soviet Union. His conclusion invited the Congo to call on Belgium for any help it needed.\textsuperscript{87}

Baudouin also made Congolese independence seem contingent upon the success of the new leaders stating, “it is your job, gentlemen to show that we were right in trusting you.”\textsuperscript{88} The speech demonstrates Baudouin’s idea that the Congo owed its independence to colonialism’s civilizing benefits, and his own generosity. He made this belief even clearer by stating, “the independence of the Congo is the crowning of the work conceived by the genius of King Leopold II undertaken by him with firm courage, and continued by Belgium with perseverance.”\textsuperscript{89} This is the same King Leopold responsible for robbing the Congo of its riches as well as for the deaths of an estimated ten million Congolese.\textsuperscript{90} Citing him as a genius, and the person responsible for the independence of the Congolese people, rightfully infuriated Lumumba.

As the Congo’s first prime minister, Lumumba could not allow King Baudouin’s celebratory view of colonialism to stand as uncontested truth. Although not on the official schedule, after hearing the condescension spurting from Baudouin, he insisted on responding with a speech of his own in which he passionately recounted the evils of colonialism in the form of forced labor, discrimination, and persecution. Furthermore, Lumumba found it essential to define independence as a Congolese accomplishment rather than a product of Belgian benevolence. He provided his own understanding of the fight for independence in the second paragraph his speech:
Nul congolais digne de ce nom ne pourra jamais oublier cependant que c’est par la lutte qu’elle a été conquise, une lutte de tous les jours, une lutte ardente et idéaliste, une lutte dans laquelle nous n’avons ménagé ni nos forces, ni nos privations, ni nos souffrances, ni notre sang. Cette lutte, qui fut de larmes, de feu et de sang, nous en sommes fiers jusqu’au plus profond de nous-mêmes, car ce fut une lutte noble et juste, une lutte indispensable pour mettre fin à l’humiliant esclavage qui nous était imposé par la force.\(^91\)

No Congolese worthy of that name will ever be able to forget that it was by the struggle that independence has been won, a day to day fight, an ardent and idealist fight, a fight in which we were spared neither forces, nor privation, neither our suffering nor our blood. We are deeply proud of our struggle, of tears, of fire, and of blood, to the depths of our being, for it was a noble and just struggle, and indispensable to put an end to the humiliating slavery which was imposed upon us by force.

Lumumba thus proclaimed independence as an achievement fought for by the Congolese people. Within the speech, he did not mention a specific ethnic group or event. Rather, Lumumba claimed that through everyday resistance, as well as through physical force, the imagined community of a united Congo put an end to colonialism. He went on to ask the Congolese people to end “tribal quarrels” for the sake of the nation.\(^92\)

Lumumba’s speech shows his awareness of the need to unite the nation, and the power that a common struggle for independence could have had in doing so. His act of defiance also demonstrated that he would reject the Belgian narrative of colonialism. This defiance, however, did not last for even the day. Following a brief break in activities, Lumumba, prompted by the former Belgian resident minister, gave a more conciliatory speech at a luncheon in which he expressed his desire “to pay solemn homage to the King of the Belgians and to the noble people he represents and the work done here over three quarters of a century.”\(^93\) This second speech went largely unnoticed by the international community. However, it demonstrates the pressure Lumumba was under to maintain a diplomatic relationship with the former colonizers.
The fact that Lumumba had to defend his belief that the Congolese had united to win independence shows that this belief was not universally held to be true. Although he was one of the most powerful men in the nation, Lumumba still was forced to endure speeches about the greatness of the colonial past, and accept independence as a gift rather than celebrate it as a victory. The further demand that Lumumba, and not Baudouin, alter his statement on the day of independence reveals that Belgium still held power over the Congo.

Without having experienced the unification fostered in a revolution, the Congo emerged as a divided nation. The first president of independent Congo, Joseph Kasavubu, who had been instrumental during the fight for independence, now was an obstacle to the nation’s unity. In opposition to Lumumba, Kasavubu continued to propose either a separate Bakongo nation that would incorporate parts of the French Congo and Angola or a federalist state that would grant significant power to the Bakongo. Belgian influence had contributed to Bakongo factionalism. Flemish Belgians educated the Bakongo in colonial schools. Within Belgium, the Flemish have fought for representation and power against the French-speaking majority. Thus, they antagonized separatist leanings amongst the Bakongo people.

The Bakongo were not the only people on the side of a federalist state or regional power. The region of Katanga in the southeastern part of the Congo sought independence even more adamantly than the Bakongo. These efforts, led by Moise Tshombe, aimed to free the mineral rich province of Katanga from the rest of the Congo. Belgian corporations, along with the support of Belgian military personnel, bolstered Tshombe’s efforts. Tshombe welcomed this support and expressed his eagerness to sustain political
and economic links with Belgium. He participated enthusiastically in roundtable
discussions amongst Congolese leaders held in Brussels shortly before formal
independence. Belgium saw this as an opportunity to maintain direct control of their
economic investments in the Congo. Similarly, Belgians incited post-election violence in
the region of South Kasai, which also had secessionist rumblings.

The fact that Belgium supported these separatist movements demonstrates that
they were interested in their economic well-being rather than the success of an
independent Congo. It would make no sense for a party that was genuinely interested in
the success of the Congo to support movements that threatened to deprive it of essential
natural resources and economic revenue. Katangan secession, however, would allow
Belgian companies to secure the continuation of political and economic ties. The self-
interest of Belgian companies thus stood in the way of Congolese unity.

These regional threats of secession, along with political divisions, caused
President Kasavubu to tone down his separatist Bakongo language in order to maintain
control of Katanga. By doing so, Kasavubu could maintain the support of many
Bakongo in the capital. These threats, however, continued to prevent Lumumba from
building national unity during his time as prime minister and he lost much of his power in
the months following independence.

Lumumba’s decreasing political support resulted in part from his inability to
achieve power over the national army, the Force Publique. As the Force Publique had
not been involved in the struggle for independence, its allegiance to the newly formed
government was non-existent. Only a week after independence, the army mutinied.
The mutiny significantly limited Lumumba’s control. Even if the army would follow his
orders and deploy to a province as Lumumba instructed, members of the *Force Publique* often pillaged and murdered along the way. This misbehavior cost Lumumba further support, as people held him responsible for the actions of the army.\textsuperscript{103}

Disparity among classes also caused fissures within a newly freed Congo. Lumumba, as a former *évolué*, was a member of the petty bourgeois class upon taking office. During colonialism, many Congolese people who were not a member of this class saw the *évolués* as proof that Africans could be as accomplished and intelligent as Europeans.\textsuperscript{104} With independence, the masses now resented their inequality to the bourgeois class and called for Lumumba to provide a remedy. However, Lumumba did not have the power to bring about such change by himself. The newly empowered *évolués* were unwilling to sacrifice their positions of power.\textsuperscript{105} Thus, Lumumba was excluded from the masses, as an *évolué*, as well as from the bourgeois class who saw him as a threat.

With regional tensions and signs of disunity mounting against him, Lumumba lost all sense of power within five months of taking office. He could momentarily rally a crowd through his speeches, and tried at various times to seek the help of the USSR in removing Belgians from the Congo.\textsuperscript{106} However, too many forces were aligned against him. Despite his lack of real power, Lumumba, as the person who most held the promise of unity within his body, stood as too great of a threat to the installation of neocolonialism within the Congo. For this, he lost his life.
B. Assassinating Lumumba

After being ousted from office by a military coup led by Joseph-Désiré Mobutu in September 1960, Lumumba struggled to regain power. Then on December 1, Congolese forces, led by Mobutu, arrested Lumumba and a couple of his supporters. In January, they transferred the prisoners into Tshombe’s control in Katanga. Witnesses of this transfer saw that Lumumba had been badly beaten. On February 10, Tshombe announced that Lumumba had escaped with his compatriots. After two days, his death was formally announced. In reality, he had been killed on January 17. The Soviet Union immediately accused the Belgians of killing Lumumba. The UN then blamed Tshombe along with other Congolese leaders Munongo and Kimbe for complicity in the assassination. They also believed that a Belgian colonel, Huyghe, might have been responsible. This turned out to be true. The US also played an active role, as a CIA agent drove around Lumumba’s body before dumping it in an unmarked grave.

Although killed by a firing squad, Lumumba’s murderers could not allow his body to survive as a source of potential incrimination. The day after his assassination, European collaborators dug up his body, dismembered it, and dissolved it in sulfuric acid. The especially gruesome and sadistic manner in which Lumumba’s enemies discarded his body demonstrates the fear he created within them. Even while in prison Lumumba had stood as a threat. As UN Commander in the Congo, Rajeshwar Dayal, explained, “Lumumba behind prison bars had been no less potent a force than Lumumba free.” Murder alone could snuff out Lumumba’s power. The complete annihilation of Lumumba’s body stood as a warning against any further action his supporters may have been planning. The Western and bourgeois alliance demonstrated its divine violence in
this act of total destruction. They established their complete power through the
decimation of Lumumba’s body.  

As one of the few politicians more interested in national unity than personal gain
or regional power, Lumumba had the potential to unite the masses against the powers of
exploitation. He was too dangerous of a reminder of the hope that surrounded
independence. Hope for Congolese unity suffered a great loss with Lumumba’s murder.
However, it created unity between neocolonial collaborators as “his assassination can be
said to have sealed the recent alliance of imperialism and the black petty bourgeoisie:
henceforth there would be a corpse between him.”

Aside from transporting his body, further US involvement in Lumumba’s death
remains contentious. In 1975, the US Senate organized a committee, chaired by Frank
Church, to investigate the legality of actions taken by both the CIA and FBI in the past
decades. Part of these investigations covered potential US involvement in assassination
plots or attempts on foreign nationals, such as Patrice Lumumba. The reports issued by
the “Church Committee” revealed to the public some of the covert actions taken by the
CIA, and brought into question the ethical responsibilities of the government in
overseeing intelligence agencies. Held fifteen years after Lumumba’s death, the
committee tried to gain an understanding of who had possibly authorized an assassination
attempt, and to what extent US nationals had been involved in the assassination.

Both the Church Committee’s investigation and the memoir of the CIA chief of
station in Léopoldville, Larry Devlin, deny direct US involvement in the events leading
to Lumumba’s death. What they do acknowledge, however, is that top officials in the
United States government, and possibly even President Eisenhower, had been involved in
a plot to assassinate Lumumba. The plans to assassinate Lumumba went so far as to send lethal toxins to the Congo, and recruit an agent to carry out the mission. The findings relating to actual US involvement in the assassination are summarized in this excerpt from the Church Committee report:

the Congo Station had advance knowledge of the central government’s plan to transport Lumumba into the hands of his bitterest enemies, were he was likely to be killed. But there is no evidentiary basis for concluding that the CIA conspired in this plan or was connected to the events in Katanga that resulted in Lumumba’s death.

While the US may not have actively participated in the assassination, they did have knowledge ahead of time that the assassination was likely to take place and chose to not prevent it. The report does not include any details regarding what happened to Lumumba after he was killed, or if the US was involved in handling his body at any point in time.

Although the US did not have to carry out the assassination directly, the planning process and reactions of those involved grants insight into manifestations of bureaucratic secrecy on institutional and personal levels. A detailed look into the US assassination plot demonstrates how political policy depends upon the complicity of individuals in carrying out orders. The Church Committee makes clear that at every step in the process, US involvement in the assassination of Lumumba was required to remain secret. Part of the plan involved finding a third country national, someone not from either the Congo or the United States, to execute the assassination. According to Devlin, this was so that “I[f] implemented these instructions***it had to be a way which could not be traced back***either to an American or the United States government.”

---

ii Stars were used in the original to indicate material that was left out.
The US viewed Lumumba as a potential gateway through which the Soviets could gain power in the African continent. They thus deemed his removal, by any means necessary, as essential.\textsuperscript{122} Larry Devlin, called Hedgeman in the Church Committee report, never fully supported the mission. Thus, he carried out the planning process with little enthusiasm.\textsuperscript{123} When the CIA headquarters first gave Devlin the task of removing Lumumba from power, they were not too specific in their instructions. Rather, they gave him $100,000 to use at liberty without first consulting headquarters or the ambassador. It became increasingly clear to Devlin that he was authorized to begin planning an assassination, but that “the United States would want to be in a position to ‘plausibly deny’ responsibility.”\textsuperscript{124} As time went on, the arrival of lethal substances from CIA headquarters, along with assumed authorization from President Eisenhower to use them removed any doubt as to the meaning of “permanent removal.”

Various degrees of complicity by CIA agents demonstrate how bureaucratic secrecy can function differently depending on an individual’s circumstances and convictions. Devlin did not think that the assassination was logistically possible. He also believed that the Congolese would “solve the Lumumba problem for themselves.”\textsuperscript{125} Had Devlin thought it necessary for the US to assassinate Lumumba in order to prevent the USSR from getting a foothold in Africa, he would have been willing to act.\textsuperscript{126} Devlin’s willingness to comply with the orders he received were contingent upon his own assessment as to whether or not the mission was necessary, not upon a moral opposition assassination.

A slightly different attitude can be found in the agent that concocted and delivered the toxins to Devlin in the Congo, and instructed him that, if possible, he should carry out
the assassination. This man’s name was Schieder. In a Church Committee interview, he justified his involvement in the assassination plot by saying,

I think that my view of the job at the time and the responsibilities I had was in the context of a silent war that was being waged, although I realize that one of my stances could have been as a conscientious objector to this war. That was not my view. I felt that a decision had been made at the highest level that this be done and that as unpleasant a responsibility as it was, it was my responsibility to carry out my part of that.127

Schieder depended upon his moral judgment of whether or not to participate in this assassination, and unlike Devlin, found the mission to be necessary. While his statement is a bit vague, it suggests that had Schieder viewed the assassination attempt as morally objectionable he would have refused to participate.

This was in fact the attitude of another agent, Michael Mulroney, who was approached with a request to aid in the assassination of Lumumba. Mulroney flatly refused to participate, and in fact thought that even a discussion within the District of Columbia of the possibility of an assassination may have been illegal.128 Despite his objections to an assassination by the US government, however, Mulroney agreed to go to the Congo to assist in neutralizing and handing Lumumba over to the Congolese authorities. In doing so, Mulroney knew that there was a “very, very high probability” that Lumumba would be found guilty of treason and summarily executed.129 It was not the execution in general that Mulroney was opposed to, just the idea that it be part of a covert operation absent any sort of legal process. Mulroney thus created his own moral guidelines about how assassinations, or the death penalty, should function in international affairs.

The Church Committee report gives one example of an agent who would agree to participate in the assassination regardless of his moral judgment. However, the person
described as having such a complicit attitude did not testify on his own behalf.

Furthermore, the CIA this never directly approached him about the assassination. He simply was working in the Congo at the time and at one point was under consideration as someone to carry out the attempt. The head of the CIA’s Africa Division at the time described this agent by saying,

> He is indeed aware of the precepts of right and wrong, but if he is given an assignment which may be morally wrong in the eyes of the world, but necessary because his case officer ordered him to carry it out, then it is right, and he will dutifully undertake appropriate action for its execution without pangs of conscience. In a word, he can rationalize all actions.130

Although the agent referred to did not confirm this assessment, his supervisors had reason to believe he would obey to any orders he received. This agent also was in a more vulnerable position than any of the others as he “was an ‘essentially stateless’ soldier of fortune, ‘a forger and former bank robber’.” In this way, he may have felt less ability than the others to act based on his own moral leanings, and increased pressure to carry out the orders as he was instructed.

Each of these examples reveals a slightly different attitude towards the necessity of Lumumba’s assassination, and towards the right of the United States to carry it out. It also raises questions about the function of bureaucracy in removing responsibility from top decision makers. The Church Committee investigations show that the CIA agents involved all assumed that President Eisenhower had at some point approved such a drastic measure. However, the findings simultaneously demonstrate that his involvement could not be definitively proven. After the initial approval of a potential assassination attempt, Eisenhower was conveniently excluded from the decision-making process.

Thus, the dilemma raised by Max Weber between the ethic of ultimate ends and the ethic of responsibility is compounded by the question of who really is making a
decision or responsible for its outcomes. In this particular case, the decision by Devlin not to take the instructions to assassinate Lumumba too seriously appears well guided. However, it raises the question of how much liberty an individual agent should be granted in making such high-stakes decisions.

On the one hand, it seems as though the elected representative, in this case President Eisenhower, should be the person to decide. This would also pass on feelings of responsibility to the public who chose him as their leader. On the other hand, Weber asserts that no one should be placed in a position of obedience in which they are not held responsible as individuals for actions they make while “following orders.” This standard makes it essential that Devlin retain the ability to judge whether the execution would be moral or necessary. The tension between these two valid stances is not easily resolved. What this example does reveal, however, is a system that allows both individual agents, who can claim to be following orders, and top political leaders, who can deny a connection to individual agents, ways in which to avoid being held responsible for their actions.

The passing off of responsibility became more formalized in the time following Lumumba’s assassination beginning with Joseph-Désiré Mobutu’s ascension to power. With Lumumba’s death, neocolonialism entered into the Congo with full force. The newly united powers worked to establish a system of exploitation under President Mobutu and extracted more wealth from the Congo than King Leopold. The Western powers that propped him up also profited from this exploitation.131
C. Assisted Neocolonialism

Joseph-Désiré Mobutu, as Chief of Staff of the national army, seized power of the Congo through a military coup in 1965. During his presidency, Mobutu’s economic, political, and cultural plans effectively reaffirmed the colonial status. Instead of creating new structures for the betterment of the nation, he chose to reinforce colonial power-dynamics, only substituting the nationality of those who held positions of control. He made adaptations insofar as they would benefit himself and those loyal to him. Mobutu’s Zaire calls into question the post-coloniality of contexts in which a people continues to fall under the coercive power of an imposed and non-representative state.

Labeling Zaire as a “post-colonial” state is more than a little misleading. When Mobutu took power, he did so by suggesting that he was the only path through which the nation could be unified. He substituted a coup d’état for an armed independence struggle and established a single party to legitimate his rule. On the surface, Mobutu may appear the opposite of a colonial leader. He ardently denounced anything “Western.” Beginning in the 1970s, he began a process of “national authenticity” or Zairianization as a process of “becoming aware of our character, our own value, of basing our action on the fruits of the nation, in order to make our action be truly ours and truly effective.” A main aspect of Zairianization consisted of replacing French names with what Mobutu thought of as traditionally “African.” He changed his own name from Joseph-Desiré Mobutu to Mobutu Sese Seko Kuku Ngbendu wa Za Banga, meaning “the all-conquering warrior who triumphs over all obstacles.” Additionally, he changed the name of the country from Republic of Congo to Zaire, and the names of many cities, most notably the capital Léopoldville to Kinshasa.
These name changes were also required of all citizens.iii As a result of a break with the Catholic Church, Christian names had to be replaced by those considered “African.”135 Until that time, the Church held as much, if not more, power as the state. Its power came in part from its far-reaching social programs including providing education and healthcare.136 While this act of defying the Catholic Church showed autonomy from Belgian influence, the split was more about establishing absolute power for Mobutu than ridding Zaire of colonial ideologies.

Beyond changing names, Mobutu also banned the three-piece suit in favor of what was known as abacost, meaning à bas la costume (or down with the suit in English). He displayed his own authenticity by consistently donning a variety of cheetah-skin hats. However, rather than being a creation of national imagining, this feigned authenticity was an imposed ordering to remind the citizens of the all-encompassing power of the newly formed central government.137 Zairianization sought to recreate an imagined, preexisting, “Africa” that people could buy into. Rather than involving the nation in this project of identity formation, Mobutu used the policies of authenticity to bolster his personal power. Along with establishing Mobutu as a demonstrably influential leader, Zairianization made it ever harder to levy claims of neocolonialism against him.

Nevertheless, it is within these same policies that we can find an extension of the colonial project. The essence of colonialism that placed the economic prosperity of a few above the needs of the masses undeniably persisted in Mobutu’s Zaire. On the surface, the economic policies included in Zairianization appear anti-colonial. Beginning in 1973, they entailed the nationalization of industry which decreed that all “farms, ranches, 

---

iii Interestingly, Mobutu’s wife, Marie-Antoinette Mobutu, refused to give up her Christian name.
plantation, concessions, commerce, and real estate agencies will be turned over to the sons of the country.”138 Nationalization did lead to a diminishment of the power of Belgian companies in Zaire, which at the time of independence controlled seventy percent of the country’s wealth.139 However, rather than strengthening the nation as a whole, Mobutu bought the loyalty of a petty bourgeoisie class by handing out his newly acquired assets.140

Fanon warned against the dangers of a nationalization of this type by saying that “the national middle class will have nothing better to do than to take on the role of manager for Western enterprise, and it will in practice set up its country as a brothel of Europe.”141 While nationalization temporarily removed power from foreign companies, this only lasted until a fall in copper prices in 1975 caused an economic crisis. At that time, willing foreign nationals were allowed back into Zaire.142 Foreign proprietors eventually gained back 40-60% of their former business holdings.143 Even before they were officially given back access to their former businesses, many foreigners had continued to operate their businesses, which had been nominally transferred to Zairians.144 No matter how many cheetah print hats Mobutu wore, he had not reversed the trajectory of colonialism. In the end, Zairianization bankrupted the country and made it more indebted to foreign powers than ever.

While a select few in the bourgeois class profited from nationalization projects, the rest of the country faced almost total pauperization. The only explanation for why the country did not face mass starvation is the survival of a significant portion of the informal sector of the economy.145 However, crippling inflation and sharp decreases in real wages left some nostalgic for Belgian rule.146
If there can be any trend extrapolated from Mobutu’s presidency, it is that he would do what he perceived to be most beneficial for the maintenance of his power and economic prosperity. In the second aspect, he succeeded. By the end of his reign, Mobutu had robbed the country of over four billion dollars. Beyond his pursuits of power and wealth, he could not be predicted. His relationships with other countries fluctuated frequently. He emerged in the 1960s as a strong proponent of the non-aligned movement, made ties with both Nixon and Mao, and arbitrated African diplomatic matters. Every relationship he had faced tumult. Even his relationship with the US, one of his strongest allies, had turbulent periods. For instance, after the US decreased its aid to Zaire in 1975, Mobutu accused the CIA of plotting his assassination based on little more than speculation.

So, while many Western powers benefited intermittently from business dealings with Zaire, none of them could control the enigma that was Mobutu. When it came to light in 1975 that Zaire was over three billion dollars in debt, Mobutu’s allies were shocked. The fact that he could trick them into believing their investments were sound while he was actually in financial ruin demonstrates his persuasiveness. While largely responsible for Zaire’s economic ruin, Mobutu was also the only link holding Zaire together, and purposely so. Such instability made Mobutu essential to the survival of the Zairian state.

Mobutu retained this monopoly of power by allowing only those most loyal to him to hold political offices. Shortly after taking office, he even went so far as having four incumbent members of the cabinet arrested and charged with treason. Based on evidence provided by the United States CIA officer, Larry Devlin, Mobutu claimed they
had been plotting to overthrow his government.\textsuperscript{151} In May 1966, Mobutu had them publically hanged to display his executive power.\textsuperscript{152} He turned to these methods at other points in his career as well. For example, after the 1975 revelation of the dire economic situation threatened his legitimacy as leader, he ordered the executions of dozens of military and civilian figures at a time. He coupled this with blaming the problems the country faced on corruption within his own party, of which he admitted no personal guilt.\textsuperscript{153}

In order to lessen the chances of a military coup, Mobutu made sure no one in the country could be organized enough to overthrow him. The divide and conquer strategies of colonialism reached near perfection in Zaire. Mobutu’s son in law explained how he misled people by saying, “The last person who saw Mobutu was always right. You would spend all day talking to him, going over the details and he would agree with you. You would leave the palace thinking it was all settled. And then if someone came after you, they would win the day.”\textsuperscript{154} He pitted people within his administration against one another, so that no one had unchecked power except himself. Mobutu did not hide the fact that the survival of the state depended on his continuance as president. One of his favorite sayings was “Without me, there is chaos.”\textsuperscript{155} Given his ties with both the US and the USSR during the Cold War, it would be difficult to imagine that he did not conduct his diplomatic relations with similar deceit.

Although Mobutu had originally taken power by proclaiming to be the only hope for national unity, by the time Laurent Kabila overthrew him in 1997, the nation was more divided than ever. Rather than the one army Mobutu inherited, as his regime began to fold, there were “several highly tribalized armed gangs.”\textsuperscript{156} These troops often acted
with impunity, robbing and roughing up citizens without having any codified set of behavior to follow. As citizens were unable to escape this harassment, “the army held Zaire hostage.” At times when he could not count upon the support of one of his national armed units to faithfully carry out his will, Mobutu hired mercenaries from the US, France, Belgium, South Africa, and Rhodesia. These troops kept the Zairian army in line and quelled any potential mutinies. Once again, rather than empowering the citizens in an effort to control the military, he turned to an external source of support that would not threaten his power.

The *Mouvement Populaire de la Revolution* (MPR), Mobutu’s political party, also bolstered his power. As the only political party, their participation in organizing sporadic national elections gave the illusion of a democratic Zaire. This charade of democracy was weakly executed, however, as Mobutu only ever ran against himself. MPR also took it upon themselves to approve candidates for other elected positions, so as to never allow for genuine competition. The people of Zaire never had a real say in who would represent them within the government. Neither did they benefit from the Zairian state.

While as much as fifty percent of a given village’s income was extracted in taxes annually, the state provided no social services. The lack of social services deepened in the 1980s: writing just before Mobutu was overthrown, John Clark claims that the Zairian state has not served any socially meaningful purpose in promoting the interests, however defined, of the Zairian people; it neither organizes a major development effort nor serves to mobilize the people’s energies in any significant international cause; nor does it function to render a “nation” of the great diversity of peoples living within the state’s borders.

The inability of the Zairian state to contribute to the well-being of the people significantly weakened its legitimacy. However, the international community continued to believe that without Mobutu, Zaire would crumble into chaos.
Mobutu cannot be solely blamed for the downfall of the Zairian state or its increased factionalism. Corruption within the government, as well as from external investors willing to set aside morality in exchange for access to the natural resource wealth available in Zaire, enabled Mobutu to stay in power. The US had, after all, played a major role in Mobutu’s ascension to power and saw him as a necessary ally in Cold War geopolitical battles.\textsuperscript{164} Belgium also had significant vested interest in attempting to maintain or reestablish ties it had developed during colonial times in the copper-rich region of Katanga.

Mobutu’s regime in Zaire established an economy that extracted resources without benefiting or consulting the majority of people within the country. In addition, the ex-colonial power, Belgium, and new countries interested in Zaire’s riches, like the US, could engage in neocolonialism by sustaining Mobutu’s rule without being explicitly responsible for his failings. Now that the international community condemned formal colonialism, relations with African nations had to go through “African” leaders. Mobutu was willing to work with outside powers inasmuch as he could personally benefit. He even went so far as to use outside military forces to sustain his power. So, although the leader and his agents were now of the same nationality of their subjects, they still ruled Zaire with more investment in their personal security than that of the masses.

Mobutu’s Zaire thus brings into question the concept of post-coloniality. Surely the term post-colonial does not go so far as to suggest a utopic egalitarian society in which all citizens equally enjoy the riches of their nation. In the traditional sense, it simply means that the masses have significant, if not total, autonomy from foreign influence and enjoy the right to self-determination. To what extent does this influence
have to be foreign or external to be counted as colonial? Erratic as it was, Mobutu’s government had a significant degree of autonomy from outside influence in its internal affairs as well as external relations. Cold War influences and regional conflicts limited its choices, but external factors constrain every state’s actions.

While the term post-colonial arose as a way to identify states in the aftermath of the Cold War, when the terms “third world” and “non-aligned” became less relevant, it was retrospectively applied to states immediately following independence. Ella Shohat, however, points out that the term post-colonial marks too much of a closure with the colonial past that ignores the global hegemony of the West. The term makes it seem as though the former colonial states now operate autonomously. While using the term post-colonial brings attention to the continued impact of colonialism, it creates the idea that former colonies are now completely decolonized. Shohat calls for flexibility in naming relations and identities in order to not unnecessarily simplify experiences. While the term neocolonial has now become linked with neo-liberal global capitalism, it can also be used in a discussion of states during the Cold War when other geopolitical factors besides globalization had a more significant influence.

In the same way that post-colonial brings to mind the lasting impacts of colonialism, it is necessary to recognize the similarities between European colonialism and continued exploitation by post-independent states. The term neocolonialism should therefore not be seen as a distinct break with the past, but a continuation of the same process with different actors. A neocolonial state, then, can be thought of as composed of citizens engaged in colonial-type activities that deny the masses the right to reap the benefits of their national natural resources or participate meaningfully in state activities.
Mobutu’s regime was the principal actor, rather than any external force, in the neocolonial exploitation that followed independence at the cost of nation-building and the long-term development of the country. A spokesperson for this regime, Minister Engulu Baanga Mpolo supported Mobutu’s rule saying, “God has sent a great profit, our prestigious Guide Mobutu…our Messiah. Our Church is the MPR.” However, Mobutu did not lead his people to salvation. Through his disregard for the well-being of the masses, Mobutu placed Zaire in a position of complete chaos that even he could not withstand. The collapse of his regime left the country without stability or the means to defend itself. Rather than building unity in the first half-century following colonialism, Zaire continued to remain divided. In this way, Zaire went through a similar shock after the end of Mobutu’s reign that many countries did in the wake of decolonization. Rather than being a truly post-colonial state, Zaire led by Mobutu operated under a system of neocolonialism manned by a state that happened to be composed of people with the same nationality as the masses.

While Mobutu acted with some autonomy in promulgating exploitative policies, he also continued to depend upon the economic and political support of international actors to maintain his legitimacy. Outside actors provided the incentives that made it worth Mobutu’s while to take advantage of his countrymen in such a destructive way. Thus, the term neocolonialism should not ignore the complicity of global capitalism in producing a hegemonic influence of exploitation. Only when colonialism is recognized in all of its forms, whether implemented by “foreigners” or not, can decolonization processes reach fruition.
D. Humanitarianism without Accountability

While Mobutu acted as a stabilizing force in Zaire in the first decade of his rule, the copper crisis showed the weakness of his power, and the necessity for him to rely increasingly upon external support. During the Cold War, the US was willing to fight communism at nearly any cost. Therefore, in order to maintain influence in Central Africa, the US financially supported Mobutu’s regime. However, that support shrank almost immediately after the fall of the Berlin Wall. As was the case with Lumumba’s assassination, the relationship between Mobutu and the US government offers insight into the functioning of bureaucratic secrecy.

During the Cold War, US citizens knew limited details about the proxy wars that were being fought around the world in order to, ostensibly, protect their security. Many viewed this protection as necessary, but the protests to the Vietnam War show a lack of total support for the anti-communist efforts. Full revelation of the unorthodox, and arguably unethical, military practices used in these proxy wars and support of tyrannical leaders would in all likelihood have met opposition. In this context, secrecy became essential. If the public at large knew the manner in which they were being protected, they would likely feel a greater moral responsibility to censor the actions of their government. The very fact that the government kept some of its operations secret beyond the time period necessary for their execution suggests that they would not garner universal support. At some level, the public knew that they would rather not understand the means by which they were being protected—as long as they could feel safe.

The methods of secrecy that keep government operations outside of public notice have continued beyond the Cold War period and extended past the domain of national
security. Today, the effects of secrecy on the relationship between the US and the DRC lie in large part outside of classified information. They are rather in the realm of public inattention and lack of responsibility.iv The fact that the US supported Mobutu throughout his rule in the Congo has increasingly been excluded from public acknowledgment. For example, the Government Accountability Office’s 2008 report on the situation in the Congo states, “In 1965, fewer than 5 years after the nation achieved independence from Belgium, a military regime seized control of the DRC and ruled, often brutally, for more than 3 decades.”167 The report does not mention Mobutu’s name when referring to this “military regime” neither does it recognize the role of the US in sustaining Mobutu’s rule.

The report goes on to explain how this regime “was toppled in 1997 by a coalition of internal groups and neighboring countries to the east, including Rwanda and Uganda.”168 It does not mention that the US supported Rwanda and Uganda in these efforts.169 The US went so far as to train members of the Rwandan Patriotic Army (RPA) and supply military aircrafts under the guise of humanitarian support.170 The support of the US began when Rwanda invaded Zaire in the months following the genocide claiming to search for genocidaires. One million refugees from Burundi and Rwanda lived in eastern Congo beginning in 1994. About half of them remained in 1997.171 While the refugee camps did at times serve as a safe haven for the Hutu army, the Forces Armées Rwandaises (FAR), to rearm and reorganize, they were also living amongst innocent civilian refugees.172 As the international community did not have the will to take the actions necessary to separate the genocidaires from the innocent refugees, the RPA

iv Of course, there may be information that is more technically secret, but by definition this is information I do not have access to.
massacred thousands of refugees, along with those responsible for the genocide.\footnote{173}

Gérard Prunier explains why the US did not act to prevent the massacres and subsequent invasion by saying,

American support for Rwanda, Uganda, and the ‘rebels’ they backed did not come from a Machiavellian plan to dismember the Congo and take over its mineral riches. It came simply from a deep sense of unease on the part of President Clinton, mirroring that of a large segment of the U.S. public opinion, which could not conceive of an America that wasn’t on the side of the ‘good guys.’\footnote{174}

This is an apt description. The Rwandan genocide has largely been understood in the US in simplified terms through the lens of the Holocaust. In this view, the Hutu population mirrored the Nazis as uniformly evil and the RPF was cast as the moralistic saviors of the Tutsi people.

Following the Cold War, the US hoped to establish itself internationally as a benevolent hegemon upholding global standards of human rights. It had obviously failed during the Rwandan genocide. The lingering guilt in the international community for remaining passive during the genocide influenced foreign policy in the following decade. Thus, when Uganda and Rwanda went beyond self-defense and sponsored rebel troops to remove Mobutu and install Laurent-Désiré Kabila as the new leader of the Congo, they did so without open critique. In fact, Paul Kagame and his Rwandan Patriotic Front (RPF) became quite skilled at playing on Western guilt and managed to manipulate the Congo in what can be called the first case of African imperialism.\footnote{175} The invasion into eastern Congo was facilitated by the fact that this particular region is geographically secluded, and outside of the reach of political influences in the capital.

Rwanda was not alone in destabilizing the Congo. Beginning in 1994, Zaire was the site for military confrontation between rebel and government forces originating at minimum from Angola, Sudan, Uganda, Rwanda, Zimbabwe, and Burundi. Conflicts in
the Congo from 1994 to 2007 cost the lives of around 5.4 million people. Rather than direct military action, however, “the vast majority of these deaths resulted from frequent forced population displacements, from the near total collapse of the health system, from the impossibility of carrying out normal agricultural work, from overexposure to the weather and to diseases, and probably from plain despair.”

Despite the role the US played in facilitating the invasion of Congo, the first US involvement the GAO report acknowledges is its support of peace talks that began in 2001. By ignoring any complicity in the crisis leading up to the peace talks, the report positions the US as a benevolent outside force only interested in healing what other actors had mistakenly broken. However, even this superficially benevolent aim of supporting the peace talks did not stabilize the Congo. Prunier explains how these peace talks left “only minor positions to civil society and the non-armed opposition. This results in offering to the Congolese population, in the guise of government, a coalition of people who looted their own country, of predatory rebels and of corrupt civil servants.” Placing in power those responsible for destabilizing the country in a process that excluded the public left the new regime with little legitimacy. It also reestablished the norm that power could be achieved through a Machiavellian sort of rule through armed force rather than consent. After the peace process, the state continued to depend upon its coercive force to maintain what little control it had over the nation. As such, no Gramscian hegemony created by the consent of the nation was achieved, and the state lacked legitimacy. Rebel factions could continue to find supporters who did not yet have significant allegiance to the new leadership in Kinshasa, and the peace failed to take root after 2001.
The legitimacy of the state was further damaged by the fact that Kabila was unable to maintain even the minimum of territorial sovereignty. Both internal divisions and external forces continued to threaten Kinshasa’s monopoly over the use of force. Due to the inability to provide security, many Congolese joined non-state armed groups in an attempt to find some semblance of security. The state also was unable to create significant alternative means of economic engagement aside from involvement in military activities.\textsuperscript{180} The inability of the state to provide either economic or physical security compounded its weakness. The installation of Laurent-Désiré Kabila as president, mainly by the international community, did little to remedy this insecurity and lack of state control. The solution was only sufficient insofar as it allowed mining operations to earn a profit for foreign investors.\textsuperscript{181}

At the same time as the regime change in 2001, US foreign policy also underwent an extreme transformation. The newly installed Bush administration had less direct feelings of guilt for the Rwandan genocide, as they had not been in power when it occurred. Furthermore, during his campaign, George Bush expressed his disinterest in the African continent by stating plainly, “Africa is not a part of U.S. strategic interests.”\textsuperscript{182} US engagement waned again after September 11\textsuperscript{th} as its strategic interests became evermore focused on the Middle East. All this culminated in less fervent support for Rwandan President Paul Kagame, and his operations in the Congo. In 2002, Secretary of State Colin Powell stated, “the U.S. will not support any solution for the Congo crisis which would not respect its territorial integrity.”\textsuperscript{183} Then, in 2003, the US tried to lure Ugandan and Rwandan national forces out of the DRC by offering Uganda help fighting the LRA and threatening Rwanda with sanctions.\textsuperscript{184}
Apart from diplomatic engagement, the bulk of US influence in the early 2000s came in the form of humanitarian aid that was framed as non-political and preferable to military intervention. Further attributes of humanitarian aid were its relative inexpensiveness, appearance as the most consensual form of intervention, and the ease by which the media could convince viewers across the ocean that their government was doing something.\textsuperscript{185} The humanitarian and development aid given to the countries in the region, however, created its own problems. Kigali and Kampala realized early on that they could attract media attention and play on Western guilt in order to attain aid for development projects. This aid supported the needs of their constituents domestically, and enabled them to spend more government revenue on military operations in the Congo.\textsuperscript{186} In addition to bolstering military operations, the international community also allowed political tensions to continue smoldering by financing refugee camps instead of focusing on how to facilitate safe returns to Rwanda. By forestalling the return of refugees, ex-FAR soldiers could remilitarize from within the Congo.\textsuperscript{187} The threat of a reinvigorated FAR increased the tensions with the RPF leadership within Rwanda and heightened their sense of insecurity. That insecurity led to more massacres of refugees in Rwanda.\textsuperscript{188}

While the humanitarian interventions within the Great Lakes region provided resources to millions of vulnerable people, they also allowed political tensions to build and prolonged the period of instability. Members of the international community felt a responsibility to act; however, they did not have the will to take the necessary actions to ensure lasting stability. The lack of action, and misguided aid therefore allowed for further destabilization of the Congo. Once again, the country that had been denied a
unifying revolution and held hostage under a self-serving military regime for thirty years was further fragmented as neighboring countries used its land as their battleground and the bodies of its people as their weapons.

Part of the reason that Congo was so vulnerable to invasion was that Mobutu had been at the center of all the national security forces. Without him there was no institutional integration of the various armed groups operating in the country. The fact that Mobutu depended throughout his presidency on foreign mercenaries suggests that even he never controlled the Zairian forces. \(^\text{189}\) Laurent-Désiré Kabila faced further complications in gaining the allegiance of the military as he originally took power with the help of Uganda and Rwanda. This meant he had at times directly combated the forces he was now supposed to lead. Shortly after he took office, Kabila declared that any foreign forces in the DRC would be considered enemy. \(^\text{190}\) In doing so, he tried to redefine his foreign supporters as a part of the DRC’s national army.

Kabila was especially wary of Western intervention. This came in large part from memories of the damage their involvement based on self-interest had caused during the first days of independence. At one point Kabila declared,

> If the American slave traders are planning to occupy the Congo to plunder its wealth as their Rwandan and Ugandan agents are already doing in the occupied territories, the Congolese people will show them…that they will never passively suffer genocide like the American Indians…Imperialist aggression…is a plot which ultimately aims at reducing all Congolese into slavery. We must unmask the enemy even if he is hiding under a cassock, wearing the mask of a humanitarian organization or that of a diplomat. \(^\text{191}\)

While Laurent-Désiré Kabila’s rhetoric suggests he would have sought more sovereignty for the Congo, one cannot be sure as after only four years in office one of his unsatisfied bodyguards assassinated him. \(^\text{192}\)
Subsequently, his son, Joseph Kabila, took over the presidency in what was supposed to be a temporary transition period. Unlike his father, Joseph worked to create a power base for himself amongst the international community. He courted France and Belgium, as well as neighboring Angola. Joseph Kabila also had a hand in tempering US devotion to Kagame by continually condemning his destabilizing actions. After holding office for five years, Kabila somewhat legitimized his presidency by winning the first democratic elections held in the country since before Mobutu. International monitoring agencies judged the elections to be sufficiently free and fair. In the second round Kabila beat his opponent, Jean-Pierre Bemba, by receiving 58% of the popular vote.

Although Kabila achieved a definite majority over Bemba, the election also showed that the country continued to maintain deep regional and linguistic divisions. The votes were split, with the majority of Bemba’s support coming from the Lingala speaking western and northern regions of the country, and Kabila’s support originating in the Swahili dominant eastern and southern regions.

Like his father, Joseph Kabila also struggled to unite the various armed groups within the country. As a result of the Inter-Congolese Dialogue in 2009, all armed groups operating in the country were integrated into the FARDC (Forces Armées de la République Démocratique du Congo). Despite these efforts, however, much of the underpaid army continue to live off of the fruits of the local populations and exploit the mining industry for personal gain. In addition, some of the leaders incorporated into the FARDC are well known war criminals. The International Criminal Court has indicted one such individual, Bosco Ntaganda for crimes including recruiting child soldiers.
Disregarding this indictment, Kabila appointed Ntaganda as a general and integrated his forces into the FARDC. This caused trouble for Kabila beginning in spring 2012 when Ntaganda rebelled from the FARDC with his Rwanda and Uganda supported M23 troops in the Nord Kivu region.

Instances of broken territorial sovereignty and a lack of a monopoly of violence show the continued weakness of the Congolese state. Not only are there foreign troops operating within the DRC, but the “legitimate” forces in the DRC also detract from the sense of security amongst local populations. This is especially true insofar as rape has been used as a weapon of war meant to displace entire communities in order to facilitate regional domination. Armed groups have been able to act with impunity, as the state cannot offer complete protection. Neither can it support an economy based on activities other than military engagement. In order to increase stability, the two areas that could use the most improvement in the DRC are the security sector and economic reform.198

United States efforts have focused on actions labeled as “humanitarian,” which are allegedly for the good of the Congolese people. However, these are often planned without considerable consultation as to their needs or desires. The frame of humanitarian aid also masks any self-serving objectives. This tilt towards humanitarianism is evinced in the US Government Accountability Office’s 2008 report on the “Efforts to Achieve U.S. Policy Objectives” in the DRC. It found that, in the previous years, seventy percent of US funds spent in relation to the DRC were for “humanitarian and social development objectives” whereas “economic and natural resources, governance and security objectives” only received thirty percent of funds.199 The report defines the goal of US engagement as “to strengthen the process of internal reconciliation and democratization
to promote a stable, developing, and democratic DRC” with the aim to “support, but not lead, the efforts of the DRC to address its problems.” This report was produced as an assessment mandated by the “Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006.” This law, sponsored by then Senator Barack Obama and cosponsored by twelve other senators, including Hillary Clinton, outlines US policy objectives relating to bilateral and multilateral engagement with the DRC.

There have been no such mandated reports since 2008 regarding the situation in the DRC in general although there have been two specific reports, one regarding sexual violence and one regarding conflict minerals. The lack of reporting is not the only part of the law that has gone unfulfilled during President Obama’s administration. One key aspect of the law that has been ignored is Section 105, which states that

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961, other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.²⁰⁰

As the current Secretary of State cosponsored the law, it is somewhat surprising that this section has not been fully implemented in the case of either Rwanda or Uganda. Both have been involved in destabilizing the DRC through backing the M23.

In an address made before the House Armed Services Committee, Assistant Secretary of State for the Bureau of African Affairs Johnnie Carson testified that the Rwandan Government has “provided significant military and political support to the M23” and that individuals in Uganda have also offered them support. No actions have been taken against Uganda for their involvement, and in Rwanda, the only funding that has been suspended is Foreign Military Financing. While Carson promised that the Department of State would be reviewing their assistance, Rwanda continues to receive
other forms of aid from the US government. In addition, Section 107 of this law calls for the president to “appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.” Rather than doing so, it took five years for Obama to appoint R. Barrie Walkley as special representative to the Great Lakes region, a status lower than Special Envoy would have been.

Part of the inaction can be attributed to the lack of engagement by the American public. Members of Congress have little motivation to engage with this issue. In a meeting with the legislative correspondent to Senator Jim Inhofe, in the summer of 2011, the Senator’s staff person expressed that Inhofe would have little interest in appointing a Special Envoy at that time. She blamed this on the “financial burden” it would place on the US, which she saw as hard to justify given the recent financial crisis. Although unwilling to support the legally mandated Special Envoy, Senator Inhofe is not totally disinterested in the Great Lakes region. During the same meeting someone mentioned that the Special Envoy would help to coordinate against the Lord’s Resistance Army. The representative responded by saying that Senator Inhofe cared deeply about fighting the LRA and was even willing to use military means in order to remove Joseph Kony from power. Inhofe demonstrated this interest by co-sponsoring of the “Resolution Condemning Joseph Kony and the Lord’s Resistance Army” which works to support regional military forces in their pursuit of Joseph Kony and protection of civilian populations. Inhofe’s support for the specific measure to demobilize one rebel group that has lulled in activity, while not supporting regional stability by appointing a Special Envoy, is emblematic of the type of foreign policy most popular with the US public.
Two characteristics of foreign policy that encourage public engagement are simplicity of narrative and a lack of politicization. The situation in the DRC lacks both of these. Narratives such as those told regarding the Rwandan genocide and the Lord’s Resistance Army establish dichotomies of good and evil in which the American public can easily rally behind one side without feeling imperialistic. Interfering in less powerful nations is ok, as long as one can be sure to act on the side of the innocent. The *Kony 2012* video made sure to note that the LRA is operating alone without any outside political support. This is not totally true, however, as it receives the support of the Sudanese central government from time to time.

Simplification of this sort can also be found in the efforts of the international community to maintain the narrative of the RPA as Rwanda’s heroic saviors. Doing so entails ignoring reports of their massacres of Hutu and Tutsi refugees across the border in Zaire. Denying these complexities, and accepting a naïve version of the truth that suggests there are good and evil forces at play leads to selective impunity that allows those on the side of the “good” to at times literally get away with murder. Along with enabling invasion, legislation created in the US aimed at preventing further conflict has continued to be ineffective, if not directly harmful.

### E. Conflict Minerals Mistakes

The topic of conflict mineral legislation demonstrates how US foreign policy can be created in a haphazard manner that leaves many questions unanswered and possibilities open for destabilization. As one of its most valuable resources, minerals in the Congo have been of interest to both Belgium and the US throughout the post-
independence period. Belgium displayed its interest in these minerals by supporting the Moise Tshombe-led Katangan succession in the first years following independence. They did so out of a desire to maintain economic control over the mineral-rich region. Had the secession succeeded, it likely would have bankrupted the Congo as a whole.

Contrary to Belgium, whose main interests were economic, the US saw the geopolitical struggle against communism as its main objective in the first years of Congo’s independence. The Cold War led them to support Mobutu as a stabilizing force that could neutralize Soviet-friendly Lumumba. In regards to the Katanga secession, the CIA Chief of Station, Larry Devlin thought it could lead to mayhem of border redrawing, and therefore advised against supporting Tshombe.202

Only one US Senator disagreed with Devlin’s assessment, and expressed interest in backing Tshombe as a means to remedy what he labeled the “Congo Crisis.” This was Thomas Dodd from Connecticut, a rampant anti-communist who supported the United States’ fight against this primary evil wherever possible. In his assessment of the situation, he admonished communist influence and explained that if the Congolese forces have now reverted to the savagery of the ancient past, it is because they have been encouraged to do so by their Communist mentors, it is because witchcraft and indiscriminate terror and even cannibalism have now become instruments of international Communism in the Cold War.203 This “vain and silly man who knew nothing of Africa” thought fighting communism in the Congo would benefit the Congolese in protecting them from a return to “savagery.” Similar to Belgium, Dodd also could see the economic gains in having a close friendship to the government in Katanga.

v As he was labeled by the UN representative to the Congo.
Coincidentally (or not), fifty years later, Thomas Dodd’s son, Senator Chris Dodd, co-authored the Dodd-Frank Wall Street Financial Reform and Consumer Protection Act of 2010. While the majority of this act focuses on domestic reform of Wall Street in response to the 2008 financial crisis, section 1502 addresses the regulation of Conflict Minerals in the DRC. This section charges the Securities and Exchange Commission (SEC) with the task of creating guidelines to monitor and prevent the sale of “Conflict Minerals” to the United States, because

It is the sense of Congress that the exploitation and trade of conflict minerals originating in the Democratic Republic of the Congo is helping to finance conflict characterized by extreme levels of violence in the eastern Democratic Republic of the Congo, particularly sexual- and gender-based violence, and contributing to an emergency humanitarian situation therein. Representative Brownback from Kansas originally proposed this resolution on its own, but it was later attached to the Dodd-Frank Act in a midnight addition that required only verbal agreement rather than a formal vote or discussion.

While in the US this section holds little importance relative to the larger reforms of the bill that impact the entire financial sector, it had a near immediate impact the DRC. The “Loi Obama” as it is known in Congo caused a dramatic decrease in exports of minerals from the DRC in the months following its signing into law, as companies were unsure of how to proceed. After two years of negotiating how to implement the congressional order, the SEC released its rules in August 2012. The rules require that companies using minerals including tantalum, tin, gold, or tungsten in a way that is “‘necessary to the functionality or production’ of a product manufactured or contracted to be manufactured by the company” investigate the origins of this material and confirm

---

vi Interestingly, Brownback ended up voting against the Dodd-Frank Act as he did not agree other portions of the reforms.
whether or not it supported conflict in the DRC. This report labels the above-mentioned minerals as “conflict minerals” no matter where they originate and then it is up for determination whether they should be labeled DRC conflict free or not. A flow chart that details the process for determining whether or not minerals must be reported as contributing to the conflict in DRC has been attached in Appendix C. Should a company be found to sell products that include conflict minerals, they will have to disclose that information to the public on their Internet website and to the SEC in an annual report.

The SEC rules make clear that rather than being in place to assure the economic well-being of American companies, as is usually the role of SEC, the regulation of conflict minerals attempts to achieve social benefits, namely halting, or at least not financing, the conflict in the DRC. In fact, the rules are to be upheld by the President until “no armed groups continue to be directly involved in and benefitting from commercial activity involving conflict minerals.” The rules do well to make sure that products originating in adjoining countries also must go through a due diligence process to determine whether or not they contributed to the conflict. This is essential as many of the armed groups involved in conflict in the DRC originate in neighboring countries.

What remains unclear until a due-diligence process is created is how monitoring agencies will determine if these products “directly or indirectly finance or benefit armed groups.” According to the rules, an armed group is defined “as a perpetrator of serious human rights abuses in annual Country Reports on Human Rights Practices.” One such group happens to be the FARDC, which is the DRC’s federal army. As a group funded by

---

vii For the first two years, minerals may also be labeled DRC conflict-undetermined if a company is genuinely unable to determine whether or not the minerals funded armed groups in the DRC conflict.
the federal government, it would be difficult to claim that any exports of the so-called
conflict minerals do not “indirectly finance or benefit” this armed group through
government revenue generated by export taxes. National armies of neighboring countries
also have been found to perpetrate grave violations of human rights.

In order to clarify whether or not taxes could be counted as indirectly financing an
armed group, I emailed the SEC. In their response, which is included in Appendix D,
they did not deny that taxes could be counted as funding an armed group, but rather
referred me to the Department of State with questions regarding who would be labeled as
an “armed group.” As such, it is reasonable to assume taxes will not be excluded as
revenue that funds armed groups supported by states. The US, however, still has control
of which groups they will officially accuse of committing violations of human rights in
their country reports. In this way, some countries that the US needs to appease for
strategic purposes may continue to benefit from the sale of minerals that contribute to
conflict in the DRC.

Along with the technical issues that will come with attempting to label any
minerals originating in the Great Lakes region as sufficiently DRC conflict free, the SEC
rules also fail to include measures to monitor the economic impact on the region. It has
no safeguards against creating a de facto embargo or causing harm to the people in the
region who may have few alternatives to mining to earn a living. Poor economic
circumstances are one of the main contributing factors that have allowed the various
militias to recruit amongst the population in the first place. Further limiting access to
legitimate sources of income will likely heighten circumstances of desperation.
As it will be difficult for any minerals coming from that region to be legitimately deemed “conflict free,” it may also add to the monopoly the black market has over the mineral trade. Even if a portion of trade is able to continue with countries that do not have the same regulations as the US, such as China, the buyers will be able to secure the minerals at cheaper prices, as the demand will decrease significantly.\textsuperscript{210} As China already imports four times more of Congo’s minerals than the US, the Dodd-Frank reforms could eliminate all remaining buyers who follow due diligence procedures. The massive costs related to certifying minerals originating in the Great Lakes region as sufficiently conflict free could cause industry leaders to turn to minerals from outside of the region until the conflict subsides. The SEC has estimated that the initial cost of implementing these regulations will be from $3 billion to $4 billion with ongoing annual costs of around $207 million to $609 million.\textsuperscript{211}

Before the SEC published its rules for conflict minerals, it had a period of public consultation and comment on a draft of proposed rules. During this period, SEC staff met with commentators on the proposed rules such as representatives from government departments, impacted industries, and humanitarian organizations. I attended one such meeting at the SEC headquarters in Washington, DC in which the idea was floated that the label “\textbf{DRC} conflict free” should be reserved for products containing minerals that originate in the DRC but do not support the conflict.\textsuperscript{viii} A similar suggestion was made at a roundtable held by the SEC to publicly discuss the proposed rules. A discussant

\begin{flushright}
\end{flushright}
representative from the tin industry, Ms. Ninmo, stated that incentives are essential to ensure continued buyer engagement with the DRC, so that the region will not be completely avoided due to increased costs. She urged the SEC to “ensure that the DRC conflict-free label can only be used on minerals that are actually purchased from the DRC; not from elsewhere” in order to “avoid the general embargo while promoting buyer engagement in the DRC.”

The way the label “DRC conflict free” is defined in the proposed rules, however, ignores the suggestion to apply it only to minerals that originate in the DRC, and rather applies “DRC conflict free” to any of the so-called “conflict minerals” that do not fund or benefit the conflict regardless of their origin. Finding a way to certify that minerals did in fact come from the DRC, but did not support the conflict, would complicate further an already detailed process. However, this application of the label “DRC conflict free” to minerals of any origin negates the ability of companies to advertise that they have taken an extra step to continue engaging with the DRC without supporting the conflict.

A fascinating feature of these rules is the fact that they depend upon the participation and moral uprightness of the US public to have any effect. Rather than banning the importation of conflict minerals that have funded the conflict in the DRC, the rules only require that companies using these minerals must provide a description of the products that contain minerals that contributed to the conflict to both the SEC and the public through its website. Such companies must go through a due diligence process to do so, which would prevent them from simply admitting to having used minerals that contributed to the conflict in order to avoid the expenses related to verifying the same products as DRC conflict free. However, the premise remains that reporting that a
product contains minerals that contributed to the conflict in the DRC would have enough of a negative effect on a company to provide a disincentive from continuing to use minerals that fund the conflict. The rules state that the provision would “enhance transparency” and “also help American consumers and investors make more informed decisions.”

This piece of legislation seems to turn bureaucratic secrecy on its head. Rather than relying on public ignorance in order to enable covert action in the international arena, the conflict minerals exchange rules seek to place the responsibility for halting the importation of conflict minerals in the hands of public consumers and investors. It makes sense that investors with large holdings in publicly traded companies would not want their fortunes invested in activities which fund rape, massacres, and child soldier recruitment. At this level, I see that divestment, while still idealistic, is at least probable should a company knowingly continue to buy minerals that have been found to fund the conflict in the DRC. However, at the level of the consumer, while it is possible that every teenager purchasing an iPhone or every business buying computers will prioritize finding products that do not contribute to the conflict in the DRC, it surely is not inevitable.

Past experience has shown that consumers will often not allow moral concerns to act as the top determinant in their purchasing choices. It is not beyond public knowledge that sweatshop labor produces a large proportion of clothing and shoes sold in the United States, but this knowledge has not caused all consumers to demand companies to stop relying on sources of cheap labor. The lack of public awareness of the conflict in the Great Lakes region may also contribute to low levels of public investment in supporting only companies that provide products that have not contributed to the conflict.
Furthermore, only requiring that a company disclose on their website the description of their products, which may contain minerals that support the conflict in the DRC lacks significant force. Including this report somewhere on a website would not be difficult to do in a way that would draw minimal public attention. It is unlikely that if a company found itself to be in such a position that it would post a noticeably large link on its cover page advertising that it has been “Supporting the LRA since 1995.” More than likely, such information could be hidden away from the product pages under the tab that would remain out of view of the majority of consumers.

It is understandable that companies, investors, and consumers would like to be able to purchase products they can be relatively sure do not fund the devastating conflict in the DRC. These measures have the admirable intention of siphoning resources away from the armed groups that have been terrorizing the region for over two decades. However, given the gravity of the circumstances, the measures are rather slow acting. First proposed in 2008, by the time all parties regulated by these measures will be required to report definitively it will be 2017. More than nine years will have passed with the people of the DRC living in a limbo regarding whether or not they will be able to earn a living.215

At first glance, the dependency upon public action regarding conflict minerals seems to be void of bureaucratic secrecy. However, the opposite happens to be true. The conflict minerals regulations demonstrate how the public is involved in only those actions that the US does not view as most vital to national security, or deserving of urgent action. The federal government has passed off responsibility for ending the conflict in the DRC to the public. The procedure of writing these rules included a great degree of public input
as to how it should best be implemented. During the period of public comment, the commission received 420 letters relating to the rules. There were also two petitions with over 25,000 signatures and 13,400 form letters mailed supporting “promptly” implementing “strong” final rules. Despite the appearance of public involvement, however, the SEC, an unelected government organ, decided through a secret process what the final rules would be.

Additionally, no one person within the SEC will be held accountable for the outcome of the rules. Economists working in the SEC, who are decidedly not experts on the political situation in the DRC, created the final guidelines through a collaborative effort. The fact that the main point people within the SEC were not well studied in the history or political dynamics of the Great Lakes region, however, did not prevent them from carrying out the order to write the rules. If Benjamin’s analysis is invoked here, the ethic of ultimate ends, which only calls upon actors to begin with the best intentions, could excuse any unplanned negative outcomes of the SEC rules. The rules themselves do not give reason to think that the SEC, or the broader US government, has any intention of operating under an ethic of responsibility for the outcome of these rules, as no monitoring of the success or effects of the rules was included in the 356-page document.

In addition to demonstrating how processes can superficially appear democratic; the Dodd-Frank provisions on conflict minerals exemplify the attitude of the US government towards the conflict in the DRC. In the US, this conflict is an afterthought that only deserves slow-moving minimal attention and can be discussed only in relation

---

ix I make this statement due to a comment made by one of the SEC employees I met with, who thanked us for coming and stated the usefulness of our consultation as he and his colleague were certainly no experts on the DRC.
to more important issues, like Wall Street reform. Rather than confronting the
governments of Rwanda and Uganda with concerns that the minerals exported from their
countries, which could not have originated domestically, may have been extracted from
the DRC, Dodd-Frank acts as if each neighboring country were equally implicated in the
conflict.217

Along with the negative impact the carelessness of Dodd-Frank is likely to have
on the general civilian populations in Eastern Congo, the conflict minerals regulations
operate under untenable and disparaging premises about the armed groups. First, it
suggests that cutting them off from the mineral trade in the region will completely halt
their activities. This assumes that they have no genuine political objectives they are
dedicated to seeing through, and are more or less engaged in these military activities
because it is the easiest way to make money. Put bluntly, offering such a simple solution
to the problem assumes that people in the Great Lakes region naturally fall into patterns
of rape and pillage without significant cause for doing so.

Second, it sets forth the belief that the eastern Congo is their home base mostly
because of the minerals available and not because the central government of the DRC
does not have control of the Kivus. Third, the conflict minerals legislation neglects to
acknowledge the humanity of the people, often children, who are part of the armed
groups in failing to consider why they are a part of these groups in the first place. There
is no recognition here of the blurred line between victim and perpetrator in the cycle of
violence. Allen Feldman’s theories on how those seen as “perpetrators” are usually
captured in systems of violence beyond their control could be useful in imagining a
more holistic method to address the violence such as building up legitimate sources of
income, establishing peace processes that focus on genuine power sharing, and seeking an end to impunity. The way the rules stand, however, suggests that compounding the desperation of the armed groups will lead them to finally negotiate peace, disregarding the possibility that they will first place further strain on the civilian population.

The continual lack of effort to seek a remedy to the now almost twenty-year-old string of conflicts in the DRC demonstrates an assumption by the international community that this situation is either normal, unsolvable, or not worth the effort of a real solution. In recalling Bordieu and Wacquant’s definition of symbolic violence as “taking the world for granted or accepting it as it is,” it becomes clear that the passive complicity with the external invasion and status of impunity in the DRC is in fact a form of symbolic violence. It accepts mass rape and continual massacres as normal, and refuses to acknowledge that this does not have to be routine. The status of the DRC as The Heart of Darkness in which inhumanity is the norm has allowed external destabilization to appear as unsolvable. The role the international community should have played throughout this conflict, or the steps that should be taken now are unclear. What is striking, however, is the desire of the US and other countries to appear to be deeply concerned and working at finding a remedy.

People in the US do not want to think that they are sponsoring armed groups in the Congo, so our legislators find a way to certify minerals as “conflict free.” There are dozens of armed groups operating in the Great Lakes region, enlisting child soldiers, and using rape as a weapon of war. In response, “Invisible Children” found the Lord’s Resistance Army to have the least political complications and waged a global advocacy campaign to combat them in isolation. The international community is horrified by the
fact that military commanders operate with impunity in the DRC, so warrants are issued by the International Criminal Court for half a dozen top commanders without any means to pursue their arrests.

Should the conflict minerals rules further destabilize the region, no one will hold American businesses or legislators accountable for their actions. Aside from possible loss in revenue, there will be limited consequences for the United States either way. As the American public is largely disengaged in the relations between their government and what is happening in the DRC, the outcome of these new regulations will have a limited impact on their daily lives. Those who do care about this conflict will have to wait four more years before it will be clear what, if any, impact these regulations have at halting the conflict or disarming the groups inside the DRC.
A. Findings

Four major findings can be drawn from this study that reveal the factors that have contributed to the ongoing destabilization of the Congo. First, the impact of the absence a strong state is inescapable. While Belgian colonialism further fragmented already distinct groups of people, the years following independence have also not produced a capable and legitimate state. After the democratically elected Kasavubu and Lumumba were removed from power, Mobutu’s extractive state worked to disillusion the Zairian people in regards to potential benefits of a strong state. Rather than acting as a source for social cohesion and security, the state of Zaire further distressed a nation that had been haphazardly thrown together during colonialism. If we recall the criteria Samatar and Samatar use to judge a strong state, “monopoly of coercion; territorialization of rule; fixed population; sovereignty; economic and cultural activities; recognition by other states,” the weakness of Mobutu’s Zaire and Congo under the Kabilas is evermore apparent. The only criterion to have been fulfilled in the post-independence period is recognition by other states. Even Mobutu’s stringent economic and cultural policies proffered by Zairianization were not enforced throughout every region. The decades of living under such a weak and exploitative state has taken its toll on the people of Congo and rightly left many distrusting of the ability for a state to function positively. In order for the Congolese state to gain legitimacy in the eyes of the people and create a stronger sense of a unified Congolese identity, it needs to provide security, and reform the economy.
Second, and related to a strong state, is the importance of the quality of leadership. Although the person acting as head of state is only one factor that influences its strength, that person represents the state to the people. During his brief time as prime minister, Patrice Lumumba demonstrated that he would fight against the influence of Belgium and the United States in order to strengthen national unity. However, compounding crises and competing forces of self-interest overpowered him in his efforts. Although Mobutu at first presented himself as the nation’s savoir, who would provide unity and stability, it became increasingly clear that his self-interest and desire to retain power necessitated weakening potential forces of competition. His claim, and possible belief, that without him Zaire would fall into chaos drove him to cling to power at the expense of the nation. The actions of the current president, Laurent Kabila, as well as his political rivals, including Jean-Pierre Bemba and Étienne Tshisekedi, also display the prominent influence of self-interest. Rather than working to increase the state’s legitimacy through a dedication to free and fair elections, each has accused other politicians of fraud and has been unwilling to accept his opponent’s success. They use divisionism to gain power, and foment distrust of the state within citizens.

Third, outside actors such as the United States could work to hold the political elite to higher standards in diplomatic relations. During the Cold War, the United States disregarded the fact that Mobutu’s power in Zaire was based upon exploitation and intimidation. Shortly after taking office, President Obama declared he would support strong institutions in Africa rather than strong men. However, his administration has not followed through with this statement in regards to the DRC. The 2011 Congolese presidential and legislative elections lacked transparency and showed signs of false
reporting. Nevertheless, the United States did not hold President Kabila responsible for his complicity in the disorganization. Although in the short term questioning Kabila’s claim to victory could cause instability, continuing to accept corrupt democratic processes as valid will increasingly weaken the legitimacy of the state. A lesson can be drawn from the terrible outcome of supporting Mobutu for such a sustained period of time. The ability to trust a leader’s claim to authority is essential to strengthening consent. In a public statement, the US Assistant Secretary of State for African Affairs, Johnnie Carson, dismissed the fact that the 2011 election had been disappointingly run, by saying “even if we had had a fair accounting throughout this process, I think President Kabila probably would have still won.”220 This attitude undervalues the power of legitimacy. By recognizing the power of leaders who openly have tampered with the electoral process, the United States weakens its credibility as a global supporter of democracy, and ability to legitimate the Congolese state.

The fourth contributing factor to the destabilization of Congo has been the influence of external world powers. The United States allowed Lumumba to be assassinated and Mobutu to take over state power through a military coup. Through their continual cooperation with Mobutu during the Cold War, the US valued its geo-political strategy over the well-being and freedom of the Congolese people. However, the United States has not been held accountable for its actions regarding either its support of Mobutu or its more recent backing of Ugandan and Rwandan invasions. Its position as the global hegemon allows the US to operate with limited accountability.

Along with the inability of the international community to hold the US accountable, the US public also is not deeply aware of decisions regarding foreign policy.
Bureaucratic secrecy has created a vacuum of responsibility in international affairs. Politicians are able to rely upon officials to execute their orders, as in the cases of Lumumba’s assassination plot and the conflict minerals legislation, without feeling a responsibility for the resulting consequences. The lack of accountability on the part of politicians in turn allows for decreased feelings of culpability for the constituents of those elected leaders who feel little connection to the government officials carrying out the tasks of destruction.

It would be nearly impossible for each constituent to understand every detail of US foreign relations. This fact, however, allows policy decisions, such as the regulations on conflict minerals, to be made without the public’s notice. US citizens lack a sense of civic responsibility for the actions taken by their government, as the average citizen can reasonably feel he or she was not involved in the decision-making process. While formal colonizers are implicated in the current status of their former colonies, harmful external influences in the neocolonial period are unacknowledged and therefore not remedied.

Thomas Pogge argues, in regards to poverty, that those in the global North have an active responsibility not to harm citizens of the global South. I would argue that the global North has a similar responsibility to not contribute to state weakness and insecurity. Here, I am not trying to address whether there should be an abolition of global Realpolitik. Rather, I am suggesting that there be improved accountability for interventions framed as humanitarian. The failure of such projects leading to increased insecurity cannot continue without consequences for those responsible. Doing so could lead to the delegitimization of humanitarian intervention should it come to be seen as a method of transgressing sovereignty. The standard that any help is better than no help at
all when it comes to such situations as the wars in the Congo is insufficient. Good
intentions cannot continue to excuse harmful outcomes. By accepting the continual
conflict in the Congo as normal, and that sufficient steps to counter it are impossible, the
US is perpetrating violence against the people of the Congo.

The example of the DRC provides a specific instance in which colonialism,
vigence, and bureaucratic secrecy have allowed states to destroy and exploit another
nation. The role of the US in the destabilization of the Congo also demonstrates how
humanitarianism has come to diminish accountability. Non-domestic issues are
increasingly dealt with by a specialized group of experts rather than according to popular
will. Placing national security over human rights is not a new phenomenon. What is
different in the current period, however, is that the US does so while also lauding its
reputation as the protector of human rights and democracy abroad. Clearly, this
reputation does not reflect reality and will continue not to without increased civic
responsibility and the determination to value global well-being over a position of
privileged security.

B. Lessons

Three main lessons have resulted from my engagement in this subject matter. The
first is the necessity to think critically about international interventions labeled as
humanitarian. This first dawned on me during my internship in Washington DC. I often
would attend meetings in which every panelist would earnestly spout their deep concern
for the Congolese people before moving on to discuss a specific aspect of the
destabilization. While listening, I would be convinced by the plans put forth to stop the
violence, strengthen democracy, or plan an election in five months. Only in the question and answers section, or a debriefing from my boss in the car ride home, would some of the underlying motivations of the speakers become clear to me. For instance, after attending a panel discussion regarding conflict minerals that had convinced me of the honorable goals of the law, my boss shattered my illusions by expressing her outrage with what we had just heard. She thought it absurd that a panel would be hosted in which every speaker had the exact same opinion. This made me reconsider the idea that realizing the gravity of the situation in the DRC would automatically lead people to leave behind other motivations. Business representatives and government officials, while genuinely concerned, also continue protecting their own interests.

The second lesson involved came from pressing myself to think more deeply about whose opinions were left out of policy conversations, namely those of the Congolese people. Similarly, in my research, even if academics from the West included voices of Congolese people in their books and articles, they mostly did so through anecdotes of victimhood. Having read these anecdotes and seen the statistics of human suffering, I know that they are vital to the understanding the impact of the decades of violence. While I could not reconstruct narratives of personal suffering, especially given the multiplicity of identities and opinions, I challenged myself to keep in mind the impact political and economic policies have on the people living in the DRC. In attempting to understand how a more stable life for the people of the Congo could be possible, I knew the area I was most prepared to address was the role of outside actors and their destabilization of the state.
The third lesson revolved around my struggle to balance the responsibility of the international community with that of the Congolese people. While taking the stance that the global North has the responsibility not to stand in the way of processes of state building, I also knew the Congolese people are vital to the creation a strong state and stable future. They should not be forced to do so, however, in the face of active invasion by neighboring countries with the support of a global hegemon. In explaining the ways in which outside actors have prevented this from happening, I sought to add complexity to the notion of the Congo as an intrinsically hopeless place destined to continual ruin. I learned how difficult this task would be to carry out without casting the Congolese as pawns manipulated by external forces.

The DRC is now so intertwined in international, and particularly regional, power struggles that it is not enough to say that the people of the Congo will have to figure out a solution for themselves. Surely, most of the long-term change will come about with the efforts of people within the country, but there are also steps the international community could take to make the path easier. One such step would be for the United States to take firm action against countries that violate the territorial sovereignty of the DRC, such as Rwanda through sponsoring M23. The United Nations could also follow through with the Mapping Report they completed in 2010, which documents over 600 violations of human rights and humanitarian law committed between 1993 and 2003. After going to such lengths to produce this report, and including so many Congolese people in the process of its creation, the fact that no further progress has been made in fulfilling its plan of action demonstrates a sense of international apathy. One of the main suggestions at the end of the report regards creating a tribunal to adjudicate the crimes committed in the Congo in
order to bring an end to impunity. This would be quite the task to carry out, and courts of this kind have not been uniformly successful in the past. However, concrete measures of justice are necessary. Before the DRC can realize a future of more broadly experienced wealth and physical well-being, the international community needs to recognize its history of harmful action and work to correct itself.

C. Future Inquiries

Finally, as far as possible extensions of the question of security in the Congo, I would be most interested in investigating the role the United Nations has played in relation to the strength of the state. Since independence, the UN has had a hand in the affairs of the Congo. Nevertheless, the country has remained in disarray. The ways in which the UN has or has not been able to remain politically neutral, and how its role as an organization has changed throughout the decades would be fascinating. It was not within the realm of this thesis to explore these dynamics in sufficient depth, but a contrast between the actions of the US and the UN in a further investigation would, without a doubt, be fruitful towards an understanding of each. Neither has always operated with the well-being of the Congolese people as a top priority. The violations of state sovereignty, however, are viewed differently in regards to the UN as an international organization than the US as another state. Such a study would also give insight as to what extent the US had power over the actions of the UN or had to compromise its priorities for the good of the organization.

While it is unlikely that either the UN or the US have a secret plan to permanently weaken the state in the Congo, their actions that have done so should not be ignored. The
erosion of state power and current situation of impunity have had compounding negative
effects upon the Congolese people. The power of a state to protect its citizens from each
other and outsiders has not become obsolete. The responsibility of other states and
international institutions to allow the formation of a representative state is essential for a
secure future in the DRC. Recognizing the negative effects of past actions and working to
not repeat them depends upon increased responsibility for states that violate sovereignty
and a sense of accountability within the citizens of those states. Removing some of the
darkness from perceptions of the situation and understanding instances of multiple
culpabilities is necessary to overcome inaction.
Appendix A: Map of Africa
Appendix B: Section 1502 of Dodd-Frank Wall Street Reform Act

SEC. 1502. CONFLICT MINERALS.

(a) Sense of Congress on Exploitation and Trade of Conflict Minerals Originating in the Democratic Republic of the Congo.—It is the sense of Congress that the exploitation and trade of conflict minerals originating in the Democratic Republic of the Congo is helping to finance conflict characterized by extreme levels of violence in the eastern Democratic Republic of the Congo, particularly sexual- and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b).

(b) Disclosure Relating to Conflict Minerals Originating in the Democratic Republic of the Congo.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following new subsection:

“(p) Disclosures Relating to Conflict Minerals Originating in the Democratic Republic of the Congo.—

“(1) Regulations.—

“(A) In general.—Not later than 270 days after the date of the enactment of this subsection, the Commission shall promulgate regulations requiring any person described in paragraph (2) to disclose annually, beginning with the person’s first full fiscal year that begins after the date of promulgation of such regulations, whether conflict minerals that are necessary as described in paragraph (2)(B), in the year for which such reporting is required, did originate in the Democratic Republic of the Congo or an adjoining country and, in cases in which such conflict minerals did originate in any such country, submit to the Commission a report that includes, with respect to the period covered by the report—

“(i) a description of the measures taken by the person to exercise due diligence on the source and chain of custody of such minerals, which measures shall include an independent private sector audit of such report submitted through the Commission that is conducted in accordance with standards established by the Comptroller General of the United States, in accordance with rules promulgated by the Commission, in consultation with the Secretary of State; and
“(ii) a description of the products manufactured or contracted to be manufactured that are not DRC conflict free (‘DRC conflict free’ is defined to mean the products that do not contain minerals that directly or indirectly finance or benefit armed groups in the Democratic Republic of the Congo or an adjoining country), the entity that conducted the independent private sector audit in accordance with clause (i), the facilities used to process the conflict minerals, the country of origin of the conflict minerals, and the efforts to determine the mine or location of origin with the greatest possible specificity.

“(B) CERTIFICATION.—The person submitting a report under subparagraph (A) shall certify the audit described in clause (i) of such subparagraph that is included in such report. Such a certified audit shall constitute a critical component of due diligence in establishing the source and chain of custody of such minerals.

“(C) UNRELIABLE DETERMINATION.—If a report required to be submitted by a person under subparagraph (A) relies on a determination of an independent private sector audit, as described under subparagraph (A)(i), or other due diligence processes previously determined by the Commission to be unreliable, the report shall not satisfy the requirements of the regulations promulgated under subparagraph (A)(i).

“(D) DRC CONFLICT FREE.—For purposes of this paragraph, a product may be labeled as ‘DRC conflict free’ if the product does not contain conflict minerals that directly or indirectly finance or benefit armed groups in the Democratic Republic of the Congo or an adjoining country.

“(E) INFORMATION AVAILABLE TO THE PUBLIC.—Each person described under paragraph (2) shall make available to the public on the Internet website of such person the information disclosed by such person under subparagraph (A).

“(2) PERSON DESCRIBED.—A person is described in this paragraph if—

“(A) the person is required to file reports with the Commission pursuant to paragraph (1); and

“(B) conflict minerals are necessary to the functionality or production of a product manufactured by such person.

“(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President transmits to the Commission a determination that—

“(A) such revision or waiver is in the national security interest of the United States and the President includes the reasons therefor; and

“(B) establishes a date, not later than 2 years after the initial publication of such exemption, on which such exemption shall expire.

“(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—The requirements of paragraph (1) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees, but in no case earlier than
the date that is one day after the end of the 5-year period beginning on the date of the enactment of this subsection, that no armed groups continue to be directly involved and benefitting from commercial activity involving conflict minerals.

“(5) DEFINITIONS.—For purposes of this subsection, the terms ‘adjoining country’, ‘appropriate congressional committees’, ‘armed group’, and ‘conflict mineral’ have the meaning given those terms under section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.”

(c) STRATEGY AND MAP TO ADDRESS LINKAGES BETWEEN CONFLICT MINERALS AND ARMED GROUPS.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a strategy to address the linkages between human rights abuses, armed groups, mining of conflict minerals, and commercial products.

(B) CONTENTS.—The strategy required by subparagraph (A) shall include the following:

(i) A plan to promote peace and security in the Democratic Republic of the Congo by supporting efforts of the Government of the Democratic Republic of the Congo, including the Ministry of Mines and other relevant agencies, adjoining countries, and the international community, in particular the United Nations Group of Experts on the Democratic Republic of Congo, to—

(I) monitor and stop commercial activities involving the natural resources of the Democratic Republic of the Congo that contribute to the activities of armed groups and human rights violations in the Democratic Republic of the Congo; and

(II) develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of the Congo to reduce exploitation by armed groups and promote local and regional development.

(ii) A plan to provide guidance to commercial entities seeking to exercise due diligence on and formalize the origin and chain of custody of conflict minerals used in their products and on their suppliers to ensure that conflict minerals used in the products of such suppliers do not directly or indirectly finance armed conflict or result in labor or human rights violations.

(iii) A description of punitive measures that could be taken against individuals or entities whose commercial activities are supporting armed groups and human rights violations in the Democratic Republic of the Congo.

(2) MAP.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in accordance with the recommendation of the United
Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report—

(i) produce a map of mineral-rich zones, trade routes, and areas under the control of armed groups in the Democratic Republic of the Congo and adjoining countries based on data from multiple sources, including—

(I) the United Nations Group of Experts on the Democratic Republic of the Congo;

(II) the Government of the Democratic Republic of the Congo, the governments of adjoining countries, and the governments of other Member States of the United Nations; and

(III) local and international nongovernmental organizations;

(ii) make such map available to the public; and

(iii) provide to the appropriate congressional committees an explanatory note describing the sources of information from which such map is based and the identification, where possible, of the armed groups or other forces in control of the mines depicted.

(B) DESIGNATION.—The map required under subparagraph (A) shall be known as the “Conflict Minerals Map”, and mines located in areas under the control of armed groups in the Democratic Republic of the Congo and adjoining countries, as depicted on such Conflict Minerals Map, shall be known as “Conflict Zone Mines”.

(C) UPDATES.—The Secretary of State shall update the map required under subparagraph (A) not less frequently than once every 180 days until the date on which the disclosure requirements under paragraph (1) of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b), terminate in accordance with the provisions of paragraph (4) of such section 13(p).

(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary of State shall add minerals to the list of minerals in the definition of conflict minerals under section 1502, as appropriate. The Secretary shall publish in the Federal Register notice of intent to declare a mineral as a conflict mineral included in such definition not later than one year before such declaration.

(d) REPORTS.—

(1) BASELINE REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter until the termination of the disclosure requirements under section 13(p) of the Securities Exchange Act of 1934, the Comptroller General of the United States shall submit to appropriate congressional committees a report that includes an assessment of the rate of sexual- and gender-based violence in war-torn areas of the Democratic Republic of the Congo and adjoining countries.

(2) REGULAR REPORT ON EFFECTIVENESS.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes the following:
(A) An assessment of the effectiveness of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b), in promoting peace and security in the Democratic Republic of the Congo and adjoining countries.

(B) A description of issues encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(p).

(C)(i) A general review of persons described in clause (ii) and whether information is publicly available about—
   (I) the use of conflict minerals by such persons; and
   (II) whether such conflict minerals originate from the Democratic Republic of the Congo or an adjoining country.

(ii) A person is described in this clause if—
   (I) the person is not required to file reports with the Securities and Exchange Commission pursuant to section 13(p)(1)(A) of the Securities Exchange Act of 1934, as added by subsection (b); and
   (II) conflict minerals are necessary to the functionality or production of a product manufactured by such person.

(3) REPORT ON PRIVATE SECTOR AUDITING.—Not later than 30 months after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report that includes the following:

   (A) An assessment of the accuracy of the independent private sector audits and other due diligence processes described under section 13(p) of the Securities Exchange Act of 1934.

   (B) Recommendations for the processes used to carry out such audits, including ways to—
      (i) improve the accuracy of such audits; and
      (ii) establish standards of best practices.

   (C) A listing of all known conflict mineral processing facilities worldwide.

(e) DEFINITIONS.—For purposes of this section:

(1) ADJOINING COUNTRY.—The term "adjoining country", with respect to the Democratic Republic of the Congo, means a country that shares an internationally recognized border with the Democratic Republic of the Congo.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

   (A) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and
   (B) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) ARMED GROUP.—The term "armed group" means an armed group that is identified as perpetrators of serious human rights abuses in the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating
to the Democratic Republic of the Congo or an adjoining country.

(4) **CONFLICT MINERAL.**—The term “conflict mineral” means—

(A) columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives; or

(B) any other mineral or its derivatives determined by the Secretary of State to be financing conflict in the Democratic Republic of the Congo or an adjoining country.

(5) **UNDER THE CONTROL OF ARMED GROUPS.**—The term “under the control of armed groups” means areas within the Democratic Republic of the Congo or adjoining countries in which armed groups—

(A) physically control mines or force labor of civilians to mine, transport, or sell conflict minerals;

(B) tax, extort, or control any part of trade routes for conflict minerals, including the entire trade route from a Conflict Zone Mine to the point of export from the Democratic Republic of the Congo or an adjoining country; or

(C) tax, extort, or control trading facilities, in whole or in part, including the point of export from the Democratic Republic of the Congo or an adjoining country.
Appendix D: Email Response from Securities and Exchange Commission

February 14, 2013

Aimee Mackie
attackie@macalester.edu

Dear Ms. Mackie:

Thank you for your January 16, 2013 e-mail to Chairman Walter, in which you request information regarding the treatment of conflict minerals from the Democratic Republic of the Congo (“DRC”) or the adjoining countries (“Covered Countries”) when a country’s armed forces are considered an “armed group,” as defined in the final rule implementing Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Conflict Minerals Statutory Provision”). Particularly, you assert that the armed forces of the DRC (“FARDC”) should be considered an “armed group,” and ask whether any trade in conflict minerals that results in tax revenue for the DRC government could be considered “DRC conflict free.”

The Conflict Minerals Statutory Provision states that products are “DRC conflict free” when those products do not contain conflict minerals that “directly or indirectly finance or benefit armed groups” in the Covered Countries, and it defines the term “armed group” as “an armed group that is identified as perpetrators of serious human rights abuses in the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961,” as they relate to the Covered Countries. The final rule includes a cross-reference to the definition in the Foreign Assistance Act of 1961 to provide guidance to issuers and mirrors the Conflict Minerals Statutory Provision in its definition of “armed group.” In this regard, the Conflict Minerals Statutory Provision assigns to the State Department the authority to identify perpetrators of serious human rights abuses in its annual Country Reports, and we lack the authority and expertise to provide further guidance or assess the State Department’s conclusions in this area. Therefore, any question as to whether the FARDC, or any other Covered Country’s armed forces, are considered an “armed group” should be directed to the State Department.

We hope that this has been useful to you. Please do not hesitate to contact John Fieldsend, Special Counsel in the Division of Corporation Finance, at (202) 551-3343 if you have any further inquiries.

Sincerely,

[Signature]
Eona Nallengara
Acting Director
1 Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1968), 310.
9 Césaire, *Discourse on Colonialism*, 76.
11 Fanon, *Wretched of the Earth*, 239.
12 Ibid., 2.
13 Ibid., 100.
14 Ibid., 10.
16 Ibid.
17 Ibid., 273.
20 Ibid., 6.
21 Ibid., 2.
24 Ibid.
26 Ibid., 326.
28 Ibid., 9.
29 Ibid., 11-12.
33 Ibid., 55.
34 Ibid., 63.
36 Ibid., 121.
40 Central Intelligence Agency, “Congo, Democratic Republic of the.”
41 Ibid.
45 Ibid., 46, 80.
46 Young, The Postcolonial State in Africa, 57.
50 Hochschild, King Leopold’s Ghost, 180.
51 Ibid., 204.
54 Ibid., 80.
55 Ibid.
56 Ibid., 109-111.
57 Ibid., 241.
58 Ibid., 280-3.
60 Ibid., 104.
65 Covington Ward, “Performances of Kongo Nationalism,” 75.
67 Covington-Ward, “Performances of Kongo Nationalism,” 76.
68 Ibid.
70 Covington-Ward, “Performances of Kongo Nationalism,” 84.
71 Covington-Ward, “Performances of Kongo Nationalism,” 76.
72 Jean-Paul Sartre, *Colonialism and Neocolonialism*, 103.
74 Fanon, *The Wretched of the Earth*, 61.
75 Ibid., 47.
76 Ibid., 94.
77 Sartre, *Colonialism and Neocolonialism*, 105.
78 Ibid., 95.
80 Sartre, *Colonialism and Neocolonialism*, 94.
81 Ibid., 100.
82 Ibid., 104.
83 Ibid., 93.
85 Ibid., 20.

“Marred.”

Hochschild, *King Leopold’s Ghost*, 297.


Sartre, *Colonialism and Neocolonialism*, 90.

Epstein, *Revolt in the Congo*, 91.


Epstein, *Revolt in the Congo*, 93.


Ibid., 6.

Ibid., 7.

Epstein, *Revolt in the Congo*, 3.

Sartre, *Colonialism and Neocolonialism*, 100.

Ibid., 101.

Ibid., 105.

Ibid., 108.

Sartre, *Colonialism and Neocolonialism*, 106.

Ibid., 107.

Epstein, *Revolt in the Congo*, 40.

Ibid., 47.

Epstein, *Revolt in the Congo*, 62.

Ibid., 75.


Ibid., 79.

Epstein, *Revolt in the Congo*, 82.


Ibid.

Boateng, “How Lumumba was murdered,” 10.

Foucault, *Discipline and Punishment*, 49.

Sartre, *Colonialism and Neocolonialism*, 112.


Ibid., 19, 23.

Ibid., 48.

Ibid., 25.

Ibid., 18.

Ibid., 26.
124 Ibid., 16.
126 Ibid., 86.
127 Ibid., 22.
128 Ibid., 39.
129 Ibid.
130 Ibid., 46.
131 Hochschild, *King Leopold’s Ghost*, 304.
133 Lumumba-Kasongo, “Zaire’s ties to Belgium,” 39.
135 Ibid., 24.
137 Ibid., 30.
139 Lumumba-Kasongo, “Zaire’s ties to Belgium,” 30.
140 Ibid., 41.
141 Fanon, *Wretched of the Earth*, 154.
143 Ibid., 358.
144 Ibid., 347.
145 Ibid., 137.
146 Ibid., 135.
147 Hochschild, *King Leopold’s Ghost*, 304.
148 Young and Turner, *Rise and Decline*, 64.
149 Ibid., 373.
150 Ibid., 71.
151 Devlin, *Chief of Station*, 236.
152 Young and Turner, *Rise and Decline*, 50.
156 Wrong, “The Emperor Mobutu,” 100.
157 Ibid., 102.
158 Ibid.
159 Young and Turner, *Rise and Decline*, 201.
160 Ibid., 202.
163 Ibid., 118.
164 Wrong, “The Emperor Mobutu,” 95.
166 Young, *The Postcolonial State in Africa*, 57.
168 Ibid.
171 Stearns, *Dancing in the Glory of Monsters*, 34.
172 Stearns, *Dancing in the Glory of Monsters*, 38.
174 Ibid., 339.
175 Ibid., 334.
181 Stearns, *Dancing in the Glory of Monsters*, 318.
183 Ibid., 267
185 Ibid., 347.
186 Ibid., 345.
187 Stearns, *Dancing in the Glory of Monsters*, 77.
191 Ibid., 213.
192 Stearns, *Dancing in the Glory of Monsters*, 268.
194 Stearns, *Dancing in the Glory of Monsters*, 313.
196 Ibid., 314.
197 Ibid., 306.
198 Ibid., 319.
202 Devlin, *Chief of Station*, 173.
206 Ibid., 244.
207 Ibid., 243.
208 Ibid., 352.
209 Ibid.
210 Dizolele, “Conflict Minerals in the Congo.”
211 Ibid., 240.
214 Ibid., 9.
215 Ibid., 138.
216 Ibid., 16.
217 Dizolele, “Conflict Minerals in the Congo.”
Bibliography


McLennan, Gregor. 1984. “Capitalist state or democratic polity?” In The Idea of the
Modern State. Edited by Gregor McLennan, David Held, and Stuart Hall. Milton
Keynes [England]: Open University Press.

History. 43: 105-120.


Minneapolis: University of Minnesota Press.

Delhi: Oxford.

Ngũgĩ wa Thiong’o. 1986. Decolonising the mind: the politics of language in African


Pickles, Dorothy Maud. 1963. Algeria and France: from colonialism to cooperation.
New York: Praeger.

Affairs. 19 (1).

Prunier, Gérard. 2009. Africa's World War: Congo, the Rwandan genocide, and the

University Press.


