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**CRITICAL ENVIRONMENTAL
SECURITY: RETHINKING THE LINKS
BETWEEN NATURAL RESOURCES
AND POLITICAL VIOLENCE**

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CHAPTER 7

SEXUAL VIOLENCE, COLTAN AND THE DEMOCRATIC REPUBLIC OF CONGO

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Introduction

It is often stated that women and children are the most vulnerable groups in any armed conflict, and indeed are sometimes deliberately targeted in military strategies. The Democratic Republic of the Congo (DRC) exemplifies the lack of protection and deliberate targeting of civilians that has come to characterize modern warfare. The DRC held its first democratic election in 2006 following a series of peace talks that led to the installation of a transitional government, and now the ‘New National Government.’¹ Despite such movements towards democracy and peace, the DRC is still struggling with conflict in the eastern section of the country, the Kivus. This conflict continues under the eye of MONUC, the United Nations Peacekeeping Mission for the DRC, and the rest of the world.

The conflict in the DRC is largely fuelled and sustained by the drive for economic resources that are essential to the global economy. While there are ethnic divisions that exist in the DRC, these differences are not the major cause of conflict but are instead manipulated by elites when it is convenient to do so for access to political power or economic gain. One of the most important resources to be extracted from the DRC is a mineral called coltan. Coltan is an essential mineral used in the production of such day-to-day products as computers and cellphones. International companies take huge risks to fly directly into the DRC in the middle of conflict zones to obtain the mineral from local armed groups. The focus of this paper will be on the extremely high levels of sexual violence in the Democratic Republic of the Congo and how this weapon of war is being utilized to benefit those extracting minerals. Unspeakable horrors are the order of the day for many women in the eastern DRC, regardless of age or ethnicity. The United Nations estimates that 7,000 women and girls have been raped in the past year alone in the eastern DRC.

Chris Coulter, who recently published *Bush Wives and Girl Soldiers in Sierra Leone*, discusses the connection between sexual violence used as a tactic or weapon of war and the global economy.² In Sierra Leone the commodity was diamonds – in DRC there are many valuable resources, but here we focus on coltan. Coulter and others such as Cynthia Enloe, Dyan Mazurana and Susan MacKay,

argue that the use of sexual violence as a military tactic coincides with the global economic system which drives the need for mineral resources.³ Many similarities can be drawn between Sierra Leone and the DRC, in particular patterns of sexual violence used as war tactics, and the competition for resources as an element of both the sexual violence and the conflict.

There is a local Kiswahili saying that says “Congo is a big country – you will eat it until you tire away!” This is precisely what many armed groups, neighbouring countries, Western states and multinational companies have done over the past 100 years to the DRC.⁴ The raping of the country’s natural resources has coincided with the increased sexual violence endured by the women of the country. I will contend that it is not the abundance or scarcity of resources per se that determines conflict and violence, but the way they are governed, who has access to them and for what purposes they are used.⁵

The DRC is an example of the new issues that face environmental security analysts. Environmental security must take account of the human security elements that challenge our understandings of the connection among the environment, resource extraction and conflict. How are civilians targeted deliberately in this quest for natural resources that often underpins and drives the conflicts that currently exist? Failure to see the connections has resulted in a failure adequately to seek peaceful and meaningful long-term solutions to conflicts such as those occurring in the DRC.

Conflict in the DRC

The DRC is one of the poorest countries in the world, with an unemployment rate of 85% and 79% of the population living on less than \$2 per day.⁶ The formal economy is dominated by the mining sector, with minerals as the main export, and the largest attraction for foreign direct investment. The conflict in the DRC is directly linked to a struggle for power and resources which involves the government of the DRC, non-state armed groups backed by external states, and local defence units. While its resource wealth should easily support development and the proper functioning of the state apparatus, neither the population nor the state benefit from the country’s natural resource endowments.⁷ Indeed, despite its abundant natural resources, the DRC is currently ranked 176th on the 2009 United Nations Development Program (UNDP) Human Development Index.⁸

In 1994 the arrival of hundreds of thousands of people into eastern DRC – either fleeing from or perpetrators of the Rwanda genocide – contributed to political instability in the Congo. While the genocide of 1994 did not necessarily cause the conflict in the DRC, it is one of the major precipitating factors for the conflict that began in 1996. In 1996, Laurent Kabila led a rebel movement, with the support of Rwandan and Ugandan troops to overthrow Mobutu Sese Seko, then President of the DRC. He succeeded in taking the capital in May of 1997 and Zaire became the Democratic Republic of the Congo. One year later, 1998, war broke out again in the east where the Rwandan and Ugandan governments were unhappy with Kabila’s broken promises to them. This led to the development of the *Rassemblement Congolais pour la Democratie* (RCD), an armed group that emerged in eastern DRC backed by Uganda and Rwanda. In the meantime, the DRC government called upon its Southern African Development Community (SADC) neighbours, Zimbabwe, Angola and Namibia, to send their armies to protect the sovereign DRC. In addition, another rebel group, the *Mouvement*

pour la Liberation du Congo (MLC), backed by Uganda emerged in the northwest of the DRC. The second war officially ended in 2003 with the culmination of the inter-Congolese dialogue and the Sun City negotiations in 2002 and the All-inclusive Pretoria Peace Agreement of 2003.

In addition to these actors, there is another set of armed actors called the Mayi-Mayi.⁹ The Mayi-Mayi originally began as local armed groups that emerged as a response to the violence in the eastern DRC to protect their villages. However, as the conflict continued, the Mayi-Mayi groups were manipulated and bribed by the larger armed groups. The Mayi-Mayi have now become an armed group less concerned with defence and protection of their communities, but instead actively contributing to the conflict.

It has been estimated that 5.4 million people have lost their lives as a result of the war in the DRC since 1996.¹⁰ Many of the deaths have been of civilians, and much of the violence has been targeted against civilians. A significant proportion of the violations committed against civilians, including sexual violence, amount to war crimes and crimes against humanity. In reaction to the violence perpetrated against them, some women of the Congo have begun a campaign in which they argue that the war is being fought on their bodies.¹¹

As noted earlier, in 2006, the DRC held its first set of democratic elections. This was an extremely difficult operation given the lack of infrastructure, low levels of civic education, high levels of illiteracy, and insecurity and corruption in the country. Joseph Kabila remained the President following the election and international observers declared the election to be free and fair. However, despite these elections, unifying both the country and the new national army – *Forces armées de la République démocratique du Congo* (FARDC) – has proven to be extremely problematic. The eastern DRC, or the North and South Kivu provinces, are still not under the effective control of the government in Kinshasa.

FARDC was formed after the installation of the transitional government in 2003 and was to bring together elements of all the main armed groups and the government. New brigades were formed of soldiers from each of the main groups who undertook three months basic training and instruction across the country – a period many people have criticized as too short, and the training insufficient. Overall 18 brigades were integrated.

After the 2006 elections, conflict in the eastern DRC continued. In the east there were the Mayi-Mayi local defence units, the *Congres National pour le Defense de les Peuples* (CNDP), FARDC and the *Forces Democratique pour la Liberation du Rwanda* (FDLR). General Laurent Nkunda led CNDP, which had the backing of neighbouring Rwanda. In January 2008, Nkunda agreed to sign a peace pact aimed at ending years of conflict. But by August 2008, heavy clashes erupted between FARDC and CNDP. In October 2008, the Congolese government accused Rwanda of backing General Nkunda, and therefore having a direct role in the raping and killing of thousands of Congolese civilians. Rwanda denied this and UN peacekeepers engaged CNDP in an attempt to support the FARDC troops.

In January 2009, a joint DRC-Rwanda military operation was launched against Tutsi rebels led by Nkunda that lasted five weeks. In this operation Laurent Nkunda was arrested and taken to Rwanda. Despite Nkunda's detention, no formal charges by the International Criminal Court, the DRC government or Rwanda have been laid as of yet against him. Rwanda's about-face with regards to support for Nkunda was clearly linked to the international outcry from donors, who threatened

to pull support if Rwanda did not stop supporting him.

In 2009, during a rapid reintegration process in eastern Congo, an estimated 12,000 combatants from rebel groups joined the Congolese army ranks, swelling the army's numbers in the east to 60,000 soldiers.¹² The haste with which this process occurred only created more difficulties as issues related to pay, discipline and command and control led to further widespread abuses. Armed groups such as CNDP now had increased control over a wider territory in the country, making it difficult to distinguish between protection and belligerent forces.

In April 2009, the Hutu militia, FDLR, re-emerged after the end of the joint DRC-Rwanda campaign. In May 2009, President Kabila approved a law giving amnesty to armed groups as part of a deal meant to end fighting in the east. In December 2009, the UN Security Council decided to extend the mandate of MONUC, the largest peacekeeping mission that currently exists, with the aim of beginning withdrawal in 2010. As of July 2010, the mission is now called MONUSCO – the United Nations Stabilization Mission for the DRC.

Due to the length of the conflict and various actors that have been involved, the security and political situation in the DRC is complicated. The DRC people have suffered economically despite the enormous mineral wealth in large part due to the conflict and corrupt governance. The elections in 2006 signalled a new political era for the DRC but the insecurity, particularly in eastern DRC, has continued and in 2008 the Kivu provinces witnessed some of the worst violence they had ever experienced. Efforts to integrate and professionalize the armed groups into one national army are still ongoing but will require a greater commitment by the external forces to the conflict as well as by the national government to achieve greater stability in the DRC. Civilians continue to be targeted by armed groups and the acts of sexual violence against women have continued. The perpetrators of such acts have not been held accountable and it appears that only lip service is paid to the need to end such violence. The following sections will highlight the motivations that dictate the use of violence, and in particular sexual violence, against the civilians and the lack of impetus to deal with the crime effectively.

What is Coltan?

As I have noted, DRC is blessed with a range of valuable resources. But I would like to focus on just one of them here – coltan. Coltan, a term unique to Central Africa, is an abbreviation of columbo-tantalite, the name given to an ore containing both niobium and tantalum.¹³ It is a black metallic grit that occurs in alluvial or riverine deposits and is obtained by panning, much like gold. Through refining, the two elements are separated from one another and converted into a metallic powder. Tantalum is rare, valuable and a metallic element that is twice as dense as steel and highly resistant to heat and corrosion. It can store and release an electrical charge, a property that has made it a vital material for capacitors in miniaturized and portable electronic equipment including mobile phones. There are four types of capacitors: ceramic, aluminum, tantalum and film.¹⁴ Tantalum is the most expensive option, has the highest capacitance, greatest stability, can be used to make significantly smaller units and is the most reliable in a broad range of temperatures. Other applications include surgical equipment, turbine blades for jet engines and lining for chemical reactors.¹⁵

Coltan passes through numerous hands on its way to the facilities that make these products and eventually to consumers, some of which are legal, some illegal and some covered in blood. Local miners dig, pan and bag the coltan. The local miners are forced to pay spoonfuls of coltan to the military forces that control the land and some more to the local authorities.¹⁶ Large mining operations will also have to pay 'fees' to military forces or local authorities. Coltan from different mining sites is initially collected by local traders (*comptoirs*), who often mix illegally and legally mined ores. This coltan is then tested for the percentage of tantalum and purchased by *negotiateurs*, or traders.¹⁷ Many *negotiateurs* operate without a license, which can cost up to 40,000 USD¹⁸ per year, and smuggle coltan across borders by road and air.

Then the coltan from the DRC is shipped to Europe and Asia where refining companies transform the coltan into tantalum, which is then used for microchips in electronic devices.¹⁹ In this chain from miners to production, corporations do not have any effective policies for distinguishing between 'clean' and 'dirty' coltan. Australia is responsible for 60% of the current world production.²⁰ All of the production of the largest mines is sold in advance, on fixed price contracts to key tantalum processors. There is no central market for tantalum and prices are most often determined by dealers on an individual transaction basis. In 2000, increased demand for new electronic products such as laptops and Sony Playstation 2 caused a tantalum supply shortfall, which caused a rush of panic and a massive price increase. In the DRC this led to a rush to mine coltan. The price increased from \$30 US per pound in 1999 to \$380 US per pound in 2000.²¹ It is estimated that the DRC contains 80% of the world's coltan reserves.²² At this time, the RCD Goma, then in control of the North and South Kivu region, granted a monopoly on the coltan trade to the Great Lakes Mining Company (SOMIGL) in an effort to maximize profits. According to former RCD-Goma leader, Dr. Adolphe Onusumba, in 2000 his rebel movement raised only \$200,000 US per month from diamonds compared to \$1 million US from exporting 100-150 tons of coltan per month.²³

The primary companies involved in the extraction and refinement of tantalum from ore which produces the metal as a powder are the American firm Cabot Corporation, German Firm H.C. Stark and Chinese government-owned firms.²⁴ The telecommunications industry is an important consumer of tantalum capacitors, accounting for approximately 18% of demand units.²⁵ It should be noted, however, that some elements of the telecommunications industry are attempting to reduce their use of tantalum because of the pressure to ensure companies are using tantalum from regulated sources. Ericsson, for example, pioneered handsets that do not use any tantalum and the actual number of capacitors used per handset by other manufacturers, including Motorola and Nokia, is decreasing, although this is offset by the increase in global volume of handset production. Other products, such as GSM and 3G phones require the high capacitance of tantalum, and have triggered a resurgence in the demand. Increase in demand of LCD monitors and PDAs also increases demand of tantalum. Who knows the impact that new products such as the tablets and iPads will have on the conflict and continued violence in the DRC?

What is the connection between conflict and coltan in DRC? While the various foreign (and domestic) armies that have been involved in the DRC claim security as the main justification for their presence, all have been accused of the illegal exploitation of the natural resources of the DRC. In April 2001, the UN Expert Panel on the Illegal Exploitation of Natural Resources and other Forms of Wealth in the DRC reported widespread exploitation of natural resources by foreign

troops.²⁶

Of course not just foreign troops benefit from the resources. Congolese armed groups earn an estimated \$8 million US per year from trading in tantalum.²⁷ CNDP, FDLR, Rwanda, Uganda and FARDC are all benefiting from the extraction of resources from the DRC and especially the coltan.

In 2001, the United Nations issued a report of the UN Expert Panel on the Illegal Exploitation of Resources from the DRC. The panel was established by the Secretary-General on the Council's request (document S/PRST/2000/20) for a period of six months. The panel had a mandate to follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the DRC, and to research and analyse the links between the exploitation of the natural resources and other forms of wealth in the DRC and the continuation of the conflict. The panel recommended the following:

1. Security Council declare: a temporary embargo on the import/export of coltan, pyrochlore, cassiterite, timber, gold and diamonds from and to Rwanda, Uganda and Burundi, until their involvement in the exploitation of the natural resources of the Democratic Republic of the Congo is made clear; an immediate embargo on weapons and military materiel to the rebel groups, and extending that embargo to the states that supported those groups.
2. The Council: request the World Bank and the International Monetary Fund (IMF) to consider suspending their support to the budgets of Rwanda and Uganda until the end of the conflict; strongly urge all member states to freeze the financial assets of the companies or individuals who continued to participate in the illegal exploitation of the natural resources of the Democratic Republic of the Congo.
3. The panel further recommends that the Council consider establishing an international mechanism that will investigate and prosecute individuals involved in economic criminal activities, and companies and government officials whose economic and financial activities directly or indirectly harm powerless people and weak economies.
4. The Council should also consider establishing a permanent mechanism that would investigate the illicit trafficking of natural resources in armed conflicts so as to monitor the cases which are already subject to the investigation of other panels, such as those of Angola and Sierra Leone.²⁸

The panel has since continued and renewed its mandate with the latest report issued in December of 2009. Unfortunately, one of the largest failings of the Expert Panel has been its inability to have its recommendations implemented.

Sexual Violence as a Weapon of War

Before we discuss how conflict, coltan and sexual violence intersect in DRC, we must first discuss sexual violence in general terms. Throughout the world, sexual violence is routinely directed against females during situations of armed conflict. When most people think of sexual violence during armed conflict, they often think only of rape. Rape, however is only one form of sexual violence during war. Sexual mutilation, forced prostitution, sexual slavery and forced pregnancy are other forms of sexual violence that are equally damaging.²⁹

But let us focus for a moment on rape. Women are raped in all forms of armed conflict, inter-

national and internal, whether the conflict is fought primarily on religious, ethnic, political, nationalist or economic grounds, or a combination of all of these. According to Christine Chinkin,

They are most often raped by men from all sides to the conflict. The reality is that rape and violent sexual abuse of women in armed conflict has a long history.... Rape in war is not merely a matter of chance, of women victims being in the wrong place at the wrong time. Nor is it a question of sex. It is rather a question of power and control which is structured by male soldiers' notions of their masculine privilege, by the strength of the military's lines of command and by class and ethnic inequalities among women.³⁰

Being female is a risk factor and rape in conflict is used as a weapon of war to terrorize and degrade a particular community to achieve a political end which is also intricately tied to economic means.³¹ In these situations, gender intersects with other aspects of a woman's identity such as ethnicity, religion, social class or political affiliation. The humiliation, pain and terror inflicted by the rapist is meant to degrade not just the individual woman but also to strip the humanity from the larger group of which she/he is a part. The rape of one person is translated into an assault upon the community through the emphasis placed in every culture on women's sexual virtue: the shame of a rape humiliates the family and all those associated with the survivor.³²

Sexual violence is not an unfortunate by-product of war, but a deliberate tactic used as a weapon of war. In historic accounts of war, the details and extent of the rapes and sexual violence are omitted. As Coulter points out, however, to shy away from explicit descriptions of sexual violence is also a way of silencing and censoring women's experiences.³³ This is changing. People are finally beginning to see sexual violence as a serious crime, the act has been criminalized and perpetrators are finally being charged for the acts. This change in international perceptions has occurred since the 1990s following the wars in the former Yugoslavia and the genocide of Rwanda. The International Criminal Tribunal for Rwanda was the first international court to convict those responsible for rape as a form of genocide.

Chris Coulter makes the important point that rape is not only a deliberate weapon of war but also reflects the low status of rights for women in Sierra Leonean society³⁴ in particular and African society in general. This lack of rights is often magnified by war. The reactions of families and communities to women who have been raped also reflects local understandings of morality. However, this sexual abuse was of a type and level that was unprecedented in rural Sierra Leone and has to be located in a global 'warscape.'³⁵

While there may be nothing new about the use of rape as a weapon of war, there certainly are new forms of sexual violence combined with extreme violence that have emerged over the last 10 years in the DRC. It is my belief that failing to understand the tactics, degree of violence and effects of the sexual violence in the DRC not only silences the women, but allows the attackers to continue their brutality as the international community turns a blind eye. If we recognize that the sexual violence is not a 'normal part' of Congolese society and the causal factors that contribute to the extreme levels of violence, then we have a much better chance of ending this abuse.

As I will discuss, the link between the global greed for coltan and the increased levels of extreme sexual violence may certainly require further research into the origin of tactics of sexual violence as a weapon of war in the DRC.

Sexual Violence in the Eastern DRC

Rape has existed in the past in the DRC and the Kivu region. But in the past it was regarded as a deeply reprehensible act and an extreme humiliation for the victim, her family and her husband especially. Therefore, a woman that had been raped would not return immediately to her home, she would send a message to her husband to warn him of what had occurred. He would then arm himself with a spear and go in search of the rapist, whom he had to kill to avenge the insult. The woman would have to wash herself at the edge of the village to purify herself and change her clothes before returning home.³⁶ Women were not shunned in the same manner and the focus was on the perpetrator. The humiliation aspect of rape is still very much alive today in the DRC, and today most communities stigmatize women that have been raped and hold them accountable for the shame and humiliation that they have suffered. This of course leads to many women not reporting rape or seeking medical assistance.

In Rwanda in 1994, women were subjected to widespread sexual violence during the genocide. Thousands of women were raped by gangs, subjected to rape by sharpened sticks or rifle barrels and sexual slavery. Many women were raped in front of their families and then killed. Similarly in Burundi, all the fighting forces committed acts of sexual violence. Despite the end of the conflict in Burundi, sexual violence against women remains one of the main problems to resolve. The impact of these conflicts and the influx of armed groups from Burundi and Rwanda into the DRC has certainly had an impact on the levels of sexual violence there.

When the wars broke out in 1996 and 1998, this led to displaced persons and many women and girls were forced to turn to 'survival sex' with relatively wealthy foreign soldiers and UN peacekeepers. This then emasculated the many male Congolese soldiers and civilians who were unable to live up to their expected societal roles. Targeted rape as a means to torture, humiliate and control became the order of the day in the eastern DRC. Emasculated men raped women, which provoked retaliatory violence which led to even more rape, militarization and violence. At the same time the world market for coltan was a major driving factor for the conflict. This set the stage for the horror now being experienced in the Kivus by women and girls.³⁷

The rapes and sexual violence committed in the DRC are conducted with unprecedented cruelty, perpetrators having devised the most humiliating treatment they can inflict on the victims. Many rapes occur in public places and in the presence of witnesses. Public rapes have been given a name in the eastern DRC and one particular rape is called *la reign*. In these cases, women are publicly stripped, tied upside down and gang raped in the middle of a village. The types of rape that have been identified include individual rape, gang rape, rape in which victims are forced to rape each other, rape that involves intentional transmission of HIV³⁸ and rape involving objects being inserted into the victim's genitals.³⁹ Attackers often throw acid in the vaginas of the women they have raped, or cut off their breasts. In many cases the rape victims are tortured and murdered. These acts of sexual violence leave the victims – those who survive – with profound physical, psychological and emotional trauma.

Most of the rapes and sexual violence that occur seem to have been planned in advance by the attackers. Rape and pillage of villages seem to go hand in hand.⁴⁰ Some women are also kept as sex

slaves and cooks by the armed groups. The permission to invade and rape a village is often given as a reward to the armed group by the commanders. Such violence is most prevalent near mining communities and local village miners are forced to surrender their coltan.

It is important to note that all sides to the conflict have committed sexual violence. For the victims it is often difficult for them to identify the attackers because of fear or because they are often left unconscious. The government army, FARDC, due to its size is the single largest perpetrator of the sexual violence against women and girls. The 14th Brigade of FARDC was created in 2006 and is supposed to control the North and South Kivu region. Without sufficient pay or food, soldiers have attacked civilians to loot and extort goods. The violence against women and girls peaked between January and August 2008, when the brigade had almost no provisions to sustain itself.⁴¹ In March 2009, the 14th Brigade officially ceased to exist when it was combined with the other armed groups in the process of *mixage*. However, this integration process involved very little vetting or training and many of the armed groups now have greater access to resources such as coltan and territory to commit sexual violence as a result.

Age is not a barrier to becoming a victim, toddlers to grandmothers are targeted. The United Nations Population Fund (UNFPA) has reported that more than 65% of the victims of sexual violence during 2008 were children, the majority adolescent girls. In addition, 10% were children under 10 years old.⁴²

Denis Mukwege is a Congolese gynecologist in Bukavu, DRC. He states that “every day at least 10 new women and girls that have been raped show up” at his hospital.⁴³ Many have been so sadistically attacked from the inside out, butchered by bayonets and assaulted, that their reproductive and digestive systems are beyond repair. According to the UN, 27,000 sexual assaults were reported in 2006 in South Kivu province alone. However, this figure does not take into account the fact that many women do not report rape due to the stigmatization associated with rape in the DRC. The latest figures estimate 1,100 rapes per month between November 2008 and March 2009.⁴⁴ “The sexual violence in the Congo is the worst in the world,” said John Holmes, UN Under-Secretary General for Humanitarian Affairs. Malteser International, a European aid organization that runs health clinics in eastern DRC, said that in Shabunda, 70% of the women reported being sexually brutalized.⁴⁵

If we refer back to the traditional ways of coping with the rapes in the past – husbands avenging the wrong by finding the attacker and physically harming him – what we need to recognize now is that due to the severity of the armed conflict, men have been unable to ‘avenge’ these wrongs as they would be over-powered and killed by the armed groups. This has meant that men instead take out their frustration and humiliation on the women who have been raped. It also leads one to consider that such circumstances provide the ultimate means of destroying and controlling a society. In the 2009 report “Characterizing Sexual Violence in the Democratic Republic of the Congo,”

One man explained that if one’s wife is raped men feel ill at ease; they believe they have lost their dignity and self esteem. If your wife belongs only to you, you feel proud and you think you have something that others don’t have. But if she is raped, you lose your pride and you are worth nothing in the community.⁴⁶

The long-term outcomes translate into the slow death of a population. The breakdown of society

and identity in the eastern DRC is a disturbing trend that will have repercussions for many years to come. As Stephen Lewis, the former UN Special Envoy for HIV/AIDS in Africa has said, “the capacity for brutality by so many perpetrators – and on the flip side, the capacity for indifference by so many witnesses – is the ugly apex of a trend gone unchecked.”⁴⁷

Coltan and Sexual Violence

Sexual violence in the DRC is often fuelled by militias and armies fighting over control of minerals. Information on the extent of sexual violence in the DRC, and especially the eastern region, is very difficult to obtain for many obvious reasons including lack of infrastructure, insecurity, ethical considerations, and lack of political will. Nonetheless, the deadly nexus between the worst violence against women in the world and the purchase of electronic products containing ‘conflict minerals’ from the Congo is undeniable.⁴⁸

Out of the publicly available data on the extreme sexual violence in South Kivu alone, it is evident that there is some correspondence between the location of the coltan mining areas and the incidents of sexual violence. The Walungu region is rich in both gold and coltan and is one of the administrative territories of FDLR. Kabare also has deposits of coltan, and is controlled by FDLR. Shabunda is another mining town that contains coltan and is surrounded by jungle, it has been besieged by Mayi-Mayi who kidnapped townswomen for use as sex slaves. Armed groups have set up their own mining company in Shabunda called the Great Lakes Mining Company, which monopolizes the exploitation of natural resources.⁴⁹

As noted earlier, in 2000 the price of coltan increased in parallel with the demand for the new Sony PlayStation 2 and laptops – from \$30 US per pound in 1999 to \$380 US per pound in 2000. The coltan rush led many to stake their claim on the territory of the eastern DRC. At the same time, reports of sexual violence and village attacks took a dramatic surge upwards. The Harvard Humanitarian Initiative’s April 2010 report “Now, the World is Without Me” investigates the rape epidemic and the region’s militarization. The report concludes that several spikes in sexual assault numbers could be explained by a military strike or an intensification of military activity. Such military activity has also been linked to the extraction of coltan.

Similarly in the latter half of 2008, there was a prediction of a shortage of coltan from Australia, which led speculators to seek more coltan from the DRC. From August 2008 to November 2009, the bloodiest attacks yet occurred in the region and refugee flows and levels of sexual violence surged.

Each time we hear the announcement of a new electronic product we need to consider the potential impact this has on the price and availability of coltan. It has been estimated that the numbers of personal computers used worldwide doubled from 2004 to 2010 to 1.3 billion machines. There is no reason to think that computers will disappear in the near future. People will continue to buy computers and electronic equipment. Forrester Research has predicted that the growth will be driven by emerging markets such as China, India and Russia.⁵⁰ This means that coltan will continue to be a valuable resource worth fighting for. In addition, how do we regulate the increased demand for coltan and the accountability of those extracting the mineral in this global and local context?

Prosecuting and holding those responsible for coltan extraction and production must occur in order to address the illegal extraction of the mineral and thereby the sexual violence that accompanies this process.

Addressing the Use of Sexual Violence in the Eastern DRC

The Panzi Hospital is located in Bukavu, South Kivu. This hospital is renowned for its treatment of victims of sexual violence and is the best-funded hospital in South Kivu, primarily receiving funds from *Communaute des Eglises de Pentecote en Afrique Centrale* (CEPAC).⁵¹ Because it is a referral hospital, it receives the most severe cases of sexual violence from smaller centres in the region. The hospital runs far beyond its capacity and continually faces a shortage of resources and personnel.⁵² Treatment is offered for free and in-hospital care is provided for those needing surgical treatment. Psychological treatment is also provided for both victims and their male relatives/husbands. Husbands are counselled not to blame their wives for their traumas, and on forgiveness to overcome their anger.⁵³ Between August 1999 and August 2006, Panzi Hospital treated 9,778 patients, of which 76% were confirmed as rape survivors.⁵⁴ These statistics represent only a small number of the cases in eastern DRC as many women do not seek treatment, do not wish to report their violations, live too far from the Panzi Hospital, or cannot afford to travel for treatment.

While the funding provided to hospitals and treatment facilities is absolutely crucial, it does not address the problem. It is important not just to focus on *treating* the aftermath of violence, but to focus on *preventing* it from occurring in the first place. According to MONUC, only 11% of donor funds for sexual violence have been allocated for the physical protection of women and girls.⁵⁵ There is heavy criticism that so much donor funding is focused on the after-effects of the sexual violence and not the prevention.

UN Secretary-General Ban Ki-moon, recently announced a new Special Representative, Margot Wallstrom, who is tasked with combating sexual violence against women and children in conflicts. This appointment was motivated in part by the Secretary-General's reaction to the levels of sexual violence in many conflicts around the world. As Secretary-General Ban stated, "I am horrified and outraged by the use of rape as a weapon of war."⁵⁶ It is hoped that the alarm bells of the DRC will prompt even more attention and action on sexual violence in conflict zones. However, it should be noted that the early signs are not encouraging. Thus, for example, the first test case related to the DRC at the International Criminal Court (ICC) – the trial of Thomas Lubanga – does not include charges of sexual violence, which means he is not being held accountable for these crimes. In fact, despite voluminous evidence of sexual violence brought to the attention of the Prosecutor in the Lubanga case, the warrant made no mention of any accusation of violence committed against Congolese women and girls.⁵⁷

A more encouraging case is that of Germain Katanga also known as 'Simba.' He was the highest ranking leader of the Patriotic Resistance Force in Ituri (FRPI). On 11 December 2004, he is alleged to have been promoted to the rank of General in the army of the Democratic Republic of Congo. Despite this, in October 2007 the government of the DRC handed him over to the ICC. He is accused of six counts of war crimes and three counts of crimes against humanity (including sexual

slavery). Women's organizations have noted with satisfaction the fact that for the first time in a case concerning the DRC, the prosecution has decided to include accusations of sexual violence.

Since the ICC began its work in 2002, Congolese women and girls have been waiting and hoping for concrete action on sexual violence to be taken by the highest international criminal authority. In pleading their case and collecting evidence, the Congolese women and girls have been assisted and supported by civil society organizations. They stress that women and girls are the first victims of armed conflict, that violence against women is particularly serious and that it should be prosecuted to the full extent of the law. However, the ICC has been plagued by its ineptitude with collecting testimony and evidence related to sexual violence in the DRC. Many women endure backlash for giving testimony and others fear repercussions. In a country where stigmatization of those who are raped is the norm, the ICC has failed to protect the best interests of the women victims.

There have been other encouraging events that indicate that sexual violence in the DRC is being taken more seriously. Thus, for example, in November 2007, Olive Lemba, President Joseph Kabila's wife, opened a country-wide campaign to raise awareness and push for an end to impunity to combat sexual violence.⁵⁸ As well, in 2006, a landmark sexual violence law came into force, providing a much-improved legal framework to try those responsible. In this new law, penalties for rape range from 5 to 25 years but are doubled when committed by a public official, by a group or with the use or threat of a weapon. The military justice system is a weak institution in the DRC and to date only a fraction of the acts of sexual violence committed have been prosecuted. In 2008, 27 soldiers were convicted of crimes of sexual violence in North and South Kivu. This is a first step, but not enough. In the same year, the UN registered 7,703 new cases of sexual violence in the same area.⁵⁹ There are many calls for those who are at the highest levels to face prosecution to send a strong message to the entire country. Thus, domestic laws are changing and the issue of sexual violence is receiving more attention. Another positive development is that in 2008, the ICC launched an investigation into crimes committed in the Kivus, including sexual violence.

But what about the issue of sexual violence related to resources, in particular coltan? There have been some interesting developments. In April 2001, Electronic Business News asked several companies involved in purchasing coltan or tantalum capacitors for their reactions about the conflict in the DRC and the links to coltan. The responses included the following:

- "You hope your suppliers are doing things legally but beyond that what can you do?"
- "We don't view the source of tantalum as an issue for us, but more for the capacitor suppliers."
- They were surprised to learn of the situation, they purchased tantalum solely on the quality, they did not trace its origin, and they trusted their suppliers to provide tantalum from "appropriate" sources.
- The situation was inexcusable, but it was too difficult to trace the origin of ores, so it was up to the Congolese government to control the mining.⁶⁰

These responses are somewhat discouraging. They indicate a lack of willingness to take responsibility for ensuring that supplies are not tied in some way to conflict and/or sexual violence.

In August 2009, US Secretary of State, Hillary Clinton visited the DRC. Many hoped that this visit would help to focus attention on the sexual violence in the DRC and thereby influence action. After visiting Goma, Clinton promised \$17 million in aid for victims of sexual violence. On the one

hand this could be viewed as a positive contribution from the United States. On the other hand, she did not highlight the direct link to resource extraction. Additionally, the most remembered event of her trip was the ‘misquote’ from a journalist who was interpreted as asking her “what does your husband think should be done?” Attention to the issue is important, but understanding how to address root causes is far more necessary.

Conclusions

We need to link economic governance approaches with international peace and security, which includes human rights protection. During the inter-Congolese dialogue, economic questions were always treated as peripheral to the key issues of democratic governance, peace and stability. Getting agreement on the formation of the transitional government and the new national army were prioritized. But taking the gun out of economics is a prerequisite for taking the gun out of politics.⁶¹

In December 2008, the UN Security Council extended existing targeted sanctions to cover individuals or entities supporting the illegal armed groups in eastern DRC through illicit trade of natural resources. The Security Council simultaneously mandated MONUC to use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from the illicit trade in natural resources. In November 2009, the Security Council instructed the UN Group of Experts on the Illegal Exploitation of Resources from the DRC to produce recommendations to the Sanctions Committee for guidelines on the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of the mineral products), acquisition and processing of mineral products from the DRC. The Expert Panel also recommended that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the DRC.⁶²

There are clearly numerous impediments and difficulties to the regulation of coltan and to the implementation of SC Resolution 1896. These difficulties explain in part why to date, none of the companies that support armed groups in the DRC through illicit natural resource transactions have been placed on the targeted sanctions list.⁶³ In addition, MONUC’s capabilities in terms of ending the violence have proven time and time again to be inadequate. Adding the task of monitoring the extraction and sale of natural resources, a monumental task, will clearly be difficult. Even if these impediments could be overcome, you would still have to overcome the biggest impediment to regulating coltan – the lack of political will to do so. Monitoring information flows and implementing sanctions require a political will that has been non-existent over the history of the DRC.

It is important to note that merely advocating a ban of the extraction and sale of coltan from the DRC will not produce a magic cure. The DRC is a poor country, people need to be able to use their resources to create employment and contribute to development. Rather than putting barriers up to prevent the use of DRC’s coltan, we need to find ways to regulate, put pressure on the armed groups and their backers to end the abuse associated with it, and protect the women of the DRC.

Recommendations

The international community must design strategies to stop the direct and indirect financing of armed groups by Western corporations which want the resources the armed groups can provide. Even though the trade chain of coltan is extremely complex, a proper certification scheme for 'conflict-free' coltan could promote its legal extraction while fighting its role in fuelling conflict. Germany financed a pilot study for this project, and the Congolese Finance Minister announced that a 'fingerprint' program for Congolese coltan would be finalized in 2009, however this process is still underway.⁶⁴ A certification scheme for legally mined coltan might be a first step of an effective contribution by the international community to a solution of the conflict. However, there is a risk that the international community will give the wrong incentives and that conflicting parties will make decisions only in order to please the Western donors, without seeking long-term solutions for the regional hostilities.⁶⁵ Unfortunately, ending the conflict in the DRC cannot happen without the effective monitoring of the illegal extraction of resources. The DRC government and the army need to be held accountable for their actions and their involvement in the illegal extraction process as well as the human rights violations. Without such mechanisms to monitor the extraction, new laws, government bodies or campaigns to end sexual violence will merely be paying lip service. Corruption of government officials and efforts towards good governance cannot happen in a global climate which continues to use and abuse the DRC for its mineral wealth.

There are other recommendations that could be made here. First, high-level officials must be held accountable for sexual violence and this includes the President of the DRC. Second, the International Criminal Court needs to be innovative in the collection of evidence about sexual violence, and protect women who provide testimony. The ICC must also bring light to the connections between the use of sexual violence as a weapon of war and resource extraction in the DRC. Third, MONUC troops must be equipped, trained and given the resources to physically protect women in the DRC as well as to assist with the monitoring and reporting of violations. MONUC has been granted a Chapter 7 mandate and is the largest UN peacekeeping mission that currently exists with close to 20,000 troops. However, if one looks at the size of the DRC, which is comparable to Western Europe, and the instability and duration of the conflict, the number of troops is not sufficient to cover the vast and often difficult to reach territory. In addition, while \$1 billion US per year has been spent on this mission, many criticize the actual impact it will have on long-term stability and development. If only 11% of the budget is placed on the prevention of sexual violence it is difficult to call this a priority for the mission.

The international community has for far too long declared that the DRC is the 'heart of darkness' and is therefore doomed for eternity, incapable of being mended, or mending itself, and too complex to understand. Given the magnitude of the human rights violations and the global economic connections, it is imperative that we work towards realistic, long-term and incremental solutions for peace and stability in the DRC. It also means that small victories are often major victories in the movement toward peace and stability. The DRC has been used from the beginning of the colonization period as a haven for those who wish to exploit its natural resources for personal, political and economic gain. It is the quintessential example of a country whose environmental gifts have cursed its development and contributed to its extreme levels of insecurity.

Notes

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