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Sexual Gender-Based Violence in the Democratic Republic of Congo

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Sexual Gender-Based Violence in the Democratic Republic of Congo

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Master’s Thesis
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Abbreviations

AFDL – Alliance of Democratic Forces for the Liberation of Congo-Zaire
CNDP – National Congress for the Defense of the People
EU – European Union
FARDC – Forces Armées de la République Démocratique du Congo – Armed Forces of the DRC
FDLR – Democratic Forces for the Liberation of Rwanda
FNL – Forces Nationales de Libération (Burundian) – National Forces of Liberation
FRPI – Front for Patriotic Resistance of Ituri (The FPJC is a splinter group of FRPI)
HRW – Human Rights Watch
INGO – International Non-Governmental Organization
LRA – Lord’s Resistance Army
MLC – Movement for the Liberation of Congo
MSF – Médecins Sans Frontières/Doctors without Borders
OCHA – Office for the Coordination of Humanitarian Affairs
PNC – National Police Force
RCD – Rassemblement Congolais pour la Démocratie – Congolese Rally for Democracy
RDF – Rwandan Defense Force
RPF – Rwandan Patriotic Front
SGBV – Sexual Gender-based Violence
SRSG – Special Representative of the UN Secretary-General
UNDP – United Nations Development Programme

UNSG – United Nations Secretary-General

UNICEF – United Nations International Children’s Emergency Fund
Abstract

This thesis explores the issue of Sexual Gender-Based Violence in the Democratic of Congo, focusing specifically on the Eastern region of the country. An analysis of the United Nations peacekeeping operation forms a large part the study because the operation remains the most significant multilateral attempt to protect Congolese civilians from sexual violence and other human rights abuses. The objective of the thesis is to highlight the issue of Sexual Gender-Based Violence, describe the background to the continued violence in the East of the Democratic Republic of Congo, and offer an explanation of the causal factors behind the sexual crimes being perpetrated. By also focusing on the efforts of the peacekeeping operation this work will attempt to identify any obstacles to protecting civilians, and how these might be overcome.

The method of research is based on analysis of secondary sources, including official United Nations report, journal articles, reports of non-governmental organizations, and media coverage of the region. This research is supplemented by primary source interviews with individuals working on, or with direct knowledge of, the Eastern region of the Democratic Republic of Congo. The research has unveiled the deep complexity of the conflict occurring in the East and shows that a combination of factors, that include poverty and lack of development, are creating an environment conducive to unlawful and destructive behavior. Equally complex is the task of finding a solution. However, one realization is clear, the region, and the wider country, need several issues to be addressed simultaneously. Developing the country’s infrastructure and boosting its economy should be significant priorities. Alongside this is a reform of the security sector, which will not only safeguard the rule of law, but also ensure the future safety of civilians.
Introduction

Thesis topic

The causes and consequences of Sexual Gender-Based Violence (SGBV) in the Democratic Republic of Congo (DRC) and the United Nations’ (UN) effort to protect civilians in a region of conflict that presents multiple issues for an external peacekeeping force.

Beset by conflict since the mid-1990s the East of the DRC has witnessed an increase in sexual violence of an alarmingly brutal and systematic nature. This thesis will examine the issue of sexual violence, why it might be occurring, and the United Nation’ response to the crisis. Having undertaken an internal investigation into sexual exploitation and abuse within its own ranks this thesis will also ask whether recommendations made in the UN 2005 Zeid Report could be applied to the crisis facing the official armed forces of the DRC.

Why is this issue important? Sexual Gender-Based Violence defined.

On average 40 women are being raped daily in South Kivu, East DRC. Rape and sexual violence, particularly against women and girls, has become a regular occurrence of the ongoing hostilities in the region. North and South Kivu, and the Orientale provinces are where much of the sexual violence has taken place. These provinces lie on the border
with Burundi, Central African Republic, Rwanda, the Sudan, Tanzania, and Uganda. Increasingly, however, violence is occurring in the province of Maniema, to the West of the Kivus. Dense forest cover, few roads, and very limited electricity characterize this area. The attacks are often very brutal in nature and leave the victims with physical and psychological scars. They can lead to individuals being ostracized by their partners, their families, and their communities.

Human Rights Watch (HRW) defines sexual violence in the following statement, "Sexual violence includes rape and attempted rape, and such acts as forcing a person to strip naked in public, forcing two victims to perform sexual acts on one another or harm one another in a sexual manner, mutilating a person's genitals or a woman's breasts, and sexual slavery." HRW then cites the 2002 *Foca* case of the International Criminal Tribunal for the former Yugoslavia (ICTY) and its definition of rape, "[t]he sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) [of] the mouth of the victim by the penis of the perpetrator; where such sexual penetration occurs without the consent of the victim." During the attacks that are taking place in Eastern DRC all of the above or a combination of them, can occur in anyone incident. These violent acts are often accompanied by killings, where either the victim of sexual violence dies, or they witness the murders of close family members or friends.

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For the purposes of clarification the terms Sexual Gender-Based Violence (SGBV) and Sexual Violence will be used interchangeably throughout this thesis to describe violent crimes that are of a sexual nature. I have chosen to treat SGBV and sexual violence as one in the same because victims of SGBV can be male as well as female; the term “sexual violence” does not incorporate the word gender and is therefore more asexual. However, in using SGBV I feel there is a tendency to automatically assume that the issue is related to women only, and this is understandable. Women continue to be disproportionately affected by SGBV. Because of this bias I tend to use the more inclusive term “sexual violence.” This thesis will not be looking at the wider issues covered by the terms Gender-Based Violence and Violence Against Women. Statistics provided by UN agencies and international NGOs on the number of sexual crimes occurring in the DRC do generally focus on female victims. However, an increasing number of men are now coming forward as victims of sexual violence and rape, and this is a phenomenon that is only just beginning to surface. According to a recent report by the Journal of the American Medical Association, while 30% of women in the Eastern Region of the DRC have been raped, 22% of men have also been raped.\(^2\) The issue of male rape is one that remains particularly difficult to address given the taboo around the subject, as well as the general attitude towards homosexuality in this part of Africa. It would not be accurate to assume that all perpetrators of male rape are homosexual, however, the discrimination faced by homosexuals is having a significant impact on the victims of male rape, regardless of their sexuality. Chapter 2 of this thesis will explore in

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more depth the issue of masculinity and rape, and traditional societal roles for the man and the woman in the DRC.

Sexual violence in conflict also has a profound effect on children. Children can easily become victims themselves or they are witness to sexual crimes against their parents or relatives. The physical and psychological effects of this can be long lasting, affecting the child long into adulthood. The consequence of exposing children to violence is an issue that is recognized the world over and it is not confined to developing countries, or regions of conflict. However, specifically in the context of the DRC children’s education is suffering as a result of the insecure environment, according to a recent report by UNESCO. “In North Kivu province of the DRC, one of the rape capitals of the world, almost half of 17 to 22-year-old women received less than two years of education.” This is due to the risks of traveling to and from school.3

Sexual violence has occurred against a background of almost constant conflict since 1996. Over 5 million people are estimated to have died as a result of the conflict in the DRC, making it one of the deadliest conflicts in history. Deaths have mainly arisen due to hunger and disease. Poverty has become entrenched despite the relative wealth of the country. The Democratic Republic of Congo is one of the largest countries on the African continent. It is the size of Western Europe and its natural resources have been estimated to be worth in the region of 23 trillion dollars. The DRC is a major source of the world’s cobalt supply, a mineral that is used in products such as mobile phones. Yet despite this,

on the Human Development Index the DRC is currently ranked 168th out of the 169 countries evaluated⁴. The DRC’s wealth is neither well managed nor distributed fairly and this is an issue that will continue to impact on the general population, and remain a contributing factor to the SGBV occurring. As will be discussed, a solution to the instability in the East, as well as the rest of the country, lies in the ability to improve governance and manage of the country’s resources.

The conflict of the past 15 years has also had an international dynamic. The First Congo War began with incursions into the East of the country by Rwanda, in the aftermath of the Rwandan genocide. Alongside the displaced Hutu community that fled across the Congolese border following the atrocity, were the Hutu militias that perpetrated many of the genocide’s crimes. Rwandan Tutsi militias and members of the Rwandan armed forces have since followed the genocidaires into DRC, to pursue retribution. However, members of the Rwandan armed forces have recently been directly accused of crimes against humanity in a United Nations report.⁵ The report greatly angered the Rwandan Government and is an embarrassment for Rwandan President Paul Kagame given that forces under his control may have committed genocide themselves. Foreign rebel groups have also encroached on the area in an effort to control mineral resources and generate income from illicit trading. Burundi, Rwanda and Uganda act as transit countries for minerals being smuggled out of Eastern Congo.⁶

Rebel movements and armed forces in operation today

The large number of armed movements in the DRC adds to the complexity of the problem. Below is a list of armed movements and forces currently operating in the DRC:

- Democratic Forces for the Liberation of Rwanda (FDLR) – Rwandan Hutu Power Group. By far the most significant of the rebel groups still active. Its numbers, however, have depleted, principally due to the DDRRR process. Has an approximate fighting force of between 1,000 and 3,500. Several European based FDLR leaders have been arrested in Europe and now face trials at the ICC and within the German national courts system.

- Forces Armées de la République Démocratique du Congo (FARDC) - the armed forces of the DRC. Historically responsible for the majority of the sexual violence.

- Forces nationales de liberation (FNL) – Burundian Hutu rebel group. Led by Agathon Rwasa it is believed to consist of some 3,000 troops.

- Front for Patriotic Resistance of Ituri (FRPI) – Based in Ituri this rebel group, led by “Colonel Cobra” Matata, refused to sign the 2008 Peace Agreement. Recently accused of committing human rights violations and acts of banditry in the South Ituri region. Numbers are now small.

- Popular Front for Justice in Congo (FPJC) – splinter group of the FRPI.

- Lord’s Resistance Army (LRA) – based in the northeast of the DRC. Joseph Kony's LRA moved from their original bases in Uganda (where they have fought a 20-year rebellion) and South Sudan to the DR Congo in 2005, and set up camps in the
Garamba National Park. The group continues to pose a real threat to civilians as it continues to attack villages, raping, plundering, and abducting children from communities.

• National Congress for the Defense of the People (CNDP) - Rebel force set up by Laurent Nkunda. Nkunda was arrested in January 2009 and remains in custody in Rwanda, without charge. Bosco Ntaganda (formerly of the Rwandan Defense Force) is now commanding the group. He has been indicted by the International Criminal Court (ICC) for his role in recruiting child soldiers. The CNDP was officially merged with the FARDC in early 2009. However, according to a DPKO staff member it still operates a parallel command structure within the official armed forces.

• Rwandan Defense Force (RDF) – the armed forces of Rwanda. Recently accused of human rights abuses in a UN report.

• The Mai Mai – independent rebel groups, named after their group leaders, are not necessarily affiliated to a particular organized rebel group. They include the Mai Mai Cheka, Kifuafua, Pareco, and Yakutumba.

An alliance was officially forged between the FARDC and the CNDP in October 2008 following an attempt by the Nkunda-led CNDP to capture Goma, the provincial capital of North Kivu. A process of rapid demobilization began in January 2009 to integrate the CNDP into the FARDC. The extent of Rwanda’s support for the CNDP became apparent at this time and international pressure was applied to Rwanda to remove Nkunda from the leadership and install a more compliant leader. Nkunda was subsequently captured and
placed under house arrest in Kigali, Rwanda. This collaboration of state and rebel force is a good example of the underlying foreign influences occurring in the region.

This policy of *mixage* (where troops of various ethnic origin serve in the same units) and *brassage* (when troops are stationed in parts of the country well away from their ethnic homeland)\(^7\) integration of rebel combatants into the FARDC, is a matter of controversy in its own right. Both INGO representatives and UN staff members have voiced criticism that the *mixage* process has created parallel command structures and led to continued violations of sexual violence by these former rebels who are now officially operating under the FARDC. This issue of integration will be discussed in Chapter 4.

### The Congo Wars of 1996 to 2003

Two major wars were fought that play into the violence today. There was the First Congo War from November 1996 to May 1997, and the Second Congo War from August 1998 to July 2003. The wars officially came to an end in 2003 with the signing of the Pretoria Accord, between the DRC and Rwanda, and the creation of a transitional government, made up of political representatives of the many warring armed rebel groups. The background to these conflicts will be discussed in Chapter 2.

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MONUC versus MONUSCO

For the benefit of the reader it is important to explain the acronyms of MONUC and MONUSCO. The United Nations Organization Mission in the Democratic Republic of Congo was established in November 1999 by Security Council Resolution 1279, and was known by the acronym of its French name, MONUC, in full “Mission de l'Organisation des Nations Unies en République démocratique du Congo.” By 2010 the peacekeeping force had changed considerably in size and scope and its name was subsequently changed to reflect this. Security Council Resolution 1925 established the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and this change took effect on July 1, 2010. It is otherwise known by its French acronym MONUSCO, which in full is “Mission de l’Organisation des Nations Unies pour la stabilisation en République démocratique du Congo.”

Throughout the thesis I will refer interchangeably to MONUC and MONUSCO. MONUC will be used in reference to the activities of the peacekeeping force between November 1999 and up to, and including June 2010. For this reason “MONUC” will be used more frequently. MONUSCO will be used in reference to all peacekeeping activities since July 1, 2010. Most recently MONUSCO’s mandate was extended for a further year, through until June 2012, by Security Council Resolution 1991 (2011).8

Questions about the topic

The sexual violence is largely being committed in local communities by a range of actors, including the FARDC, and rebel groups such as the FDLR and the LRA, but also by civilians. There have also been allegations of sexual abuse and exploitation by UN peacekeepers themselves.

This thesis will briefly reference the allegations against the peacekeepers. The issue of sexual exploitation by peacekeeping troops in the DRC appears to have been largely resolved. There are some lessons to be learnt, however, from the recommendations of the Zeid report, including suggestions for improvement in battalion base conditions. These recommendations could readily be applied to the FARDC and its operations.

In local communities who is committing the sexual violence? Who are the victims? Do soldiers discriminate, or is it simply a “tit for tat” scenario between opposing armed forces? Are all victims coming forward to report these crimes, and if not why not?

What are the factors impeding the United Nations in carrying out its mandate to protect civilians? Do they include all or some of the examples below?

- Geographical size of region
- Lack of communication infrastructure
- Lack of transportation infrastructure
- Rule of law and inadequate state institutions
- The mineral and precious metals trade
- Lack of professionalization of the FARDC
- Lack of MONUSCO resources, in particular helicopters
- Endemic corruption within the DRC government.

A huge issue is that impunity for these crimes amongst the Congolese military is persisting. Are the factors listed below an exhaustive list and who has the responsibility to address this issue of impunity, the DRC Government or the international community?

- Weakness of military justice system
- Impunity offered even to low-ranking soldiers
- Low wages – this might explain looting but how does it explain vicious gang rapes?
- Tradition of fending for themselves (FARDC), dating back to the Mobutu era
- Dominance and monopoly of mining operations in certain areas generates substantial revenue for rebel groups. Subduing and terrorizing local populations is part of the process. "The lure of eastern Congo’s mineral riches is one of the factors spurring them on."
- Woefully inadequate prison system. If perpetrators are found guilty where will they serve their sentences and what are conditions like in the DRC’s very limited number of prisons?

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What is the impact of neighboring countries on the crisis? Are they turning a blind eye? Are they complicit, and if so how? Do they support any particular armed group? Will the desire for access to the Congo’s rich mineral resources ultimately govern their actions and behavior?

**Hypothesis**

This thesis will argue that all of the above factors are contributing to Sexual Gender-Based Violence in the DRC by impeding the work of MONUSCO to protect civilians from harm. In addition to these factors are the realities on the ground such as desperate poverty, poor infrastructure, and inadequate state institutions. The Rwandan Genocide of 1994 played a huge part in instigating the First Congo War and for creating an exodus of Hutu refugees. The genocidaires, who carried out the 1994 massacre, also crossed the border from Rwanda and settled in Eastern DRC. Lastly there is the violent history of the region dating back to the brutality of Leopold’s Congo in the late 1800s, could this be playing a part in the violence?

I will argue that an entirely holistic approach to dealing with the problem will be the only means of addressing the issue of SGBV and bringing peace and security to the region. Preventative methods, such as early warning systems, and advocacy campaigns that promote gender equality and educate the population about the long-term effect of SGBV, should continue to be developed. Alongside these there will also be a need for military and non-military options, such as active engagement with remaining FDLR combatants,
and wholesale security sector reform that covers the military, police and the prison system. In terms of external actors companies associated with the mineral trade must be persuaded to act with responsibility and diligence in their transactions and negotiations. The international political community, the US, the EU, the UN, and individual donor countries must stop and take time to understand the real needs of the Congolese people. This may involve investing finances and resources in activities less popular with their publics such as constructing roads and building secure prisons.

Methodology

Primarily I used qualitative analysis of secondary sources, with some access to quantitative data. Sources for quantitative data included the Human Development Index, corruption indices, and reports from government sources, the UN, and INGOs. I drew on the resources available at CUNY, the New York libraries, the UN System, and the World Wide Web. I analyzed in excess of 40 documents as part of the research and these comprised of journal articles, official reports, INGO/NGO reports, and books. I also examined an extensive amount of media articles and multi-media as part of my research, this was a necessary to obtain an up to date picture of the level of sexual violence in the DRC given that the situation on the ground, was and is, constantly changing.
I conducted 5 interviews with individual UN staff members. Interviews were conducted between March 14 and July 8, 2011:

- UN staff members involved with peacekeeping operations in the region on March 14, 2011, in New York.
- UN staff member specifically working on DDRRR in the region on March 21, 2011, in New York.
- UN staff member from DPKO with extensive knowledge of the DRC, having spent much time there on May 6, 2011, in New York.
- Senior figure in Revenue Watch with knowledge of the DRC and the extractive industries operations there on May 31, 2011, in New York.
- UN staff member at the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict on July 8, 2011, in New York.
Chapter One – Review of Literature

Official documents

The UN Secretary-General’s Bulletin on “Special Measures for Protection from Sexual Exploitation and Sexual Abuse” October 2003, specifically outlines the prohibition of sexual abuse or exploitation by those serving under the United Nations. This type of behavior has always been prohibited by United Nations Staff Regulations and Rules. It states that those found guilty of such abuses can face summary dismissal. Sexual activity with persons under the age of 18 is strictly forbidden and mistaken belief of age is not a viable excuse. The bulletin also outlines the procedures to be observed in alleged cases of such abuse. It is useful in providing specific detail on what is prohibited in terms of sexual exploitation and what should be done, should individual staff members violate the regulations.10

The report of the Secretary-General’s Special Advisor, Prince Zeid Ra’ad Zeid al-Hussein on “A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations” March 2005, is a detailed 41-page report to the General Assembly on behalf of the Secretary-General. The report looks at current rules on standards of conduct, the mechanism for investigation, organizational and managerial responsibilities, individual disciplinary, and possible financial and criminal responsibility. It is useful in that the recommendations made to curb sexual abuse in

peacekeeping operations could be applied, in my opinion, to the wider military system in the DRC. These would include improving conditions on bases and allowing more time and space for recreation and time with families. The recommendations for increased education on HIV/AIDS and the benefits of responsible sexual activity could provide a useful framework for an educative program for serving FARDC soldiers and demobilized combatants. Increasing the number of female peacekeepers is also a recommendation and this could in turn translate into increasing the number of female troops in the FARDC. Zeid cites the lack of an effective legal system in DRC as one of the main obstacles to dealing with perpetrators of sexual abuse, and for this reason disciplining soldiers becomes the responsibility of the contingent country. Impunity for such crimes is a continuing issue for those trying to protect the local Congolese population from sexual violence at the hands of armed combatants.11

At the international level, the UN Security Council has adopted four resolutions on the issue of women, peace and security:

Security Council resolution 1820 (2008)
Security Council resolution 1888 (2009)
Security Council resolution 1889 (2009)

Victoria Holt and Glyn Taylor’s “Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges” 2009, charts the various resolutions passed by the Security Council from MONUC’s inception in 1999, through to 2009. The report is very useful in providing summaries of the Secretary-General’s reports on MONUC and for showing the progression of the force from one of a small military observer force to a multi-faceted peacekeeping operation. The report focused specifically on the ability and mandate of MONUC to protect civilians.12

The Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of Congo is a strategy paper that was put together by various actors in the DRC including MONUC, international NGOs, the DRC Sexual Violence Task Force and ministries from the government. The strategy assigns lead roles to different entities; they are combating impunity (MONUC/OHCHR), protection and prevention (UNHCR), security sector reform (MONUC SSR), multi-sectoral assistance for survivors (UNICEF), and collection, analysis and dissemination (UNFPA). Towards the end of the paper it lists obstacles to implementation and these include; political will, large-scale displacement of populations, and duplication of efforts amongst the various agencies. Finally it mentions the importance of accurately recording the timings, locations, and motivations of the sexual violence.13

Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act provides information on the certification of conflict minerals originating from the DRC

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and outlines the United States Government’s responsibility to avoid supporting armed
groups through the proliferation of illegally sourced rare earth minerals and precious
metals. The section is useful because in the text it acknowledges an explicit link between
the financing of armed groups and the issue of Sexual Gender-Based Violence. The
report also usefully refers to the United Nations Group of Experts on the DRC and how
the U.S intends to be guided by its recommendations. The text specifically mentions the
Expert’s December 2008 report.14

Section 12 of Security Council Resolution 1925, May 2010, specifically states the
responsibility of the newly named Peacekeeping Operation MONUSCO. Within this
section is the commitment to support the upcoming elections and to provide technical
assistance for these. It also references the need to improve traceability of minerals and
confirms that the Security Council considers the instability in East DRC to be a threat to
international security in the region, and calls upon all surrounding countries to assist in
the maintenance of stability. There is considerable reference to security sector reform,
while acknowledging the responsibility of the DRC to focus on such long-term
solutions.15

The thirty-first report of the Secretary-General on the United Nations Organization
Mission in the Democratic Republic of Congo, 30 March 2010, provides a summary of
MONUSCO activity since the previous report dated 4 December 2009. It specifically
reports on the outcome of the technical assessment mission to the DRC between 22

February and 5 March 2010. It provides useful figures on DDRRR and talks about the successor operation to Kimia II, Amani Leo. It mentions the sentencing to death of 5 FARDC soldiers in February 2010, which I found significant, but I have not as yet been able to find evidence on this in media reports. The report also mentions a “Surveillance Center Concept”, which was piloted in Kiwanja in 2009 and also Rapid Response and Early Warning Cells. It states that the roles of the joint protection teams should remain autonomous. There is a national strategy on SGBV, managed by the Ministry of Gender, Family and Children. There is also a United Nations comprehensive strategy to address sexual violence in the Eastern Democratic Republic of Congo. Within the strategy are five pillars; five working groups have been established to address each of these. Lastly the report talks specifically about the phases of drawdown for MONUSCO, in light of the fact that conflict and instability is stabilizing and reducing in most of the country. Only three provinces are yet to be conflict free, Orientale and the two Kivus.16

The Secretary-General’s May 2011 report to the UN Security Council on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo is the most recent report on developments in the DRC, and the activities of MONUSCO. According to the report aside from the states of North and South Kivu, and Orientale, the country is in a state of peace. Notably it states that violence has escalated in areas where the FARDC has withdrawn units; these include parts of Rutshuru territory and the Virunga National Park, North Kivu; and the Uvira territory and Ubwari area in Fizi territory, South Kivu. FDLR elements, Mai Mai Yakutumba, and the Burundian FNL

have been responsible for the violence in these places. The issue of lack of helicopters continues as 4 attack helicopters and 5 utility helicopters have recently been returned to their donor countries. The Secretary-General reiterates that failure to provide replacements will seriously hamper MONUSCO’s ability to carry out its mandate. The LRA is blamed for continued and violent attacks in the North East, on the border with the Sudan and the Central African Republic. While the DDRRR program has successfully demobilized some 444 FDLR combatants the FDLR itself continues to recruit, and to enter into loose alliances with other rebels groups to consolidate control over mining resources. The UNSG recommends an extension of MONUSCO’s mandate by a further year, and the maintenance of current troop and staffing levels.17

A United Nations Internal Report dated late January 2011 details the development of “Prosecution Support Cells” by MONUSCO to strengthen the capacity of the FARDC to investigate prosecute the most heinous of crimes. It also refers to the provision of legal aid and how it is important, in the interests of the rule of law, to provide legal aid to both the victims and the perpetrators of sexual violence. This is a controversial issue but one that should be addressed in more depth in the “Remedies” chapter.

Books

William Durch’s book *The Evolution of UN Peacekeeping. Case Studies and Comparative Analysis* contains a specific chapter on the Congo (Chapter 19). The chapter

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was useful for gaining some background on the post-independence period, the death of Lumumba and the early ONUC operation. There are useful comparisons to make between then and now. For example, it mentions the geography and remoteness of some areas, the difficulties in moving equipment around. Importantly it states that civil authority and law and order collapsed following ONUC’s departure, giving rise to the Mobutu dictatorship. Does this in anyway predict the outcome of MONUSCO withdrawing from the DRC entirely?\(^{18}\)

Julie Peters and Andrea Wolper’s *Women’s Rights Human Rights: International Feminist Perspectives* contains a specific chapter on rape in conflict. Although short it was useful for its discussion on how rape is classified and described in the Geneva Conventions. There is a useful quote on the fact that women are targeted because they keep the civilian population functioning, this has been mentioned on several occasions as a reason for the violence in the DR Congo. By attacking the women you hit at the heart of society.\(^{19}\)

Gerard Prunier’s *Africa’s world war: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* details the involvement of foreign powers in Congo’s affairs, including that of Uganda, Angola and Burundi. It also talks about intervention by Britain and the U.S to prevent war in the region. Emphasizes the role of money and riches to be gained in determining both the behavior of neighboring states, and armed groups. Explains all the ghost payments taking place within FARDC, the meager budget on which the FARDC has had to operate, compared to its UN counterpart. The French

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Mission to Bunia in 2003 is mentioned; this was deemed successful. The efficiency of the FDLR is described and great power rivalry in the region, between France, U.S. and U.K. is explained. Prunier also talks about the priority given to Kosovo over the Great Lakes debacle and how this amounts to racism simply repackaged.20

Jason Stearns’ Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa provides invaluable background to both the First and Second Congo War by explaining the events leading up to both, and the various armed militia involved in the region. He also paints a vivid picture of the plight of IDPs and refugees in the East and the hardships they endure, and continue to endure.21

Journal articles

Inger Skjelsbaek’s “Sexual Violence and War: Mapping Out a Complex Relationship” in the European Journal of International Relations, Vol. 7 No 2, 2001, contains some useful statements on the purpose of rape, describing the rape during the Rwandan Genocide as a means of destroying the Tutsi culture. This reality can be applied to the situation in the Congo where UN personnel, among others, have described the destructive affect of rape of society. Women are often disowned by their husbands and their families after rape, ruining their ability to form part of the community and driving down their capacity to

support themselves. She focuses on the masculinization of rape, the connection between masculinity and power, and how rape accentuates this.\textsuperscript{22}

Filip Reyntjens’ “Briefing: The Democratic Republic of Congo, Kabila to Kabila” in \textit{African Affairs}, Vol. 100 No. 399, 2001, contains some useful quotes relating to Mobutu’s desecration of the country. He emphasizes the idea of “wars within wars” and the complexity of the conflict. Reyntjens makes the point that Rwanda cannot live within its means and that the plundering of Eastern Congo is necessary to support the Rwandan ruling elite. He also references the ineptness of Laurent-Désiré Kabila.\textsuperscript{23}

Nadine Puechguiral’s article “Women and War in the Democratic Republic of Congo” in \textit{Signs}, Vol. 28, No. 4, 2003, is written from the perspective of female military-civil liaison officer in the UN’s Department of Peacekeeping Operations. This short report begins by giving a background of the conflict and the origins of the armed groups in Eastern DRC. Usefully she discusses the role of women in the conflict, less from a victim’s point of view, but how women learn quickly to become independent and to capitalize on the temporary freedom from a patriarchal system. She mentions the difficulties that women have in providing for their families because increasingly they must travel longer distances to find supplies. Importantly is the argument for involving women much earlier in the peace negotiating process and how their ideas should be present from day one. There was useful reference made to peacekeepers and prostitution


\textsuperscript{23} Filip Reyntjens, “Briefing: The Democratic Republic of Congo, Kabila to Kabila,” \textit{African Affairs} 100 (2001)
and how peacekeepers should consider spending their salaries on activities that give greater benefit to the community.  

Séverine Autesserre’s article “Hobbes and the Congo: Frames, Local Violence, and International Intervention” in *International Organization*, Vol. 63, No. 2, 2009, looks at the framing of the conflict in the DRC and argues that the international community was too quick to label the DRC a ‘post-conflict’ environment. She criticizes the role of state and UN diplomats in the failure to recognize that they were not dealing with a standard conflict situation. There was an assumption of the roles that they should take but that this assumption did not match the needs on the ground. The article is very useful in looking at the norm of violence in the Congo and how it has become part of daily life, hence her use of Hobbes’ name in both the article title and as a subtitle within the text. She is likening the situation in the Congo to his “short and brutish world”. The overriding message of the article is of an international community that has imposed its will on the country and region in pushing for a peace deal, while failing to adequately understand the cultural realities on the ground.  

Maria Eriksson Baaz and Maria Stern’s “Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)” in *International Studies Quarterly*, Vol. 53, 2009, makes a specific link between masculinity, poverty and sexual violence. The article is based on interviews with male and female officers of the FARDC at both officer and non-officer level. The interviewees make a distinct separation between

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what they describe as “lust” or “normal” rapes, and “evil” rapes. The majority claim that “lust” rape arises due to the conditions that male combatants find themselves in, often with no pay, no resources, and no leave with which to go and visit wives and family. These conditions are exacerbated by patriarchal traditions and an “idealistic” notion of masculinity that paints the male soldier as the warrior, and provider to women and children. The “evil” rapes that take place are based on the need to destroy and sully a woman and her community. The interviewees describe the normalization of violence and the frustration that combatants feel due to being unable on the one hand to attract women through provision of money and goods, and on the other hand because of the exploitation that they suffer from their superior officers.26

NGO reports

Charlotte Lindsey’s report “Women facing war: ICRC study on the impact of armed conflict” 2001, is an older report that was written by a team based in Geneva. It is useful because it looks briefly at the role of peacekeepers in contributing to sexual abuse. Referenced in the report is the 1996 UN study on Children and War, which reported that the arrival of peacekeepers in 6 out of 12 country examples led to an increase in child prostitution. The situation with peacekeepers in the DRC is not unique? The report states that contingent countries should place greater emphasis on educating their troops about sexual abuse and exploitation, and the international humanitarian law associated with it. The report calls for an increase in female peacekeepers. It also talks about the obstacle of

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a patriarchal society but also states that Western governments and organizations should pay attention to local custom and culture in their attempts to address sexual gender-based violence. It explains sexual violence and its place in international humanitarian law.  

Oxfam International’s report “A Fragile Future. Why scaling down MONUC too soon could spell disaster for the Congo” 2007, is a short document that begins by highlighting the progress that the DRC has made by holding its first democratic elections in 2006. It also highlights the positive contribution of MONUC and its operations in country. The basic claim of the article is that the country would be in a much worse state if it were not for MONUC’s presence. The peacekeeping operation is plagued by a lack of resources that hampers its ability to protect civilians but also to work on Security Sector Reform. MONUC is holding training such as the 45-day basic military training for FARDC soldiers. In Oxfam’s opinion, however, this alone is not enough to bring the army up to speed. The report makes the claim that FARDC soldiers often run for cover when attacked and will change uniforms and allegiances to protect themselves and do not stand up sufficiently to armed rebel groups. It highlights the need for a single international actor to coordinate reform and this echoes comments made at my meeting with DPKO. Also mirroring the DPKO meeting is the highlighting of the under utilization of agriculture, only 10 million of the 80 million hectares of fertile ground are in fact farmed. This is a contributing factor to poverty and creates instability because combatants are not adequately provided for. In Oxfam’s opinion, ultimately, long-term stability lies with the  

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Congolese government and MONUC should remain focused on its short-term responsibility to protect civilians.\(^{28}\)

Human Rights Watch’s report “Killings in Kiwanja. The UN’s Inability to Protect Civilians” December 2008, refers specifically to the killings that took place in Kiwanja, North Kivu at the end of October through to the beginning of November 2008. The atrocities were mainly committed by the National Congress for the Defense of the People (CNDP) rebel group, but also by Mai Mai rebels. There is a lot of detail on individual accounts of killings. Importantly it describes the CDNP’s destruction of IDP camps and the use of MONUC bases and troops to shield themselves from the FARDC. Criticism of MONUC includes substantial lack of resources, including a limited amount of fighting vehicles, and placing of the protection of humanitarian aid workers and a foreign journalist above that of protecting the local population. The report claims that the FARDC have actively encouraged local hostility towards MONUC. This “whipping up” of anger has been instigated at a ministerial level and has resulted in MONUC troops and convoys coming under direct attack from the civilian population.\(^{29}\)

Doctors Without Borders’ report “Shattered Lives. Immediate Medical Care vital for sexual violence victims” March 2009, contains useful statistics and gives a good indication of the scale of the problem of SGBV. The report is clearly focused on emergency medical aid and the section of this report on DRC focuses on the area of


Masisi. As one of the principle emergency care providers in the field MSF are frequently quoted in the media.\textsuperscript{30}

Human Rights Watch’s report “Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo” 2009, claims the FARDC is the largest perpetrator of sexual violence based on its size and number of combatants. It states national laws have been introduced, such as in 2006, to outlaw sexual violence, and that the ICC also has jurisdiction in the Kivus. The prosecution of soldiers has taken place, but only of lower ranking soldiers. Its recommendations to the Congolese Government include: improving the salaries of soldiers, their access to psychological care and better provision for their families on base, strengthening of the judicial system, creation of a compensation fund, and an increase in female judicial staff. These recommendations mirror those made in the Zeid Report i.e., an improvement in conditions on mission bases, and the treatment of victims of sexual abuse. Specifically to MONUC, it recommends to increase the number of female peacekeepers and create a single female unit in the UN Police. It also mentions the setting up of rapid reaction mechanisms.\textsuperscript{31}

Global Witness Report’s “Faced with a gun, what can you do?” War and the militarization of mining in Eastern Congo” July 2009, makes the claim that both the FDLR and the FARDC’s involvement in illicit mining in the Congo is “extensive and well organized.” For example, the FARDC was earning $120,000 per month from mining


taking place in Bizie through taxation on every kilogram of casserite. Burundi and Rwanda act as transit countries. Recommendations include; a tightening of controls on the mineral trade by the Congolese government; a concentration by MONUC on the areas where illicit mining is taking place that is directly financing violent armed groups; and tighter control and monitoring (by MONUC) at key air strips, river crossings, and border posts.\textsuperscript{32}

International Crisis Group’s report “Congo: A Comprehensive Strategy to Disarm the FDLR” July 2009, details the background of the crisis and the various rebel groups and armed forces. It describes operation Umoja Wetu and its effectiveness. The report also explains the involvement of Rwanda and the active steps taken by Joseph Kabila and Kagame to reach agreement on the way forward. It contains specific recommendations to MONUC on how to deal with the crisis, including the suggestion of reinforcing the Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) with specialists in intelligence and psychological operations, and legal affairs. It highlights the need to integrate the forcible and voluntary operations of DDRRR. Finally the report calls for the establishment of zones close to FDLR camps that can be used as temporary safe havens for civilians, and it addresses the issue of repatriating genocide refugees.\textsuperscript{33}

Human Rights Watch’s report "You Will Be Punished, Attacks on Civilians in Eastern Congo" December 2009, is a very extensive report by HRW (170 pages) into crimes


committed in the Eastern DRC by armed combatants, including the Congolese army. The
report is based on interviews with 689 victims and witnesses of violence and sexual
violence, and interviews with a further 300 individuals from the national and
international government, the UN and civil society. It claims that MONUC knew of the
violations being committed by FARDC but did not apply pressure to the Congolese
Government. MONUC was caught between a rock and hard place, withdrawing from the
joint operation (Umoja Wetu) would have risked losing any chance to influence behavior,
integration could have unraveled and armed groups could have re-emerged. Alternatively
cooperating with FARDC risked accusations of collaboration with known murderers. The
report speaks about the proposal for three categories of protection areas; must, should and
could. It also makes the claim that there is no single guiding document on civilian
protection at the UN – this is a recurring theme and has been mentioned in an interview I
conducted with a UN staff member.\textsuperscript{34} HRW makes detailed recommendations to
MONUC.\textsuperscript{35}

The Enough Project’s report “Between a Rock and a Hard Place: LRA Attacks on
Congolese Army Abuses in Northeastern Congo” March 2010, by Ledio Cakaj, is a
useful short report that focuses on the Lord’s Resistance Army (LRA). It states that
MONUC is lacking the resources to tackle the issue, however, the force has also faced
criticism from local population who see well-equipped peacekeepers patrolling, while
fatal LRA attacks take place nearby. The report states that the peacekeepers’ missions in
DRC, Sudan and CAR need to work more closely together to deal with the LRA,

\textsuperscript{34} Security Sector Reform Staff Member, Department of Peacekeeping Operations, interview by author, New York, March 21, 2011.
\textsuperscript{35} Human Rights Watch, “You Will Be Punished,” Human Rights Watch website, December 13, 2009,
\url{http://www.hrw.org/en/reports/2009/12/14/you-will-be-punished-0}. 
explaining that the LRA are finding safe havens in North East DRC due to impenetrable terrain in the area. There is a need for more UN helicopters; this was also expressed in a meeting with staff members at DPKO, New York. UN rations are often not reaching the rank and file FARDC soldiers. The FARD C is also not prepared to take on LRA combatants and are doing so only when coming into confrontation with them accidently. The FARDC is also taking food, money and property from the local population, and attacking local defense forces that attempt to protect the local population from LRA attack.36

Oxfam International’s report, “Now, the world is without me. An investigation of sexual violence in Eastern Democratic Republic of Congo” April 2010, is an extensive report of over 60 pages. The report is based on data collected from 4,311 records of sexual violence survivors that presented at Panzi Hospital, Bukavu, between 2004 and 2008. The most interesting points highlighted by the report is the indiscrimination shown by perpetrators of the violence, no woman is safe, whether she be young, old or from a certain ethnicity. Armed combatants are overwhelmingly responsible for the violence but the report, so far, fails to differentiate between rebel groups and FARDC. A worrying trend is reported in the brutality and systemization of the rape even though actual numbers fell between 2004 and 2008. The principle recommendations are an increase in the amount of health centers, such as Panzi, that can handle more complex medical procedures, and the need for the UN to interact more effectively with the local

population. It is suggested that more patrols take place in remote areas, on more remote roads, and at night.\footnote{Amnesty International, “Mass Rapes in Walikale – Still a need for protection and justice in Eastern Congo” 2010, is a relatively short report that includes a list of recommendations at the end to the DRC Government, the armed forces involved, the UN, and the international community. Its recommendations to the UN include convening an international conference for interested states, international organizations, civil society etc… It also advocates for the improvement of the equipment available to MONUSCO troops, as well as the positioning of peacekeeping troops in country.}

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Oxfam International’s briefing paper “Engaging with Communities: The next challenge for peacekeeping” November 2010 focuses on how peacekeeping forces can interact with communities to maximize their ability to protect civilians. It cites the DRC peacekeeping operation in its analysis. Highlights need to extend protection to more remote areas. Contains very specific criticisms of DRC operation, including the fact that peacekeepers have been observed passing through communities and barely stopping to assess the situation or converse with local people. It recommends holding specific separate meetings with women and increasing the amount of female community liaison interpreters (CLIs). Very interesting observations on “emergency hotlines,” there is some confusion over the number to call, despite advocacy campaigns. It needs to be disseminated more widely.

Issue with maintaining credit on emergency mobiles and how phones are always the first

to go when looting takes place. The paper is supportive of Joint Protection Teams (JPTs) but states that more effort needs to go into following-up on recommendations for improvement. It highlights the importance of mass media and institutions such as Radio Okapi for disseminating local and national information. A greater effort should be made to explain the role of MONUSCO, via media. 39

The Enough Project’s report “Why a Certification Process for Conflict Minerals is Urgent: A View from North Kivu” February 2011, is a short report that goes into detail about mineral exploitation in the region. It claims the CNDP is dominant in Walikale and that the FDLR has fragmented to a degree and moved away from the larger mines and sites of large-scale crimes against humanity. It claims the FDLR is trying to “rebrand” and has become disillusioned with its European based leaders and wants to be seen as legitimate opposition to the Rwandan government. Large amounts of gold are passing through Kampala and the Ugandan Government is apparently complicit in this. It also claims that the mining ban is not effective and that rebel groups are profiting financially from it. Local populations are being forced to work in the mines, including children. This report is useful because it makes an explicit connection between illicit mining and SGBV. Mining activities directly fund the rebel groups who are committing sexual crimes. Sexual violence is used in local areas to terrorize the population into colluding with, and supporting, the rebel groups. 40

Francis Viguard-Walsh, SGBV Advisor for Catholic Relief Service, made a statement to the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights in March 2011. This comprehensive statement outlines the Catholic Church’s contribution to alleviating suffering in East DRC. It brought to my attention the Conflict Minerals Provision – Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Act, which was passed by the U.S. Congress in 2010. This act requires companies going forward to actively research the origin of minerals used in the manufacture and construction of their products. This is a good example of steps that can be taken on an international level to address the issue of illicit trading in minerals. Viguad-Walsh makes the claim that conflict minerals are the principle cause of SGBV. Her statement also details the distribution of fistula repair kits to assist with the rapid treatment of such injuries. She explains the trust that much of the population places in the Church and how they see it as a natural refuge. Bishops and Priests are delivering their services in the DRC at considerable risk to their personal safety. She cited the increasing amounts of attacks on humanitarian workers. Finally having given some thought to an early warning system it would appear that CRS are already piloting such an idea, using dedicated phones and radios, and linking these to the nearest FARDC/MONUSCO base camp. The report is highly useful because, as with other reports, it makes the link between SGBV and conflict mineral mining.41

John Prendergast, Co-Founder of the Enough Project, made a statement to the Committee on House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights in

March 2011. This is a useful report in that it makes several recommendations, including the development of an international certification process that could be compared to the Kimberley Process for conflict diamonds. Mr. Prendergast also stresses the importance of improving military justice, and for the Obama administration to assign a Special Envoy for the region. The NGO Co-Founder was critical that the administration had assigned high-level officials for such crises in the Middle East, South Asia and the Sudan. He makes specific reference to the mobile court system that is being developed that has recently prosecuted soldiers involved in the New Year’s Day Fizi rapes. He also references the idea of specialized mixed chambers in the national judicial system that will be able to prosecute individuals that violate international law.  

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Chapter Two – Background, Wars, and Economics

Historical background – colonization, independence and conflict

The country that we know today as the Democratic Republic of Congo has had several names during its recent history. Today it claims the title of the largest country on the African Continent. It is the tenth largest country in the world by landmass and has a population of approximately 71 million people. The Belgians colonized the country as part of the European “Scramble for Africa.” The Belgian Congo as it was popularly known became synonymous with the worst excesses of European colonization. In 1885 at the Conference of Berlin King Leopold II of the Belgians acquired the rights to govern the Congo and named the country “The Congo Free State.” Between 1885 and 1908 the country was treated as a private colony and fiefdom of the King and under his stewardship mass atrocities were committed against the native population, as part of efforts to extract rubber from the region. In what has become a familiar pattern in the Congo’s affairs, external powers were drawn to the country because of its rich natural resources. Some have argued that this legacy of violence has influenced the violent patterns that the country is seeing today. However, views on this as a causal factors are varied, one staff member from DPKO dismissed the influence of the Belgian’s violence on current events because the colonizers, during the period 1885 to 1908, did not reach the East of the country. Another staff member, and a Congolese citizen himself, argues that this legacy and the devastating barbarity of the 1994 Rwandan Genocide have made an impact on the insecurity today. Proving this link would be almost impossible but what
should not be overlooked is the ethnic rivalry between the Hutu and Tutsi that was exacerbated and exploited by the colonial masters. Exploiting ethnic rivalries was not confined to these two ethnic groups either. The Ituri Conflict in the North East of the DRC, between the Lendu and Hema peoples has allegedly been exacerbated by tensions dating back to the Belgian era.

In 1908 the Belgian Government assumed political control of the colony, bowing to international pressure to end the exploitative and destructive practices of the red rubber extraction. It is estimated that as many as 10 million Congolese perished during King Leopold II’s era of personal governance. The country was renamed “The Belgian Congo,” and under colonial administrators an elaborate governance system was established, with the Governor-General at the head of the bureaucracy. The period 1908 to 1960 is marked by a reduction in wanton exploitation of the local population and an increase in focus on health and education; however, the Belgians retained a reputation for coercion and brutality that remained until Belgian troops finally left in 1964. Along with many African countries the Belgian Congo achieved independence on the 30th of June 1960. A period of great political turbulence followed as the country split into rival areas loyal to leading political figures of the time, these included the President Joseph Kasavubu, the Prime Minister Patrice Lumumba, and the leader of the Katanga Province, Moise Tshombe. A secessionist effort broke out in the South East as Katanga attempted to break from the rest of the country. This secessionist struggle was complicated by the involvement of the Belgian Government, which was still keen to maintain influence in this region of the Congo because of the extensive mineral riches available for extraction.
Lumumba was kidnapped while attempting to establish his own government after the Congolese Government had become paralyzed by a mini coup d’état led by Joseph Mobutu. Belgian mercenaries eventually assassinated Lumumba after he was flown to Elisabethville (now Lubumbashi), capital of the Katanga Province. Widespread conspiracies exist as to the involvement in his death of both the Belgian Government and the United States’ Central Intelligence Agency.

The post-independence period also saw the United Nations’ first deployment to the DRC in the form of ONUC (Organisation des Nations Unies au Congo). The force was deployed in reaction to the instability created by mutinies within the national armed forces. The Belgian troops had been asked to leave the Congo but were refusing to do so, or to “Africanize” the armed forces, retaining white Belgians in the highest ranks of the forces. At the same time the secessionist effort in the South Eastern Province of Katanga, as well as secessionist stirring in the Bas Kongo was creating instability. Having previously been confined to their barracks Belgian troops were released in order to protect the Belgian ex-patriot community in Kinshasa after it came under increasing attack from Congolese citizens who resented their continued presence in the country.

In 1965 Mobutu Sese Seko staged a successful coup that brought a military government to power. As an anti-communist he enjoyed the support of the United States who was keen to mitigate the influence of the Soviet Union in the region, namely Angola to the South. He established a one-party state in 1971 and renamed the country “The Republic of Zaire.” The period 1971 to 1997 was marked by endemic corruption and the
development of what Mobutu himself described as “le mal Zairois” or Zairian sickness. It is during this period that much of the country’s infrastructure, built by the Belgians, was allowed to fall into disrepair. The wars described below were responsible for bringing Mobutu’s reign to an end.

The recent Congo Wars

The first of the recent Congo Wars took place between November 1996 and May 1997 and is known as the “First Congo War.” The “Second Congo War,” began shortly after, in August 1998, and officially ended in July 2003 with the creation of a transitional government. These wars were extremely complex in their make-up and have been described by the scholar Jason Stearns as similar to an onion, with many layers. He states that the two conflicts contained as many as fifty different wars. In February 2000, when the Security Council was deliberating over Resolution 1291, the United States expressed hesitancy over “the command and control situation on the ground, the mandate, the size, the costs and the back-up…” of a future peacekeeping force. Its concern being “due to the complexity of the conflict.” The Wars were influenced by individual, group and state-level dynamics, and can also only be understood within a historical context. Congo’s dictator of three decades, Mobuto Seso Seko, was finally deposed in 1996 after his corrupted political system had collapsed around him. A former rebel leader, who had fought the Belgian colonial power during the 1960s, succeeded him. As will become

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evident Laurent-Désiré Kabila continued in the mould of Mobutu and soon became as much of a liability.

On a group dynamic level there were a myriad of armed rebel militias representing a variety of interests that rose up to oust Mobutu from power in 1996, often backed by the neighboring powers of Uganda, Burundi and Rwanda. Those fleeing Rwanda, following the 1994 Genocide, also formed armed groups. The most significant rebel group to form was the Forces Démocratiques de Libération du Rwanda (FDLR) who counted perpetrators of the Genocide within its ranks. To counter this insurrection Rwanda began arming the Tutsi Banyamulenge, and later Laurent-Désiré Kabila’s Alliance of Democratic Forces for the Liberation of Congo (AFDL). Ethnicity played an important part in the establishment of these armed groups and to truly understand the various ethnic tensions it is necessary to revert to the colonial period. During this period white Europeans encouraged ethnic rivalry through a system of preference and patronage. Finally at the state level perhaps the most important rivalry existed between Zaire (the country was renamed the DRC in 1997) and Rwanda, and this was directly related to the Genocide of 1994. Hundreds of thousands of Rwandan Hutu fled across the Zairian border to escape retribution from Kagame’s Rwandan Patriot Front (RPF) who succeeded in overthrowing the Hutu-led Rwandan Government in July 1994. Among those fleeing were thousands of genocidaires, the individuals directly responsible for the massacre of Tutsi and moderate Hutu. Rwanda had a great interest in pursuing these individuals and bringing them to justice. This was arguably the primary cause of the First Congo War. To add to Rwanda were the states of Uganda and Burundi, both of whom played their part in
toppling the Mobutu regime, and both with a strong economic interest in the Great Lakes Region.

Laurent-Désiré Kabila was plucked from relative obscurity in 1996 to become the leader of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL). The ADFL was made up of four individuals, André Kissasse Ngandu of the National Council of Resistance for Democracy (CNRD), Anselme Masusu Nindaga of the Revolutionary Movement for the Liberation of Congo (MRLZ), Déogratias Bugera of the Democratic Alliance of the People (ADP), and Kabila himself. The group could boast only a meager amount of fighters loyal to their respective causes, but they had the solid backing of Rwanda and its Vice-President Paul Kagame. Despite these humble beginnings the ADFL attacked Eastern DRC in 1996 and proceeded through the country with relative ease, capturing key towns and installations one-by-one. They also released a reign of terror on the huge refugee camps along the Congo, Rwanda, Burundian border, and to this day there is a still a debate over the true amount of civilians that were killed, either in cross-fire, or intentionally. The figure is estimated to be in the several hundreds of thousands; the missing refugees have never been accounted for. Over 5 million civilians are estimated to have died during the two conflicts. The majority of displaced people died by indirect causes such as disease and starvation. Many refugee columns were forced through dense jungle where people succumbed to disease, infection and lack of food and water.
When Kabila reached Kinshasa in May 1997 he had not set foot in the city since the 1960s. Everything had changed, significantly for the worse. The government buildings of the Belgian Congo were dilapidated, the public transport system had collapsed, and most residents did not have access to clean water. According to Reyntjens “Mobutu’s Zaire was the epitome of state collapse: minimal state functions were no longer performed; empirically speaking, the state had ceased to exist. This situation was continued under Kabila …”\(^4^5\) Mobutu’s policies had led directly to this state of decay and his removal from power was an important by-product of the war in 1996. Kabila was, however, out of his depth from the start and did not help his cause by appointing an odd mix of individuals to his newly created cabinet. Several were insufficiently qualified Congolese Diaspora, who had also not set foot in the city for many years. He also failed to award some of those who had fought alongside him in the East, creating automatic resentment on their part.

As Prunier mentions, the early part of his presidency was marked by ad-hoc behavior, he stood-up the President of Tanzania during a state visit and simply flew back to Kinshasa. In February 1998, he left President Mubarak of Egypt waiting on the tarmac in Cairo, later phoning him to say that he had been tired.\(^4^6\) A critique of Kabila is that he failed to adjust to a post-Cold War mentality and that his mindset remained that of the person fighting imperialist forces in the 1960s. Spears states, “To people who met him in the early days of his presidency, it was as if the fall of the Berlin Wall and the collapse of the Soviet Union had passed him by; he gave the impression of a revolutionary fossilized in

the 1960s.”47 This failure to acknowledge change meant he inaccurately assessed the world around him, and the forces at play, both at a regional and an international level. Prior to the collapse of the USSR both America and Russia vied for influence in the area. Angola was a notable regional power that came under the auspices of the USSR. The Cuban revolutionary fighter Che Guevara also spent several months in the Congo in the mid-1960s and fought directly with Kabila in his campaign against the Belgians. Guevara speaking on the need for “revolutionary seriousness” and leadership said this in his diary, “up to now, Kabila has not shown that he possesses any of these qualities… I have very great doubts about his ability to overcome his defects in the environment in which he operates.”48 Post-1990, the communist threat had dissipated. Kabila also became increasingly paranoid about his security and soon after he took power he began ordering the arbitrary arrests of opponents and those voicing criticism of his regime. According to an early 1998 Amnesty International Report, there was an impressive amount of political prisoners under lock and key by this point.49 Prunier also mentions contradictory decision-making by Kabila when he states, “the problem was that Kabila kept promising the same thing to different people and giving contradictory answers to the same question at different times.”50 Filip Reyntjens mentions in his article for African Affairs that Kabila tried to sabotage the inter-Congolese dialogue that arose out of the 1999 Lusaka Peace Accord because he feared it would ultimately lead to him having to share or even

abandon power.\textsuperscript{51} He goes onto say that “…his political base shrank to a smaller group of intimates, many of them family members, and the paranoia that reigned in Kinshasa led to the arrest and detention of ever larger numbers of real or imaginary opponents…”\textsuperscript{52} It is clear that the 1994 Genocide and the Hutu exodus to Zaire instigated the First Congolese War in 1996 but Mobutu’s position had also become untenable and his removal from power could be achieved as a by-product of the invasion. However, Kabila did little to change the DRC once installed in power, and quickly began to behave in ways not dissimilar to Mobutu. His personality played a central role in the inception of the Second War in 1998 as it quickly became apparent that he too would also need to be removed by force.

Perhaps the most important dynamic in the two conflicts, and one of the major causal factors of the violence today owing to the presence of armed groups in Eastern DRC, was that between the Hutu and the Tutsi ethnic group. This dynamic was played out most intensely in the East of the DR Congo. Here the country borders Tanzania to the South, then Burundi, Rwanda and Uganda to the East, with Sudan to the North. The highlands of South Kivu is also home to a large Tutsi population known as the Banyamulenge, a group of people that had settled in the area up to four hundred years before. Their status, despite the length of time in the Congo, has remained ambiguous and they are not considered to be Congolese by much of the population. Their ancestral ties to Rwanda brought them directly into the Congo Wars because the Rwandan Government chose to arm and train them against the Hutu militia. Their objective was to attack the 	extit{interahamwe} (the name

\textsuperscript{51} Filip Reyntjens, “The Democratic of Congo, From Kabila to Kabila,” \textit{African Affairs} 100 (2001): 313.
\textsuperscript{52} Filip Reyntjens, “The Democratic of Congo, From Kabila to Kabila,” \textit{African Affairs} 100 (2001): 313.
given to the perpetrators of the Genocide during its implementation and used interchangeably with the term genocidaires and the Hutu populations that had fled to the Congo Basin, following the Genocide.

The Genocide was built upon a long-standing rivalry between the two groups. During the colonial occupation of Rwanda, Burundi and the Congo the colonialists elevated the Tutsi over the Hutu based on their lighter skin color and taller slighter frames. They believed their features indicated they were closer genetically to the white European and consequently were more intelligent. Rwanda was for a long period ruled by a Tutsi monarchy, and up until independence the Tutsi had dominated government over a majority Hutu population. The monarchy, however, was abolished in 1962, and a Hutu-led government rose to power. From 1959 there had been widespread targeting of the Tutsi population and many were massacred. In 1994, following the death of President Habyarimana in a plane crash, a systematic genocide was implemented that specifically targeted ethnic Tutsi, as well as Hutus considered to be Tutsi sympathizers. Approximately 800,000 citizens died, a large proportion of the population. In order to carry out this mass slaughter the Rwandan authorities embarked on a national campaign, chiefly via radio, to condemn the Tutsi population. They were frequently compared to “cockroaches”, as pests that needed to be exterminated. This type of psychological propaganda was not a new phenomenon, John W. Dower in his chapter entitled “Apes and Others,” details the lengths that the American Government went to, to vilify the Japanese during the Second World War. He describes cartoons, songs and phrases that
were used to dehumanize the enemy.\textsuperscript{53} It was the aftermath of the Genocide that created the conditions that led to the First Congo War in 1996. Many of the perpetrators fled across the border into Congo and escaped retribution or justice, even today there are still many \textit{genocidaires} at large in Eastern DRC. Rebel groups formed, such as the FDLR, whose objective was to re-enter Rwanda and overthrow the new government of Paul Kagame. Kagame was determined to crush these groups and put an end to the perceived threat facing Rwanda’s Tutsi population.

The Genocide, and previous targeting of the Tutsi community, had created a fear of security not dissimilar to that experienced by European Jews following the Holocaust. Crighton and Mac Iver describe a “fear of extinction” in their article on protracted ethnic conflict in Northern Ireland and Lebanon. They refer to “identity driven” fears that are adopted by minority groups and emerge from memories of persecution and massacre.\textsuperscript{54} This pattern of behavior could equally be applied to the Tutsi population, who like the Protestants of Northern Ireland, and the Maronites of Lebanon, found themselves in the minority in countries dominated by other ethno religious groups. Sumit Ganguly refers to the “Ancient Hatred Theory” in his article on the Kashmir Insurgency. Ancient Hatred Theory proposes that genocide and conflict can occur due to the result of collective memory. For example, a group consciousness of a historical event or events, regardless of whether this event was experienced directly, or by former members of that community, could lead to conflict and genocide. Ganguly also describes, “ethnic stereotyping” as “attributing particular traits of personality, character, and intelligence to members of


other ethnic groups,” and he applies this thinking to the treatment of the Tamil ethnic group by the Sinhalese, in Sri Lanka.\(^55\) This ethnic stereotyping is exactly the policy undertaken first by the German colonialists and then their successors, the Belgians. This stereotyping of the Tutsis did not stop with Genocide of 1994 and was in fact used by the DRC government to mobilize the Congolese population against the invading forces of the Rwanda Defense Forces (RDF), and the newly armed Banyamulenge Tutsis of South Kivu. It was popular to portray the Tutsi as the aggressor, and as an individual of conniving and ill intent. Jason Spears incredibly describes a discussion that he had with a female head of a household studying development at a local university. When pressed on the understandable paranoia of the Tutsi community she simply said in reference to the Genocide, “Eight hundred thousand? Obviously it wasn’t enough. There are still some left.”\(^56\) This statement, shocking as it sounds, represented the feelings of sections of Congolese society, the long-standing prejudice towards the Banyamulenge people serving as evidence of this. The 1994 Genocide can be seen as a distinctive marker in the ethnic tensions existing between the Hutu and the Tutsi communities. Prior to 1994 the Hutus had enjoyed a long period of support from the Hutu President, Jurvéna Habyarimana, who favored them as his own people. However, there remained an underlying fear of a Tutsi resurgence and when the President’s plane was shot down suspicions of a Tutsi plot thickened. In 1994, the Tutsi population became the victims of the worst genocide in recent times. The Genocide was then followed by a period of insecurity and vulnerability as the Tutsi came to power but also had to come to terms with the devastation wrought on their community.


Finally there was the state-level dynamic at play in the Congo Wars. This dynamic was, however, directly related to the group level because Rwanda, as the chief meddling foreign power in the DRC, was motivated primarily by the wish to protect a minority ethnic group within its population. Arguably the First Congo War would not have occurred if it were not for the Tutsi/Hutu rivalry. The Second War, commencing in 1998, involved multiple foreign actors and has been dubbed by many as Africa’s World War. In total nine foreign forces fought on Congolese territory during the period 1998 to 2003. Their motivations for involvement are not always clear but economic interest features highly in the assessment of the causes of war. Economic motivations surface time and time again in any analysis of Congolese conflicts and remain a significant factor in the violence today. The Congo Basin is one of the richest resources in the world of various minerals and precious metals. The area sits above the meeting of two tectonic plates that have been responsible for pushing valuable commodities to the earth’s surface.

Laurent-Désiré Kabila had benefitted from the support of foreign powers in his march on Kinshasa in 1996, but in July 1998 he took the decision to request that all foreign forces leave the DRC. This, however, did not suit other regional states, in particular Rwanda, and fighting resumed in August 1998. Kabila’s actions greatly angered Kagame who was still fighting a violent and bloody insurgency in the North West of Rwanda. To add insult to injury, according to Spears, in June 1998 the Rwandan government unearthed a major betrayal on the part of Kabila. The DRC government had requested that all ex-FAR prisoners (Hutu dominated former Rwandan Armed Forces) be sent to a military base in the South of the DRC. Rwanda later discovered that these prisoners were in fact being
freed and trained-up to serve in the Congolese army. These same individuals had been responsible for the massacring of Tutsis in 1994.\textsuperscript{57} Spears sums up the tension as being “driven by Kabila’s paranoia and Rwanda’s obsession with control.”\textsuperscript{58} A tipping point in the Second Congo War was reached, in favor of the Kabila government; after the advancing Rwandan forces lay siege to Kinshasa and cut its electricity and oil supply lines. This brought services to a halt, including hospitals and running water supplies. Following an emergency meeting of the South African Development Community (SADC), Zimbabwe committed troops and helicopters in support of Kabila’s beleaguered government. Angola, with concerns over security with Kinshasa so close to its border, quickly joined the fray. Prunier, however, is skeptical of the title “Africa’s World War.” He claims that while neighboring states were brought into the conflict, essentially the war was between Rwanda and the DRC.\textsuperscript{59} From a rational perspective it could be argued that Rwanda was fighting a pre-emptive war, because as mentioned below, it harbored a genuine fear of invasion by the rebel groups operating just across its border. This is not dissimilar to the situation that the Israelis found themselves in, in 1967, when they launched a pre-emptive strike at Egypt, convinced that they were also facing imminent attack. To muddy the water, however, it is difficult to see the conflict in a conventional sense. In the same way that the United States pursued Al-Qaeda in Afghanistan, post 9/11, Rwanda was also pursuing non-state actors in the form of such groups as the FDLR. There is also the issue of the DRC itself, was it a viable state then, is it even a viable state now? The infrastructure was non-existent after 3 decades of neglect and the army was

barely functioning, being made up of multiple competing factions, and prone to defection and outside influences. In Errol Henderson’s analysis on the application of the Democratic Peace Theory to African states he describes militarized interstate disputes (MIDs) instead of using the phrase war. In stating “the absence of full-scale international war in Africa…” Henderson implies that the Congo War did not qualify as a full-scale international conflict.60 His article was written in 2004 following the signing of the Sun City Agreement and with the Congo conflict having officially concluded, it would have formed part of his analysis. Henderson also made a very strong point on the prevalence of civil wars in Africa that can be applied directly to the Congo conflict. He believes that there has been an insufficient amount of inter-state wars and that this deficiency has meant it has been difficult to create the internal cohesion necessary for warring against an opposing state, and that for this reason certain states have disintegrated into protracted domestic conflicts.61

As mentioned below economic interests have played their part in creating insecurity in the DRC. A scramble for the Congo’s resources dates back to the colonial era, but even since independence the country has not been free from direct interference from external forces. The Katangan secessionist struggle of the early 1960s is a prime example of this. Prunier argues that economic interest was the principal reason for Zimbabwe and Angola’s involvement in the Second Congo War of 1998, and that political motivation had little to do with their participation.62 Reyntjens speaks of the reliance of Rwanda on the wider region when he describes how the Rwandan elites need the wealth generated by

the DRC because they live beyond the means that their own country can provide.\footnote{Filip Reyntjens, “The Democratic of Congo, From Kabila to Kabila,” \textit{African Affairs} 100 (2001): 312.} This point was also echoed by a staff member at Revenue Watch who described the level of exports of rare earth minerals from Rwanda as being well beyond its capacity. In his opinion the minerals were being smuggled in from the DRC and exported out to the wider world, through Rwanda.\footnote{Staff member at Revenue Watch, interview by author, New York, May 31, 2011.} The Enough Project’s February 2011 report into a certification process for conflict minerals supports the claim that Rwanda is dependent on mineral profits and that it acts as the transit country for smuggled goods. The authors state that for this reason Rwanda is determined to secure its “mineral supply chain.”\footnote{Fidel Bafilemba, Ashley Benner, and John Prendergast, “Why a Certification Process for Conflict Minerals is Urgent: A View from North Kivu,” \textit{The Enough Project website}, February 1, 2011, \url{http://www.enoughproject.org/publications/view-north-kivu}.}

The First and Second Congo Wars occurred due to a complex number of factors that included political personality, racial prejudice, collective memory of a past atrocity, the need for pre-emptive use of force, and finally the desire by regional powers to maintain economic interests. The First Congo War represented a natural reaction to a great wrong that had taken place, in the same way that the United States was moved to respond to the September 11 terrorist attacks, by pursuing the perpetrators of the crime. In my opinion, however, it is questionable whether the Second Congo War would have occurred had all these factors mentioned above, not been in place.

\textbf{The 2002 Pretoria Accord}

The 2002 Pretoria Accord followed previous peace agreements, including the Lusaka Ceasefire Agreement of 1999. According to a press release from the Secretary-General
"...it had become clear that the conflict in the Democratic Republic of the Congo could not be resolved until the matter of military groups — which continued to operate freely in Congolese territory, posing a real threat to all the people there — had been addressed."

The Accord paved the way for the establishment of a transitional government, which was established in 2003. The Presidents of Rwanda and the DRC signed the Pretoria Accord and in doing so Rwanda agreed to withdraw its 20,000 troops; in return the DRC agreed to work to disarm the Hutu militia and the interahamwe.

**The January 2008 Peace Agreement**

The January 2008 Peace Agreement was established after difficult negotiations in the city of Goma, North Kivu, and involved 22 armed groups. At the basis of the agreement was the pledge to integrate rebel forces into the National Congolese Army (FARDC) and to grant an amnesty from the death penalty for rebel militia charged and tried for rape and murder. General Nkunda was a key commander involved, indicating that the CNDP was central to the negotiations. An American Diplomat forming part of the negotiation team spent considerable time travelling between Goma and the jungle hideout of Nkunda to relay the decisions of each party. The Pole Institute described the Goma talks, "The Goma peace accord was merely a signpost roughly pointing out the direction to be taken and distance to be covered. Everything else depended on the travellers’ choices and willingness to implement their agreement."

The agreement followed a pact made in Nairobi in late 2007, between Rwanda and the DRC. This pact again, as with the Pretoria

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Agreement in 2002, involved a pledge by the two governments to demobilize and repatriate Hutu *genocidaires/interahamwe* groups operating in the Eastern DRC. The FDLR did not partake in the 2008 Goma negotiations. A rapid integration process began in late 2008 and early 2009 and is ongoing.

The situation today

By 2008 the FDLR found themselves to be the most significant rebel group unwilling to bow to pressure from the Congolese state. A joint military operation was launched against the FDLR in early 2009 called “Umoja Wetu” and involved the FARDC, the RDF, and a collaboration of rebel groups such as the CNDP and Mai Mai PARECO.

This military operation was followed by “Kimia II,” which directly involved MONUC troops. According to a Human Rights Watch Report preparations were rushed and MONUC failed in its insistence to have FARDC commanders, accused of human rights violations, removed from their posts. MONUC also failed to implement adequate provisions for the protection of civilians. This operation is discussed in more detail in Chapter 4.

The FDLR has been greatly reduced in number, mainly through voluntary and involuntary demobilization and repatriation. The success of the DDRRR process will be discussed below. According to a February 2011 report by the Enough Project, the

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FDLR’s numbers have been reduced from a sum of 5,800 fighters in 2007 to 3,500. It states, however, that the command structure remains in place with limited defections having taken place.\(^{69}\) An IRIN report from July 2011 states that FDLR fighters now number only 1,000 but that the rebel group still faces a significant challenge to maintaining security, it states that the FDLR’s presence is “…the raison d’être for Congolese rebel groups…”\(^{70}\) According to the Secretary-General’s report of May 2011 the DDRRR program successfully demobilized some 444 FDLR combatants during the recent reporting period but that it continues to recruit, and enter into loose alliances with other rebel groups to consolidate control over mining resources.\(^{71}\)

The Lord’s Resistance Army (LRA) continues to plague civilians in the North East of the DRC, launching brutal attacks on villages. The Ugandan group, which has been in existence for over 20 years, is led by Joseph Kony and is infamous for the brutality it meters out. Its fighters routinely rape, loot, murder and abduct children. The children are used as sex slaves or they are trained to become killers themselves. The LRA has now been largely chased out of Uganda and has sought refuge in the densely forested national parks along the DRC border; from these parks it can launch raids into Uganda and also terrorize local Congolese communities. According to an Enough Project report the UN peacekeeping mission MONUSCO is failing to respond to the threat that the LRA poses and to protect local populations. This has created anger in the communities who themselves have set up their own militias to protect themselves from the attacks. Not only

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are more peacekeepers required MONUSCO also needs to be more effective in using the peacekeepers. A recent Guardian podcast shows local Congolese citizens being interviewed about the LRA attacks, one man states that more UN troops are required so their area can be effectively policed. According to a report by Oxfam the worst affected areas are Haut-Uélé and Bas-Uélé in the Province Orientale where some 3.3 million people live. The area is remote and difficult to access with no roads, telephone network, or transport system. Despite over 17,000 troops making up the MONUSCO force only 850 are deployed in this LRA inflicted area.

Chapter Three – The Sexual Violence

Eastern DRC has been frequently described as the “worst place in the world to be a woman.” Estimates of the number of women who have been raped in this region of the country over the last decades are in the hundreds of thousands. A recent report by the *American Journal of Public Health* stated that 48 women are raped every hour in the DRC, and that the number of victims could be 26 times the amount originally calculated by the United Nations.\(^7\) Recent large-scale rapes include the raping of 300 women, girls and boys in the Walikale Territory, North Kivu between July 30 and August 2, 2010 and the New Year’s Day rapes in Fizi, South Kivu, in 2011. Rape and sexual violence, however, is still being reported and according to the Office of the SRSG on Sexual Violence in Conflict, thousands of incidents are occurring every week.\(^7\) They are simply not reported, and they do not make it into the media. The most recent attack is alleged to have taken place near Fizi, where according to Médicins sans Frontières over 100 women were raped in the course of two days.\(^7\)

Rape is not a new phenomenon to this part of Africa, during the 1994 Genocide in Rwanda, thousands of women were raped. Just across the border in Sudan there has been widespread rape in the region of Darfur. What has come to shock the conscience in the DRC has been the severity and frequency of rape. There are countless stories of gang rape, mutilation, and sexual enslavement that have left victims deeply traumatized, and


\(^7\) Office of the Special Representative of the Secretary-General, interview by author, New York, July 8, 2011.

physically scarred by their ordeals. Many attacks have left women with varying fistula injuries that lead to incontinence and damage to their sexual organs that mean they can no longer bear children.

Numerous NGO reports, to which this paper will refer, describe these injuries. While there is life saving and corrective surgery available, many women cannot access this treatment because health-care providers have found themselves under resourced and overwhelmed. An issue that continues to present itself, and one that will continue to hamper efforts to reach these women is the geographical remoteness of the sites of these attacks. This may also go some way to explain the underestimation of figures provided by the UN agencies.

Incredible work has been undertaken by various organizations such as Médicins sans Frontiéres, the Red Cross, and the International Rescue Committee to respond to the victims of this crisis. One hospital that stands out in the provision of post-trauma care in the Panzi Hospital in Bakavu, where surgeons have assisted many women to regain some form of mental and physical dignity. Centers such as “City of Joy,” established under UNICEF’s auspices aims to train rape victims in transferable skills and empower them to return to their communities and influence other women. Both these institutions, however, are one of a kind and so there is an overwhelming need to duplicate them.

One of the largest issues facing the national and international bodies addressing this rape crisis is the impact of stigmatization. Rape remains a taboo subject and even though
women are forced into sex and enslavement, their husbands and communities invariably shun them should they survive and return to their homes. This throws them into isolation and poverty. This taboo of rape must be lifted for rape victims to have a better chance of recovery and re-integration into society.

Why is this rape occurring? What are the motives and who is responsible? The answer to these questions, as with the entire Congo conflict, is very complex. Ultimately I believe there will be several contributing factors. Ethnicity plays a role, particularly in the shadow of the devastating Rwandan Genocide of 1994. There is also a strong argument for rape being used as a form of terrorism, to scare people into subjugation, or to punish them for collaboration with the “enemy.” An environment of impunity has also grown up and developed around these activities and there is an argument that rape has become normalized, as awful as this sounds. There are signs that this impunity is being challenged but a lot more must be done to support the rule of law, and to address underlying causal factors.

The Reason for rape

There are many different groups responsible for the rape but the largest perpetrator remains the official armed forces of the DRC, the FARDC. However, again within the FARDC there are elements bearing greater responsibility for human rights violations than other. These elements frequently consist of former rebels, rebels integrated into the FARDC through a formal integration process supported by MONUSCO. Civilians are
also responsible for a growing number of rapes. According to Timothy Reid, writing for
*the Interdependent*, "an estimated 20 percent of sexual assaults were done by civilians not
under orders from a military leader but reacting to decades of chaos as they attack
neighbours and strangers alike." The issue of sexual violence and violence in general, is
multi-layered. There are many different perpetrators of sexual violence in the DRC, and
they can include anyone in a position of power, as well as the civilians mentioned above.
For the purpose of this thesis I will concentrate on the largest group of perpetrators, the
military actors. Maria Eriksson Baaz and Maria Stern’s article on why soldiers rape
discusses the reason for rape through a number of interviews with members of the
FARDC. Those interviewed for their article make a clear distinction between what they
consider to be “normal” or “lust” rapes, and “evil” rapes, which may involve mutilation,
rape with foreign objects, and in some cases killing. The overarching message from these
interviews is the link between masculinity, poverty, and sexual violence. In a more
normal cultural scenario a man would have resources and finances behind him, he would
use these to attract women and wives. A staff member from the UN Department of
Peacekeeping, who was resident in the DRC for a long period, describes an expectation
among women that when they engage in sex with a man, other than their husband, they
will be compensated in some form for this interaction. Baaz and Stern’s interviewees
explain that this cultural interaction breaks down in reference to FARDC soldiers because
in many cases they do not receive pay, they often go without food, and they are not
permitted leave to return home to their wives and families. This they argue forces men to

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79 Department of Peacekeeping Operations, interview by author, New York, May 6, 2011.
take women by force to fulfill their natural sexual needs. Even the female combatants acknowledged that it was almost a “right” of the male soldier to do this.\(^8\)

Prince Zeid’s report into sexual abuse and exploitation by UN peacekeepers in the DRC supports much of the scenario described above, but from a slightly different angle. There are of course many differences between the conditions under which peacekeepers operate and the conditions under which FARDC combatants operate. However, I feel there are areas where there is some cross over in terms of solutions to addressing sexual abuse and sexual violence. Zeid made a recommendation that conditions in barracks be improved and regulated to ensure that peacekeepers have access to their families, to recreation time, and to have vacation time, should they need to visit relatives. The report states, “There was little awareness of United Nations standards of conduct, inadequate recreational facilities were provided for contingent members and there were protracted periods of separation from families and communities.”\(^9\) Acknowledging that barrack conditions on peacekeeping bases were inadequate, and that this could be a contributing factor to sexual abuse by peacekeepers, highlights the very difficult conditions that FARDC recruits found themselves in. Conditions on FARDC barracks are said to be much worse and have been described as “living in squalor”; even officers in the military are said to have very poor standards of living. Another issue highlighted by the report is the exchanging of gifts and money for sex. This is strictly forbidden under UN Staff Rules and Regulations, however, as mentioned there is an expectation of women, in and around peacekeeping bases, that money and food can be procured in exchange for sex. An association between


peacekeeping troops and prostitution activity is not a new phenomenon. According to a UN study on children and war in 1996, out of 12 countries analyzed, in 6 of them a rise in child prostitution was observed with the arrival of the respective peacekeeping force. In the DRC, in some cases, sexual encounters cost a mere $1-3 dollars, or an agreement is arranged whereby the women or girl is paid in food, or a job is provided for her. The report categorizes this type of transaction as sexual exploitation.

These financial resources, however, are not available to many FARDC combatants and in a country where a norm has developed around sexual conduct; this must be of significant frustration to the soldiers concerned. It is important to step back in analyzing this cultural norm around payment for sex and recognize that what might be perceived as exploitation in the West, maybe far more acceptable in the DRC. The rules governing peacekeepers do not, however, necessarily apply to FARDC combatants and it remains illegal for peacekeepers to support and procure payment for sex. Barracks conditions are not the only issue facing FARDC combatants; there is also the issue of pay, and in some cases the provision of food. Officers in the FARDC are better provided for than those in the rank and file but even they do not always receive a living wage, enough to support themselves and their families. They are in a better position though to exploit others and to use their influence to generate money through external activities or through corrupt practices. For example “ghost payments” were not uncommon, as Prunier states the FARDC had to operate on a budget of less than $150 million per year for 120,000 to 150,000 soldier, and this was after “taking into account all the cheating around ghost

soldiers.” Exploitation of the rank and file occurs not just in reference to paying wages but also in the provision of other basic needs. Ledio Cakaj in his report on the activities of the LRA for the Enough Project describes exploitation that occurred over food rations from the United Nations. He reports that in some instances in the North East of the country senior FARDC officers have taken UN food rations, meant for rank and file soldiers, and sold them to local markets for immediate personal profit. This has led to FARDC combatants stealing money, food, and items from local communities in order to provide for themselves. Under an arrangement between MONUC and the FARDC 6,000 soldier’s are supposed to receive a dollars worth of food per day, they rarely received this amount according to Cakaj.

The reasoning behind why this “normal” or “lust” rape is taking place does not mean that this thesis seeks to condone these activities in anyway. Rape remains illegal in the DR Congo and Baaz and Stern state that while there was more sympathy for what the interviewees saw as “normal” rape, there was a consensus that all rape was essentially wrong. One soldier stated that marital rape was also wrong and that a man cannot force himself on his wife, even within the home. In 2006 the Congolese Government described rape as a “new form of criminality” when taking steps to update the law on sex crimes in the DRC. The new law describes 3 forms of crime, indecent assault on a minor, indecent assault on a minor with violence, and rape. The crimes carry between a 6-month and a 20-year prison sentence, and should the victim die as a result of the attack then the

perpetrator will face a life prison sentence. As part of the January 2008 Goma Peace Agreement rebel commanders and combatants found guilty of perpetrating sexual crimes are to be given amnesty from the death penalty.

The economic and lust argument for rape may explain an increase in rape in general but can it explain the brutal rapes that are occurring? What appears to be distinguishing the Eastern DRC from other conflicts is the volume of aggravated rape, rape that involves multiple assaults by multiple individuals, genital and breast mutilation, and rape with foreign objects. In many cases victims die from the injuries they receive and women are frequently unable to bear future children. In many cases the victim is also deliberately killed. One of the most common injuries arising from this form of rape is fistulas. Fistulas are where tears occur in the vaginal and/or rectal tracts and if untreated can leave the victim incontinent. This leads to huge social stigmatization because the person is unable to control the passing of waste, and so they are often masked in heavy and unpleasant odors.

In Baaz and Stern’s article the discussion moves from “lust” rape to discuss “evil” rape, and with this there is a change in attitude to the more extreme “evil” rape. From the soldiers interviewed it is clear that more extreme forms of rape are not acceptable but they are still nonetheless understandable, according to interviewees. Poverty and exploitation remain causal factors with one soldier describing how you might find yourself unloved by your wife (because you cannot provide for the family) and at the

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same time your superiors in the your regiment will be abusing their power, and exploiting you as a lower ranked combatant. He goes on to state that if you woke up every morning, you had something to eat, and you knew your wife loved you; you would not go out and commit such crimes. Situations such as those just described lead to great anger and resentment, according to Baaz and Stern. Why one soldiers argues will you rape a women with a foreign object if the rape is about lust.

There is also the question of how much the environment is responsible for the violence or whether it has more to do with the inherent characteristics of the perpetrators. Some will argue that a child is not born a soldier but can only be trained to be one. An FARDC combatant can be quoted, “war is crazy, it destroys the minds of people. Some people just go crazy. Rape is a result of that too, especially the bad rapes.” The same soldier also speaks of the use of drugs and how they exacerbate situations. Inger Skjerbaek supports the argument that it is war that “makes” people crazy, rather than the argument that it is the inherent characteristic of the individual. She uses the example of “abnormal” people and explains that should these extreme crimes be being commitment solely by psychologically disturbed individuals then the armies in question would have to be recruiting a high number of psychiatric patients. She claims that the volume and extent of the sexual violence, in this case in reference to the Balkans and Rwanda, shows that the violence can only be attributed to a “larger political scheme.” In applying this argument to the Congo the extent of the extreme sexual violence is undisputed. However, it less

clear whether the rape occurring is as a result of a deliberate and imposed political strategy, or whether it is more easily explained as a behavioral norm that has developed amongst armed groups and rogue elements of the FARDC. Are commanders ordering their recruits to rape and kill or are they simply turning a blind eye? In the cases of the LRA, as mentioned above, given the consistent level of brutality that is carried out it is very hard to imagine that the violence is not part of an intentional strategy. With regard to other rebel groups I think this is less clear. Have groups like the LRA become the trendsetter in the region or is rape now simply a new weapon of war?

In Inger Skjersbaek’s article on “Sexual Violence and War” she breaks down the motivation for rape into three different conceptualizations. Although she does not specifically reference the DRC in her article, the various conceptualizations provide a framework for some of the ideas and opinions that emerge from Baaz and Stern’s interviews with FARDC combatants. The three conceptualizations begin with essentialism where the target body is all women and they are the targets for sexual violence in order to assert militaristic masculinity. The second is a structuralist concept where again women are the focus but where the women are targeted purely for ethnic, religious, or political purposes. Finally concept number three is social constructivism, and this looks at both women and men as victims of sexual violence, as a result of a desire to masculinize the perpetrator, and feminize the victim.

There is, in my opinion, an argument for the sexual violence in the DRC fitting into all three of these conceptualizations, in some way. The second concept of structuralism,
however, appears to hold the least sway. While undoubtedly there is evidence that sexual
violence occurs along ethnic, religious or political lines I believe it cannot explain the
extent of extreme sexual violence occurring in East DRC. Certain groups have been
specifically targeted during the conflict, for example, the Banyamulenge people of Tutsi
origin, but I would argue that ethnicity is not the primary motivation in the majority of
cases. The irrelevance of ethnicity is supported by Oxfam International’s report “Now,
the world is without me” which is based on data from 4,311 records of sexual violence
victims who presented at Panzi Hospital, Bukavu, between 2004 and 2008. The figures
show that no one category of woman could be singled out based on age or ethnicity, and
that the perpetrators were indiscriminate in their actions, with no women appearing to be
safe in South Kivu. I have so far also seen no evidence of the targeting of individuals
based on their religious beliefs. Statistics show that there is considerable homogeneity in
terms of religion in the DRC with 96% of the population being Christian, with this figure
being split almost equally between catholic, protestant, and “other” Christians. The
article, however, generally picks up on two concurring themes, the normalization of
violence and the masculine/feminine dynamic in a patriarchal society. Skjersbaek also
references Michael A. Sells when describing the cultural taboos associated with the
obscene crime of rape, and that because of feelings of shame a community is unwilling to
explore the motivations of the perpetrators, for fear that it might establish the potential
for such behavior in each of them. This question of cultural taboo is very relevant to the
DRC and the treatment and ostracization of rape victims is strong evidence of this. While

91 Oxfam International, “Now, the world is without me: An investigation of sexual violence in Eastern Democratic Republic of
it is true in many cases that victims are unable to speak out for fear of retribution by perpetrators, there is also a great fear of rejection by their families and communities.

Sexual violence against men and the feminizing argument

Her conceptualization of social constructivism offers the most relevant theory to the sexual violence in DRC, in my opinion. The main reason for this being that it seeks to explain how both men and women can be victims of sexual violence and acknowledges that there is in fact a long history of sexual violence against men in all-male environments. This fact is most evident in the analysis of prison populations, for example, in El Salvador where 76% of political prisoners surveyed in the 1980s described being exposed to some form of sexual torture, and in Sarajevo where 80% of male concentration camp inmates claim to have been raped. The issue of male rape in the DR Congo needs to be urgently addressed given the statistic of 22%, mentioned in the introduction. This figure while not on a par with women (30%) is not that far off. Men are appearing at health centers for treatment but figures show that attendance does not reflect the estimated number of victims. In the “Shattered Lives” Report by Médicins sans Frontières of the patients seen at the MSF run clinic in Masisi, North Kivu just 6% were male. This is in stark contrast to the 22% of victims figure, estimated by the Journal of the American Medical Association. What is more, when analyzing Skjerbaek’s third conceptualization for sexual violence and war it would appear that the targeting of both men and women is explained by a similar factor, the notion of feminizing the victim

and enforcing the masculinity of the perpetrator. This is characteristic of a patriarchal society where society is dominated by a male heterosexual order and this order is reflected in the composition of government, the security sector, and the financial/industrial sectors. By targeting men with sexual violence the perpetrator can erode a man’s position in this traditional structure, one where the man is seen as the provider and protector of the family. In this patriarchal paradigm men should not be victims of sexual crimes but should, if anything, be the perpetrators. Those that do become victims become cloaked in shame; they have failed to live up to a predisposed role and will in many cases be shunned by their wives, families and communities.

According to a Salome Atim, a doctor with the Refugee Law Project (RLP) in Uganda, “in traditional culture, men are brought up to believe they are strong, they can handle everything and they are not supposed to fall into depression or seek psychological help….that's why raped men find it very difficult to talk about what happened to them.”. The RLP takes in about 12 sexually abused men each week, often from eastern DRC.94

Realigning this traditional perception of the male and female societal role is vital to combating sexual violence and could begin with implementing gender mainstreaming policies such as increasing the amount of female recruits in the armed forces and the police. To sum-up Skjerbaek’s 1st and 3rd conceptualizations are the most relevant to the DR Congo. However, conceptualization 3 is more inclusive because it incorporates male victims while acknowledging that the rape is ultimately about dominance and subjugation.

The effect on women

Ultimately the sexual violence in this extreme and systemized fashion is about destruction, it is about destruction of societal fabric. Returning to female victims of sexual violence it is also necessary to view the role of the woman within the family and wider society. If you acknowledge that the woman is the foundation of society as the “life-giver” and the nurturer of children, this role also has the potential to be destroyed or disrupted through sexual violence. When a woman is violently raped there is the huge potential for her to lose the physical ability to bear children. However, there is also the psychological trauma associated with such crimes that can severely damage a woman’s confidence and bring shame on her that can manifest itself through isolating and reclusive behavior. In the UN Women documentary “Women on the front line” Honorata Kizende, a rape victim from South Kivu, describes how she was gang raped publicly, while people danced around her in a ritualistic fashion. She subsequently left her village for Bukavu and said when she arrived in the town that she avoided people generally and did not initially wish to speak to anyone. In Charlotte Lindsey’s 2001 report “Women facing War” she describes the public manner in which sexual violence can occur and states that “in many cultures, the “shame” associated with rape is in a social sense perceived as even worse than the physical act itself.” Additionally a woman may experience active discrimination by her family and community. According to “Women on the front line” even within the Panzi Hospital in Bukavu the fistula patients, those with traumatic

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95 UNIFEM, Women on the Frontline - Democratic Republic of Congo, You Tube Channel Podcast, 21mins 37secs, November 13, 2009, http://www.youtube.com/user/UNWomen#p/a/u/25116F9FE6477D7E/5/mqmmNA0d9Q.
internal injuries, do not mix with the other women while on-site. In Marie Eriksson Baaz and Maria Stern’s article that features several interviews with FARDC combatants an emphasis is placed on the destructive effect of “evil” rape. By targeting the women of a community you weaken it, and in doing so you ultimately weaken the men. The men are left with the humiliation of having not been able to protect the women of the community and the women may no longer be in a position to produce more children.

Wilhemine Ntakebuka, of the Center for Victims of Sexual Violence states, “…so, if you destroy the woman, who is the foundation of the family, it weakens the man.” Charlotte Lindsey also speaks of the dishonor of rape and how its “systematic use can result in the destruction of the social fabric of the persecuted group.”

Another way in which the violence is affecting women is their capacity to carry out day-to-day chores and errands, as well as agricultural activities such as planting and harvesting crops. This is having an adverse effect on the capacity of women to sustain themselves and their families. Going into the bush, or travelling to market presents a huge risk and many women are describing how attacks are taking place while carrying out the above activities. According to Nadine Puechguiral’s article on “Women and War in the Democratic Republic of Congo” the conflict has also affected the availability of goods and increasingly women have to travel longer distances to find supplies, which then puts them at further risk.

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Where is the rape occurring?

There have been countless incidences of mass rapes and killings over the last 15 years since the onset of the First Congo War in 1996. I have chosen just to mention a few major incidences that have occurred in the past year. These include the mass rapes in the Walikale Territory, North Kivu, between July 30 and August 2, 2010; the rapes in the villages of Bushani and Kalambahiro, North Kivu, on New Year’s Day, 2011; and a further set of rapes in the villages of Abala and Nyakiele, Fizi Territory, between 10th and 12th of June 2011.

The Walikale rapes represents the most extensive incident of rape that has taken place recently, it garnered international attention and MONUSCO received widespread criticism, having had 80 peacekeeping troops stationed just 30kms away from where the incident took place. There were over 300 hundred, male, female, and child victims, and widespread looting also took place. The victims suffered both psychologically and physically from their injuries, and lost their entire possessions. Many villagers were abducted and forced to carry the loot into the forest to the militia’s bases. 13 villages were attacked, stretching from Mpoﬁ to Kibua, in the East of the territory. The attacks were planned and carried out by the FDLR in retaliation to government military operations, including “Amani Leo” of January 2010. When studying a Google earth image you can see the remoteness of the village of Kibua, for example. There are no roads to speak of, leading to, or passing near to the village. According to an Amnesty International report there are administrative officers in the area working for the
government, however, they receive very little oversight from their supervisors who are some 80kms away in either Goma or Walikale.\textsuperscript{101}

The New Year’s Day rapes in Fizi, South Kivu, involved approximately 60 victims. According to MSF victims were tied-up, raped and their belongings stolen.\textsuperscript{102} This attack is also estimated to have involved the largest amount of government troops to date, in the history of the violence in the region.\textsuperscript{103} The soldiers involved in this atrocity, including an army colonel were given long prison sentences for the crimes.

At the same time, according to a report by the UN Joint Human Rights Office (UNJHRO) in the DRC, between 31 December 2010 and 1 January 2011, “in the villages of Bushani and Kalambahiro, North Kivu, at least 47 women were victims of sexual violence, including rape. Some 100 houses were looted, 12 civilians were victims of cruel, inhuman or degrading treatment, and two were abducted. The exact number of rapes may be considerably higher.”\textsuperscript{104} These two villages are located a long distance from any clearly demarked roads and appear to be very remote. Kalambahiro village sits on the edge of the Parc National des Volcans.

According to an IRIN report between 12 and 13 February, and 18 and 19 February 2011 respectively, attacks occurred involving at least 56 people, around the villages of


Misisi/Milimba, and Bwala/Ibindi, Maniema province, at the exit of a market. The victims, men, women, and children, were systematically beaten and raped. The FLDR was responsible for the attacks.\textsuperscript{105} A significant amount of violence has taken place and continues to take place in the Kivus. However, according to an internal DPKO report there has been an escalation in attacks in the Province of Maniema. This area is a long way from the larger populations of Goma and Bukavu and is characterized by remoteness and inaccessibility. Misisi village lies on the bank of a large river, again a long distance from any demarked roads.

The latest incident of mass rape to occur, that has been reported, and has made it into media reports, is alleged to have taken place in the area of Fizi in South Kivu between 10 and 12 June, 2011. The attacks occurred in the villages of Abala and Nyakiele where MSF claims there were over 100 victims. MSF described the location as a “relatively remote area with no mobile phone coverage.”\textsuperscript{106}

Increasingly there is a pattern of mass rapes occurring in remote and accessible areas, further away from the concentration of international NGO and UN activity in Goma and Bukavu. This is supported by a DPKO staff member working specifically on the issue of sexual violence in conflict.\textsuperscript{107} The increasing pattern of attacks in remote areas maybe explained by an increase in peacekeeping posts that have pushed rebel militias further into more remote areas. While this might be viewed as a success, it is a double-edged


\textsuperscript{107} Department of Peacekeeping Operations, interview by author, New York, July 8, 2011.
sword, because the populations being targeted become very difficult to reach due to lack of roads and the density of forest. Telecommunications are also limited because of lack of mobile phone masts.

The situation today

I am reluctant to provide anyone one figure on the amount of rapes taking place; many different figures are produced by various agencies. The American Journal of Public Health estimates that 48 women are being raped every hour in the DRC, according to the Journal this figure is 26 times the figures stated by the United Nations.\textsuperscript{108} When interviewing a specific DPKO staff member they estimated that the amount of rapes occurring within a week ran into the thousands.\textsuperscript{109} Yet in a July 22 IRIN report from the UN Office for the Coordination of Humanitarian Affairs states that the UN Population Fund estimates that 60 women experience sexual violence per week, in North and South Kivu.\textsuperscript{110} This figures seems very low. According to a Thompson-Reuters Foundation poll of gender experts “estimates vary widely, from 40 to 1,150 women raped there every day, depending on the source.”\textsuperscript{111} As can be seen from these figures there is great discrepancy in official estimates, however, from research it would seem there is a consensus on the fact that official figures represent the tip of the iceberg, and that many many rapes are going unreported. This is in part due to the remote locations of victims but also the fear and shame victims face at reporting the crimes.


\textsuperscript{109} Department of Peacekeeping Operations, interview by author, New York, July 8, 2011.


This discrepancy highlights the issue of recording incidences and collecting data. The difficulty in obtaining accurate facts and figures is frequently mentioned. In the Comprehensive Strategy on Combating Sexual Violence in the DRC, compiled by INGO staff, government officials and the UN, this issue is referenced. When looking at the factors that influence sexual violence the authors suggest that “timings, locations and motivations should be better analyzed, together with protective mechanisms that communities, and especially women, put in place.”

Chapter Four – MONUSCO’s response and the obstacles

facing the multi-functional force

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo or MONUSCO (French acronym) began as a small group of liaison officers who arrived in the DRC in 1999. Originally known as the United Nations Mission in the Democratic Republic of Congo or MONUC (French acronym), the peacekeeping force changed its name in 2010 to reflect its evolving role and function. Throughout the 2000s MONUC grew from its initial size of under a hundred liaison officers to nearly 20,000 peacekeeping troops, with additional military observers, police, and civilian staff. The force was instrumental in assisting the DRC government to hold democratic elections in 2006.

Below are key resolutions since 1999 that show the peacekeeping force’s evolvement from a small observer mission to a full-scale multi-functional peacekeeping operation:

- Security Council Resolution 1279 (1999) – This resolution stated that the collection of personnel in the DRC, including humanitarian affairs, public information, medical support, child protection, political affairs, and administrative support staff would be known as MONUC from thereon in.
- Security Council Resolution 1291 (2000) – This resolution expanded MONUC to a maximum of 5,537 military personnel, including 500 observers. MONUC was also

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authorized under a Chapter VII mandate of the UN Charter to use all necessary force to protect civilians, UN personnel, and UN equipment, from violence.

• Security Council Resolution 1445 (2002) – This resolution expanded the mission to a maximum of 8,700 military personnel.

• Security Council 1484 (2003) – This resolution specifically authorized the Interim Emergency Multinational Force as a temporary measure to address the conflict in Bunia, Ituri Region. The objective being to secure the airport and protect internally displaced persons. Led by French troops the temporary force reached 1,800 in strength and succeeded in boosting the impact of the peacekeeping force in the region. In September the operation was handed back to MONUC.

• Security Council 1493 (2003) – This resolution authorized an expansion of the mission to 10,800 military personnel.

• Security Council Resolution 1565 (2004) – This resolution again increased size of the force by 5,900 to a total of over 16,000. Secretary-General Kofi Annan had requested an additional amount of troops that was more than twice this figure.

• Security Council Resolution 1671 (2006) – This resolution specifically authorized the deployment of a European Union led force to reinforce the national police force of the DRC during the upcoming presidential elections. Concentrated in Kinshasa “Eufor R.D.Congo” was mandated to operate only until September 30, 2006.

• Security Council Resolution 1843 (2008) – In light of increasing evidence of sexual violence and other human rights violations, and following specific requests from the British Foreign Office and a coalition of international NGOs, the force was once again expanded by 3,085 personnel to a figure exceeding 20,000 in total.
• Security Council Resolution 1925 (2010) – This resolution changed the formal name of the mission from MONUC to MONUSCO. The word stabilization was added to the mission’s formal name to reflect a heightened focus on peace building initiatives such as security sector reform, the DDRRR process, and efforts to address the issue of illicit mining and smuggling of natural resources.

• Security Council Resolution 1991 (2011) – This solution agrees to extend the mandate by a further year, through until and including, June 2012. This is in light of continuing attacks on civilians by isolated armed groups. The resolution also references the impending presidential elections with which MONUSCO will be heavily involved.

MONUSCO has, however, been hampered from the outset by the difficulties in traversing and patrolling the Congolese terrain. Much of the country is covered in dense forest and with a very limited amount of passable roads the only feasible way to move around is by helicopter. To reach some of the more violent inflicted areas can involve a 2-hour helicopter ride and then a 6/7-hour hike.\footnote{Department of Peacekeeping Operations, interview by author, New York, May 6, 2011.} Foot patrols are possible but even these can be problematic in areas where crucial footbridges have been destroyed, or allowed to fall into disrepair. In an effort to reach more remote communities and to protect civilians in areas where rebels groups are active MONUSCO has split into smaller forward bases. These now number approximately 90. There is an issue, however, in keeping these bases supplied. Due to the lack of an electricity grid in much of the country the bases require fuel driven-generators to operate, helicopters must deliver the fuel and this in itself is a very costly operation.
MONUSCO was at one point the UN’s largest peacekeeping operation in the world, and the largest in the UN’s history. However, personnel numbers have been reduced since July 2010 and UNAMID, the UN’s hybrid African Union operation in Darfur, has overtaken MONUSCO in terms of personnel figures. Despite MONUSCO’s size there is still an insufficient amount of troops for the size of the area that needs to be policed. According to a DPKO staff member there were as many as 45,000 NATO troops in Kosovo during the crisis in the late 1990s. The Kivus on there own cover an area equivalent to the size of France and he estimates that 200,000 troops would be required to effectively police the whole area. This opinion is backed by an Enough Project report on LRA attacks, which again makes the comparison between Kosovo and the DRC in terms of the size of their respective peacekeeping operations. MONUSCO is a tenth of this ideal size and there is little appetite for increasing the number, as mentioned the size of military personnel has been partially reduced over the past year, by a figure of approximately 2,000.

MONUSCO must also operate with the authorization of the DRC Government and this has not always been guaranteed. Only recently President Kabila has considered requesting the UN to pull out its forces. Tensions have been strained at times, especially during the anticipated assault on Goma by the CNDP in late 2008. On September 6, 2008, the Congolese Minister of Defense and Minister of Interior

115 Department of Peacekeeping Operations, interview by author, New York, March 14, 2011.
threatened to “set the population on the peacekeepers” if MONUC did not engage the CNDP more robustly.\textsuperscript{118} During the Umoja Wetu Operation in early 2009 the FARDC was reluctant to share any information with MONUSCO, and this will be discussed in more detail below. UN troops have also faced hostility from local populations, for example, there has been jeering and stone throwing while passing through villages. Demonstrations have resulted in injuries to peacekeepers and damage to vehicles.\textsuperscript{119} Demonstrations occurred in North Kivu in the period prior to the killings in Kiwanja in early November 2008, and MONUC received much criticism for failing to prevent this CNDP/Mai Mai onslaught. As recently as July 2011, again in Kiwanja, demonstrations were directed at both the Congolese army and MONUSCO, in response to a retaliatory attack on civilians in the Virunga National Park, by the FDLR. Members of the town’s community set up barricades around the MONUSCO base, and roadblocks on the streets. People were heard shouting “MONUSCO go back home if you can’t help kick FDLR out of this country!”\textsuperscript{120} Managing expectations and maintaining support is a significant issue that MONUSCO faces and this is often cited in NGO reports.

It will be important to remember and acknowledge that while MONUSCO continues to face difficulties in fulfilling its mandate to protect civilians from harm, it has had an impact. This quote from an International Crisis Group report underlines this, “however problematic MONUC’s recent performance, many Congolese see its presence as a powerful deterrent against even more violence by armed groups or the Congolese Army.


For the government, MONUC has served as an important security guarantor…”121 MONUSCO has had an impact if only for the fact that regular patrols, and an increase in temporary bases, have pushed the armed militia further into more remote areas. This outcome has its advantages and its drawbacks. In forcing the rebel groups to flee you are creating an offensive advantage, by dispersing the groups and weakening their operational structure. However, by pushing the groups into more remote areas it becomes much more difficult to both locate them and attack them. As a staff member from Office of the SRSG on Sexual Violence in Conflict stated, the rebels cannot be bombed while they shelter in densely populated jungle.122 The locations of civilian attacks are also becoming more remote, as mentioned in the previous chapter. This means victims face long distances, should they require medical assistance, and accessing the areas is problematic due to a lack of access. As areas become more remote telecommunications also become scare. To rectify this many areas need an increase in telecommunication masts that are situated at different altitudes, to cope with the mountainous countryside.

**Operational capability of MONUSCO**

The sheer size of the DRC, and the type of terrain, is in itself a major impediment to MONUSCO’s operations before you factor in the many other dynamics occurring on the ground such as rival armed groups, illicit mining operations, and lack of space and food. The DRC is famous for its dense jungle environments and is home to thousands of species of rare animal, including gorilla. Since independence access to these tropical


122 Office of the SRSG on Sexual Violence in Conflict, interview by author, New York, July 8, 2011.
wildernesses has been reduced as the road and railway network has fallen into disrepair.
The climate of the country would prove a challenge to even the most developed of
government structures, as in many parts the rainy season lasts for 10 months. Even well
built roads will be washed away in parts and need constant repairs and maintenance. But
this has not happened and quite the opposite occurred during the 3 decades of Mobutu’s
rule. Now according to a DPKO staff member it can take an entire day to travel just 5
kilometers.\textsuperscript{123}

MONUSCO uses armored personnel carriers (APCs), where it can, to undertake patrols
as they offer strong protection from armed groups on foot. These APCs, however, require
sturdy roads and cannot operate in deep mud and on water clogged tracks. Many bridges
have also collapsed, or are simply not being maintained, making them too unsafe to use.
A restriction on the use of this vehicle is one of the first operational obstacles the mission
faces. For this reason air travel is often the most effective means of transport. However,
while there are airstrips, and planes are frequently used, these too can be in poor repair.
Only in the last few months there have been two major plane crashes in the DRC, one
killing 32 people including many UN staff members, and both crashing in poor weather.
According to a \textit{Guardian} article the “Congo has one of the world's worst aviation safety
records, mainly because of the fleet of old and often poorly maintained aircraft that serve
the civilian population.”\textsuperscript{124}

\textsuperscript{123} Department of Peacekeeping Operations, interview by author, New York, March 14, 2011.
This leaves MONUSCO heavily reliant on helicopters. Helicopters themselves, however, are now in short demand, as several have recently been returned to contingent countries, including 4 attack helicopters, and 5 utility helicopters. According to the Secretary-General, MONUSCO operations will be undermined if the mission cannot procure more attack and utility helicopters. Relying on this mode of transport is also very expensive, according to a DPKO staff member a helicopter costs around $3,000 per hour to operate. A third of all forward bases can only be reached by helicopter and these bases must be supplied with fuel to run their generators. Helicopters serve another vital role in the DDRRR process, according to a UN specialist in DDRRR they are needed at times to rescue defecting rebel combatants. Once a combatant has taken the decision to defect their lives are immediately at risk from fellow rebels, who will kill them for their desertion. All 3 separate DPKO staff members that I interviewed for this thesis referred to the issue of helicopters and a the lack of them.

While there remains over 17,000 UN military personnel in the DRC, all these troops are not out patrolling and gathering information at the same time. According to DPKO staff member the mission operates on a shift basis, in a normal military pattern. It operates three 8-hour shifts per day, while one shift is out patrolling the other should be at base resting. A further amount of personnel should then be carrying out non-operational duties such as cleaning, cooking, and managing supplies. For this reason there is only ever a third of the actual troop total patrolling at anyone time. This clearly shows that sheer

126 Department of Peacekeeping Operations, interview by author, New York, May 6, 2011.
127 Department of Peacekeeping Operations, interview by author, New York, March 21, 2011.
128 Department of Peacekeeping Operations, interview by author, New York, May 6, 2011.
numbers alone mean that making any impact on protecting civilians across such a large area, with such small numbers, is immensely challenging.

Integration of rebel groups and military operations against the FDLR

MONUC and MONUSCO have been involved in several joint operations with the FARDC against rebel groups, notably the FDLR. Key operations include “Umoja Wetu,” “Kimia II,” and “Amani Leo.” Engaging the FDLR directly is an ongoing process and there have been further joint operations implemented since those mentioned above.

Following a peace agreement, signed in Goma in January 2008, a pledge was made to upscale the integration of rebel groups with the official armed forces of the DRC, the FARDC. Despite a setback to the agreement during the latter half of 2008, due to intense fighting in North Kivu, rapid integration of the CNDP (National Congress for the Defense of the People) began in January 2009. Crucially by this point the leader of the CNDP, Laurent Nkunda, had been captured and placed under house arrest in Rwanda. His incarceration was seen as vital in the effort to bring peace to the region because under his leadership widespread human rights atrocities were occurring. At the same time he enjoyed the support and backing of Rwanda. As a native Congolese Tutsi he was a natural opponent and critic of the Hutu dominated FDLR. The extent of Rwandan support for the CNDP was disclosed in December 2008 in a report of the UN Group of Experts to the DRC, the findings caused both Sweden and the Netherlands to halt certain financial
aid to Kigali.\footnote{International Crisis Group, “Congo: A Comprehensive Strategy to Disarm the FDLR,” ICG website, July 9, 2009, http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/151-congo-a-comprehensive-strategy-to-disarm-the-fdlr.aspx} Rwanda finally realized that Nkunda’s removal from power was a political necessity and he was arrested under a deal struck between Kigame and Kabila. Nkunda remains in Rwanda; the DRC has since issued an international arrest warrant requesting his extradition. Nkunda was replaced as chief of the CNDP by Bosco Ntaganda, who has since been indicted by the war crimes tribunal in The Hague on the charge of recruiting child soldiers.

Umoja Wetu or Our Unity was the first of two joint military operations between RDF and the FARDC in early 2009. Their target was the FDLR and its supporters. The skirmishes and air strikes took place in North and South Kivu, in and around Goma. Kimia II was swiftly followed Umoja Wetu. Casualties were low for the two armed forces, while the FDLR sustained 40 fatalities in just one air strike.\footnote{“Hutu rebels killed in Congo raid,” BBC.co.uk, last modified February 13, 2009, http://news.bbc.co.uk/2/hi/africa/7888370.stm} The important issue in analyzing these two joint operations is the relative lack of involvement by MONUSCO. In the early stages the peacekeeping mission was frozen out of planning and implementation of the operations, this caused great concern to the UN because it impeded its ability to protect civilians. Without knowledge of when and where military operations were to take place it was considerably harder to plan for the movement of internally displaced people (IDP), or to predict where retaliatory attacks might take place. A UN DPKO staff member, when asked about the UN’s involvement in Umoja Wetu, stated that the operation was as the result of a secret meeting between the DRC and Rwanda that the UN was not party to.\footnote{Department of Peacekeeping Operations, interview by author, New York, March 14, 2011.}
The success of these operations has been called into doubt and criticism has been leveled by various NGOs. The military operations succeeded in causing the FDLR to temporarily retreat, scattering into surrounding jungle where they were less detectable, or hiding out in hill-top villages. However, they soon returned. Retaliatory attacks were meted out and OCHA states that between March and mid-May 2009, 12 large-scale attacks occurred, including one massacre that led to 77 civilian deaths.\textsuperscript{132} According to the Human Rights Watch report “You will be punished” for every FDLR combatant that was repatriated 1 civilian was deliberately killed, 7 women were raped, 8 houses burnt and 900 people forced to flee.\textsuperscript{133}

Following the widely reported mass rapes in Walikale at end of July, beginning of August 2010, during which over 300 men, women, and children were raped, MONUSCO launched “Operation Shop Window.” The operation was designed to reassure the local population of Walikale by concentrating troop patrols there. This was an advocacy mission, according to DPKO, and had a largely successful outcome by reducing insecurity in the area.

There have been three further operations since Umoja Wetu and Kimia II that have involved MONUSCO. Operation “Amani Leo” was launched in January 2010 in a further effort to target the FDLR. Implemented across the two Kivus the objective included securing areas recently won from the rebel group. General Gaye of MONUSCO describes the UN’s involvement, "joint planning is essential to map out the areas of risk and

determine the most effective organization and deployment of our forces,” he said.

"Protection of civilians has been the central concern in our planning."

Operation “Amani ya Kweli” and "Akikisha Usalama" are the two most recent military operations to be implemented and went into action against the FDLR in May and June 2011. According to MONUSCO they have concentrated on setting up mobile operational bases to cover several villages across the Kivus, and to carry out patrols in areas where human rights violations have been reported. Focusing on specific trouble spots may help to concentrate MONUSCO’s resources more effectively. OCHA, the UN agency tasked with coordinating humanitarian affairs, warns that the FDLR remains at large. “Despite the Amani Leo and Amani ya Kweli operations jointly mounted against the FDLR by the former UN mission, MONUC, and the Congolese military…, the group continues to perpetrate abuses in South Kivu Province.”

A huge challenge facing MONUSCO is the discipline of the FARDC combatants and the existence of multiple command structures. One DPKO staff member described the FARDC as “completely unprofessional.” As a recent report from Amnesty International shows, FARDC soldiers continue to commit human rights violations and to steal from local populations. A frequent complaint mentioned by both DPKO staff, and in NGO reports, is the competing command structures. This is particularly relevant to the CNDP after it was officially merged with the FARDC from January 2010. One of the

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136 Department of Peacekeeping Operations, interview by author, New York, March 14, 2011.  
main issues to integration has also been the fact that former rebel combatants, responsible for human rights violations, have been incorporated into the official forces. According to Jason Spears two former majors of the Front Republican Federaliste (FRP) were appointed to senior FARDC roles. This is despite the fact that as Spears claims the group has had a significant humanitarian impact, having formed alliances with the FDLR and various Mai Mai groups. The problem of integration was backed up by a report by UN Joint Human Rights Office (UNJHRO) that said, “Elements integrated in the FARDC, including some from the former Congrès national pour la défense du peuple (CNDP) armed wing, do not acknowledge central command authority and essentially remain outside of the established chain of command.”

The fragility of the integration process means that FARDC commanders cannot be relied upon to keep all of their combatants under control and to prevent them from continuing to carry out rape, looting, and extortion. A recent mass rape near the town of Fizi, South Kivu, involved approximately 200 former rebel soldiers who had broken away from their FARDC battalion and set off on a march across the area. Soldiers from the same unit were convicted in February 2009 of the New Year’s Day rapes in the same region. A vetting mechanism is allegedly in place that is designed to single out former rebel combatants that have committed atrocities, however, it clearly needs strengthening and enforcing. UN High Commissioner for Human Rights Navi Pillay endorses this point; she recommends a future vetting mechanism to exclude human rights violators from the

security forces. “Such a vetting mechanism is absolutely critical for any sustainable peace in the country and the region,” she said.141

Illicit mining and land ownership

A major problem that links with the issue of the rebel’s integration is that of illicit mining. Artisanal mining plays an important part in fueling the violence in the East of the region because it provides a lucrative source of income for the rebel groups, however, elements of the FARDC are also involved in profiteering from the industry. The mining industry is also a source of human rights violations in itself as miners are often forced to work in very dangerous conditions, with little pay and few breaks. Some rebel groups also enslave men to work in the mines and will simply kill them when they are no longer able to work, or they fall ill.

The Walikale territory in North Kivu provides some of the richest deposits of cassiterite and coltan in the country. These rare earth minerals are plentiful in the Great Lakes Region due to the meeting of two tectonics plates that have pushed these valuable commodities to the surface. Minerals such as coltan are used in electronic devices like mobile phones and also form the components of batteries that give them their energy retaining ability. The DRC holds up to 80% of the world’s deposits of coltan and therefore its resources are highly important to technology companies across the world. According to the Enough Project, the mines of Walikale are controlled almost exclusively

by the FDLR, Mai Mai Groups (Cheka), and units of the FARDC. These groups make millions of dollars a month through taxation, transportation, and trading.\textsuperscript{142} According to a Global Witness Report the FDLR charges a flat fee to miners of some 30\% and will then set up addition roadblocks to tax minerals passing through. In 2007, in the Bisie area, the FARDC was earning up to $120,000 a month by taxing $0.15 for every kilogram of cassiterite mined.\textsuperscript{143}

Terrorizing of the local population in the areas around these mines happens for several reasons. As mentioned above the rebels require manpower to perform the extraction, and to transport the mined material. They also force local populations to pay taxes and citizens who fail to do this can receive punishments ranging from rape to death. One DPKO staff member is also of the opinion that terrorizing occurs purely in order to clear land, which in many areas is in short supply. He describes the Kivus as being one of the most densely populated areas in the world, more densely populated than the Benelux Countries of Europe.\textsuperscript{144} This may come as a surprise but much of the DRC’s landmass is not easily habitable and is covered in jungle or thick bush. Areas can be cleared but this is labor intensive and very few possess the machinery and skills to do so. Land ownership in itself is a largely disputed issue, with multiple claims occurring to the same land, due to a legacy of ill thought out land policies dating back to the colonial era. Séverine Autesserre makes reference to the local land disputes that have occurred and claims that these disputes are a fundamental causal factor of conflict in the region, and were


\textsuperscript{144} Department of Peacekeeping Operations, interview by author, New York, May 6, 2011.
entrenched issues before the impact of the Rwandan Genocide and subsequent foreign invasion in 1996. Land disputes have caused particular tension between the “native” Congolese and the Banyamulenge people, who are of Rwandan Tutsi origin and have arrived in the DRC at different periods in history. Tension even occurs within the Banyamulenge, between those that have been in the region since the 1800s and before, and those that were brought across from Rwanda by the Belgians, as a favored ethnic group. A basic fight for precious space cannot be discounted and should be considered alongside the commercial dynamics of the mining industry, when analyzing the reasons behind the terrorizing tactics of certain groups.

A direct link has, however, been made between illicit mining and sexual violence. The 2010 Dodd Frank Act, passed by the U.S Congress, explicitly states that “the exploitation and trade of conflict minerals originating in the Democratic Republic of Congo is helping to finance conflict characterized by extreme levels of violence in the eastern Democratic Republic of Congo, particularly sexual gender-based violence…” The Dodd Frank Act has the potential to lead to an international scheme similar to the Kimberley Process that currently regulates the distribution of diamonds, mined in regions of conflict. The law requires that all U.S publicly traded companies declare, on an annual basis, if their products or processes have used conflict minerals originating in either the DRC, or an adjoining country. The Act has been welcomed by certain parties at the UN, including the Special Representative of the Secretary-General on Violence in Conflict, Margot

Wallström. A DPKO staff member who I interviewed in New York was supportive of the legislation along as it avoided some of the issues that have affected the Kimberley Process, i.e. corruption in the certification process. According to a senior staff member at Revenue Watch there has been a proliferation in certified companies in the DRC but that the industry has pushed back against the legislation, claiming that it is particularly specific and therefore difficult to adhere to.

In an article, posted on the blog of Congo specialist Jason Stearns, Eric Kajemba of Observatoire Gouvernance et Paix (OGP), a Bukavu-based NGO, says that there has been immediate negative consequences to the passing of the Dodd Frank Act. This is primarily linked to the DRC’s export ban that was imposed between September 2010 and March 2011 in reaction to the act, he claims the government felt a need to take action in light of this legislation. The export ban meant that the trading middlemen were forced to put their own properties up as collateral in order to meet arrears and many mine workers lost their jobs overnight. It has also meant that previous delivery routes of goods and produce that occurred as a result of the mineral transportation also came to a halt, the consequences being that communities were suddenly cut off from certain supplies. Kajemba is supportive of a certification process and of the Dodd Frank legislation in principle. However, for a country like the Congo with such underdeveloped infrastructure and

political insecurity, these regulations must be introduced slowly to avoid killing the industry, or just sending it entirely underground.\textsuperscript{150}

There also appears to be division within the U.S. business sector on the effectiveness of the law. Stephen Jacobs, senior director at the National Association of Manufacturers, claims that the law will place a disproportionate burden on smaller businesses and may push them out of business. Wal-Mart and AT&T are resisting the law claiming that the responsibility should not be on them, as the sellers of the end product, to have to ensure the supply chain is conflict free. However, some large technological companies like Hewlett Packard and Intel have embraced the human rights cause, have already introduced new policies, and have demonstrated that the costs do not have to be prohibitive.\textsuperscript{151}

\textbf{Rule of Law/Security Sector Reform}

The strength of the rule of law in the DRC and the state of the security sector is a major impediment to MONUSCO’s mission to protect civilians. The primary reason for this is the level of impunity that the perpetrators of sexual violence enjoy. Accounts are frequently heard from women who have been raped that the men responsible continue to walk free around their local community. Law enforcement has collapsed and law enforcement officials are woefully under resourced. Stories of police officers (some female), who have no mode of transport beyond a bicycle, are not uncommon. These

\textsuperscript{150} Jason Stearns, “Interview with Eric Kajemba on Conflict Minerals,” \textit{Congo Siasa (blog)}, August 3, 2011, (1:19 p.m.), \url{http://congosiasa.blogspot.com/}.

\textsuperscript{151} “DRC: Controversy over "conflict minerals" law,” IRIN (OCHA), last modified August 2, 2011, \url{http://www.irinnews.org/report.aspx?ReportId=93396}. 
individuals cannot expect to be able to respond effectively to calls for assistance and then apprehend the suspects and place them in detention. This task is not only impossible without the necessary equipment it is also very dangerous. I have read of police officers that have been specifically targeted, tortured and killed.

The court system is also non-existent in some places and where trials do take place the ability to follow through and ensure fines are paid, and sentences are served, is minimal. There are signs of some investment in the area of law enforcement through support from outside donor countries. Just recently the British Government’s Department of International Development pledged £60 million ($90 million) to support 4-month long training courses for the National Police Force (PNC). A training center has opened in Matadi, Bas Congo Province, and training courses in Bukavu and Kananga will open shortly.\footnote{“Proximity Police in Mvula-Matadi,” British Embassy in the DRC website, last modified August 4, 2011, http://ukinddr.fco.gov.uk/en/news/?view=News&id=639864182}

Investment is also being made in training magistrates generally, and also increasing the expertise of existing magistrates in particular areas such as sexual crimes. The DRC Government, with the support of donor countries, is making a concerted effort to train female magistrates. This is vitally important work, however, a greater effort must be made to entice women to work in the more troubled provinces, where much of the sexual violence is taking place. A recent training effort saw the recruitment of over 400 female magistrates, however, just 25 of these will be posted to the Kivus. The insecurity is a significant issue to persuading women to work in these environments because female
public figures such as magistrates, leaders of NGOs, and civil servants can find themselves vulnerable to intimidation, especially when they are found to be challenging criminal activity. There is also the preference to working in the major cities of the DRC, including the capital Kinshasa, because of better work opportunities and quality of life.

Should a perpetrator be successfully brought to trial and be convicted of a crime the next obstacle is incarceration. The state of the DRC prison system, like any other institution or infrastructure in the country, is dilapidated. Being sent to prison means an effective death sentence for some inmates. Many die of starvation or disease, and many are simply murdered by fellow prisoners. According to a U.S. State Department Human Rights Report, “Dimitri Titov, the UN assistant secretary for the rule of law and security institutions, DPKO, visited the prison in Goma, North Kivu, where he found a prison facility built for 150 prisoners housing 850.”

Overcrowding is common and disease is rife as a result, exacerbated by limited or non-functioning sanitation facilities. Sexual violence is often reported, especially against new inmates. Prisoners must rely on the support of family and friends to bring them food but even then prison guards who are rarely paid can steal this food. This scenario is supported by the following blog.

Chuck Sudetic, a writer for the Open Society Foundations, describes Bukavu prison as part of a series of dispatches from in-country. The prison was built by the Belgians but has long since fallen into disrepair. He describes how toilets are blocked; water cascades from broken pipes, and prisoners are sprawled out over the floors. Women line-up

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outside with baskets of food for the starving prisoners, and prison officials themselves beg for money, sometimes forcing individuals to pay in order to see their incarcerated relatives. Many prisoners simply escape and prison riots can be frequent. The incentive to break out is high, given the reality of staying in prison and facing possible death from starvation, disease, or violence.

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Chapter Five – Remedies

This chapter will look at some of the remedies to addressing the issue of sexual violence in the DRC. Despite the relatively poor coverage of the conflict and violence in the region, within the Western media, a significant amount of actors have been involved in finding ways to end the crisis. They range from the large international organizations such as the UN, through to small local NGOs on the ground that might focus on micro-loans or life skills training for SGBV victims. In analyzing these efforts I have split the remedies into non-military and military options.

Non-military options

Advocacy

The UN system’s has responded to the crisis in a number of ways and this section I will mention its advocacy and capacity building initiatives. MONUSCO also carries out direct military operations to specifically target the FDLR and other remaining armed groups; this will be referenced in the next section. A significant and recent development has been the establishment of UN Women. The new entity merges several women’s initiatives, including UNIFEM and the Division for the Advancement of Women. In creating a single body responsible for women’s rights the UN has brought new energy and focus to the issue of women’s empowerment. The new executive director Michelle Bachelet must now work to raise the necessary funding to support its work because at present the newly
formed organization is well below its fundraising target. There is a concern that the body creates a further duplicative level of programming to an already heavily saturated group of initiatives. But it is hoped that with sufficient finances and authority it can establish itself in the same way as agencies such as UNICEF and UNDP have done, and work to tie together the many initiatives already focused on women. “Addressing rape as a tactic of warfare in conflict and post-conflict situations” is one of the four priority areas of the 2008-2013 UNIFEM strategy paper *A Life Free of Violence: Unleashing the Power of Women’s Empowerment and Gender Equality.*

Global advocacy cannot be discounted. While the work of global campaigns can at times seem remote and distant from realities on the ground, they are nonetheless vital in simply drawing attention to specific issues. Rape in itself is an emotive subject, even within Western societies, but it is important that the crime is discussed and debated. As mentioned in Chapter 3, rape carries with it significant shame and taboo within the DRC and it is important that this is challenged. Once women can begin to talk more openly about their experiences, and to come forward with allegations, the issue can be better assessed and resources allocated more effectively.

Key advocacy campaigns that specifically target the issue of rape include the *Stop Rape Now: UN Action against Sexual Violence in Conflict* campaign, which works with 13 UN entities to increase awareness, share knowledge, and develop policy on operational and

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technical capacity for UN programs.\textsuperscript{156} The campaign has received widespread support from the general public through a social media campaign, and has been endorsed by well-known public figures and celebrities.

At the other end of the scale in terms of advocacy efforts are grassroots organizations, such as SOS Femmes en Danger, which runs 3 local clinics in Fizi Territory, South Kivu. They offer peer counseling, therapy sessions and micro-loan schemes to victims of sexual violence.\textsuperscript{157} The work of organizations like these is vital to highlighting the issue at a local level because they can demonstrate resistance to the perpetrators of the violence, and make a stand for the individuals that are unwilling to stand up for themselves. This organization is all the more relevant when considering that violence in the North and South Kivus is said to be on the rise again. There have been two incidences of mass rape in and around Fizi in the last year, one on New Year’s Day, and a further attack in mid-June. According to MSF Operations Manager Katrien Coppens the organization has treated 500 mass rape victims since the beginning of the year in the Fizi Region alone. She says, “I’m concerned that the mass rape of civilian populations is on the increase in South Kivu…”\textsuperscript{158}

Telecommunications

Telecommunications in the DRC are very undeveloped. However, I would argue that communication capability is something that could be improved more easily, in

\textsuperscript{156} “Stop Rape Now,” Stop Rape Now website, accessed August 5, 2011, \url{http://www.stoprapenow.org/index/}.
\textsuperscript{157} “SOS Femmes en Danger,” SOS Femmes en Danger website, accessed on August 5, 2011, \url{http://sosfedrdc.org/}.
comparison to the engineering challenges posed by roads and railways. As of December 2008, according to Vodacom, its mobile network covers 15% of the geographical area of the country and reaches 55% of its population. Although it has increased significantly mobile penetration, at 16%, remains one of the lowest in Sub-Saharan Africa.\footnote{“Vodacom,” Vodacom website, accessed March 5, 2011, \url{http://www.vodacom.cd/vodacom-drc/} (information removed from site).}

There are currently five Mobile Network Operators (MNOs) operating in the DRC, but the majority have failed to establish any significant scale. As at 31 December 2008, Vodacom DRC is the market leader in the DRC with an estimated market share of approximately 38%. Vodacom believes its most significant competitors in the market are:

- Zain Congo, a subsidiary of the Zain Group, has been operational in the DRC since 2008. The company was previously operated under the Celtel brand, which commenced operations in 2000; \url{http://africa.airtel.com/drc/zone-de-couverture-588}
- Tigo Congo, \url{http://www.tigo.cd/v2/} a subsidiary of Millicom International Cellular, launched services in the DRC in 2007. The company was previously operated under the Oasis brand, which commenced operations in 2000.\footnote{“Vodacom,” Vodacom website, accessed March 5, 2011, \url{http://www.vodacom.cd/vodacom-drc/} (information removed from site).}

Vodacom currently has some service in each of the 11 provinces. The troubled provinces are listed below and the towns covered within these provinces are highlighted in bold.

Maniema

**Kalima, Kasongo, Kiliba, Kindu, Punia**

Nord Kivu
Beni, Butembo, Goma, Idjwi, Kanyabayonga, Kasindi, Kyavinyonge, Lubero, Minova, Nyamilima, Oicha, Rusthuru, Sake, Vitshumbi, Walikale
Province Orientale

Ariwara, Bambu, Basoko, Mbogoro, Bondo, Bunia, Buta, Durba, Ingbokolo, Isangi, Isiro, Kasenyi, Mine kg, Kisangani, Kobu, Kpandruma, Lukutu, Mahagi, Mbidjo, Mungwalu, Pluto, Tchomia, Ubundu, Watsha
Masud Kivu

Baraka, Bukavu, Kalehe, Kamanyola, Kamituga, Katana, Kavimvira, Kavumu, Kibombo, Nyabibwe, Nyabiondo, Shabunda, Uvira

Vodacom makes the claim that this list is continually expanding, which would imply there is active development within the country in terms of expanding the mobile network. The company also shows a history of investment in civil institutions, including hospitals and schools, as part of its corporate social responsibility efforts.161

Could Vodacom be approached to discuss ways in which they could assist in addressing SGBV? Should international donors consider working with such companies to upgrade the mobile phone coverage across the country? Would there be a market for phones, who would buy them, and at what cost? A text message based campaign could be considered for existing customers that shares basic information, including statements on the effects of sexual violence, the warning signs of an impending attack, and how to act in the event

of an attack. Most importantly easy to remember and dial numbers should be allocated for emergency calls, and then relayed via text.

An interesting example of how text-based campaigns could work in the DRC is a social media campaign called *DRC Speaks*, organized by Conflict Convo.\(^{162}\) Although it has not been possible to verify the individuals or organization behind this campaign, the YouTube clip that has been created is impactful nonetheless. Allegedly some 4 million Congolese citizens were polled via text message with certain questions relating to the conflict. The results are an edited series of comments relating to aspirations, causal factors and suggested solutions. It is claimed the projected was generously supported by Vodacom Congo.\(^{163}\) This type of campaign, if managed well, can have a considerable impact on behavior change and societal attitudes. I immediately think of the impact that HIV/AIDS campaigns have had in the past on Western populations, and the change in attitudes they have engendered. What is important in developing any campaign like this is that it is culturally and ethically relevant, i.e. it must use characters people relate to, and language people understand.

The use of mobile phones as part of an early-warning system to respond to attacks on civilians has been piloted. Francisca Viguard-Walsh referenced a joint initiative between the Catholic Relief Services (CRS) and the Bureau of Population, Refugees, and Migration (BPRM) to provide radio and phone coverage that would benefit some 250,000 people in the DRC. CRS would provide the equipment and organize for the training of 50

\(^{162}\) Conflict Convo, *DRC Speaks*, You Tube Channel Podcast, 2mins 39secs, April 12, 2011, [http://www.youtube.com/user/conflictconvo](http://www.youtube.com/user/conflictconvo).

community “focal point.” The main objective being to link communities with local security forces and MONUSCO bases. There is no information as yet on the implementation of this initiative.

However, according to a recent 2010 briefing paper by Oxfam International called “Engaging with Communities,” results appear to have been mixed for an emergency hotline that was first piloted in Kiwanja in 2009. Oxfam interviewed members of the local community and did find that in general people got through to the MONUSCO base when they called the number, but that the mission could take some time to respond, depending on the time of day. There was also disagreement amongst the community members about how well the number was distributed, some claiming that “everyone had it,” while others complaining that it was only given to the leaders of the community. Making the emergency call was dependent on if you had access to a phone, and if it had credit. The point was made that many parts of the countryside do not have signal coverage and that when an attack took place the first items that were taken were the phones.164

In an interview with DPKO a staff member raised this issue of security and that this equipment would need to be safeguarded in some way, as would arguably the person that took care of the phones. They would potentially be at risk should rebels find out that they either knew where items were stored, or that they had made a call to summon help. Ideally a single or small group of people would be in charge of maintaining a phone or

phones for emergency use, they would be responsible for their maintenance, ensure they contained credit, and that they had sufficient battery power. Maintaining electronic devices would be a challenge in an area with very limited electricity supplies but by providing extra battery packs this issue could be overcome. As a remedy I do not think that this idea should be discounted but that it be taken further. A system would need to be developed that, for example, nominated a community member anonymously, as well as perhaps a support individual. These people would receive instructions on how to operate the phones, maintain them, and where and how to conceal them from looters. It might also make sense to develop a way in which the MONUSCO base can quickly identify the caller so the village in question is located immediately. This would reduce the risk to the caller and give the MONUSCO force the chance to arrive in time.

Mass Media

Related to telecommunications is the use of mass media. Radio in particular can be a very effective way to reach large audiences, especially in developing countries. Everyone, given the cost effective means of receiving transmissions, can generally access radio. Radios can be bought cheaply, are often battery operated, and can even be operated by a wind-up mechanism, which requires no power source at all. Radio Okapi is an important national institution in the DRC and according to Oxfam International is listened to extensively by the population. Launched in 2002 the station was a joint enterprise between MONUC and a Swiss NGO. A recent report by the Secretary-General states that Radio Okapi is the national station with the largest audience and highest credibility.
However, also according to Oxfam everyone cannot pick up the station and so mass communication in the DRC remains a challenge.165

In a similar vein is La Benevolencija, a Dutch NGO, which runs a radio station that broadcasts plays and soap operas based on societal issues such as sexual violence, racial tension, and political accountability. The organization was established in 2002 by a group of Amsterdam based media professionals and is based on the work of American psychologist Professor Ervin Staub, and his studies on the prevention of genocide.166

Security Sector Reform

Mobile gender courts have been initiated that move from village to village to try perpetrators locally in what has been seen as a promising solution to the issue of sexual violence in the DRC. Not only do these courts possess the full power to pass judgment on perpetrators, they also offer a local solution to accountability by trying individuals within the community within which the crimes occurred. As a result of the innovative program Lt Col Mutuare Daniel Kibibi became the first senior army official to be found guilty of sexual crimes. He was sentenced to 20 years imprisonment for his role in the rape of 62 women in Fizi, South Kivu on New Years Day. According to the Guardian newspaper the courts are funded by George Soros' Open Society Initiative and aided by several


agencies including the American Bar Association, Lawyers Without Borders, and the U.N. Mission to Congo.\textsuperscript{167}

One concern voiced over the use of the mobile gender courts, and the direct access provided to local communities, is the danger that they might be open to abuse. Citizens have become aware that compensation can be high for rape victims, in some cases up to a $10,000, and so a concern has arisen around false accusations. Chuck Sudetic, mentioned below, writes in a further blog about his experience of a mobile gender court that was hearing a case of “statutory” rape, although it is not referred to as such in the DRC. The defendant was a 30-year old soldier and the alleged victim, a 16-year old girl. They were in-love but the girl’s father had brought the case to court and everything pointed to the fact that he wished to simply claim damages from the soldier. The soldier offered him a dowry but he was not satisfied with it. The villagers listening in on the trial were clearly in support of the girl and the soldier, and against the father.\textsuperscript{168} This provides a good example of where a mobile court may not be used effectively, especially given the fact that there are so many “genuine” rapes taking place. The soldier was found guilty, sentenced to 3 years in prison, ordered to pay the father $3,000, and the girl will now have the mark of rape against her name. This, as has been discussed, carries an immense amount shame.

MONUSCO is also now in the process of establishing “Prosecution Support Cells.”

According to an internal DPKO report the idea of these cells is to ensure that they contain


at least 4 experts on sexual violence that can assist Congolese investigators and prosecutors with dealing with case back-log, forensics, collecting information, and witness protection. Such initiatives could assist with situations similar to the one described above by Sudetic where guidance on sentencing and representation would ensure better outcomes were achieved.

International Law

It is beyond the scope of the thesis to discuss the impact of international law, however, it is worth noting that the Geneve Conventions themselves need to be updated to adequately cover the crime of rape, acknowledging that it is now used as a weapon of war and has been in many previous contexts. Currently Additional Protocol II (1977) merely states, “Women and children must be respected and protected from any form of indecent assault.”

On an international legal level the campaign against ending sexual violence is upheld by the International Criminal Court (ICC), and the International Tribunals in the Former Yugoslavia and Rwanda. Rape is considered both a “crime against humanity” and a “war crime” and this is clearly stated in the Rome Statute. The court has indicted several members of Congolese armed rebel groups, and those in custody are on trial, or awaiting trial. They include Bosco Ntaganda of the CNDP who remains at large.

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Finally a recent newspaper article detailed the arrest and pending trials of two rebel leaders in Germany who are being tried for war crimes under German Law and the principle of universal jurisdiction. The principle of universal jurisdiction allows countries to try non-citizens for crimes they have committed on foreign territory, if the crime is deemed to be a “crime against humanity,” a crime that is an affront to all people, regardless of nationality, ethnicity etc… The principle adds a further dimension to the international legal apparatus.

**Military options**

MONUSCO’s Demobilization, Disarmament, Repatriation, Reintegration and Resettlement (DDRRR) program has a large part to play in reducing the violence in the East through its efforts to demobilize rebel combatants and either integrate them into the FARDC or the PNC, repatriate them to their home countries, or assist them with reintegration into civilian life. The DDRRR process can offer assistance in the form of employment, farming equipment, and schooling (for young combatants).

In the year 2009, 1,564 FDLR combatants were repatriated to Rwanda; this figure represented 3 times the amount repatriated in 2008.¹⁷¹ Combatants can either turn themselves in voluntarily at transit camps or FARDC soldiers might bring them to these camps by force. Those that volunteer themselves often have dependents and so are looking for a way out for their whole family, in addition to the figure mentioned above.

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2,187 dependents were repatriated. DDRRR continues at a steady rate and in the Secretary-General’s May 2011 report it was stated that 444 FDLR combatants had entered the DDRRR process since the beginning of the year.

According to a DDRRR specialist at DPKO enticing combatants to leave their rebel groups can be an issue simply because of economics. It is not always possible to match a reintegration package with the wages that a rebel combatant might receive as part of a rebel group. This is particularly relevant for those involved in armed groups that profit significantly from illicit mining. This explains the link between integration and illicit mining. There is also the issue of finding an ex-combatant work in civilian society. Often there is none and so ultimately they end up returning to a rebel group to support themselves and their families. The DDRRR specialist also reiterated a fact that has been stated else where, and that is that a hardcore group within the FDLR will not surrender to the process and that they will require a higher level political solution.

This ties in well with the second part of the military solution to the remaining rebel groups, direct military operations to disrupt and overcome rebel activities. As mentioned in the previous chapter these operations are ongoing with the latest Operation Amani ya Kweli having been launched in May 2011. Amani ya Kweli appears to signify a change in strategy as it involved the setting up of mobile bases in areas identified as trouble spots. MONUSCO appears to be making a clear effort to place its resources in the areas they are most needed.

Chapter Six – Conclusion and Recommendations

In concluding this thesis, and making recommendations going forward, it is important to acknowledge that there simply is not one single answer to addressing the violence that afflicts the Eastern regions of the Democratic Republic of Congo. To argue otherwise would be a gross misunderstanding of an incredibly complex issue.

I will argue, however, that there are fundamental underlying causal factors for the violence, those being the poverty affecting large portions of the population, and the endemic corruption of the post-independence era that saw much of the country’s infrastructure and institutions laid to waste. The jungle has reclaimed roads, bridges have either been destroyed or fallen into disrepair, and sections of the railways are either inoperable or showing dangerous signs of collapse. What government institutions there were, have been cash-starved and mismanaged.

Most importantly the security sector has collapsed, under Mobutu most army recruits were never paid, save an elite force that surrounded his person. Cronyism developed as he built a loyal set of followers through patronage and financial pay offs. This behavior continued under Laurent-Désiré Kabila after he hand picked a new cabinet of poorly qualified individuals in 1996, based on personal networks.

I believe that primarily the DRC requires investment in its landscape and its people. With this would come greater financial wealth for the population, the capacity to procure goods
and possessions, and the opportunities to build industries and start businesses. We have seen from innovative schemes in the East, that have assisted the victims of sexual violence, the difference that one person can make to their circumstances, should they be given the opportunity.

I am not advocating that the violence be ignored and the victims abandoned but that a concerted effort be made to tackle the root causes of instability i.e. the poverty afflicting millions and the dreadful state of the country’s infrastructure. The two go hand-in-hand.

- First of all roads should be built, and where possible reclaimed from the forest that has covered old networks. These roads must be built to a high standard with input from structural engineers, possibly provided by foreign donor governments, construction work must, however, be reserved for the Congolese. The quality of the roads will be important because the better quality, the better chance they will have of surviving the DRC’s long and destructive rainy season. Engineering degrees must be well supported and promoted to ensure that a new generation of engineers can take forward infrastructure projects.

- There is a functioning network despite the fact that many parts of the it have become unusable. As with the road system the railways must also receive considerable attention to bring them back into a safe working order. There is a willingness to do this and both the Chinese and Indian Governments have pledged millions of dollars for physical infrastructure, as well as information technology.
• Building this infrastructure will facilitate business and enable goods to be transported more easily; this will open up markets and trade. As little as 10% of the country’s suitable agricultural land is being used; this needs to change. A more extensive transport system will facilitate the movement of agricultural produce and encourage farmers to start-up and expand.

The United Nations role in the DRC remains crucial. While there has been widespread criticism of the peacekeeping operation in the country, ranging from its inability to protect civilians through to allegations of sexual abuse and exploitation by its own troops, it is also acknowledged by many that the UN’s presence is preventing a descent into anarchy and widespread conflict. It is vital that the mission remains in place and that the numbers of troops are not cut prematurely under the false pretence that peace has been won.

In acknowledging the need for a continued international presence the United Nations must also face some home truths. At its present size it can only hope to protect a small proportion of the actual population at risk from sexual violence. While its mandate clearly states its obligation to protect civilians from harm, it cannot be expected to do this effectively without a vast increase in its resources. MONUSCO can, however, with more accurate collection and analysis of data, identify the areas most at risk from rebel attacks and concentrate its resources on them. Improving this analysis would be a worthy use of its resources. Interestingly a DPKO staff member claimed that a new base was required in
Fizi, however, logistics will not allow it due to budgetary constraints. In his opinion the Security Council needs to put more money on the table.\textsuperscript{173} Fizi territory has been the scene of at least two major incidences of mass rape in the last year. In acknowledging its limitations it is vital, going forward, that the mission communicates its objectives and capabilities to the local population. Through honest and open dialogues with local communities the mission can build trust, while at the same time mitigating unrealistic expectations. The UN cannot replace the official armed forces of the country, and nor should it.

There is also the question of accurately understanding the dynamics on the ground. Does the United Nations take enough time to really analyze forces at play on a local level, and the depth of security achieved? There remains a question mark over the genuine stability that the UN claims is beginning to occur in the East and whether the region would quickly descend into conflict again, should it withdraw. History shows that while ONUC prevented a descent into even worse civil and political unrest, upon the departure of ONUC civil government quickly collapsed.\textsuperscript{174} Séverine Autesserre in her article on the Congo, local violence, and intervention argues that the United Nations, and the region’s Western diplomats, have been too quick judge the DRC as a post-conflict environment and in doing so have pushed ahead with associated policies despite continued fighting in the East.\textsuperscript{175} Roger Meese, Head of MONUSCO, acknowledged the need to understand localized issues in a recent briefing to the UN Security Council. “The security

\textsuperscript{173} Department of Peacekeeping Operations, interview by author, New York, March 14, 2011.
\textsuperscript{174} William J. Durch, \textit{The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis} (New York: St. Martin’s Press, 1993), 344.
environment and the related threat to civilian population, our highest priority concern, must be viewed on a localized basis to obtain a full understanding of the remaining threats.”

A staff member from the Office of the SRSG on Sexual Violence in Conflict also reiterated this point about a lack of understanding on the part of the international community in an interview at the UN in New York on July 8, 2011.

There is the overarching need to improve security, and this means reforming the FARDC. Does integration achieve this objective? According to the same staff member from the Sexual Violence in Conflict Office, who met with Kabila himself, President Kabila had not wanted integration but that the international community had forced it upon him. Kabila says this has led to a situation whereby criminals are running half of the country.

• Based on these realities I recommend that the UN thoroughly review its analysis of local level dynamics in the East and ask itself whether integration, particularly a *mixage* form of integration, is the best policy going forward. Should former rebel combatants who have witnessed, or been involved in sexual violence, continue to serve in a militaristic capacity in the same areas in which they have previously operated.

• The mobile gender courts should be developed and expanded to reach more areas. Legal officials, however, should receive more intense training on how to interpret law in a very local, rural setting, and should be limited to dealing with genuine and

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177 Office of the SRSG on Sexual Violence in Conflict, interview by author, New York, July 8, 2011.
serious crimes of rape, rather than becoming embroiled in localized family or community disputes. These types of dispute could potentially be handled by a return to a clan system of arbitration that in the West might take on the appearance of a town hall meeting.

A final comment should be reserved for the illicit mining of minerals. The DRC retains a vast wealth of natural resources and they have the potential to make the country rich, at least for a period of time. This natural wealth should be managed wisely and more efficiently and requires a genuine effort from both the DRC government and the international community to impose regulation on the mineral industry. Without this armed groups will continue to thrive on illicit profits and in doing so maintain a presence in the mining regions that threaten the civilian population. Sexual violence will continue to be used as a means to terrorize and subjugate the population.
Map of the Democratic Republic of Congo
Appendix I – Issue matrix

To explain the matrix. The boxes to the left of “Sexual Gender-Based Violence” represent the factors that are contributing to or have contributed to SGBV. The Boxes in the center, above and below, represent the perpetrators of the violence. The boxes to the right represent the entities or factors that are the key to resolving the issue.
Appendix II – Matrix of military actors still operating in the DRC

<table>
<thead>
<tr>
<th>DR Congo</th>
<th>Rwanda</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>FARDC</td>
<td>RDF</td>
<td>LRA</td>
</tr>
<tr>
<td>FDLR</td>
<td>CNDP</td>
<td>FNL</td>
</tr>
<tr>
<td>Hutu</td>
<td>Officially merged with FARDC in Jan 2009 but rogue elements continue to attack civilians</td>
<td>Hutu</td>
</tr>
<tr>
<td>MAI MAI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pareco, Cheka</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yakutumba etc…</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ituri Regional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Militia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRPI/FPJC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See below</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Despite the signing of a 2006 ceasefire agreement between militias in the Ituri District of Orientale, including the Front for National Integration (FNI), the Congolese Revolutionary Movement, the FRPI, and the government, the FRPI refused to participate in the peace process and was implicated in abuses committed against civilians in Ituri District during the year (2010).
Bibliography


Durch, William J. *The Evolution of UN Peacekeeping: Case Studies and Comparative


