

EFFECTIVENESS OF THE UNITED NATIONS' SECURITY COUNCIL
TO PREVENT CONFLICT RELATED SEXUAL VIOLENCE

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General Studies

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

EFFECTIVENESS OF UNITED NATIONS SECURITY COUNCIL TO PREVENT CONFLICT RELATED SEXUAL VIOLENCE, by CW3 Fatima A. Nettles, 92 pages.

Conflict-Related Sexual Violence (CRSV) is not a new wartime phenomenon but has, in recent decades become more widespread. The atrocity is often recognized as an inevitable circumstance of war that has evolved into a calculated strategic device which enables perpetrators to destabilize regions, force refugees across borders, displaces millions, and creates conditions that extremist can exploit.

My research suggests any efforts towards preventing CRSV should focus on establishing and applying relevant, developmental, and sustainable programs. Additionally, institutions, specifically the UNSC, responsible for maintaining peace and security should have unequivocal authority.

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ACRONYMS

ADF	Allied Democratic Forces
CRSV	Conflict-Related Sexual Violence
DRC	Democratic Republic of the Congo
FIB	Force Intervention Brigade
ICC	International Criminal Court
IDP	Internally Displaced Persons
M23	Mouvment du 23 Mars
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
R2P	Responsibility to Protect
UN	United Nations
UNAMID	African Union-United Nations Mission in Darfur
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolutions
UNMIS	United Nations Mission
USAID	United States Agency for International Development

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CHAPTER 1

INTRODUCTION

Conflict-Related Sexual Violence (CRSV) is not a new wartime phenomenon but has, in recent decades become more widespread. The atrocity is often recognized as an inevitable circumstance of war that has evolved into a calculated strategic device which enables perpetrators to destabilize regions, force refugees across borders, displace millions, and create conditions that extremist can exploit. The alarming numbers of incidents of mass rape has characterized many recent conflicts that frequently occur with impunity, causing the United Nations to elevate the priority of concern especially in the United Nations Security Council (UNSC). For example, the sub-Saharan region of Africa has been plagued by constant war for decades. The Darfur region of western Sudan has seen ongoing conflict between Arabic and non-Arabic African tribes that has reached crisis proportions since the Government of Sudan first initiated its military response to organized armed groups opposing the Government of Sudan in 1994. The Sudan government has used famine and rape as weapons of war, causing massive suffering and death to non-Arabic African tribes.¹ To escape the violence non-combatants, mainly women and children are forced from their homes to seek safety in Internally Displaced Persons (IDP) and refugee camps. In a criminally diabolic twist, sexual violence has pervaded in the camps which were supposedly safe places. The UNSC addresses this issue through multiple resolutions, but fails to make significant progress. Therefore,

¹ Carol Rittner and John K. Roth, *Rape: Weapon of War and Genocide* (St. Paul, MN: Paragon House, 2012), xxxv.

ending conflict-related sexual violence requires resolutions that are effective independent of environmental, legal, or cultural factors. Moreover, synchronizing the political, judicial, and force intervention components of international law to prevent CRSV may have the secondary effect of serving as a mechanism of sustained peace and security. This thesis seeks to determine if the effectiveness of the UNSC's efforts to prevent CRSV. In doing so, this thesis asks the following research questions:

Proposed Research Question

This research raises the primary question: Are the United Nations Security Council (UNSC) efforts towards preventing Conflict-Related Sexual Violence (CRSV) effective?

To answer the primary question, the following secondary questions will be addressed, and will collectively provide a response to the primary one.

1. How has Conflict-Related Sexual Violence (CRSV) effected the international security environment?
2. What are the UNSC together with the International Community doing to protect women and girls from CRSV?
3. Why does the UNSC prefer to rehabilitate rather than prevent CRSV?

Assumption

This study is based on two assumptions. First, the United Nations Security Council is responsible for reducing human suffering. Secondly, that conflict in the Sub-Saharan region of Africa is comparable to civil conflict around the world.

Definition of Terms

Conflict-Related Sexual Violence (CRSV)—Rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilizations, forced marriage and any other form of sexual violence of comparable gravity penetrated against women, men, girls, or boys as directly related to conflict.²

Internally Displaced Persons (IDP)—Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in a result of or to avoid the effects of conflict, situations of generalized violence, violations of human rights or nature or human-made disasters, and who have not crossed an internationally recognized state border.³

Refugees—Persons fleeing conflict or persecution, protected in international law, and must be expelled or returned to situations where their life and freedom are at risk.⁴

² United Nations Security Council, Report of the Secretary General on Conflict-Related Sexual Violence, 20 April 2016, 1/34, accessed 22 March 2017, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF%7D/s_2016_361.pdf.

³ USAID, “USAID Assistance to Internally Displaced Persons Policy: Implementation Guideline.” Internal USAID Document, accessed 22 March 2017, <https://www.usaid.gov/sites/default/files/documents/1868/200mbd.pdf>.

⁴ The United Nations Refugee Agency (UNHCR), “Refugee,” accessed 23 March 2017, www.unhcr.org/en-au/refugees.html.

Limitations

The only limitation to this study is the researcher's inability to conduct interviews. This is due to the time and physical location constraints of the research, denying the opportunity to obtain first person accounts of the phenomenon.

Scope and Delimitations

Several researchers and scholars have critiqued efforts to stop conflict-related sexual violence. This paper will focus specifically on the UNSC's efforts to prevent CRSV. Additionally, rape is not discriminatory and by no means does this study fail to acknowledge this phenomenon for men and boys. Nevertheless, women represent the majority of those victimized by rape in IDP and refugee camps, and this research is intended to enable further study.

Conclusion

CRSV has become a distressingly commonplace characteristic of recent conflict. This purpose of this study is to analyze the effectiveness of the current CRSV preventive measures established by the UNSC. The effectiveness of the preventive measures is a current and relative topic that remains the UNSC's priority of concern. The underlining political, judicial, and force intervention issues create a need for synchronizing the efforts to develop viable resolutions.

This study will be a significant endeavor in promoting ideas for protecting women and girls from sexual violence while living in IDP and refugee camps. The contributions of this study would be of interest to state, regional, and international level leaders as they continue to develop CRSV preventive measures. The overall objective of this study is to

determine the relevancy, developmental impact, and sustainability of current efforts to protect women and girls from CRSV in the sub-Saharan region of Africa. The next chapter, Chapter 2, will review current literature for CRSV prevention, and provide an evaluation for the significance of this study.

CHAPTER 2

LITERATURE REVIEW

Rape in war is a sign of a problem that is systematic and widespread. Until the day that women can have a social value that is greater and deeper than merely sexual or procreative, until a woman is more than simple property, until women are fully represented in all the places where power is divvied up, then rape will always be a problem.⁵

— Abigail Disney, *Women, War, and Peace Series*
debuting on PBS, 2011

Introduction

There is a notable lack of research dedicated to evaluating specific entities of the international community's effectiveness in preventing CRSV. However, endless numbers of literature make recommendations on preventing CRSV. This chapter will review current literature on CRSV prevention and answer the secondary questions of the research. The literature review is organized in four sections. The first section reviews current literature related to preventing CRSV. The second section reviews literature related to the consequences of CRSV, specifically for women and girls. The third section reviews literature of existing efforts to prevent CRSV. Finally, the fourth section reviews the literature explaining the UNSC's efforts to rehabilitate rather than prevent CRSV. In deliberation of the four sections, the question to investigate is, are the efforts of the UNSC to prevent CRSV effective?

⁵ Abigail Disney, filmmaker and producer of the upcoming *Women, War, and Peace Series* debuting on *PBS*.

Current Literature Related to CRSV Prevention

Perhaps the most important findings in literature on CRSV is that CRSV is not an inevitable circumstance of war. In an article published in the International Review of the Red Cross, Elisabeth Wood argues that 59 percent of the 177 armed actors during the civil war from 2000 to 2009 in 20 African countries did not engage in any form of sexual violence.⁶ Considering Wood's argument, her research suggests that policy-makers and practitioners should apply specific principles to guide policies to prevent CRSV by armed groups. The ten principles to guide policies focus on accountability of commanders, learning from organizations which refrain from using sexual violence during conflict, shifting the paradigm of understanding CRSV as a women's issue, tailoring policies that address the specific organization's pattern of violence, establishing policies which are informed on the specific organization's use of CRSV (as a practice, strategy, or opportunity), learn from policies that succeed in combating CRSV, learn from successful campaigns against CRSV, awareness of high risks CRSV occurrences, risk of increased sexual violence after war and the potential for enduring change, and policy-makers should be aware of the unintended consequences of their effort.⁷ Throughout her research she repeatedly references increasing socialization training for military organizations and commanders, suggesting that the preponderance of sexual violence against civilians is committed by militaries.

⁶ Elisabeth Jean Woods. "Conflict –Related Sexual Violence and the Policy Implications of Recent Research" (International Review of the Red Cross, 2015), 3.

⁷ Ibid., 19.

Other researchers, including Ragnhild Nordas published an article titled “Preventing Conflict-Related Sexual Violence,” in the 2013, Prio Policy Brief. Nordas’ focuses his research specifically on sexual violence committed by the parties to an armed conflict to include rebel groups and militias.⁸ His article suggests that CRSV prevention may be achieved through six distinct avenues of approach. The six avenues of approach include changing the perception and treatment of CRSV survivors, creating safer places for displaced persons during conflict, protecting victims who report their rape, increase prosecution of rapist, strengthening the rebel and militia group commanders, and better integration of sexual violence intervention.⁹ Like Wood, Nordas argues that preventing CRSV requires a change in policy.

Literature from a combination of research conducted by the United Nations Children’s Fund and United Nations Office of the Coordination of Humanitarian Affairs, suggest that preventing CRSV is achieved through reducing the escalation of unavoidable conflict. Their research recommends two initiatives in managing conflict, direct and structural prevention. Direct prevention initiatives are short-term actions aimed to prevent potential perpetrators from gaining access to displaced populations, especially women and girls. Direct prevention includes dialogue with warring parties, measures of confidence-building, establishing sanctions, coercive diplomacy, and preventive

⁸ Ragnhild Nordas. “Preventing Conflict-Related Sexual Violence” (Prio Policy Brief, Peace Research Institute Oslo, Oslo, Norway, 2013). 2.

⁹ Ibid., 1.

deployment of peacekeeping troops.¹⁰ Structural prevention initiatives are long-term interventions aimed at legitimating equitable political, justice, and security institutions. Structural prevention addresses inequality, exclusion and marginalization; developing social capital, and social cohesion; promoting livelihoods, local developments, and economic opportunities.¹¹

In deliberation of current literature, CRSV is not an inevitable circumstance of conflict. However, current literature focuses on recommendations to influence policy, organizational training, and societal norms. This research attempts to evaluate the effectiveness of the UNSC, which is responsible for maintaining global peace and security.

Consequences of Conflict-Related Sexual Violence

With respect to the direct study of CRSV and the psychological, physical, and societal effects for women, trauma related literature have been most useful to this study. The German Institute of Global Area Studies provided a working paper by Carlo Koos, which offers insight to the specific physical, psychological, and societal consequences of CRSV. The paper explains the physical impact of CRSV as chronic pain, fistula, and infertility.¹² Below is a brief testimony from a Congolese woman named Mwanamaroyi.

¹⁰ Ibid., 5.

¹¹ Ibid.

¹² Carlo Koos, “What Do We Know About Sexual Violence in Armed Conflicts? Recent Empirical Progress and Remaining Gaps in Peace and Conflict Research” (GIGA

Mwanamaroyi's story was shared by Carol Rittner in her book titled *Rape: A Weapon of War and Genocide*.

In 2004, my youngest child was 4 years old when my country was invaded. I was raped by rebels from the National Congress for the Defense of the People. There were three men. I was raped until my womb fell out. I suffered so much. I went to a hospital in Katana, and they tried to repair and heal me, but I still suffer some pain. In 2006, I went to visit my friend in a nearby village. While I was traveling there, we were attacked by another rebel group, the Democratic Forces for the Liberation of Rwanda. I was raped again. There were five men, and this time it was worst. I had surgery again to try to repair the damage. The surgery helped, but sometimes my feet still swell, and I get terrible headaches.¹³

Mwanamaroyi's story is horrific, however, other women have suffered more extensive physical impacts such as fistula. Fistula is caused by vaginal or rectal torture, causing incontinence of urine and-or feces. Additionally, fistula causes women to have a foul odor, which leads to the rejection of her husband or obtaining future male companionship.¹⁴ Infertility, is the last of physical impacts mentioned by Koos. Cultures driven by traditional family settings interpret a woman's inability to reproduce as a defect and question her value in society. Many women, specifically in the sub-Saharan region of Africa depend on the skill and intellect of their husbands to provide for their family. Women who cannot bear children are believed to be unworthy for marriage, and may be subject to a lifetime of loneliness and extreme poverty. Consequently, leaving women

Working Papers, No. 275, German Institute of Global and Area Studies, University of Hamburg, 2015), 13.

¹³ Rittner and Roth, 140.

¹⁴ Koos, 14.

vulnerable and prey for rape by predators and extremist groups. The physical impacts of CRSV are a constant reminder of the trauma which can also cause psychological effects.

Koos explains psychological consequences of CRSV as depression, Post-Traumatic Stress Disorder, and anxiety. Below is a brief testimony from a Rwandan woman named Gorette.

I was taken by force, they were wild animals. You knew it was your last days, but I fought back anyway. They said that they had to take Tutsi women because before the war they were not able to take them. They said that Tutsi women stayed to themselves before. Most women were raped, if they are still alive. They did whatever they wanted. You can't forget it. Until I die, I'll always be sad.¹⁵

Gorette's story is important for applying context to the long-term effects of CRSV. She implies that every day is a constant saddening reminder of her tragic experience and her happiness will only be achieved at her death. She does not display any signs of reconstruction or self-confidence, which are characteristics of depression and Post-Traumatic Stress Disorder. Although, Gorette does not show signs of anxiety, victims often suffer from excessive worry and apprehension. This may result in victims completely removing themselves from society, due to fear.

Koos explains societal consequences of CRSV as stigmatization and unwanted pregnancy. Cultural norms force families to ostracize their victimized mothers, sisters, and daughters. Women are condemned for their abuse and completely removed as a valuable member of their communities. Moreover, the psychological consequences of CRSV may ultimately serve as the motivation of predators. Among the reasons perpetrators employ the systematic use of rape during conflict is to destroy the social and

¹⁵ Rittner and Roth, 102.

cultural identity of an opposing target community. This statement is supported by a study conducted by Anna Maedl. In her research published in the *Human Rights Quarterly*, Maedl interviewed 25 rape victims from the DRC. She asked each survivor multiple questions, most significant of the questions was how they perceived the motivation of their rapist.¹⁶ Forty to fifty percent believed that the offender's strategic objective was to displace communities and instill fear within them, to punish them, to transmit diseases like HIV/AIDS, and to impregnate women, all designed to impose destructive long-term societal effects. CRSV destroys women, families, and communities with limited possibilities of rebuilding. While the rapist lives on without prosecution or punishment. The victim bears the constant reminder of her assault by the physical, psychological, and societal scars that CRSV causes.

Current Efforts to Protect Women and Girls

The most valuable source for the direct study of current efforts to protect women and girls from CRSV are United Nations General Assembly documents in the form of reports of the Secretary General. The reports provide an annual review on Secretary General Resolutions focusing on CRSV prevention. The first report for discussion is on General Assembly Resolution 48/104 "Declaration on the Elimination on Violence against Women."¹⁷ The resolution consisting of six articles recognizes the disparity in

¹⁶ Anna Maedl, "Rape as Weapon of War in the Eastern DRC? The Victims' Perspective," *Human Rights Quarterly* 33 (2011): 128-147.

¹⁷ United Nations General Assembly, Resolution Adopted by the General Assembly on the Report of the Third Committee (A/48/629) 48/104, *Declaration on the Elimination of Violence against Women*, 23 February 1994, accessed 20 February 2017, <https://disarmament-library.un.org/UNODA/Library.nsf/cef3ccf024497f7485257631004>

gender equality between men and women which have enabled sexual violence to manifest into mass atrocities. The resolution provides a clear definition of violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”¹⁸ Defining violence against women was paramount for progress towards prevention, because it omitted subjective interpretations. The resolution continues with an outline of rights to be applied to ensure the complete elimination of violence against women. The rights included:

- The right to life;
- The right to equality;
- The right to liberty and security of person;
- The right to equal protection under the law;
- The right to be free from all forms of discrimination;
- The right to the highest standard attainable of physical and mental health;
- The right to just and favorable conditions of work;
- The right not to be subjected to torture, or other cruel inhuman or degrading treatment or punishment.¹⁹

Next, the Resolution formalized the individual states’ responsibilities to protect women from violence. Which included recognizing women as an equal gender in society, establish legal systems to investigate, prosecute, and punish offenders, develop processes to protect women from violence during conflict, and promote research that enables an

e4f8e/0bd6b36c37fce45785257686006a8868/\$file/A-49-693-amend%20Treaty-nucl%20weapons-space-water.pdf, 1.

¹⁸ Ibid., 3.

¹⁹ Ibid., 3-4.

understanding of the phenomenon.²⁰ The Resolution concludes with stating the obligations of the International community to assist individual states through coordination, information sharing, and collaboration with non-governmental organizations.²¹ The resolution was adopted by the secretary general on 23 February 1994. Less than three months later the Rwanda Genocide occurred subjecting women to sexual violence on a massive scale.²² However, the international community did not intervene, the individual states did not develop processes to protect women, and the Resolution was ignored.

The second report that bears on the issue of violence against women is General Assembly Resolution 54/141 “Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action.”²³ The report requested that the Beijing Declaration and the Platform for Action of the Fourth World Conference on women be included in the provisions agenda of its fifty-fifth session. The Beijing Platform focused on three objectives of taking integrated measures to prevent and eliminate violence against women. First, studying the causes and consequences of violence against women and the effectiveness of preventive measures. Second,

²⁰ Ibid., 4-5.

²¹ Ibid., 6-7.

²² Human Rights Watch, *Shattered Lives. Sexual Violence during the Rwandan Genocide and its Aftermath* (New York: Human Rights Watch, September 1996).

²³ United Nations General Assembly, A/RES/54/141, *Follow-up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and the Platform for Action*, 16 February 2000, accessed 20 February 2017, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/54/141, 1.

eliminating trafficking of women. Last, assisting victims of violence due to prostitution and trafficking.²⁴ Undeterred by the intentions and objectives of the report, perpetrators continued commit mass rapes across the region.

The third report worthy of exploring is report A/61/122/. Report A/61/122 was an “in-depth study of all forms of violence against women.”²⁵ The study concludes that although the Fourth World Conference on Women increased attention on violence against women, as of July 2006 it has failed to produce effective responses. Considering the study, recommendations were made at the international level to establish a stronger, more consistent and visible leadership role by intergovernmental bodies and the entities of the United Nations system is necessary, demonstrated by political will, greater prominence on the international agenda, sustained action, and more significant allocation of resources.²⁶

The fourth report valuable to this study is General Assembly Resolution 62/134, 2008, “Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations.”²⁷ Two years after the in-depth study, deep

²⁴ United Nations, A/CONF.177/20/Rev.1, *Report of the Fourth World Conference on Women* (Beijing, 4-15 September 1995), accessed 21 April 2017, <http://www.un.org/documents/ga/conf177/aconf177-20add1en.htm>, 55.

²⁵ United Nations General Assembly, Sixty-First Session Item 60 (a) of the preliminary list, Advancement of women A/61/122/, *In-Depth Study on all Forms of Violence against Women*, 6 July 2006, accessed 21 April 2017, <http://www.un.org/womenwatch/daw/vaw/violenceagainstwomenstudydoc.pdf>, 1.

²⁶ *Ibid.*, 109.

²⁷ United Nations General Assembly, Sixty-Second Session Item 63 (a) of the Preliminary List, A/62/134 (Part II), *Eliminating Rape and other Forms of Sexual Violence in all their Manifestations, including in Conflict and Related Situations*, 7

concerns with rape and other forms of sexual violence remain across the international community. The concerns are addressed in the resolution, calling on states and United Nations (UN) systems to end violence without consequence, provide victims with access to appropriate health care, develop and implement strategies to prevent and prosecute rape, promote human rights education, increase financial support for eliminating violence against women and to, ratify or accede to all human rights treaties.²⁸ Additionally, the resolution called for collaboration between states and UN systems, specifically, in support efforts, resource allocations, and assistance programs. Despite the encouraging slate of actions, CRSV continued to spread across sub-Saharan African country borders affecting millions.²⁹

Despite recognition of repeated failed attempts to prevent CRSV, the international community continued to establish composite entities. UN Women was established under the aegis of UN Resolution 64/289 “System-wide Coherence.”³⁰ UN Women, in

February 2008, accessed 14 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20ARES%2062%20134.pdf>, 1.

²⁸ United Nations General Assembly, Seventieth Session, Agenda Item 139, A/70/729, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 16 February 2016, accessed. 24 April 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/040/56/PDF/N1604056.pdf?OpenElement>.

²⁹ United Nations Security Council, Report of the Secretary General on Conflict-Related Sexual Violence, 23 March 2015, S/2015/203, accessed 14 May 2017, https://unama.unmissions.org/sites/default/files/wps-sg_report_crsv_-march_2015_0.pdf, 1.

³⁰ United Nations General Assembly, Sixty-Fourth Session Item 114 of the Preliminary List, 64/289, *System-Wide Coherence*, 21 July 2010, accessed 19 April 2017,

partnership with the World Association of Girl Guides and Girl Scouts has developed a global non-formal education curriculum to engage young people in efforts to prevent and end violence against girls and women.³¹ The intentions of UN women are admirable and the program continues to receive support and cooperation. However, the Secretary-General remains distressed by continuing instances of sexual exploitation and abuse.

The final to consider is Resolution 70/729 “Special measures for protection from sexual exploitation and sexual abuse.”³² In 2015, reports of sexual violence committed by militaries conducting peacekeeping operations reached alarming numbers. The information sparked the interest of the Secretary General. Consequently, he encouraged action to be taken by the General Assembly. The report urged the General Assembly to require member states to promote transparency through information sharing; to reinforce a comprehensive, consistent, strong, and unified communications approach across the UN systems, to enforce accountability, and strengthen management of the risk of sexual

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/479/17/PDF/N0947917.pdf?OpenElement>, 1.

³¹ UN Women, “UN Women and the World Association of Girl Guides and Girl Scouts Partnership Puts Girls and Young Women in the Lead for Sustainable Development,” 20 March 2017, accessed 2 May 2017, <http://www.unwomen.org/en/news/stories/2017/3/announcer-waggs-partnership-puts-girls-and-young-women-in-the-lead>.

³² United Nations General Assembly, Sixty-Second Session Item 63 (a) of the Preliminary List, *Eliminating Rape and other Forms of Sexual Violence in all their Manifestations, including in Conflict and Related Situations*, 4.

exploitation and abuse.³³ From 1994 to 2015, the Secretary General continued to receive reports on sexual violence against women, specifically conflict-related with little evidence of progress. In addition to reports to the Secretary General the United Nations Security Council established resolutions which unfortunately followed the same path of effectiveness.

The UNs' primary action agent for effecting international policy is the UNSC. The UNSC takes the lead in determining the existence of a threat to the peace or act of aggression.³⁴ It calls upon the parties to a dispute, to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the UNSC can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.³⁵ The UNSC has instituted a multitude of initiatives, to include United Nations Security Council Resolutions (UNSCR). United Nations Security Council Resolutions are formal expressions of the opinion or will of the United Nations to bring about action. This has been especially true in efforts to protect women and girls from rape during conflict.³⁶ First, through the empowerment of women and incorporating

³³ United Nations General Assembly, Seventieth Session, Agenda Item 139, A/70/729, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 14-21.

³⁴ The Security Council, "United Nations Security Council," accessed 24 April 2017, www.un.org/en/sc.

³⁵ United Nations Security Council, "The Security Council," accessed 19 January 2017, <http://www.un.org/en/sc/>.

³⁶ United Nations Security Council, "Security Council Resolutions," accessed 24 April 2017, www.un.org/en/sc/documents/resolutions/.

women into the campaign for peace and protection. Second, by linking rape to conflict. Third, by calling for parties to commit time and resources to conflict prevention as well as deterrence through a strict judicial system which prosecute rapists. Fourth, by requesting UN members to establish robust monitoring and reporting system for victims. Last, by charging UN members with employing specially trained personnel to protect internally displaced women and children.

The UN Security Council Resolutions

The Security Council Resolution 1325 (2000)

Calls on the parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.³⁷

The Security Council Resolution 1820 (2008)

Demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect.³⁸

The Security Council Resolution 1888 (2009)

Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as, inter alia, enforcing appropriate military disciplinary

³⁷ United Nations Security Council, S/RES/1325 (2000), *Women and Peace Security*, 31 October 2000, 4.

³⁸ United Nations Security Council, S/RES/1820 (2008), *Women and Peace and Security*, 19 June 2008, 3.

measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians.³⁹

The Security Council Resolution 1889 (2009)

Calls upon all those involved in the planning for disarmament, demobilization and reintegration to consider needs of women and girls associated with armed forces and armed groups and their children, and provide for their full access to these programs.⁴⁰

The Security Council Resolution 1960 (2010)

Calls upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, and further calls upon those parties to make and implement specific commitments on timely investigation of alleged abuses to hold perpetrators accountable.⁴¹

The Security Council Resolution 2106 (2013)

Emphasizes the important role that can be played by women, civil society, including women's organizations, and formal and informal community leaders in

³⁹ United Nations Security Council, S/RES/1888 (2009) *Women and Peace and Security*, 30 September 2009, 4.

⁴⁰ United Nations Security Council, S/RES/1889 (2009), *Women and Peace and Security*, 5 October 2009, 5.

⁴¹ United Nations Security Council, S/RES/1960 (2010), *Women and Peace and Security*, 16 December 2010, 3.

exerting influence over parties to armed conflict with respect to addressing sexual violence.⁴²

The Security Council Resolution 2122 (2013)

Welcomes more regular briefings by the Under-Secretary-General/Executive Director of UN-Women and the Under-Secretary-General/Special Representative of the Secretary-General on Sexual Violence in Conflict on issues of relevance to women, peace and security.⁴³

The Security Council Resolution 2242 (2015)

Calls for the greater integration by Member States and the United Nations of their agendas on women, peace and security, counter-terrorism and countering-violent extremism which can be conducive to terrorism and further encourages the Counter-Terrorism Implementation Task Force to take the same approach in activities within its mandate.⁴⁴

The resolutions established parameters that help individual states develop internal measures to protect women and girls from CRSV. However, resolutions created little resolve.

⁴² United Nations Security Council, S/RES/2106 (2013), *Women and Peace and Security*, 24 June 2013, 4.

⁴³ United Nations Security Council, S/RES/2122 (2013), *Women and Peace and Security*, 18 October 2013, 3.

⁴⁴ United Nations Security Council, S/RES/2242 (2015), *Women and Peace and Security*, 13 October 2015, 6.

Community of Reaction rather than Prevention

International Humanitarian Law provides a clear and concise definitions of what are considered violations of human rights.⁴⁵ However, the laws are not enforced, and predators are not deterred and as related above, many of the statutes and resolutions are not effectively enforced. That reality elevates the importance of prevention in the campaign to protect women and children from CRSV.

In 2000, The International Commission on Intervention and State Sovereignty was formed with the goal of developing global political consensus on how the international community should respond to emerging crises anticipating large-scale crimes against humanity.⁴⁶ The consensus concluded with the “Responsibility to Protect” with state sovereignties holding the primary responsibility for the protection of its people.⁴⁷ Therefore, prevention at the international level requires full cooperation from the individual state. History has proven the ineffectiveness of the R2P’s framework. Many cases seen before the ICC are a result of state and military official’s violation of human rights by condoning and commanding mass atrocities. Additionally, the third principle states “if a state is manifestly failing to protect its population the international community must be prepared to take appropriate collective action in a timely and

⁴⁵ International Committee of The Red Cross, “What is International Humanitarian Law?” 31 December 2004, accessed 13 May 2017, <https://www.icrc.org/en/document/what-international-humanitarian-law>.

⁴⁶ International Commission on Intervention and State Sovereignty, *Responsibility to Protect-Engaging Civil Society* (New York: World Federalist’s Movement), 2, accessed 12 December 2016, [Responsibilitytoprotect.org/files/R2PSummary.pdf](https://responsibilitytoprotect.org/files/R2PSummary.pdf).

⁴⁷ *Ibid.*, 2.

decisive manner and in accordance with Chapter seven (Action with respect to threats to the peace, breaches of the peace, and acts of aggression) of the UN Charter.”⁴⁸ According to international law in the event that a state is unable to protect, the UNSC is the approving authority for intervention. Not all states intervene in accordance with international law. Some states may intervene prior to UNSC approval. Others refrain from intervening due to lack of political will. The gray area of international conflict prevention ignited the report of the Secretary General titled “Prevention of Armed Conflict.” The report acknowledged the gaps between written law and practical actions of conflict prevention. For example, the 2011 crisis in Libya questioned the validity of the “Responsibility to Protect” tools. Time revealed that the use of these tools failed to stop the mass atrocities, resulting in a bold recommendation for the General Assembly to consider a more active use of its powers, in accordance with Articles 10,⁴⁹ 11,⁵⁰ and 14⁵¹

⁴⁸ Ibid., 4.

⁴⁹ The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

⁵⁰ The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations to such principles to the Members or to the Security Council or to both.

⁵¹ Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

of the Charter of the United Nations in the prevention of armed conflict.⁵² The report recommended enhancing interactions with the UNSC to develop long-term conflict prevention strategies, and the use of early warning mechanisms. However, prevention of conflict and more germane to this thesis CRSV requires the support and cooperation of the state which the atrocity may occur. Gaining support and cooperation remains a significant challenge for prevention. Moreover, knowledge of the atrocity after it has occurred justifies intervention from external states and organizations. This factor may influence the decisions of the international community to intervene during after the atrocity has occurred rather than expending resources to preventing a situation they are unable to completely understand.

Below are a list of rehabilitation programs and their mission.

International Criminal Court

The ICC was established by the Rome Statute in 2001 and fully operational in 2002, as a legal forum to prosecute crimes against humanity during war.⁵³ The court agrees to cede jurisdiction over individual perpetrators suspected of genocide, crimes

⁵² United Nations General Assembly, Resolution Adopted by the General Assembly on the Report of the Third Committee (A/55/985-S2001/574, *Prevention of Armed Conflict*, 7 June 2001, accessed 16 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CPR%20S%202001%20574.pdf>.3.

⁵³ Beth A. Simmons and Allison Danner, “Credible Commitments and the International Criminal Court,” *International Organization* 64 (Spring 2010): 229.

against humanity, and war crimes when they are able and willing to prosecute perpetrators of these crimes at home.⁵⁴

Non-governmental Organizations

Amnesty International and Doctors without Borders are charged with the mission of humanitarian assistance around the world. Amnesty International, founded in 1961, fights for human rights worldwide through research, action, and advocacy, in over 150 countries and territories who campaign to end grave abuses of human rights.⁵⁵ Created in 1971, the Doctors without Borders aims to supply independent, impartial aid, and medical assistance to those affected by political or social conflicts. It aids people in over 60 countries, including Sudan. While it explicitly strives to remain neutral, it also speaks out about certain conflicts.⁵⁶

United States Agency for International Development

The United States Agency of International Development (USAID) attempts to provide psychological and economic support for women and girls recovering from sexual violence. The USAID along with the World Bank, is supporting the work of the Applied Mental Health Research, the International Rescue Committee and local organizations in

⁵⁴ Leslie Vinjamuri, “The International Criminal Court and the Paradox of Authority,” *Law and Contemporary Problems* 79 (2016): 275.

⁵⁵ Meghan Zacher, Hollie Nyseth Brehm, and Joachim J. Savelsberg, “NGOs, IOs, and the ICC: Diagnosing and Framing Darfur,” *Sociological Forum* 29, no. 1 (2014): 35.

⁵⁶ Ibid.

the DRC Kivu province have incorporated the cognitive processing therapy-group and village savings programs.⁵⁷ The cognitive processing therapy-group goes beyond the bounds of case management by addressing specific ramifications of trauma. The village savings program is a community funded account where women can take out loans at low interest rates. The USAID's approach to humanitarian assistance is commendable because it provides a service capable of promoting enduring long-term financial sustainability for women. There are more than one million village savings program members in Uganda, and most of them are from rural areas where agriculture is the primary source of income.⁵⁸ Although rehabilitative efforts suffer limitations, the political will to help the suffering is greater than the political will to prevent suffering.

This chapter answers the secondary questions of the study. First what are the consequences of CRSV? The literature suggests that CRSV has physical, psychological, and societal consequences. Second, what are the current efforts of the UNSC together with the international community to protect women and girls from CRSV? The literature suggests that UNSCRs aim to provide a foundation for individual states to prevent CRSV. However, the literature does reveal that the intentions of the resolutions have failed to come to fruition due to lack of support and cooperation. Finally, why the UNSC prefers to rehabilitate rather than prevent CRSV? The literature suggests that resources

⁵⁷ Frontlines, "Democracy, Human Rights and Governance. For Survivors of Rape, Relief in Therapy and Loans," January/February 2012, accessed 19 December 2016, <https://www.usaid.gov/news-information/frontlines/democracy-human-rights-governance/survivors-rape-relief-therapy-and>.

⁵⁸ Fiona Robinson, "Financial Services for Family Farmers," *Appropriate Technology* 42, no. 1 (2015): 45.

toward preventing CRSV in cultures that use it as a method of war are less likely to support efforts to prevent. Contrarily, the political will to respond to mass human suffering is much greater than the political will to prevent. Therefore, the allocation of resources to rehabilitate achieves greater results.

Victims of CRSV endure long-term physical, psychological, and societal consequences. Despite of the multiple UNSCRs which have been established to prevent this atrocity from occurring, it remains a constant reality in the sub-Saharan region of Africa. The inability of the UNSC to prevent CRSV, results in the robust efforts into provide rehabilitation services. However, the victims will continue to carry the scars and memories that their perpetrator caused.

The review of the current literature provides insight to how research approaches CRSV prevention, indicating CRSV prevention recommendation focuses on policy, armed organizations, and victims. However, the research does not indicate any analysis on the UNSC, who maintain the responsibility to ensure global peace and security. Additionally, the review of literature answers the secondary questions of this research to explain the significance of the study. Chapter 3, will explain how the literature will be analyzed to determine if the efforts of the UNSC to prevent CRSV are effective.

CHAPTER 3

THE RESEARCH METHODOLOGY

Introduction

Chapter 3 explains how the literature reviewed in the previous chapter is used to determine the effectiveness of the UNSC's efforts to prevent CRSV. A qualitative research approach is applied utilizing the comparative case study methodology. This will enable the researcher to formulate an answer to the primary research question.

The purpose of this study is to answer the primary question of this thesis: Are the current efforts of the United Nations Security Council (UNSC) to prevent conflict-related sexual violence effective? The results can be used to improve the security environment for displaced women and girls. A qualitative research methodology is used for this study. This design of qualitative research is based on two case studies, used to guide the researchers through the examination of information. Case studies enhance this design methodology, especially evaluation, and the development of an in-depth analysis. Additionally, a case study is an empirical inquiry which investigates a contemporary phenomenon within its real-life context. When the boundaries between the phenomenon and context are not evident, and which multiple sources of evidence are used.⁵⁹ This approach focuses on the single phenomenon of CRSV, recognizing that the study may evolve into future exploration of the subject.

⁵⁹ Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks, CA: Sage Publications, 1984), 23.

This study will follow William Weirisma's five-step research process. First, defining problem, focusing on the effectiveness of current efforts of the UNSC to prevent CRSV. Second, designing the research project, to determine possible answers to the primary question. Third, collecting relevant data from the case studies to obtain information needed to solve the problem. Fourth, interpreting the research data, to develop viable conclusions which enable informed recommendations. Lastly, report research findings, and make recommendations.⁶⁰

Step 1-Definition of the Problem

Conflict Related Sexual Violence (CRSV) continues to destabilize international peace and security. Specifically, displaced women and girls in the sub-Saharan region of Africa. Consequently, causing long-term psychological, physical, and societal effects for women, girls, and communities. Despite the efforts of the UNSC, ICC, and individual states, the atrocities continue to plague multiple countries within the sub-Saharan region of Africa, resulting in thousands of displaced women and girls, subject to rape, and many other sexually gender-based violence. This study aims to determine if the current CRSV prevention efforts of the UNSC are effective.

Step 2-Review of Relevant Information

Chapter 2 reviewed current literature to analyze the effects of CRSV, evaluated current efforts to protect women and girls from CRSV, and investigated why the prevalence of efforts have focused on rehabilitation rather than prevention. The results

⁶⁰ William Weirisma and Stephen G. Jurs. *Research Methods in Education: An Introduction*, 9th ed. London: Pearson, 2009.

from the literature review determined that the UNSC has employed efforts which have failed to consider religion, culture, and jurisdiction, therefore, making little progress towards effectively preventing CRSV. Moreover, the UNSC has accepted CRSV as an inevitable aspect of conflict, consequently, applying more resources towards rehabilitation after the horror has occurred. This approach fails to consider the long-term psychological, physical, and societal effects of CRSV.

Step 3-Collection of Data

The collection of data was executed by gathering and measuring information from the Democratic Republic of the Congo (DRC) and the Darfur region of Sudan. This was achieved by first reviewing relevant literature and second by analyzing existing information. Reviewing relevant data allowed for the establishment of a theoretical framework for the study. As well as guiding the nature of the study to answer the secondary research questions. Studies primarily from the World Bank, International Review of the Red Cross, United Nations Refugee Agency, and Department of Peacekeeping Operations enabled the thorough analysis. Additionally, reports of the Secretary General from the United Nations Security Council provided the UN's assessment of CRSV prevention progress. The information helped in the understanding of the problem from the political perspective and identify challenges. Recognizing these perspectives and challenges will permit the development of viable recommendations.

Step 4-Data Analysis

The analysis will be based on the effectiveness of CRSV prevention programs utilized in the DRC and Darfur, Sudan. Effectiveness will be measured by the resolutions

or programs' relevancy, developmental impact, and sustainability. The evaluation criteria are based on the Global and Regional Partnership Programs evaluation content and evaluation criteria.⁶¹ Selecting the Global and Regional Partnership Programs evaluation content enables a robust, informed, and independent evaluation to reach plausible recommendations.

Step 5-Developing Viable Recommendations

The main objective of the case studies is to conduct an analysis from which recommendations can be made to the effectiveness of prevention strategies, based upon factors that were found lacking in the case studies. This will enable a thorough well-informed response to the primary question of the research. Additionally, the results from the analysis will open a dialogue for future initiatives to protect women and girls from CRSV.

Evaluation Criteria

The criteria for evaluating the effectiveness of current efforts to prevent conflict related sexual violence will focus on relevancy, developmental impact, and sustainability. Relevance was selected as an evaluation criteria because CRSV is a time sensitive issue, which requires appropriate measures. Developmental impact was examined in the interest of evaluating progress, and future uses of programs in different environments suffering

⁶¹ Independent Evaluation Group, *Sourcebook for Evaluating Global and Regional Partnerships Programs: Indicative Principles and Standards* (New York: World Bank, 2007), accessed 30 March 2017, <http://www.worldbank.org/ieg/grpp>.

from CRSV. Lastly, sustainability was screened because conflict is never ending. Therefore, the programs must endure (see table 1).

Table 1. Evaluation Criteria

Evaluation Criteria 1: Relevance		
Support and cooperation from the international community.		
Balanced objectives and resources.		
Unacceptable (U)	Acceptable (A)	Optimal (O)
-Inconsistent support and cooperation from the international community.	-Equitable support and cooperation from the international community.	-Solid support and cooperation from the international community.
-Inappropriate balance of objectives and resources.	-Reasonable balance of objectives and resources.	-Most favorable balance of objectives and resources.
Evaluation Criteria 2: Developmental Impact		
Reduction in CRSV incidents amongst displaced women and girls within early stage (first 2 years).		
Reduction in CRSV incidents amongst displaced women and girls within established stage (over 4 years).		
Reduction in CRSV incidents amongst displaced women and girls within mature stage (over 6 years.)		
Unacceptable (U)	Acceptable (A)	Optimal (O)
-Increased CRSV incidents amongst displaced women and girls throughout each stage.	-0% or more reduction of CRSV incidents in early stage.	-10% or more reduction of CRSV incidents in early stage.
-Increased CRSV incidents amongst displaced women and girls in established and mature stage.	-20% or more reduction of CRSV incidents in established stage.	-40% or more reduction of CRSV incidents in established stage.
-Increased CRSV incident amongst displaced women and girls in mature stage.	-40% or more reduction of CRSV incidents in nature stage.	-60% or more reduction of CRSV incidents in nature stage.
Evaluation Criteria 3: Sustainability		
Programs adaptability.		
Resilience to changing political, economic, environmental, or social factors.		
Unacceptable (U)	Acceptable (A)	Optimal (O)
-Unable to adapt to exogenous influences.	-Sufficient ability to adapt to exogenous influences.	-Remarkable ability to adapt to exogenous influences.
- Governmental, institutional, and social structure.	-Governmental, institutional, and social structure.	-Governmental, institutional, and social structure.
-Lack of accommodation of interest to sustain the program.	-Fair accommodation of interest to sustain the program.	-High accommodation of interest to sustain the program.

Source: Created by author.

The first measure of effectiveness variable is relevance. Relevance is the extent to which the objectives and design of the program are consistent with a current global-regional challenges and concerns in a developmental sector.⁶² As mentioned previously, CRSV is a time sensitive issue. Failed attempts due to a misunderstanding of the problem, may result in the lack of confidence in the program or system.

The second measure of effectiveness variable is developmental impacts. Developmental impact can be defined as the “systematic assessment of effects positive or negative, intended or unintended.”⁶³ A creditable evaluation of outcomes will be considered to measure the developmental impact. Last, is the possible impact if the program did not exist. To achieve the evaluation goals, programs selected for the case study to have reached a steady-state with formative evaluations enabling a thorough assessment.

The last measure of effectiveness variable is sustainability. “Sustainability is the likelihood that the program will be able to continue its operational activities over time.”⁶⁴ Sustainability is based on the factors of relevance, efficiency, developmental impact, and the ability to endure in a complex and uncertain international security environment.

The analysis will evaluate the effectiveness of CRSV prevention by analyzing UNSCRs and intervention mechanisms. As depicted in the following table, six variables

⁶² Independent Evaluation Group, *Sourcebook for Evaluating Global and Regional Partnerships Programs*.

⁶³ Ibid., 95.

⁶⁴ Ibid., 87.

will be assessed as unacceptable, acceptable, and optimal. First, preventive measures require support and cooperation from the international community. This variable will be “optimal” if the existence of support and cooperation from the international community is solid, without resistance. If the existence of support and cooperation from the international community is equitable, and the program has a clear understanding of what will and will not be supported by the international community the variable will be “acceptable.” If the support and cooperation from the international community is inconsistent, and lacks a clear understanding of the relationship between the program and international community, the variable is “unacceptable.” Second, effective programs must show progress over time, and progress should not decrease as the program evolves into the mature stage of existence. If the program results in 10 percent reduction of CRSV in the early stage (first 2 to 3 years), 40 percent reduction of in the established stage (over 4 years), and 60 percent reduction of CRSV in the matured stage (over 6 years), the variable is optimal. If the program results in 0 percent reduction of CRSV in the early stage, 20 percent reduction of CRSV in the established stage, and 40 percent reduction of CRSV in the matured stage, the variable is acceptable. If the program resulted in an increase of CRSV or no progress throughout all stages, the variable is unacceptable. Third, effective programs must endure, and adapt to the uncertain and changing operational environments. If the program is currently active and unchanged, the variable is optimal. If the variable was replaced or superseded within 3 years of its established date the program is acceptable. If the program is replaced or superseded within 1 year of its established date the variable is unacceptable. Finally, effective programs must be resilient to changing political, economic, environmental, and societal factors. If the

program continues to grow despite changing political, environmental, and societal factors, the variable is acceptable. If the program maintains at a steady-state due to political, economic, environmental, and societal factors, but continues to achieve its objective, the variable is acceptable. If the program is unable to achieve its objective due to changing political, economic, environmental, and societal factors, the variable is unacceptable (see table 2).

Table 2. Analysis of CRSV Prevention Effectiveness

Case Studies		Darfur			DRC		
United Nations Security Council Resolutions	UNSCR XXX						
	UNSCR XXX						
	UNSCR XXX						
Peacekeeping Military Intervention	FIB						
	UNAMID						
Variables		Relevancy	Developmental Impact	Sustainability	Relevancy	Developmental Impact	Sustainability

Source: Created by author.

Case Study Selection

Anticipating the information collected from the case studies will be pertinent to analyzing the effectiveness of current efforts to prevent CRSV. I have chosen to conduct a case study analysis on the DRC and Darfur, Sudan to determine the relevancy, developmental impact, and sustainability of the programs employed to prevent CRSV.

Chapter Arrangements

This study is arranged in five chapters which analyzes the effectiveness of the UNSC's current efforts in preventing CRSV. Chapter 1 introduced the problem statement, gave background information to frame the problem, and provided the thesis' intent. Additionally, chapter 1 defined some key terms used in the study. Chapter 2 provided a review of current literature to enable the study. It focused on consequences of CRSV, current efforts by the UNSC to prevent CRSV, and an explanation of why rehabilitation is the preferred method of intervention rather than prevention. Chapter 3, presented the characteristics of the qualitative methodology, and the associated variables used in the case studies. Chapter 4 will provide an overview of the two case studies' analyzing the presence of CRSV and programs used as preventive measures. Chapter 5 will present a summary of the analysis and provide recommendations for consideration.

Summary

This chapter explained how the current literature will be analyzed to determine the effectiveness of the UNSC's efforts to prevent CRSV. Chapter 4 will provide the results from the analysis by examining the conditions of both countries to determine the success of current UNSC preventive mechanisms.

CHAPTER 4

ANALYSIS

Introduction

This chapter provides the analysis of the research in accordance with the evaluation criteria. The first portion will consist of individual case studies for Darfur, Sudan and the Democratic Republic of the Congo. The second portion will analyze the relevancy, developmental impact, and sustainability of the programs established by the UNSC to prevent CRSV. The analysis performed in this chapter should answer the primary question of this research: Are the UNSC efforts towards preventing conflict-related sexual violence effective?

Case Study 1 Darfur Sudan

Crisis Overview

In March 2003, the economic and ethnic tensions between Arab and non-Arab Darfur communities in Sudan evolved into internal conflict between both groups.⁶⁵ Two rebel groups, the Sudan Liberation Army and the Justice and Equality Movement with the support of the Sudanese People's Liberation Army began to attack the Government of Sudan. The government responded with aerial bombardment in Darfur and recruited the support from the Janjaweed militia. The Janjaweed rebel group committed crimes and human rights abuses indiscriminately, including massacres, rape and other sexual

⁶⁵ International Coalition for the Responsibility to Protect, *Crisis in Darfur*, accessed 24 April 2017, www.responsibilitytoprotect.org/index.php/crisis/crisis-in-darfur.

violence, pillaging, leaving villages razed, crops burned and water sources destroyed, forced evictions, caused disappearances and employed systematic persecution.⁶⁶

Survivors of the attacks fled to Internally Displacement Persons (IDP) camps and Protection of Civilian sites, for medical aid and shelter.

In April 2003, the UN Humanitarian Coordinator for Sudan, warned of the situation boiling in Darfur and the similarities to the genocide in Rwanda less than a decade before.⁶⁷ Reports of mass rapes and ethnic cleansing were made by the United States to the UN Commission on Human Rights. The reports also revealed that non-Arab villages were denied access to humanitarian relief and government services, while Arab villages continued to receive such services.⁶⁸ International visibility influenced the parties to a cease fire for three months in September 2003, however, the unsettled dispute reconvened in December 2003.⁶⁹

In April 2004, the AU initially deployed 150 soldiers under UNSCR 1556 “to condemn all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis, in particular by the Janjaweed militia.”⁷⁰ In

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ United Nations Security Council, Resolution 1556, 30 July 2004, accessed 26 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SRES1556.pdf>,1.

less than a year the African Union increased the number of deployed soldiers to 7,700.⁷¹ The large force served little purpose due to lack of support from the Sudanese government and limited resources. In July 2004, the escalating situation in Darfur was characterized as genocide, resulting in the UN adopting Resolution 1564 in September 2004. Resolution 1564 called for Sudan “to foster and restore the confidence of vulnerable populations and to improve radically the overall security environment in Darfur.”⁷² The situation continued to worsen, causing the UN to become more involved. On 24 March 2005, the UNSC authorized a United Nations Mission (UNMIS) in Resolution 1590 to support the implementation of the Comprehensive Peace Agreement signed by the First Vice President of Sudan H.E., Ali Osman Mohamed Taha and Chairman of the Sudanese People’s Liberation Army, Dr. John Garang de Maboir in 2002.⁷³ In addition to strengthening efforts to support the implementation of the Comprehensive Peace Agreement, on 31 March 2005, the UNSC referred the situation in Darfur to the ICC.⁷⁴ While prosecutors investigated the situation in Sudan, the atrocities continued, and parliament blamed the state.

On 28 September 2006, South Sudan’s National Parliament stated that Sudan “has failed in its ‘responsibility to protect’ its own people” and called on the Government of

⁷¹ International Coalition for the Responsibility to Protect, *Crisis in Darfur*,

⁷² United Nations Security Council, Resolution 1564, 30 July 2004, accessed 21 March 2017, www.responsibilitytoprotect.org/files/SC_Res1564_18Sep2004.pdf, 1.

⁷³ United Nations Security Council, Resolution 1590, 30 July 2004, accessed 24 April 2017, http://www.responsibilitytoprotect.org/files/SC_Res1590_24Mar2005.pdf, 1.

⁷⁴ International Coalition for the Responsibility to Protect, *Crisis in Darfur*.

Sudan to accept a UN mission under UN Resolution 1706, aimed to expand the mandate and force size of UNMIS.⁷⁵ The Government of Sudan opposed the expansion resulting in the UN taking a concerted approach with the African Union. Both organizations created the African Union-United Nations Mission in Darfur (UNAMID) consisting of 25,987 personnel in Resolution 1769 on 31 July 2007.⁷⁶ UNAMID remains active in Darfur, Sudan with multiple mandate extensions since its establishment in 2007. After a long under-resourced investigation by the ICC, Luis Moreno Ocampo, Chief Prosecutor of the ICC, requested an arrest warrant for President Omar Al-Bashir of Sudan on 14 July 2008.⁷⁷ It was the first time the ICC had indicted a sitting Head of State. The Government of Sudan, the Arab League, and the African Union denounced the warrants without explanation. The African Union Assembly, at its 16th annual summit, called for the UN Security Council to defer proceedings against President al-Bashir in accordance with Article 16 of the 2005 Rome Statute deferred prosecution to this day, President al-Bashir remains at large and the ICC obtains no support in his capture. Attention from the United Nations Security Council has resulted in attempts to resolve the crisis in Darfur, Sudan. However, hundreds of thousands of people, specifically women are displaced and vulnerable to CRSV.

⁷⁵ United Nations Security Council, Resolution 1769, 30 July 2004, accessed 25 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201769.pdf>, 1.

⁷⁶ International Coalition for the Responsibility to Protect, *Crisis in Darfur*.

⁷⁷ *Ibid.*

In Darfur, the UNSC was unable to utilize programs established to prevent conflict and more importantly to prevent CRSV. After the Comprehensive Peace Agreement was signed in 2002, conflict continued resulting in alarming numbers of civilian displacement and grave sexual violence, because the Government of Sudan opposed military intervention and the prosecution of their President who facilitated the atrocities. Additionally, the Government's perceived objective did not balance their allocation of resources. This was evident by their reluctance to provide international peace keepers with the resources necessary to accomplish their UN mandated mission to condemn acts of violence and violations of human rights. The UNSCRs continued to extend their mandates with little progress and inability to adapt to the influences of the Janjaweed militia. The Government of Sudan's uncooperative approach to their "Responsibility to Protect" limited progress and continues to destabilize Darfur.

Analysis of UNSC's Effectiveness in Preventing CRSV in Sudan

The analysis will begin by analyzing the international communities' effectiveness in preventing CRSV in Darfur. This study will analyze three UNSCR and one peacekeeping force. The analysis will be based on the evaluation criteria of relevancy, developmental impact, and sustainability.

United Nations Security Council Resolution 1556 was adopted in April 2004. The resolution called on the Sudan Government to facilitate humanitarian relief, prevent sale and supply of weapons, ammunitions, vehicles, and equipment to the Janjaweed militia, endorse the deployment of monitoring systems under the leadership of the African Union,

and facilitate the work in accordance with ongoing ceasefire agreements.⁷⁸ The AU initially deployed 150 soldiers within the African Union Mission in Sudan (AMIS) under UNSCR 1556, which proved to be insufficient. Therefore, less than a year later over 7,000 more soldiers were deployed. The large increase of soldiers in such a short period of time revealed that the UNSC was not given an accurate assessment of the situation in Sudan. Four factors could have caused this to occur. First, a lack of cooperation from the Government of Sudan. Second, the incomplete initial assessment of the situation in Sudan. Third, the availability of soldiers did not exist at the onset of the mission. Last, the soldiers were unable to comply with mission requirements, due to the lack of resources, consequently worsening the situations. Nevertheless, The Resolution's objective was not balanced with the resources or capabilities applied to it. Failure to make progress with UNSCR 1556, caused the UN to redirect their efforts with UNSCR 1564. UNSCR 1564 was adopted by the UNSC in September of 2004. The Resolution called on the Government of Sudan to conclude the requirements under the peace agreement, or show evident steps towards peace, demands armed groups to cease all violence and cooperate with international humanitarian relief.⁷⁹ Additionally, the resolution affirms that when IDPs and refugees are subjected to sexual violence, the individual states hold the "Responsibility to Protect," and threatens Sudan if they fail to comply with the request of UNSCRs 1556 and 1564.⁸⁰ The Government of Sudan did not respond to the conditions

⁷⁸ United Nations Security Council, Resolution 1556, 30 July 2004, 3.

⁷⁹ United Nations Security Council, Resolution 1564, 18 September 2004, 3.

⁸⁰ *Ibid.*, 4.

set in UNSCRs 1556 and 1564 resulting in the adoption of UNSCR 1590. UNSCR 1590 omitted the Government of Sudan in the efforts to establish peace and security in Sudan. The Resolution expressed serious concern at the allegations of sexual violence, and determined the situation in Sudan continued to worsen and threatened international peace, and requested the deployment of UNMIS to Sudan.⁸¹ UNMIS served as a mechanism to bridge the gap of the uncooperative Government of Sudan and humanitarian relief. The resolution mandated the UNMIS to support, mentor, liaise, observe, and assist in the establishment of disarmament, demobilization of the militia.⁸² Most importantly UNMIS was to attend to the special needs of vulnerable women and girls and protect them from CRSV. The UN identified progress with the presence of UNMIS in Sudan, leading to the adoption of UNSCR 1706. UNSCR 1706 extended the mandate of UNMIS and increased the tasks within the mandate to better serve the changing operational environment.⁸³ In addition to the tasks listed in UNSCR 1590, under UNSCR 1706, UNMIS was responsible for ensuring adequate human rights was provided without prejudice and contributed to the international community's efforts to protect civilians with special attention to vulnerable groups, including IDPs, refugees, especially women and children. The last UNSCR for this discussion is UNSCR 1769, adopted in 2007. The Resolution authorized and mandated the establishment for an initial period of 12 months, of an

⁸¹ United Nations Security Council, Resolution 1590, 4 March 2005, 3.

⁸² *Ibid.*, 1.

⁸³ United Nations Security Council, Resolution 1706, 31 August 2006, accessed 21 April 2017, <https://www.globalr2p.org/media/files/resolution1706.pdf>, 3.

UN/African Union hybrid operation in Darfur-UNAMID. The UNAMID would incorporate the already operational UNMIS. Increasing the deployed force to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each.⁸⁴ Although, UNMIS made some progress, their small footprint was insufficient for the magnitude of the developing violence. Despite multiple UNSCRs seeking to improve the situation in Darfur, a March 2016 report by the UN revealed that the number of IDPs is greater than ever in the Darfur's thirteen years of conflict. Consequently, increasing the number of women vulnerable to CRSV.⁸⁵

This analysis concludes that the Resolutions adopted by the UNSC were not effective to the situation in Sudan. The lack of a clear understanding of the situation in Sudan resulted in an inaccurate assessment of the amount of deployed forces necessary to carry out the peace agreements. Additionally, the UNSC's inability to gain the support and cooperation of the Sudanese Government, caused massive opposition in every effort made towards peace, security, and most importantly CRSV.

⁸⁴ United Nations Security Council, Resolution 1769, 31 July 2007, accessed 25 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201769.pdf>, 3.

⁸⁵ Eric Reeves, "Reckoning the Costs: How many have died during Khartoum's genocidal counter-insurgency in Darfur? What has been left in the wake of this campaign?" (Sudan Research, Analysis, and Advocacy, 18 March 2016), accessed 27 April 2017, <http://sudanreeves.org/2016/03/18/reckoning-the-costs-how-many-have-died-during-khartoums-genocidal-counter-insurgency-in-darfur-what-has-been-left-in-the-wake-of-this-campaign/>.

United Nations Security Council Resolution 1769 adopted the hybrid United Nations/African Union Mission in Darfur-UNAMID in July 2007.⁸⁶ Acting under Chapter VII of the Charter of the United Nations,⁸⁷ UNAMID assumed the duties of the already established UNMIS with additional requirements, resources, and authority. As a peace-keeping organization, UNAMID conducted confidence-building patrols, escort patrols, and investigation patrols, with an emphasis on facilitating humanitarian access and providing protection for logistics convoys providing food and other resources for Darfur IDP camps.⁸⁸ Despite the patrols, convoys were disrupted by rebel forces and women were attacked outside of IDP camps while collecting resources to sustain that livelihood of their families while displaced. Consequently, farming patrols were established throughout the region, to provide a more secure environment for IDPs and the local population to harvest their crops.⁸⁹ Furthermore, UNAMID devised a zoning system

⁸⁶ United Nations Security Council, Resolution 1769, 31 July 2007, 1.

⁸⁷ Chapter VII of United Nations Charter Article 1: To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

⁸⁸ United Nations General Assembly, Report of the Secretary-General on the Deployment of the African Union-United Nations Hybrid Operation in Darfur S/2008/781, 12 December 2008, Accessed 29 April 2017. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2008/781&referer=https://www.un.org/en/sc/documents/sgreports/2008.shtml&Lang=E, 4.

⁸⁹ Ibid.

in the IDP camps, targeting areas of tension or insecurity for increased patrols.⁹⁰ Despite UNAMID's increased efforts, UNAMID has documented 73 incidents of human rights violations and abuses, affecting a total of 122 victims of diverse forms of violations including sexual and gender-based violence.⁹¹ Additionally, the Sudanese Armed Forces and Government of Sudan hampered UNAMID humanitarian operations by limiting the access to peacekeeping personnel and resources into the country. Sudanese armed forces were also accused of ambushing UNAMID convoys, disrupting resources to IDP camps, and committing UNAMID peacekeeper abductions and killings.⁹²

UNAMID challenges continued throughout 2011. Human rights violations increased from 77 cases involving 142 victims. Criminals committing rape and murder within IDP camps were arrested but later released without further prosecution. Additionally, 37 incidents involving 53 victims were recorded in 2011, compared with 15 incidents involving 31 victims in 2010.⁹³ Fortunately, On 5 December, the Nyala general court sentenced to death two persons found guilty of involvement in the rape of six females (five minors and one adult) from Otash Camp for internally displaced persons on

⁹⁰ Ibid.

⁹¹ Ibid., 6.

⁹² United States Department of State, "Sudan 2012 Human Rights Report," accessed 27 April 2017, <https://www.state.gov/documents/organization/204383.pdf>.

⁹³ United Nations Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 17 April 2012, accessed 11 March 2017, https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/2313.

19 November 2010.⁹⁴ UNAMID considered the convictions progress towards peace and security. However, it did not serve as a deterrent mechanism for future perpetrators.

This section of the analysis will determine the developmental impact of UNSCRs and UNAMID operations employed from 2007 to 2013. The three areas of evaluation will include the increase or decrease of IDPs, refugees, and victims of sexual violence reported between 2007 and 2013. The three areas are indicative to determining if the developmental impact of the optimal, acceptable, and unacceptable developmental impact of efforts made by UNSCRs and UNAMID to prevent CRSV in Darfur, Sudan. Below are graphic representations of the findings.

⁹⁴ Ibid., 10.

Table 3. Darfur Sudan Analysis

CATEGORY	2007	2008	2009	2010	2011	2012	2013
Reported IDPS within Darfur ⁹⁵	300 K	317 K	250 K	300 K	200 K	150 K	320 K
Reported refugees who fled Darfur, Sudan ⁹⁶	1.5 K	12 K	250 K	278 K	288K	274 K	253 K
Reported sexual violence in and around IDP camps in Darfur, Sudan.	62 ⁹⁷	31 ⁹⁸	72 ⁹⁹	31 ¹⁰⁰	53 ¹⁰¹	30 ¹⁰²	31 ¹⁰³

Source: Created by author.

⁹⁵ Reeves.

⁹⁶ United Nations Refugee Agency (UNHCR), “Reported Refugees who Fled Darfur Sudan.”

⁹⁷ United Nations General Assembly, Report of the Secretary-General on Children and Armed Conflict in Sudan: Rape and Grave Sexual Violence: S/2007/520, 6 September 2007, 8.

⁹⁸ United Nations General Assembly, Report of the Secretary-General on African Union-United Nations Hybrid Operations in Darfur: Rule of Law and Governance and Human Rights: S/2008/781, 12 December 2008, 6-7.

⁹⁹ United Nations General Assembly, Report of the Secretary-General on African Union-United Nations Hybrid Operations in Darfur (UNAMID): Rule of Law and Governance and Human Rights: S/2009/592, 16 November 2009, 11.

¹⁰⁰ United Nations General Assembly, Report of the Secretary-General on African Union-United Nations Hybrid Operations in Darfur: Rule of Law and Governance and Human Rights: S/2011/814, 30 December 2011, 10.

¹⁰¹ Ibid.

¹⁰² United Nations General Assembly, Report of the Secretary-General on African Union-United Nations Hybrid Operations in Darfur: Rule of Law and Governance and Human Rights: S/2013/607, 14 October 2013, 10.

¹⁰³ Ibid.

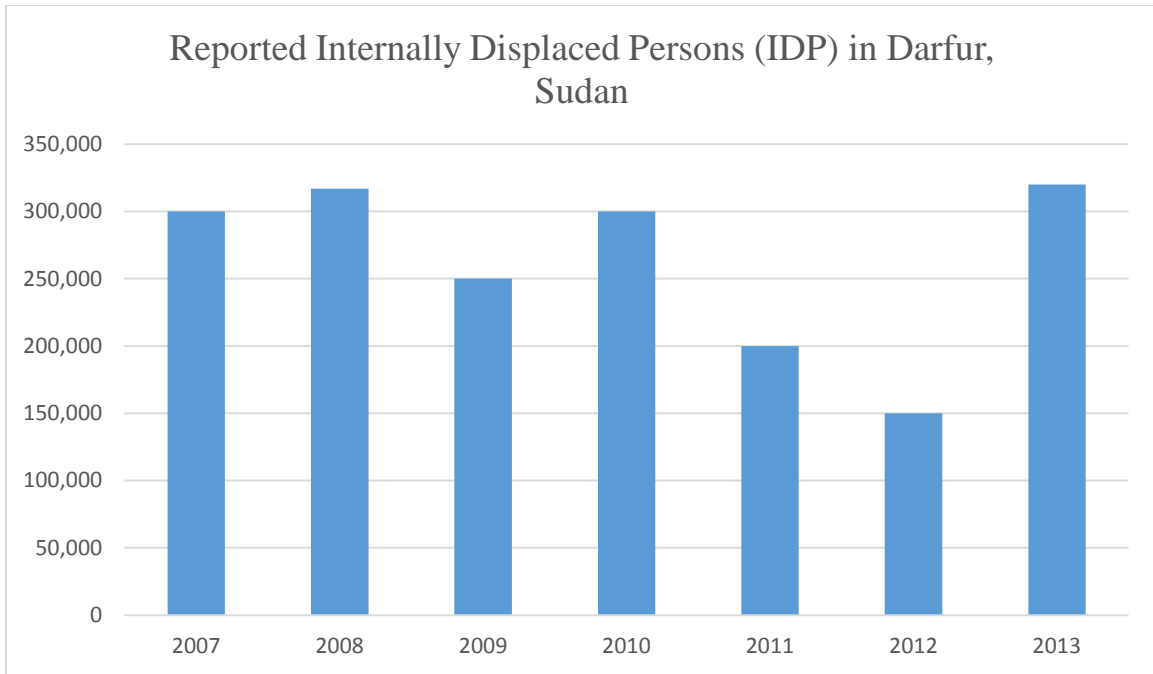


Figure 1. Darfur IDPs 2007-2013

Source: Created by author.

The IDP data reveals that during the early stage the number of IDPs increased by 5.3 percent, ergo increasing the number of women and girls subjected to CRSV. During the established stage, the number of IDPs decreased significantly. However, in the mature stage the number of IDPs were highest of all years assessed.

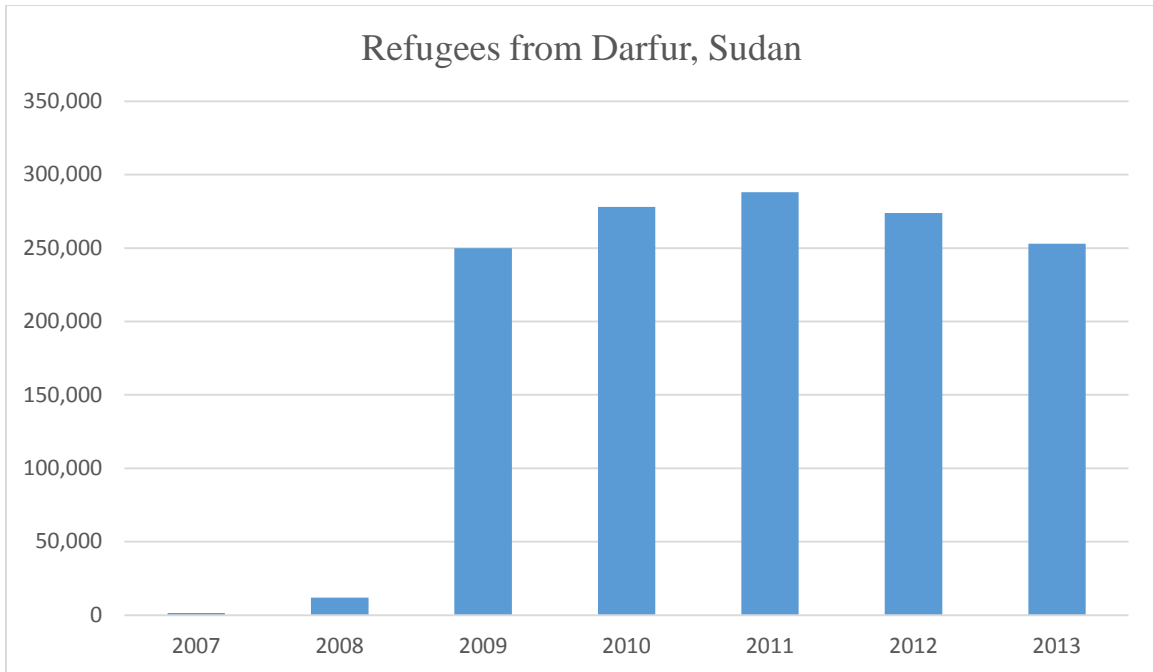


Figure 2. Refugees from Darfur 2007 to 2013

Source: Created by author from data obtained from The United Nations Refugee Agency (UNHCR).

The refugee data reveals that during the early stage the number of refugees increased by 87 percent. On the other hand, throughout the established staged the number of refugees remained at a steady state until decreasing by 8 percent in the mature stage.

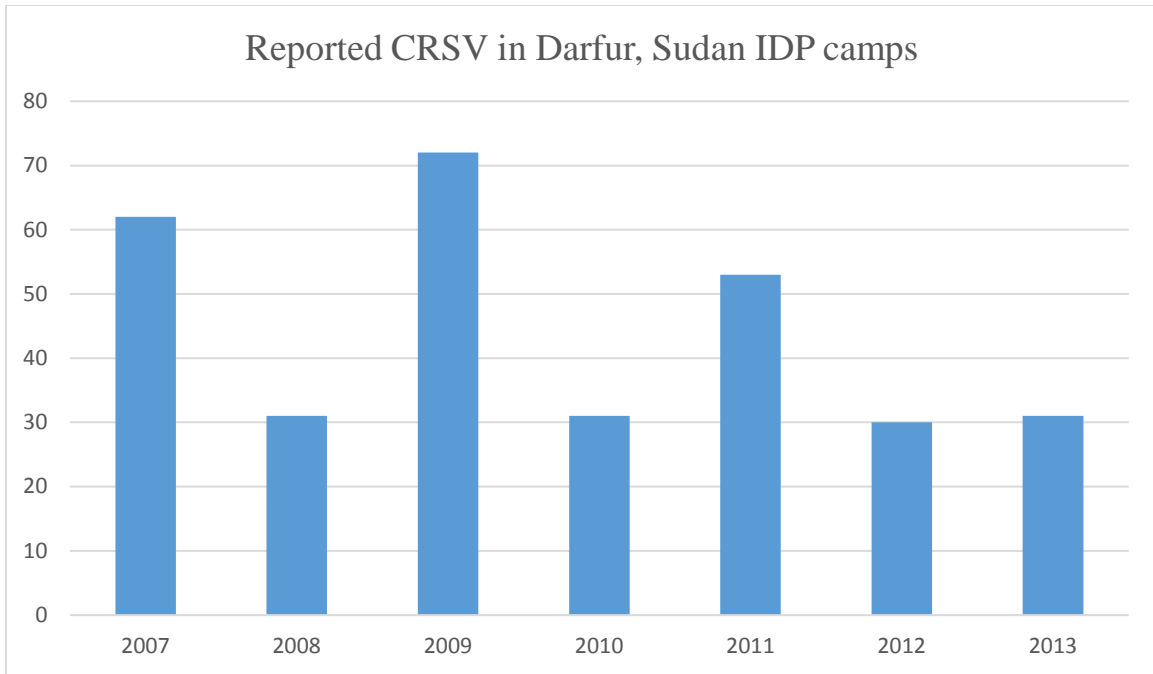


Figure 3. CRSV in Darfur 2007 to 2013

Source: Created by Author from data obtained from multiple United Reports of the Secretary General on African Union-United Nations Hybrid Operations in Darfur (UNAMID) 2007-2013.

The CRSV data reveals that during the early stage the number of reported CRSV decreased by 50 percent. During the established stage the numbers increases over 50 percent, but within one year reported CRSV incidents decreased over 50 percent. During the mature stage reported CRSV decreases by 44 percent. The data does not necessary support that an increase if displaced persons results in an increase of sexual violence. However, as mention previously in Chapter 2, recording rape or interviewing victims of sexual violence is problematic in Darfur’s Muslim culture, where women fear social

stigma, shame and further trauma. Especially, within the Sudanese government, which denies violence against women.¹⁰⁴

In consideration of the evaluation criteria, the analysis of the UNSCRs and UNAMID concludes that UNSCR 1556 (Prevent the sale and supply of weapons to militia groups) had an unacceptable rating in relevancy, developmental impact, and sustainability. This was evident in the increased number of personnel internally and externally displaced from 2007 to 2013 due to forced evacuation from their homes due to violence. The recognized ineffectiveness of UNSCR 1556, ignited a completely different approach to conflict (CRSV) prevention found in UNSCR 1590. UNSCR 1590, establish the UNMIS and outlined their duties and responsibilities for providing humanitarian relief in Darfur, as well as carry out the actions mandated in the mutually agreed cease fire. UNMIS was a small contingent with exceeding expectations. Although, UNMIS was unable to achieve extreme success, they made small leaps and bounds to accomplishing the tasks set out in UNSCR 1590. The success was acknowledged; however, small scale accomplishments were not worth sustaining. Consequently, UNSCR 1769 established the UNAMID with the support of the African Union. It was a larger, better structured and resourced force to achieve the UNMIS mission at a much larger scale. Like UNMIS, UNAMID did not achieve extreme success, however, the unit achieved the goals of UNSCR 1590 and 1769, within their capability. Today, UNAMID remains active in Darfur, Sudan.

¹⁰⁴ Peter James Spielmann, "Darfuri Women Report Ominous Pattern of Rape," *Associated Press*, 31 May 2009, accessed 13 May 2017, www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002249.html.

Although, UNSCR 1556 received unacceptable ratings in relevancy, developmental impact, and sustainability. The resolution was not supported by the Sudan government. Militias continued to receive weapons and supplies from civilians within the Darfur community in exchange for their lives. UNSCR 1556 relied solely on the actions of the Sudanese government who proved uncooperative in conflict resolution. Attacks on civilians increased, villages destroyed, tens of thousands of non-combatants displaced, and women and girls vulnerable to sexual violence. The increased violence and limited intervention resulted in the lack of trust between Darfuris, the Government of Sudan and the international community, that environment enabled the growing of the militias' strength and ability to expand terror across Darfur. UNSCR 1556 was quickly superseded by UNSCR 1590, which criticized the lack of effort of the Government of Sudan to protect their population.¹⁰⁵

United Nations Security Council Resolution 1590 received acceptable ratings in relevancy and developmental impact, but received unacceptable ratings in sustainability. UNSCR 1590 established UNMIS, transitioning the responsibility to protect Darfuri communities to the UN. As a headquarters element without directly assigned troops or resources, UNMIS was small but effective. Although, the support of the Government of Sudan did not support the UNMIS presence was resourced externally and did not require the support of the local government. UNMIS focused on the areas which they could support with the resources provided by UN contributors. The small force protected IDP camps, secured logistic convoys delivering humanitarian aid to displaced persons, and

¹⁰⁵ United Nations Security Council, Resolution 1590, 4 March 2005, 1.

provided in-depth reports of the situation on the ground to UN officials. Knowledge of the real situation in Darfur enabled adequate support to positively impact the situation. However, the small force was not sustainable in the long-term because they did not possess the resources to protect themselves from attack. Additionally, they were not large enough to provide the scale of operations necessary, to achieve noteworthy results. Therefore UNSCR 1769 was established to balance expectations with sufficient resources.

United Nations Security Council Resolution 1769 received an acceptable rating in relevancy, developmental impact, and sustainability. UNSCR 1769 established UNAMID with support of the African Union. UNAMID was formed to increase the effectiveness of the UNMIS. Although, the achievements do not qualify as optimal the purpose and mission of the UNAMID were relevant to the situation in Darfur. Despite the insignificant decrease in IDPs, refugees, and CRSV, UNAMID challenged militias and the Government of Sudan unlike previous efforts. Today, UNAMID remains in Darfur because the unit remains relevant, has made developmental impact, and maintains interest in the UNSC to sustain the force. The table below reflects the findings based on the study's evaluation criteria.

Table 4. Summary of Case Study: Darfur

Case Studies		Darfur		
United Nations Security Council Resolutions	UNSCR 1556	U	U	U
	UNSCR 1590	A	A	U
	UNSCR 1769	A	A	A
Peacekeeping Military Intervention	UNAMID	A	A	O
Variables		Relevancy	Developmental Impact	Sustainability

Source: Created by author.

Case Study 2 DRC

Crisis Overview

The Democratic Republic of the Congo was engaged in a protracted and brutal civil conflict that dates to 1998.¹⁰⁶ Allegations from the president of the DRC accusing Rwanda of exploiting the DRC’s mineral resources resulted in hostilities between the two countries a significant characteristic of the hostilities was sexual violence. The scale of sexual violence being perpetrated in the conflict is unparalleled in any previous or current

¹⁰⁶ Sara Meger, “Rape of the Congo: Understanding Sexual Violence in the Conflict in the Democratic Republic of Congo,” *Journal of Contemporary African Studies* 28, no. 2 (2010): 124.

conflict, as it has been perceived as a particularly effective weapon to subdue, punish, or exact revenge upon entire communities.¹⁰⁷ Hundreds of thousands of women and girls as young as six months have been raped in the conflict with a large proportion of state and non-state group offenses structured around rape, sexual slavery, and forced marriage.¹⁰⁸ The civil conflict within the DRC and Rwanda have displaced millions of people. The majority of those displaced are women and children. Additionally, the women and children often required to travel great distances to seek safety within IDP and refugee camps. Many of the women are raped, mutilated, killed, kidnapped, and forced into slavery. Hostile groups typically use their positions of authority and abundance of resources to coerce the civilians into vulnerable circumstances.

In August 1999, both countries signed the Lusaka Ceasefire Agreement¹⁰⁹ and the UNSC established the United Nations Organization Mission in the Democratic Republic

¹⁰⁷ Ibid., 126,

¹⁰⁸ Ibid., 119,

¹⁰⁹ The Lusaka Agreement between the countries of Angola, Democratic Republic of Congo (DRC) Namibia, Uganda, Rwanda, and Zimbabwe, seeks to bring an end to the hostilities within the territory of the DRC. It addresses several issues including the cessation of hostilities, establishment of a joint military commission (JMC) comprising representatives of the belligerents, withdrawal of the foreign groups, disarming, demobilizing and reintegrating of combatants, release of prisoners and hostages, re-establishment of government administration and the selection of a mediator to facilitate an all-inclusive inter-Congolese dialogue. The agreement also calls for the deployment of a UN peacekeeping force to monitor the ceasefire, investigate violations with the JMC and disarm, demobilize and reintegrate armed groups.

of the Congo (MONUC) to supervise the implementation of the peace agreement.¹¹⁰ The MONUC was resourced as an economy of force capability and its assigned mission exceeded its capabilities, resulting and little progress towards peace. In November of 1999 the MONUC was reinforced with a multidisciplinary staff of personnel in the fields of human rights, humanitarian affairs, public information, medical support, child protection, political affairs and administrative support, under UNSCR 1279.¹¹¹ Despite the more robust and capable force, hostilities between the Armed Forces of the Republic of Congo, Forces of the Democratic of Rwanda (FDLR), Mai-Mai Sheka, and Mouvment du 23 Mars (M23) carried on the violence, specifically CRSV, in the DRC.¹¹²

On 28 July 2003, UNSCR 1493 was established recalling the need to address violence against women and girls as a tool of warfare. Additionally, the resolution encouraged the MONUC to increase the deployment of women within their formations.¹¹³ The intent of increasing the number of deployed women was to encourage women to report their attack. The intended consequence was that the women would receive necessary medical care and possibly provide information to imprison their

¹¹⁰ United Nations Security Council, Resolutions 1279, 30 November 1999, accessed 24 April 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/368/17/PDF/N9936817.pdf?OpenElement>.

¹¹¹ Ibid.

¹¹² International Coalition Responsibility to Protect, *Crisis in the Democratic Republic of Congo*, accessed 27 April 2017, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-drc>.

¹¹³ United Nations Security Council, Resolutions 1493, 28 July 2003, accessed 21 April 2017, <http://responsibilitytoprotect.org/Res%201493%20-%202003%20sanctions.pdf>, 3.

attackers. Despite the additions to MONUC, in April 2004, the overwhelmed President Laurent-Kabila of the DRC referred his country to the ICC.¹¹⁴ In June of the same year, the ICC prosecutors opened their first investigation on the crimes occurring in the DRC. Arrest warrants were issued for Thomas Lubanga and Bosco Ntaganda.¹¹⁵ Lubanga was a former leader of the Union of Patriots Congolais and arrested in 2006 for war crimes. Ntagansa was a former leader of the M23, he turned himself in at a US Embassy in Rwanda in 2013, he has yet to stand trial. The M23 rebels originate from the minority Tutsi ethnic group and had close ties with the Tutsi neighboring Rwanda. According to international human rights groups, the M23 were responsible for widespread war crimes including executions, rapes, and forced recruitments of children.¹¹⁶

In November 2008, The Southern African Development Community (SADC) agreed to deploy military experts to determine the scale of violence in the DRC. Evaluators determined that rape became a weapon of war in the DRC, declaring it the rape capital of the world in 2010.¹¹⁷ The reputation was supported by a UN report of over 15,000 women being raped in east DRC in 2009. Additionally, reports calculated

¹¹⁴ International Coalition Responsibility to Protect, *Crisis in the Democratic Republic of Congo*.

¹¹⁵ *Ibid.*

¹¹⁶ Maria Eriksson Baaz and Judith Verweijen, "The Validity of a Half-Cooked Bouillabaisse: Rebel-Military Integration and Conflict Dynamics in the Eastern DRC," *African Affairs* 112, no. 449 (2013): 563-582.

¹¹⁷ *Ibid.*

2.75 million Congolese internally displaced, 509,000 refugees, and 6.9 million Congolese killed since the conflict began in 1998.¹¹⁸

In April 2013, the UN Security Council established a Force Intervention Brigade (FIB), the first of its kind, for Congo within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) MONUC system with a clear mandate to take appropriate Chapter 7 offensive operations with the aim of neutralizing and disarming the rebels involved in the conflict with an aim to ending the half-a-century-long conflict. The FIB is composed of about 3,000 troops from Tanzania, South Africa and Malawi, deployed for one year within the existing UN Stabilization Mission in the DRC. UN peacekeeping and engagement by proxy is fraught with many risks, since the UN abandons its impartiality to stand by one side in given conflict, their efforts create additional challenges for the already complicated relationship between peacekeeping and humanitarian action.¹¹⁹ However, the intervention brigade achieved success in deterring crimes against humanity. Moreover, a decade after the formal end to regional conflicts in eastern Congo that killed millions of people by dozens of armed groups are still exploiting its natural resources and attacking local people.¹²⁰ For example, upon the defeat and withdrawal of the M23, the Force Intervention Brigade (FIB) and Congolese Army began to take offensive action against the Allied Democratic

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Michelle Nichols, "Congolese Army Attacked U.N. Troops Meeting Islamic Rebels," *Reuters*, 4 February 2016, accessed 19 February 2017, www.rueters.com/article/us-congodemocratic-un-idUSKCN0VD2EO.

Forces (ADF). Reports accused the ADF of killing over 600 civilians (mostly women and children) who were fleeing to North Kivu, after a night raid.¹²¹ In response to the ADF's widely condemned actions, the UN called for immediate expansion of the FIB mandate. In April 2014, the Congolese Army and FIB dislodged the ADF from its main base of operations and killed their chief of staff.¹²² Today, the Forces Arms of the Republic of Congo and MONUSCO continue to work together to demobilize the FLDR, however disputes between the UN and Congolese government on the prosecution of two military leaders accused of human rights violations hinder progress.¹²³ The intervention actions in the DRC may be considered a partial success in the international community and as a step towards bridging the gaps in the political, judicial, and intervention system.

Analysis of UNSC's Effectiveness in Preventing CRSV in DRC

The following is an analysis of the UNSCRs employed during the conflict in the Democratic Republic of the Congo. First, we will discuss the objective of each UNSCR to determine if the proper resources were available to achieve the resolutions objectives.

¹²¹ Kristof Titeca, "Jihadis in Congo? Probably Not," *The Washington Post*. 27 September 2016, accessed 19 February 2017, www.washingtonpost.com/news/monkey-cage/wp/2016/09/27/heres-why-its-a-problem-that-congos-u-n-peacekeeping-force-is-blaming-international-jihadis-for-these-killings-and-attacks/.

¹²² Jay Benson, "The UN Intervention Brigade: Extinguishing Conflict or Adding Fuel to the Flames?" (A One Earth Future Discussion Paper, 2 June 2016), 5, accessed 13 May 2017, Oefresearch.org/publications/un-intervention-brigade-extinguishig-conflict-or-adding-fuel-flames.

¹²³ *Ibid.*

Second, we will discuss the level of support and cooperation from the international community.

United Nations Security Council Resolution 1279 was established in November 1999. The resolution codified the mission of the MONUC to address the humanitarian concerns in the DRC. MONUC was comprised of 5,537 military personnel tasked by the United Nations to monitor the implementation in the cease fire agreement between the DRC and Rwanda. Additionally, MONUC facilitated the delivery of humanitarian assistance to displaced persons, children, and other affected persons, and assisted in the protection of human rights.¹²⁴ The government of the DRC provided support and cooperation to MONUC. However, opposition from rebel forces disrupted their freedom of movement while providing humanitarian aid, particularly, in North and South Kivu. The DRC government has been unable to respond to sexual violence. IDPs and refugees continued to increase and women and girls became more vulnerable to sexual violence. In response to the continuation of hostilities in North and South Kivu, and grave sexual violence, the UNSC established UNSCR 1493.¹²⁵

United Nations Security Council Resolution 1493 was established in July 2003, attempting to apply additions to MONUC to enhance their ability. Moreover, UNSCR 1493 issued sanctions to reduce resources available to armed groups and disrupt the lines of communication between rebel soldiers and their leaders. Additionally, the resolution

¹²⁴ United Nations Security Council, Resolution 1279, 30 November 1999, 3.

¹²⁵ United Nations Security Council, Resolutions 1493, 28 July 2003, accessed 21 April 2017, <http://responsibilitytoprotect.org/Res%201493%20-%202003%20sanctions.pdf>, 1.

condemned acts of violence systematically perpetrated against civilians, and peacekeepers, including massacres, as well as violations of international humanitarian law and human rights and sexual violence against women and girls.¹²⁶ The resolution failed to make progress, and arguably worsened the situation. Additionally, the judiciary in North and South Kivu was unable to uphold the rule of law due to corruption, lack of implementation mechanisms, and political interference. This influenced the President of the DRC to become a signatory to the ICC with ratification in 2004. Arrest warrants were issued for senior leaders for their participation in the use of rape as a weapon and other mass atrocities throughout the country, particularly, North and South Kivu. Many of the rebel leaders fled, however, their soldiers continued to carry out the horrible crimes of rape. For example, during the latter days in July 2010, the mass rape of 240 people was carried out in the eastern Congo by members of both the Rwandan FDLR and Mai-Mai Sheki rebels. The MONUSCO peacekeepers were located within miles of the crimes, but were not equipped to protect the number of women and girls subjected to sexual violence.¹²⁷ The situation of the DRC gained international interest, forcing the UNSC to establish UNSCR 2053 posing another demand on armed groups in the DRC.

United Nations Security Council Resolution 2053 was adopted in 2012, demanding that all armed groups, immediately cease all forms of violence and human rights abuses against the civilian population in the DRC, specifically, against women and

¹²⁶ Ibid., 2-3.

¹²⁷ International Coalition Responsibility to Protect, *Crisis in the Democratic Republic of Congo*.

children, including rape and other forms of sexual abuse.¹²⁸ The resolution was reinforced by the support of the DRC government, but disregarded by rebels. Armed groups continued to terrorize communities displacing thousands of non-combatants. As a result, the UNSC established UNSCR 2098 also known as the Peace, Security, and Cooperation framework agreement of the DRC. The agreement enabled the establishment of a FIB. The FIB was comprised of 3,069 troops filling the billets of three infantry battalions, one artillery battalion, one Special Operations Force unit, and one Reconnaissance company.¹²⁹ Major force contributors of the FIB were Tanzania and Malawi, and South Africa, led by Tanzanian general under the direct command of MONOSCU. The FIB concept was aimed at conducting warfighting operations in an integrated manner, to compliment ongoing peacekeeping missions undertaken by MONUSCO.¹³⁰ The force was intended to be temporary and confined to one mission, under one mandate, led by one commander.¹³¹ Additionally, under strict compliance with humanitarian law, the FIB was to be used in conjunction with local forces.¹³² Local

¹²⁸ United Nations Security Council, Resolution 2053, 27 June 2012, accessed 24 April 2017, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%20RES%202053.pdf>, 6.

¹²⁹ United Nations Security Council, Resolutions 2098, 28 March 2013, accessed 24 April 2017, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2098.pdf.

¹³⁰ IRIN, “Is More Force in the DRC More of the Same?,” 8 May 2008, accessed 18 February 2017, [irinnews.org/analysis/2013/05/08/more-force-drc-more-same](http://www.irinnews.org/analysis/2013/05/08/more-force-drc-more-same).

¹³¹ United Nations Security Council, Resolutions 2098.

¹³² IRIN, “Is More Force in the DRC More of the Same?”

governments were encouraged to also establish an oversight mechanism involving regional leaders. Specifically, the FIB was designed to work unilaterally or jointly with Congolese armed forces in a robust highly mobile and versatile manner to disrupt activities of these groups.¹³³ The use of the brigade was approved by the UN on an exceptional basis only. Furthermore, a clear exit strategy was to be determined prior to committing the forces. Together, the FIB and FARDC destroyed most ADF bases, weakening their combat strength and will. Today, the ADF continues to be a limited threat to the DRC and Uganda. The success of the FIB resulted in the unanimous decision to extend the FIB mission to March 2016, and an expansion of their mission requirements. UNSCR Resolution 2211 (2015) extended the FIB's mandate to enhance interactions with the civilian population to identify threats and collect information on violations of international law notably in the fields essential for the country's stabilization and exploitation of natural resources by rebels.¹³⁴ Permanent use of the FIB has yet to be established by the UN. Regardless, violent armed conflicts related to the extraction and exploitation of natural resources in the DRC continues to be a recurrent feature in its history.¹³⁵

¹³³ Ibid.

¹³⁴ United Nations, "Unanimously Adopting Resolution 2211 (2015), Security Council Extends Mission, Intervention Brigade in Democratic Republic of Congo," Meeting Coverage and Press Releases, 26 March 2015, accessed 12 February 2017, <https://www.un.org/press/en/2015/sc11834.doc.htm>.

¹³⁵ Maphosa.

This section of the analysis will determine the developmental impact of UNSCRs and FIB operations employed from 2000 to 2015. The three areas of evaluation will include the increase or decrease of IDPs, refugees, and victims of sexual violence reported between 2000 and 2015. The three areas are indicative to determining if the developmental impact of the optimal, acceptable, and unacceptable developmental impact of efforts made by UNSCRs and FIB to prevent CRSV in Darfur, Sudan. Below are graphic representations of the findings.

Table 5. DRC Analysis

CATEGORY	2000	2005	2010	2015
Reported IDPs within the DRC ¹³⁶	960K	2.3M	1.7M	1.5M
Reported refugees who fled the DRC ¹³⁷	305K	315K	419K	313K
Reported sexual violence in and around IDP camps in the DRC ¹³⁸	188	1.8K	3.6K	11.7K

Source: Created by author.

¹³⁶ Various IDMC databases.

¹³⁷ Various UNHCR databases.

¹³⁸ Various Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict.

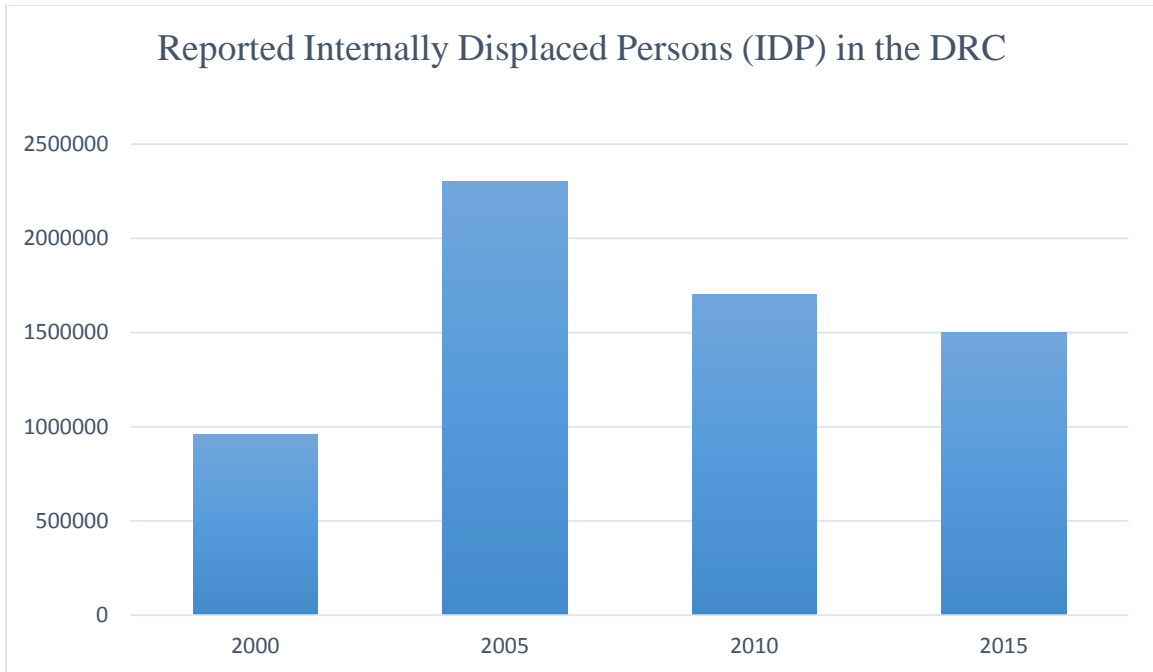


Figure 4. IDPs from the DRC

Source: Created by author.

The IDP data reveals that during the early stage nearly one million civilians were displaced in the DRC. During the established stage the number of IDPs increased by 59 percent. However, by the end of the established stage the number of IDP decreased by 27 percent. During the matured stage the number of IDPs decreased again by 12 percent.

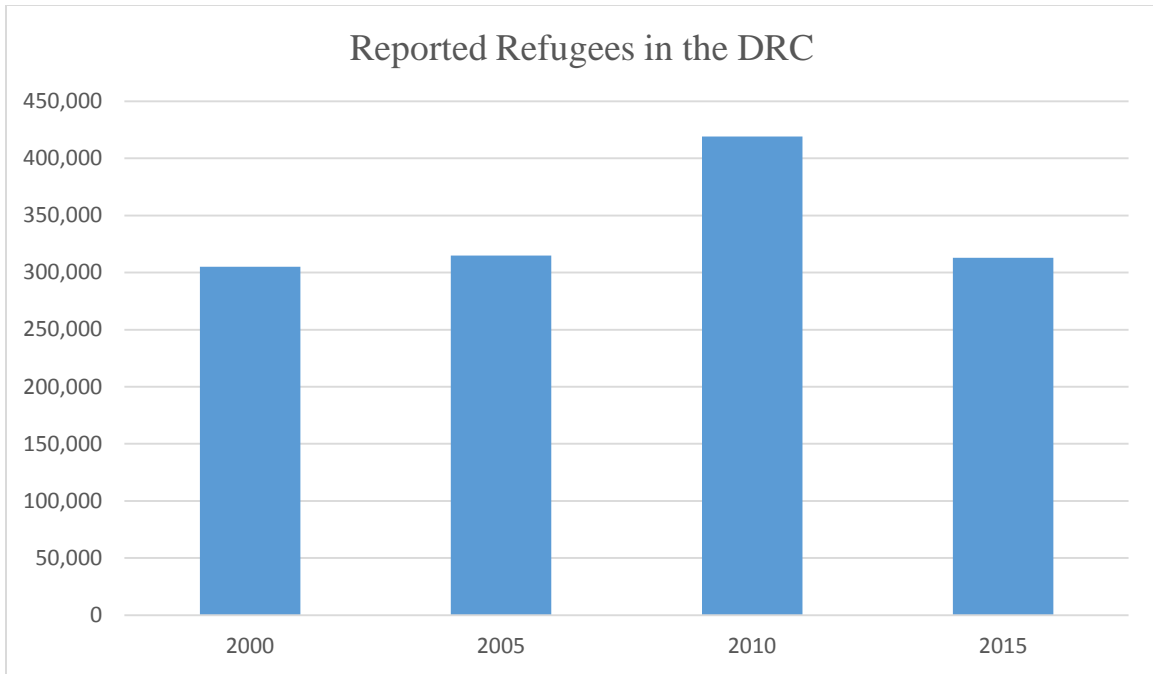


Figure 5. Refugees from the DRC

Source: Created by author.

The refugee data reveals that the number of refugees who fled from the DRC to neighboring countries reached 305,000 in the early stage. Through the end of the established stage the number of refugees increased by 28 percent. Fortunately, during the mature stage the number of refugees decreased by 26 percent.

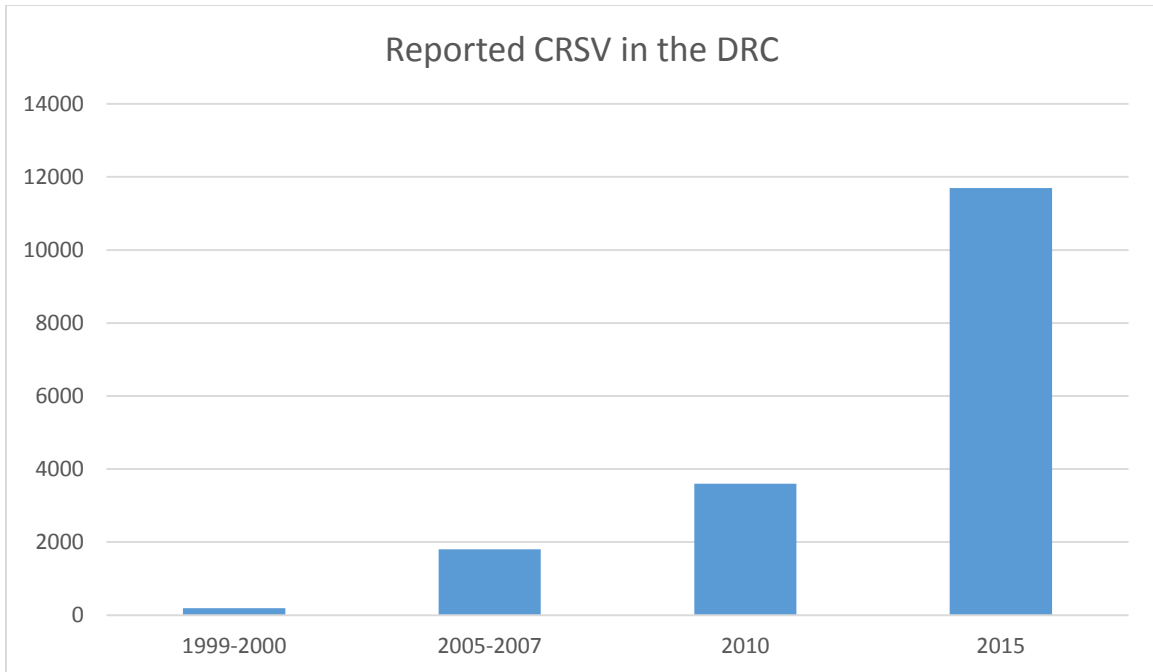


Figure 6. Reported CRSV Victims in the DRC

Source: Created by author.

The data shows that in the early stage 188 women reported they were raped. Through the end of the established stage the number of women who reported sexual violence increased by 95 percent. During the matured stage the number of women who reported sexual violence increased by 70 percent. The number of reported CRSVs increased while the number of IDPs and Refugees decreased, which is opposite of the This is completely different shows CRSV reporting increased as the number of displaced persons decreased in the DRC.

In consideration of the evaluation criteria and the analysis of three UNSCRs and the FIB, UNSCR 1279 held an unacceptable rating in relevancy, developmental impact, and sustainability. UNSCR 1279 was ambitious and relied on their support of the DRC

government. However, the government was not strong enough to gain the will of the people, which allowed for the rebels to dominate the country with violence. Governments in North and South Kivu were dismantling, leaving the population with an individual responsibility to survive. Additionally, the number of women and girls receiving treatment for injuries and disease due to sexual violence increased significantly. This was evident in the vast number of IDPs and refugees from the early to established stage of the conflict, and the establishment of UNSCR 1493.

United Nations Security Council Resolution 1493 was rated as acceptable in relevance and developmental impact. However, support to sustain the MONUC did not exist which resulted in a change of name to the MONUSCO in 2010. Manpower and resources were continuously added to the MONUC mission, however, the decrease in IDPs and refugees was due to the people of DRC resettling rather than returning to their homes. Moreover, displaced women and girls were subjected to rape as a weapon of war, and strategically targeted by rebels of different ethnicity. The heightened level of instability in the DRC and inability of the government to gain control resulted in the DRC becoming a signatory to the ICC. Neither the DRC government nor the ICC held the power or resources to enforce arrest warrants or receive the support from the DRC population. The rebels understood the dilemma and exploited their ability to commit mass atrocities without impunity. A special force was required to neutralize the rebels. The UN understood the requirement, consequently, establishing UNSCR 2098.

United Nations Security Council Resolution 2098 received an acceptable rating in relevancy, developmental impact, and sustainability. The resolution was relevant to the situation in the DRC and clearly mandated a concerted effort towards peace, security, and

cooperation. As stated previously, the breakdown of government, corruption, rape as a weapon of war, and rebels enabled exceeding numbers of human suffering. UNSCR called for the MONUSCO to develop a FIB to take offensive actions against rebel groups. Additionally, UNSCR 2098 called for the international community to contribute all available resources and personnel to reach the desired goal in the DRC of sustainable peace. The brigade together with the Forces Arms of the Republic of Congo completely neutralized the M23, and disrupted the lines of communication and freedom of movement for leaders of the ADF. The FIB’s mandate has been extended three times since its establishment in 2013. Support to make the FIB a permanent force and establishing the same mandate in other countries suffering similar strife remains an area of contention across the international community, because the UN’s position of neutrality. The table below reflects the findings based on the study’s evaluation criteria.

Table 6. Summary of Case Study: DRC

Case Studies		DRC		
United Nations Security Council Resolutions	UNSCR 1279	U	U	U
	UNSCR 1493	A	A	U
	UNSCR 2098	A	A	O
Peacekeeping Military Intervention	FIB	A	A	O
Variables		Relevancy	Developmental Impact	Sustainability

Source: Created by author.

This chapter analyzed both case studies and conducted a comparison analysis to answer the primary question of this study. Chapter 5 will provide the summary of the results, answer the primary question and suggests recommendations for further study, and possible improvements for the UNSC to effectively prevent CRSV.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The primary research question of this study was to determine if the efforts of the UNSC to prevent CRSV are effective. Throughout the study, the available information and reports indicate that the UNSC's efforts are ineffective, because the UNSC has the responsibility to maintain global peace and security without the authority to hold key actors accountable: responsibility without the authority to enforce is ineffective. Despite ineffectiveness, the UNSC has achieved some acceptable progress in some areas of CRSV prevention. The UNAMID and FIB serve as the UNSC's best efforts for CRSV prevention. UNAMID provided protection for the displaced in Darfur. Moreover, the FIB together with the Forces Arms of the Republic of Congo neutralized and disarmed rebel groups committing CRSV. However, neither the U.N. nor the contributing nations demonstrated full commitment to the protection mission; the CRSV prevention forces received limited local political, judicial, and military support. Further obstacles were created by the Government of Sudan. Specifically, they did not comply with the requests and demands of the UNSCRs related to conflict and gender-based violence prevention nor did the Government of Sudan support the efforts of the ICC to capture and prosecute senior leaders accused of committing mass atrocities against non-combatants, specifically, women and girls. Significantly, the Sudan Armed Forces failed to cooperate with the UNAMID and other peacekeepers. More importantly, the Sudan Armed Forces were responsible for some of the attacks against peacekeepers. On the other hand,

UNSCRs requiring less from the individual states had acceptable effectiveness, but achieved small scale initiatives towards CRSV prevention. Similarly, the DRC government could not support the mandates of the UNSCRs. The DRC was overwhelmed with corruption within the political systems and atrocities committed by rebel groups. Millions of civilians were forcibly displaced, specifically women and girls. Sexually transmitted diseases were spread by government adversaries through mass rapes.

Additionally, individual states must understand and exercise their statutory duty to enable the doctrine of “Responsibility to Protect,¹³⁹” providing safety and security for all the people within their nation without discrimination. If the state determines they are unable to provide protection for their population, they are responsible for requesting assistance through the UNSC from the international community. Second, political leaders must ensure that essential services are available for the displaced populations forced from their homes into camps due to conflict. Third, state governments should be free of corruption. Financial aid provided to countries suffering conflict should be appropriated

¹³⁹ The three stipulations of Responsibility to Protect:

1. The State carries the primary responsibility for the protection from genocide, war crimes, crimes against humanity and ethnic cleansing.
2. The international community has a responsibility to assist States in fulfilling this responsibility.
3. The international community should use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. If a State fails to protect populations from these crimes. If a state fails to protect its populations or is in fact eh perpetrator of crimes, the international community must be prepared to take stronger measures, including the collective use of force through the UN Security Council.

as agreed by contributors. Fourth, state judicial systems should impose harsh punishment on offenders of mass atrocities, specifically CRSV. Below is the summary analysis of both case studies for comparison.

Table 7. Summary of Research

Case Studies		Darfur			DRC		
United Nations Security Council Resolutions	UNSCR XXX	U	U	U	U	U	U
	UNSCR XXX	A	A	U	A	A	U
	UNSCR XXX	A	A	A	A	A	O
Peacekeeping Military Intervention	FIB				A	A	O
	UNAMID	A	A	O			
Variables		Relevancy	Developmental Impact	Sustainability	Relevancy	Developmental Impact	Sustainability

Source: Created by author.

Recommendations

Many countries within the Sub-Saharan region of Africa, specifically, Darfur and the DRC have been plagued with conflict, therefore creating optimal conditions for CRSV and leaving women and girls as the silent casualties of conflict. My research suggests any efforts towards preventing CRSV should focus on establishing and applying relevant, developmental, and sustainable programs. Additionally, institutions, specifically

the UNSC, responsible for maintaining peace and security should have unequivocal authority.

Relevancy

The UNSC must establish relevant programs that receive consistently reliable support and as well as dedicated commitment from the international community. Moreover, relevant programs must possess an optimal balance of objectives and resources. As determine throughout the research many of the UNSCRs applied to CRSV lacked the required resources to prevent and protect women and girls from sexual violence. The UNSCRs became obsolete quickly or required immediate modifications. Perpetrators identified the challenges of the UNSC to provide safety and exploited that opportunity to cause human suffering.

Developmental Impact

The UNSC must adopt programs and initiatives that have developmental impacts which results in continuous reduction of CRSV over time. For example, the FIB in the DRC permanently neutralized and disarmed the M23 rebel group, preventing their ability to commit CRSV. Moreover, the UNSC continues to extend the FIB's mandate because of their success in establishing peace and security, while reducing human suffering.

Sustainability

The UNSC should be compelled to establish adaptable programs which can adapt to changing political, economic, environmental, and social factors. Throughout the research, it is evident that exogenous factors such as uncooperative governments, under-

resourced humanitarian agencies, and corrupt militaries have negatively impacted progress toward CRSV prevention. Understanding these challenges the UNSC must develop programs and initiatives that endure or sustain a steady-state regardless of changing exogenous factors.

Authority

The U. N. Security Council has issued numerous resolutions that condemn CRSV in the strongest and most emphatic language. Unfortunately, the resolution does not have the teeth to compel perpetrator states to comply with the Security Council's intent. The UNSC must have the unequivocal authority to hold key actors accountable for actions that disrupt global peace and security, including especially, sexual violence against women and girls. Included in this calculus must be the authority to leverage available economic, diplomatic and military force with the requisite resources they each require. The UNSC's responsibility without authority has resulted in failed progress towards CRSV prevention and increased risks for women and girls living in conflict stricken regions. That can only be changed by the way the Security Council operates.

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