



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

Background: The Democratic Republic of the Congo (DRC) is a nation of over 71 million that is located in the heart of Africa. The nation's neighbors include: Rwanda, Uganda, Burundi, Zambia, and South Sudan. The DRC has the second lowest GDP per capita in the world at just below \$350, yet is considered to be "richest in the world" in untapped natural resources. Equally abysmal, the nation is the *lowest* on the United Nations Human Development Index at number 187. Two-thirds of the population suffers from malnutrition and the average life expectancy is only 48 years old.



While never an ideal nation, early in the 1980's the prospects for the country seemed bright; however, the country became destabilized in the mid-1990's and has since spiraled downward. In 1994 the Rwandan Genocide occurred across the DRC's eastern border. While it is extremely valuable to understand the history of ethnic tensions in the region, the main destabilization factor was the exodus of Tutsi refugees from the genocide then the fleeing of Rwanda by the Hutu *génocidaires* after the Tutsi-dominated Rwandan Patriotic Front reclaimed their country. About 1.5 million refugees settled in eastern DRC. Not content simply to hide from the RFP, Hutu extremist groups began attacking Rwandan territories then returning to the DRC border that the RPF would not cross. The DRC government, led by the dictator Mobutu Sese Seko, did little to nothing to assist Rwanda in stopping the raids.



Refugees from Goma, Nov2012

Rwandan leaders decided to act and began forming and aiding Tutsi militias in the eastern DRC to oppose the Hutu extremist groups. However, seizing the opportunity, multiple factions inside of DRC (and even neighboring countries) rose up against the Mobutu government, leading to the First Congolese Civil War (1996-1998). In all, Rwanda, Uganda,



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

Angola, Burundi, Zambia, Zimbabwe, Eritrea, and Ethiopia joined the anti-Mobutu forces, led by Laurent-Désiré Kabila, and by 1998 the coalition had ousted Mobutu. However, after declaring himself president, Kabila requested that the international forces that brought him to power leave the nation. While all the nations complied, Rwanda was not comfortable with the conflict's conclusion: the government was weak, ethnic tensions remained, and border-security issues affecting the nation. That same year, a new rebel group, again with ties to Rwanda, clashed with the Kabila regime; the Second Congolese Civil War (1998-2003) had begun.

Otherwise known as the Great War of Africa, the second civil war is the deadliest war in African history with the deaths of over five million people, mostly from preventable diseases and starvation. Like the first war, the conflict was fought as a proxy war where Rwanda, Uganda, and Burundi supported the new rebellion, and Angola, Zimbabwe, Namibia, Chad, and Sudan all supported the Kabila led DRC government. From 1998 to 2000 there were oscillating rounds of fighting and peace talks, but in 2001 the assassination of DRC leader Laurent Kabila and the ascension of his son Joseph Kabila led to a return to fighting. Ultimately, due to war fatigue by Rwandan leaders and their proxy fighters, the war was ended over a series of peace treaties among the warring factions. The Kabila led government remains in power in DRC, yet despite the 'end' of the war, 2.7 million people have died since 2004. The struggle for the central government to control its vast territory and ethnic groups continues to cause strife throughout the country. Despite over a decade's worth of violence, the problems remain unsettled.



M23 Rebels in Eastern DRC

In 2009, the DRC and Rwanda signed a treaty that would allow Rwandan forces to pursue Hutu extremist group Democratic Forces for the Liberation of Rwanda. However, on March 23, 2012, Bosco Ntaganda, a war criminal and former member of the RPF and other pro-Rwandan forces, started a new rebel group known as the March Twenty-Third Movement (M23). The group has the stated goal of overthrowing the

Kabila led government, and is currently fighting the DRC army in the eastern Kivu



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

provinces (bordering Rwanda) where the central government is weakest. On November 20, 2012, M23 took over the provincial capital Goma, inhabited by one million people. Eventually, the rebels voluntarily left the city on the grounds that negotiations between the rebels and Kabila regime being immediately. Joseph Kabila has alleged that M23 is another rebellious group sponsored by the Rwandan government, and the United Nations has some evidence that supports this claim; however, Rwanda denies all alleged involvement. Many observers fear that if DRC believes that Rwanda truly is sponsoring the rebel movement, then another pan-African war will occur.

Human Rights Violations: Nearly every type of human right violations occur in the DRC, including killings, torture, rampant sexual violence, arbitrary arrests, unfair court proceedings, forced labor, recruitment of child soldiers, discrimination of every sort (especially gender based), and a lack of basic civil liberties. The constant conflict among factions and the consequential undermining of the central government contribute most to the grave human rights situation. Reports of violations frequently spike as conflict intensifies, such as the rebel assault on Goma in November 2012. While the government is nominally cooperative with efforts to support human rights and rule of law, combating rebel groups is the governments



Youth Militia Members in DRC

central priority, and, worse yet, strict adherence to international human rights law is seen as an impediment to success when rebel groups outright ignore human right concerns. Reports on the human rights situation highlight three major aspects of the conflict: the use of rape as a weapon, rapid displacement of civilians from conflict zones, and government inability to provide for its citizens.

The Democratic Republic of the Congo is “the rape capital of the world,” reported Margot Wallstrom, the UN’s special representative on sexual violence in conflict in 2010. While no consensus on the quantitative prevalence of sexual violence exists (reports range from



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

10,000 - 400,000 per year), there is an agreement that the violence is increasing and that perpetrators include the Congolese army, rebel militias, and recently civilians in non-combat zones. Surveys conducted by NGO's show that there was no numerical difference corresponding to whether the army or rebels controlled an area. The surveys also showed that rape was prevalent in the west and north, where the central government has had some success in governing, and the gender makeup of the perpetrators and victims are both comprised of both sexes. The horrors of the violence are unfathomable and sickening. The sexual violence began as a weapon to intimidate communities and opposition; however, the widespread militant usage, the atrocious disrespect towards victims of rape, and failure of the government to enforce its laws has lead to a growing culture of violence in the county. While the occurrence of widespread rape is in itself a monstrous development, most men later spurn their wives or female relations after incidences of rape, leaving the women more isolated. Jocelyn Kelly, a Harvard researcher, says that men often feel emasculated at not being able to protect women, and respond with victim blaming rather than going after the perpetrators. Often those who commit the sexual violence will give anonymous interviews where they will plainly admit to the crimes. Surveyors find that rapists feel "entitled" to do with women as they please. The most alarming fact is that there are growing reports that sexual violence is increasing in non-conflict areas in the North and West as the sexual violence becomes accepted. Rapists in these areas are not soldiers, but community members who intimidate households because the government doesn't persecute rapists in any meaningful way.

Displacement of civilians is also a growing concern since rapid influxes of refugees can destabilize a region and provide a target for further attacks. There are 2.4 million internally displaced people (IDP's) in the country as a whole, with 1.6 million IDP's in the eastern Kivu region where the M23 rebel group is based. In addition to this number, over 400,000 refugees are located in neighboring countries. Refugees and IDP's are often not adequately provided for nor protected, and the host locations have been known to forcibly return refugees across the DRC border (but far away from their homes in the country). When the fighting comes close to population centers, inhabitants flee in the tens to hundreds of thousands in a matter of days. The displacement of civilians leads to the loss of nearly all possessions and social networks, so that the displaced must attempt to provide for themselves without any support system from the government or community and with the



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

constant threat of further displacement. The consequences of displacement include the increase in other human rights violations (as the displaced have not political representation), widespread poverty, disease, illiteracy, crime, and lack of support for the central government. Keeping the displaced healthy and educating them with basic skills is tough but necessary goal for the short term until security can be restored in the country.

Ultimately all human rights issues in the DRC occur because the central government cannot control its territory nor provide for its citizens. Foreign Policy magazine has placed the nation at number four on its Failed State Index (just below Somalia, Chad, and Sudan). There are reasons both to condemn and sympathize with the government, yet the fact remains that the administration is a “absentee landlord” for the nation. External organizations, like MONUSCO, the World Bank, World Health Organization, and scores of NGO’s, are actually the entities that are providing the basic package of government goods. MONUSCO provides some security in the most conflicted areas, the World Bank provides most of the infrastructure planning and funding, the WHO provides health services and medical trainings, and NGO’s of all types help with local issues that affect citizens’ daily lives. Sympathizers consider any stable government at all as a step in the right direction an worth supporting with external assistance, but hardline observers see the external actors serving a disincentive for the government to try to step up and assert itself. Having all the external actors pursuing their own distinct (and possibly conflicting) goals is not a viable long-term solution. Finding a solution to the issue will have to include provisions that incentivize state assumption of responsibility, while also ensuring that the population isn’t abandoned.

The Role of the United Nations Thus Far: The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) is a peacekeeping mission established in 1999 initially to monitor a cease-fire during the Second Civil War, but has gradually changed to assisting in the “peace consolidation process”.



MONUSCO Uniformed Personnel



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

MONUSCO represents the United Nations' single biggest effort to assist the DRC and its citizens. The mission employs over twenty thousand uniformed personnel and civilian staff and has cost about eight billion dollars, yet human rights violations and factional fighting have remained ever present during its 13-year existence. Essentially, the mission is acting as a security apparatus inside of the country, filling the void of a robust state security force.

The Security Council has issued scores of resolutions concerning the violence in the region, and like other efforts, has little to show for them. The most recent resolution (S/RES/2053) was issued in June 27, 2012, and the resolution makes specific mention of human rights violations, the continuing partnership between the government and MONUSCO, the M23 rebel group, and potential external-state actors in the conflict. In a statement from October 2012, the Security Council demanded, "that any and all outside support to the M23 as well as other armed groups cease immediately." The language of the council has stepped up its tone recently, possibly hinting at more forceful action down the line.

"Demands that all armed groups, in particular mutineers of ex-CNDP and M23, the FDLR, the LRA and the Allied Democratic Forces/National Army for the Liberation of Uganda, immediately cease all forms of violence and human rights abuses against the civilian population in the Democratic Republic of the Congo, in particular against women and children, including rape and other forms of sexual abuse and child recruitment, and demobilize." -- S/RES/2053

The International Court of Justice and Human Rights Council have made rulings and reports in favor of the DRC, but also have pushed for progress in ending human rights abuses. The ICJ ruled in 2005 that Uganda had illegally invaded DRC territory, violated the human rights of its citizens, and ruled that ten billion dollars' worth of natural resources had been stolen from the country. Uganda has yet to abide by the court ruling, but the ruling serves as an important milestone for the DRC for future legal battles with neighboring countries. The Human Rights Council has released numerous reports on the human rights situation in the country. Despite noting the cooperation of the central government, it has consistently



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

noted that the situation has been deteriorating year after year. The lack of progress has pushed for Human Rights Watch, Amnesty International, Refugees International, Oxfam, CARE, and countless other NGO's to call for troop reinforcements and a more forceful mandate by the Security Council to aggressively target human rights violators and stabilize the region. The African Union Peace and Security Council also have called for a more forceful mandate from the UN Security Council.

Regional Block and State Positions: The myriad of problems ends up producing far more opinions on possible solutions from countries around the world. Former colonial powers often find themselves morally obliged to provide support for their troubled former colonies. Belgium, France, and the United Kingdom all typically finance programs in Africa, and all support programs in the DRC (despite it having been a colony of Belgium). However, the problem with this block is that each is currently in a period of economic weakness. Similarly, much of Europe, which is typically very friendly to human rights promotion, is also in an economic bind. These states that are sympathetic to the DRC want to help the country, but are apprehensive about entering into questionable strategies.

African nations are caught in a conundrum: desire for border security and distaste of outside powers interfering on the continent. The Congolese civil wars had the odd characteristic of including many external fighters; indeed, these civil wars each ended up being a larger regional conflict. Any policy that promotes security and stabilization is desired by African states; however, none of the former colonies want their former colonial masters to return to influencing the region. Many African policy makers believe outside influence is the cause of the regional problems, so they contest that the issues can be solved with more outside influence. Convincing these states to allow more internationalization of the region may be difficult.

States with no historical ties to Africa might be expected to be uninterested in the affairs of a weak African state, but with globalization, resource demand, and international precedent at stake, most states have some direction they want policy to follow. The United States, Russia, China, Brazil, and other large economies see Africa as a land of untapped resources (remember that DRC has probably the most of these untapped resources). China and Brazil



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

are currently negotiating with all their diplomatic might to establish bilateral agreements with African states, and with all their investment, we can be assured they want stability rather than war. However, they also want to be the winner of any agreement, so each may try to sabotage any agreement that seems to help the other. Meanwhile, nations who are also considered human rights violators, such as some Middle Eastern, Asian, and African states, may not want to see the world body establish precedents about international intervention in troubled states. On the other hand, some small nations that border aggressive states may want to support any UN document that opens up the possibility of international assistance to thwart their neighbors.

The key aspects to take into account for a state position are:

- 1) how important is a stable DRC government to my country,
- 2) to what extent should international influence be used to deal with this issue, and
- 3) what position on this issue will benefit my country the most.

Role of the Human Rights Council: Faced with dim prospects for the current policies, the HRC must take bold action on this issue. The HRC is a new body in the United Nations system, so there is room to establish its powers and position in international law. Further, the HRC is meant to be the body with moral authority on international issues, and a recommendation from the body can influence policy makers everywhere. The HRC is acting as the vanguard of UN thought on the issue, and the recommendation provided to the General Assembly and Security Council will be the one that sets the tone for the rest of their debate.



Human Rights Council

The recommendation of the body must weigh many different aspects, including the situation on the ground and the many human rights violations, international law precedents that could be set and enforced on other nations, and the political alliances that



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

must be made to see its passage. If the HRC recommends more aggressive action, the conflict may end and the central government may be able to consolidate power and enforce its laws; however, the outcome is not certain and the costs may rise quickly, in terms of human life and funding for the new policy. If the HRC does not act more boldly, then the risk is the death and displacement of millions more, and if the government unravels again the risk will affect tens of millions of people across the African continent.

No matter what, the recommendation needs to bring resolution to the three main points of conflict: the instability of the central government in the east, the ethnic tensions that lead to conflict, and the extraction of natural resources that foster instability. Only by proposing a solution to these issues can enforcement of human rights be strengthened.

Issues for the HRC:

- The legal responsibility of non-state military leaders and combatants for human rights abuses
- The legal responsibility of the national government of the DRC for protection of human rights and persecution of suspected war criminals
- Role of UN-sponsored peacekeeping forces protecting endangered people
- Rule of Engagement (RoE) for peacekeeping forces
- Immunity and prosecution of peacekeepers
- Prevention of rape
- Treatment of rape victims and other victims of war crimes
- Reintegration of displaced people
- Prosecution of war crimes suspects
- Disarmament and demobilization of combatants
- Reintegration of former combatants



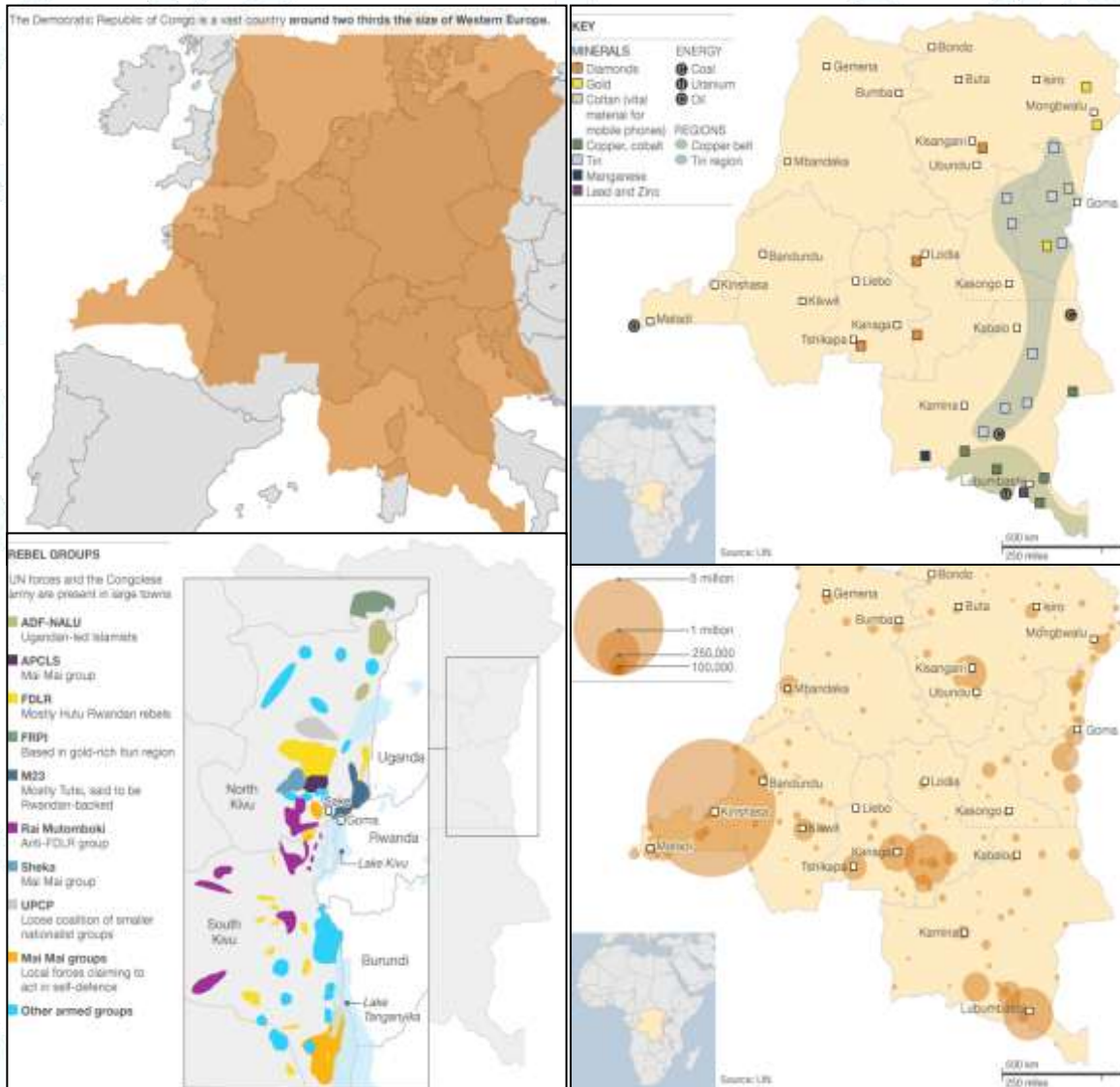
ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society





ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

Bibliography:

News Articles:

[BBC Profile of DR Congo](#)

[BBC: Failed state; Can DR Congo recover?](#)

[UN official calls DR Congo 'rape capital of the world'](#)

[Widespread human rights abuses committed by Congo rebels](#)

[Rwanda 'supporting DR Congo mutineers'](#)

[Security Council Report: November Report on DRC](#)

UN Human Rights Council News:

[UNHRC: DRC News Portal](#)

[UNHRC: Rethinking sexual violence in Democratic Republic of the Congo](#)

[UNHRC: UN Security Council condemns 'any and all outside support' to M23](#)

[UNHRC: Congolese child starts life as an orphan and refugee](#)

[UNHRC: Security Council demands immediate withdrawal of M23 rebels from Goma](#)

DRC Human Rights Profiles:

[Human Rights Watch: Democratic Republic of Congo World Report 2012](#)

[High Commissioner of Human Rights - DRC Profile](#)

[Amnesty International: DRC Human Rights Profile](#)

[Human Rights Watch: DRC Country Profile](#)

[FreedomHouse: DRC Freedom Profile](#)



ODUMUNC 2013
Issue Brief for the
Human Rights Council (HRC)



Assuring Human Rights in the Democratic Republic of the Congo

By: Luke Watson

Old Dominion University, Model United Nations Society

UN Documents:

[Security Council Report: All UN Documents Concerning DRC](#)

[UN Security Council Resolution 2053 \(June 2012\)](#)

[UNSC Presidential Statement: On Unrest Caused by M23 Rebel Group](#)

[UNSC Presidential Statement: Urging Prosecution of Perpetrators of Mass Rape](#)

[UNHRC Resolution: Situation on Human Rights in DRC \(2010\)](#)

[UN News: DRC/MONUSCHO](#)