

APPENDICES

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APPENDIX A

UNITED NATIONS RESOLUTIONS

- *CEDAW (1979)*. Was the first international instrument to define and codify equality and discrimination against women as a function of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (art 1).
- *The Beijing Conference (1995)*. Developed the Declaration and Platform for Action (PFA) which was aimed at empowering women by national and international governments by action through laws, policies, programs and development priorities. It include 12 areas of concern (poverty, education and training, health, violence armed conflict, economy, institutional mechanisms for advancement, power and decision making structures and processes, human rights, media, environment and the girl child).¹ It was designed as a global comprehensive framework to achieve goals of gender equality, peace and development. It has been reviewed every five years for implementation, analysis, progress, assessment and consideration of new initiatives at Beijing +5, Beijing +10 and Beijing +15.
- *United Nations Security Council Resolution (UNSCR) 1325 (2000)*. Addressed international women's rights, peace, and security issues. It specifically addressing the disproportionate and unique impact of war on women. UNSCR 1325 stresses women's contributions to conflict resolution and prevention. It is the legal and political framework under which national governments, the UN, EU, African Union (AU), and other regional organizations, are obliged to address the situations of women in war – their empowerment and their protection.
- *UNSCR 1820 (2008)*. Addresses sexual violence as a threat to international peace and security. It recognizes that the use of rape and sexual violence as a tactic of warfare is a matter of international peace and security. All actors are urged to increase the participation of women and incorporate a gender perspective in all United Nations peace and security efforts.
- *UNSCR 1888 (Sep 2009)*. Recognizes sexual violence as a peace and security deficit, and requests identification of women's protection advisers among gender advisers, and human rights protection units. It strengthens monitoring and reporting of SV, the retraining of peacekeepers, national forces, and police, and calls to boost the participation of women in peace building and other post conflict processes.
- *UNSCR 1889 (Oct 2009)*. Calls for women's involvement and perspectives in the development and implementation of post conflict strategies, as well as participation in peace building, recovery processes, and post conflict economic and political decision making.
- *UNSCR 1960 (2010)*. Addresses gender inclusiveness in reforming and building of security institutions. Authorizes use of available UN mechanisms/instruments, including listing, enhanced monitoring, analysis and reporting sanctions and referrals to the ICC, against those suspected of committing or being responsible for patterns of rape and other forms of sexual violence and armed conflict.
- *United Nations "Responsibility to Protect (R2P) (2005)*. Shifts a state's right to intervene, and save civilians at risk, to a State's responsibility to protect them. The principle stipulates, (1) that States have an obligation to protect their citizens from mass atrocities; (2) that the international community should assist them in doing so; and (3)

that if the State in question fails to act appropriately, the responsibility to do so falls to the larger community of States.

- *The United Nations Mapping Report* (2010). This highly controversial, sensitive 556 page report was the response to the discovery of three mass graves in the eastern DRC and has been the subject of recent congressional hearings and increased media attention. It had three objectives (1) conducting a mapping exercise of the worst human rights and international humanitarian laws violated in the DRC between 1993 and 2003, (2) assessing the capabilities of the DRC's legal system to deal with any substantiated violations, and (3) formulate options to help the DRC government in identifying and forming transitional justice mechanisms to deal the violations appropriately, and combating prevailing impunity, in conjunction with existing efforts by the government and international community.

The report focuses on 617 of the most serious violations during the 10 year period and gives in depth detail of mass killings, sexual assaults, and attacks on children by uniformed armed personnel ranging from foreign and local militia to the Congolese government forces. It was based on a combined Congolese – international team of professionals over a 12 month period, with the permission of the Congolese government.

The Congolese, Rwandan, Ugandan, Angolan and Burundi governments were afforded an opportunity to respond to the report prior to its release. Comments were posted on the UN website. Particularly noted are accusations against governments that the US and EU communities have supported with various forms of aid, include military aid. The report left to the competency of the international courts to deal with the findings, of which are particularly noteworthy against Rwanda.

APPENDIX B

U.S. LEGISLATION IN SUPPORT OF THE DRC AND GBV

- *Public Law 109-456. Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006.*
 - Sets forth specified U.S. political, social, civil, and economic policy objectives (policy objectives) with respect to the Democratic Republic of the Congo (DRC).
 - Expresses the sense of Congress that: (1) the government of the DRC must be committed to achieving the policy objectives if U.S. and international efforts are to be effective in bringing relief, security, and democracy to the country; (2) the government of the DRC should exercise control over its Armed Forces, stop the mass rapes by its armed forces, and hold those responsible accountable before an appropriate tribunal; (3) the government of the DRC, in collaboration with international aid agencies, should establish expert teams to assess the health, counseling, and social support needs of such victims; and (4) the international community is providing substantial funding that is giving the government of the DRC an opportunity to make progress towards the policy objectives but this assistance cannot continue in perpetuity.
 - Expresses the sense of Congress that the Secretary should withhold assistance if the government of the DRC is not making sufficient progress towards accomplishing the policy objectives.
 - States that the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.
 - States that the President should use U.S. influence to support increased international humanitarian and development assistance for the DRC. States that if the Secretary determines that the government of the DRC is not making sufficient progress towards accomplishing the policy objectives the President shall consider withdrawing U.S. support for such international assistance when future funding decisions are considered.
- *Dodd-Frank Wall Street Reform and Consumer Protection Act, Sec 1502 (2010).* Section 1502 of this Act is in response to the sensing in Congress that the conflict minerals were helping to finance the internal conflict in the DRC that is characterized by extreme levels of violence, particularly SGBV, creating a humanitarian crisis. It includes provisions that require the Securities and Exchange Commission (SEC) registered manufacturers to exercise due diligence on the source and chain of custody on DRC originating minerals, and the Department of State to submit a strategy to address the illicit minerals trade in the regional and linkages between conflict minerals and armed groups.
- *The Lord's Resistance Army (LRA) Disarmament and Northern Uganda Recover Act (2009).* The LRA is a four point strategy to protect civilians and capture Mr. Kory and his battlefield commanders, promote defection, disarmament, demobilization and reintegration of remaining LRA fighters, and increase humanitarian assistance to the LRA-affected areas. It is a DOD, DOS (and USAID) and intelligence community effort.

APPENDIX C

DRC LEGISLATION IN SUPPORT OF GENDER EQUALITY AND GBV

- *DRC Transitional Constitution (2003)*. Established the government's responsibility to eliminate all forms of discrimination against women. Article 51 set the government's responsibility to take all actions to ensure full participation of women in the development of the nation in all sectors and that they should be significantly represented in national, provincial and local institutions. The government was further charged to fight all forms of violence against women in public and private sectors.
- *DRC Constitution (February 16, 2006)*. Had similar provisions as stated above in its Articles 14 and 15 and included protection and promotion of equal rights, but only in the public sectors. It also stated that a fair representation of women in public institutions is guaranteed through the implementation of men and women's parity within the said institutions. Article 15 urges the Government to work to eliminate SV. It establishes SV against anyone with the intention of destabilizing, breaking up family and eliminating an entire population as a crime against humanity punishable by the law.
- *Implementation Laws 06/018 and 06/019 (July 20, 2006)*. Set the protocols for implementing the rights above, thereby amending and complementing the Code and Congolese Criminal Procedure by integrating them with the rules of the international humanitarian law on sexual violence offenses.
- *Comprehensive Strategy on Combating Sexual Violence in the DRC and National Action Plan (NAP) (2009)*. Is a DRC/UN framework to strengthen, prevent, protect and respond to SGBV through specific actions. It involves the DRC Ministries, various UN agencies, international NGOs and the SV Task Force in a collective response to the resolutions and DRC legislations as stated above. It is a four pronged approach that addresses impunity, prevention and protection for civilians, security sector reform as it relates to SV and multi-sector responses for the victims of SGBV.

APPENDIX D

RECOMMENDATIONS FOR KEY ACTORS

- DEMOCRATIC REPUBLIC OF CONGO GOVERNMENT
 - Stop impunity. Establish an atmosphere of personal accountability and prosecute violators at all levels. To do otherwise encourages further abuse and reinforces a dangerous social norm that GBV is acceptable.
 - Disarm the militia driving the violence. Demand countries harboring perpetrators, particularly uniformed leaders, assist in bringing individuals to justice.
 - Establish a clear mutual understanding and recognition of the sanctity of borders with neighbors and stop the conflict and exploitation of minerals.
 - Establish and pay a gender inclusive professionalized national military and police force.
 - Establish a mobile transitional justice system and fund reparations for victims.
 - Establish a gender inclusive professional military and police force that is vetted and paid in a timely manner to secure and regain the populations trust.
 - Forcefully implement existing Constitutional Laws and Articles designed to protect women, eliminate SV and punish perpetrators, eliminate discrimination, provide fair representation of women in public institutions and parity thereof, and full participation in the development of the nation in all sectors and at all levels.
 - Comply with CEDAW, UNSCR 1325 and 1820. Do this with strong institutional mechanisms and accountability at all levels, which underscore the importance of women in the maintenance of peace and security.
 - Fund and implement the 2009 Comprehensive Strategy on Combating Sexual Violence and National Action Plan framework to strengthen, prevent, protect and respond to SGBV through specific actions.
 - Develop, budget and decentralize funding for schools and health clinics. Measure and support improved gender inclusive human capacity at the economic, social and political levels.
 - Strongly speak out against social, cultural and institutional discrimination.
 - Improve messaging with respect to human rights, respecting the rights of others, and the right to demand exercise of the same. Leverage multiple forms of media and social forums to this end.
 - Manage the nation's natural resources, particularly the high value mineral trade that is fueling the ongoing conflict. Eradicate illegal trade, levy taxes transparently.

- Require a social return by mining companies with the provisions of local security, schools, health clinics, road in and out of the mine and clean water in addition to profit exchange. Demand supply chain tracking to ensure that generated revenues benefit the people.
- Request a Special Envoy from the U.S. to integrate efforts to end GBV and restore peace and stability to the eastern DRC.

UN SECURITY COUNCIL

- Insist that the DRC makes all efforts and documented advancement in fulfilling UN resolutions, conventions and treaties to which it is a signatory. Provide funding and technical assistance as needed.
- Apply *strong* political pressure on the DRC leadership to end impunity for all human rights and SGBV acts.
- Insist that all countries whose nationals participated in GBV and related atrocities in the DRC assist in bringing individuals to justice.
- Mandate MONUSCO to train and develop the DRC military and police forces with regard to performance, discipline and conduct.
- Request increase in number of female peacekeepers from contributing countries.
- Manage expectations to educate and facilitate trust with the people. Advertise the UN mandate and limitations to ensure DRC understands the role and mission of the UN.
- If the DRC lacks the political will or capacity to protect its civilian population, considered a basic mission for state legitimacy, pull its state recognition status.

U.S. AND/OR INTERNATIONAL COMMUNITY

- Apply *strong* political pressure on the DRC leadership to *end impunity*.
- Insist that the DRC eradicates illegal trade of resources that are fueling SV in the DRC. Refuse to partake in illegal trading. Provide technical expertise to establish transparent accountability systems.
- Apply political pressure to the DRC leadership to implement current gender related DRC constitutional laws and articles, and UN resolutions to which they are signatories
- Train UN peacekeepers to vet and further train the DRC national army and police forces to protect and secure the population and territories.
- Provide technical assistance to expand capacity-building assistance for the DRC's justice institutions.

- Based on UN Mapping Report findings, review military aid to DRC neighbors and if appropriate cease aid in keeping with PL 109-456. Review and implement appropriate UN Mapping Report recommendations.
- Support upcoming presidential elections (Nov 2011) logistically and materially to ensure legitimacy.
- If the DRC cannot or will not account for foreign aid, make concrete advances in protecting its people, and make advances in improving the status of women and girls in social, economical and political participation, cut off all aid. According to Yvon Mombong, Aid Management Program administrator for the DRC, annual public development aid amounts to nearly \$2 billion, accounting for the majority of the state's budget. The DRC's chronic aid dependency (48.01% of its gross national income as of ODA 2005 report) provides no incentive or evidence that it is helping the country develop.¹
- Fulfill R2P responsibilities to deliver justice, and restore peace and security to the DRC.

UNITED STATES SPECIFIC

- Appoint a Special Envoy for the Great Lakes Region in accordance with Public Law 109-456 (DRC Relief, Security, and Democracy Promotion Act, December 2006) to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.
- Increase support for the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2010, which is essential to ending the threat posed by the LRC.
- Create a similar act to the LRA Act to eliminate the FLDR militia from the DRC if unable to press Rwanda to do so on its own.
- Apply political pressure and technical expertise for the execution of the Conflict Minerals Provision in the Dodd – Frank Law, and pressure international partners to do likewise.