

From Protection to Empowerment: Civilians as Stakeholders in the Democratic Republic of the Congo

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Introduction

Formal peace processes hold opportunities to both end violence and to begin addressing the root causes of conflict.¹ However, negotiations often revolve solely around placating belligerents; those who, through recourse to violence against civilians, hold the most leverage in negotiations. Civilians, who are most affected by war and are arguably the major stakeholders in peace, are frequently denied voices in these processes. As 'victims', their interests are not wholly addressed under mandates to ensure minimum standards of human rights or civilian protection.

The immediate protection of civilians in peace interventions is nonetheless an urgent priority that has been confronted with a variety of policy and procedural developments on the part of the United Nations (UN). One approach to this has been gender and child 'mainstreaming', a strategy that:

...aims to ensure that the concerns of women as well as men are factored into the planning, design, implementation, monitoring and evaluation of all policies and programmes in all spheres of the mission: political, military, administration, as well as humanitarian and human rights fields. The principle is to allow both men and women to benefit from assistance and programmes in the same manner, and for them to be consulted and involved in the process. The ultimate goal of mainstreaming is to ensure that access and opportunity is given equally to men as well as women, thereby aiming to achieve gender equality.²

The Secretary-General's reports on the Protection of Civilians³ highlight that international policy has evolved to a point where respect for humanitarian and human rights issues have become essential components on the UN agenda. This has influenced a broader shift in peacekeeping operations, where the

establishment of a secure environment is a precursor for longer-term stability. Thus, the mandating of operations, or interventions, based on human rights or humanitarian imperatives has been exercised where such instances are deemed a threat to international peace and security. Responses to such crises require a holistic approach to address the immediate insecurity and violence, as well as the longer-term implications for restoring the rule of law and justice.

Further to this objective, the UN has ensured the various components for building peace and security are reflected in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) core programmes. For example, the mandate includes: "...facilitating the political transition and elections; contributing to the rule of law and respect for human rights; and improving human conditions for sustainable peace..."⁴ The acknowledgement that the solution to the Democratic Republic of the Congo's (DRC) problems is not a military one, but rather one that focuses on the quality and condition of the state, is essential if the UN is to succeed in this complex peacekeeping environment.

There remain many challenges for peacekeeping in the DRC, one of them being the imperative to 'mainstream' the protection of human rights and rule of law throughout different components of the mission and elements of the peace process, from the protection of vulnerable groups such as refugees, women, children and internally displaced people to the inclusion of civil society (*les forces vives*) in local peace negotiations, policymaking and recovery programmes.

The 'stakeholder-ship'⁵ of civilians, and women and children in particular, who comprise the overwhelming majority of Congolese citizens, needs to be re-defined and given proportional acknowledgement if there is to be long-term stability and economic recovery in the DRC. This means that the welfare of

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civilians, especially those deemed most vulnerable, should be treated as a prime objective in the peace process, rather than a distant collateral benefit of future peace and stability.

If the historical exclusion of the Congolese people from externally driven political processes and the marginalisation and suppression of legitimate civil society democratisation initiatives recurs, there will be no sustainable resolution of conflict in the DRC. There is an urgent need to identify means through which the standards of accountability of armed groups to respect human rights are raised, but we must also examine the processes by which war 'victims' become peace 'stakeholders', and humanitarian concern gives way to civilian empowerment. This paper attempts to reveal the profound political importance of those who have thus been cast as 'victims' and 'vulnerable groups', and suggests that the notion of 'mainstreaming' must be broadened beyond the peacekeeping mandate to all aspects of the peace process, including those that address the issues of impunity for war-time atrocities and the exploitation of natural resources.

Opportunities

The opportunities brought about by formal peace processes to address long-standing human rights issues and root causes of conflict need to be "recognised by mediators, seized by advocates and opened up to the broadest possible range of actors."⁶ Ilene Cohn, who has written extensively on children and peace processes, begins to close the conceptual gap between civilian protection and civilian empowerment in the following way:

- Peacemaking and peacekeeping processes offer unique possibilities for raising standards, expanding their scope and ensuring compliance. During the peacemaking process, the application of international humanitarian and human rights norms to non-state actors and the international verification of compliance with negotiated agreements can serve as special backdrops for ending persistent rights abuses and generating confidence in the peace process;
- International peace talk moderators or negotiators confer a coveted international political legitimacy on the parties, and can use the resulting leverage to hold the parties to higher standards of conduct than might otherwise have been possible;
- A special constitution of power exists during the peace process that can be utilised to exact precise commitments from all parties. Once election results favor a particular party and guerrilla factions become civilians organised as political parties, the dramatic shift in bargaining power can make it difficult to negotiate new agreements;

- In the transition and post-conflict setting, most funding, support and attention of international agencies is directed to the issues agreed upon in the peace negotiations; a powerful opportunity arises here to make children's issues a priority.⁷

This prompts an important question: is mainstreaming merely lending a degree of awareness and sensitivity to peacekeeping operations, or is it a political process that should aim at better stakeholder representation? Cohn's point suggests that while short-term jockeying for position in peace processes is inevitable (and the DRC is no exception), it cannot be taken for granted that belligerent conflict stakeholders act on anyone's behalf but their own, and that special efforts are required to ensure that negotiations remain accountable to the people. Rightly, she points out that the trickle-down approach to peace-making is dangerous:

...Implicit in this argument is the assumption that programs that redress general systemic wrongs will eventually benefit youth along with the population-at-large. In actuality, children are often marginalized while more aggressive groups ensure their own representation.⁸

The prospect of sustainable peace faces enormous obstacles long-term, which can only be addressed if the voices of non-combatants are heard in the many policy forums associated with the peace process. A significant challenge lies in bridging the current divide between 'stakeholder' and 'victim' discourses – one that requires an examination of the military, the political, the economic and the human rights conditions responsible for the creation of vulnerable groups.

3. Silencing the Majority: The Primacy of External Actors in the DRC

Partly because of the complexity of the present war and its tangled roots in the past, the international community has largely ignored the plight of the traumatized people of the east of Congo. Their plight has also been ignored because there are too many stakes held by external actors profiting from both the exploitation of Congo's mineral wealth and from the sale of arms to the countries that are embroiled in the fighting.⁹

The issue of non-governance in the DRC threatens to become a cliché unless we attempt to see what so deeply engaged the caprices of successive rulers while they ruthlessly suppressed organised civil society initiatives, however imperfect these may have been.

An interpretation of the history of conflict in the DRC will not be attempted here, but one particular pattern begs attention, as described by Georges Nzongola Ntalaja in *The Congo: From Leopold to Kabila, a People's Interpretation*.¹⁰ Remarking on the international community's support of the armed rise to power in 1997 of Laurent Desire Kabila over the

provisional constitution established by the Congolese National Sovereign Conference (which paved the way for the eventual removal of Mobuto) Nzongola Ntalaja concludes that:

Changes through democratic means and rule of law in Africa are not [deemed] as deserving of unequivocal support as changes through the barrel of a gun. The first changes are slow and somewhat confusing, and seem to rely on universal principals of governance that some believe are not applicable to Africa. The second, on the other hand, are [deemed] decisive and led by politically astute African leaders who are likely to establish political orders and market economies compatible with the interests of the north.¹¹

Laurent Kabila's outward-looking strategy of mobilisation of political and military support from neighbors, like those of his western-backed predecessor Mobuto were only possible through the negation, brutal suppression and occasional co-option, of popular will. Nzongola-Ntalaja observes with dismay that, following the assassination of his father, the first order of the day for President Kabila Junior was to visit Paris, Washington, New York and Brussels to "...seduce his interlocutors with his apparent readiness to change course."¹² Economic and political vacuums filled by external interests ruthlessly co-opting and playing off Congolese groups against one another have been the central focus of the most recent peace efforts in the Great Lakes region. Political manipulation, terrorisation and enslavement of non-combatants — refugees and displaced people, children, youth and women — are the terrain upon which external interests maneuver. The availability of this terrain is contingent on a ready supply of politically alienated, economically disenfranchised populations: people in a state of perpetual insecurity over whom military actors are able to exert control through violence. There are also nationality and citizenship issues to contend with, alongside a long history of impunity for mass human rights abuses. Young people, who, with little or no choice of life paths other than those related to conflict, form a ready recruitment pool for both the government and the various non-state actors.

From Victims to Stakeholders?

Formal peacekeeping agendas tend to acknowledge non-belligerents insofar as they are victims of conflict; civilians in need of protection, the most vulnerable members of the population, the women and children, the internally displaced and refugees. International humanitarian law sets benchmarks by laying down the minimum protection and standards applicable to

armed conflict: it demands that all armed groups respect the distinction between combatants and non-combatants;¹³ attack only military targets; use a degree of violence proportionate to their military requirements; and distinguish between civilian and military objectives. However, the trend in the past decade reveals that modern wars occur primarily within states, whereby armed groups neither respect nor recognise these legal obligations. In fact, civilians account for some 75-80 per cent of war casualties. Deliberate aggression against civilians has resulted in death, starvation, terror, intimidation, sexual violence, the use of children as fighters, forced displacement and family separation. More often than not, these are not merely indirect effects of war, but calculated strategies used by armed groups.

The International Rescue Committee (IRC) estimates that 3.3 million civilians have died in the DRC as a result of the war, making it "...the most deadly war ever documented in Africa, indeed the highest war death toll documented anywhere in the world during the past half-century."¹⁴ The mortality rate in the DRC is higher than the UN reports for any other country;

these deaths are estimated to be primarily a result of a lack of food, clean water, medicine and shelter.¹⁵ Actions to protect women and children from the worst impacts of conflict tend to focus on meeting the basic needs that occur when civilians are deliberately targeted. But just as the suffering of civilians in war can no longer be considered collateral damage, their peace dividends should not be considered a collateral benefit of distant future stability and economic recovery. The relevance of peace processes to civilians is by no means limited to reducing the worst of abuses. In recent years, the introduction of war crimes tribunals, truth

commissions and special courts and the entry into force of the Rome Statute of the International Criminal Court (ICC), as well as investigations into the role of natural resource exploitation and recognition of the role of small arms and light weapons proliferation, have given rise to a whole new range of peace-building tools. The effective use of these mechanisms requires a clear recognition of whom they are intended to empower: the majority in the DRC is comprised overwhelmingly of women, children and youth.

Re-defining civilians as stakeholders in conflict begins by examining their position within the various causes of conflict, how they become ensnared in the "conflict trap"¹⁶ and ways in which the dividends of peace can be made to reach the majority. Paul Collier suggests that:

...the end of a civil war does not end the costs arising from it. Many of the economic costs, such

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as high military expenditure and capital flight, persist for years after the conflict. So do heightened mortality and morbidity rates...These economic and health costs of conflict are not usually compensated by any post-conflict improvements in economic policy, democratic institutions or political freedom. On the contrary, all three usually deteriorate. The typical civil war starts a prolonged process of development in reverse.¹⁷

So-called vulnerable groups are of strategic importance in peacebuilding, as they unfortunately have become in warfare. The challenge here is two-fold: to raise awareness of this reality, and to afford 'victims' leverage at all levels and in all phases of peace processes. This in turn, requires an understanding of their stakeholder-ship: the choices available in terms of survival strategies, coping mechanisms and visions for peace and stability. Ironically, much conflict analysis undertakes systematic stakeholder analysis with regard to a comparatively small handful of belligerents, but rarely does so for 'victims'.

One of the problems is that information about 'victims' needs to be presented in a way that makes it more relevant to longer-term peacebuilding efforts. Too often, accounts of the experiences of women and children in conflict are reduced to litanies of graphic atrocity; effective perhaps for mobilising short-term emergency support, but sadly an inadequate discourse for representing the interests of the group beyond emergency humanitarian assistance. Collier *et al* suggest that, although the risk of conflict recurrence is greatest within the first decade after conflict: "Aid has usually flooded in during the immediate post-conflict period, when the country is prominent in the international media, and then rapidly tapered out."¹⁸ A recent example of the consequences of this appears in Sierra Leone, where a funding shortfall threatened programmes to reintegrate more than 7,000 former child combatants, prompting UNICEF director Carol Bellamy to comment that "...the breaking of the promise of peace for these children...is a dangerous development for peace in West Africa as a whole."¹⁹

It is suggested here that there is a need for continuity of both support and funding of programmes that target 'victims/civilians', and that in redressing the deliberate victimisation of women and children, their stakeholder-ship in peace, and not only the violations they have endured, must be better called to attention. The following sections attempt to examine the particular case of the DRC: its 'victims'; how the UN system has attempted to incorporate them in its planning; and how and why they are important stakeholders in all aspects of the conflict cycle - from war to peace negotiations - as an inclusive approach, can strengthen prospects for a more comprehensive, durable and sustainable peace.

Women

Considering the reports of violence against women and children in conflict zones, it is hard to dispute that it has become "...one of history's greatest silences."²⁰ Sexual violence against women and girls is being committed by all armed groups involved in the conflict and "...used as a weapon of war",²¹ and is part and parcel of on-going battles in the DRC for territorial control and access to natural resources. Thus, the continuum of violence against women and children has become systemic, pervasive and has reached "epidemic and horrific levels."²² To highlight the degree of violence against women in the DRC, Human Rights Watch has termed this phenomenon "a war within a war."²³

Increasingly, armed groups aim to weaken enemy forces by targeting perceived host or supportive communities. One tactic is to use rape to either terrorise communities into accepting their authority, or humiliate and punish them if they are suspected of aiding opposing forces. The element of ethnic polarity that pervades much of the violence gives added incentive to sexual violence; there is no more effective way to shatter a community than to target its providers and caregivers and to violate kinship ties, norms and identity, through rape. Many women are also victimised by "...police and others in positions of authority and power, and by opportunistic common criminals and bandits, taking advantage of the prevailing climate of impunity and the culture of violence against women and girls."²⁴ In this case, it is essential that a distinction be made between political violence and criminality. In many cases, instability, violence and lack of civil infrastructures promotes a state of general lawlessness.

Clearly, women are not always victims; they may actively support one side over another, become combatants, provide medical assistance or otherwise aid and abet armed groups. But whether they are supporters or not, all women are preyed upon by soldiers and combatants as they look to find resources to keep their families alive, such as foraging for food or going to the market. With already little control over their own sexuality, many resort to trading sex for food, money, or shelter. The necessity of these 'supporting roles' also presents the risk that women will be abducted and forced to provide sexual services or domestic labour. Many women have become resigned to the fact that they will be subject to some form of abuse or exploitation.

Moreover, there is a complete lack of services and infrastructures required to bring an end to the impunity in the DRC. The absence of professional police forces, as well as judicial and penal systems, undermines any motivation women might have to report abuses. The lack of medical services and health facilities also inhibits women injured by rape or other sexual assaults from seeking treatment. Furthermore,

the prevalence of HIV/AIDS among soldiers and combatants²⁵ exposes women to AIDS and other sexually transmitted infections (STIs). Rape can cause severe damage to their reproductive systems; they could be forced to carry an unwanted pregnancy or deliver their babies in the absence of any medical services;²⁶ and women primarily bear the brunt for caring for those that are ill or otherwise incapacitated. According to Medecins Sans Frontieres (MSF), “decades of under-investment by the Congolese authorities have resulted in unpaid salaries, dilapidation of health centres and hospitals, and poor distribution of essential medicines and supplies.”²⁷ The Minister of Health reinforced this when he noted that “Years of war have devastated the health system, and the effects on the well-being of the population are cataclysmic.”²⁸

Violence against women does not just begin with the conflict, but “is directly related to the violence that exists in women’s lives during peacetime.”²⁹ As it goes largely unpunished, violence against women becomes an accepted norm, which escalates during conflict as violence in general increases.³⁰ UNIFEM notes that causes can include the availability of weapons, the violence male family members have meted out or experienced, the lack of jobs, shelter, and basic services. Women are further relegated to subordinate positions in society, traditionally considered second-class citizens with no rights of their own. They are therefore subjected to gender-based discrimination at home as well as in society: “It is generally considered more important to educate boys than girls and a higher percentage of boys go to school than girls.”³¹

The human costs of physical and mental trauma, silence and shame experienced by women in the DRC are incalculable, and their situation “...has been systematically neglected.”³² Furthermore, the absence of women in political and economic spheres has rendered them little more than resources to be plundered through exploitation or targets for that most nihilistic form of aggression — rape. The reversal of this systematic degradation could depend to a great extent on the representation of their interests throughout the peace process.

Women are not only stakeholders in conflict, but also in peace, reconciliation and economic recovery. The leadership capabilities and skills provided by women, necessary for reconstruction, are often overlooked. This disregard has been referred to as an “...oversight [that has] cost the world dearly.”³³ Their knowledge of the community and of community needs such as health care, education, land and labour are indispensable to post-war recovery. Only the full participation of women in formal and informal peace processes and their inclusion of all sectors of society

can further the development of workable solutions and bring sustainable peace. Civil society organizations that represent women’s interests should be viewed as indispensable interlocutors in this regard.

Women will unlikely benefit from potential opportunities if left at their current level of political disadvantage. However, as noted by Louise Vincent: “Simply to ‘include’ women or women’s voices...in a politics that is flawed and based on unsatisfactory ethical and moral bases will have little transformative effect.”³⁴ She adds that: “Formal legal rights to equality of men and women are likely to have little impact in the absence of new and deep-rooted forms of political culture.”³⁵ In this context, if political culture does not uphold or value human rights stipulations or women’s equality issues, and society at large does not challenge structures that undermine such rights, then violations will continue despite the establishment of institutions, laws and regulations intended to empower the people.

The UN system has prioritised gender issues in its planning for the DRC by mandating³⁶ the establishment of a Gender Affairs Office (GAO), suitably staffed and resourced, with direct reporting responsibility to the Special Representative of the UN Secretary-General (SRSG). With the dual task of enhancing gender awareness within the MONUC mission, and increasing women’s participation in the reconstruction of Congolese society, the MONUC Gender Office strives to include a gender dimension to all aspects of its work. This office has achieved much since its establishment in March 2002 through activities including:

training and research, communications and dissemination of gender-sensitive information, outreach to the Congolese population, capacity building for women leaders, advocacy, monitoring and evaluation of women’s participation in the peace and transition processes.³⁷

The GAO’s Senior Advisor, Ms Amy Smythe, has noted that: “the foundation has been laid for ensuring that the concerns of both men and women are reflected in the resolution of conflict.” But the UN should also implement its own rhetoric: women make up only four per cent of total military and civilian police components in the UN mission,³⁸ and comprise 23.3 per cent of professional civilian staff within the mission. Moreover, women account for only 35.6 per cent of professional staff in the UN secretariat, 25.6 per cent at the director level, and 13.5 per cent at the senior strategic level (Under Secretary General and Assistant SG), with four women deputy heads of mission and one out of approximately 50 SRSGs or Envoys.³⁹

Gender Affairs Units, or gender specialists in missions, should not be treated as negligible or merely a politically correct addition that may or may not bring dividends.

Women need to have confidence in the forces present to protect them. Evaluations of peacekeeping missions have revealed that teams made up of both women and men are more effective. The UN must continue to appeal to troop contributors to deploy women in peace operations, since victims, usually female, have stated that they would not report cases of abuse to a male peacekeeper. When women or girls are subject to sexual violence they need both protection and appropriate assistance to deal with the physical and social repercussions.

To better understand the gender dynamics of conflict and post-conflict environments, and to improve the mission's effectiveness in discharging its mandate, Gender Affairs Units, or gender specialists in missions⁴⁰, should not be treated as negligible or merely a politically correct addition that may or may not bring dividends. It is essential that future peacekeeping operations include strong gender expertise with access to senior-level decision-making in all areas of the mission's work. The re-establishment of essential infrastructures, including health, legal and penal systems will also ensure that victims are provided with the necessary treatment, and identified perpetrators are appropriately tried and punished in a court of law. Implementing this, however, will require that women and girls have access to mechanisms that will enable them to report such crimes. Accountability needs to be addressed at the state, armed forces, UN and individual agency levels.

It has been three years since the adoption of UN Security Council resolution 1325 on Women, Peace and Security, recognising that women and girls both bear the brunt of armed conflict and are integral to any lasting solution. Existing inequalities are magnified and social networks break down, making them more vulnerable to sexual violence and exploitation. A decisive response to allegations of sexual exploitation and abuse (SEA), rape, or trafficking — whether committed by UN peacekeepers or armed groups — is essential if we are to send a clear message that such acts will be treated as crimes against humanity. On the long list of atrocities being committed in the DRC, from acts of cannibalism to ethnic cleansing and resource plundering, crimes cannot be prioritised in order of severity. Transgressions must be treated with equal importance, or the message sent will be that "some crimes are more tolerated than others". The international community must take into consideration the extent of the violations of the human rights of women and children in the DRC and be prepared to take strong steps to both condemn and penalise transgressors. The opportunity offered by the formal peace process to build momentum in longer-term policy reform should be seized to set a strong social and political precedent that make the state and the military forces accountable for the rights of women and children.

Refugees and internally displaced people

Peace negotiations being carried out in the Great Lakes region have focused greatly on the regional dimensions of the conflict, with the predatory involvement of Rwanda and Uganda in the DRC falling under the harshest scrutiny. Indeed, some of the most recent atrocities have been committed in the power vacuums created by the retreat of large numbers of troops, as was the case in Bunia when violence broke out between Hema and Lendu ethnic groups and continues its cycle of simmering and eruption as we write. Understandings of the dynamics of local populations and external actors tend to be biased toward the latter, particularly in the case where successful negotiations are seen to hinge on the withdrawal of the forces of neighbouring states. Does apparently 'tribal' warfare within Congolese territory share motives with external occupation driven by economic predation? The tendency is to conclude that there are victims and aggressors, belligerents and those who bear the consequences of indiscriminate violence: the refugees, the displaced, the child soldiers, the victims of gross rights violations. Lemarchand remarks on a pattern

...that recurs time and again is one in which ethnic polarization paves the way for political exclusion, exclusion eventually leading to insurrection, insurrection to repression, and repression to massive flows of refugees and internally displaced persons, which in turn become the vectors of further instability. The involvement of external actors...is inseparable from the perceived threats posed by mobilized refugee diasporas to their countries of origin as well as to specific communities within the host country.⁴¹

Refugees are entitled to assistance and protection under international law. The United Nations High Commission for Refugees (UNHCR) is mandated to lead and co-ordinate action to protect refugees and resolve refugee problems. Its primary purpose in the DRC is to safeguard the rights and well-being of refugees, and facilitate their return, mainly to Rwanda. In 2003, UNHCR has repatriated 11,900 Rwandan refugees from the DRC, and plan to assist with the return of 20-30,000 in 2004.⁴²

Refugees are particularly vulnerable as they are afforded little protection and even fewer rights than the local Congolese. Refugees are often caught in the cross-fire between various armed groups, and are subjected to acts of aggression. To protect refugee populations, UNHCR can offer effective legal protection, although it does not have the capacity or training to provide physical security. UNHCR therefore has to rely on agreements made with civil authorities and local governors to allocate space for refugees in secure sites and to respect their right to asylum. With no leverage to enforce compliance, however, the UNHCR is powerless to prevent attacks

committed by armed groups against camps with the aim of recruiting children and kidnapping women.

While the primary responsibility for ensuring the physical security of refugees rests with the host government, in accordance with relevant international law and regional instruments,⁴³ currently the governments of countries in the Great Lakes region do not effectively meet this task. As both protection and material relief are inter-related, UNHCR's biggest challenge, in the absence of its own ability to provide for the physical protection of refugees, is to convince the local authorities to work under a protection mandate.⁴⁴ However, the lack of a structured authority in the DRC means that there is no effective framework for implementing and maintaining agreements. Notwithstanding, progress is being made under the DRC's Transitional Government to implement the law on the status of refugees in the DRC,⁴⁵ which calls for, amongst other things, the establishment of a National Commission for Refugees and a Permanent Secretariat to support this commission. Despite the establishment of the Commission in late 2003, however, its practical function remains uncertain as most institutions in the DRC are currently ineffective.

Conflict and displacement inevitably weaken and erode many of the social and political structures designed to protect communities. Displaced populations in the DRC are most likely to have fled from an environment of violence and often encounter further violence in the course of their displacement. Allocated resources available to meet even the primary sector activities are insufficient. With over three million IDPs in the DRC,⁴⁶ most lacking basic protection, and with no institutional or legal mechanism for receiving international assistance, the Office for the Coordination of Humanitarian Affairs (OCHA) office in Goma has established an Internal Displacement Unit with the aim of addressing the crisis facing IDPs and identifying means to provide for their protection.

Under the auspices of the Norwegian Refugee Council (NRC), workshops are being held in the eastern part of the country on the Guiding Principles on Internal Displacement⁴⁷ to eventually identify and promote long-term solutions to the problem. Participants and target audiences include local authorities, government, NGOs, aid workers and IDPs themselves.⁴⁸ The aim of the workshops is to promote system-wide improvements in response to IDP needs, and to engage with non-state actors on their roles and responsibilities vis-à-vis the protection of IDPs. OCHA notes that: "It is difficult to measure, however, the extent to which this increased awareness of IDP rights has resulted in any concrete improvement of the authorities and armed groups'

behaviour towards IDPs."⁴⁹ Nevertheless, such workshops constitute an important tool to advocate for the rights of IDPs in order to "...increase a sense of responsibility among the various political and armed actors to respect the rights of civilians, including the most vulnerable, such as IDPs."⁵⁰

A Ministry for Solidarity and Humanitarian Affairs,⁵¹ comprised of representatives from the public sector, donors and humanitarian actors, was established in August 2003 to supervise humanitarian programmes and find durable solutions to the plight of IDPs.⁵² Despite this development, OCHA and the NRC will continue to grapple with gaps in protection response, the effectiveness of current mechanisms to respond to emergency needs, and long-term solutions to the problem of IDPs.

Long-term displacement generates numerous problems: not only are people forced to live in crowded and insecure conditions, they are also less likely to have access to health care, education and other primary necessities. Repatriation is often not an option for those who are vulnerable in their home country as they either return to face their aggressors or have nothing to return to. As for settlement in other countries, many have difficult procedures for asylum seekers. Moreover, not only are men more likely to be granted asylum, but it is easier for boys to enter a country than girls.⁵³ These observations cast refugees and displaced people in a political light, rather than a purely humanitarian one, and underscore their centrality as conflict stakeholders in the Great Lakes region, one that Lemarchand argues is a product of political exclusion as much as it is a product of alleged tribal divisions or gratuitous military aggression:

...exclusion does not just suddenly materialize out of the primeval fissures of the plural society; its roots are traceable to the rapid mobilization of ethnic identities unleashed by the democratization of societies built on the 'premise of inequality', and to the profoundly discriminatory implications of public policies directed against specific ethnic communities...refugee flows [are] the crucial factor behind the rapid polarization of ethnic feelings in the host countries. Everywhere refugee-generating violence has produced violence-generating refugee flows.⁵⁴

7. Children and Youth at War

Children and youth are arguably the population group in which the blurring of lines between military and civilians occurs most readily. In a 2001 report on child soldiers, Human Rights Watch documented the direct impact of a shifting political and military situation on

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young people in the Rwandan Patriotic Front-influenced, RCD-Goma-held territory: a recruitment campaign overtly aimed at young people.

According to local residents, authorities including traditional chiefs, administrators, and group, neighborhood, community, and village leaders were called to Kigali, Rwanda for a meeting in late 2000. There, a senior official of the Rwandan Patriotic Front (RPF), the dominant political party in Rwanda, reportedly promised promotions to anyone who delivered large numbers of new recruits to the RCD-Goma's armed forces and threatened demotions or loss of their posts to any who failed in this task.⁵⁵

Despite the ratification of the Optional Protocol to the Convention on the Rights of the Child on the use of Children in Armed Conflict (OP-CAC) by the Government and attempts by the Sovereign National Conference to establish 18 as the age of recruitment,⁵⁶ all warring parties in the DRC have landed on the '1379 List', a list of parties in violation of their international obligations with regard to child soldiers. 1379 refers to the pivotal UN Security Council Resolution, which: "Requests the Secretary General to attach to his report a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them..."⁵⁷

Estimates of the number of children who have fought with government, opposition and civil defense forces since the overthrow of Mobutu are difficult, but they undoubtedly approximate tens of thousands. Since the entry into force of the OP-CAC, the UN estimated that 15-30 per cent of new recruits in the DRC have been children.⁵⁸ While child soldiers have become a high-profile human rights cause in recent years, less visible are the millions of children and youth displaced and separated from families, exploited and denied basic rights. In civil wars across the African continent, children in these situations have consistently proved to be the population group most vulnerable to militarisation: the recruitment pool.

These are young people whose communities have come under siege to the extent where they are no longer offered a degree of physical safety, let alone afforded peaceful life opportunities. Time and time again, they are lured or thrust into the political and military arena. In warfare as well as politics, children and youth prove themselves to be important actors whose strategic value is recognised by those who rally and recruit young people in times of instability and transition and mobilise groups who perceive themselves to be excluded or persecuted. Lemarchand, following the exclusion argument, states that:

Social exclusion goes hand in hand with the erosion of traditional social networks and the collapse of the safety nets that once supported the traditional social order of peasant communities.

The result is a growing marginalization of rural youth. Deprived of the minimal economic security and coping mechanisms built into the customary social nets, yet denied the opportunity to make their mark in life through alternative channels, their life chances are almost nil.⁵⁹

The brutal forced recruitment of children so frequently reported by media and child rights advocates tends to obscure the underlying political issues: the lack of life chances, of education and opportunities, and the inherited ethnic tensions that have been whipped into genocidal fury. Considering the state of child welfare, half of the population of the DRC amounts to a virtually bottomless recruitment pool. In this respect, young people in the DRC have been exploited as ruthlessly as its natural resources. Without political voices, young people are the ultimate renewable resource, of whom ungoverned plunder has sustained violent conflict as much as have diamonds, gold or coltan.

The United Nations Department of Peacekeeping Operations has responded to international lobbying for the protection of children affected by armed conflict with the appointment of Child Protection Advisers (CPAs) to missions in Sierra Leone, Angola and the Democratic Republic of the Congo. In close collaboration with the United Nations Children's Fund (UNICEF), the CPA's job is to advise the Special Representative of the Secretary General (SRSG) on the mainstreaming of child rights throughout the mission's mandate, described by, *inter alia*, the following terms of reference:

- The CPA should enable the SRSG to ensure that the rights, protection and well-being of all children are a priority throughout the peacekeeping process, the consolidation of peace and the rebuilding of the war-affected country.
- The CPA should assist the SRSG to ensure that the rights, protection and well-being of children are on the agendas of the full array of relevant peace-making commissions and bodies. The CPA should also advocate, together with the UN Country Team, for the inclusion of children's rights and protection concerns on the agendas of UN coordination mechanisms, international and local NGOs and the international donor community.
- The CPA should assist the SRSG to ensure that all key actors and mechanisms within the mission and in the context of the peace process take a child-conscious approach to their respective mandates.
- The CPA will assist the SRSG to identify resources and to advocate that they be directed to gaps in funding or technical support for child-conscious programmes, in particular to humanitarian assistance and development programmes for children as identified by the UN Country Team and other competent bodies.⁶⁰

While the mandate of the CPA reflects the need to initiate long-term policy reforms, the task of redefining young people as stakeholders and addressing their needs and concerns as such in peacebuilding calls for greater recognition of their stakeholder-ship in conflict. Moreover, this recognition needs to occur not only within the peacekeeping mission, but the transitional government and the international community.

While the recruitment of children is rightfully recognized as a war-crime and can be prosecuted as such under the ICC, the tacit permission granted to exploit — through appalling governance, oppression and neglect — is sadly not. It is accepted, in western societies, that the emergence of criminality among youths, such as urban gangsterism, is attributable to the failure of states and societies to provide protected spaces for children to develop and receive education. There is acknowledgement that society as a whole is responsible for allowing certain groups of young people to ‘fall through the cracks’. Although communities resent and react to the destabilising effects of organised violence, the view that youth members of violent groups are social anomalies, aberrant or fundamentally evil is for the most part considered a reactionary one. The role of the state in creating fertile grounds for youth militancy or youth co-option in African conflicts is generally overshadowed by a fixation on individual bogeymen: the Sankohs, Konys and Taylors — men who would arguably be militarily powerless without the recruitment pools first created by state neglect, and politically voiceless without the brutal leverage they exercise on civilian populations.

Protecting children and other civilians from the worst effects of violence must be underscored by an understanding of the human rights-related causes of their involvement and victimisation. Recruitment is made easier by general insecurity, a lack of opportunities and structural problems that often originate long before the outbreak of violence, an early warning indicator often critically overlooked. Indeed, the political and military mobilisation of young people, through youth organisations and even state education systems is as old as the first colonial liberation struggles. The vulnerability of children, in this sense, should be treated as not only a humanitarian concern, but a political one, with formal peacekeeping interventions setting a governance precedent for the prioritisation of, and accountability to, young people.

The Inter-Congolese Dialogue: Voices Heard?

The proliferation of armed groups in the DRC is the

primary factor inhibiting law and order and compromising the security status of civilian populations. Negotiations between the various armed groups, the UN and the international community writ large occur on a daily basis in order to gain compliance with extant obligations borne from relevant laws and commitments. As relationships and alliances shift frequently, the international community is constantly looking to identify interlocutors with whom to negotiate access and advocate for the respect of human rights, law, order and justice. Clearly, enforcing compliance is a difficult, if not impossible, task in the absence of legitimate interlocutors. The local civilian populations, for their part, are often subject to violence and harassment by the various armed groups or rogue forces that are accountable to no one.

A recent opportunity for the voices of these stakeholders to be heard was arguably the Inter-Congolese Dialogue (ICD), constituted under Article V of the Lusaka ceasefire agreement, that aimed to facilitate agreement on four major issues, namely: the formation of a new Congolese Army; the future institutions of the country; the organisation of elections; and an interim constitution and governing institutions. Having faced political obstruction throughout the last days of President Laurent Desire-Kabila, it resumed again in 2001 with the assumption of power of his son and successor Joseph Kabila. The dialogue was to include five different groups: The three warring parties (the Congolese Government, the RCD and the MLC) as well as civilian components constituting the unarmed opposition and civil society, under the facilitation of Sir Ketumile Masire, former President of Botswana.

Regarding the poor representation of women at the negotiations, however, prompted Sir Ketumile to state that:

I am deeply concerned that women may be inadequately represented at the preparatory meeting. I have appealed to the Congolese signatories to the Lusaka Agreement, to increase their quota of female representation in an aim to address this serious imbalance and ensure gender issues are addressed at the Dialogue.⁶¹

The issue of representation, however, raises the question whether “...the right to decide takes precedence over the making the right decisions, which is why who participates in a decision is as important as what is decided.”⁶² Vincent argues against this, adding that while there are discrepancies between the number of men and women represented in political structures: “...an exclusive focus on who is present and who is absent risks confusing the presence of certain types of substantive values and ideas.”⁶³

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However, as women represent over 52 per cent of the population, and with only a few women invited as delegates to the Sun City negotiations,⁶⁴ an innovative approach to ensuring women's participation was required. Thus, it was decided to invite other women to participate as 'experts', resulting in a total of 74 women representatives - 37 delegates and 37 experts - who worked alongside the 516 men to bring a gender perspective to the negotiation process.⁶⁵ The resultant Transitional Constitution takes into account some of the women's concerns and the need to have them play a role in the decision-making process. Unfortunately, the Constitutional provision does not adequately reflect relevant international instruments, such as the Beijing Platform for Action,⁶⁶ that contain specific recommendations concerning women's representation in decision-making. To date, only seven per cent of the representatives in Government, Parliament, Senate and Institutions supporting Democracy are women, whilst 93 per cent are men.⁶⁷ This is patently unacceptable as peace negotiations and reconstruction efforts do more than focus on the conflict, but also require reforms such as the revision of laws to protect women's rights and ensure equity. Such pre-requisites should be seen as benchmarks to identify a return to the rule of law, democratic systems and representative governments.

Unfinished business

Commentators on the ICD process note that among the outcomes of the technical commissions, which nonetheless came to resolutions that included the creation of democratic support institutions such as an independent electoral commission, a national observatory for human rights, a truth commission and media oversight, two critical issues remained: the citizenship issue (of key concern to resolving so-called ethnic conflict in the east); and the problem of commercial contracts granted during the war.⁶⁸ Critics from the civil society perspective argue that these constitute some of the root cause of conflict, and arguably those most affecting the livelihoods and physical security of the people:

Sensitive issues, of which the nationality and acceptance of the Banyarwanda is the most prominent, should not be avoided in peacebuilding programmes. Some want the legislating organs to decide but this will not resolve the cohabitation problems and reconciliation at the local level.⁶⁹

Similarly, while the issue of contracts - linked intimately to the ungoverned and often illegal exploitation of natural resources - has been related to human rights abuses, this controversial issue was only addressed at a later stage. The Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo concluded in Security Council resolution 1499 of 2003 that some 157 companies and individuals were varying:

Involved in natural resource exploitation in a way that that could be linked directly with funding the conflict and the resulting humanitarian and economic disaster in the Democratic Republic of the Congo. Many of the parties were either members of the elite networks described in the panel's last report or enjoyed close business relations with them. Even where business activities involved the payment of taxes to rebel administrations and therefore might seem legitimate, none of those funds were used to benefit the communities in which mineral exploitation was occurring.⁷⁰

Of these, 119 were investigated, some of which have subsequently entered into dialogue with members of the panel to begin rectifying abuses.

If the stakeholder-ship of the Congolese people in the international trade in minerals is in any doubt, consider the impact of the 1999-2000 increase in world tantalum prices, used in the production of electronic components, which led to a boom in its production in the Eastern DRC. Rebels collaborating with unscrupulous business people forcibly displaced farmers and their families from land where the mineral columbo tantalite (coltan) was found and forced some to labour as artisanal miners in conditions of slavery, at the cost of social cohesion and agricultural production.⁷¹

This issue has also drawn the attention of the recently established ICC. Chief Prosecutor Luis Moreno warned: "Follow the trail of money and you will find the criminals. If you stop the money then you stop the crime."⁷² The public recognition of this link by a leading ICC figure, while seemingly obvious to those familiar with the conflict, if pursued, is a step forward in the recognition of the sheer complexity of responsibilities. It is also a step toward uncovering the hidden social and economic origins of protracted conflicts; the interconnectedness of livelihoods, governance and development - issues that cannot hope to be approached without substantial and meaningful involvement of the majority.

Unfortunately, these outstanding issues require the direct scrutiny of external actors: neighbouring states with whom negotiations over repatriation have been fragile and corporate actors either protected by their links to the Congolese regime or shielded by diplomatic pressure. Processes to establish accountability (of the government and its policies as well as for wartime human rights violations) are the only hope for bringing peace and justice in the long term; they are avenues of political expression for a long-repressed, now-tentative civil society. Sierra Leone offers another valuable lesson in this regard. The Movement for Concerned Kono Youth was founded in Kono district, a major diamond producing area that suffered near-total displacement during the war. In response to the apathy of the

government and local leaders toward the ungoverned exploitation of diamonds by foreigners, MOCKY demanded that discussions on mineral concessions and mining be conducted with local actors and not only in the capital.⁷³ Efforts to bring diamond revenues back to communities appear promising: MOCKY is now part of a USAID funded initiative dubbed the Kono Peace Diamond Alliance launched in 2002, aimed at improving the management of mining and ensuring that revenue flows back into communities.⁷⁴

The question remains unanswered: will placating external actors take precedence over accountability to the Congolese people, whose entitlements thus far have largely been circumscribed by humanitarian concern? What is left of the resistance of the people to militarisation and exploitation and their resilience amidst poverty and displacement can hardly erode any further.

Conclusion

The protection of civilians-as-victims and the wider acceptance of the Congolese people as major stakeholders would not at first appear compatible. The key is perhaps to ensure that the 'other' — or 'softer' — elements of peacekeeping are taken into greater consideration in order to design responses that addresses the 'stakeholdership' of civilians as well as their immediate protection needs.

While security is an important layer in the restoration of peace, it is only one layer in the strata necessary to build peace and reconstruct societies. The rule of aggression must be replaced with the rule of law, as sustainable peace cannot be built in its absence: "...greater respect for human rights, along with political representivity and social justice, will, in the long term, prove the only effective safeguard against terror."⁷⁵ To achieve this, civilian protection must evolve into *civilian empowerment*. Thus, the mainstreaming imperative should be viewed as a key benchmark of the UN's exit strategy and the cornerstone of peace building. MONUC is already stretched to its limits and spread thinly over a very large and inhospitable area. Moreover, the challenge of assisting with the re-establishment of social infrastructures, strengthening government control and influence outside Kinshasa and security sector reform within the country is colossal. The UN has a strong framework at its disposal for meeting these challenges, and has established mechanisms at the policy level to ensure all the necessary components are incorporated in a peacekeeping mission. However, the micro-management of peacekeeping budgets demanded by UN member

states constrains the UN's ability to take a holistic approach, and thus the 'softer' elements of missions are always the fist to be cut.

Bearing in mind the issues raised in this paper are not necessarily country-specific, but global, the responses and standards of protection outlined by the international community, we suggest, require further development. The harsh reality of the current situation is that the effectiveness of humanitarian agencies operating in conflict settings is severely constrained by emergency prioritisation, limitations on infrastructure, concerns for physical security, the ability to engage with belligerents and funding from outside. There have of course been remarkable achievements on the part of humanitarian workers carrying with them the legal and moral imperative of civilian protection. It is essential that we keep in mind that while this is the reality of the current climate in the DRC, there are other layers in the strata necessary to achieve durable peace, reconciliation and development: disarmament, demobilisation and reintegration, the issue of illegal exploitation of natural resources and International

Criminal Justice. Although these issues also need to be subjected to mainstreaming, there has been little nuanced analysis or formal acknowledgement of the stakes of women and children in these policy areas. They are perceived as 'victims' and the aim of the international community is to provide relief and assistance, rather than recognise their political role as stakeholders.

While arguing that the views and values of women and children should be included throughout all stages of war and peace, Louise Vincent rightly notes that perhaps we should "...simply talk

about these values for their own sake, as human values which are affirmed and positively fostered through education and the formation of a new political culture."⁷⁶ Thus:

"...the inclusion of women [and children] is no panacea and can easily become a readily achievable substitute for the much more difficult process of negotiating and inculcating a positive peace agenda which includes gender sensitivity."⁷⁷

Therefore, unless society as a whole — its citizens, government and institutions — takes responsibility to uphold the values enshrined in the various human rights documents, we posit that the rhetoric of protecting and empowering women and children will remain simply that: rhetoric. Part of the international community's obligation is thus to work to ensure women and children are valued within society and seen as political stakeholders. The notion

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that power-sharing between belligerents alone can resolve this conflict borders on the absurd in light of the price that the Congolese people and future generations have paid.

While the strategy of mainstreaming has been applied with varying degrees of success in United Nations peacekeeping interventions, it has become apparent that this is a concept that needs to be expanded to include all elements of peacemaking and peacebuilding, in the interests of not only ensuring the immediate protection of vulnerable people, but in enabling civilians to have a stake in the peace. The following is a list of suggestions that could be taken into consideration when negotiating cease-fires and consolidating peace:

- To properly incorporate mainstreaming strategies, the UN must be provided with resources sufficient to undertake a dual approach — protection AND empowerment — that will ensure that peace processes are accountable to the people and not only to violent actors. UN member states must support UN plans to provide such a response by making available an appropriate budget;
- The contributions of women and youth in civil society are recognised at institutional and public policy levels;
- It should be recognised that society cannot uphold certain values while denying others. Thus, the UN must work with local human rights and women's organisations to transform negative or harmful perceptions of women and children within political culture and the society as a whole;
- All stakeholders, including vulnerable groups such as refugees, IDPs, women, youth and civil society organisations must have representatives at all negotiations from the outset of peace processes. Beyond the humanitarian imperative, ensuring their buy-in to the process will help to ensure a sustainable peace;
- Conflict analysts, policymakers and donor agencies must begin to recognise more explicitly the links between human rights abuses and conflict. Early warning mechanisms should be developed that incorporate indicators that pertain to groups not generally considered conflict stakeholders.
- Researchers and advocates in particular must broaden their perspectives and develop new discourses on conflict and peacebuilding in order to stress the relevance of civilian stakeholders to peace-process moderators, policymakers and the donor community.
- New means must be identified to hold belligerents to higher standards and respect their obligations under international law to respect and protect civilians. For example, political legitimacy conveyed upon belligerent groups must be contingent upon their accountability to civilians and civil society;
- All components of peace processes, including justice issues, DDR and post-conflict recovery should be examined for their relevance to the people and not only to belligerent actors.
- The momentum provided by current peace processes must be seen by the UN and host governments as opportunities to give non-military stakeholders, the majority of which are women and children, a sustained political voice.
- Further actions to address the issues of citizenship, nationality and natural resource exploitation in the DRC should be informed primarily by consultations with, and accountable to, the Congolese people.

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About this paper

This paper explores the role of civilian stakeholders in the Democratic Republic of the Congo peace process, with particular emphasis on women, children, refugees and internally displaced people. The aim is to promote the view that war victims must be treated as peace stakeholders in order to break the cycles of exploitation, marginalisation and violence that have characterized the conflict in the DRC. In this sense, 'mainstreaming' should be seen as a political commitment to making all aspects of the peace process relevant to vulnerable groups: from civilian protection to longer-term policy reforms.

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