

Chapter 2

Conflict-related Sexual Violence in the DRC

Introduction

The book, *A Thousand Sisters: My Journey into the Worst Place on Earth to Be a Woman*, was written by Lisa Shannon. It is based on her 'work' in the DRC. Lisa first learned about rape and the crimes being committed in the Congo after watching an episode of *Oprah*. After conducting more research into the atrocities being committed in the DRC, she asked herself: 'what if I had tried to help?' (Shannon, 2011, p. 37). This question would lead Lisa to abandon her career, her fiancé and her comfortable life in the US to raise money and dedicate herself to the plight of raped women in the DRC.

In the foreword to the book, Zainab Salbi (as cited in Shannon, 2011, p.12 emphasis in the original) explains that for survivors, theirs is a story of 'triumph over evil, the sheer force of *will* to survive and stand tall'. Shannon's, on the other hand:

[...] is a heroine's journey of a woman...who was not afraid to confront the conflict in the Congo, who did not worry about how much it would cost her personally to engage.

Zainab continues:

Lisa Shannon is one of those individuals who has decided to take a stand against an evil that does not oppress her directly but offends her with its very existence.

Shannon herself admits that, despite living a good life before going to the DRC, she was not very happy. Her journey to the Congo, and her work with raped

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women, gave her sense of meaning. These women inspired her, she explains, and she tried to restructure her life to emulate theirs. It is hard to separate Shannon's own personal reasons for going to the DRC (her belief that it would fill a void in her own life) from her genuine desire to address the atrocities being committed there. To clarify: I am not criticising Shannon *per se*. It is clear from survivor testimonies that they have benefited (perhaps only on a superficial level) from her fundraising activities and grassroots activism in the DRC. My concern is that this speaks to the broader pattern of the securitisation (Hirschauer, 2014) and fetishisation (Meger, 2016a, 2016b) of wartime rape and sexual violence outlined in the Introduction.

Baaz and Stern (2013) voice similar reservations regarding Lisa Shannon's story. For them, Lisa Shannon's journey to the Congo, and her work with victims, is an example of a gendered civilising mission. Lisa's mission, according to their analysis of the postcolonial feminist critique, is an example of the 'white savior narrative', where marginalised women of colour in the Global South are 'rescued' by their more emancipated western sisters (recall my discussion in the Introduction of the visibility/master narrative of the GET CROSS! campaign). Let us unpack this postcolonial feminist critique in more detail. Postcolonial feminists challenge essentialist claims of 'woman' as a universal and homogenous category, recognising women's diverse identities, locations and experiences (Agathangelou & Turcotte, 2015; Mohanty, 1988; Steans, 2013). Postcolonial feminists acknowledge '...the impact and ongoing legacies of colonialism and imperialism [and] forms of neo-colonial and neo-imperialist domination' (Steans, 2013, p. 124). This scholarship draws attention to inequalities and divisions between the Global North and the Global South, both past and present (Agathangelou & Turcotte, 2015; McKinnon, 2016; Mohanty, 1988; Olivius, 2016a, 2016b; Spivak, 1988; Steans, 2013). It criticises hegemonic (read as western) discourses for orientalist and ethnocentric depictions of individuals in colonised lands. Within these narratives, men are often depicted as other, inferior and savage (Steans, 2013), while the 'average third-world' woman is regarded as '...ignorant, poor, uneducated, tradition-bound, religious, domesticated, family-oriented, victimized...' (Mohanty, 1988, p. 65). And finally, postcolonial feminists problematise gender mainstreaming policy and practice (Agathangelou & Turcotte, 2015) by questioning the actions of privileged western women who claim to be speaking for, and working on behalf of, their non-liberated, non-western, oppressed counterparts (Mohanty, 1988; Spivak, 1988).

Of particular note within the postcolonial feminist critique is Spivak's pivotal essay, *Can the subaltern speak?* In this piece, Spivak (1988, p. 76) critiques western (postcolonial) academic writing – specifically Foucault and Deleuze's conversations about power, desire and subjectivity – for the ways in which it/they speak for and re-present the subaltern. On the subject of epistemic violence, she states: '[t]he clearest available example of such epistemic violence is the remotely orchestrated, far-flung, and heterogenous project to constitute the colonial subject as Other'. Epistemic violence refers to the harm that is done through knowledge and discourse when certain voices/experiences are obscured (Teo, 2014). The example that Spivak (1988, p. 76) uses to illustrate this is 'the epistemic violence of the

codification of Hindu Law', specifically widow sacrifice in India. In a bid to 'save' and protect Indian women from this ritual, the British abolished widow sacrifice in 1829. As Spivak (1988, p. 94 emphasis in the original) explains:

[...] what interests me is that the protection of woman (today the 'third-world woman') becomes a signifier for the establishment of a *good* society...In this particular case, the process also allowed the redefinition as a crime of what had been tolerated, known, or adulated as ritual...

Through this example, we see how western imperial powers make decisions on behalf of women they deem as *objects in need of protection*; individuals who cannot speak or make decisions for themselves.

Departing from this scholarship on the securitisation and fetishisation of rape and sexual violence in the Congo – as well as the gendered civilising missions that accompany these processes – I examine the feminist political economy of violence against women and girls in the DRC. Following on from the previous chapter, this facilitates an understanding of how gender informs the experiences of victims/survivors *and* perpetrators of conflict-related sexual violence (CRSV). It does so across three levels of analysis: macro- meso- and micro.

The feminist political economy approach addresses the relationship between the economic, the social and the political (see Alsaba & Kapilashrami, 2016; Davies & True, 2015; Meger, 2016a; True, 2010, 2012). It also addresses the macro- (global), meso- and micro- (local) contexts within which gender-based violence (GBV) occurs. It demonstrates how GBV is both produced and reproduced within and beyond the conflict zone. Existing research on the political economy of violence against women and girls in the DRC analyses the links between economic globalisation, neoliberalism (as it relates to the World Bank and the International Monetary Fund) and the violence(s) of armed conflict (see Leatherman, 2011; Meger, 2015; Mullins & Rothe, 2008; Turshen, 2016). I use this work as a springboard to provide a feminist analysis of rape and sexual violence in the DRC. I do so by drawing on the concept of globalisation masculinities. These include masculinities of conquest and settlement, masculinities of empire and masculinities of postcolonialism and neoliberalism (Connell, 1998, 2005). In this chapter, I will consider masculinities of postcolonialism and neoliberalism, focusing mainly on the latter and how it interacts with economic globalisation and hyper-capitalism vis-à-vis the conflict in the DRC (more on this shortly).

As noted in the previous chapter, there are two main schools of thought within the literature on wartime rape and sexual violence. The first views sexual violence as a by-product of war/armed conflict: an inevitable part of conflict (for a more detailed discussion, see Baaz & Stern, 2013; Banwell, 2016; Cohen, Green, & Wood, 2013; Davies & True, 2015; Fogelman, 2012; Meger, 2016a; Schneider, Banholzer, & Albarracin, 2015; Wood, 2014). The second – the weapon-of-war paradigm – emphasises the strategic purposes of this violence (Askin, 2003; Buss, 2009; Card, 1996; Leatherman, 2011; Mackenzie, 2010). In the context of this chapter, and its analysis of the DRC, I will be arguing that

rape falls under this second category. Its use is widespread, and it is being used as a tactic by actors within and beyond the conflict zone.

When I first started writing about the Congo, back in 2011, rape was being used as a weapon of war at an alarming rate (Africa Research Bulletin, 2011; Holmes, 2007; Meger, 2010; Ohambe, Muhigwa, & Wa Mamba, 2005). When I wrote this chapter over the course of 2018–2019, fighting had resumed in the Congo and there was a resurgence in the use of rape as a terror tactic against civilians. While improvements have been made with regards to international trade regulations, as well as Congolese rape laws, that armed groups and security forces still engage in the illegal exploitation of minerals contained within the DRC – using rape to gain access to such sites – speaks to the persistence of CRSV in the Congo. What follows is an analysis that draws upon both of these periods in order to best illustrate the conflict-related crimes being committed in the DRC.

Outline of the Chapter

This chapter argues that the rape and sexual violence committed in the DRC is being perpetrated and/or facilitated at the macro-, meso- and micro- levels. Beginning with an outline of the terminology used, the chapter then provides an overview of the origins and current status of the conflict in the DRC. This is followed with a review of the use of rape and sexual violence within the Congo. Drawing on the feminist political economy approach, the chapter then traces how GBV operates at all three levels in the DRC. It starts with an examination of the macro-level. Here I tease out the economic dimension of the conflict, drawing on globalisation masculinities to unpack the relationship between neoliberalism, business masculinity, hyper-capitalism and the State-corporate crimes being committed in the DRC. The chapter then moves on to examine the meso-level, exploring heterosexual militarised masculinity; pre-existing gender inequalities within Congolese society, concluding with a review of rape laws in the Congo. These sections comprise the main body of this chapter. They are followed by an analysis of the micro-level. This section includes an exploration of how individual men use rape and sexual violence to subvert their marginal positions within the gender hierarchy. While this section is shorter than the previous sections, nevertheless, it conveys how individual men contribute to, and gain from, the political economy of this conflict. As a result of these economic (hyper-capitalist), political and gendered (hegemonic heterosexual masculinity) aspirations – which operate at all three levels – rape is used as a weapon of war against women and girls in the Congo. Not only does this breach international rape laws, it also implicates transnational companies in State-corporate crimes.

The chapter closes with some suggestions on how we should respond to the war crimes and crimes against humanity being committed in the DRC. Here, the merits of using a gendered lens to tackle GBV at the macro-, meso- and micro-levels is explored.

Terminology

This chapter draws on the following definition of State crimes, as outlined by Mullins and Rothe (2008, p. 83):

Any action that violates international public law, and/or a [S]tates' own domestic law when these actions are committed by individual actors acting on behalf of, or in the name of the [S]tate even when such acts are motivated by their personal economical, political and ideological interests.

The term hyper-capitalism is used to convey the speed and intensity of the global market where business interests seem to dominate all elements of life (Gurashi, 2017; Vujnovic, 2017). '[C]ritical scholars believe that this new type of capitalist system has moved towards an extreme laissez-faire capitalism that is marked by greed, selfishness, destruction, wars, and exploitation' (Ritzer, 2011 as cited in Gurashi, 2017, pp. 184–185). In this chapter, I examine how hyper-capitalism '...places the interests and demands of capital and its controllers above the interests and needs of...nations' (Mullins & Rothe, 2008, p. 83) and creates criminogenic environments within the political economy of war.

The types of GBV being committed in the Congo include, but are not limited to: rape and sexual violence (both are linked to and separate from the conflict); sexual exploitation; forced and early marriage, as well as forced recruitment of child soldiers (both boys and girls); domestic violence; female genital mutilation (Home Office, 2018); and labour trafficking and trafficking for sexual purposes (Jenkins, 2012). CRSV refers to:

[R]ape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. (United Nations (UN), 2018b, p. 3)

This chapter focuses on rape and sexual violence against women and girls in the DRC. In this context then, GBV and CRSV are limited to rape and sexual violence. I will use the term CRSV when referring to rape and sexual violence to acknowledge that this violence is linked to the conflict.

Before we begin unpacking the use of rape and sexual violence in the DRC, it will be useful to review the origins of this conflict.

The Conflict in the DRC: Past and Present

Space will not permit a detailed analysis of the origins of the conflict in the DRC (for a more detailed discussion of this history, see Human Rights Watch [HRW], 2005, 2008; Meger, 2010). Rather, what follows is a brief overview of this

complex armed conflict. The armed conflict in the DRC dates back to 1998. Officially, the conflict ended in 2002 following a peace agreement. However, the fighting did not cease and new rebel groups, to the time of writing, remain active in the eastern part of the Congo.

Often described as ‘Africa’s World War’ – as it involved at least nine African nations – this conflict is best understood in the wider context of other regional conflicts: the civil wars in Angola, Sudan and Uganda and the Rwandan genocide (Meger, 2010, p. 124; see also Leatherman, 2011; Mantz, 2008, p. 35). Government forces of the aforementioned countries, along with foreign groups, have formed alliances with internal armed groups in the DRC creating both an internal and an international dimension to the conflict (HRW, 2005).

In 1996, Laurent Kabila overthrew President Mobutu, Zaire’s longstanding dictator. He was supported by both the Ugandan ‘People’s Defense Force’ and the Rwandan ‘Patriotic Army’ (Meger, 2010, p. 125). Once installed as president, Kabila renamed the country ‘The Democratic Republic of the Congo’ (HRW, 2006). Despite their support, once in power, Kabila began removing Rwandans from senior positions within his government (HRW, 2002; Meger, 2010). This was met with hostility from Rwandan and Ugandan government forces who attempted a coup in 1998 (HRW, 2006; Meger, 2010). Their attempts to remove Kabila from power were unsuccessful. Due, in large part, to the support of Zimbabwe and Angola, Kabila retained his position (HRW, 2002). The support provided by Zimbabwe and Angola was purely strategic: both countries had failing economies; access to Congolese minerals would alleviate their diminishing economies (Meger, 2010). After their unsuccessful attempt to overthrow Kabila, the governments of Rwanda and Uganda began supporting the various rebel groups who were fighting against Laurent Kabila’s government in the eastern provinces of the DRC. These rebel groups included: the Congolese Rally for Democracy, the Movement for the Liberation of the Congo, as well as the community-based rebel group, the Mai Mai (HRW, 1999; Meger, 2010, p. 125).

Following the assassination of Laurent Kabila in 2001, fighting continued against the government led by Joseph Kabila, Laurent’s son. Instability characterised the Congolese government during this period. Anti-government rebel groups, backed by Rwanda and Uganda, used this to their advantage to control access to the mineral-rich regions of the Congo (Meger, 2010). To complicate matters further, a number of extra-national militia groups subsequently joined the conflict, most notably the Democratic Forces for the Liberation of Rwanda (FDLR). This group is mainly formed of Rwandan Interahamwe génocidaires, who were involved in the killings in Rwanda, but had fled into the region following the end of the genocide in 1994 (The New Humanitarian, 2013). The FDLR resumed their violent campaign against Tutsis in the Congo. With a lack of support from the Congolese government, various Tutsi militia groups – most notably the National Congress for the Defense of the People headed by Laurent Nkunda – began fighting against both the Congolese army (Forces Armées de la République Démocratique du Congo – FARDC) and the FDLR (Meger, 2010; see also The New Humanitarian, 2013). Violence persisted in the eastern DRC, perpetrated by a complex network of armed groups. These included the Congolese

army (FARDC), the FDLR, Mai Mai groups and various other rebel groups (see *The New Humanitarian*, 2013 for a more detailed breakdown of these groups; see also HRW, 2006).

At the time of writing (2018), there had been renewed violence and political unrest in the DRC following President Joseph Kabila's refusal to step down when his term ended in December 2016. Opposition groups were quickly repressed. Government security forces and various armed groups attacked civilians, shooting and killing a number of protestors (Burke, 2018; Council on Foreign Relations, 2018; HRW, 2018b). In addition to the political turmoil, violence between armed groups continues in the eastern part of the country. According to HRW (2018b), more than 100 armed groups remain active in North Kivu and South Kivu in the eastern part of the country. These groups, which include the FDLR and allied Nyatura groups, the Allied Democratic Forces, the Nduma Defense of Congo-Renové, Mai Mai groups and armed groups from Burundi, continue to attack and terrorise civilians. Indeed, many of the commanders of these groups are implicated in war crimes, including ethnic massacres, forced recruitment of children, and rape and pillage (HRW, 2018b, pp. 3–4). These groups continue to fund their activities through mineral exploitation (Burke, 2018; Council on Foreign Relations, 2018).

Following the resurgence in fighting in the eastern part of the Congo, the humanitarian situation worsened, with, according to HRW (2018b, p. 4), 'the country facing Africa's largest displacement crisis in 2017.' It is believed that more than 4.5 million people have been displaced, 2.7 million have been internally displaced, 'famine is expected to affect 7.7 million Congolese and a national cholera epidemic is spreading across the country' (HRW, 2018b, p. 4; see also Burke, 2018; Council on Foreign Relations, 2018). Added to this, there has been a drop in international humanitarian funding (HRW, 2018b). Finally, exacerbating the situation, in June 2019 the DRC suffered an outbreak of Ebola.

Rape and Sexual Violence in the DRC

Referred to as 'the rape capital of the world' (Africa Research Bulletin, 2011), the eastern Congo has witnessed the rape of women and girls '...on a scale never seen before' (Nolen, 2005, p. 56 cited by Meger, 2010, p. 126). The International Rescue Committee registered 40,000 cases of GBV in the DRC between 2003 and 2006 (Dallman, 2009, p. 6). During this period, hundreds of thousands of women and girls were raped (Shannon, 2011). More than 32,000 cases of CRSV were registered in South Kivu between 2005 and 2007 (Holmes, 2007). It is believed that the actual number is more than double this (Turshen, 2016). Research by Ohambe et al. (2005, p. 33), based on interviews with victims and perpetrators, and an analysis of 3,000 files relating to cases of rape and sexual violence in the South Kivu region, identified four types of rape. These include: individual rape, gang rape, rape where victims are forced to rape one another, and rape where objects are inserted into women's vaginas. The researchers also found that 70% of the rapes were planned in advance with a specific aim in mind: 'to terrorize, loot, rape and then leave' (Ohambe et al., 2005, p. 35). The perpetrators of CRSV

are not limited to armed groups, civilians are also guilty of this type of violence (Mertens & Pardy, 2017). Women and girls have also been subjected to sexual exploitation and abuse (SEA) by armed groups and UN peacekeepers (Lynch, 2004 as cited in Meger, 2010). While this phenomenon (SEA by UN peacekeepers and humanitarian workers) will not be explored in the context of this chapter, it is an issue that I will address in subsequent chapters.

Despite the signing of a peace agreement in 2002, the installation of a transitional government in 2003, followed by general elections in 2006, CRSV continued to be a major problem in the DRC (Baaz & Stern, 2009; Shannon, 2011). During 2006, in the South Kivu province, 27,000 sexual assaults were reported (Onsrud, Sjøveian, Luhiriri, & Mukwege, 2008, p. 265). Due to the persistent use of rape and sexual violence in the DRC, in 2008 another peace agreement was drafted. At this time, 22 armed groups signed a cease-fire agreement organised by the European Union, the US, the African Union and the UN (HRW, 2008, p. 1). This peace programme contained instructions for the Congolese government 'to protect civilians and respect international humanitarian and human rights law' (HRW, 2008, p. 1). Yet, according to a report by HRW (2008), CRSV against females continued at its previous rate since the peace agreement was put in place. Fighting and violence continued in the eastern part of the country in 2011: men, women and children continued to be targeted for crimes of sexual violence. According to the UN, in 2010, 300 civilians were raped between July 30, 2010 and August 2, 2010, and, on New Year's Day 2011, over 30 women were raped in the town of Fizi in South Kivu (see Africa Research Bulletin, 2011).

Renewed fighting in the DRC has led to a surge in CRSV (Burke, 2018; United Nations DRC, 2019). During 2018 *The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo* (MONUSCO) recorded 1,049 cases of CRSV. This figure is higher than the previous year (see United Nations DRC, 2019). Further evidence of the increase in rape and sexual violence is provided by a Médecins Sans Frontières (MSF) health worker who reported that 60 women were raped by one armed group when it captured a village market in January 2018 (see Burke, 2018). The organisation found that incidents of CRSV had doubled each month in 2018 compared to 2017 (see Burke, 2018). There is a concern that, with the growing hostilities between the various ethnic groups who are competing over land in the Kivu region, as well as the competition over minerals contained in the mines, violence, including CRSV, will increase (Burke, 2018; United Nations DRC, 2019).

In this preceding section I have provided various figures on rape and sexual violence in the Congo. Before we proceed, two points of clarification are required. First, caution must be taken when reviewing this data. To avoid engaging in the securitisation and fetishisation of rape and sexual violence in the Congo, we must remain cognizant of the various types of violence being committed there, as well as the fact that both genders are impacted. I am focusing on women and girls in this chapter as it relates to the discussion at hand. The experiences of men and boys will be addressed later in the book. Second, by providing this information, my intention is not to quantify or reduce victims' experiences to numbers, my aim

is to illustrate that rape in the DRC is widespread and systematic, employed as a tactic and a weapon of terror in the political economy of this armed conflict.

As noted at the beginning of this chapter, the feminist political economy approach traces the relationship between the economic, the social and the political. It facilitates an understanding of how GBV – which affects individuals at the local/micro-level – is informed by institutions and global policies and practices that take place at the meso- and macro-levels, respectively. In the words of Leatherman (2011, p. 147): '[t]he global economy of sexual violence [in the DRC] operates at multiple levels of power and depravation'. The remainder of this chapter will unpack each stage of this process, beginning at the macro-level.

The Macro-level: Economic Globalisation and CRSV in the Congo

There is an obvious economic dimension to the sexual violence that is occurring in the eastern provinces of the DRC. As noted in the Introduction, new war economies are decentralised and are open to the global economy (Chinkin & Kaldor 2013; Turshen, 2016). These wars are financed by violent and criminal activities. Relevant to my discussion of the DRC are the following activities: looting, pillaging, and the extraction, sale and illegal transport of minerals to transnational corporations through regional and international criminal networks.

Transnational corporations from various nations all compete for access and control over the extraction, sale and illegal transport of minerals contained in the eastern provinces of the DRC. Those involved include: government officials, foreign militia, foreign governments who back the militias, the Congolese army, the Mai Mai and other home-grown militia and the Interahamwe (Leatherman, 2011; Mantz, 2008, 2010; Mullins & Rothe, 2008). According to the *UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC*, 125 companies are involved in this global market, many of which are African-based companies, but a significant number of transnational corporations were also named. These included ones from UK and the US as well as Canada, Belgium, Germany, Israel, Switzerland and the Netherlands (see Mullins & Rothe, 2008, p. 92).

Combatants on the ground use rape as a tactic to terrorise the civilian population. Using rape as a weapon allows them to maintain control over the mines that contain these minerals, as many of the villagers will flee their homes to escape the violence, thus leaving the land open to economic exploitation (Meger, 2010). Indeed, the DRC is believed to contain an estimated \$24 trillion of untapped mineral resources (Council on Foreign Relations, 2018). Thus, there is an economic incentive for all involved to maintain the chaos of the conflict to sustain access to these minerals (Meger, 2010). In particular demand are gold, tin and coltan (Meger, 2010). The latter is a mineral used for the making of mobile phones and electronics, of which the DRC holds an estimated 80% of the world's deposits (Leatherman, 2011; Mantz, 2008; Mullins & Rothe, 2008). Coltan, for example, is distributed through elaborate international channels. Whilst the government has attempted to issue authorised mineral extraction, official permissions are

redundant when, as Mullins and Rothe (2008, p. 81) note, transnationals will 'enter the Congolese jungles to negotiate with warlords to gain access to minerals'. The local militias who control access to these minerals will sell them to high-level middlemen who in turn sell to South Africa, Rwanda, Belgium and others. These intermediaries then sell these minerals to customers in Europe, the US and Japan (Mantz, 2008). Hundreds of millions of dollars of illegally mined minerals continue to end up on the global market each year (see Global Witness, 2016). Gold, for example, passes through transit countries like Uganda, the United Arab Emirates (UAE) and Switzerland; ending up in jewellery and electronic circuit boards (Global Witness, 2016, p. 2).

This illegal exploitation of conflict minerals in the DRC is not simply about the economic greed of particular groups within the Congo, but rather, it is an example of hypercapitalism and economic globalisation more broadly. Put simply, the chaos of the conflict in the DRC benefits those higher up the gender order who utilise the carnage of the conflict zone to obfuscate their illegal transactions. To draw on findings published by the '*Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the [DRC]*' (UN Security Council [UNSCR], 2002, p. 32): companies involved in the illegal exportation of DRC minerals contribute 'directly or indirectly...to the ongoing conflict and to human rights abuses'. These internal and external actors, who rely on the chaos of the conflict to engage in these illegal transactions, are therefore complicit in committing war crimes and crimes against humanity.

In a recent study (2015), the *Organization for Economic Cooperation and Development* (OECD) carried out a review of mining sites in the DRC to ensure that they were not contributing to the conflict through their resource procurement policies (OECD, 2015; see also the United States Agency for International Development [USAID] Responsible Minerals Trade Program). Standards set by the OECD (2015) require that companies do not obtain resources from sites where there is a risk of direct or indirect support from non-State armed groups or security forces. Data gathered from these artisanal mining sites found improvements in some areas, while others either stagnated or worse, witnessed an increase in the presence of armed groups. Data on conflict financing for 2013/2014 found that interference from criminal networks at mining sites involved the following: illegal taxation of resources; illegal trading; digging for minerals; and forced labour (OECD, 2015; see also the letter of the UN 2018a Group of Experts on the DRC). Therefore, companies trading with these militarised mining sites (that are being exploited illegally) are not only in violation of the OECD *Due Diligence Guidance*, they are also guilty of contributing directly and indirectly to the conflict. And while trading has improved – the US for example, complies with supply chain checks that meet the OECD standard – transnational companies still fail to meet the minimal legal standards and therefore continue to engage in the illegal exploitation of minerals in the Congo (Global Witness, 2016; Institute for Security Studies Africa, 2016; Pickles, 2016). Indeed, according to a recent survey, of the 275 US companies that took part, only 51% had revised how they monitor their supply chains following concerns about human rights abuses. Across the globe, very few organisations actively monitor the supply chain risk (Pickles,

2016). In terms of the Congo, companies involved in the gold sector have been required by law, since 2002, to adhere to the OECD guidance. Many companies operating in the DRC have failed to meet these due diligence standards (Global Witness, 2016).

In order to understand the gendered nature of this enterprise, it is useful to draw on Connell's gender hierarchy and her concept of globalisation masculinities. For the purposes of this chapter, a brief overview of the former will suffice. Connell (2005) identifies four types of masculinity: hegemonic, complicit, marginalised and subordinate. Hegemonic masculinity – as the most dominant form of masculinity – is positioned above the others. This is the idealised type of masculinity. Complicit masculinity is available to men who enjoy the benefits of patriarchy without displaying the dominance associated with hegemonic masculinity (Connell & Messerschmidt, 2005). Marginalised masculinity refers to men who are unable to meet the requirements of complicit or hegemonic masculinity, while subordinated masculinities are prevented from achieving hegemonic masculinity. Regardless of the historical period, hegemonic masculinity sits at the top of the world gender order, subordinating other masculinities and femininities. For men in receipt of the benefits of patriarchy and capitalism (complicit masculinity), hegemony does not require physical and/or sexual violence (although it may use force and competitive aggression); rather, as Connell and Messerschmidt (2005, p. 832) argue, it involves 'ascendancy achieved through culture, institutions and persuasion'. For marginal masculinities, hegemony often relies on ascendancy through violence. In different contexts – across local and global planes – different methods of achieving hegemonic masculinity are employed.

Earlier I pointed to the emergence of globalisation masculinities within this world gender order. With regards to masculinities of postcolonialism and neoliberalism, to draw on Connell (1998, p. 15): the neoliberal world is a gendered world. It has 'implicit gender politics and is based, in general, on the attributes and interests of the male entrepreneur'. It involves 'the increasingly unregulated power of transnational corporations [which] places strategic power in the hands of particular groups of men'. In this context of a gender world order, and within the global arena of gender relations and global markets, 'the hegemonic form of masculinity...is the masculinity associated with those who control its dominant institutions: the business executives who operate in global markets...' (Connell, 1998, p. 16). Connell refers to this as transnational business masculinity and, to return to the point I made above, this form of masculinity does not require physical force: 'the patriarchal dividend on which it rests is accumulated by impersonal, institutional means' (Connell, 1998, p. 16). Indeed, as Connell and Wood note: '...[i]n discussions of contemporary capitalism, it is widely acknowledged that the most powerful institutions, excepting only major [S]tates, are transnational corporations operating in global markets' (Connell & Wood, 2005, p. 347).

Others have also argued that international trade and global markets are inherently arenas of gender politics and gender hierarchies (Acker, 2004; Beasley, 2008; Hooper, 2001). Furthermore, they suggest that there is an implicit masculinisation that underpins these macro-structural systems in a world gender order (Freeman, 2001 as cited by Acker, 2004, p. 19). Hegemonic masculinity – or

more appropriately in this context, business masculinity – is described as ‘aggressive, ruthless and competitive’ and ‘...is supported and reinforced by the ethos of the free market, competition, and a “win or die” environment’ (Acker, 2004, p. 29).

Let us apply this to the CRSV taking place in the DRC. At the macro-level, we see how international government bodies and transnational companies exploit economic opportunities in marginalised parts of the world; taking advantage of the chaos and disorder of war zones to serve their economic ambitions (Leatherman, 2011). Business masculinity, which serves as a proxy for hegemonic masculinity in this context, is deployed by elites working within these global institutions who take advantage of and exploit the subordinate position of allied masculinities (the Congolese government and other local groups working on the ground). These are positioned lower down the hierarchy (Leatherman, 2011) As noted earlier, as well as committing State-corporate crimes, the actions of these men – who are striving to achieve business masculinity within a neoliberal, gendered world - implicates them in war crimes and crimes against humanity.

The Meso-level: Heterosexual Masculinity and the Military

‘The militarized groups of the DRC are, like all militaries, a place where men learn to associate violence with masculinity’ (Meger, 2010, p. 128).

Indeed, to draw on Canning (2010, p. 854), an important aspect of rape in conflict is the construction of heterosexual masculinity through external social institutions and the socialisation process that takes place in the military. To paraphrase Baaz and Stern (2009, p. 499): the institution of the military socialises men and boys to be masculine and aggressive through methods that are designed to produce soldiers who are able (and willing) to fight and kill (see also Canning, 2010; Hooper, 2001; Leatherman, 2011; Meger, 2010, 2016b; Trenholm, Olsson, Blomqvst & Ahlberg, 2013; Zubriggen, 2010). This work stresses that this militarised heterosexual masculinity must be understood as an institutionalised and globalised phenomenon. With regards to the situation in the Congo, as Meger (2010, p. 128) argues, understanding why individual soldiers actively choose to engage in rape and sexual violence ‘...requires an understanding of the social constructions of masculinity both within Congolese society and, most importantly, within the military institution’. I will deal with these in reverse order when placing them at the meso- and micro-levels.

According to Ohambe et al. (2005, p. 46), the armies and militias, which consist mostly of young men, are made up of individuals with very little education, some of whom are illiterate. The army offers these young men, whose lives are characterised by ‘extreme poverty and a lack of alternative employment opportunities’, a means of gaining an income and of acquiring ‘social promotion and power’ (Ohambe et al, 2005). Baaz and Stern (2009) explore the narratives of soldiers guilty of committing mass rape in the DRC. Their article focuses primarily on the explanations the soldiers provide and argues that their explanations of rape must be understood in relation to notions of different masculinities. The authors interview one of the main perpetrators of CRSV in the DRC: the

FARDC (Baaz & Stern, 2009). The discourses of the soldiers interviewed by Baaz and Stern (2009) relied heavily on constructions of masculinity (and femininity), which were formed and reinforced within the military institution. They state: '[t]he main ideal of masculinity which the soldiers drew upon to explain sexual violence was that of the (hetero) sexually potent male fighter' (Baaz & Stern, 2009, p. 505). Under this line of thinking, the soldier's sexual needs are treated as a 'natural driving force which required "satisfaction" from women whose role it is to satisfy these needs' (p. 505). This depiction of masculinity, Baaz and Stern (2009) argue, is reproduced in many other military institutions across the globe. These ideas about satisfying sexual desires and the performance of militarised masculinity are reproduced in the accounts of child soldiers interviewed by Trenholm et al. (2013) in the DRC.

The Meso-level: Pre-existing Gender Inequalities and CRSV in the DRC

As alluded to in the Introduction, women and girls in countries with high levels of gender-based discrimination and inequality are at a much higher risk of sexual victimisation during armed conflict (Leatherman, 2011). In the words of Freedman (2011, p. 171):

Sexual and gender-based violence in the DRC cannot be viewed merely as a product of conflict, but must also be considered in relation to persistent gender inequalities that characterize Congolese societies.

As in the case of Iraq and Syria, these inequalities are exacerbated during conflict where women – who find themselves in the role of the head of household (in the absence of their husbands, who are missing or have been killed) – become responsible for the survival of themselves and their children.

Historically, women have been victims of domestic slavery, forced and unpaid labour in the Congo (I only touch upon these issues briefly here, for a more detailed account see Robertson & Klein's, 1997, *Women & Slavery in Africa*). Domestic slavery was widespread throughout pre-colonial Africa. Slavery reduced women's status from wife and mother to that of commoditised property (Turshen, 2016, p. 45). Indeed, slave labour impacted gender relations more broadly. Even following abolition, women were still treated as the property of men and restrictions were placed upon their freedom (Turshen, 2016). Gender inequality remained a feature of Congolese life post-slavery and during the colonial period. Women continued to face barriers in matters relating to land ownership, inheritance rights, access to meaningful education and access to divorce. These constraints would continue following independence in 1960 (Mbambi & Faray-Kele, 2010; OECD, 2017). Within current Congolese society, women remain disadvantaged socially, culturally and economically. For my purposes here, I will focus on women's socio-cultural status. For a discussion of women's economic position, see Turshen (2016).

In terms of the socio-cultural landscape, Congolese customs place women at a lower status to men. Even though literacy and education rates for men are low, they are even lower for women, and it is uncommon for a woman to hold a position of power or authority in Congolese society (Banwell, 2014; Meger, 2010; Ohambe et al., 2005). Access to education and healthcare, including reproductive healthcare, is severely diminished for women and girls in the DRC. With regards to the latter (see Emmanuel, 2016; Freedman, 2011; Luneghe, 2017), the scale of rape and sexual violence in the country increases the burden on an already deficient healthcare system (MSF, 2016). In terms of education, families make the decision to keep girls at home so they can assist with household tasks and provide additional income for the family (Freedman, 2011, p. 172). Indeed, many girls do not complete their primary school education (Freedman, 2011; see also Mbambi & Faray-Kele, 2010; OECD, 2017).

These inequalities are reflected in Congolese customary laws, which impact heavily on the lives of rural women. As will be discussed below, these customary laws at once reflect/reproduce women's inferior status within Congolese society, while at the same time, they identify them as the core of the community (this is reminiscent of the woman-as-nation thesis and the notion of women as centres of gravity discussed previously).

The Family Code, a legal instrument which contains rules concerning the structure and organisation of the family, requires a woman to obtain her husband's consent before gaining employment or engaging in legal transactions (Home Office, 2018; Mbambi & Faray-Kele, 2010; OECD, 2019; Ohambe et al., 2005). In Congolese society, women are responsible for childcare and all domestic responsibilities (OECD, 2019). They are, as Meger (2010) argues, considered the core of society. Thus (as demonstrated in the previous chapter), when a woman is raped, this is seen as an attack upon the entire community. It is also an attack upon men and (heterosexual) masculinity. A husband's role, as outlined in Congolese Family Law, is to protect his wife. When a woman is raped or sexually assaulted, this sends a clear message to the husband that he has been unable to protect his wife and carry out his masculine duty (Meger, 2010). This, according to various writers, is why rape is such an effective weapon as it strikes at the heart of men's masculine identities (Baaz & Stern, 2009; Meger, 2010). This further subordinates an already non-hegemonic masculinity.

The Meso-level: Rape Laws of the Congo

Before addressing how wartime rape and sexual violence are dealt with at the local level in the DRC, I will begin by tracing developments at the international level. Rape has been present in war/armed conflict throughout history. In new wars, its use is widespread and systematic (the weapon-of-war paradigm) (Baaz & Stern, 2009; Meger, 2010). Up until the 1990s, this crime remained largely invisible (Dallman, 2009) or, at best, marginalised (Baaz & Stern, 2009) and was, as Canning (2010, p. 851) points out, 'sidelined legally, academically, and politically'. During the last decade of the twentieth century, however, rape and sexual violence during armed conflict started to receive widespread media, political and

academic attention (Canning, 2010; Dallman, 2009, Dixon, 2002; Leatherman, 2011; Mertus, 2004).

Following the genocides in Rwanda in 1994 and the former Yugoslavia between 1992 and 1995, CRSV was treated as a human rights violation (Skjelsbæk, 2001). The International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda (ICTR) in 1994 were the first war tribunals to include rape and sexual violence as war crimes (Skjelsbæk, 2001). The ICTR was the first to treat rape as a crime against humanity and as an act of genocide (see previous chapter). Prior to this, wartime rape and sexual violence were prohibited under the Geneva Conventions of 1949 and their Additional Protocols of 1977. Since the ICTY and the ICTR, the UN Security Council has passed a number of resolutions to address rape and sexual violence during war/armed conflict: UNSCR 1325 (2000) which focuses on the impacts of war/armed conflict on women and girls and UNSCR 1820 (2008) which treats wartime rape and sexual violence as war crimes (Canning, 2010, p. 849; see also UNSCR 1888 (2009a); UNSCR 1889 (2009b); UNSCR 1960 (2010); and, UNSCR 2106 (2013a).

The creation of the International Criminal Court (ICC) in 1998 was another important development for international humanitarian law and human rights (Canning, 2010; Dallman, 2009). This was the ‘first mechanism for holding leaders of States accountable for genocide and other serious international crimes’, including wartime rape and sexual violence (Dallman, 2009, p. 1). Under Articles 7 and 8 of the Rome Statute of the ICC, combatants guilty of committing widespread systematic sexual violence against any civilian population are charged with war crimes and crimes against humanity (Rome Statute of the International Criminal Court, 1998).

In addition to the provisions listed above, Just War Theory outlines the various principles relating to the moral legitimacy of war. It is based on two elements: *jus ad bellum* – just war-making and *jus in bello* – just war-fighting. The first is based on the moral reasoning that justifies the resort to war. The second is based on the permissibility of the means used to wage war (Orend, 2000; Sjoberg, 2006b). Just war-fighting contains the non-combatant immunity principle. This ‘protects’ civilians during war, offering them ‘immunity’ from the violence(s) of war/armed conflict. Under this principle, ‘[no] intrinsically heinous means’ – such as mass rape campaigns – are to be employed (Orend, 2000, p. 121, emphasis in the original).

Prior to these developments in international law, rape and sexual violence were simply considered as the inevitable and unfortunate side-effects of war/armed conflict (Meger, 2010, p. 120; see also Canning, 2010). However, as is demonstrated in this chapter, the use of rape and sexual violence during war/armed conflict can be far more complex, widespread and systematic (Meger, 2010; Skjelsbæk, 2001). Indeed, as established so far: wartime rape and sexual violence do not happen in a vacuum. They are informed by gender politics and the pre-existing socio-economic and cultural landscape (Baaz & Stern, 2009, 2013; Banwell, 2014, 2018; Davies & True, 2015; Freedman, 2011; Leatherman, 2011; Meger, 2010, 2016a; Ohambe et al., 2005; Skjelsbæk, 2001).

Having addressed how rape and sexual violence are dealt with by international law and war crime tribunals, I will now review how these crimes are addressed at the meso-level in the DRC.

Rape and other types of sexual violence are dealt with in Congolese legislation. However, compared with the scale of CRSV in the Congo, the number of those who have been convicted is relatively low. The Congo has ratified a number of Human Rights legislation; which includes regulations relating to the protection of women and girls during peacetime and armed conflict. These include rape, forced prostitution and sex-based discrimination. All armed forces in the Congo have been under increasing pressure to adhere to these rules (Dallman, 2009; HRW, 2005).

The ICC has held jurisdiction over crimes included in the Rome Statute and committed in the DRC from 2002. In the same year, the DRC ratified the Rome Statute. The court has been investigating war crimes and crimes against humanity in the DRC since the 1990s. This includes rape and sexual violence. However, of the two men who have been convicted – Thomas Lubanga Dyilo and Germain Katanga – rape is not included in the list of convictions (The ICC DRC n.d.) Furthermore, despite this work by the ICC, most trials involving rape are carried out by the FARDC's military courts. Where, in the majority of cases, the accused are members of the FARDC (Stokes, 2014). Indeed, these courts, and the 2002 Military Code more broadly, remain incompatible with international law (Afrimap & The Open Society Initiative for Southern Africa, 2009).

Despite improvements to local laws prohibiting the widespread use of rape and sexual violence (Home Office, 2018), and the involvement of the ICC, most perpetrators go unpunished (Goetze, 2008, Meger, 2010). The reasons for this include: women's desire to remain silent (Ohambe et al., 2005; Stokes, 2014); difficulties in obtaining evidence (Stokes, 2014); high fees demanded by prosecutors and judges; the difficulty victims face when trying to pay for their travel costs from the countryside to get to court (Goetze, 2008); the prohibitive cost of mobile courts (Maya, 2012); commanding officers arranging for the accused to be transferred elsewhere; and, widespread corruption and the use of bribes by judges to influence the result of an investigation or trial (HRW, 2005, p. 42). However, the main obstacle continues to be the lack of rape charges filed in the first instance. Survivors fail to file charges for a number of reasons. In many instances, the women are unable to identify the perpetrator or are unable to locate them; in the majority of the cases, the women fear retribution or have been bullied and threatened into remaining silent, or they are not aware that prosecution is even an option (HRW, 2005). Perhaps the main reasons for women's silence are shame, guilt and fear of being stigmatised by members of their community (HRW, 2005, pp. 36–37).

There have been some steps in the right direction. Most notably is the conviction and imprisonment of Lt. Col. Kibibi Mutware of the DR Congolese army (FARDC) for the mass rapes committed on New Year's Day in 2011. Mutware was found guilty of committing crimes against humanity for ordering his troops to rape, beat and loot from the population of Fizi. Three officers serving under Mutware were also sentenced (Africa Research Bulletin, 2011; Smith, 2011).

There was also a landmark case in 2014 where 39 members of the FARCD stood trial for committing rape. However, only two of the soldiers were convicted of rape and sentenced to life imprisonment (Stokes, 2014; Stokes & Muyali, 2014). The number of soldiers acquitted was 13 while 24 were found guilty of pillaging (Stokes & Muyali, 2014). Two years later, 12 members of a Congolese militia group were convicted of raping 37 toddlers and young girls (Maclean, 2017). Of these, 10 were also convicted of crimes against humanity (Maclean, 2017). And more recently, in 2019, Bosco Ntaganda was convicted by the ICC for war crimes committed in the DRC (see Burke, 2019).

The Micro-level: Rape and Hegemonic Masculinity in the DRC

Within the civil zone in the DRC, marginalised males try to live up to hegemonic constructions of masculinity. The particular version of hegemonic masculinity that these men aspire to is constructed as heterosexual and operates in contradistinction to homosexuality (Hooper, 2001). ‘Hegemonic masculinity’, Hooper (2001, p. 59) argues, ‘is tied to phallocentrism’. She continues:

[...] both the image of the penis as [a] weapon and the conventional construction of heterosexual relations revolve around phallocentric discourse. Hegemonic masculinity, then, can be seen to be largely, but not exclusively, phallocentric.... (Hooper, 2001, pp. 59–60; see also Clark, 2017)

Men in Congolese society, according to these localised discourses of hegemonic heterosexual masculinity are supposed ‘...to have a high sex drive, to obtain multiple partners, to bestow gifts in exchange for sex, [and] to be financially capable of purchasing one or multiple wives’. In sum, they are expected to have ‘... the physical, economic, and social power to protect their wives from other men’ (Mechanic, 2004, p. 15 as cited in Meger, 2010, p. 129). Various ethnic, cultural and socio-economic constraints prevent them from achieving this ideal. Subordinate masculinity turns into hypermasculinity within the conflict zone to resolve this tension.

This enactment of hypermasculinity – which involves aggression, excessive toughness and violence – offers these marginalised men the opportunity to take advantage of the chaos of the conflict to challenge their marginal position within the gender hierarchy. Baaz and Stern (2009) discovered that for the soldiers of the FARDC it was their failure to live up to the expectations of ‘the provider’ (the coupling of manhood with money and material wealth) and ‘the sexually potent fighter’ (Baaz & Stern, 2009, p. 511), alongside ‘negative and sexualized images of women’, that led them to rape (Baaz & Stern, 2009, p. 507; see also Trenholm et al., 2013).

At the meso-level, I discussed the socio-cultural (violence against women and girls) and socio-economic (poverty) climate in the DRC. I also discussed the institution of the military as a place where an aggressive hegemonic heterosexual masculinity is reinforced. Both of these coalesce with the construction of hegemonic

violent heterosexual masculinity at the micro-level – where individual men use rape and sexual violence to achieve this type of masculinity – to create a situation where such violence(s) are expected and accepted.

Responding to War Crimes and Crimes Against Humanity in the DRC Through a Gendered Lens

The United Nations office on Genocide Prevention and the Responsibility to Protect provides detailed information regarding the history, nature and current meaning of the terms crimes against humanity and war crimes. What follows is a summary of this information. Crimes against humanity have been dealt with under international law through international courts such as the ICC, the ICTY and the ICTR. The 1998 Rome Statute of the ICC contains the most comprehensive and up-to-date definition. Article 7 of the statute includes a list of acts that are ‘committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack’. Of relevance to this chapter are the following acts: ‘rape...or any other form of sexual violence of comparable gravity’; and ‘[o]ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health’ (United Nations Office on Genocide Prevention and the Responsibility to Protect: crimes against humanity). All those guilty of committing acts of rape and sexual violence in the DRC are guilty of committing crimes against humanity. I would also argue that transnational corporations involved in the illegal exportation of minerals contained within the DRC, who rely on the use of CRSV to engage in these activities, are also guilty of committing crimes against humanity.

War crimes are listed in ‘international criminal law treaties’, ‘international humanitarian law’ and ‘international customary law’ (United Nations Office on Genocide Prevention and the Responsibility to Protect: War crimes). Acts relating to my discussion here are those that wilfully cause ‘great suffering, or serious injury to body or health’. This includes: ‘[c]ommitting rape...or any other form of sexual violence’; ‘[i]ntentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities’ and ‘[p]illaging a town or place, even when taken by assault’. Furthermore, war crimes contain two main elements: a contextual and a mental element. The former means that ‘the conduct took place in the context of and was associated with an international/non-international armed conflict’ while the latter, refers to ‘intent and knowledge both with regards to the individual act and the contextual element’ (United Nations Office on Genocide Prevention and the Responsibility to Protect: war crimes). I argue that combatants on the ground, who use rape and sexual violence as a tactic to terrorise the local population to gain access to the minerals contained in the DRC, are guilty of committing war crimes. Based on the contextual and mental element, transnational corporations involved in these illegal transactions are also complicit in committing war crimes.

At the macro-level then, companies and transnational corporations directly involved in the illegal exportation of the Congo’s minerals should be prosecuted

for committing State-corporate crimes. They should also be found guilty of committing war crimes and crimes against humanity either ‘directly or indirectly’ (UNSCR, 2002, p. 32). Government forces, militia groups and civilians involved in the conflict in the DRC, specifically the use of rape and sexual violence, are also guilty of committing war crimes and crimes against humanity.

Gender relationships, the construction of hegemonic masculinity, and ideas about women and femininity need to be tackled at the meso- and micro-levels, both within and outside the conflict zone. Firstly, at the meso-level, attention must be paid to the military and the issue of militarisation: ‘after all, it is militaristic culture that legitimates violence as a way of solving conflict’ (Farwell, 2004, p. 394; see also Baaz & Stern 2009; Canning, 2010; Meger, 2010; Zubriggen, 2010). Within the context of the armed conflict in the Congo, empirical research demonstrates that constructions of masculinity, along with soldiers’ engagement with the discourse of the ‘heterosexual potent male fighter’ (Baaz & Stern, 2009) are reinforced by the military institution which normalises rape and sexual violence. This culture of militarised heterosexual masculinity needs to be reformulated and negative and sexualised images of women removed from the vocabulary of motive/justification.

Secondly, at the meso- and micro-levels, gender discrimination needs to be eliminated and replaced with an emphasis on equality between the sexes. This must be extended to men and boys who are not part of the military or quasi-military groups, as an increasing amount of rape is committed by civilians and militias (Mertens & Pardy, 2017). Women also need to be given equal rights to men, and outdated laws that restrict women’s autonomy need to be abolished. Expansion upon existing education programmes to teach women about their human rights, the law, and other rights awareness-raising issues (Ohambe et al., 2005) is also needed.

With regard to the *ius in bello* principle of Just War Theory it is clear from the mass rape committed in the DRC that this has been violated, and women (as well as men) have not been protected under the non-combatant immunity principle. What is needed is a gendered analysis of CRSV, an approach that unpacks the root causes of such violence and introduces tools to prohibit it. Feminists should reformulate the discussion by connecting it to real people’s lives. Sjoberg (2006b, p. 102) labels this reformulation ‘empathetic war-fighting’ which considers ‘...the impacts of *in bello* decision-making on real people’s lives – both in the short and in the long term’. According to this feminist revision, the lives of civilians are of paramount concern. Here, it is worth quoting Sjoberg (2013, p. 298) at length:

[A] feminist ethic generally moves away from abstracting human suffering in war...and toward assigning culpability for all of the effects of war-fighting – immediate or long-term....It therefore pays attention to the impacts of strategic and tactical decision-making on ‘real’ people’s lives particularly at the margins of global politics, making a special effort to take note of those impacts least likely to be taken into account in traditional war theorizing...

This commitment to addressing the lives of civilian women and girls is evident in the work being carried out by the UN and various NGOs in the region as well as various projects carried out by feminist charities (see Baaz & Stern, 2013; Meger, 2016b, Mertens & Pardy, 2017 for a critical review of this type of work). Although I have only focused on one example of the CRSV that is being perpetrated in the Congo (rape and sexual violence), it is vital that advocacy groups, alongside UN policies, address the *range* of conflict violence committed against both genders in the DRC. An inclusive approach, that includes the participation of all those affected by the conflict, is critical for securing peace and stability in the DRC

According to Orend (2000), Just War Theory as it stands is incomplete. If we are to provide a comprehensive and compelling account of the ethics of war and peace, Just War Theory needs to incorporate a new category: *jus post bellum* – just peace. For Bass (2004, p. 404), a central element for achieving *jus post bellum* will be the use of war crimes trials. We have witnessed some arrests and convictions of those guilty of committing rape and crimes against humanity in the DRC, however, we need a more thorough and robust investigation into these violations of international law. As a minimum, rape laws in the Congo must be enforced and *all* allegations of CRSV must be fully investigated.

It is worth repeating: rape and sexual violence during armed conflict are linked to pre-established gendered relationships (Leatherman, 2011; Meger, 2010; Ohambe et al., 2005). In the context of the Congo, this means revising the current socio-structural, cultural and economic landscape. If we are to change the belief that the ‘Congo is the worst place on earth to be a woman’, then the post-conflict responsibility lies in establishing a more gender-just society at both the meso- and micro-levels in the manners suggested above.

Conclusion

Hooper (2001) argues that hegemonic masculinity is in a constant state of production and reproduction ‘...in the micropolitics of everyday life in local situations’ (p. 230). To this, I would like to add the macro-politics of globalisation, specifically economic globalisation and masculinities of postcolonialism and neoliberalism. Viewing the CRSV that is being committed in the Congo within a context of globalisation is key to understanding this aspect of the armed conflict. It is also key to ending this type of violence against civilian women and girls.

State-corporate crimes are being committed through global markets and global trade that are both directly and indirectly related to the CRSV that is being committed in the Congo. Given that these two things cannot be separated, transnational corporations, and companies involved in the illegal exploitation of the Congo’s natural minerals and resources, need to be brought to justice and prosecuted for committing State-corporate crimes.

Returning to Hooper’s (2001, p. 230) ‘micro-politics of everyday life’, in the Congo, hegemonic masculinity is enacted within the military institution which promotes sexual violence. Individual men are also relying on constructions of hegemonic masculinity or, rather, hypermasculinity (alongside the use of rape)

to restore lost hegemony. In all three instances, gender plays a central part in explaining CRSV in the Congo. In line with Sjöberg's (2006b) notion of a feminist ethics of war, Leatherman (2011, p. 173) argues that '[g]endered advocacy must be both moral advocacy and policy advocacy'. In the case of the former, this needs to identify and raise awareness of the structural forms of injustice and the network of power relations that enable sexual violence as a weapon of war. An ethics of care places emphasis on sensitivity, empathy, responsiveness and taking responsibility. It requires:

[...] that we care about each other as fellow members of a community and also of the global community. In contrast to the individualism that underlies rationality and masculinist thinking in hegemonic approaches to international relations, an ethics of care emphasizes persons as 'relational and interdependent'. (Leatherman, 2011, p. 175)

Together, a feminist ethics of war (Sjöberg, 2006b) and an ethics of care (Leatherman, 2011) can reformulate the non-combatant immunity principle to ensure that it protects women and girls (as well as men and boys) from the violence(s) of war/armed conflict. (Sjöberg, 2006a, 2006b). Ultimately what is needed is the ending of impunity for all perpetrators and accomplices of CRSV in the Congo.

This chapter has illustrated the ways in which gender informs the experiences of both those who *experience* the violence(s) of armed conflict, as well as those who *perpetrate* such acts. Furthermore, in the case study reviewed here, we see how constructions of femininity, in conjunction with constructions of transnational business masculinity (at the macro-level) and hegemonic heterosexual masculinity (at the meso- and micro-levels), have deleterious effects on victims, survivors and actors within and beyond the conflict zone. The feminist political economy approach facilitated my analysis of these three levels of analysis. At the macro-level, I explored the global gender hierarchy, within which globalisation masculinities are situated. Focusing on masculinities of postcolonialism and neoliberalism, I examined the relationship between business masculinity (a ruthless and competitive masculinity enacted by men within transnational organisations), economic globalisation and new war economies. I then traced how all of these phenomena interact to implicate these transnational companies (and the men within them) in State-corporate crimes, war crimes and crimes against humanity.

At the meso- and micro-levels, criminal activities within these new war economies – which rely upon rape and sexual violence – are carried out against the backdrop of institutional and individual enactments of hegemonic (heterosexual) masculinity. Here, I examined how rape is employed as a tactic to secure access to the mineral wealth in the DRC. Both internal and external actors, involved in the political economy of this conflict, benefit from this strategic use of rape. All of these actions have devastating effects on women and girls at the local level. The next two chapters continue with the theme of the political economy of violence against women and girls in Iraq and Syria, respectively.