



**Testimony of John Prendergast
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**Confronting Rape and Other Forms of Violence against Women in Conflict Zones—
Spotlight: DRC and Sudan**

Let me first thank Chairwoman Boxer, Senator Feingold, Senator Kerry, Senator Lugar, and all other members of the committee for holding this hearing on a difficult topic and an extraordinary challenge for the international community: how to end the scourge of sexual violence in the Democratic Republic of the Congo and Sudan. These two conflicts are characterized not just by appalling death tolls – nearly 8 million and counting since 1983 – but also by widespread crimes against humanity. Indeed, heinous crimes against women and girls occur with numbing regularity in Congo and Sudan, where rape has become the tool of choice of many of the armed groups as a means to control, subjugate, humiliate, intimidate, and ethnically cleanse.

So let's be absolutely clear: measures to deal with rape as a weapon of war in isolation will fail and fail miserably. If we truly want to end this scourge we must move from managing conflict symptoms to ending the conflicts themselves.

Yet rather than trying to end the conflicts in Congo and Sudan, most international efforts deal with symptoms. We spend billions of dollars a year on humanitarian efforts and peacekeeping, while the root causes of the violence remain inadequately addressed. This is irresponsible and deadly—costly in lives lost as well as costly to American taxpayer.

How revolutionary would it be to deal with the causes rather than the symptoms? Why can't we focus our policy on ENDING these wars rather than simply dealing with their consequences? From our meeting with President Obama a few weeks ago at the White House, he clearly understands the importance of such a strategic objective. But will his administration organize structures, personnel and assets to achieve these objectives, or will the pursuit of lasting solutions remain largely rhetorical? And will Congress support a sustained interagency effort to end these wars, or will the resources needed to ramp up diplomatic efforts be siphoned off for other ends?

We at the Enough Project believe that the game changer, to use the president's favorite term, would be a commitment by the Obama administration to make the strategic objective of U.S. policy the resolution of the wars that cause this scourge of gender-based violence.

A comprehensive strategy for protecting women and girls would include the following elements:

- **Protection:** Reorient efforts of peacekeeping forces in Congo and Sudan—MONUC, UNMIS and UNAMID—to focus on protecting women/girls where they are most vulnerable: camps for internally displaced persons, firewood collection routes, major water points, check points, etc.

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- **Accountability:** Support efforts to prosecute rape as a war crime in both Congo and Sudan. This includes support for police and judicial reform, access to justice programs, and legal training. At the international level, investigations should be intensified into the chain of command that either encourages or allows rape to be utilized as a war strategy.
- **Treatment:** Expend additional resources on supporting the efforts of Congolese, Sudanese, and international organizations that are supporting the survivors of sexual violence.
- **Peace:** Over the long term, the United States and other concerned countries must work to change the calculus of the armed groups committing crimes against women and girls and re-invest in diplomacy to help bring these conflicts to an end.

Because my time is limited, I will focus my remarks on this fourth point, the crucial steps that the United States can take to promote lasting peace in Congo and Sudan.

A. Congo—Collapsing the war economy

In my 25 years of working on African conflict resolution, Congo is by far the most complex war I have witnessed. But one of the biggest drivers of the conflict—and one in which most Americans are unknowingly but directly involved—has long been clear: competition over the extraordinary natural resource base. If we don't address the economic roots of violence, we will only be finding temporary respites from the logic of continued war and exploitation.

Conflict minerals

Sexual violence in Congo is often fueled by militias and armies warring over “conflict minerals,” the ores that produce tin, tungsten, and tantalum—what we call the “3 Ts”—as well as gold. Armed groups from Congo, Rwanda, and Uganda finance themselves through the illicit conflict mineral trade and fight over control of mines and taxation points inside Congo.

But the story does not end there. Internal and international business interests move these conflict minerals from Central Africa around the world to countries in East Asia, where they are processed into valuable metals, and then onward into a wide range of electronics products. Consumers in the United States, Europe, and Asia are the ultimate end-users of these conflict minerals, as we inadvertently fuel the war through our purchases of these electronics products.

Based on calculations by researchers at Enough, the 3T's and gold together generate as much as \$183 million annually for the armed groups that torment women and girls in eastern Congo. One of the biggest money makers in this trade is the FDLR, a Rwandan militia whose high command includes persons responsible for the Rwandan genocide in 1994. The FDLR and other armed groups force miners to work in desperate, dangerous conditions for an average of \$1-\$5 a day. Without alternative sources of income, these miners and their families remain virtually enslaved to armed groups and the conflict minerals trade.

A comprehensive approach to conflict minerals

There is clearly no silver bullet solution to the conflict in eastern Congo. However, if the international community and regional actors work in conjunction with the private sector to align their efforts around the common goal of a revitalized legitimate mineral trade in eastern Congo, long-term efforts could have major impact in resolving the conflict. There are four main components to a new strategy for such efforts:

1. **Shining a light on the supply chain.** Push electronics companies— the principal end-users of the 3T's and gold—to change the way they practice business by working together with their suppliers to create a tracing system paired with credible monitoring of the system by independent third parties. This would provide a critical step towards demanding greater accountability for corporate behavior and transparency. With 80 percent of consumer electronics companies trading on U.S. stock markets, U.S.-based activists have some of the most powerful opportunities for leverage on this part of the supply chain.
2. **Identifying and securing strategic mines.** The United Nations should collaborate with the Congolese government identify key mining sites under the control of armed groups. Properly integrated Congolese security forces, supported by U.N. peacekeepers, should secure these sites and transit routes. This approach must be grounded in a more comprehensive and coherent effort to advance broad security sector reform in Congo, and a well-planned and resourced counter-insurgency effort to eliminate the FDLR as a security threat to the region. Non-military measures, particularly robust support for defections and voluntary disarmament and repatriation to Rwanda of the FDLR's rank-and-file forces, are vital.
3. **Reforming governance.** The international community should work hand in hand with the Congolese government to force the will and capacity to exercise control over mining and commerce in eastern Congo. With Congo sorely in need of international funds, there is an opportunity to press for not just commitments but demonstrable reforms to the regulation of mining, commerce, and taxation.
4. **Supporting livelihoods and economic opportunities for miners.** Impoverished Congolese miners and their families are dependent upon their meager incomes and have few viable economic alternatives. Efforts to end the trade in conflict minerals absolutely must be accompanied by international support for livelihoods and economic opportunities in eastern Congo. This should include legal reform, and investments in both infrastructure as well as alternative livelihoods such as agriculture and manufacturing. The sooner the illicit conflict minerals trade is eliminated; the sooner the people of Congo will actually enjoy the benefits from their own resources.

In addition, any effort to address the link between minerals and ongoing violence in eastern Congo must be wed to a broader strategy to generate the political will in Congo and among its neighbors to find diplomatic solutions to the local, national, and regional tensions that have proliferated over the past 15 years. Transparency and accountability must extend across borders to include other governments in the region. Rwanda, Uganda, and Burundi (to a lesser degree) have profited enormously from the illicit minerals trade and Congo's continued instability—to which they have directly contributed at times. By the same token, Congo's neighbors have legitimate security concerns and economic interests in eastern Congo, and a more even-handed approach to these regional actors from the United States and its allies is vital to address these security concerns, ending



the prominent role these states continue to play in the destructive conflict minerals trade, and promoting the rule of law in Congo and beyond.

Support legislative efforts

The United States Senate has a crucial role to play in advancing these objectives. By introducing the Congo Conflict Minerals Act of 2009, original co-sponsors Senators Brownback, Durbin, and Feingold have demonstrated important leadership and welcome dedication to the cause of peace in the Democratic Republic of the Congo and should be congratulated for their efforts. *The Enough Project supports this bill and I urge each and every member of this committee to sign on as a co-sponsor to this legislation.* This bill would direct the State Department to support multilateral and U.S. government efforts to break the link between the trade in minerals and armed conflict in eastern Congo, require companies listed on U.S. stock to disclose the origin of their minerals to the U.S. Securities and Exchange Commission, and expand U.S. efforts to improve conditions and livelihoods for communities in eastern Congo who are dependent upon mining.

B. Sudan—Building a peace surge

In Sudan, crises in Darfur, the South, and the East continue to place civilians in great peril. Women and girls are especially vulnerable. Concentrating peacekeeping assets on the protection of civilians, particularly women and girls, is an achievable objective that would produce a tangible improvement in the security of populations in areas where the UNAMID forces are deployed. However, ending the violence and cultivating lasting peace throughout all of Sudan is critical to ending violence against civilians once and for all. Doing so means focusing on the root causes of Sudan's violence, addressing the political causes of war, and doggedly pursuing and implementing credible peace processes.

As you are well aware, activists all over the world and from all walks of life continue to press their governments to help end the deplorable suffering in Sudan. Some may scoff when public figures use their fame to help bring attention to a crisis, but I don't think we can question the commitment of my friend Mia Farrow, who just completed a 12 day fast for the people of Darfur. And that effort is continuing. Others are following Mia's example, and Richard Branson, Peter Gabriel, Pam Omidyar, and even your colleague from the House, Representative Donald Payne, are either fasting now or have pledged to fast in the coming days and weeks.

These activists and millions of people around the world are pushing for one thing in Sudan: peace. And in my more than two decades of closely observing the situation in Sudan I have rarely seen as big an opportunity as we have right now to fundamentally alter that country's downward trajectory. Here it is: a global consensus exists for peace in Sudan, even if there is not agreement on the best path to achieve this goal. China, the Arab League, the African Union, the European Union, and the United States all want peace, but little has been done to build the necessary infrastructure to help bring it about.

What is the missing ingredient? The Enough Project has held meetings with a number of key actors in the past several weeks—from the French and Norwegian governments, to the United Nations and African Union, to the Sudanese warring parties themselves—and the answer is nearly universal. What has long been missing in Sudan is America's strategic leadership. The rebels, the ruling party, Sudan's neighbors, and other key actors have all been waiting for President Obama and his team to engage.



The Obama administration must lead in constructing a multilateral strategy for peace by establishing an inclusive peace process for Darfur, re-vitalizing implementation of the Comprehensive Peace Agreement and the dangerously neglected Eastern Sudan Peace Agreement, and ending Sudan's proxy war with Chad. Toward that end, General Gration should focus on building a multilateral coalition of countries with significant leverage. At the same time as the processes are being constructed, the United States should work assiduously to create the necessary unilateral and multilateral carrots and sticks to press the parties in the direction of a peaceful and comprehensive settlement of Sudan's multiple, interlocking conflicts. It is vital that the administration work closely with other key governments in dealing with Sudan; a reliance on bilateral diplomacy will provide Khartoum the opportunity to play one party off against the other, as it has historically done with great success.

The key tasks are as follows:

- **Darfur peace process:** The structure should be similar to the Naivasha talks that produced the CPA, and some of the ingredients are already in place. As did Kenyan General Lazaro Sumbeiywo with the Naivasha process, AU/UN mediator Djibril Bassolé should lead the Darfur process, which can be based in Doha, Qatar (although Qatar's recent diplomatic support for Bashir in the wake of the ICC indictment has impaired its credibility as a facilitator of negotiations). He must be supported by a strong team of diplomats and regional experts and backed by a small group of countries with leverage, high-level support, and full-time representation at the talks. We believe that this inner circle should consist at a minimum of the US, UK, France, China, and Egypt. An outer circle group of countries and multilateral organizations (UN, AU, Arab League) should also be engaged in a formal manner to discourage spoilers, and other key nations such as Russia, Saudi Arabia, Senegal, South Africa would need to be thoroughly consulted.
- **CPA implementation:** The Assessment and Evaluation Commission established by the CPA is clearly insufficient to monitor and press the parties to implement the deal (largely because it lacks sufficiently senior representation and clear reporting guidelines). As a matter of international peace and security, CPA implementation should be at the forefront of the U.N. Security Council's agenda and the Council should back a new ad-hoc mechanism to guide implementation. The Obama administration should quickly work with other Security Council members, relevant U.N. agencies, and the regional Intergovernmental Authority on Development, or IGAD, to establish core benchmarks for the parties, a clear timeline, and genuine penalties for failure to meet deadlines. An international meeting on CPA implementation could provide a vehicle for reenergizing efforts around the CPA and provide the launching pad for the creation of the ad-hoc implementation mechanism.
- **Chad/Sudan peace process:** The Sudanese government continues to seek a military solution for Darfur through regime change in Chad, and Chad continues to back the JEM in response. The Obama administration should work with France and China to support high-level negotiations in Libya aimed at reducing state support for foreign armed groups and eventual normalization of relations.
- **Eastern Sudan Peace Agreement monitoring:** Eastern Sudan remains volatile. The Obama administration should work with its international partners (particularly the UK and Norway) and with the Eritrean and Saudi governments to establish a monitoring group for the agreement that will report on implementation and make recommendations for improvements.

Building the necessary leverage



A serious peace process with credible mediation putting forward fair proposals will secure a deal for Darfur. A competent and higher level oversight mechanism with the involvement of countries with influence will ensure the implementation of the CPA. Having the right balance of meaningful pressures and incentives will ensure that prospects for success are much greater. In broad strokes, the U.S. should present the Sudanese regime with a choice:

Behind Door One: if the Sudanese government permits unimpeded humanitarian access, removes the indicted president, and secures peace in Darfur and the South, a clear process toward normalization will be mapped out. Almost all of the incentives for Sudan come in the form of more normal relations with much of the world, the lifting of sanctions, a return to more normal patterns of trade and diplomacy, and the other benefits that would naturally flow from Sudan achieving stability as a result of more equitable power and wealth sharing.

Behind Door Two: if President Bashir and his party remain defiant by continuing to undermine efforts at peace for the country, a series of escalating costs will ensue, including diplomatic isolation, targeted economic sanctions, an effective and expanded arms embargo, and, if necessary to stop massive loss of civilian life, eventual targeted military action.

If the benefits of Door One and the consequences of Door Two are meaningful, the chance for peace in Sudan increases dramatically. The missing ingredients in efforts to date for Darfur and CPA implementation have been adequate leverage and lack of strategic vision for resolving comprehensively the country's conflicts. Without real sticks and carrots, the warring parties in Sudan will remain focused on military confrontation. The international community needs to help change the incentive structure in Sudan from war to peace.

On the incentive side, phased cooperation with and—ultimately—normalization with the United States is the largest carrot the Obama administration has to offer. Removal of certain unilateral sanctions and penalties could be undertaken in response to verifiable changes on the ground in Darfur and the South. Full normalization should only occur once the Sudanese government adheres to its obligations under various peace agreements. Any negotiating process must be guided by the reality that Khartoum has a long history of grabbing carrots, then failing to follow through on commitments.

On the pressures side, there seems to be an erroneous belief that there are no meaningful pressures left to use. In fact, a number of points of leverage are available. Until now, however, most sticks have been unilateral and have had limited effect on the regime's calculations. Substantial and focused multilateral pressures have not been tried and should form the basis of the new administration's strategy. Clearly, equally robust pressures and incentives should be developed and applied impartially to the rebel factions and SPLM to the degree to which their actions may warrant these measures.

I am happy to discuss the available pressures in greater detail in the Q and A.

The United States should now begin stronger and more sustained efforts to build a coalition for peace. But this effort will only be successful if we treat the situation in Sudan as a strategic priority, build the necessary leverage, and invest in the diplomacy critical to achieve an equitable and lasting solution.

Thank you very much for the opportunity to testify and I look forward to your questions.