



MEMORANDUM

To: U.S. House Foreign Affairs Committee, Subcommittee on Africa
From: Public Citizen, Friends of the Congo, United Methodist Church General Board of Church and Society, Earthworks
Date: January 22, 2026
Re: **Critical Minerals and Contested Sovereignty: Inside the U.S.-DRC Strategic Partnership Agreement**

The Democratic Republic of the Congo (DRC) has endured escalating violence and upheaval since the 2022 revival of a historic regional conflict. Rwanda-backed M23 and other militias have killed thousands¹ and displaced millions² as they battled Congolese security forces and captured swaths of land. Attacks on civilians, including systematic sexual violence, are well documented, and experts³ agree that the violence is driven in large part by competition over the DRC's cobalt and other "critical mineral" resources.

Amid this crisis, U.S. President Donald Trump has pressed for overreaching "minerals for security" deals to secure preferential access to those resources. In December 2025, the DRC, the United States, and Rwanda signed three agreements⁴ that the governments involved describe as a milestone for peace and economic integration. But, at the center of these deals is a far-reaching U.S.-DRC Strategic Partnership Agreement (SPA) that fundamentally reshapes who controls access to some of the world's most important minerals and on whose terms.

While framed as supporting peace, development, and responsible mining, the SPA's core purpose is to secure long-term U.S. access to critical minerals essential to defense, energy, automotive, and advanced technology supply chains, as well as to block China's further advancement in this space. Meanwhile, local communities continue to suffer from violence and human rights violations that have continued unabated.⁵

Creation of Strategic Asset Reserve

The agreement requires the Congolese government to establish a Strategic Asset Reserve (SAR), a compilation of critical mineral assets and unlicensed exploration areas. The SAR is

essentially a shopping list of mining sites reserved for U.S. companies. It is to be “an evolving list with the DRC adding additional assets to it frequently, in consultation with the United States.” U.S. companies are explicitly granted a **right of first offer** to sites on the SAR, and U.S. investors are to be given preferential access even ahead of Congolese investors.

Oversight of the SAR rests with a new **Joint Steering Committee** composed of five representatives from the Congolese government and five from the U.S. government, including agencies such as the State Department, Treasury, Commerce Department, and the U.S. International Development Finance Corporation. All decisions must be made by consensus, embedding U.S. participation directly into decisions that were previously the exclusive domain of the Congolese government. The agreement also requires quarterly briefings to the U.S. ambassador, further formalizing U.S. visibility into — and influence over — Congolese mineral governance where they once had sovereignty.

Uneven Costs and Benefits

To incentivize U.S. participation, the DRC has also committed to “establish preferential fiscal, tax, and regulatory incentives for U.S. persons,” with companies operating under the SPA framework receiving a 10-year “tax stabilization” period. The Congolese government has also pledged to amend mining laws, tax policies, and potentially even its Constitution within 12 months to align with the agreement’s terms. Notably, the agreement specifies that the U.S. must hold majority ownership in projects governed by the partnership, a provision that underscores the structural imbalance built into the deal.

What the DRC gets in return is murky. The agreement includes a litany of binding terms that the DRC “shall” uphold, while the U.S. merely “intends to,” for example, provide technical assistance, mobilize financing, and facilitate internships with U.S. mining companies.

The strategic logic behind the agreement is clear. By establishing preferential access, co-management structures, and infrastructure passways aligned with U.S. interests, the SPA intends to limit China’s ability to expand its footprint in the DRC’s mineral sector and redirect supply chains toward U.S. and allied markets. Furthermore, the agreement allows the U.S. and allied companies to invest⁶ in the minority stake of the deals that the Congolese government has with Chinese companies.

The SPA also focuses on major infrastructure projects, including the expansion of the Lobito Corridor rail network. It also establishes governance structures for the Grand Inga Hydropower Project in order to ensure energy production for mining operations. The U.S. Development Finance Corporation (DFC) has since issued letters of interest to secure private investments for a billion dollars each in mining and infrastructure projects.⁷

Impact on the Congolese People

While the agreement repeatedly invokes responsible mining, transparency, and the formalization of artisanal mining, its real-world impacts have already proven destabilizing. After signing the SPA, the Congolese government issued a decree⁸ suspending artisanal mineral processing centers, citing illicit trade and non-compliance with labor and environmental standards. An immediate suspension of these processing centers, without any prior consultation with the local communities, will have an adverse impact on the miners and the local communities who rely on the pittance gained from small-scale mining to survive.

With more than 10 million livelihoods in the DRC impacted by artisanal mining⁹, the sudden shutdown of processing without any contingency planning for the local economies is likely to spark unrest and fuel growing tension.

Resistance to the Minerals Agreement

Beyond labor impacts, the agreement has drawn criticism for its democratic and constitutional implications. The SPA was not presented to the Congolese parliament for debate or approval, raising serious questions about legality and accountability. The agreement heavily erodes sovereignty by subjecting Congolese resource decisions to U.S. consultation, joint committee approval, and external reporting requirements, effectively institutionalizing foreign oversight of the country's most strategic assets.

Within the DRC, critics of the agreement are pursuing three strategies: legislative action, constitutional challenges, and civic pressure through informing the general public. Faith institutions, civil society groups, and legal experts are pushing to force parliamentary scrutiny of the deal and to educate the public about its long-term implications. A collection of lawyers submitted a challenge¹⁰ to the agreement in the DRC's constitutional court.

More than 50 U.S. members of Congress have also expressed “deep concern with [the Trump] administration's failure to consult Congress and the lack of transparency, especially given the dire security, human rights, labor, and environmental situation associated with mineral mining in the DRC.”¹¹

In solidarity with affected communities, more than 35 U.S. civil society, environmental, faith, and human rights organizations also penned a letter¹² directly to the Trump administration calling for a halt to any ongoing negotiations on critical minerals agreements until the process is opened to public input and affected communities are meaningfully consulted.

At stake is not only control over critical minerals, but the broader question of whether the DRC's development path will be shaped by domestic priorities or by the strategic demands of

foreign powers racing to secure critical minerals for the U.S. military industry and the energy transition.

¹ “As Goma ceasefire largely holds, Congo rushes to bury bodies from rebel offensive,” Reuters, February 4, 2025. Available at: <https://www.reuters.com/world/africa/east-congo-city-goma-rushes-bury-bodies-after-rebel-offensive-2025-02-04>

² “Democratic Republic of the Congo,” United Nations Office of the High Commissioner for Refugees, UNHCR, the UN Refugee Agency. Accessed on Jan. 21, 2026. Available at: <https://www.unhcr.org/us/where-we-work/countries/democratic-republic-congo>

³ “Trade and Critical Minerals: The Deadly Cost of Cobalt Mining in the Congo,” Public Citizen and Friends of the Congo, October 2024. Available at: <https://gtwaction.org/the-deadly-cost-of-cobalt-mining-in-the-congo/>

⁴⁴ “Joint Declaration by the Democratic Republic of the Congo and the Republic of Rwanda on the Occasion of Establishing the Washington Accords for Peace and Prosperity.” United States Department of State, Dec. 4, 2025 Available at: <https://www.state.gov/joint-declaration-by-the-democratic-republic-of-the-congo-and-the-republic-of-rwanda-on-the-occasion-of-establishing-the-washington-accords-for-peace-and-prosperity/>. “Joint Statement on the Fourth Joint Oversight Committee for the Peace Agreement.” United States Department of State, Nov. 7, 2025 Available at: <https://www.state.gov/releases/office-of-the-spokesperson/2025/11/joint-statement-on-the-fourth-joint-oversight-committee-for-the-peace-agreement/>. “Strategic Partnership Agreement Between the Government of the United States of America and the Government of the Democratic Republic of the Congo.” United States Department of State, Dec. 4, 2025, Available at: <https://www.state.gov/strategic-partnership-agreement-between-the-government-of-the-united-states-of-america-and-the-government-of-the-democratic-republic-of-the-congo/>.

⁵ “DR Congo: Surge in Conflict-Related Sexual Violence,” Human Rights Watch, Jan. 12, 2026. Available at: <https://www.hrw.org/news/2026/01/12/dr-congo-surge-in-conflict-related-sexual-violence>

⁶ “Congo Sending First Copper to US Under Mercuria-Backed Venture,” Bloomberg, Jan. 12, 2026. Available at: https://www.bloomberg.com/news/articles/2026-01-12/congo-sending-first-copper-to-us-under-mercuria-backed-venture?utm_source=website&utm_medium=share&utm_campaign=twitter&embedded-checkout=true

⁷ “DFC Strengthens Strategic Partnerships with the Democratic Republic of the Congo and Rwanda to Bolster Supply Chain Security and Economic Growth,” Development Finance Corporation, Dec. 5, 2025. Available at: <https://www.dfc.gov/media/press-releases/dfc-strengthens-strategic-partnerships-democratic-republic-congo-and-rwanda>

⁸ “Congo halts artisanal copper and cobalt processing amid corruption crackdown,” Reuters, Dec. 23, 2025, Available at: <https://www.reuters.com/sustainability/boards-policy-regulation/congo-halts-artisanal-copper-cobalt-processing-amid-corruption-crackdown-2025-12-23/>

⁹ Ibid.

¹⁰ Stanis Bujakera Tshiamala [@StanysBujakera], X. Jan 21, 2026 [Post], Available at: <https://x.com/stanysbujakera/status/2013951490101002408>

¹¹ “Sánchez, colleagues call for transparency in Congo critical minerals agreement,” Congresswoman Linda Sánchez, August 11, 2025. Available at: <https://lindasanchez.house.gov/media-center/press-releases/sanchez-colleagues-call-transparency-congo-critical-minerals-agreement>

¹² “Critical Minerals Trade Agreements Put Profits Over Human Rights and the Environment, Warn 35+ Organizations.” Public Citizen, Dec. 9 2025, Available at: <https://www.citizen.org/news/critical-minerals-trade-agreements-put-profits-over-human-rights-and-the-environment-warn-35-organizations/>