Sexual violence in war

Motives for sexual violence in war and possible approaches in a comparative perspective to alternative solutions

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PART I Sexual violence in war – combining development and gender perspectives

1.0 Introduction

As far as we know, sexual violence has been present and relatively common in most of the human history and various cultures, but varies both in motivations and extent of the abuses between peacetime and wartime. However, due to under-reporting and neglect of the subject the true extent of sexual violence is practically unknown in all conflicts. Sexual violence has for a long time been viewed as an unfortunate by-product of war or a private crime by a dishonourable soldier. But rape and other forms of sexual violence in conflicts has in several cases also been a part of a strategic plan for proclaiming victory over an enemy or as a part of ethnic cleansing and genocide. In the former Yugoslavia, the genocide plan by the Serbian leaders towards the Muslim population included a gender-selective strategy that incorporated killings of non-combatant battle-age men and rape of “their” women with the goal of impregnation (Jones, 2006:8). Other motivations for sexual violence can be revenge as demonstrated in the final stages of World War II when Russian soldiers raped hundreds of thousands of women when entering and subsequently occupying Germany (Goldstein, 2001:362). However, sexual violence rarely happened among the hundreds of thousand of Jewish women in the German Nazi camps by German soldiers, despite unequal power relations (Mørk, 2007:25). The explanation for this can be that both sexual violence and intercourse between a German and a Jew was illegal. Thus the extent and use of sexual violence in war has historically depended on the context, for instance ideological goals or the cultural setting.

The effectiveness of mass-rape in war will vary from case to case, but most if not all of the victims will suffer from physical, psychological and/or social consequences that further affects the society in various ways. For instance in many developing countries, physical damages like prolepsis and the spread of HIV/AIDS has been and continues to be a deadly effect of the widespread incidents of sexual violence in conflicts and is
inefficiently dealt with by authorities. The Democratic Republic of Congo (DRC), former Zaire, is an example of this and can to some extent reveal the true spread of abuse.

From the beginning and throughout the development of international criminal law in the post-WWII era, sexual violence was categorized as a crime, for instance, in the 1949 Geneva Convention or the 1984 Torture Convention.\(^1\) Despite its status as a crime against humanity, discriminatory attitudes by military and political leaders during times of war has often resulted in the perception that sexual violence is more incidental or less serious an offence. In countries like the DRC and Liberia, a kleptocratic state and high level of impunity have hampered the development of a juridical system in addition to creating distrust among the population towards the state. To discuss this in a theoretical context, I have chosen to use development perspectives to understand the outbreak of war and the use of sexual violence as methods of war in the DRC and to some extent Liberia.

At the more individual level, men and women will experience war differently based on their role in society and their different vulnerability to various forms of violence. Adult men will to a larger extent than women be vulnerable to battle-deaths due to their more likely participation in combat. Women and girls, on the other hand, will be far more vulnerable to sexual violence than men. Thus, a gender analysis is needed to explain the various forms of gender-based violence (GBV) towards men and women. We also need to look at some of the components in terms of the relation between men and women in the DRC and Liberia to fully understand sexual violence. Gender analysis has often focused on women’s special needs in conflicts and forced policymakers to prioritize women and girls (The Human Security Report, 2005:111). However, women have often been labelled in a category of women and children, thus giving women a largely passive and victimized role that is too simplistic. The agency role of both women and men is important to recognise them as responsible persons, i.e. to act or refuse to act. For example, measured in published articles about women that take up

arms or contribute to war in other ways compared to men has been largely ignored (Zarkov, 2007:191). At the same time, violence against men in gender analysis has been a much neglected field. Another aspect is that gender analysis is often discussed theoretically, often far away from the actual targets and is rarely sufficiently implemented and integrated in conflict resolution, emergency aid and development projects. Thus, the efforts of the more post-modern development debate will be used to critically discuss gender analysis where the traditional theories of essentialism and constructivism are insufficient.

The research questions this thesis will address is:
How can the use of sexual violence by military and rebel groups be understood during the war in the DRC? Can the efforts in Liberia to bring an end to impunity for sexual violence be meaningfully replicated in the DRC?

The focus on understanding the perpetrators are by no means to excuse their act, but rather to understand the humanity of the perpetrators to learn about people’s motivation for committing inhumane acts. Sexual violence is by many stated to be endemic in the DRC and Liberia with devastating effect on reconciliation and future development for a country. I have chosen this comparison first and foremost because Liberia has been portrayed as a “poster child” in terms of the government’s commitment to stop widespread sexual violence. Further, the two countries share many similarities because they are situated in Sub-Saharan Africa; they have a recent history of dictatorship rule, and a history of violence and war. Most central perhaps is that sexual violence in both cases appears to be endemic during Liberia’s civil war and the war in the DRC. They both have had their first democratic election and the two states can be seen as fragile, post-conflict societies. However, the two cases are also different in many ways, because Liberia has never been colonized and the country has a rather recent history and are less prone to relapse into war and armed conflict compared to the DRC. Another aspect is that Liberia has a female president, Ellen Johnson-Sirlelf, who has actively worked out and implemented a law that specifically prohibit gender-based violence. However, it remains to see if the Liberian model is
sufficient for putting an end to sexual violence and if so meaningfully replicated in the DRC.

2.0 Theoretical approach and methodological concerns

The term ‘sexual violence’ is used in the literature as an umbrella concept for a number of sexual abuses like rape, forced prostitution, forced pregnancy, sexual mutilation, and genocidal rape. The choice of such a wide term in this analysis is useful because the reports from attacks in the DRC as well as Liberia tend to be less specific of the acts and often tend to compromise extreme brutality where rape is only one part of the act. In many cases reported in the DRC, rape, mutilation and torture occurs together as one combined act of violence. In addition, there is no reliable data on the various methods of sexual violence that was used in the former Yugoslavia or in the Rwandan cases. In this thesis ‘sexual violence’ is the term that will be used to refer to these types of sexually related violence in the DRC and Liberia. Though the individual reaction to sexual violence can be similar, sexual violence as a weapon in war implies a differentiation from peace-time sexual violence and other forms of weapon in war. However, there are no unitary definitions of weapons in war as they can diverge from conventional weapons and not all weapons in a conventional sense are weapons of war (Skjelsbæk, 2001:213). For example can attacking people’s food security during civil war be a weapon to destabilize the situation, while the use of media to the spread sympathy and propaganda can be an un-conventional weapon in war. The term gender is in this thesis understood as socially constructed ideas about men and women’s role in the society. This means that gender is not equivalent to sex, something we are, but rather something appropriate to one sex (Skjelsbæk, 2001:224).

Explaining the use of sexual violence as weapon in war can be structured at the highest level, i.e. the context of the conflict and the national level. In theoretical terms this includes the overall goal and character of the war and the use of sexual violence as a military strategy. It also includes a sense of nationalism towards foreign influence, which can be particularly relevant for the DRC case. At the second level, group identity and interactions will be of central concern as this id often where most cases of
sexual violence is found. The lowest level is the individual level where individual choice for using sexual violence can be explained. These levels will be used in the analysis of understanding the first research question and the levels should be seen as dynamic and interacting. The reasons for using sexual violence, as we will see, are numerous and often are a result of the combination of many factors. An ethical concern here of this type of research is that somehow a criminal act with such devastating consequences can be explained and hence excused. But this is by no means the intention of this research. The intention is rather to understand some of the motivations for a type of violence that is poorly understood in much of the peace and conflict literature. Further, the failure to acknowledge women as central stakeholders in conflict diverge attention from some of the key aspects to the ending war and rebuilding the society.

The structure of the theoretical chapter is first to discuss the state-level using development approaches. Central aspects here will be to understand causes for violence in the context of poverty and war. The second part will discuss some of the gender perspectives to see what can be the causes of gender-based violence in war. This will include discussions of the two traditional approaches essentialism and constructivism. The last theoretical section will combine the development and gender debate through the more bottom-up approaches centred in the development debate, like gender equality, capabilities and human rights to contextualize more the case of the DRC and Liberia.

2.1 Development perspectives

The term ‘development’ is a concept often related to a long-term change and progress in a society. For decades since the post-WWII era, the development debate was led by the neoliberal school, including the modernization theory, and the structuralist school, including neo-Marxist approaches (Thomas, 2006:197). The domination of the two schools should be seen in the historical context of the Cold War and the ideological dispute between capitalist market economy and dependency thinking. Thus the term development can be understood in relation to the power and agency of the
‘developers’. Further, a definition of development could fail to incorporate all of the ways it has been used and/or would end up too wide to have any analytical purposes. A simplistic definition like ‘a positive change’ could at first glance seem like an all-encompassing description. However, the term positive is ambiguous: What is a positive change and for whom is it positive for? A traditional dichotomy is economic growth, a positive change, versus environmental sustainability, a negative effect of a positive change in another sector that eventually can cause a long-term negative change. More complex debates have evolved throughout the experience of development efforts and since the collapse of the communist regimes. Today’s conceptualization of development is significantly more combined with empirical research as well as historical context understandings (Chabal & Daloz, 1999:11).

According to Thomas (2006:196), present-day development agencies have taken a more restricted meaning of development as amelioration. In this sense, development incorporates small improvements in human development often associated with the Millennium Development Goals and peacekeeping interventions to halt conflicts from getting out of hand. In the long run, however, the vision of development usually implies a democratic and liberal society as developed in the Western world and rarely an alternative social transformation linked to dependency thinking or alternative development. In most cases, the traditional development models assume development to be equal to modernization. However, critiques from the culturalist perspective have emphasized the lack of understanding for socio-cultural settings as in the Sub-Saharan region in Africa under so-called “good governance” models. The culturalist perspective emphasizes the informal structures of African countries where the private and public sphere is more blurred than the Western ideal of a state (Eriksen, 2001:29). Two authors of the culturalist perspective, Chabal & Daloz (1999:39), argue that traditional development thinking take for granted that African societies ultimately will become westernized. According to the authors, the Western-style democracy simply does not capture the contemporary dynamics of the informal or personalized politics of representation and asymmetrical reciprocity in the Sub-Saharan region. Rather they argue that we can see a transition towards modernity without development. But how
Can this be possible when development is usually so closely linked modernization? Can it be both undeveloped and modern? Chabal & Daloz (1999:144-5) argue that there is nowhere in the world where presence of the traditional and the modern at the same time is more striking. For instance, some Africans relatively quickly adopt modern technologies like cell phones and computers, but at the same time are locked in what Western societies might perceive as “backward” social and psychological statehood, e.g. witchcraft or polygamy. However, the authors argue that this in itself is not sufficient to explain the presences of modernity in Africa as the continent has not yet achieved sufficient economic and technological modernity compared to the Western development. Instead, they see modernity as something more dynamic and not something solely measured in Western standards. Bayart (in Eriksen, 2001:27) argues that the informal structure where elite’s strive to control resources is closely linked to the external world. In order to acquire resources, the elites have become experts in manoeuvring profits from aid agencies, other government and international organizations. The culturalist approach often emphasizes the type of rule in many African societies as neo-patrimonialism. Braathen et al (2000:11) defines this concept as “a mixed type of rule combining in various degrees differentiation and lack of separation between public and private spheres”. The state system is differentiated through the structure but not in terms of function, which implies that in post-colonial African state patrimonialism and bureaucracy co-exists. The state can extract the necessary resources but in a privatized manner to the privileged elite. One of the results is that politics becomes the entry to extract economic resources and thus a form of business. Further, in poorly regulated societies in Africa, where there is a lack of institutionalised or social rule of law, violent crimes are more likely to occur. Not only is the state weak and fails to protect its citizens, it is also responsible for violence and crimes. In these societies, warlords profit from continues fighting. However, the brutality of violence in the DRC and Liberia makes it difficult to understand how this has anything to do with profit or other gains. How can the rape and subsequent murder of babies and cutting off a person’s limbs be an instrument for profit? One possible explanation can be that terror induces fear that implies that in future less energy will
be needed to suppress opposition as people are fearful that they will experience the same fate. The violent act thus has a future threat dimension to it.

A common understanding of lack of security in African states as the DRC is ‘state failure’ or ‘state collapse’, concepts increasingly discussed in the post Cold-War area. To understand the state-level analysis, we need to take some steps back and consider the Western Europe’s development in state formation. The states in Western Europe were developed over centuries in complex processes of socio-historical development. According to Chabal & Daloz (2006:227-229) this development implied four fundamental changes. First, a process of centralization of a dominant House took place and meant the end of competing power units. Second, it meant the monopolization of military means and eventually monopolization of legitimate violence, both internally and externally. During the Middle Ages, war was a way of gaining resources and implied ad hoc coalitions based on kinship or exchange relations. Third, the process involved a differentiation between the public and private sphere and the establishment of bureaucracy. The recruitment to the bureaucracy was based on competence and merit and not personal allegiance as in the patrimonial system. Lastly, there was the development of institutionalization that included codification of written laws valid for all citizens and legal responsibilities for those in the political and bureaucratic office.

The so-called state failure in the DRC would imply that, based on these criteria, the state failed to develop according to the Western model. However, the state had never been a strong bureaucracy and was even facing a downward spiral during the Zairen-period (Tull, 2006:113). The state was rather based on informal power relations and control over the illegal market. According to Tull (2006:114), the Zairian state’s main concern was control over the internal market and exclusive state power, but the central government was not prepared for external threats. What collapsed when insurgents entered the DRC was the informal networks and not the formal state structure, according to Tull. The state had hardly offered any public services and bureaucracy and national army had never existed in the traditional sense. The lack of a ‘state’ resulted in lack of security towards the citizens and thus a failure to protect its people.
and punish violators. However the problem is that the state-failure concept is used more as a description by Western policymakers than an analytical explanation, according to Bøås & Dunn (2007:19). The concept of state protection is also a Western concept, but in traditional African systems it is the social systems that protect its members. Ethnic and clan links are therefore more important than ‘national citizenship’, as that is where your security derives from. This can also partly explain why sexual violence against ‘the other’, meaning another group, would be regarded as legitimate, whilst sexual violence against the same group would be regarded as a social crime and dealt with by traditional justice systems. Bøås & Dunn (ibid) argue that the Zairian state under the Mobutu dictatorship can be seen as both strong and weak at the same time. It was strong in the sense that the regime was durable and rather stable through thirty years. But on the other side, the authors argue that the breakdown of the state was the result of the neo-patrimonial system took complete dominance and hence lost all sense of integration and legitimacy. Further, when the neo-patrimonial state fails to distribute resources in the patron-client relationship, frustration and resentment among the domestic society emerged. According to Bøås (2007:45), the state’s failure to provide for its citizens, has created large segments of marginalized people in the economic and political life. Bøås argue that this leads to an intensified battle over the political life in terms of the distribution of identities, resources, ideas and positions.

Instead of the narrow interpretation of the state as the central actor, Bøås & Dunn (2007:31) emphasize the centrality of identity and belonging in explaining today’s warfare in Africa, issues that traditional political science have not been concerned about. The debate on identity and belonging to land and other resources in the eastern DRC as well as Liberia has shown devastating effects of real and perceived marginalization and poverty, according to the authors. Seeing yourself as ‘autochthony’ or ‘son of the soil’ and your counterparts as ‘allochthony’ or ‘strangers’ can entitle you to a struggle over the resources. They argue that this struggle should be seen with the influence of unfinished nation-building under Mobutu in the post-colonial state. The danger of categorizing people into ‘owners’ and ‘aliens’ is that extremely violent measures can be legitimized. Vetlesen (2005:174) states that
measures taken against the out-group are not seen as morally bad or neutral, but fully
good and legitimate. The pre-existing gender inequalities in the DRC might increase
the brutality towards female members of an out-group, as they are not only outside the
moral universe of the perpetrators but below the status of the out-group men. We turn
now to gender perspectives to seek theoretical approaches in understanding sexual
violence.

2.2 Gender perspectives

When explaining sexual violence it is virtually impossible to not discuss gender
aspects. The reason is that most victims are women and most perpetrators are men in
addition to the fact that sexual violence is a gender-based criminal act. With gender
perspectives on sexual violence, explanations for targeted sexual violence and
resulting impunity can be sought. Essentialism and constructivism are two approaches
that are often discussed in the sexual violence literature. Further, the thesis will include
three interrelated approaches to gender perspectives and development, namely gender
equality, human rights and capability approaches to understand sexual violence in the
DRC and Liberia. These three approaches highlight different aspects of gender and
sexual violence. By gender equality, the unequal relation between men and women and
their status in society are discussed. Gender equality or rather gender inequality is one
approach to explain causes of rape and other forms of sexual violence against women
in the DRC and Liberia. The view of women and girls as a ‘property’ is one area that
represents the gender inequality in societies and is also closely linked to Veblen’s
analysis referred to below. When it comes to human rights, aspects of law and
impunity based on the needs of the poor and excluded are central. Capability is a
concept often used to discuss sociological processes of discrimination towards people
because of their characteristic, like gender and ethnicity, and their exclusion from
decision-making processes.

2.2.1 Introducing gender in the debate

Though the gender approaches can be seen as relatively new and is still being refined,
whilst at the same time being mainstreamed in today’s development debate, writers
have for centuries discussed gender and gender relations. One of those is Thorstein Veblen (1899) in his classical book “The theory of the leisure class”. He argues that ownership of goods appears to be some of the oldest and most common features of dominance among people in a society. Consumption and ownership of goods changes with economic development and Veblen (1899:60) used the term conspicuous consumption to describe cultural and social behavioural change. Of particular relevance when discussing gender perspectives is what Veblen (1899:52) claims is the oldest form of ownership, namely persons and primarily women. According to Veblen there are three main reasons for acquiring persons as property. First, it is a way of dominance and coercion. Second, their utility represents the owner’s superior strength and, third, the utility of their services. Veblen argues that women (and slaves) represent both a symbol of wealth and a way of accommodating wealth. According to Veblen, this human relation is a system of master and slaves, and an accepted form of wealth is the possession of many women. He believes that this is especially a finding in patriarchal societies where women are conceived as chattels. In these societies, women should only consume what is a minimum of sustaining her life with the exception of consumption that can benefit the comfort of her master. Men, on the other hand, can freely consume any goods including weapons, amusements, and divinities and Veblen argues that a failure to consume such goods marks the men as inferior and demerit. Women are regarded as the ‘property’ or the possession of men in many African society and results in them being perceived more as objects than as persons worthy of respect in their own individual right, and also makes them more vulnerable to attack as indirect representations of their men or symbols of their group.

2.2.2 Essentialism and constructivism

To better understand the motivation for using sexual violence as a weapon in war, the conflicting theoretical approaches essentialism and constructivism will be used. The American writer and feminist Susan Brownmiller (1975) was one of the first who wrote about sexual violence in war. Brownmiller’s (1975:4) empirical focus is all women in the world and their structural vulnerability for becoming victims of sexual abuse in both peace-time and war. She claims that men’s structural capacity to rape in
combination with women’s structural vulnerability to become a victim of rape is as primary as the act of sex itself. However, in the war-zone, certain rules apply where men are not only men, but militaristic men and allow the perfect condition for men to let out their contempt for women, according to Brownmiller (1975:24). Within such a context, it is assumed that it will be easier for men to commit acts of sexual violence and it becomes a way of sustaining the patriarchal structure of the society. She argues that perpetrators are ordinary men made unordinary by the admission in the exclusive male-club: The military. Brownmiller further argues that the rape of the ‘men’s women’ is the ultimate humiliation and a symbol of the nation’s defeat. In Brownmiller’s deterministic understanding, wartime rape is perceived as a normal part of any war strategy.

Brownmiller’s argumentation has later received substantial critique, especially from the empirical evidence of the 1990’s genocide in Rwanda and Bosnia and the development of a more nuanced understanding of perpetrators’ perspective. Allan (1996:88) criticizes the way Brownmiller reduces culture to patriarchy alone and ignores the empirical finding that both sexes can be perpetrators and victims of sexual violence. The Serb’s genocidal instrument during the Bosnian war was to systematically target the Muslims to destroy an entire culture and their future. Here, forced impregnation was a major weapon to achieve the goal of genocide. Skjelsbæk (2001:218) argues that Brownmiller’s assumption that militarized masculinity in a patriarchy cannot alone explain why some women are targeted and others not and how men also can become victims. Further, it simplifies a complex transaction between perpetrators and victims, when only explaining the perpetrators motivation and pacifies the victim as a bystander. Perhaps the most devastating for academic analysis is that essentialism supports a polarized framework where men are equated with war and aggression while women are inherently peaceful and nurturing (Strickland & Duvvury, 2003:9).

The constructivist approach has a specific focus on how certain groups are targeted in war, where the sense of identity is of central consideration. The idea of identity and the
feeling of belonging to a group are the source of pride and strength, yet also a source to rape and kill. The within-group solidarity can foster a between-group friction, like Hutus were informed to hate Tutsis during the genocide in 1994. The encouraged violence that is associated with identity conflicts seem to repeat and persist from Rwanda to the DRC. The goal of ‘dirty wars’ as most famously seen in Bosnia and Rwanda is often to terrorize the population to achieve a political goal, where violence and killing of the most vulnerable groups can be a way of inflicting most terror. To dehumanize the perceived enemy by humiliating both the body and the person is both a mean and goal in such wars. However, the violent aggression from political actors can be seen as a sign of political decay. But perhaps this combination of violence and political weakness is a point when harming civilians, especially women, is a low military costs at the same time that it has a high social trauma cost.

Allan (1996:28) argues that there exist certain constructed ideas about masculinity as a symbol of power and dominance and femininity as the contrary. When using sexual violence in war, the perpetrators and victim will have a symbolic transaction of identities where the perpetrator becomes masculinized by empowering his or hers identity and the victim feminized by victimizing his or hers identity. This perception is in sharp contrast with the essentialist view where women and men have a static identity of femininity and masculinity respectively. Skjelsbæk (1999:7) argues that women represent the traditional transmitters of culture with their role in the family and the society. Thus, targeting women is not an attack on the individual victim but rather on women’s cultural role. The idea is that this will break down the social fabric of a society and hence break down resistance. As Skjelsbæk (2001:228) states, the feelings of shame, fear, guilt and taboo is precisely what makes sexual violence so effective by silencing the victim. Surviving such an act can be perceived as a destiny worse than death because the victim’s suffering is prolonged and reinforced and can deter the persons from returning to a normal life (Vetlesen, 2005:197). Rational thinking should be that the perpetrator feels shame about the act, but the reaction is often that it is the victim who feels shame.
According to Sen (2006:2), unequal treatment of women in relation to men and sexual violence against women are able to persist through unquestioning acceptance of adopted beliefs. Vetlesen (2005:198-9) argues that survival of constructed perceptions about gender identity and femininity and masculinity is a power tool to conduct such atrocities as sexual violence. The gender identities are associated with strength as opposed to weakness and the power to control versus the weakness of being controlled. Further, the actual plurality of identities that people share can be narrowed down to a few during war, and such sharp categorizations can have explosive results. Gender roles can often become more enhanced during war as men are forced to fight and women are left to take care of her family. Real and constructed identities can determine who is defined as an insider and who are aliens and ultimately separates family and friends from each other. Vetlesen (ibid) argues that the perpetrators are acting in selective universe where those who are not a part of the universe, the out-group, are also outside their moral responsibility. The killing of a person can be the result of perceiving him or her as only having one identity, i.e. the identity as a member of the ‘enemy’ group. Further, the poorer members of this group can be the easiest targets to kill or rape as they live in scanty shelters and need to go out unprotected in a hostile environment in order to provide for daily necessities. On the other side, however, people living on the margin of society more easily can join guerrilla groups as they have little to lose and potentially much more to gain by taking up arms. Thus, the strong reliance on social and group identity, and the role of the social group as the primary provider of security, and the moral limitations of applying social norms narrowly to the group, all result in a greater likelihood that when two groups come into conflict, the men will be killed and the women – as symbols of the men and the group – be abused. The following chapter will combine the development context and gender perspectives to better suit the cases.

2.3 The post-modern development debate and its buzz-words
Women’s participation in political processes and their implications of institutional and policy changes have as recently at the 1980’s been ignored by political scientists,
according to Randall (2002:114). Now, new generations of gender researchers have started a post-modern debate of interpreting the gender dynamics. Many of the concepts like human rights and equality is nothing new in theoretical terms, but perhaps the inclusion and mainstreaming of the expressions are much more used in the post-modern development debate. For instance Mary Wollstonecraft’s book “A Vindication of the Rights of Women” from 1792 and the Human Rights Declaration from 1948 are two of many examples of publications about individual and women rights. However, the debates about women’s rights have changed more from focus on women’s well-being to their agency. From being passive receivers of emergency and welfare aid, women’s active role leading to social transformation for both women and men is increasingly emphasized in the development debate (Sen, 1999:87). The subsequent section can preferably sum up some of the development and gender debates discussed above to create a more inclusive framework for analysis about sexual violence in fragile states.

Gender inequality, human rights and the capability approach are all closely entwined. The capability approach can be seen as one of the 1990’s and onwards most important in understanding people-centred development. The capability approach is simply stated about what people can and cannot do in their social, economic and political surroundings. Sen (1999) is perhaps one of the most famous contributors of the capability approach to development. His understanding of capabilities refers to various combinations of functionings that are possible to achieve (Sen, 1999:75). Capabilities in his view are viewed as freedom, i.e. the freedom to achieve alternative functioning combinations. He sees poverty as more than low income and instead as the deprivation of basic and fundamentally important capabilities. Examples can be the capability of being employed in order to earn income and the capability to survive. These capabilities can in many cases be deprived beyond people’s control and can be greatly affected by characteristics such as gender and race. The gender inequality approach often emphasizes that woman in many parts of the world lack support for central functions in their life (Nussebaum, 2000:1). This includes lower enrolment in school, higher levels of illiteracy, poorer health conditions and higher vulnerability to sexual
abuse. Gender inequality is most obvious and persistent in poor societies where there is a strong antifemale bias (Sen, 1999:194). Much of the reason for the antifemale bias can be the result of women’s social standing and their economic power. The capability approach emphasizes that women and men have different social and political circumstances that result in unequal human capabilities. Relative deprivations in women’s well-being are still present and there is a need to understand the treatment of women as less equal than men and perhaps some of their culturally neglected needs. As briefly discussed above, traditional development thinking has focused more on the well-being or rather the ill-being and needs for women (Sen, 1999:191). Of particular importance in Sen’s argument is the attention paid to gender inequality and moving away from income statics to some of the ‘real’ worries in the areas such as the Sub-Saharan region by considering for instance the demographic and social information. Though the evidence show that women can suffer in number of different ways than men because of deprived capabilities, the debates have shifted more towards people’s agency role, as briefly mentioned in the introduction. This does not mean that women’s suffering in terms of sexual violence, leading to unwanted pregnancy and/or HIV/AIDS, should not be a concern on the agenda. Rather, for the future development debate on the status of women should be focused on their agency to deal with the root causes to deprivation and inequalities that depress women’s well-being vis-à-vis men’s.

In terms of the gender inequality debate a discourse named the gender-and-development (GAD) started as a reaction to the women-in-development (WID) debate, where gender were to represent both men and women and emphasize the agency role of women instead of their vulnerability. Thus the victimization of women in developing countries was criticized and the GAD discourse has in turn shaped the views of the development debate and donor community in important ways. However, many argue that the representations of African women in particular are still represented as overworked and victims of a patriarchic system (Arnfred, 2004:12).
One example is from OCHA\textsuperscript{2}/IRIN (2005:217), who states that women and girls are preconditioned for exploitation in a context that denies them some of the basic human rights in the patriarchic society. According to Arnfred (ibid), this contextual framework mainstreams the debate into thinking of African women as universally subordinated under a primordial patriarchy. In the tradition/modernity discourse, GAD inspired thinking is linked to African culture as detrimental for women and that gender equality and modernity is in opposition to this culture.

The human rights approach, which will be further developed in the analysis, is based on the United Nations (UN) Universal Declaration of Human Rights (UDHR) from 1948. This declaration is formally adopted by all member countries of the UN and proclaims all individuals the right to live in dignity and realize their own development goals, regardless of their characteristics such as sex or ethnicity. Since the last two decades of the 20\textsuperscript{th} Century, the development debate shifted increasingly from a growth-centered model to enhancing people’s capabilities and thus fitting well into Sen’s capability approach. Many of the supporters for a human rights-based approach support the function of the state as the main responsible for securing and protecting such rights and responsibilities for its citizens (Marks & Andreassen, 2006:vii). The rights and responsibilities in the human rights-based approach in the broad sense relates directly to international standards in law, political and economic dimensions. The ‘international community’, meaning the multilateral agencies in human rights and development agencies as well as financial institutions, should in turn contribute in a necessary extent to set the mechanisms and principles for the human rights approach.

\subsection*{2.4 Limitations of the framework}

There are many limitations on all of these theoretical approaches, but this thesis will only include those aspects that are most central related to the analysis. The culturalist perspective, though useful in the analysis, can appear like the Western states developed in a more controlled and organic manner, while the African states are artificially made with severe failures paralleled by violence. However, it is important

\textsuperscript{2} OCHA is under the United Nations and responsible of coordinating humanitarian relief from various INGO’s and NGO’s.
to note that the Western development of a state was a result of both conquest and violence. Assuming that the African states should suddenly enter the ‘ideal state’ situation largely ignores the history of violence in Western Europe. Further, understanding traditional African societies as groupings of social order, rather than states, where group identity is the primary source of security and moral values, can explain why inter-group conflict result in levels of violence and abuse that would not be tolerated within the group. Gender perspectives have the advantages of critically approach the fundamental relations between gender and power. However, gender approaches have in many cases failed to incorporate gender-balanced understanding of violence and power. Gender has often been used to discuss so-called ‘women issues’ or women in particular, thus failing to see the dynamics and interrelations between men and women. On the one hand, it can make men hesitant to embrace a gender dialogue and, on the other hand, it can annoy some women when men do get involved (Mechanic, 2004:13). Further, gender debates have mostly originated outside the social science and are perhaps more a social movement (Randall, 2002:109). When the debates have been included in the social science, it has been selective and partial from the gender debates outside academia. The gender debates lack a coherent discussion and perspectives can sometimes be conflicting. A classical and highly disputed example of this is Susan Brownmiller’s (1975) essentialist approach. The labelling of women and men in a dichotomous category of victim and perpetrator respectively, have caused criticism by the constructivist gender perspectives. Overall, discussion about gender in the academic field should be seen as a developing discourse under a common but evolving agenda.

Development theories and approaches have mainly been developed in the Western world, dominated by American and European and some Latin-American schools of thought. Thus, the actual usefulness of these theories in the African region is contested. Analysis on the state and institution building based on Western experiences is a clear example of this. Clearly, culture matters and it is important as a researcher to avoid as much as possible to look through ethnocentric glasses when analyzing other cultures. In order to understand some of the local motivations for committing sexual
violence, cultural differences and local opinions will be taken into account through the fieldwork in the DRC. When it comes to the capability approach, it is more a framework of thought than a development model, since it does not provide any formulas for development but instead attention to evaluate the development process (Tungodden, 2001:8). The ‘all-encompassing’ approach can be too vague to actually provide any usefulness in development analysis. This is also the challenge for the human rights approach of applying broad concepts of human rights into development tools. The right to development does not translate itself into actual components of development in a society. Thus the main challenge is to convert this approach into an operational model used in development efforts.

2.5 Methodological concerns

2.5.1 Case studies and comparative research

Case analysis will be the main methodological focus in chapter 4.0 when discussing how the use of sexual violence can be explained in various levels. In the second part of the analysis, chapter 5.0, comparative case analysis is used to discuss the approaches and challenges for two countries. The choice of two methods is related to the research questions where the focus of the first question is the DRC, while the other questions discuss the usefulness and the challenges of approaches to deal with sexual violence in Liberia and the DRC. These two cases can be compared in terms of the widespread use of sexual violence during conflict and can both be seen as fragile post-conflict states. From the reports and statics found on the extent of sexual violence in the DRC and Liberia, both can appear to be extreme cases. Comparative research in the African continent on sexual violence in war remains scarce. But at the same time the evidence point at many similar cases for conflict prone areas in the Sub-Saharan region and there are useful lessons to be learnt from comparative research in addressing these issues. Comparative analysis can be useful in finding different results of international efforts depending on national actors’ commitments and the coordination between international, national and local levels. Hopefully, the lessons learned can be more effective use of available means so that human suffering is reduced and countries can
return to peace. The comparative method is chosen in order to analyse the situation in the DRC in a broader perspective. The reason why Liberia is interesting is because they have specifically addressed gender-based violence at the state-level. The comparison will be based on the theoretical approaches and the empirical data to see if the international efforts and the state-level legislation have any implications for reducing the motivations for committing acts of sexual violence at the more local level.

I have chosen an inductive explorative methodology that is not controlled by firmly established theories (Andersen, 2003:102). Chabal & Daloz (2006:41-46) criticize the process of seeking explanations of cultural complexity through a grand theory that will go on the expense of insight and a better approach is to thus in the culturalist perspective to understand what makes sense within the given context. They argue that the Western theories of politics are often far away from the empirical realities found in settings far away from where the theories are derived. Further, this thesis will not discuss possible new theories about sexual violence in this research. Instead, the existing approaches will be used as a tool to discuss probable causes to sexual violence in the given context and how it might be reduced. Further, what is used in this thesis is a behavioural approach to the analysis (Sanders, 2002:45). The central question is then: why do people behave in the way they do? The behaviour in question here is sexual violence, which is an observable behaviour and is also the dependent variable. The independent variables are the processes leading up to the dependent variable. These explanations for behaviour are susceptible to empirical testing. The main independent variable will be the perpetrators motivations for committing sexual violence based on their context. The context will be discussed using the theoretical framework of the development and gender analysis. The operationalization of motivation for using sexual violence in war will be considered at the personal level, the group level and the national level. These levels are certainly interrelated and are both dynamic and changing but will be separated in order to develop a level of analysis. Because of the lack of strong theories, it is essential to have this three level structure to analyze the subject systematically. I will also argue that power relation
between the levels and the inequality that exists are significant to understand motivations at the various levels. In the second analysis, the international, national and local level will be used as the analytical framework to discuss the approaches for dealing with sexual violence in Liberia and the DRC.

Motivations for sexual violence can be operationalized in a rational choice model of three components: Individual benefits, collective benefits, and individual costs (Sanders, 2002:57). However, this simple approach is neither very appropriate nor very useful. Motivations for certain behaviours can often both be rational and non-rational at the same time, depending on the interpretation. Western scholars who study non-Western societies are often faced with attitudes and behaviour that appears irrational to them (Chabal & Daloz, 2006:50). E.g. using sexual violence towards civilians can be seen as fully legitimate by the perpetrators and conceived as acceptable by several state-level actors, but fully illegitimate by advocates of human rights and international law. Chabal & Daloz (2006:75) state that rationality is culturally contextual and the approach used is thus to modify the rational choice model to suit better the ‘cultural logic’ so to speak for motivations to behaviour. More specifically, the motivations will be analysed through the socio-economic development and the status and relation between men and women. The contextual approaches are seen as indicators, where for instance gender inequality and the lack of basic livelihoods are two such indicators. However, the methodological concerns are indeed vast with such a highly stigmatized and tabooed subject as sexual violence. Some indicators on the socio-economic and gender level cannot mechanically condition the perpetrators’ motivations. As Chabal & Daloz (2006:69) argue, the same conditions may foster different attitudes towards a final outcome. Getting reliable information about motivations will be a challenge, especially by persons directly involved. Further, there is the question of causality in analyzing the use of sexual violence in war. When we know for sure that rape and other forms of violence does not end with a better socio-economic development, how can we say anything certain about causality in less developed societies? There are also concerns related to the lack of sufficient research
and documentation of sexual violence in the DRC in terms of motivations, which will be further discussed under the chapter on challenges.

2.5.2 Fieldwork in the DRC

The fieldwork in Kinshasa, Goma (capital in North Kivu) and Bukavu (capital in South Kivu) in the DRC lasted for approximately two weeks during March/April 2008 and constitutes of qualitative research. The data from this field research is not intended to be generalized to other cases, but is a supplement in the study of sexual violence. Following the culturalist approach, it was central to acquire a contextual understanding of the situation on the ground. However, it was neither possible to travel directly into the conflict field nor interview soldiers or war lords directly involved with sexual violence. This would have put many people in danger including myself. Sexual violence is a highly sensitive issue for soldiers as these are crimes and ‘immoral acts’.

Central during this rather brief stay was to have some local allies who were trusted by the local population. The religious network in Bukavu through the Norwegian Church Aid and the Norwegian Pentecost Missionaries were of tremendous help here and being seen as a part of the Christian network was important to be able to discuss sensitive issues. From former fieldwork on the issue of sexual violence, many researchers have emphasized the need to guarantee full anonymity, especially towards soldiers and violated women, to secure confidentiality. However, the victims and former child soldiers gladly told me their names and wanted their story to be told. I have intentionally only included their first name in this thesis. One of the problems I encountered was that I got the sense that the victims did not tell the whole truth in terms of who the violators were, which was also confirmed by those who were working with them. The female victims always blamed the Interhamwe as perpetrators, which will be returned to in the analysis, even though they came from areas in the South Kivu were it was most likely other rebel groups or the national army had operated. The Interhamwe have become a sort of scapegoat among the civilians and also represent a group that can easily be understood and accepted in the public as violators. The former child soldiers also reported that their participation was only as
slaves in the camps and not as soldiers, though there were several reasons to doubt their indications. Though these former child soldiers were clearly victims of war, they hesitated to discuss some of their actions in these groups. Another major methodological problem encountered was the issue of language. The informants spoke only their native language and perhaps Swahili, which not only meant that information was lost in translation, but also that I was seen even more as an outsider and could not expect the whole truth from my informants. One thing I particularly regret is telling the former child soldiers that I was studying sexual violence, as it might have revealed more information to deemphasize this matter. At the same time, however, it might have been an unethical method if the child soldiers were mislead to reveal something they would not have done in another context. The most useful lesson from the fieldwork was to witness both the administrational and policy centred capital Kinshasa, far away from the war-thorn east, compared to the more emergency and development projects in Goma and Bukavu. This disparity revealed the challenge between a weak state centred far away from conflict at the more rural and local level. Another advantage was to travel to the field rather late in terms of the writing process, as the experience would have been overwhelming if I was not prepared for the depressing situation for these victims and the overall socio-economic situation.

2.5.3 Some challenges

Getting reliable information about sexual violence is difficult enough in itself in ‘normal’ situations compared to a conflict situation. First, sexual violence makes the victim often stigmatized and hence something he or she might want to avoid discussing. Second, perpetrators motives can be conflicting between the militias overall ideological motives (if they exist) and individual soldiers’ actions in conflict situations. Thirdly, analysis of gender and violence can come from biased sources and rarely from either victims or perpetrators. Empirical research on sexual violence in many cases is based on non-governmental organizations’ (NGO) work and they represent efforts to collect more funding and putting sexual violence at the international agenda. Even though their work in the DRC often provides a relief and
much needed aid for the civilians, it also might represent several methodological concerns in terms of reliable conclusions from data. The literature often frames sexual violence as a weapon of war often without revealing more specifically how and why it has been used. This of course varies and many reports, especially by the Human Rights Watch (2007a & 2007b), clarify the situation. Overall, however, the ‘NGO language’ to state it simply, frames the debate with sexual violence as a weapon in war and focus on the subordinate status of women in the DRC and other countries in the Sub-Saharan region. Though this is part of the picture, they fail to nuance the picture and see the cultural complexity to understand why it is happening. Furthermore, figures represented by NGO’s like Doctors Without Borders (MSF) tend to only represent those victims who actively seek medical help at the hospitals. Other figures are based on estimates from talking to locals, so-called ‘neighbourhood method’ of inquiry, thus paving the way for possible rumours.

The Human Security Report (2005:8) discusses several problems with the data on sexual violence in countries at war. One methodological concern is that one cannot be sure if increased incidents of rape are a function of increased reporting, increased violence or both. Another concern is the lack of reliable cross-national data on rape. However, one reliable finding is that the displacement of women is highly associated with the likelihood of becoming a victim of sexual violence, according to The Human Security Report 2005. One of the apparent methodological concerns is that there seems to be a great confusion of statistical numbers in the NGO data and the literature. There is no complete data at the national level of victims and perpetrators and the research is rather ad hoc and centred around certain areas of the DRC. Further, the data used is often replicated with added new statistics, thus running the risk of representing higher numbers than the actual status. Because of increased focus on sexual violence by the UN and NGO’s, old rape cases are being reported leaving the development of sexual violence in the DRC unreliable. One example of confusion of data is the UN report by the Human Rights Council (Ertürk, 2008:6) where its first state that the majority of perpetrators of sexual violence in 2007 were the state security forces with 97% of reported cases. On the next section the report (Ertürk, 2008:7) states that 70 % of all
rape cases were committed by non-state groups, without even commenting on the disparity between the numbers. The same type of confusion of numbers is found in the Rwandan case, which has implications for the DRC since the wars are closely related. One example from Rwanda is in Turshen & Twagiramariya (1998:100) were they simple state that “20% of the male population died, leaving 60% of women widowed; 70% of Rwanda’s population is now female”. These are obvious percentage errors that leaves number of refugees into the DRC as well as rape cases in Rwanda up for re-evaluation. In sum, the data from the NGO’s as well as from the media should always be taken with caution and it represents a concern to what extent sexual violence really is endemic in the DRC. However, these statistical challenges is important to emphasize but less relevant to the analysis in this thesis.

One important methodological concern is that the case of the DRC is more thoroughly analyzed through fieldwork, while Liberia is solely based on secondary literature as well as other researchers’ recent fieldwork findings in post-war Liberia. Thus, the comparativeness is based on certain selected areas closely connected to the challenges faced in the DRC that are also found in Liberia. The literature used in the case of Liberia lacks the voices from the more marginalized sections of the society due to neglect of these voices in the available literature. Thus, this analysis is limited to some general trends mostly at the international and national level in the case of Liberia, thus reducing the comparativeness at the more local level.
PART II: The causes of sexual violence in war

3.0 Background and context of the war in DR Congo

Getting an overview of the war in DRC from approximately 1996 to 1997 and the second war from 1998 to 2003 is indeed a difficult task. The analysis will be based on the war from 1998 to 2003 that is called the second Congo War and also Africa’s First World War. The main focus will be on the border areas around Ituri in the North on the border with Uganda and the North and South Kivu, on the border with Rwanda and Burundi. But first, a brief overview of the modern history of the DRC is needed to understand the context of Africa’s First World War.

The DRC is known for its abundance of natural resources, from rubber trees to diamonds to copper. The country covers an area at the same size as Western Europe and is landlocked in central Africa except for a small sea port between Angola and Cameroon. The DRC’s geographical conditions create prosperous potentials as well as huge challenges. The political and economic history of the country from colonization until today has in many ways proved to be kleptocratic under what many will conceive as brutal leaderships. King Leopold II of Belgium announced in 1885 that the Congo Free State region was his to rule and the following twenty years was one of histories worst colonial experiences in terms of slavery and exploitation of resources for export (Milios, 2005:22). Findings from this period state that at least one million and up to twelve million Congolese slaves died from maltreatment and starvation and that most of the profits from exports were kept in King Leopold’s hands. Years of dependence to Belgium followed when Leopold gave away his power after huge international pressure. In 1960, the Congo finally gained its independence from Belgium after years of struggle and protests. General Joseph-Désiré Mobutu took control as the country’s new president in a military coup in 1965, and re-named the country to Zaire. In more than three decades, Mobutu privatized the state to enrich himself, his relatives and his clients (Nzongola-Ntalaja, 2002:141). The Mobutu dictatorship is a clear example of African politics in the neo-patrimonial system. Though it left the country with a weak
socio-economic development and a weak state, little violence and ethnic conflict took place during the Zairen-period.

The end of the Cold War dramatically changed the geopolitical context of Mobutu’s Zaire. It meant the end of American support to the dictatorship and the collapse of the Soviet bloc resulted in readily available small arms in the region (Bøås & Dunn, 2007:18). Insurgency groups emerged and took control over mineral-rich areas in the eastern Congo. The technological advancement in communication in the 1990’s with satellite and cellular phones and the Internet increased the insurgent groups’ communication with each other and central leaders, and with the Congolese diaspora. This resulted in better coordination and increased external support for their operations against the central authority. This represents the modernity of African societies as discussed above. According to Bøås & Dunn (ibid) this was a tactic used by the DRC’s upcoming president Laurent Kabila and his rebels to assault Mobutu and his shrinking force. When Kabila seized control over the country, he renamed the state to the Democratic Republic of the Congo, despite the fact that it was not democratic and hardly a republic in the traditional use of the concept. Kabila’s rule soon proved that he was more interested in enriching himself from the country’s wealth with a few others rather than sharing power.

Some claim that the most devastating factor in the war was the spill-over effect from the 1994 Rwanda genocide, which lead to a massive Hutu refugee flight into the Kivus (Milios, 2005:27). The Hutu rebels that fled to what was then Zaire set up military bases to continue the fighting against the Rwandan Tutsi-dominated army. These genocidaires relocated to Congolese soil and were able to regroup in their efforts to reconquer the Rwandan state and finish their genocide (Nzongola-Ntalaja, 2002:224). They used the refugee camps in the Kivus for this purpose but also to massacre Tutsi and Congolese citizens. Here, some of the worst attacks in the DRC are aimed at the civilian Tutsis in the North- and South-Kivu. Kabila soon lost the support he ones enjoyed from the Rwanda government, after his army had allegedly killed thousands of Congolese Tutsis, and a new rebel group developed in the East. Rwanda, Uganda,
and Burundi supported the rebels attack on the Kabila government, while neighbouring Angola, Zimbabwe, and Namibia supported Kabila’s army.

The war has been labelled tribal or ethnic by the meagre news coverage, but the more correct term would be an interstate war when it has involved so many countries, both directly and indirectly. Further, the Congolese rebels that choose to be guided by Rwanda and Uganda had little in common except opposition to president Kabila. There exists hardly any evidence of a common ideology or a societal project for these various groups. Some were Tutsi allies who were close to the Rwandan regime and some were intellectuals dreaming of revolutionary change and others were former Mobutu delegates seeking to return to power. On the other hand, Kabila neither had any coherent political vision of the DRC. Economic interests were of course of major importance, both to the foreign aggressors as well as the first Kabila government. For instance, Mugabe’s intervention to protect the government in Kinshasa was above all that he was given control over a state mining company named Gecamines; one of the most income generating mineral veins in central Africa that he wanted to protect (Thornycroft, 2007-07-25).

Laurent Kabila was shot dead the 16th of January 2001 and was immediately replaced by his son Joseph Kabila, who was a former guerrilla fighter. Despite a shady background and his kinship, he is widely credited for leading the war to an end in 2003. In the first democratic election in the DRC, supported by UN mission in the DRC (MONUC), Kabila officially won the role as president. Despite several peace agreements, like the one reached in Goma in the North Kivu in January 2008, the fighting continues and wounds are not in any circumstances healed. But a fragile peace has emerged also in the two Kivus and the Ituri region.

All parties in the second war in the DRC are claimed to have used sexual violence, including the peacekeeping forces in the UN mission in the DRC (MONUC), the Congolese national army (FARDC) and the police (PNC). This analysis will mostly focus on the FARDC as well as some of the main warring groups. The groups that will
be discussed is the *Forces Democratiqes pour la Liberation du Rwanda* (FDLR) consisting of former genocidaires, Hutu refugees and Congolese Hutu recruits and the *Mayi Mayi’s* who are community-based fighters that initially defended local territories against foreign invasions. The *Interhamwe*, mostly consisting of Rwandan soldiers and a militia primarily responsible for structuring the genocide, are central actors in the Kivu’s and will also be discussed. However, the international observers and Congolese often use the label Interhamwe consisting on a mixture of refugees, former rebels and their families as well as Rwandan political opponents forced to flee.

The terms ‘hate rape’ and ‘lust rape’ will be used to categorize some of the sexual violence in the DRC. ‘Lust rape’ is here understood as the perceived and socially constructed ideas about men’s sexual needs that make them commit sexually violent acts against civilians. ‘Hate rape’, on the other hand, is not about men’s sexuality but rather understood as a brutal aggression resembling murder. ‘Lust rape’ is traditionally in the DRC a rape of a girl by a male ‘admirer’, though this concept has changed in the war situation as will be further explained below. ‘Hate rape’ is used more as a weapon of war to subdue, humiliate and punish local populations. Though the distinctions of these terms are often blurry, they are useful concepts in the way that sexual violence is not always a weapon of war and systematic in the way often represented in the media and the advocacy literature.

### 4.0 Analysis

**Motivations in the development and gender context**

The rational use of sexual violence often has a strategic face that has several motivations mutually reinforcing each other. To structure combatants’ motivation for committing sexual violence, I have chosen to structure it at the three levels mentioned above, the national level in relation to foreign influence, the group level, and the individual level. These levels will of course interact and it is important to see the dynamics at work. The context for the combatants also matter greatly for motivations
and also the types of violence in the socio-economic environment. Portraying perpetrators as ‘sick’ or ‘abnormal’ is clearly not sufficient as sexual aggression is more likely linked to social and environmental variables.

### 4.1. Individual level – the spoils of war?

First, in order to get a socio-economic understanding at the individual level, we need to look at the way women can be seen as ‘properties’ belonging to the family or husband. In other words; the individual level of victims. According to the analysis done by International Alert (2005:45), sexual violence during the war in the DRC was clearly linked with unequal gender relations and the way many conceived women’s bodies as objects. There is a strong antifemale bias in the sense that women are treated as less than equal in relation to their male counterparts. Several ethnic groups in South Kivu practice subservience of women that reduces them to private property. Traditional customs that practice levirate, i.e. the brother-in-law inherits the widow, are still far from dying out, according to the International Alert (2005:27). In some ethnic groups, like the Banyamulenge in South Kivu, women are seen as common property of the clan, where the father-in-law or the brother-in-law has the right to have sexual relations with the married woman. This, however, is a form of economic commitment to secure the property of the late husband’s resources, but usually viewed in Western perceptions as gender inequality and even rape. As in most other cultures, domestic violence including sexual violence has taken place in the DRC before the war broke out, but how widespread it was is uncertain. The war has the effect of exacerbating such views of unequal power relations because of the insecure situations that makes women even more vulnerable to such attacks.

Further, we need to look at the socio-economic context of the individual perpetrators, in most cases found to be men. In a fieldwork in South Kivu, the researchers found that armies and militias often compromise young men with little or no education and are often illiterate (International Alert, 2005:46). This was an observation confirmed in another fieldwork where Thakur (2008:11) in addition found that the individual
combatants receive far less economic remuneration than their leaders, which in turn opens up for personal exploitation of the local populations. Some of the soldiers were forced into the militias while others were voluntaries in a socio-economic context of extreme poverty and lack of alternative economic income. For these men, the gun becomes a source of income, as well as increased power and social standing. Women and girls could be seen by perpetrators as sexual commodities to be conquered, not individual people with their own rights (OCHA/IRIN, 2005:217). The combatants’ motivations were argued to be of physiological nature and their need to satisfy sexual urges, according to soldiers and women interviewed. At the individual level, the sexual abuse could be seen by perpetrators as a ‘recreational’ activity – a bonus – that gave them both adventure and power over the victims. In Enloe’s studies (2000:117) ‘recreational rape’ is argued by military officials to happen when soldiers are not sufficiently supplied with sexual partners. This type of sexual violence or services is often linked to prostitution. However, in the eastern DRC women and girls are kept as personal slaves for sexual services without payment as these soldiers are argued to be too poor to pay prostitutes (Wood, forthcoming). The soldiers are often separated from their families in Uganda, Burundi or Rwanda and need to find other ways to be satisfied. Not only are the women and girls unpaid but according to International Alert (2005:46) they are also used to secure the combatants day-to-day survival. The combatants often do not get paid or if they do it is irregular, except from the Rwandan Patriotic Army (RPA). Many soldiers hence live off the local population as a coping strategy. Many women have been abducted and kept as slaves to provide sexual, domestic and agricultural services. Sexual violence is thus not only either ‘lust’ or ‘hate’ but also represents an ‘economic rape’. In the discussion of the political economy of sexual violence, Turshen (2001:55) argues that this violence is a strategy used by men to extract personal assets from women. Women’s assets are their productive and reproductive power and in turn their possessions and access to important livelihoods as land. In the guerrilla warfare in the DRC, rebels live off the land and women holds the productivity of the agricultural assets. Thus, one factor contributing to sexual violence is the socio-economic context where women are both
seen as ‘objects’ as well as providers of economic assets that the rebels need for survival.

This type of violence, however, is not sufficient in explaining the extreme violence witnessed by many observers in the east. Baaz and Stern (2008:58) interviewed several soldiers with recent experiences in the Kivus and Ituri to encounter their motivations, justifications and explanations for violence that are perceived by the Western media as ‘barbaric violence’. The soldiers in the survey were mostly FARDC soldiers and were interviewed in a semi-structured qualitative group discussion. These soldiers experiences are not indented to be generalized to all soldiers in the conflict prone areas, but the study represent a rare insight into the minds of soldiers in the DRC that are often not taken into account, neither by Western researchers nor in the DRC. In the DRC, policemen and soldiers are often referred to as ‘thieves’ (miyibi), which represent a deep dissatisfaction among the public towards the security apparatus. Baaz & Stern (2008:75-76) found that many of the soldiers’ motivation for committing severe human rights violations, like sexual violence, were explained indirectly as a livelihood strategy and an expression of suffering and frustration in relation to neglect and poverty. To understand this view we need to take some steps back and see what the soldiers interviewed thought of as ‘an ideal soldier’ in relation to their actual situation. According to the majority of the soldiers interviewed, the ideal type of soldiers was those who followed orders and were disciplined according to the military codes. Instead of a ‘macho’ culture of the military, the soldiers emphasized dignity, respect and humility as ‘a good soldier’. The Règlement Militaire (RM) in the DRC states that rape is not allowed and that if the soldiers have sexual needs, they should masturbate (Male sub-lieutenant, age 25 in Baaz & Stern, 2008:75). Taking other people’s women is thus not accepted through the RM and was also confirmed by the majority of the soldiers interviewed as inappropriate behaviour in their perception of a good soldier.

However, there was a great sense of dissatisfaction and frustration towards the leaders and superiors among the soldiers. The Congolese soldiers are among the poorest
section of the society were a theoretical monthly salary of $10-20 is rarely paid. This salary has increased to $40 the last two years, but is still a low income. In addition, the mortality rate among soldiers’ children remains high and school enrolment is practically zero. Order and discipline towards the military leaders was hard to follow when they neglected the soldiers and their families’ basic rights like salary, medical and funereal expenses etc. When Baaz & Stern (2008:77) asked the soldiers about sexual violence towards civilians, the soldiers rationalized this behaviour as an indirect result of poverty and neglect. Poverty and neglect lead to such violence because they felt the need to violate the RM in order to make ends meet, but also the resulted feelings of frustration and anger. Two male corporals in one of the discussion groups connected poverty and anger as the main source of committing rape. They also justified their behaviour as being out of control in their actions and thus they felt not accountable for these acts. Following is a sequence of their conversation from Baaz & Stern’s studies (2008:77):

**Male corporal A:** Yes, it is anger [kanda], it is creating, the suffering [pasi] is creating… You feel you have to do something bad, you mix it all: sabotage, women, stealing, rip the clothes off, killing.

**Male corporal B:** You have sex and then you kill her, if the anger is too strong [soki kanda eleki, obomi ye].

**Male corporal A:** It is suffering [pasi] which makes us rape. Suffering. If I wake up in the morning and I am fine, I have something to eat, my wife loves me [mwasi alingaka ngai], will I then do things like that? No. But now, today we are hungry, yesterday I was hungry, tomorrow I will be hungry. They, the leaders/superiors [bamikonzi] are cheating us. We don’t have anything.

Notable in this conversation is that the male corporal A mixes the public sphere as a soldier with his role as a private civilian man at the household level. The element “my wife does not love me” was repeatedly found in the majority of the conversations about rape and other forms of sexual violence in Baaz & Stern’s (2008) study. Central was that the male soldiers felt that this lack of love was caused by their poverty condition and they could not fulfil their role in the family as the head and the provider of their family’s basic needs. Further, the male soldiers expressed a fear and suspicion towards their wives that they would find other men that could make ends meet. The women were depicted by these men as unreliable and opportunistic if the women see better opportunities presented. Several cases from the Ituri and the Kivus have shown that girls and women turn to so-called ‘survival sex’, where they trade the use of their
bodies to soldiers who could provide them with some food or temporary shelter. The fear is that the situation of survival sex makes more abusive forms of sexual relations more common. The soldiers interviewed mixed these gender discourses about their women as being unreliable and opportunistic with a rationalization of their violent behaviour towards other women.

4.1.1 Rebel without a cause?

One of Weinstein’s (2007:7-12) intriguing findings is that rebel groups that operate in areas of vast natural resources are more likely to employ high level of indiscriminate violence. Rebel soldiers who have a low-commitment to the group are by Weinstein seen as consumers who seek short-term benefits from their involvement, opposite to high-commitment individuals seen as investors. The consumer soldiers are termed opportunistic rebellions where participation is somehow with lower risks and with expectation of immediate rewards. This, according to Weinstein (ibid), can be detrimental to the local population where the lack of social and political ties resulting in short-term orientation implies soldiers’ motivation to loot, destroy property and assault civilians indiscriminately. These approaches by rebels will in Weinstein’s perception increase resistance among civilians as well as retribution by other armed groups, which elapse into a spiral of violence. What is increasingly witnessed in the eastern DRC is the tendency of warring groups to outbid each other on extreme violence. Even though it might seem perplexing, rebels can initially be motivated by joining arms as a mean of day to day survival where civilian targets are their main strategy for endurance.

Further, many of the combatants in the rebel groups lack sufficient training and discipline from the top level and are often sent into the forest far away from any authorities (International Alert, 2005:46). In an area called Shabunda in the South Kivu, young militia recruits are taken into a ritual of drug-taking and violence to strengthen their character. This usually implies killing a family member, often their father or mother. The combatants display a particularly predatory behaviour in the areas in which they operate. This was a finding further explained in Baaz & Stern’s
(2008:78-79) studies were the so-called ‘craziness of war’ mixed with widespread drug-taking by the soldiers resulted in sexual violence as an outlet for the unnatural mental state of war. The soldiers interviewed by Baaz & Stern divided between normal and deviant behaviour of soldiers and explained how the war had made deviant behaviour normal. The psychological trauma for the soldiers was found to affect soldiers in diverse situation that lead to violence beyond the ‘normal’ character of the soldiers.

At the individual level, researchers can divide between so-called ‘lust rape’ and ‘hate rape’, according to Baaz. Some of male soldiers in the FARDC whom Baaz interviewed rationalized their behaviour as being motivated by a sense of lust rather than hate. The idea of lust rape is related to men’s sexuality and their sexual needs. The ideas about men’s sexuality compared to women are perhaps a mixture of biology and socially constructed ideas about their needs and desires. In the FARDC, sexual violence is not found to be a military strategy, but there is a degree of acceptance among the soldiers and their commanders for ‘lust rape’ despite the RM, according to Baaz (ibid footnote). Arnfred (2004:17) argues that the Christianity and colonization have changed the moral views on sexuality for men and women in Africa. Sexuality for women is closely linked to existence and procreation and the pleasure and lust is closely tied to sin. Though the cornerstone in Christianity in general represents this perspective, the reality is that it works differently for men in Arnfred’s view. Pleasure and multiple partners is something that continues to exist for men and are even naturalized as a part of the male nature. This double standard in the male/female sexuality is something that continues to exist along with female chastity and their sexuality under male control, according to Arnfred. On the other hand, however, women in this part of Africa also have other partners than their husband. This can be a part of women’s need for economic income and is often labelled ‘survival sex’. Further, when the soldiers in the Baaz & Stern’s (2008) study depicted women as opportunistic, they might have referred to exactly this aspect when they felt that they could not provide for the family’s basic needs and hence the woman had to seek other

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3 Personal interview with researcher Maria Eriksson Baaz in Kinshasa 2008-04-10.
economic incomes. With the lack of alternatives in the development context, the women might turn to ‘survival sex’, which further creates feeling of frustration and anger among the husbands and the feeling of ‘failed masculinity’ that needs to be compensated.

4.2 The group level - sexual violence as a weapon?

Rape as a weapon of war is usually associated with official encouragement from military leaders or politicians (Human Security Report, 2005:109). The most clear example for this was the Serbian military leaders’ so-called Ram-plan where they encourage targeting the Muslim women in their genocidal plan of a Muslim retreat (Allan, 1996:57). Through rape and forced impregnation the logic of the policy was to erase all identity characteristics of the woman other than as a sexual container. Further, sexual violence as a weapon of war is often associated with identity politics, like in genocide or ownership rights. These violent acts often involve publically displaying rapes in the local society with the double effect of maximizing humiliation for the victim and to spread fear among the population. The humiliation of the victim and his/her family can destroy the social network that the victim and the family ones enjoyed. Thus the warring group has successfully managed to destroy the life of their perceived enemies and made future reconciliation more difficult. The fear component uses the victim’s body as a mean to restrain resistance towards the warring group by sending out an unpleasant danger signal.

In many war situations are the erosion of norms that in times of peace serve to restrain anti-social behaviour. The group level is associated with larger attacks on civilians and communities. The brutal acts of sexual violence have allegedly been motivated by the armed groups such as the FDLR to inflict terror to demonstrate control or punishing the civilians for supposedly sympathizing with enemy groups (see e.g. Human Rights Watch, 2007a:25). But as was discussed at the individual level of sexual violence, it has become more than a social violence, to humiliate and cause trauma, but represents an economic violence because of women’s productive and reproductive capacity. As
the Congolese women are the major provider of agricultural products, soldiers use sexual violence as a mean to access these products. Rape and other forms of violence is thus a form of weapon to survival in this perspective. However, sexual violence and in particular rape has perhaps the by-product of gratification for the perpetrators, but are possibly better explained as an expression of power and control over their victims. Sexual violence becomes weapons of domination and repression that in the long-run has the goal of breaking women’s resistance and demoralize the men. Rape as a weapon in war is not something derived from sexual urges, but rather suits the ‘hate rape’ category.

4.2.1 Identity politics – the role of ethnicity

The Belgian colonists divided ethnical groups in both Rwanda and the DRC in a divide-and-rule tactic to control the population. In relevance to the current case were the explosive results of the Hutu and Tutsi population. Hundreds of thousands Hutu refugees from Rwanda fled into the DRC mixing refugees and genocidars with no viable return to their home-country. The development of identity politics as in the politicization of ethnicity has been used by the FDLR, Interhamwe and the Mayi Mayi’s to create political legitimacy by the refugees as well as by the Congolese armed groups (Thakur, 2008:18). The key identity conflict is situated in the Kivus were the Kinyarwanda lives, referring to Congolese of Rwandan ancestry of both Hutu and Tutsi ethnicity. Within this category there is a further differentiation between Banyarwanda living in the North Kivu and the Banyamulenge in the South Kivu. Their citizenship the last fifty years has been contested and during the second war in the DRC, the Kinyarwandans’ identities were manipulated as ‘victims’ through precarious Hutu-Tutsi identity lines for political goals by local and regional actors. Their identities were also manipulated by the opposing groups like Mayi Mayi, who have portrait the Kinyarwandans as ‘allochthony’ or ‘strangers’ and themselves as the ‘autochthony’ or ‘authentic’ Congolese citizens (ibid). The Mayi Mayi’s feeling of ‘indigenous’ identity was meant to differentiate themselves from other the Banyarwanda and Banyamulenge who were considered to be foreign. More ethnic tensions also exist in the Ituri region, the area often termed ‘the bloody corner’ of the
DRC, where the Hema and Lendu population share the same territory. The tribal battles between the Hema and Lendu population have been fuelled among others by Uganda’s Lord’s Resistance Army (Weinstein, 2007:27). The Ituri conflict has the dangerous components of the scramble over vast resources in the area combined with ethnic tensions in the region.

These identity manipulations by both sides have helped fuel violence over the control of the territory and vast resources in the eastern DRC. The combination of ‘state failure’ combined with vast resources and ethnic tensions had violent results. Women are targeted from the opposing ethnic groups and sexually abused often in the most humiliating ways. It also seems likely that warring groups have legitimized sexual violence against the perceived out-groups, either through leaders not taking any stands or assert it as a useful strategy. By creating an elusive ‘other’ of the perceived enemies, extreme violence has been persistent. In the UN and NGO reports, academics and the media, women’s body as a battleground is by many portrayed as the most effective means to destabilize and break down resistance against the enemy. Brought together, more or less organized sexual violence in these areas could be used as means to drive unwanted people from their land. Women’s bodies are used as a battleground to revenge massacres and rapes by the hated out-group male combats and civilians. Sexual violence in war thus becomes a weapon to effectively terrorize and destroy communities. There is also evidence of using sexual violence as a form of punishment against the local population for allegedly supporting opposing groups. Sexual violence thus becomes a form of ‘punitive rape’.

More often, however, the local civilians are often looted by any present warring group. Pre-existing ethnic tensions are used by leaders for political and economic motives and used to stir up hatred between the groups and sometimes supplying arms to one of the sides when convenient (de Vries, 2005:11). Sen (2006:175) argues that the cultivation and promotion of creating a feeling of singularity in identity politics can serve a specific focus. By separating one identity group from another it serves the violent purpose despite the irrationality of seeing one self as serving only one identity. These
identities can be a result of prior clashes but perhaps more likely created or added perceptions that serve specific goals of power and control over territories, people and/or natural resources. The main factor contributing to violence between groups might be the competition over resources, while ethnicity is only the tool to mobilize strives over these resources. The question is therefore how and why ethnicity is used for political purposes. Thus, when analyzing the case of the eastern DRC one should be cautious in portraying it as ethnic conflict. Recalling the neo-patrimonialism understanding, violent conflicts should rather be seen as tensions between groups over resources, power and control in the context of the lack of state authority and control.

4.2.2 Gender relations – the role of masculinity and femininity

To understand such highly gendered violence, we need to look at the aspect of women and men’s role in the society. In terms of women’s role in the eastern DRC, the psychologist Justin Kabanga⁴ argues that women are seen as second-class citizens and they do not have the right to take their own decisions in many cases. For instance, women are not allowed to own land or find work outside the household without the husband’s approval. In general in the DRC, according to Kabanga, a woman’s value is through the marriage. Because of this, Kabanga argues that women need to stay obedient to their husband in order to have a status. He explained that if the woman is sexually abused, it is very likely that her husband does not want her and her value in the DRC is practically zero. At the same time, the Congolese women bind the community together through providing the agricultural harvests, giving birth and nursing the children. Exactly this makes the women a military target for the rebel groups and is also thoroughly planned by many of forces, according to Kabanga. By sexually abusing women, often in brutal and humiliating ways, women are left traumatized. Further, women must flee the area they used to live and becomes internally displaces people (IDP’s). The strategy of sexual violence terse down the community support for the women and finally destroys the community. Thus, the

⁴ Personal interview with Justin Kabanga in Kinshasa 2008-04-01. Kabanga is a doctor in psychology and has a long experience with providing therapy to abused Congolese girls and women and is working in Bukavu at the Communaute des Eglises Libres de Pentecôte en Afrique (CELP).
strategy is indeed useful as a mean to tear down resistance and control areas and hence increase the power for the warring groups.

Further, certain dynamics between masculinity and femininity can explain some of the consequences war has on already skewed gender relations. First, masculinity in the DRC is closely reliant on dominance, where men are both the protector and the aggressor in the family and community level (Mechanic, 2004:21). The war situation tends to narrow such views of masculinity and emphasize it even more. In this context, men often fail to live up to this role when they cannot protect their women against other aggressors. In a culture where women are seen as ‘possessions’, a sexual assault against a woman is perceived as in assault against the man. The culturally accepted roles that men are protectors of ‘their’ women are under threat in a war or conflict situation, because it is simply not possible in the socio-economic context. The feelings of powerlessness when their women are being sexually abused or they turn to survival sex as a form of livelihood can lead to a further reaction of violence against women. The men can then more easily choose to join warring groups to restore a sense of control through aggression in order to re-achieve masculinity. When other alternatives to achieve masculinity, like education or wealth collapses in the context of war, the existing alternative can be through the same methods that they lost their masculinity. This way is through militarized masculinity at the domestic level, their community or against neighbouring communities. The motivation for committing sexual violent acts is thus explained by the need to confirm the man’s military masculinity and in this way serves the purpose of an essentialist approach.

However, this approach is insufficient as it reduces all men to be inherently aggressive and it also lacks explanations for men who become victims of sexual violence. For those who commit these acts, a constructivist approach would argue that through power and violence, victim is feminized and the perpetrator is masculinised. Sexual violence in war is commonly explained by the constructivist scholars through the masculinity-femininity linkages, as an effort to humiliate, i.e. feminize, the enemy men by tainting their women to prove them inadequate as protectors. What soldiers may
fear most in the war is being perceived as ‘unmanly’, timid and weak, characteristics that are often associated with femininity. Recalling the FARDC soldiers frustration discussed at the individual level, one factor of rationalizing sexual violence against other women could be a way of restoring their ‘failed masculinity’. To take another example, sexual violence committed by men against men happens in the DRC much rarer than against women, but still much more frequent than many assumes. According to a male victim of sexual violence interviewed by Amnesty International (2004a:11) when the soldiers raped him in front of his wife and children they kept saying “you’re no longer a man, you are going to become one of our women”.

However, both the essentials and constructivist approaches are found to be inadequate according Baaz & Stern’s (2008:67) study. According to Mechanic (2004:24), many of the men who are caught up in this situation are desperate and against their will part of a brutal and deadly conflict. Further, the choice to join armed forces was according to soldiers from the FARDC never motivated by a vengeful desire of violence, but rather a last choice out of the absence of other alternatives (Baaz & Stern, 2008:71). This view was also confirmed by the former child soldiers I interviewed. As one of them explained:

“It was difficult to obtain food at home and I though a life as a soldier would be better than starving at home”

(Mungu, former Mayi Mayi soldier, age 15).

The other former child soldiers I spoke to confirmed this view by stating that it was starvation, lack of educational possibilities and the lack of other economic generating possibilities that made them join the militias. Further, Baaz & Stern (ibid) found that the military was not a macho place for men as the ideal life is not to live in the bush and rape and kill civilians. The popular culture in the DRC represents the successful modern and wealthy man with a desk job and nice house in the city surrounded by beautiful women, according to Baaz5. Thus, portraying soldiers’ motivation for joining armed groups and becoming perpetrators of sexual violence through the traditional

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5 Personal interview with researcher Maria Eriksson Baaz in Kinshasa 2008-04-10.
debate between essentialist and constructivist thinking is not sufficient. Researchers should be aware of the socio-economic context of the DRC as well as cultural factors.

4.2.2 Symbolic and instrumental violence – how culture matters

Ethnicity and gender roles seem to have played a certain role as the way sexual violence has been used in the war in the DRC. To add to the complexity of motivations for committing acts of sexual violence, the Mayi Mayi soldiers have used it as a power instrument in a cultural specific manner. The Mayi Mayi rebels have a long history in the DRC and the organizational structure is mostly localized and informal and centred in the Kivus (Thakur, 2008:5-6). According to MONUC officials (in Thakur, 2008:13), the Mayi Mayi are mostly unarmed, except for some primitive weaponry. However, because of the prevalence of arms trafficking in the DRC, Mayi Mayi’s can easily access small arms. Ideologically, they have a strong anti-Tutsi sentiment that upholds public support and also recruitment of soldiers. According to Mosafari\(^6\), the Mayi Mayi has used sexual violence in a slightly different way ideologically speaking compared to other groups. Several of the Mayi Mayi fractions have raped children whom they know are virgins to get a sort of magical power (de Vries, 2005:12). Virgins and even pregnant women are believed to give them invincibility on the battlefield (ibid). Raping virgins is also believed to cure HIV/AIDS positive combatants, which is a misperception practiced with lethal results in some parts of Africa. They have also been accused of raping elderly Pygmy women to receive a sort of resistance power against attacks. The Pygmy women are believed to contain witchcraft that the Mayi Mayi’s use to defend themselves against violent attacks from other militias.

Exactly how common these phenomenons are is practically unknown and it is also difficult to know for outsiders whether these are stereotypes or actually traditional culture for this group. No matter how common this strategy is, it represents a different weapon of war than commonly understood by the public debate. To some extent it captures the social constructivism line of thinking when sexual violence is used as a

\(^6\) Personal interview with Adolph Mosafari in Bukavu 2008-04-06. Mosafari is the program director of a child-skills development project in Bukavu and closely working with former child soldiers.
mean to obtain power through the victim, but not perhaps with the intention of ‘victimizing’ the offended. The victims in turn have from the Mayi Mayi’s point of view socially constructed ideas about the role and power the victims are believed to contain. Their cultural constructed believes thus result in sexual violence as a weapon of war. Rape, cannibalism and other acts of brutal violence committed by the Mayi Mayi’s is strategic and instrumental as well as expressive and symbolic for this group in order to achieve particular objectives. This is thus a form of community-based understanding of local identity and warrior culture.

4.3 The national level – reaching political goals?

At the macro level, sexual violence can be a leadership strategy of controlling areas and is signalled through the chain of combatants. Sexual violence can in this way either be seen as a necessary war effort and/or be signalled from the leadership that it will not be punished and hence perceived as an accepted behaviour. To make sexual violence a macro level approach the military superiors must be seen as a legitimate authorities so that soldiers will accept to conduct this extreme violence towards civilians (Wood, forthcoming). Strategical measures are taken by the armed groups in the DRC to persuade the government and the international community to ensure that they have the capacity to inflict serious costs to illustrate its power (Thakur, 2008:15). Severe violations of human rights can be a way accessing the bargaining table, usually without any fear of punishments. Militia groups must first represent a threat to security by the Congolese government supported by the international actors for then to negotiate demands. According to Thakur (ibid), the most significant strategy used by the armed groups is attrition against civilians in order to achieve a certain power and a social control over local communities. As one MONUC officer stated about the warfare in Ituri:

“We had the impression that the soldiers were not fighting each other, but rather the civilian population. Missiles were launched haphazardly, without any thought to civilians. What is this war in which out of 30 people killed only two are military personnel? These people don’t respect the basic rules of warfare. This is a war against civilians and it is always the same!”

(Officer interviewed in May 2003, Amnesty International, 2005a:4).
Thus, the greater costs a group can inflict, the more likely is it that the group represents a threat to future security, and hence the more likely is it that the national government and the international community will yield to their demands.

The assumption that sexual violence only is a mean to satisfy soldiers’ needs is insufficient in terms of the evidence of the victims and the brutality they have been exposed to. Cutting of breasts, shooting women in their vagina and raping babies and elderly cannot simply be explained with ‘lust’. Here, sexual violence is more of what researchers term ‘hate rape’. In a survey done by the International Alert (2005:48), $57.3\%$ of the women interviewed were convinced that the foreign forces had plans to exterminate the Congolese people through their deliberate extreme and cruel violence. It is worth noting here that many Congolese civilians particularly in the Kivus show an explicit hatred towards the foreign troops especially from Rwanda, thus these answers should be taken with caution. Further, the foreign troops were viewed by $19\%$ of the women interviewed in the survey as jealous over the DRC’s immense wealth. There is no secret that neighbouring countries like Uganda and Rwanda have economic motivations for conquest in the DRC. Further, the women argue that the foreign combatants in the DRC are chased out of their country and now live in the Congolese bushes. As one of the women stated:

“They’ve brought a culture of violence with them – in their country, violence is a national sport”

(anonymous to International Alert, 2005:49).

Some of these women also believed that there existed a deliberate policy to spread HIV/AIDS to entire communities through raping women and in turn that the women spread the virus to their husbands and offspring. Others were convinced that foreign troops aimed at getting women pregnant with non-Congolese children were a part of their plan. During the Rwandan genocide, the HIV/AIDS infected soldiers were strategically used in methods of sexual violence to spread the virus to the hated out-group. This ‘culture of violence’ might to some extent survived among the Interhamwe
rebels and the FDLR. According to Kabanga\(^7\), the so-called culture of violence was brought here by the Rwandan forces when they entered the DRC in 1994 and onwards. He argues that the Congolese culture in general respects women and children in war and tries to avoid harming them as far as possible. But in the genocide in Rwanda, rivals did not separate between groups of who was to survive and who must die. The Tutsis as well as moderate Hutus had to be destroyed by all means through killing men, women, and children and raping young girls and women to destroy entire communities. When Tutsis regained controlled over the country, this sent a hundreds of thousands Hutu refugees into the DRC. With nothing to loose and without a nation to return to, the Hutu Interhamwe group have inflicted serious violations towards the Congolese civilians. On the other hand, the Tutsi groups have inflicted the same type of violence towards Hutu Congolese and other ethnic groups as this was the type of violence that their ethnic group was subjected to. Thus, there is evidence that since the onset of the war in the DRC a culture of violence has erupted and penetrated entire regions affected by war.

4.3.1 State decay and sexual violence – are there any correlations?
Local fighters and rebel groups may have grievances towards the political elites that can become instrumental depending on the social context of the war, according to Reno (2005:151). But even though they can hate the political elite and those who control the economic resources, they might recognize that further violence will not bring peace and economic development. However, Reno (ibid) argues that they might conclude that joining armed groups is better than becoming a victim as well as receiving personal economic gains from violent uprisings. Combined with foreign interventions and new channels of trade there are greater opportunities to ignore local demands and social constraints that would otherwise inhibit means of accessing resources. The atrocities in the DRC were perhaps more a result of the political elite’s mismanagement over the years, resulting in generations of young people growing up in a socially excluded environment. Decades of these experienced would likely cause political, social, economic and moral breakdown among the public (Bøås, 2001:719).

\(^7\) Personal interview with Dr. Justin Kabanga in Kinshasa 2008-04-01.
The FARDC and the PNC in the DRC have in some reports (see e.g. Ertürk, 2008) stated to be one of the major perpetrators of sexual violence. Though these statics should be taken with caution (see chapter on methodological concerns), it is evident from the analysis about the personal motivations for committing sexually violent atrocities is related to the feelings of neglect and impoverishment from the Congolese state. Hence, there is a moral breakdown from those who are there to protect the civilians from these atrocities. When the juridical institution fails to punish perpetrators and the impunity continues, there is perhaps an even higher level of moral breakdown as the violence is being normalized throughout the FARDC in the most violent regions of the DRC. For the other armed groups in the DRC, a macro level strategy of sexual violence would depend on the link between recruits and their leaders, thus a dynamic between the individual, the group and the macro level.

Chabal & Daloz (2006:144) argue that the Hutu-Tutsi conflict in Rwanda that has continued on Congolese soil should be put in the context within a decaying patrimonial political system where political accountability is almost absent. This has contributed to increasing economic hardship and rivalry between groups within the weakening neo-patrimonial system. This context can allow politicians to legitimize violence based on the cultural differences. The notion of this is rooted in the understanding that the differences between the groups make it impossible to solve the problems peacefully based on the cultural differences. Further, it also sends of the signal that any attacks on ‘us’ are intolerable as it is an attack on the entire culture. This also leads to the logic that attacks against the ‘outsider’ should be not only violent, but preferably an attack on the entire culture. Chabal & Daloz (ibid) hence argue that it is not the culture causing violent conflicts, but instead that culture is used as an instrumental ideology for political exploitation. Those who feel excluded by the state, i.e. those who are not privileged to directly benefit from the state’s resources, can seek protection and security from other local actors, e.g. a patron, who can reward their followers. However, the variety of leaders claiming to represent a particular community has also lead to confusion, rivalry and instability, according to the authors.
The inability of leaders to uphold their status reduces the community’s substance and can be followed by a take-over by political competitors.

During the transition government from 2003 to 2006 in the DRC, the unification of the political and military top level was in reality enemies seeking to enhance their own parties’ political, military, symbolic and economic positions (Autesserre, 2006:9). Parallel military operations continued at the local and regional level with the aid from various actors at the national level. As history repeats, the first who suffered from these attacks were the local civilians. Violence including sexual violence was used as a threat against villagers to hinder support of other political fractions. The lack of a single state authority in the eastern DRC made the violence continue as it seemed like the easiest road to wealth and power in areas without law and order. Thus, the development of a state authority was cut short with national spoilers supporting continues violence by warring groups in the east who would in turn lose everything on peace and central government control. However, the foot soldiers of the various political fractions were paid too low in terms of basic survival. This enforced soldiers to prey on civilians’ livelihoods and among other things using sexual violence against those who refused to obey. Further, politicians at the national level used the ethnic tensions in the east for support from Congolese citizens on patriotism, hence further increasing the local violence based on ethnic hatred.

The state failure where the state hardly can provide any form of security and development can been seen as a major factor contributing to the boom of violent non-state actors. These actors are argued to in general lack discipline in the way war is conducted, where they rarely have any education in international law that can prohibit war crimes. Wood (forthcoming) argues that combatants follow orders if they have had a certain socialization process and training of techniques used in warfare. Further, if the goal of an armed group is to govern in the future over a population, it is less likely that the leaders will tolerate mass rape of the same population. But the irregular warfare strategy in the DRC has made rather small units operate more or less independent from their leaders. This can imply that even if the leaders did not want
their soldiers to use sexual violence against civilians, they might not be able to stop them. In addition, Wood (forthcoming) argues that in order to regulate soldiers sexuality, social norms that exist in peace-time must be replicated and internalized in the group. This implies that their must be a strong commitment to the organization that the soldiers fight for, which entails that he or she must sacrifice everything, including a private life. However, from the interviews with former child soldiers, they had been recruited as a form of livelihood strategy and had received hardly if any training other than given drugs and being tortured. The approach is problematic in the way that it assumes that without government control or hierarchical control from rebel leaders, the private soldier will indulge in anti-social sexual behaviour, thus reducing Congolese men to beasts in the wood preying on civilians. Wood\textsuperscript{8} argues that if the rebel group is reliant on voluntary linking with the local population, they are much more restrained to use abusive violent means. But the case in the eastern DRC is that they are reliant on the local population, but through coercion. Here, raping and looting often goes together. Further, Wood argues that the lack of aspiration to govern means that there are fewer reasons to restrain sexual violence in the absence of state-building activity. Thus, there seems to be somehow a slight correlation between the failure of a coherent state and widespread sexual violence by rivalling warring groups.

4.4. Concluding remarks

Before turning to a comparative discussion on the efforts of Liberia and the DRC to prevent or deal with widespread sexual violence, a summary and conclusion of the above analysis will be needed. At the individual level the role of women and men in the society appeared to be a condition leading to the abuse of women. Thus the conditions were already set before the war broke out in 1996 and again in 1998. The idea that soldiers ‘need’ sex was also considered to be a factor contributing to sexual slavery where women were abducted to provide for sexual as well as domestic services. While men get killed, women are targeted for their agricultural productivity and can (often by coercion) secure soldiers day to day survival. In addition, the personal motivations among soldiers in the FARDC seemed to be affected by their

\textsuperscript{8} Personal conversation with Elisabeth Wood 2008-05-29, PRIO, Oslo.
feelings of neglect from the authorities and the poor conditions they were subjected to. The soldiers could not fulfil their role as a provider in the family, and sexual violence was seen as an expression of this suffering and frustration. Thus, some of the abuse discussed at the individual level seems to be directly linked to the poor socio-economic development in the DRC. At the group level, sexual violence could be seen as a weapon to exert domination over a community or a group, for instance through ethnical disagreements. However, it might be more likely from the national level discussion that it is rather the control over resources that has led to sexual violence as a weapon to gain control over mineral-rich areas. There was also evidence of culturally factors among Mayi Mayi soldiers, though only briefly discussed, where sexual violence was linked to magical power for the perpetrators. More at the macro level, being a security threat and committing severe human rights violations might be the only and easiest way to be a part of the bargaining table and getting power at the state level. Further, the deterioration of the state and decades of mismanagement has led to generations of excluded youths that further developed moral, social, economic and political breakdown.

This analysis provided only some of the explanations for using sexual violence in the recent war in the DRC. From these perspectives one can conclude that the socio-economic status of perpetrators and victims appears to be of significance to sexual violence. Gender inequalities and poverty are elements persistent in the DRC. At the national level, the failure of the neo-patrimonial state to distribute wealth to clients has contributed to competition over resources and led to extreme violence in areas without any government control. The atrocities in the DRC continue and the situation must change to prevent further violence. Hence this thesis will now entail a discussion on some of the possible approaches to deal with sexual violence and discuss some of the lessons learned from Liberia.
PART III Comparing future prospects and challenges

5.0 Lessons learned from Liberia

Liberia is slowly recovering after 14 years of civil war from 1989 to 2003, where there is evidence of a high number of victims exposed to various types of gender-based violence, including sexual violence. Several reliable reports indicate high numbers of victims of sexual violence during the civil war and it continues to be a major crime in post-conflict Liberia. Thus, the current president, Ellen Johnson-Sirleaf and her government developed the National Gender-based Violence Plan of Action both to respond to violations during the civil war and abuses that continue to occur in Liberia. In the first part of this analysis we will discuss some of the comparativeness of Liberia and DRC and the recent wars the countries have been through. After that, the emphasize will be on some of the policy issues, specifically gender equality, human rights and juridical concerns, related to dealing with sexual violence in war and problems related to this using the theoretical framework from the development and gender discussion. From the UN and several women’s group, Liberia has been viewed as a ‘poster child’ after Johnson-Sirleaf became president in January 2006, while the DRC has been viewed as ‘a basket case’ in resolving the issue of sexual violence in war. This simplistic understanding is of course not sufficient to explain the disparities and problems in the two countries. At the same time, Liberia has taken some serious steps to prevent and prohibit sexual violence and it is worth discussing some of these efforts to see if they are applicable to the DRC.

5.1 Similarities

Both Liberia and the DRC fit the description of a neo-patrimonial state when war erupted. The Liberian state functioned as an exchange between the legal, bureaucratic structure and the patron-client framework (Bøås, 2003:429). As in the case of the DRC, the weak bureaucratic state structure was able to maintain stability and order as long as there existed means and resources to clients. The two state systems were both unjust in the way that the state’s resources were used to protect the political and economic elite and as personal consumption among the state actors. Problems started
evolving in the 1970’s for Liberia when increasing parts of the resources that was meant to maintain the clientilistic system were consumed privately. In addition, a growing number of people were incorporated into the neo-patrimonial system to maintain stability and dependence. The result was that the Liberian distribution and redistribution system collapsed and the state lost its legitimacy. Samuel Doe were among the group of young officers who took control over the country in a military coup the 12\textsuperscript{th} of April 1980. Doe and his followers first enjoyed much support as civilians celebrated what they saw as the end of brutal leadership as well as apartheid, meaning that ‘native’ Liberians where held down by the Americo-Liberians who arrived as liberated slaves from the US, which will be discussed further in the next chapter. However, the neo-patrimonial tradition continued as the new political actors sought to enrich themselves and their ethnic group, according to Bøås (2003:432). The difference was that when civil war erupted in 1989, there became more and more military fractions that exerted their control over territories and population, and caused thousands of civilian causalities.

The motives for waging war was perhaps also in a sense comparable with the DRC in the way that the groups wanted to get rid of first president Doe than later president Taylor in Liberia, and first president Mobutu and later Laurent Kabila in the DRC. According to Moran & Pitcher (2004:505), the outbreak of war in Liberia was triggered by the war in Sierra Leone and of instability in neighbouring Guinea and Côte d’Ivoire that eventually spread violence in the entire area of Mano River Union. The instability from the genocide in Rwanda and neighbouring Burundi has by some argued to be one of the main causes of the outbreak of full scale war in the Great Lakes region of the DRC. Economic incentives were also of importance as the two countries developed an informal war economy. The war economy developed into a way of surviving and receiving benefits. However, Bøås (2003:437) argue that the main reason for the civil war in Liberia was the history of suppression and the failure of the neo-patrimonial state to deliver its goods. The two wars continued as both Charles Taylor and Laurent Kabila took power as presidents and turned out to be anything but unifying representatives of the state. They continued the tradition of neo-
patrimonialism and used the state’s resources as their own private resources. In this view, armed groups in the DRC and Liberia have emerged from a profoundly dysfunctional and corrupt neo-patrimonial state. A future challenge for the security and development of the two countries has and continues to be the lack of a consolidated state; a state not only serving the urban centres and elite but also the rural population. This is one of the main challenges for building a comprehensive strategy which spans from the state development to the local level.

Comparing some of the development aspects of the DRC and Liberia is also useful to understand the poverty issues, lack of education and gender inequality and in turn frustration and grievance among the public. Sub-Saharan Africa in general have represented an exception in the Human Development Index (HDI), as the region have reversed or stagnated its HDI compared to other regions of the world in the post Cold War era. The stagnation is in large parts caused by the HIV/AIDS endemic that reveals its victims in this type of index. It is also due to the wars and conflicts that deteriorate people’s already low living standards. Unfortunately, the statics from the HDI 2007/2008 are rather incomplete. While the DRC is ranked at place number 168 in 2007/2008 report, where Sierra Leone is at the ultimate ‘failure’ at number 177, Liberia has not a sufficient amount of statics to receive a ranking position. There is no statistics on the public expenditures on education in both of the countries and measures on literacy and enrolment is also rigorously limited. However, it is clear that none of the two countries have impressive development results as the life expectancy at birth is 44.7 in Liberia and 45.8 in the DRC from the (Human Development Report, 2007/2008:222-3).

As the wars in Liberia and the DRC demonstrated, the civilians represented the majority of victims of these clashes between militias and the army. Looting villages and raping civilians has been common in both cases. Another major issue from the Liberian civil war was the number of child soldiers recruited to various fractions of the militias (Bøås, 2003:441). As the situation in Liberia gradually destabilized and civilians increasingly became vulnerable, militias attracted Liberian children and youth
as a form of protection that other authorities could not provide. In the onset of the first war in 1996, Laurent Kabila and his militia, The Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL), deliberately recruited child soldiers as a strategy to forcefully overthrow Mobutu and his decaying regime.⁹ The guerrilla fighting in the DRC was in general not based on clear strategies for waging war, but rather severe brutality and enhancing the young soldiers’ fearlessness for fighting. Since then, children and minors have been used in all the militia groups in the DRC as well as the national army (ibid footnote).

In terms of violations of human rights, neither the wars in Liberia nor the DRC is an exception and is in fact quite similar in many cases. The majority of victims of sexual violence were in both cases found in remote areas, far away from the capitals Monrovia and Kinshasa. As in the DRC, the Liberian female victims were sexually abused and then left behind or they were held as captive ‘wives’ until they were able to escape (Turshen & Twagiramariya, 1998:131). In both cases, sexual violence cases correlated with areas where the conflict was intense and prolonged. The brutality of violence was similarly found in the DRC as many victims were forced to watch and applaud when atrocities were committed against other family members, friends or neighbours. Civilians represented increasingly the main target and the humiliation and traumatisation components were thus found in both cases to inflict most terror in the society. The psychological trauma is severe for both the victims and their families and many suffer in silence for the attacks they have been subjected to. Further, as the civil war in Liberia and the war and conflict in the DRC were protracted, more and more women were victims of sexual abuse.

In Liberia, there is a division among the women in the aftermath of the civil war since some were not ‘passive’ in the armed struggle (IRIN, 2004:21). A number of the women fought alongside the men and others were ‘bush wives’ who worked as sex slaves and also provided food and cleaning for the rebels. These ‘bush wives’ were

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⁹ Personal interview with Adolph Mosafari, the manager of a development skills project for children and youth in Bukavu 2008-04-06.
basically temporarily attached through force by rebels and provided domestic services, thus a form of ‘temporary wives’. The women who survived have returned to their villages but are stigmatized from those women who were portrayed as more ‘passive victims’. Girls and women in the DRC has also taken up arms and joined militias, either with force or of free will. There are also many evidences of the ‘bush wife’ dilemma as an unknown number of women, including the majority of those I have interviewed, were held as captives by armed groups. Women’s productivity in terms of cooking, washing, nursing etc. is used as a resource to survival of the soldiers who are inadequately equipped for long-term survival in the forests. I would argue that women are taken as captives so that soldiers can live in a more ‘normalized’ situation in the inhuman condition they are subjected to. In terms of policy making, this represents a challenge for measures taken against sexual violence. Gender roles during conflicts and war can temporarily open up for redefinitions of men and women’s role that need to be included in future responses to this type of gender-based violence. This will be discussed in the gender analysis below.

5.2 Differences
In terms of the civil war in Liberia from 1989, the regional influences were more mixed compared to the DRC where the latter case can be perceived more as a regional war fought on Congolese soil. The Taylor-government supported war in the neighbouring countries through warring groups and thus fuelled the war in particularly Sierra Leone. This can have implications in policy making in the way that Liberia is less fragile to foreign peace spoilers and thus perhaps more easily can focus on state capacity-building. Different from the DRC, as well as many other sub-Saharan countries, Liberia has an exceptional history of being an independent African republic since the mid 19th Century. Liberia was declared as a free republic for former slaves from the US, known as Americo-Liberians. The natives in Liberia and the Americo-Liberians lived in deep mistrust against each other and the Americo-Liberians quiet successfully dominated the indigenous. Liberia has also experienced a unique economic growth in the mid 20th century that at some point had the highest economic growth after Japan (Moran & Pitcher, 2004:505). A combination of falling prices for Liberia’s two main export commodities, rubber and iron ore, and a deep dissatisfaction
among the ‘native’ Liberians paved the way for a military coup in 1980. The DRC, on the other hand, was ruled as a private state under Leopold and were subjected to a Belgian colonialism that had implications for their development and some would argue of gender relations. In the DRC, the men were encouraged to work in the mining business while women were mostly left at home running the family farm. Most of the women in the DRC were peasants and colonial rule is believed to have had a negative effect on peasant women’s status (Coquery-Vidrovitch, 1997:59). The argument to explain this was that colonialism created an unbalance between the genders as the women’s workload increased through peasantry, while the economic benefits gained men, according to Coquery-Vidrovitch (1997:63-64). In the Central and Eastern Africa region during colonialism, women’s rights were affected by favouring the husband as the head of the household, leaving widows and divorced women in a particular difficult situation. The laws from the colonial period and the Zairian-period disproportionally favoured men, separating the women (and children) as subordinate citizens. The women’s agricultural work did not become to the same extent a part of the national economy because most of it went unpaid, while the cash-crops were to a large extent controlled by men. Hence, women’s exclusion from the Western capitalism was noticeable in parts of the Sub-Saharan African region during colonialism.

The effects on sexuality and gender views were noticeable in the Belgian Congo, compared to the more or less independent state Liberia at the same time period. The Christian missionaries introduced what Coquery-Vidrovitch (1997:144) calls Christian patriarchy; the contradiction of a Christianization without Westernization. On the one hand, the Belgian missionaries tried to keep the ‘good’ traditions in the Congolese society and avoid broad-minded education. On the other hand, they were conflicted with the traditional customs of polygamy, traditional ritual and teenage marriages. The missionary ideology further deepened the traditional role of women as housewives into the colonial age wife and thus emphasized the difference between the sexes and male superiority. Men were given agricultural training and encouraged to cultivate for colonial export. Women, on the other hand, were taught to practice housekeeping and
developing their motherhood skills. This more or less was a continuation of the same practices and thus represented convenient traditions for Belgium colonial missionaries. While education of Congolese men evolved, women’s development was mostly based on morality and their role as good wives and mothers. School-enrolment was low, about 15%, among girls in the beginning of the 20th century and literacy was seen as a distraction for duties and for girls’ mental health in this missionary ideology (Coquery-Vidrovitch, 1997:145). The result was unequal higher education and more income-generating jobs for the Congolese men in relation to Congolese women.

Compared to the DRC, Liberia had a significant number of educated, professional women despite a familiar patriarchal ideology shared with the DRC, especially when the war erupted in 1989 (Moran & Pitcher, 2004:506-7). The civil war itself in Liberia opened up for a different but active role of women in central positions in the Taylor-government as well as female fighters. Women’s role also changed in the way that many became victims of war. The role of women in politics has been very different between the West African states and Central Africa, particularly the case of the DRC. Political activism and lobbying by women has been rare in the DRC. What perhaps have differentiated between the DRC and Liberia is that women in Liberia has been much more successful and active in organizing various groups responding to health issues, reconciliation efforts and criminal and human rights cases. This can perhaps be an influence from the US education and support of the liberated slaves. In particular, the Association of Female Lawyers of Liberia (AFELL), coordinated with the Monrovia-based NGO Centre for Abused Women and Girls, documented women’s various roles during the war (AFELL et al., 1998:131). Despite an increasing political will and programme goals for a more gender-balanced government and engaging women in peace-building in the DRC, the actual number of educated women has been low, according to Dr Kuye-Ndondo. The unrivaled educational imbalance between the genders during the colonial period was further increased after independence. Around the 1970’s, after eighty years of education, the results showed that only a few

10 Personal interview in Oslo 2008-03-08. Dr Kuye-Ndondo is a senator in the Kabila government and currently the vice-president for the Peace, Security and Development Commission in North and South Kivu.
hundred female nurses and teachers, no female doctors and one assistant teacher at the University level was the educational status for Congolese women (Coquery-Vidrovitch, 1997:147). Coquery-Vidrovitch (ibid) argues that both the European and the African tradition of women dependence had reinforced each others gender inequalities during Belgian colonialism as well as afterwards, creating this gender imbalance in the DRC.

An apparent difference about the two countries is their respective geographical size. This issue may have implications for level of governance and nationally based gender plans. There is great concern that neither the UN peacekeepers nor the national army has been able to prevent or end the violence the eastern part of the DRC. It is also argued from the analysis above that the national army themselves represents a severe threat against civilians in terms of sexual violence and they are argued to be responsible for parts of these acts in the DRC. Thus, those who are there to prevent the violence are unable and even represent a danger for the civilians of sexually violent attacks. The impunity of criminal acts is even more severe in the more remote areas of the country. At the same time, however, the much smaller size of Liberia did not prevent the civil war and it was clear that the areas remote from the capital was subjected to intense fighting and human atrocities. The geographical size should not be an excuse for lack of prevention or action, but it still might remain a challenge for effectively implemented policies from the national level, which will be further discussed below.

It is not only the geographical size that is vast in the DRC, but also the size of the population compared to Liberia. From the Human Development Report (2007/2008:246), the DRC has a population of almost 60 million people compared to Liberia with approximately 3.5 million people. Again, this is not an excuse for the lack of prevention and ending the violence, but it remains a challenge for a country with severe infrastructure limitations and weak institutions to deal with the crisis. The development implications from the HDI reveals that the Liberian GDP growth has a positive rate of 2.3% annual growth from 1990-2005, while the DRC has a negative
development with -5.2% in annual GDP development. It is worth noting here that the abundant resources has the economic potential both nationally and internationally in the DRC, for instance it could in theory supply all of Africa with its hydro electoral potential. Despite this, imports of food supply is high as well as relentless failure of the state to develop the infrastructure, has not made the DRC self-sufficient at this stage and probably not for many years to come. Ending the circle of violence and dealing with the war economy will have to involve the overall socio-economic development of the country. Liberia, on the other hand, is not conditioned with the same natural prosperity as the DRC. This is perhaps an advantage for Liberia according to ‘the resource curse’ debate often discussed in African warfare.\textsuperscript{11} From this debate, the argument is often that wars are able to persist and prolonged as the illegal war economy develops and persists. Powerful armed groups and warlords benefit from the lack of rule of law in conflict and thus opposed to the stability that peace generates. These spoilers can be termed conflict entrepreneurs who exploit the prevalence of insecurity and uncertainty of the future prospects for the country for their own power maximation for instance through terror means and identity politics (Eide, 2001). Needless to say, these conflict entrepreneurs represent a challenge at all the levels of successful policy implementing efforts.

5.3 Addressing future responses

In this section, the analysis will focus on the possible alternative for addressing the causes found in the analysis above of sexual violence with reference to the theoretical framework of development and gender perspectives. The analysis will be centred on both the Liberian and the Congolese efforts to prevent and deal with widespread sexual violence and compare their efforts and the possible gaps and challenges. The structure of this section is to apply local, national and international level discussions on approaches to sexual violence using the gender and development perspectives. It is important to address various levels as it is not only a few people or one government that can end the widespread use of sexual violence during conflict and its aftermath. In

\textsuperscript{11} For more debate see e.g. Robinson et al (2006) "Political foundations of the resource curse" in the Journal of Development Economics, vol. 79, pp. 447-468
addition, dealing with sexual violence should ideally combine various actors in a more coherent approach.

5.3.1 The international level

Gender equality – addressing attitudes and status

Benjamin & Murchison (2004:23) argue that all prevention programs against sexual violence have a common objective of reaching gender equality. Perhaps a bit naïve, the authors state that if this objective is achieved, sexual violence will be conceived as an unacceptable and deviant behaviour even in conflict situations and will no longer be an invisible norm. However, they argue that in societies where large gender inequalities persist and women are seen as ‘properties’, the conditions seem to correlate with the degree of sexual violence in war. War is often at the heart of masculinity and when perceiving women as ‘properties’, rape and other forms of sexual violence is an assault against the honour of the men, according to the authors. Thus, it is a moral offend, rather than a criminal act of violence. This was even a perception that was formally included in the Congolese rape law from 1987 (Rehn & Johnson-Sirleaf, 2002:101). One could argue from a Western gender equality perspective that it is a lack of respect for women and equality between the genders. War-time sexual violence also reflects at another level the sexual violence in peacetime. Since it already persists in societies without much punishment for the perpetrators and justice for the victims, war-time sexual violence can to an extent be accepted through cultural norms and political structures. In line with the gender equality approach one could argue that sexual violence in war should be dealt with at the same level of intolerance as other forms of violence, as it represent severe damages to entire societies. There is also the need to address the gender differences in perceptions of sexual violence, according to Benjamin & Murchison (2004:27). In the majority of cases, sexual violence often directly harms girls and women and men might not see sexual violence as a problem unless they gain some new perspectives. The authors argue that men also must have a sense of ownership to the problem so that ending sexual violence is not solely an outside effort but close cooperation with all the
stakeholders. Men’s perception of why conflict and war increases cases of sexual violence against women are of high relevance of reaching gender equality goals.

The UN Security Council’s Resolution 1325 on “Women, Peace and Security” (Resolution 1325) is aimed at changing the perceptions that women are by-products of war to instead perceiving them as starting points. The development of the Resolution 1325 is perceived by many as the final legal commitment to include women in conflict prevention and peace-building. It explicitly condemns sexual violence and demands that all parties in the conflict act to prevent it (Karamé, 2004a:21). It also encourages a more gender-balanced peace initiative that are argued to detect certain problems and challenges at an earlier stage (Helland & Kristensen, 2004:85). Most of all, perhaps, was the instrumental value of Resolution 1325 in shifting the UN system from words to action. The goal for Resolution 1325 is to mainstream gender implying that both men and women’s concerns and experiences are taken into considerations at all levels, politically, economically, and socially, so that benefits are equally shared (Karamé, 2004b:12). The problem with gender policies are often that they are viewed as an ‘add on’ or as ‘women issues’ that competes over resources with more important matters of recovery and reconciliation. The Deputy Minister for Research and Technical Services at Ministry of Gender and Development in Liberia, Annie Jones Demen (2006:6) also argued that it is important that Liberia experiences a national ownership so that Liberians can feel responsible for implementation and secure the sustainability of the plan. By this, she argued that the international community must provide for the sufficient funding, but the policies should be generated nationally with support from the civil society. Thus, issues of sexual violence are dealt with from local and national actors rather than outside actors who are less sensitive about of cultural complexity.

The international way of working with policies is often centred on the state’s capacity to indentify and deal with major concerns as this is in the ideal of the Western model of a state. The idea is that the central government’s efforts can be instructive in changing destructive parts of the society. Liberia’s National Gender-based Violence Plan of Action (NPoA) that came into effect in 2006 has been conceived by many as
one of Liberia’s major accomplishments as ‘poster child’ for other post-conflict societies, particularly among the UN and women’s group. The NPoA is in theory in line with Resolution 1325 and on paper Liberia has impressing results of a gender section in every county. However, Schia found that these offices were in practice not functioning in the areas he visited. As the Deputy Minister Demen (2006:6) asserted, some of the main challenges for NPoA were to have all the resources needed in a post-war setting were multiple actors compete over resources for peace recovery. This is in general a challenge for the poor post-conflict countries to implement what the international actors of peace-building programs demand.

The DRC have also in theory developed a macro strategy through the Congolese government, several NGO’s and the UN called “The joint initiative on the fight against sexual violence”. According to Ikoli in UNFPA, the joint initiative is a holistic approach to elaborate the response to sexual violence and represents a framework for action. The initiative has implemented action plans in five provinces in the eastern DRC, including the Kivus. But according to Gardner in USAID, a national plan like the one in Liberia against sexual violence in the DRC is not a solution. The main reason, according to her, was that the DRC is such a huge country and each province can appear as separate countries. The security situation in each of these provinces is also different, varying for instance in terms of IDP’s and their vulnerability and separate militia groups. Since the actors vary, so should the responses, according to Gardner. She further stated the best solution to deal with sexual violence could be both a national plan that has an overarching guiding principals but also a prevention plan for each province to respond to issues of vulnerability and action. One of the main problems for the DRC is coordinating responses to sexual violence because of its size and lack of infrastructure. The gaps in coordination were found in all levels in the

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12 Personal conversation 2008-06-04 with Niels Nagelhus Schia at the Norwegian Institute of International Affairs (NUPI). Schia recently finished a fieldwork in Liberia on resolution 1325 as a part of comparative research on Resolution 1325’s challenges in Liberia and the DRC.
14 Personal interview in Kinshasa 2008-03-31. Mireille Ikoli is the program officer of gender at UNFPA in the DRC.
15 Personal interview in Kinshasa 2008-03-31. Allyson Gardner is the USAID Deputy Program Officer in the DRC.
North-Kivu, ranging from coordinating the police forces, reaching the victims, and the inefficiency of the legal system, according to Becquevort in the Norwegian Refugee Council (NRC).\(^{16}\)

Despite many similarities of internationally recognised principles of gender equality goals, the NPoA and the joint initiative are not similar in the sense that the efforts in the DRC represent a program mostly through the UN departments, while the NPoA is characterized by a strong political will by the current government where President Johnson-Sirleaf proclaimed zero tolerance to GBV. The lack of internal political will can be crucial in the degree of success for action plans and can perhaps also reduce the national ownership. President Kabila has not officially made any clear stands on the issue of sexual violence in the DRC. On the contrary, the Deputy Health Minister (in de Vries, 2005:18) stated in 2005 when answering Amnesty’s questions about why there were so little priority given to victims of sexual violence that the government could not establish a macro policy against this issue because it was seen as an isolated phenomena and not an endemic like cholera. This reduces sexual violence in war to nothing more than a private matter – a spoil of war – and not in the need for a national approach for prevention or justice. In general, the major challenges for both Liberia and the DRC are to fund the demands from international actors and will most likely be a further problem when the UN operations withdraw. It also remains to see if these gender equality goals are something the government finds worth pursuing when the donors are reduced after Liberia and the DRC becomes more stable. Further, a government’s internal sovereignty, based on the Western models, takes the form of govern its operations and policies (Eriksen, 2001:18). However, this has not always been possible in post-conflict states. We return now to a discussion about development approaches.

The disastrous failure of modernization approached through macro-economic strategies for development like the structural adjustment program and the unrealistic

\(^{16}\) E-mail correspondence with Alexandre Becquevort in the Norwegian Refugee Council (NRC), 2008-03-31 09:39. Becquevort is the head of office in South Kivu. Available through becquevortalexandre@nrcdrc.org
ideals in dependency theories have made some scholar analysis on development critical of macro approaches. At the same time, the new approaches for peace operations in low HDI countries has a close link to development approaches and it focus on the macro level changes, but increasingly through the local levels. This thesis will discuss two of the most popular approaches to ending sexual violence: Implementation of human rights and international law standards through building the justice system, which are both goals through the international agenda of peace-building.

**Human Rights – implementing western values in Sub-Saharan Africa?**

Traditionally, human rights concerns have been dealt with through two categories: The state and its citizens (Eide, 2004:12). Violence between civilians has traditionally not been viewed as human rights issues. However, violence between civilians is through the traditional human rights perspective argued to be the state’s responsibility to protect its citizens and in particular more vulnerable groups to prevent violations. The notion of the modern state is to establish a set of political and civil rights that entails all citizens under the same laws and human rights (Eriksen, 2001:19). Ideally, this means that all citizens are equal before the law. The state further should provide investigations when allegations are brought up and punish violators, and it should also compensate for the victims. However, the so-called state failure of the DRC and Liberia has made the UN intervention together with other international NGO (INGO) and NGO’s the main speakers of the human rights situation. Benjamin & Murchison (2004:26), again naively, state that successful prevention programs in post-war societies have promoted human rights and dignity as desired cultural norms in most societies. They argue that when sexual violence is publically discussed as human rights violations, it is no longer a private problem but a crime against basic human rights and sometimes even a crime against humanity. Ideally, all citizens are equal before the law, but since this is not the situation for women in the DRC and in Liberia, some argue that women should be given special rights as a group. Strickland & Duvvury’s (2003:22) review of relevant cases has demonstrated that a broad human right’s framework where women’s rights are guaranteed and national commitment to
non-discrimination of rights is high, the gains are more long term. In general, a human rights based approach further develops the goals of gender equality and empowerment as it, ideally, gives all people the possibility the power to access agency and influence over their own future. However, these Western ideals are a long-term process that relates to the overall development framework of governance, education, gender equality. Training programs supported through the UN and other human rights organizations that focus on the practice of traditional norms might be more approachable for stakeholders concerned. At the same time, there need to be a focus on the more short-term practical approaches of protection as spreading ideas of human rights value will not suddenly end the endemic.

The Taylor-government in Liberia is not known for its focus on human rights and several accusations, notably the special court for Sierra Leone, state that Taylor was the main person responsible for crimes against humanity, including sexual slavery and rape (HRW news, 2006). Even today, Liberian’s rights depend on the individual person’s attachment to either the so-called ‘civilized’ or the ‘native’ people, as officially stated in “Revised rules and regulations governing the hinterland of Liberia (2000:25). The rules apply differently varying on their social standing in the society as well as gender. The state in the DRC has also failed to live up to these expectations from human rights advocates. According to Dr Kuye-Ndondo, internal conditions and external causes have caused a neglect of human rights. Internally, human rights were violated through the Mobutu dictatorship and the general public in the DRC were not informed about such rights. Mosafari, working with child skills development in Bukavu, stated that the government have disregarded children’s rights, which further has led people into poverty. The inhuman conditions these children live under, makes them commit terrible acts, according to Mosafari. Externally, the foreign invaders were forces who themselves had been victims of human rights violations in neighbouring Rwanda, Burundi and Uganda.

17 Downloaded 2008-05-14 at http://hrw.org/english/docs/2006/03/29/liberi13103.htm
18 Personal interview in Oslo 2008-03-08
19 Personal interview with Adolph Mosafari in Bukavu 2008-04-06.
One of the main problems at the macro-level human rights approach is that the instrumental value of the Universal Declaration of Human Rights as well as the Geneva Conventions and the UN Charter all basically depend on effective states, according to Clapham (2002:777). An effective state can be held responsible for misdeeds and the declarations are means to contain, control or reform failing or collapsing states. The former colonial states were expected to deliver a range of demands from the industrialized world that they were not equipped to meet. Not only were such rights not held equal for all citizens but the war situation worsened the state’s failure and control over more remote areas. Moral demands like ‘human rights’ are in addition a rather recent invention and the weakened post-conflict Liberian state as well as the fragile base of DRC statehood during and after the wars profoundly weakened the state’s guarantee for its citizens. The discriminatory attitudes against ‘native’ Liberians laid the foundation for unequal rights in Liberia and the civil war deteriorated the situation for many civilians. Further, the development of the modern state in Europe has been a history of violence, where liberal political structures are something that most recently developed, according to Clapham (2002:791). The modern human rights are also a result of a long development under various tensions and ideas in the Western modernization process (Pirjola, 2005:14-15). Sen (2006:98) further argues that many glorifies individual rights as something traditionally found in the Western ‘civilized world’, but the reality is that the West has an important role in undermining these rights in other countries and in particular in Africa. One can therefore question the Western efforts legitimizy of promoting such rights in countries they earlier have been the main violators of in the Sub-Saharan countries and in particular the DRC. The US history and the absence of colonialism in Liberia, on the contrary, might have a more prosperous condition for successfully implementing these Western values, i.e. if they can be perceived as culturally valued norms.

**Ending impunity - developing an effective justice system**

What is often discussed in the international advocacy literature as well as international law and peace-building efforts is to end the impunity for perpetrators. These are
standardized laws meant to prohibit human rights violations and war crimes and punish those responsible. This is to convey a moral demand for a more peaceful world-order from the lessons learned in the history of wars in the Western world. However, what has been a tendency in earlier peace agreements is to incorporate serious violators of international justice into high-profiled positions in a transition government. This is also why means of terror against civilians, like widespread use of sexual violence, is such an effective way of getting to the bargaining table in chaotic environments without an effective judicial system. Yet, it should be noted that the judicial system in war situations is always problematic and is not at all a problem only in African countries. The dilemma of ending war, an emergency project, has perhaps the down-side of ignoring the longer-term issues of solutions for the civilian survivors.

As the deputy Special Representative of the Secretary-General in MONUC, Heile Menkeros, asserted, the peace-operation would first focus on peace and later deal with justice (in Thakur, 2008:12). This is a clear example of the dilemma termed the ‘peace vs. justice’ debate where it is difficult to get the voices of victims heard when the warring groups set the roadmap for peace. Sexual violence is perhaps also perceived more as a ‘women’s issue’ in the way that it disproportionally and more directly affects women, while those at the bargaining table in most cases are men concerned with other issues. Developing an effective legal system has ideally the moral effect of holding people accountable for crimes they have committed, which in turn sends a message to other possible perpetrators that such an act is not only morally unacceptable but also that it will have consequences for the offender. The impunity that often exists in war situations can open up for allowing violent desires. Further, if there are already weak pre-existing social norms against sexual violence this can be associated with the increase of such violence in war. Sexual violence is so common place that it is a part of the everyday life and can become marginalized as a subject. The marginalization means that sexual violence has reduced meaning for sectors in the fragile society and hence lacks incentives to effectively deal with the crimes.

The International Criminal Court (ICC) has been present in both the DRC and Liberia against central rebel leaders. In Liberia, Taylor has been in Hague’s criminal court
since 2007, yet not for his own country but because of the civil war in Sierra Leone (BBC news, 2008-02-26)\textsuperscript{20}. Taylor is charged for targeting civilians in mutilations and sexual violence through arming children under the age of fifteen to commit these terrors. In the DRC, there are several conspiracy theories among Congolese citizens concerning that the UN and other Western organizations are supporting one side of the conflict. They have been accused for supporting current president Kabila, who is also a former rebel leader, while punishing his main opposition Jean-Pierre Bemba, another rebel leader and successful business man, who came second in the presidential election in 2006. Bemba was captured in Belgium this year and the ICC has charged him for committing crimes against humanity, specifically involving looting, killings of civilians and mass rape against hundreds of women (BBC news, 2008-05-25)\textsuperscript{21}. MONUC and the European Unions’ support of the FARDC, which also include several rebels and found to be one of the DRC’s main perpetrators of sexual violence, further increase this suspicion. This sends out the signal that some perpetrators are accepted while others are not and that the West are taking sides in such a fragile and tensed situation that easily erupts into new clashes. Taylor’s lawyer, Courtenay Griffiths, stated rhetorically to the BBC (ibid\textsuperscript{20}) that supporting rebels in another country is not a war crime because if it was then George Bush and Tony Blair would both be put at trial and further referring to historical misdeeds by the West. On the other hand, chief prosecutor Stephen Rapp stated to the same BBC reporter that if Taylor is prosecuted, it will send out a moral signal to other African leaders of international justice for the civilians atrocities and the ‘never again’ signal would be conveyed. Both Mr Griffiths and Mr Rapp might have one foot in the reality, but what remains is to see how this international justice system is seen by Africans themselves. In former colonial countries, it might be perceived as a new form of colonialism through perceiving it as ‘a white man’s court’ that punishes Africans and even Africans the West previously have supported.

\textsuperscript{20} Downloaded 2008-05-28 at http://news.bbc.co.uk/2/hi/programmes/this_world/7259238.stm
\textsuperscript{21} Downloaded 2008-05-28 at http://news.bbc.co.uk/2/hi/africa/6085536.stm
The efforts from the international actors mostly situated in the West have some long-term goals that indeed are challenging to implement. The ideas can seem foreign for those they are meant for as well as the immediate challenge of funding the implementations. The following chapter will discuss efforts at the national level to discuss what the state in the DRC and Liberia might do to in the future prevent sexual violence. It is important to note that these efforts are closely linked to the international environment of what is acceptable on the development agenda.

5.3.2 The national level

Gender equality

Gender equality among citizens is centred on changing people’s mindset of constructed ideas about men and women, thus a long-term strategy. In the long-term, there is perhaps a need to focus on changing some of the attitudes and behaviour in the national army as a solution for preventing sexual violence in war. Reforms in the military by sensitizing soldiers about gender equality could be a possible strategy to prevent further exploitation. Some authors argue, perhaps a bit naïve, that increasing the number of female soldiers can be a way of balancing the gender relations. In general, a soldier needs to be skilled for combat fighting since many operations are violent, but at the same time the soldier has to have skills to show patience and be conciliatory, according to DeGroot (referred to in Kent, 2007:56). He argues that few soldiers actually have these combined skills in the more recent wars in some of the African countries. This can result in the way that soldiers are not able to channel their aggression, and in particular to control sexual violence. DeGroot (ibid) argues further that by increasing the number of women in the military it will yield benefits in the way that they are believed to have greater capacity in calming stressful situations and are more hesitant in utilizing violence. It might also be beneficial to have more female police officers because women who have been sexually abused might prefer to report the incident to other women. Further, by increasing the number of women in traditionally more male-dominated professions some of the goals in gender equality are reached. The benefits might also result in preventing sexual violence by the army and the police as the use of sexual violence are found in the majority of cases to be
done by men. Perhaps can it also increase the focus on the subject and that the issue is dealt with more seriously.

The practice, however, has shown little evidence in the DRC of these presumed benefits. In personal interviews with female FARDC soldiers, Baaz\textsuperscript{22} found that their existed practically no solidarity between the female soldiers and civilian women. Instead, Baaz found a high degree of group solidarity in the FARDC and the female soldiers also agreed with their male colleagues’ perception and use of sexual violence by revealing their contempt for the civilian women. According to Baaz (ibid), women are masculinised in military and they do not want any special treatment based on their gender. In the FARDC, they are a part of the hierarchy where they can control other soldiers without regard to traditional gender roles. Baaz even found that in Kinshasa, civilians are more afraid of female soldiers than male soldiers. However, the women had a much more conservative perception of their private life. At the household level, the female soldiers were housewives and their husband was the main authority. Of concern for the FARDC soldiers, according to Baaz, is that they do not have a sense of nation to fight for; they are not patriots willing to die for their country. This is related to the failure of a coherent state to connect with its citizens. One example was the efforts last year in November 2007 when FARDC soldiers were sent off to defeat Nkunda, the Rwanda based rebel leader, but instead fled because they were not well equipped and not willing to die for nation. Except for this, Baaz argued that the Congolese army is not any different from other armies in terms of their attitudes towards women and they are not admiring perpetrators of sexual violence. Further, there is a weakness in the argument in the way that it is assumed that the mere presence of female soldiers will make the ‘need’ for sex and hence sexual violence disappear among the male combatants (Wood, forthcoming).

Though the DRC case of including women in the military or police forces have not been that successful, this does not necessarily mean that it is not worth pursuing

\textsuperscript{22} Personal interview with Maria Eriksson Baaz in Kinshasa 2008-04-10.
perhaps in different way. It is a goal usually spelled out among women activist groups and the UN that women and men in the nation should equally contribute to peace-building. The challenge for both Liberia and the DRC is to actually have the necessary resources for following up on gender policies in the short-term and changing attitudes among the army and police force in the long-term. Neither gender nor human rights approaches today provides any form of monolithic model that can be appropriate for any society worldwide, as Crossette (2003:183) correctly points out. She states that any approach of changing cultural practices should be looked at with a certain cultural relativism. With gender mainstreaming and the efforts of making both women and men’s voices heard in cultural perspectives, definitely complicates the picture. Crossette (ibid)argues that there is a good chance that men, from local police to national government, controls culture in the way that they neglect women’s demands “in the name of tradition”. She states that several cases where women have achieved development progress, there are often eminent men like local chiefs or a president that has the political will to make these women heard. Liberia in this sense is an example of such development compared to the DRC.

Htun (2003:189) states that gender discrimination is something that has persisted and continues in most cultures. Women’s status has a tendency of being inferior relatively to men in terms of the economic, legal and social aspects. However, one should be cautious about the connection between gender-based discrimination and cultural attitudes despite the universality, according to Htun. Rather, it is important to understand whether and what part of a culture that can contribute in gender equality progression. A national strategy, on the other hand, might not be sensitive to cultural varieties and instead pursue the efforts from the international agenda. The results might not be very impressing as the long-term strategies of changing attitudes will not have any meaning for local people and thus not be accumulated in the next generations. In the case of Liberia, government officials and the AFELL has opened up the discussion about gender. The question, however, is who’s voices are we hearing in these efforts? In Liberia, it is without doubt the female Liberian elite. Liberia has a strong group of elitist women with a history of American liberated slaves. Dorota
Gierycz\textsuperscript{23}, who has been working closely with several female Liberian elites between 2004 and 2007, argues that they are highly educated and often appear to be from a different world than the ‘native’ Liberian women. The elite women’s interests are not always to transform the entire country into a more gender equal society, but rather to achieve personal victories. Thus, their interests do not necessarily make any difference to the poorer rural women in Liberia and can at worst make an even larger disparity between the urban and rural women, at least in the short-term. Further, even though these Western efforts of achieving gender equality in poor post-war societies can be of best intentions, they might be shallow and without proper information campaigns and follow-up. The gender equality goals can strategically be focused on by the leaders in the targeted society, but in the way that it is used to gain economic and political support by prominent donors from the international environment.

\textbf{Human rights – women as second-class citizens?}

The second-class citizen term discussed in the analysis has been argued to be a cause of sexual violence as women are viewed as an ‘object’ belonging to the man and rape and other abuses therefore symbolically is a demonstration by the perpetrators to destroy their property. Being a second-class citizen would imply that despite the status as citizen, certain people are systematically discriminated against laws and other forms of rule; a situation clearly against the human rights perspective. In what is viewed as patriarchal societies, it is assumed that women are marginalized as a group to have restricted access to goods and resources like education and income-generating work. Since they are subordinate to men, they are also vulnerable to abuse by their superior husband if they are unfortunate to make a mistake. The patriarchal structure can legitimize violence towards subordinate groups as a form of demonstration of power and control. Violence can be accepted as a form of punishment if it does not leave a visible mark on the woman’s body. The subordinate status of women in some parts of Africa has also made women obliged to have sexual intercourse with their husband, which is viewed by many women’s rights activist as marital rape. If a woman becomes a victim of sexual violence in war in these societies it can cause feelings of dishonour

\textsuperscript{23} Personal interview at NUPI, Oslo, 2008-05-30.
and frustration towards their husband, family and even their local communities. Thus, it is not the woman as an individual victim, but her position as a part of group in the household and society that experience a loss of status. She runs the risk of being socially rejected from the local community, which further have huge implications for the woman’s future life. With laws subordinate to her, little access to means of survival and a stigma attached to her, there are few opportunities for a return to a similar existence. ‘Survival sex’ might become the option for these women as these are the forms of payment she can access basic means for survival. As a sex worker her status in the society is even more at risk for the lack of protection and rights and thus becomes even further victimized in the society.

Htun (2003:195) argues that there are considerable concerns about the gap between laws and behaviour in terms of gender-related laws that can further destroy some of the recent advances in women’s rights. In order to narrow this gap, she argues that it requires cultural adjustments and more profound changes within the legal system. The former laws in Liberia and the DRC have had examples of seeing rape as a form of crime against honour and decency and where marital rape is not a crime. The 1987 Family Code in the DRC, which is based on Belgian colonial law, requires that any married woman must have the permission through their husband in order to seek any form of justice (see e.g. Rehn & Johnson-Sirleaf, 2002:101). But since the recent laws have changed, Htun states that this is form of channel for cultural shift. Sexual violence is no longer a private affair, but represents a policy problem under state power and formal laws. But the challenge remains to see if these formal changes will have any effect on the cultural behaviour. Challenging perhaps in particular in the eastern DRC where there is little state power control and where warring groups appear to outbid each other on extreme violence. At least in Liberia, there is more stability and less probability that the situation will destabilize.

In general, these issues can be seen in a human rights perspective as related to the marginalization of women’s economic, social and cultural rights. President Johnson-Sirleaf launched in 2007 Liberia’s Poverty Reduction Strategy Paper (PRSP), claimed
to represent the people, to deal with some of the development aspects that denies people their human rights (IMF, 2007:ii). The content of this strategy implies the end of neo-patrimonial rule replaced by the Western model of a state and also the focus on people-centred approach to development, all ideas fitting well into the international agenda of peace-building. The DRC have also officially signed the PRSP in 2006 with the International Monetary Fund (IMF) and the World Bank. The problem with this strategy is that it is simply the follow up of failed programs like the Structural Adjustment Program (SAP), popularly termed the Suffering of African People, and is again a macro level initiative within the neo-liberal tradition. These strategies as a human right’s approach are more closely linked between the international and the national level, rather than directly to the local level since economic support and policies are given through the government. It is also unrealistic to assume such a quick withdrawal of the neo-patrimonial system into the neo-liberal demands set by the IMF and World Bank. A human rights approach through the national level must include an adjustment of people’s socio-economic and political conditions so that individuals’ capabilities are enhanced. Changes at the national level, usually implying more democratic governance, can lay the foundations for freedom among civilians to develop their capabilities in living the lives they prefer. But this in turn is conditioned by a strong state able to, for instance, provide for education to all citizens and increase job opportunities, which is currently a difficult task for both nations and in particular the DRC.

A national justice system
The states in the DRC and to some degree Liberia have demonstrated that they have authority over the capital and other major cities where the government is situated, but to a lesser degree further away from the capital where the state has less influence. In more remote areas, traditional and community leaders have more influence and these areas are more or less independent from the state. Since the states in some parts of Africa are incompletely institutionalized according to Western ideals, it entails both a closer and a more separate connection to society (Eriksen, 2001:29). The boundaries between public and private are more blurred, but the weak administrative capacity of
the state means that areas and in particular rural areas are beyond the reach of state administration. This situation is not ideal compared to international justice standards and there is put a lot of effort both internationally and to some degree nationally to change the national justice system in the DRC and Liberia.

If the national justice system in Liberia was perceived as “weak” in terms of international standards before the civil war, including the capacity to try alleged perpetrators of crimes, it completely collapsed during the Taylor-government, according to Amnesty (2004b:21). Amnesty further states that the corruption and political intrusions have weakened civilians’ confidence toward the legal apparatus. This has been a problem for the development of a national justice system in the post-conflict setting and it is evident that if Liberia is to build the system in accordance with international standards, they will need assistant from the international community according to Amnesty. The ICC have the capacity to trial some of the main perpetrators of crimes against humanity, but they have neither the resources nor the programmatic goal of being the substitute for a country’s national justice system over time. Thus, Liberia will be best served with a development of a national justice system in the longer term. The Rape Amendment Act came into action in January 2006 and includes a heavier penalty against serious cases of sexual violence (Human Right’s Watch, 2007b:132). Further, the Independent National Commission on Human Rights (INCHR) powered by the UN mission in Liberia (UNMIL) has a specific mandatory towards victims of sexual violence as well as child soldiers. These are two main human rights violations in both Liberia and the DRC.

One of the problems in the DRC was that former laws were seriously outdated in terms of the situation since the outbreak of war in 1996 and onwards. The level of impunity has remained high from the colonial period until today, but the war situation has made the impunity phenomenon even more acute in the DRC, according to Pratt & Werchick (2004:17). The lack of individual rights as well as women’s rights are exemplified in the DRC law concerning rape victims that stated that rape is crime against the honour of the husband. The laws have been modified through lobbying and advocacy by local
women’s groups, international and local NGO’s, and several of the UN departments. The new rape law in 2006 has been one of those changes. However, the challenges are enormous concerning the legal issues of prosecution and sentencing for perpetrators of sexual violence. According to Pari\textsuperscript{24} in the Norwegian Refugee Council in North Kivu, some of the main challenges is that (1) the general public are not informed, (2) the DRC do not have the logistic means, (3) the lawyers do not support victims of sexual violence, (4) perpetrators are not actually convicted and (5) perpetrators are often found internally under the government and thus rarely prosecuted. Further, there is some sense of agreement in the DRC that the perpetrators should be punished, but there is little consensus on how this best can be accomplished. For instance, the many NGO’s working on the issues of justice and human rights often lack sufficient training concerning interviews and evidence-gathering and is also highly constrained by economic funding as well as the DRC’s lack of a functioning legal system. The few cases that has actually been brought to court are not sufficient for the victims to have confidence in the justice system. Pratt & Werchick (2004:17) found in their research that the survivors of sexual violence defined justice as being accepted by their families and communities and not as seeing their perpetrator being punished. This implies that there is a need to understand the informal social and cultural norms in the DRC and Liberia. Group identity and traditional justice systems is something that should be taken into considerations, which will be returned at the local level discussion.

Despite the efforts at the macro level of justice, there are still several elements dependent of the individual level. First of all, individual victims have to identify their perpetrator, which is a huge challenge given the large number of militias operating in the eastern parts of the DRC as well as the chaotic situation during the civil war in Liberia. Through the interviews with victims of sexual violence in Bukavu, I discovered that all of them stated that it was the Interhamwe who had abused them. This was rather unreliable findings as the areas where the women came from have several other militias operating. Further, it is not easy to separate these groups from

\textsuperscript{24} Personal interview with Simona Pari, 2008-04-02, Goma. Pari is the protection officer in the Norwegian Refugee Council in the DRC.
each other and even more difficult to name the individual perpetrators. Secondly, there is still an economic cost for individuals to prosecute alleged perpetrators that many cannot afford. Thirdly, there is the question of whether the victim actually will prosecute the case in terms of the stigma attached to this. This is especially true of cases where men have been raped or are forced to rape. Lastly, there is a great fear of being sexually abused again when perpetrators have been convicted, as a form of retribution. Of the few cases that have actually led to prosecution of perpetrators in the DRC, the offended runs the risk of revenge as a reprisal for the conviction. If the victim testifies, he or she returns home with the publicity and faces yet another trial among family and friends. Keeping it as a secret can be a way of protecting the surviving family and the husbands against ‘a damaged property’. In this way, the usefulness of support groups and local organizations should not be underestimated.

At the national level the, efforts could be made to break the cycle of sexual violence, starting through the security and justice sector at the government level to deal with the continuing impunity. The problem is that the deterioration of the state has depleted institutions like the justice system. Judges can go unpaid and left with few other options than bribes and bails. Thus, proper payment is a first step to avoid corruption at the macro level. In the longer term, more female judges could be useful as well as experts on gender-sensitive issues to address more appropriately sexual violence as well as protecting victims and witnesses. Despite the fact that Liberia has more female lawyers, both of the countries have huge challenges in qualified personnel. The advantage for Liberia is that the comprehensive peace approach has been more successful in monitoring criminal cases. According to UNMIL\(^25\), the Monitoring Unit has been deployed in almost all of Liberia’s fifteen counties. The advantage, according to UNMIL, has been improved cooperation between the various justice sectors, from the police unit to the prosecution. The problem, however, appears to be that despite monitoring from local to national and to international level (basically UNMIL), there

\(^{25}\) The Legal and Judicial System Support Division downloaded 2008-05-22 at:
http://unmil.org/content.asp?ccat=judicial
are little evidence of cases that actually gets prosecuted. Reporting and monitoring is thus only a vast of resources if the information is not used.

A monitoring unit like the one in Liberia is not found at the same extent in the peace-building operation through MONUC. The problem of coordination appears to be more severe in the DRC and is also related to the lack of deployment of FARDC, PNC and in general to court systems in the vast remote areas where the main atrocities are taking place. Again, the lack of sufficient control in more remote areas questions the national justice approach to punish criminal acts. Further, the national army and the police themselves represent a danger for the civilians in terms of sexual violence and so the problem is internalized in the government. Another major problem is the inefficiency of the government in terms of widespread corruption and lack of a functioning juridical system. In addition, the so-called ‘civil society’ where people organize, lobby and demand action have a weak role in the DRC, according to Gardner. The weak organizational culture is particularly acute among women and youth, first and foremost because they are the most marginalized segment of the society. Liberia, on the contrary, has a much stronger ‘civil society’ culture, especially through the female lawyers like the AFELL demanding rights and revising laws. A first step for the DRC, according to Gardner, would be that the government send the central leaders of rebel groups to trial to set a juridical standard and show that they want to deal with issues of impunity. Instead, central actors that have committed crimes against humanity are been integrated in the government and/or have received amnesty for the crimes. This is not a viable solution in the longer term, but it might be the only solution at the short-term to stabilize countries in conflict.

Liberia has dual justice system compromising both the traditional systems, traditional in the sense that it represents local understanding of justice, and the national justice system that is more related to international law standards. Johnson-Sirleaf together with former foreign minister of Finland Elisabeth Rehn (2002:101-102) argue that the

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26 Personal interview in Kinshasa 2008-03-31. Allyson Gardner is the USAID Deputy Program Officer in the DRC.
traditional justice systems together with the national court system will work as complementary, and sometimes alternative, systems of justice. The local systems are usually less costly and work faster than the national system. The important matter, according to them, is that the local systems are adherent to the same principals as international human rights standards. However, the concern is that the systems will continue discriminatory attitudes towards women in comparison to human rights standards. One worry is that even though changes are made from the top level it is not given that the laws will translate itself into legal terms. The changes will depend on the different religious and cultural variations in Liberia as well as the DRC. Hence, we will now turn to a discussion on the local level.

5.3.3 The local level

Gender equality

The development in the post-conflict setting in Liberia has included gender equality as one of the top priorities for not only preventing sexual violence, but also to reach development goals through gender equality. The unequal power relation between men and women as it is argued from the analysis above opens up for sexual exploitation. If the women are a form of ‘property’ and hence perceived rather as an ‘object’, achieving development goals like equal access to education and work are unlikely. The widespread use of sexual violence in the civil war in Liberia had paradoxically the effect of a starting-point to challenge taboos that before had kept women silent when sexually abused. Since so many women had fallen victims of rape and often in a public display in the wartime context, the individual woman could get feel less responsible for the rape and the peace agreement signed in Ghana in 2003 in Liberia was a, however small, starting point for addressing gender issues.

The development of gender equality goals in the DRC has been less clear compared to Liberia. At the more local level there exist some clear gender inequalities. During a group discussion between Congolese men and women at a conference in Oslo, I was able to observe some of the dynamics and disparities that existed in their
understanding of Congolese women’s possible contribution to peace building. One of the men argued that the political culture in the DRC traditionally subordinate women as well as children in relation to men and was perceived by him as fully legitimate. He argued that since the laws in the DRC stated clearly that married women should not have an income above 50% of the husband’s average income it was legitimated at the highest level of a nation, i.e. the state. His opinion was that the democratic and gender equal system in Europe was not something you could implement in the DRC, because it was simply not in *their* culture. Large protests from the Congolese women in this group discussion followed. One of the women argued that though this was the tradition, it was not something that they wanted in their culture. She argued that it was viewed by them as discrimination and it is something negative in their culture that should be dealt with. Though they agreed that simply replicating European efforts in gender equality was not an option, more efforts should be made to use some of this thinking and implement it in the Congolese context to become their culture. However, these Congolese women’s perspectives are not meant to be representative for all the women in the eastern DRC. The female victims I met in Bukavu were not in any way near that conscious idea about their individual situation. These women had lived their entire lives in rural areas and married as child or minor. With war followed by sexual violence, their lives were completely precluded.

As a starting point to work with gender equality matters for rural and often uneducated civilian women can be to make them aware of their situation and so that the women themselves can be attentive to specific parts in their lives they want to change. If policies of gender equality are simply something forced upon them, the efforts might not have any future prospects and be a waste of resources. Following Sen’s (1999) argument of the capability approach, the people-centred development focus on when both women and men themselves can recognize their functionings and lack of functioning so to speak in the social, political and economic environment. Instead of being passive receivers of aid, people’s agency and their freedom to develop is central

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27 The conference was called “Women wake up! Women and peace-building in the DR Congo” and was arranged by the Norwegian Church Aid in “Kirkens Hus” 2008-02-29. Several Congolese refugees currently living in Norway was present and active during the conference.
to dealing with the root causes of their deprivations. The reality for many Congolese women living in conflict areas and to rural Liberian women is that their socio-economic and political context denies them the freedom to develop. Therefore, it could be argued that the international agencies can provide some support in changing this situation, for instance like Resolution 1325. Resolution 1325 opened the door for equal participation with more women participating in the peace agreements. The main achievement with the Resolution 1325 is often more support from the international agencies to local initiatives, often referred as ‘civil society’. But still the lack of understanding of the local context and how it best can be applied can make the Resolution 1325 end up solely as document and not a tool with any practical impact. Though women’s participation is highly encouraged as means to peace and a democratic goal, the effective participation of women have been rare in Sub-Saharan Africa. It remains a challenge for women to this date to enter the room of negotiation and reconstruction planning for a more inclusive development. The general picture entails rarely women in peace negotiations, perhaps because they did not have any leadership roles prior or during the conflict, meaning that women did not have a specific constituency as a leader of a rebel group. The focus in peace operations in effect remain on those parties that have the possibility to resort to violence if their perceived interests are not met in peace agreements. The UN’s efforts have a tendency of not effectively incorporating gender at all levels of their programs, but instead make specific gender focus under the label ‘women’s projects’, thus further reinforcing marginalization of women in the development process.

**Human rights**

One of the main critiques of the human rights so-called universality is that human rights are culturally dependent. The anthropologist Melville Herskovitz (in Pirjola, 2005:5) even went as far saying that the using human rights as a standard for individuals and nations are not only an impossible task, but also an imperialist project that should be stopped. He argued that an individual can only develop his hopes, moral values and his meaning of life in close relations with his own culture. What is right and wrong in this view cannot be derived from outside of one’s own culture. Liberia’s
commitment to the human rights approach is mostly found at the national level, while continues violations of human rights are committed locally. This is also one of the main limitations of the human rights approach is that the key channel of coordination and communication is between the international and the national level, thus further marginalizing the local and rural settings. At the local level there are more emergency-based efforts from various NGOs and INGOs. These are often efforts needed, but in order to make the long-term goals of human rights and gender equality achieved, their human capabilities must be enhanced above the mere survival level. In the DRC context, the concept of human rights seems foreign to the Congolese people, according to Mosely\textsuperscript{28} who has been working with the civil society in the South Kivu in an effort to increase the awareness of rights and equality. The main reason, according to her, is that they have never been treated that way. The human rights concept seems absurd in terms of the situation on the ground. According to the relativist debate about human rights, one main argument seems to be that Western concept of human rights can be meaningless to non-western communities (Pirjola, 2005:7). One clear example following the relativist approach is that human rights are basically focused on protection of the individual, while ignoring that the group identity or the community has a key role in many cultures. Further the Congolese culture in Mosely’s point of view is not sensitive towards issues of sexual violence. There is an unwillingness to own the problem and it is thus perceived as a foreign problem arriving with the Rwanda genocide. From my personal experience with local Congolese civilians in the eastern DRC, the issue of sexual violence was constantly stated to be something that did not belong to the ‘Congolese culture’. One person even stated that ‘traditional warfare’ in the Congo separated women and children from combat targets and avoided atrocities of these civilians. The use of sexual violence as a weapon in war was brought in with Rwanda influence, according to this person and several others. In general, the picture seems to support the arguments that sexual violence exploded after the war and with the interference from other nations. However, Mosely argues that the conditions in terms of gender inequality were set before this genocide, but it went

\textsuperscript{28} Personal interview in Bukavu 2008-04-07. Sarah Mosely is the program coordinator of GBV in the International Rescue Committee (IRC) in the DRC.
completely down hill after the war broke out. Mosely argues that this is related to the lack of an idea of self compared to the strong group identity and also the unwillingness to own the problem that further results into impotency.

The human rights approach can best be achieved if the marginalized sections of the society, specifically the ‘native’ women in Liberia and the rural women in the DRC, are actively included in the peace process. Following the GAD approach, their role as agents in peace-building can lead to substantive changes in gender identity and awareness. It also strengthens alternative development models instead of continuing the failures of former models. The challenge for this approach is to develop the social capital among marginalized civilians where the exclusion is most enduring and where the current situation often have deteriorated their situation. Rural areas are often excluded in the process for changes at the national level, despite that these areas often represent the battlegrounds for warring groups. Instead of directly trying to link social movements at the national level, actors can start at the local level through their family and communities and ally with other women to coordinate social movements. The fact that the wars in Liberia and the DRC have thorn down the social fabric of the community and reduced survival strategies might not only represent new challenges but also opportunities for women to change their situation at the family and community level. In order for these women to succeed in changing their situation and the communities, it is central to have a common goal or objective other than mere day to day survival. One central aspect here is the civilians’ structural vulnerability that allows the continuation of violence as well as the normalization of violent behaviour affecting the rural population. Addressing directly these inequities in human capabilities implies that the marginalized section of society should be in the centre of human rights development leading to sustainable peace. But more than one common objective, the human rights approach includes a democratic condition where various people can freely express and promote their interests at all levels; locally, nationally and internationally. The marginalized women in Liberia and the DRC must hence perceive themselves and convinces others as political actors with decision-making power.
Local justice

A lot of emphasise is put on international standards of human rights law and the national level of a justice system, while much less literature stress the issue of local or traditional justice systems. Local justice runs the risk of being neglected at the international level of policymakers and donors. Since both Liberia and the DRC traditionally has had a neo-patrimonial system where politics is not based on formal institutions but rather on linkages between patron and clients, other local systems of justice have played a key role at the individual and group level of society. These systems varies considerably but usually functions as norm setting for groups at the local level. Liberia has the dual system of justice at the national and local level, as referred to above. Schia\(^{29}\) states that the traditional systems work in the way that the judges’ role is usually to function as a mediator to solve a charge between two parties. Justice is here based on local traditions and practices, which can have the downside of overlooking marital rape and female genital mutilation (FGM), both defined as gender-based violence, since these can be a part of the local customs and not considered crimes. The Liberian government in 2000 revised their rules and regulations for the hinterlands that acknowledge that tribal chiefs can continue to govern if the type of governing is not contrary to Liberia’s law (Revised rules and regulation governing the hinterland of Liberia, 2000:17). From these rules and regulations it is evident that taking other people’s women is a severe crime. According to several human rights organizations in Kinshasa, Goma and Bukavu that Baaz & Stern (forthcoming) interviewed, rape was seen as a serious crime before the war. Though such crimes never (or rarely) reached the national courts, it was considered a severe crime locally not only towards the individual girl or woman but also against the family and sometimes the community if the perpetrator was an outsider. Traditional systems punished perpetrators differently either through compensation for the victim(s) or a shaming processes. However, these traditional systems were disintegrated due to the outbreak of war in 1998. The results have been impunity at all levels that in turn have entwined sexual violence into a normal behaviour and increasingly found to be committed by civilians. In both cases, the disintegration of local authorities and

\(^{29}\) Personal conversation with Niels Nagelhus Schia at NUPI 2008-06-04.
community structures due to the war can be seen as factors contributing to rampant sexual violence. Even though these local justice systems are not satisfactory compared to international law standards, they are indeed worth focusing on as they seemed to have a moral and stabilizing effect of local crimes. The development of international standards of human rights and international law will most likely be a long-term goal, as demonstrated in the Western states and it is a considerably time-consuming effort to implement a different mindset in societies. Local justice can have the benefits of achieving justice sooner (and cheaper), but will depend on the reintegration of civilians and community leaders and thus on the end of violent conflicts and stabilization of concerned areas. Further, since the Congolese from the fieldwork stated that the widespread use of sexual violence was something that exploded with the foreign troops and not conceived as a part of the ‘Congolese culture’, the issues should then also be addressed by the nations involved in this conflict, specifically referring to Uganda, Rwanda and Burundi.

It can seem farfetched to focus on local justice at the individual and group level when those who often are victims of these atrocities in many cases do not even have basic livelihoods to survive. The millions of lives lost in the DRC are mostly due to indirect causes of the war like starvation and diseases linked to peoples’ vulnerability when the local safety nets in societies are disrupted and people are looted. What was one of the most disturbing impressions from the fieldwork in the DRC was exactly that civilians whom already lived at subsistent livelihoods where looted of their small properties (pots, clothes etc) and on top of that humiliated and stigmatized with sexual violence. Given that the traditional local justice systems were integrated in the DRC, they would unlikely have the capacity and the necessary means to pursue and make perpetrators account for these crimes. The Liberian justice system also have many limits, but there seem to be better communication between the national and local justice system considering the revised rules and regulations on Liberia’s hinterland referred to above. In addition, the situation is much more stable and less tensed compared to the DRC thus making it possible for communities to reintegrate.
5.4 Lessons learned or the end of humanity?
There is still a tendency of assuming that every society will be faced with the same macro-level political challenges identical to the development of the modern state in Western Europe. Liberia has perhaps been viewed recently as ‘a poster child’ because of the political will to transform the war-thorn country into a democratic and more gender-equal society. The international community on several occasions emphasize that Johnson-Sirleaf is the first democratically elected female president in Africa. Her official non-tolerance statements about the highly stigmatized subject sexual violence have been applauded by especially those working with gender issues. This is all good and very politically correct. However, the focus on the political leadership has perhaps overshadowed considerations of local communities and people’s attitudes. There is no secret that Johnson-Sirleaf is scoring points by taking it seriously and talking about successes achieved. The local context with cultural complexity and lack of opportunities can sometimes appear to be ignored when international standards are required in post-war societies where these standards never have been a part of the general public.

The atrocities in the eastern DRC have been termed the end of humanity because of the brutality towards civilians and what appears to be an unending spiral of violence. More than five years after the signing of a peace agreement, the DRC is still in the middle of humanitarian crises where the mortality rate is considerably higher than the rest of Sub-Saharan Africa. Thus, there are severe immediate implications that need to be addressed to restore humanity in the Ituri and Kivu regions. At the longer term, the lessons learned from similar cases like Liberia, Rwanda and even Bosnia has first and foremost been more debate about gender issues and an increased awareness at the international agenda. This has led to specific programs that target for instance gender-based violence, impunity and raise awareness campaigns and empowerment projects through education and skills. These are efforts that fit well into the GAD approach. But the question remains to see if these approaches will be meaningfully implicated at the local and national level. The lack of coordination of policies due to financial
problems and cultural disparities from the international level to the national and local level is found to be one of the main obstacles for both cases.
6.0 Conclusion

The situation in the eastern DRC is devastating in terms of the widespread incidents of sexual violence in this war. However, the available literature on this subject have a tendency of representing non-state armed groups as barbaric monsters out of control and women as passive victims. This is at best erroneous and at worst will make the circle of violence continue despite international engagement. An article in the New York Times exemplifies this simplistic representation of sexual violence in the DRC:

“There used to be a lot of gorillas in there, but now they’ve been replaced by much more savage beasts.”

(Gettleman, 2007-10-07).

Instead, sexual violence is committed by individuals and must be understood in terms of these individuals’ contexts and goals. Researchers should be aware that individuals’ motivations can appear irrational, and categorizing these incidents in ‘lust’ or ‘hate’ can seem to artificially separate mutually excluding rational behaviour. At the individual level, there seemed to be a mixture of feelings combined with constructed ideas about men and women’s role in the society that motivated sexual violence against civilians. Further, the rebels in the eastern DRC are rarely equipped with sufficient means to survival and groups like the Interhamwe have been there for more than a decade. The groups prey on civilians and in particular target women because of their productivity and abduct them as a livelihood strategy. There is also reason to assume that sexual violence against these women happen because the rebels need ‘normality’ in the unfriendly environment. Many of these men never had the chance to experience a ‘normal’ life with a wife and children and their morality is weakened in terms of taking other men’s women. Notably, this action is in many cases a serious offend in peaceful circumstances. There is also reason to believe that sexual violence is used as a weapon to terrorize people into fleeing areas or as a power tool to scare people into submission. Though, few if any of these groups are strong enough to win the war, there are conflict entrepreneurs everywhere in the east profiting on the lack of control over resourceful areas. The failure of the neo-patrimonial system has contributed to this eruption of violence and the lack of control over more remote areas.
that both foreign and national actors profits from on the cost of civilian casualties. Civilians who already were living at subsistence level face an even more vulnerable situation and there should come as no surprise that the war has cost millions of lives. Sexual violence in addition has contributed to the social trauma among affected civilians and can be a severe block to development. This thesis has contributed to some of the understanding at the same time acknowledging that motivations for committing acts of sexual violence are probably as diverse as there are cases.

The lessons learned from Liberia can appear to be to more shallow than how the international community and the national actors prefer to present the situation. But first, it should be acknowledged that the situation in Liberia today can be perceived as much more stabile compared to the DRC. Liberia has indeed impressive political will at the top level of the government, but traditional customs of neo-patrimonialism continues and there is still widespread discrimination towards individual based on their sex and kinship, specifically recalling the legal separation between ‘civilized’ and ‘native’. This discrimination is not in line with neither gender equality nor the human rights approach. Essential for future international involvement against atrocities in the African region is that the operations and policies introduced should become more nuanced and context sensitive. Culturally constructed ideas of masculinity and femininity have failed to be included in many development policies, which have from time to time made the situation worse for the development targets. Further, assuming that implementation of international standards of law and human rights will prevent sexual violence is naïve. The development of the modern state is a history of violence including sexual violence and there is no prove that a liberal democracy has ever ended this type of violence. Sexual violence is still a tabooed subject and is one of the most underreported crimes in the Western world, despite individual rights and competent legal systems.

The policies implemented from the international community often lack sufficient funding and time to penetrate the entire society. The local and more remote areas in both the DRC and Liberia often have received far less benefits from the international
agents than their government leaders. If human rights, gender equality and stronger institutions are penetrated more thoroughly in the entire population, then there is more likelihood of enhanced capabilities among the civilians at all levels of the society. People outside the patron-client link often lack the capability to actively change their socio-economic and political situation. Though the international efforts are contested, there are both short-term and long-term considerations that the UN and other agencies can support in order to repair damages and prevent violence from reoccurring. With the interstate conflict in the DRC combined with vast resources available for warring groups, there is less chance of immediate solutions. Increasingly in the DRC, warring groups move away from overarching political goals to pure bandit groups plundering civilians and profiting from the impunity. These are severe concerns that daily deteriorate the situation for civilians.

What was witnessed in Bosnia and Rwanda was concluded with ‘never again’, as if these experiences taught the international community to react in time. In these wars, sexual violence as weapon of genocide sent shockwaves through the Western world. The international laws changed as a reaction to the horrifying violence. However, there has been a saying in the African continent that what is for others ‘never again’ is for them ‘à la prochaine’ or ‘until the next time’. When people fled the Rwanda genocide and into the DRC, much of the international attention focused solely on feeding the refugees instead of taking out the génocidaires of the refugees. The tension in the Great Lakes region should preferably been dealt with at a much earlier stage instead of waiting until full scale interstate war had lasted for more than two years. Internationally, these are indeed what should have been the lessons learned from former atrocities.
Bibliography


Baaz, Maria Eriksson & Maria Stern (forthcoming). “Why soldiers rape: Masculinity, violence and sexuality in the armed forces in the Congo (DRC)”. Sweden: Göteborg University.


Eriksen, Stein Sundstøl (2001). ”The state in Africa: Theoretical perspectives and empirical cases”. Published by Training for Peace at the Norwegian Institute of International Affairs (NUPI), Oslo.
Ertürk, Yakin (2008). “Promotion and protection of all human rights, civil, political, economic, social and cultural, including the right to development”. Published by the Human Rights Council: A/HRC/7/6/Add. 4, 2008-02-28.


Thakur, Monika (2008). “‘The AK means power and life’: An empirical mapping of Congolese and foreign militias in eastern DR Congo”. Paper submitted for “Reigning in the Dogs of war: Demilitarization of armed groups and militias in Africa Project.” Published at the Department of Political Science, the American University in Cairo. Project supported by the Norwegian Institute of International Affairs (NUPI).


Wood, Elisabeth Jean (Forthcoming) “ Armed groups and sexual violence: when is wartime rape rare?” Politics and Society.

Fieldwork references

Interviews (primary data)

Baaz, Dr. Maria Eriksson. Personal interview in Kinshasa 2008-04-10. Research fellow at the Department of Peace and Development Research at the Göteborg University and representative of the NGO Diakonia RDC. E-mail: maria.eriksson@rdc.diakonia.se

Former child soldiers. Group discussion with translator in Bukavu 2008-04-06.
1) Mushamuka. Former member of Mundundu 40. Age 17
2) Konkwa. Former member of Mundundu 40. Age 18
3) Mungu. Former Mayi Mayi soldier. Age 15
4) Ahadi. Former Mundundu 40 soldier. Age 19
Mundundu 40 is in alliance with the Mayi Mayi’s, but is constantly changing its ideology. Translator: Ingeborg Eikeland, local coordinator in the Pentecostal Foreign Mission of Norway (PYM). Fluent in Swahili, French, English and Norwegian.

Gardner, Allyson. Personal interview in Kinshasa 2008-03-31. Deputy Program Officer at the United States Agency for International Development (USAID) in the DRC. Contact information: AGardner@usaid.gov


Ikoli, Mireille. Personal interview in Kinshasa 2008-03-31. Program officer for gender issues in the United Nations Population Fund (UNFPA) in the DRC. Ikoli is coordinating the Joint Initiative on the Fight Against Sexual Violence (Initiative conjointe de la lutte contre les violences sexuelles) from UNFPA, Kinshasa, DRC. Contact information: mireille.ikoli@undp.org

Kabanga, Justin. Personal interview in Kinshasa 2008-04-01. Dr Kabanga is a psychologist and has a long experience with providing therapy to abused Congolese girls and women and is working in Bukavu at the Communaute des Eglises Libres de Pentecôte en Afrique (CELP). Contact information: +243 998666746

Kuye-Ndondo, Jean-Luc. Personal interview in Oslo 2008-03-08. Dr. Kuye-Ndondo is a senator in the Kabila government and currently the vice-president for the Peace, Security and Development Commission in North and South Kivu. Contact information: kuye_ndondo@yahoo.fr

Mosafari, Adolph. Personal interview with translator in Bukavu 2008-04-06. Coordinator for a local child skills development organization, including the former child soldiers interviewed.

Mosely, Sarah. Personal interview in Bukavu 2008-04-07. Program coordinator of GBV in the International Rescue Committee (IRC) in the DRC. Contact information: Sarah.Mosely@theIRC.org
Pari, Simona. Personal interview in Goma 2008-04-02. Protection officer in the Norwegian Refugee Council (NRC) in the DRC. Contact information: parisimona@nrcdrc.org

Victims of sexual violence in the South Kivu region. Group discussion with translator in Bukavu 2008-04-03.
1) Mawaso from Nindja, age 35.
2) Zirirane from Nindja, age 28.
3) Geanine from Kalehe, age 33.
4) Chamoto from Buniakiri, age 36.
5) Sifamarigan from Walungu, age 27.

Wood, Elisabeth. Personal conversation 2008-05-29 at the Peace Research Institute of Oslo (PRIIO), Norway. Dr. Wood is a professor of Political Science at the Yale University and currently visiting researcher at PRIIO. Contact information: elisabeth.wood@yale.edu