

UNITED NATIONS IMPACT ON CHILD SOLDIER USE
IN EASTERN DEMOCRATIC REPUBLIC OF THE CONGO:
1999-2007

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General Studies

By

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ABSTRACT

UNITED NATIONS IMPACT ON CHILD SOLDIER USE IN EASTERN DEMOCRATIC REPUBLIC OF THE CONGO: 1999-2007, by Major Patrick Quealey, 88 pages.

The underlying assumption and perhaps bias of this paper is that the innocence of childhood is worthy of preservation and protection regardless of cultural or socio-economic conditions. The framework of international and national legal statutes and conventions entrenches this assertion and defines the status of children. This is a case study of the use of child soldiers in the Democratic Republic of the Congo (DRC), one of the world's richest nations from the perspective of natural resources, and yet poorest from the perspective of the conditions in which the majority of its population lives. As an international organization responsible for the preservation of the Rights of the Child, the United Nations has taken action to change this situation through the United Nations Organization Mission in the DRC (MONUC). This paper assesses MONUC's effectiveness between 1999 and 2007 in addressing the root and enabling factors contributing to the use of child soldiers in eastern DRC. Using these factors to measure effectiveness, it concludes that while the UN has made concerted efforts to stem the use of child soldiers, it has been only partially effective. This is due largely to the complexity of conflict in eastern DRC and the critical capability that child soldiers provide warring factions in generating viable combat power and the limited resources that MONUC had available to achieve a very broad mission.

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This study is dedicated to the memory of my grandfather, Samuel Mejia Rios, a voluntary child soldier from the age of 10 during the Mexican Revolution. I completed this undertaking only with the support and understanding of Kirsten, Maya, Thomas, and Ruthie whose sacrifice permitted my labor. Finally, my thanks extend to the members of the Committee for their good counsel.

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ACRONYMS

AFDL	Alliance of the Democratic Forces of Congo
CNDP	National Congress for the Defense of the People
CONADER	National Commission for Demobilization and Reinsertion
CTO	Transition and Orientation Center
DDR	Disarmament, Demobilization, and Reintegration
DDRRR	Disarmament, Demobilization, Repatriation, Resettlement, and Reintegration
DRC	Democratic Republic of the Congo
FAR	Rwandan Armed Forces
FARDC	Armed Forces of the DRC
FDLR	Forces for the Liberation of Rwanda
FNI	Nationalist and Integrationist Front
IANSA	International Action Network on Small Arms
ICC	International Criminal Court
IEMF	International Emergency Multinational Force
IGO	International Government Organization
JRS	Jesuit Refugee Service
MDRP	Multi-Country Demobilization and Reintegration Program
MONUC	United Nations Organization Mission in the DRC
MLC	Movement for the Liberation of Congo
NGO	Non-Governmental Organization
OIOS	Organization of Internal Oversight Services

RCD	Congolese Rally for Democracy
RPF	Rwandan Patriotic Front
SET	Transitional care structure
SRSG	Special Representative of the Secretary General
SSR	Security Sector Reform
UN	United Nations
DPKO	United Nations Department of Peacekeeping Operations
UNSC	United Nations Security Council
UNHCR	United Nations High Commissioner for Refugees
UNMO	United Nations Military Observer
UNICEF	United Nations Children’s Fund
UNSC	United Nations Security Council
UPC	Union of Congolese Patriots
UPDF	Ugandan People’s Defense Forces
USAID	United States Agency for International Development

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CHAPTER ONE

INTRODUCTION

The fact that child soldiers exist in the world today is an unacceptable condition. This contention may be merely an idealistic view held by Western, so-called first world nations, and pragmatically, other nations may deem child soldiers as normal and acceptable. The underlying assumption and perhaps bias of this paper, however, is that the innocence of childhood is worthy of preservation and protection regardless of cultural or socio-economic conditions. The framework of international and national legal statutes and conventions entrenches this assertion and defines the status of children.

This is a case study of the use of child soldiers in the Democratic Republic of the Congo (DRC), one of the world's richest nations from the perspective of natural resources, and yet poorest from the perspective of the conditions in which the majority of its population lives (The World Bank 2008). Eastern DRC, rich with gold, diamonds, tin derivatives, copper, and coltan lies along the eastern side of the African Great Lakes region, a region also rife with ethnic and trans-national conflicts. Child soldier use was prevalent in these conflicts throughout the period of study. As an international organization responsible for the preservation of the Rights of the Child, the United Nations has taken action to prevent or change this situation through the United Nations Organization Mission in the DRC (MONUC) and affiliated UN agencies or programs. This paper assesses MONUC's effectiveness from 1999 to 2007 in addressing key root and enabling factors contributing to the use of child soldiers in eastern DRC.

Background

The 1989 United Nations (UN) Convention on the Rights of the Child defined the minimum age for adults as 18 and the minimum age for military recruitment as 15. In 1998, the Rome Statute of the International Criminal Court (ICC) made it a war crime for governments and armed oppositions to recruit soldiers under the age of 15. The Rome Statute and the ICC itself entered into force on 1 July 2002 once 60 nations, including the DRC, ratified the statute. The 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict raised the minimum age for recruitment and direct participation in hostilities including those in supporting roles to 18. This protocol entered into effect in 2002 as the result of 10 nations, including the DRC, ratifying it into law (Yoong 2004). The DRC made specific provisions to align its own national laws with the Rome Statute in September 2005, in a draft law decreeing the “conscripting, enlisting or using children under the age of eighteen a war crime, both in internal and international armed conflict (The Redress Trust 2006).” This draft law was not enacted prior to the 2006 national elections due to its political sensitivity and the implications it posed for political contenders who had also been combatants in Congolese wars (The Redress Trust 2006).

In 1994, the Secretary-General of the UN commissioned Ms. Grac’a Machel, former Minister of Education and Culture for Mozambique, to study the impact of armed conflict on children. Her 1996 report was a watershed document that brought to the forefront the issue of the impact of armed conflict on children in general and the plight of child soldiers specifically. Since that time, the UN enacted numerous resolutions and imposed sanctions designed to prevent warring factions from using child soldiers in

conflict. The Machel report led to the creation of the position of the Special Representative of the Secretary-General on Children and Armed Conflict, and the appointment of its first executive in September 1997 (Security Council Report 2008, 5). The first open debate in the Security Council about children and armed conflict occurred in June 1998 and resulted in the first council decision on the issue, a presidential statement that made child soldiers an international security agenda issue (Security Council Report 2008, 5). Coinciding with the popularity of Machel's report and the interest of the Security Council, a growing number of Non-Governmental Organizations (NGO), International-Government Organizations (IGO), and national governments also took an active interest in the phenomenon of child soldiers. In many cases, these groups acted to prevent or stem the activity of recruitment and employment of child soldiers in armed conflict.

In 1996, the start of the First Congo War coincided temporally with Machel's report and provided a relevant basis of study to determine the impact of UN actions to prevent the use of child soldiers in a single conflict. Since 1999, the UN invoked specific measures leading to intervention in the DRC that was intended to have a direct impact on the prevention of the use of child soldiers. Eastern DRC, along the border with other African Great Lakes countries, has been the most conflict-ridden region in the country and hence where child soldier use has been most prevalent. In eastern DRC, focused UN military intervention occurred with a view to stopping conflict and secondarily stemming the use of child soldiers. For the purpose of this study, eastern DRC defines the Provinces of North and South Kivu and Ituri. Ituri was a district of Province Orientale prior to the 2006 promulgation of the new DRC constitution, and will transition to provincial status

by 2009. The remainder of this text refers to the region as the Province of Ituri with geographical boundaries as indicated at Figure 2.

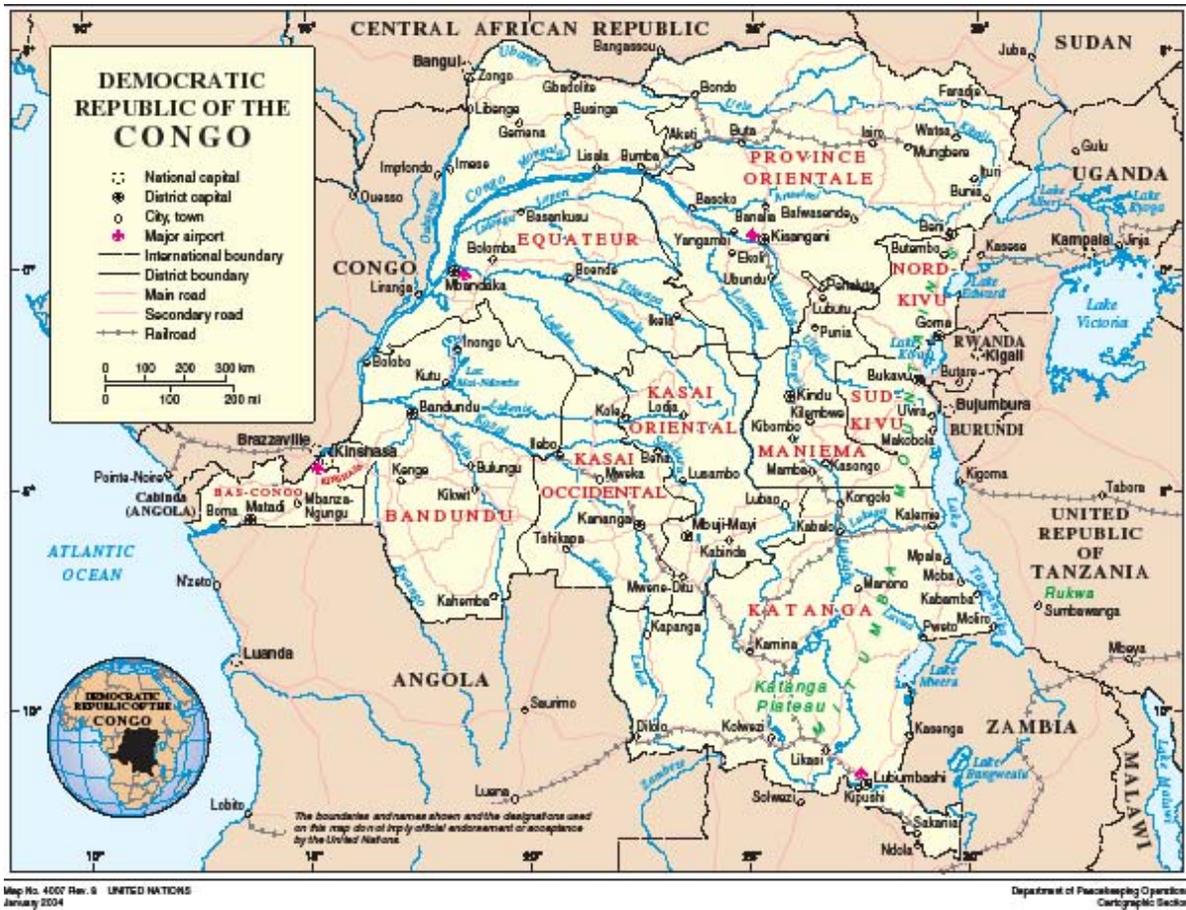


Figure 1. The Democratic Republic of the Congo
 Source: UN DPKO Cartographic Section, *Map No. 4007, Revision 8, The Democratic Republic of the Congo* (New York: UN, January, 2004).

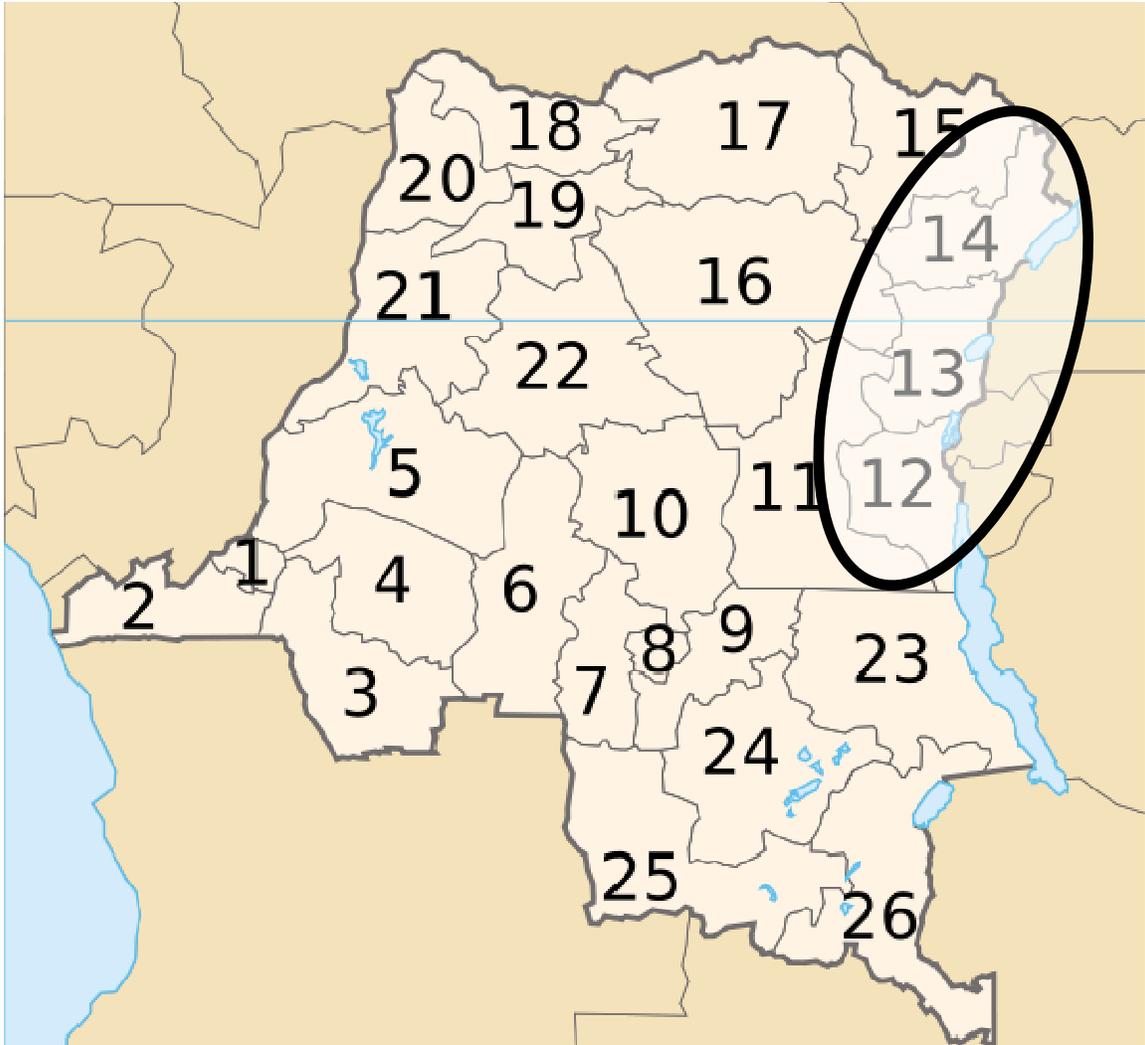


Figure 2. Eastern DRC Provinces: South Kivu (12); North Kivu (13); and Ituri (14)
Source: Base Map by Denis Jacquerye, *Provinces de la Republique Democratique du Congo-2005*
(http://commons.wikimedia.org/wiki/Image:Provinces_de_la_R%C3%A9publique_d%C3%A9mocratique_du_Congo_-_2005.svg accessed November 12, 2008)

First and Second Congo Wars (1996-2003)

Recent violence in eastern DRC stems from the 1994 genocide in Rwanda during which Hutu Rwandans massacred approximately 800,000 Tutsi Rwandans (Control Arms

Campaign 2006). Within a year, the Rwandan Patriotic Front (RPF), a Tutsi-led rebel group, defeated the Hutu dominated Rwanda government, the Rwandan Army (FAR), and the Interahamwe militia who collectively were responsible for the genocide that also caused more than a million Rwandans to flee into Zaire (Now DRC) (Human Rights Watch 2007, 14; London 2006, 26). Among those who fled were members of the Interahamwe militia and the FAR themselves who sought refuge from the RPF's retributions. In the DRC, these groups reformed and rearmed to resume the fight against the newly instated Tutsi-led Rwandan government and the supporting RPF (Human Rights Watch 2007, 14). They continued to conduct cross-border raids into Rwanda and attacked ethnic Tutsis in Zaire for over three years (London 2006, 26).

In 1996, Uganda and Rwanda armed and provided soldiers for a rebellion in eastern Zaire aimed at destroying the refugee Hutus responsible for the 1994 genocide and cross-border violence. A key element of the rebellion was the Alliance for the Democratic Forces of Congo (AFDL), a political-military opposition group that declared war on Zaire's dictator, President Mobutu Sese Seko, and his regime (MONUC 2008). By May 1997, the rebellion engulfed the entire country, and AFDL forces, supported by Rwanda and Uganda military successfully ousted Mobutu Sese Seko, concluding the First Congo War (Human Rights Watch 2007, 9; Control Arms Campaign 2006, 4). Laurent Kabila, the Congolese AFDL leader, immediately assumed responsibility as President, and Zaire adopted its present name of the DRC. This action, however, did not resolve the issue of ethnic tensions in eastern DRC. In the overthrow of Mobutu, many Congolese Hutu civilians were murdered by AFDL, Rwandan, and Ugandan troops, a fact that bred discontent and helped foment continued attacks against Tutsis. Relations between Kabila

and his Ugandan and Rwandan supporters also quickly soured as he demanded they reduce their influence over his government (Control Arms Campaign 2006, 5).

In 1998, the Second Congo War ensued because of the unstable transition to Kabila's government. In August, Congolese rebels and Rwandan soldiers united as the Congolese Rally for Democracy (RCD) against Kabila. Uganda, Burundi, and Rwanda supported the RCD while Angola, Zimbabwe and Namibia supported Kabila in the struggle for control over this faltering nation (Control Arms Campaign 2006, 5). With this external support, the RCD siezed approximately half of the DRC. At the same time, other rebel movements emerged in eastern DRC, such as the Movement for the Liberation of Congo (MLC), led by Jean-Pierre Bemba and backed by Uganda (MONUC 2008).

An attempt to end the Second Congo War occured on 10 July, 1999, when the governments of the DRC, Rwanda, Uganda, Namibia, Angola, and Zimbabwe signed the Lusaka Accords which outlined a ceasefire, withdrawal of foreign armies, and an end to the supply of weapons into the DRC. It also directed an Inter-Congolese Dialogue, a process of negotiation designed to form a new Congolese government (London 2006, 29). By the end of August, the most powerful rebel groups, the RCD and the MLC, had also signed the agreement (Control Arms Campaign 2006, 6; London 2006, 29).

The Accords were largely ineffective, however, as violence in the DRC and in the east particularly, continued unabated (International Crisis Group 2000, iii). While the ceasefire agreement essentially limited further maneuver of forces in eastern DRC, it also caused a fragmentation of power in the region as forces sought to consolidate territorial and natural resource gains. By 2000, the International Crisis Group estimated that

hundreds of thousands of lives had been lost and over two million Congolese had been displaced as a result of the Second Congo War (2000, iii).

Both the RCD and forces loyal to Kabila established regional alliances with warlords and tribal leaders to retain their influence in eastern DRC. The RCD used local Tutsi officials, Congolese and Rwandan Local Defence Forces, and Rwandan security forces to ensure conditions for cross border mineral trade. Consequently, local tribal resentment brewed as the RCD and its forces were seen as pro-Rwandan invaders (International Crisis Group 2007, 24). To foment a sentiment of nationalism and retain some power hold in the region, Kabila allied himself with Hutu militiamen and mystical Mai Mai warriors who believed in magical water properties that protected them from bullets (Fisher 2000). In the larger context of the conflict, the events in eastern DRC were merely one part of a very complicated war. In early 2000, *The New York Times* summarized the situation as follows:

Some experts argue that the war in Congo is actually three wars: The first is the battle between Mr. Kabila and the Congolese rebels fighting to overthrow him. The second war is an ethnic war in the eastern provinces of Congo, primarily against ethnic Congolese Tutsi. The third war — really a series of conflicts — involves all the outside countries: Rwanda [, Burundi,] and Uganda on the side of the rebels; Zimbabwe, Angola and Namibia on the side of Mr. Kabila (Fisher 2000).

The RCD, effectively a proxy for Rwandan and Ugandan Tutsi interests, occupied and retained control over most of eastern DRC, a status that would remain in effect until 2002 and the end of the Second Congo War. Rwanda and Uganda occupied portions of this territory based on a claim to protect ethnic Tutsis in the Congo from repeated attacks by non-Tutsi groups. Kabila eventually was effective in ousting Rwandan and Ugandan

influence from his government in Kinshasa and in the Armed Forces of the DRC (FARDC), however, the FARDC was too weak to deny the foreign occupation of the region or to control other armed groups within that territory. With eastern DRC insecure, Rwanda and Uganda were able to exploit natural resources by influencing Congolese warlords and tribes that retained valuable mineral holdings in the region (London 2006, 27). Eastern DRC was rich with gold, diamonds, tin derivatives, copper, and coltan (a mineral used in electronics hardware). Over the next five years small arms and light weapons surged into the DRC as all factions struggled to arm their supporters and gain the upper hand in territorial hegemony. This combination of weapons and natural resources resulted in a symbiotic exchange as armed groups vied for power and the DRC's eastern neighbors sought economic plunder (Control Arms Campaign 2006, 6). The Congolese government in turn also used revenues from diamond sales to purchase its own weapons (Control Arms Campaign 2006, 8).

In 2001, Laurent Kabila was assassinated, and his son Joseph Kabila assumed power. Joseph Kabila's tenure signalled an opportunity to achieve limited peace. In an effort intended to stabilize the region, the majority of warring parties signed the Global and All Inclusive Accords of Pretoria in 2002 with the objective of creating an integrated national army and neutralizing the threat of rebel forces loyal to Tutsi Congolese leaders. Formally ending the war, Pretoria also set political conditions for a transitional power-sharing government that assumed power in 2003 (Control Arms Campaign 2006, 8).

According to an integration policy called *brassage* (French for brewing), individual soldiers loyal to varied rebel leaders were compelled to either demobilize and re-join the FARDC in regions other than where they had operated as rebels, or return to

civilian life (Human Rights Watch 2007, 10). Many Tutsi-led forces rejected *brassage* as a thinly veiled attempt at destroying opposition. Laurent Nkunda, commander of RCD's 81st and 83rd brigades in Masisi, North Kivu, refused to report to Kinshasa for *brassage* after news had spread that other Tutsi commanders and soldiers were beaten, tortured or killed as a result of the process (Human Rights Watch 2007,10).

By the end of the 2006, however, Nkunda had met with General John Numbi, head of the Congolese air force, and agreed to a special method of integrating Nkunda's forces with the FARDC termed *mixage* (French for mixing). Under the compromise *mixage* process, Nkunda's units would be integrated with FARDC brigades and deployed within their original home regions and then eventually redeploy across the DRC. The focus of military operations for the *mixage* forces was to destroy the Hutu dominated Forces for the Liberation of Rwanda (FDLR) occupying North and South Kivu (Human Rights Watch 2007, 16).

Mixage, however, was doomed to fail as Nkunda's forces were allowed to continue to operate as government troops in regions where they had previously terrorized local citizenry as rebels. Nothing had really changed in the region from the perspective of insecurity, and in August 2007, Kabila's government abandoned *mixage* and its attempts to co-opt Nkunda's forces (Human Rights Watch 2007, 18). By this time Nkunda had also broken away from the fractious RCD and formed the National Congress for the Defense of the People (CNDP) aimed at protecting Congolese Tutsis from the FDLR. As the conflict in the Kivus waged on, forces loyal to Nkunda's CNDP, the FDLR, and the FARDC all committed crimes of rape, murder, forced displacement, theft, extortion, looting and destruction of property with relative impunity (Human Rights Watch 2007).

Nkunda and his forces conducted military operations against the government FARDC until at least the end of 2007 with significant losses incurred on both sides (Human Rights Watch 2007, 16).

In Ituri Province, the situation became equally dire. After the 2002 Pretoria peace agreement, the Union of Congolese Patriots (UPC), based on the Hema tribe, began a splinter conflict against the FARDC and rival ethnic tribes, particularly the Lemdu and the Nationalist and Integrationist Front (FNI), backed by Uganda. A prominent figure in the Ituri conflict became UPC's most powerful military leader, Thomas Lubanga Dyilo. First backed by Uganda and then later by Rwanda, Lubanga's faction of the UPC gained prominence and supported foreign interests in Ituri's natural resources (Bernath and Pearson 2003). The strategic value of the Province of Ituri was based primarily on one of Africa's richest gold fields and was the main cause for fighting in addition to ethnic tensions. Similar to the situation in the Kivus, Rwanda and Uganda, although officially withdrawn from DRC soil, were able to extract natural resources through their proxy groups.

The Form of Conflict

In practically all cases during the First and Second Congo Wars and the ongoing conflict, the nature of tactical warfare was consistent. Engagements were fought by poorly trained loosely formed groups of soldiers with small arms weapons. After the First Congo War, conflict was virtually devoid of any clearly defined geographical boundaries between combatant forces. Because of the exigencies of the vastness of the Congolese jungle, armed groups focused on securing key terrain such as towns, road networks, mining facilities, and airfields and used that terrain to their advantage to conduct

dismounted raids. Much like an insurgency, militant groups vied for control of the population in eastern DRC. The means to achieve this control typically included terror techniques such as cannibalism, maiming and mutilation, rape of women and children, and forced recruitment and slavery of vulnerable groups. Virtually all sides employed these tactics at one point or another in the conflict. Since 1998, the UN has estimated that, due to the effects of war (including disease and starvation), 5.4 million people have died in the DRC.

Child Soldier Use

Throughout the First and Second Congo Wars, the use of child soldiers under the age of 18 was widespread among all sides in conflict. As an example, the AFDL used as many as ten thousand child soldiers during the First Congo War (Wessells 2006, 12). Recruitment on all sides ranged from voluntary service rendered based on pay, national, or tribal motivations, to highly coercive and abductive involuntary methods. During 2002, RCD elements in Goma allegedly “recruited children as young as 8 years old and forced children to kill relatives or cannibalize the corpses of enemies (Wessells 2006, 13).” As Laurent Kabila’s new government faced the challenge of foreign influence in the Second Congo War, it urged the recruitment of youths between the ages of 12 and 20 in the fight against invaders. In turn, MLC and RCD non-state forces also recruited large numbers of children in order to bolster their ranks (Wessells 2006, 12).

Precise figures on the total number of child soldiers employed during the First and Second Congo Wars are likely unattainable, however, in 2000, a report conducted for the United States Agency for International Development (USAID) estimated the total number to be between 10,000-15,000. UNICEF’s estimate of the same year approximated a total

of 12,000 based on information gathered during an immunization campaign in military camps (Agborsangaya 2000, 5). While Joseph Kabila's FARDC forces officially ended child recruitment in 2003, pro-government forces such as the Mai Mai militias continued to use child soldiers in the majority of their formations with children filling as much as 50 percent of their ranks. In 2006, the DRC government estimated that there were at least 30,000 child soldiers still employed in the DRC, most of whom were in the eastern provinces (Wessells 2006, 13; Amnesty International 2006).

MONUC in the DRC (1999-2007)

In a report dated 15 July 1999, the Secretary General of the UN, Kofi Anan, recommended the deployment of UN military liaison personnel to the DRC to assist in the implementation of the Lusaka Accords. Based on the Secretary-General's recommendation, the UN Security Council approved up to 90 positions for these purposes by its Resolution 1258 of 6 August, 1999. Deployment began after the RCD signed the Lusaka Accords on 31 August, which began the UN's intervention in the DRC under the auspices of the UN Organization Mission in the Democratic Republic of the Congo (MONUC). The mission started with the deployment of a UN Charter Chapter VI - mandated observer force with a Chapter VII component that allowed self-protection and limited protection for the civilian population (Bernath and Edgerton 2003, 5). The distinction being that a peacekeeping mandate founded on Chapter VI was by definition focused on the "Pacific Settlement of Disputes," whereas Chapter VII usually entailed more robust security measures in applying "Action with Respect to the Peace, Branches of the Peace and Acts of Aggression (DPKO Department of Field Support 2008, 13)."

MONUC's mandate changed in 2003 and in the eastern DRC specifically,

extending from Chapter VII of the UN Charter and authorized it to “use all means deemed necessary, within the limits of its capacities and in the area of deployment of its armed units, to protect civilians under imminent threat of physical violence; and to contribute to the improvement of the security conditions (MONUC 2008).” This mandate was to be executed in four phases: Phase I involved implementing the ceasefire agreement. Phase II involved ceasefire monitoring, and the reporting of violations. Phase III, ongoing at time of writing, focused on the DDRRR (disarmament, demobilization, repatriation, resettlement, and reintegration) process for combatants foreign to the DRC and the DDR (disarmament, demobilization, and reintegration) process for combatants indigenous to the DRC. Phase IV, also ongoing, involved facilitating the organization of credible elections (MONUC 2008). National elections occurred in 2006 resulting in Kabila’s continued presidential tenure with local elections set for 2009.

UN Department of Peacekeeping Operations eventually allocated an annual budget expenditure for MONUC in excess of one billion (US) dollars, supporting the operations of over 16,700 soldiers. At the time of writing it remained the UN’s largest peacekeeping operation in the world with 92 percent of all MONUC soldiers operating in eastern DRC (United Nations Department of Public Information 2008). In concert with MONUC peacekeeping forces, the UN High Commissioner for Refugees (UNHCR), and UN Children’s Fund (UNICEF) also operated in eastern DRC to help achieve the UN’s mandate. Specifically related to child soldiers, MONUC defined its principal role as follows:

MONUC’s principle role – which it draws principally from Security Council resolutions on the DRC and on Children and Armed Conflict - is to identify relevant priority protection concerns through monitoring; to

advocate, both inside of MONUC and also with the authorities, for those needs to be addressed; and to recommend ways that this can be done. It also carries out facilitation, capacity-building and awareness-raising activities (MONUC 2008).

Chapter 4 discusses the evolution of MONUC's mission in more detail and assesses its relevance to answering the Primary Research Question below.

Primary Research Question

How effectively did the UN influence the use of child soldiers in eastern DRC from 1999 to 2007?

Secondary Research Questions

The following are secondary questions:

- What were the root factors that contributed to child soldier use in eastern DRC from 1999 to 2007?
- What were the enabling factors that contributed to child soldier use in eastern DRC from 1999 to 2007?
- What were the actions that the UN implemented to address the root and enabling factors leading to child soldier use in eastern DRC from 1999 to 2007?
- What actions should the UN undertake to prevent the use of child soldiers in eastern DRC in the future?

Significance

This work is significant because it analyzes the root and enabling factors in the use of child soldiers in eastern DRC and the UN's effectiveness in addressing these factors. By understanding the problem in eastern DRC and determining the impact of UN

actions, this text infers the likely effectiveness of these types of efforts in similar conflicts in the future. The case of the DRC is compelling given that since 1998, the UN has estimated that due to the effects of war (including disease and starvation) 5.4 million have died. Thus, in the last century, this period of war in the DRC is second only to the Second World War in terms of impact by human death.

Assumptions

UN and allied forces will continue to operate in the DRC and other locales where the employment of child soldiers will be prevalent.

UN protocols and resolutions, and ICC statutes will remain consistent regarding the use of child soldiers such that the legal definitions used in this study remain accurate and relevant.

Limitations

This study assesses exclusively the resolutions, sanctions, indictments, and military intervention declared, imposed, or conducted by the UN with the intended or unintended effect of influencing the use child soldiers in eastern DRC between 1999 and 2007. Analysis focuses on key factors related to the primary and secondary research questions. Specifically, the primary research question is answered through detailed analysis of the root factor of insecurity and enabling factors of impunity, and access to weapons because they related most directly to the MONUC mandate in the DRC. While the International Criminal Court (ICC) is not a UN organization, its actions are also analyzed briefly because it was created based the recommendations of the UN Security Council, and its actions on the issue of impunity were complementary to the MONUC

mandate.

Delimitations

This study does not assess the compounding or complementary effects of actions of NGOs or IGOs other than the UN or its subordinate elements in influencing the use of child soldiers in eastern DRC. While other organizations may have created complementary effects to UN actions, the detailed documentation of these relationships is beyond the scope of this study. In order to mitigate the effects of this delimitation, where appropriate, Chapter 4 analyzes the reports of specific NGOs and IGO regarding the assessed impact of UN actions. The focus of this work does not extend beyond eastern DRC due to the complexity of the conflict in the many regions of the DRC. It would be inaccurate to draw conclusions that apply to the entire nation or the region within the limited undertaking of this study.

This work does not analyze all the factors relating to the existence of child soldiers in eastern DRC, nor the conflict in general. While Chapter 2 outlines root and enabling factors identified in other works, this study focuses on the root factor of insecurity, and the related enabling factors of access to weapons, and the impunity of perpetrators employing child soldiers as these factors are most directly relevant to the MONUC mandate.

Finally, research for this study did not include the review of official MONUC military files or orders as the classified or operationally sensitive nature of these documents precluded accessibility and open publication. The Chapter 4 analysis mitigates this factor by focusing on UN and NGO primary source reports and secondary sources that included data and assessments of the MONUC mission. These reports represent a

synthesis of MONUC documents, plans, and actions, and are of critical importance as references.

CHAPTER 2

LITERATURE REVIEW

Introduction

This chapter summarizes the key findings of relevant works in answering the primary research question “How effectively did the UN influence the use of child soldiers in eastern DRC from 1999 to 2007?” In addition, it identifies the root and enabling factors as described or inferred from other works that answer the secondary research questions: “What were the root factors that contributed to child soldier use in eastern DRC from 1999 to 2007?” and “What were the enabling factors that contributed to child soldier use in eastern DRC from 1999 to 2007?”

This review groups prevailing schools of thought as they assess root factors that instigated child soldier use, enabling factors that made the use of child soldiers feasible, and the actions of the UN. There were numerous works, both secondary and primary sources, providing evidence regarding the topic of child soldiers. Generally, anecdotal accounts fell into two categories: first-hand accounts of child soldiers and accounts by relief workers who have been responsible for assisting child soldier demobilization. The inability of this work to verify the reliability of these accounts was mitigated by reference to other primary source documents including official reports by the UN and subordinate organizations as well as statistical data from relevant NGOs. Secondary works synthesized assessments of the conditions that related to child soldier recruitment, employment, demobilization, and reintegration. Generally, there was consistency about the factors surrounding the existence of child soldiers in eastern DRC as follows.

Root Factors

Works describing voluntary child soldiers supported one or both of two broad theories: first, cultural norms deemed the phenomenon acceptable, and second, the more widely held view that the use of child soldiers was a result of pragmatism in light of the conditions of existence. All works consistently assessed that the non-voluntary recruitment of child soldiers was highly coercive in nature. An example of the best empirical analysis of the root causes of child soldiers in eastern DRC was the work by NGOs such as the Jesuit Refugee Service (JRS). In 2007, Nicolas Clemensac summarized the findings of the JRS compiled while supporting the DDR process through the provision of a Transit and Reception Center in Uvira, South Kivu, charged with the processing of demobilized armed groups (Clemensac, 2007). Given the consistently factionalized nature of the fighting across North and South Kivu and Ituri provinces, Clemensac's findings were representative of trends across the eastern DRC region. He analyzed 100 cases of child soldiers processed from 2006 to 2007. His methodology focused on "enlistment in all its aspects, the living conditions of the children as members of armed groups and exposure to the impunity enjoyed by militia leaders (Clemensac 2007, 5)." This study highlights Clemensac's pertinent findings in following sections.

Culture

For the purposes of this work, culture is defined as the customs and norms adopted by a society over a period of generations, and demographics refer to the statistics and other indicators that reflect the conditions of existence in a given society. In the case of the cultural norms argument, some sources posited that the conditions for child soldier use in the DRC were a product of a cultural predisposition. This premise suggested that

despite the resolutions of organizations like the UN, a child in the DRC was more likely to join an armed force because it was culturally expected and accepted. The Redress Trust's 2006 analysis of the cultural and demographic conditions of the DRC highlighted that because 47.1 percent of the population was under the age of 15, the requirements of adulthood necessarily fell upon children at an early age. The Redress Trust deemed this phenomenon as a cultural norm of child employment in facets of life that transcended to include employment in armed conflict (2006). This example illustrates organizations such as the Redress Trust used demographics to infer cultural norms.

Twum-Danso Afua's 2003 Institute for Security Studies Africa monograph provided compelling evidence dispelling "the notion that child soldiers are somehow a product of African culture (Afua 2003)." She argued that the contrary was actually the case, and that the broad culture of Africa had changed recently because of recent wars and the use of child soldiers but not vice versa. In general, she also asserted that the cultural aspects of child soldiering were not unique to Africa, and in fact were widespread across the globe. The demographic profile of vulnerable recruits retained the following factors: recruits came from poor or otherwise disadvantaged sectors of society, they often lived in the actual conflict zone, and they came from disrupted or non-existent family backgrounds (Afua 2003).

Alcinda Honwana in her 2006 work *Child Soldiers in Africa* concurred with this assessment and rejected the assertion that African culture lead to the employment of child soldiers. While she acknowledged that childhood, as a social category is a relatively recent concept, she concluded that in Africa, generally societies recognized children as existing in a dissimilar state from adulthood. This distinction was not necessarily based

on a specific age as in the aforementioned legal statutes that define child soldiers of 18 or 15 years; however, the role of children in society was generally distinguishable as being different and immature from the role adults (Honwana 2006, 40-44). Honwana's strongest argument was that in Africa, "the recruitment of children into the military in war represents a real rupture of historical continuity, a profound disruption of social order, and a violation of moral norms (2006, 45)."

No works cited cultural phenomena as the primary or exclusive reasons for successful voluntary recruitment. This study acknowledges the influence of culture as a root factor in the use of child soldiers in eastern DRC but does not conclude that it was an overriding factor. Instead, based on the limited existing literature on the subject, it is more likely that recent child soldier use, because of the combined effects of other factors, is fast becoming a cultural norm. Although Honwana's point that children achieve adulthood at varying ages depending on their culture is noteworthy, this study retains the child soldier legal definition of less than 18 years, in accordance with the 2000 Optional Protocol to the Convention on the Rights of the Child and the Involvement of Children in Armed Conflict, as its reference point for further analysis.

Economics

Other authors also added that the factors of pragmatism and economic necessity were more relevant as factors. Proponents of this view included Mary Yoong, whose 2000 thesis stated, "The recruitment of children into combats (sic) whether forced or otherwise is basically a reflection of the state's economic status (Yoong 2004)." Children were often encouraged by their parents to enlist given the financial benefit afforded. In October 2007, Human Rights Watch had a similar conclusion regarding events in North

Kivu where Laurent Nkunda's quasi-governmental forces and the Forces for the Liberation of Rwanda (FDLR) often recruited from Rwandan refugee camps based on the promise of pay and a means of supporting their families (Human Rights Watch 2007).

Amnesty International corroborated this economic argument in their 2006 report on child soldiers in the DRC. According to their research of UN agency reports, by 2006 the complete economic system in the DRC was in near collapse with the brunt of the failure being borne by the poorest members of society. At that time, 80 percent of the DRC's population was below the absolute poverty line of less than \$1 a day income, 54 percent had no access to basic health services, 71 percent suffered food insecurity, and 57 percent had no access to safe water (Amnesty International 2006). Thus, when leaders of armed groups offered a steady intake of food, water, and financial remuneration, it was not surprising that parents were willing to support recruitment when child soldiers often earned as much as \$100 a month. By contrast, a college-educated adult in the DRC would often only earn \$10 a month (Agborsangaya 2000, 5).

Insecurity

In South Kivu, Clemensac's findings provided consistent insight about the conditions that lead to child soldier recruitment in eastern DRC. The average age of recruitment in Uvira was 12.07 years of age with 52 percent of the child soldiers interviewed having achieved at least a fourth grade education. For these children, the security and prestige of being part of an armed group as well as the promise of financial reward were equally compelling for voluntary service (Clemensac 2007, 9). Twelve percent of child recruits were orphans, while 56 percent of the children reported that both of their parents were still alive. For many of these recruits, entry into service was simply

a means of obtaining physical protection (Clemensac 2007, 9). Clemensac also concluded that children were particularly vulnerable to manipulation. When provided drugs and alcohol they were generally compliant with orders to attack or face enemy fire (Clemensac 2007, 9). Despite this factor, 71 percent of those interviewed declared that they enlisted of their own free will (Clemensac 2007, 11).

Notably, a key limitation in this study was that none of the children interviewed were female. The demobilization of girl-soldiers was particularly confounding. Despite the definition of child soldiers, including children accompanying armed groups as soldiers, many girl soldiers did not see themselves as such (Clemensac 2007, 9). Instead, they suffered the stigma and shame as forced “wives,” sexually exploited and abused by militia leaders and their underlings (Clemensac 2007, 9). Clemensac acknowledged the unique and troubling nature of female child soldiers and their endurance of sexual violence as an unanswered shortcoming of his study.

Insecurity as a root cause was often symptomatic of other conditions. P.W. Singer, in his 2005 work *Children at War*, indicated that this need for security often culminated from forces beyond the control of children themselves. As one boy explained, “I joined [President Laurent] Kabila’s army when I was 13 because my home had been looted and my parents were gone. As I was on my own, I decided to become a soldier (Singer 2005, 62).”

Personal Motivation

The motivations for child soldiers to willingly enlist are likely as diverse as they are for adult soldiers, however, Clemensac concluded some identifiable trends within his small population sample. The most important factors mentioned were poverty, idleness,

and a lack of schooling leading to choosing military service for a sense of worth and survival (Clemensac 2007, 10). Others cited vengeance for the killing of family members or other witnessed crimes such as torture, looting, and theft as motivation to enlist. Children wanted to protect themselves, their villages, and their families and saw military service as a way to achieve this. Parents in turn often supported this decision as a worthy ambition (Clemensac 2007, 10).

Other motivations for enlistment included a sense of patriotism and envy. The issue of independence and the necessity to defend the DRC against internal and external aggressors was prevalent. This reflected the propaganda of hatred founded on ethnic differences that helped spark the conflict between Hutu and Tutsi in Rwanda (Clemensac 2007, 10; The Redress Trust 2006). Other children claimed that seeing their peers return dressed in uniforms with money made them envious of their status. Militia leaders who sent children back to villages to convince others to join their ranks often exploited this factor (Clemensac 2007, 10).

Coercion and Abduction

Many general works on the topic consistently offered coercion and abduction as root factors to the involuntary recruitment of child soldiers in Africa. Interestingly, in the context of the DRC, this was not always the case. The Redress Trust noted that especially in eastern DRC where the conflicts with other state actors and foreign-backed militias were prevalent, many child soldiers joined through volunteerism and compulsory recruitment instead of abduction. Often, local parents and elders simply did not know that recruitment of children into armed forces was a crime and saw it as their duty to allow their offspring to serve in armed groups (The Redress Trust 2006). There is general

agreement, however, that when perpetrators of coercive recruitment did abduct children, their methods were often brutal.

In Clemensac's survey in South Kivu, only 11 percent of child soldiers said that they were recruited by force. Examples included armed groups attacking villages and taking children hostage. Others were enticed by soldiers into traps by friendly soldiers who were later complicit in their abduction (Clemensac 2007, 11). Examples where coercion did occur stemmed directly from the enabling factor of the psychological effects of violence. In 2006, Karen Allen of the BBC reported in North Kivu of the coercive measures employed by local militias. In Masisi, local militias often forced children to make a choice between joining their ranks or death. One child of 13 explained his own experience of this coercion:

When they came to my village, they asked my older brother whether he was ready to join the militia. He was just 17 and he said no; they shot him in the head. Then they asked me if I was ready to sign, so what could I do – I didn't want to die (Allen 2006).

Similarly, in Ituri coercive measures also occurred. The Coalition to Stop the Use of Child Soldiers reported in February 2003, that UPC leader Thomas Lubanga Dyilo had allegedly decreed that "each family in the area under its control must contribute to the war effort by providing a cow, money or a child" for the UPC (2004, 13). Lubanga's forces also allegedly abducted children from schools to fill the UPC ranks (Coalition to Stop the Use of Child Soldiers 2004). It was estimated that in June 2003, Ituri had the largest percentage of children serving in armed groups. UNICEF assessed that there were as many as 10,000 child soldiers serving in the FARDC and other rival forces in Ituri town alone (Coalition to Stop the Use of Child Soldiers 2004, 13).

In 2006, Michael Wessells assessed that abductions were not necessarily opportunistic and armed groups would prey upon vulnerable groups of children. In Goma, North Kivu occurrences of abduction of this type were positive evidence for this theory. Rwandan rebels targeted camps for internally displaced people and refugees where police and other protective forces were not present. Immediately following the 1994 Rwandan genocide this type of abduction appeared commonplace. Soldiers from Rwandan forces would prey on the refugee camps located in the DRC and forcibly recruit children from as young as 10-12 years of age. Their methods included rounding up children in vehicles as they returned from school (Wessells 2006, 38).

Enabling Factors

Other works portrayed additional factors as contributing to the use of child soldiers. This study groups these as enabling factors that compounded or facilitated the effects of root factors. They include the following: weapons access, perpetrator impunity, and the indoctrination process and psychological effects of warfare on child soldiers.

Weapons Access

The Control Arms Campaign, a coalition of interest groups including Amnesty International, the International Action Network on Small Arms (IANSA), and Oxfam, presented the most compelling work regarding the proliferation of the use of small arms in the DRC and its enabling effect on child soldiers. In a 2006 study, the Control Arms Campaign assessed that over 200,000 Congolese died violently between 2000 and 2003, up to 90 per cent of them from gunshots (Control Arms Campaign 2006, 4). In eastern DRC, due to the concentration of small arms, mortality rates were 80 per cent higher than

in the rest of sub-Saharan Africa, and one-third higher than in the rest of the DRC (Control Arms Campaign 2006, 4).

Control Arms Campaign researched the origins of small arms and those used in the DRC. It found that in 2006, 50 to 60 percent of all weapons used in the DRC were AK-47 Kalashnikovs or derivatives of that model built in Russia, China, Egypt, Romania, Bulgaria, and Serbia. Other models from Germany, France, the United States, the United Kingdom, South Africa, Belgium, and Israel were also common (Control Arms Campaign 2006, 11). One estimate suggested that in the Kivu provinces alone, the total number of AK-47s totaled at least 40,000; and that in Ituri, such small arms could be purchased for as little as \$50 (US) or in exchange for minerals such as gold or coltan (Control Arms Campaign 2006, 12).

Many works commonly asserted that the availability of simple and lightweight small arms such as the AK-47 (4.8 kg loaded) contributed to the employment of child soldiers. Child soldiers proved adept at manipulating and maintaining such designs. P.W. Singer suggested that it generally took children approximately 30 minutes to learn how to use an AK-47 to the same level of effectiveness as a similarly trained novice adult (Singer 2006).

Impunity

Numerous works highlight impunity as a significant enabling factor to the persistence of child soldiers in eastern DRC. The Jesuit Refugee Service (JRS) suggested that despite the fact that many of the commanders who recruited and exploited child soldiers were well known, they have escaped indictment because of the *brassage* process. Through *brassage*, these perpetrators integrated into the FARDC where they are less-

likely to be indicted (Clemensac 2007, 16). While effectively neutralized from waging war against DRC government forces, they remained unaccountable for their crimes against children. The JRS noted that this impunity and the culture of amnesty that accompanied the DDR process, was only a short-term solution and one that would not prevent perpetrators from using child soldiers in their ranks in the future (2007).

The JRS also concluded that the international and national courts demonstrated limited effectiveness in punishing perpetrators of child soldier violations. Thus, while on 28 August 2006, the ICC accused Thomas Lubanga Dyilo, leader of the UPC, for having “conscripted and enlisted children under the age of 15 years and made them take active part in hostilities in the DRC (Clemensac 2007),” many more perpetrators remained free. While the DRC officially denounced the use of child soldiers when it ratified the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, national prosecution of perpetrators was virtually non-existent. Human Rights Watch assessed the DRC as relatively ineffective in this regard as late as April 2008. At that time, only one national criminal prosecution had occurred against a perpetrator of employing child soldiers. In March 2006, a military court in Bukavu sentenced Jean Pierre Biyoyo, a FARDC commander *brassaged* from rebel service, to death by for child recruitment and illegal detention of children in South Kivu in April 2004. Later, the courts reduced his sentence to five years imprisonment. Biyoyo subsequently escaped from prison and remained at large at the time of writing (Malinowski 2008).

Psychological Effects and Indoctrination

Some works defined the psychological effect of indoctrination and fighting in

armed conflict as an enabling factor to the persistence of child soldiers in eastern DRC. In 2004, physician Samantha Nutt's expose of these conditions was particularly compelling. Nutt interviewed child soldiers in South Kivu who were complicit in atrocities during the First and Second Congo War. Congolese teenagers, who had fought as part of Laurent Kabila's AFDL, admitted to her that before reaching adolescence, they witnessed and participated in the killing of hundreds if not thousands of people. A 17 year-old veteran explained, "Sometimes we left the bodies, sometimes we were instructed to dig holes, and sometimes we burned them or threw them in the lake (Nutt 2004)." The same soldier described experiences where he shot unarmed refugees, and entire families who were non-compliant with looting operations directed by his adult chain of command. His substantiation for killing mothers and children was that he "didn't want anyone to know what we had done (Nutt 2004)."

Nutt documented the psychological effect that these experiences had on such child soldiers manifested in recurring nightmares and feelings of guilt that solidified their allegiance to an armed group. She echoed the findings of groups like Amnesty International and Human Rights Watch, that also interviewed child soldiers who were participants in ritual killings. "Acts of cannibalism, torture (including genital amputation), rape, summary executions, and sexual slavery at the hands of Congolese armed militias" were other examples of actions that solidified the child soldiers' complicity within these organizations (Nutt 2004). Groups like the Mai Mai militias capitalized on the superstitious beliefs of Congolese culture affording them psychological power over their young charges and the communities from whence they came. The Mai Mai also indoctrinated children through ritual cleansings and consumption of the blood of

animals or special water believed to give fighters invincibility against bullets (Nutt 2004).

Assessment of UN Actions

No works overtly judged the effectiveness of the UN in influencing the use of child soldiers in the DRC in a holistic sense. While many authors suggested opinion in this regard, no works did so using a comprehensive methodology to assess root and enabling factors and the effectiveness of the UN in dealing with these factors for the entire timeframe required of this study (1999-2007). The International Crisis Group conducted many incremental assessments of MONUC in the DRC throughout the period of study and made numerous suggestions for improvement. These incremental works will help form a foundation for further analysis in Chapter 4.

In addition, in 2003 Refugees International assessed MONUC's effectiveness thus far and the likelihood for long-term success in a comprehensive manner. Refugees International's Cliff Bernath was the principal author of this assessment contained in two works, entitled *MONUC: Flawed Mandate Limits Success* and *MONUC: Mandate to Succeed* written in May and September 2003, respectively. His insights provided a very good explanation of the challenges that MONUC faced and the difficulties involved with trying to define success and failure when assessing a peacekeeping mission. In 2003, Refugees International asserted that the challenges to the MONUC mission were numerous and transcended any one instrument of power. According to Bernath *et al*, it was MONUC's assessment that success in achieving security in the DRC was contingent on both political and military innovation by all parties who were signatories to peace (Bernath and Pearson 2003, 1). The Bernath-Pearson report of 2003 further stated the

necessity for MONUC to be of sufficient size to carry out its mandate in eastern DRC (2003, 1).

Security Council Report was an organization that suggested the effectiveness of the UN with regard to children and armed conflict in general. Security Council Report cited the UN's initial resolutions from 1999 to 2001 as essentially generic statements with little tangible impact (Security Council Report 2008, 5). From 2001 onwards, they assessed that the UN Security Council (UNSC) included resolutions that had some concrete provisions. An example was the UNSC Resolution 1379 of November 2001 for the Secretary-General to report:

A list of parties to armed conflict that recruit or use children in violation of international obligations in situations which were already on the Council's agenda or could be brought to its attention as a matter which in his opinion may threaten the maintenance of international peace and security, in accordance with Article 99 of the [UN] Charter (Security Council Report 2008, 5).

In 2008, Security Council Report assessed that the Special Representative of Secretary-General had transformed his/her role over the years to "an era of application (2008, 5)." Because of this desire to have results that were more physically tangible, the UN set up monitoring mechanisms and the Security Council Working Group on Children and Armed Conflict (Security Council Report 2008, 5). Security Council Report stated that the DRC case was particularly unacceptable despite the UN's aforementioned efforts at addressing the issue of child soldiers in general. This organization suggested that part of the responsibility lay with the UN DRC Sanctions Committee, which as of February 2008, had made no decision, nor imposed any punishment on individuals and entities directly involved with abuse of children (Security Council Report 2008, 19). Raw data,

UN documents, and UN assessment by Security Council Report help form the foundation for further analysis in Chapter 4.

This study employs these general findings to deduce an answer to the primary research question “How effectively did the UN influence the use of child soldiers in eastern DRC from 1999 to 2007?” Chapter 3 describes the methodology applied to draw inference from these general assessments of the UN’s effectiveness in eastern DRC to make deductions about the specific problem of child soldiers. Within this methodology model, Chapter 3 also introduces the child soldier root and enabling factors that were most applicable to the UN mandate and sets the framework for analysis of UN effectiveness.

CHAPTER 3

RESEARCH METHODOLOGY

Introduction

This chapter describes the methodology used to gather evidence and answer the primary and secondary research questions. It also describes relevant measures of performance and effectiveness to achieve this analysis. This study is primarily a qualitative analysis of the effectiveness of the UN in preventing the use of child soldiers in eastern DRC with some quantitative assessment of UN actions. Chapter 1 introduced the issue of child soldiers and defined key international and national accords and legislation prohibiting the use of child soldiers in the DRC. Chapter 1 also provided a brief synthesis of facts surrounding the background to conflict in the DRC, and eastern DRC specifically. In addition, Chapter 1 introduced the genesis of UN involvement in eastern DRC and set the stage for analysis in future chapters.

Literature Review

The literature review of Chapter 2 summarized the existing spectrum of thought and answered the secondary research questions identifying root and enabling factors. Figure 3 is a model depicting the methodology framework for the thesis' analysis of the effectiveness of UN actions based on this survey and the emergence of trends in evidence. The identification of root and enabling factors in other works, and those devised by the author, form the basis for analyzing UN performance and effectiveness in future chapters. These factors were grouped based on the consistency and relevancy with

which they arose as root or enabling factors to the prevalence of child soldiers in eastern DRC.

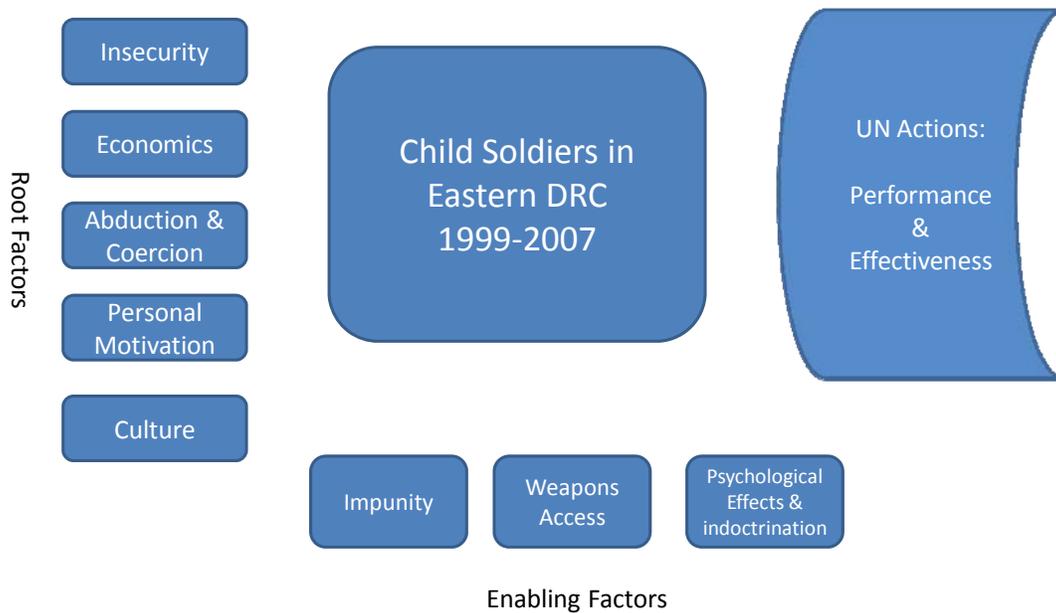


Figure 3. Methodology Model

Focused Analysis

Chapter 4 assesses exclusively the resolutions, sanctions, indictments, and military intervention declared, imposed, or conducted by the UN or its subordinate organizations with the intended or unintended effect of influencing the use of child soldiers in eastern DRC since 1999. This study focuses on three main factors: the root factor of insecurity, and the enabling factors of weapons access, and the impunity of perpetrators employing child soldiers. These factors were selected for focused analysis

because they correlated directly to elements of the MONUC mandate. Chapter 4 describes this logic further. Other factors will require the fullness of time to assess what has been achieved to stem the use of child soldiers and a wider analysis of interagency efforts that expand beyond the MONUC mandate. In general, measures of performance assess what the UN did, while measures of effectiveness assess what effect UN actions had on the studied factors, and the persistence of child soldiers in eastern DRC.

Measures of Performance

UN activities to stem the use of child soldiers were diverse during the period in question. These included specifically the intervention of the MONUC peacekeeping force and the actions of that entity in enforcing the Lusaka and Pretoria Accords, an arms embargo, and the numerous resolutions and policy statements of the UN and its subordinate organizations in denouncing the use of child soldiers. Actions of non-military departments of the UN such as the UNHCR and UNICEF were also significant. Particularly, the execution of the demobilization programs in eastern DRC and the extent of this activity is an important measure of performance analyzed in Chapter 4. In this sense, measures of performance are a quantitative review of the amount and type of activity that the UN has undertaken to influence the use of child soldiers in eastern DRC. Performance assessment occurs within the text at the conclusion of each of the topic areas in Chapter 4.

Measures of Effectiveness

Most important in answering the primary research question is a qualitative analysis of the UN's effectiveness as performance when reviewed in isolation are not

adequate to determine meaningful and enduring impact. To achieve this, Chapter 4 also analyzes how effectively UN actions addressed the three root and enabling factors identified for study. Key sources of data for this analysis are UN documents including pertinent resolutions, contemporary news articles, and reports from NGOs. The criteria for this assessment are as follows and are described within the text of Chapter 4 and summarized in Chapter 5:

- Targeting Factors: To what extent did the UN target the correct factors in order to neutralize their effects in contributing to the existence of child soldiers?
- Reduction in Occurrence: What was the result of UN actions in reducing the overall number of child soldiers?
- Enduring Qualities: To what extent were the UN's actions enduring and persistent or were they subject to a constant application of effort in order to be successful?
- Unintended Effects: Were there unintended negative effects of UN actions that were either counterproductive to preventing the use of child soldiers or caused harm in another critical area of the overall resolution of conflict in eastern DRC?

Conclusions and Recommendations

Chapter 5 provides a synopsis of the findings of the Chapter 4 analysis of performance and effectiveness. Conclusions about the relevance of the analysis to the broader field of study described in Chapter 2 are also emphasized. Most importantly, this chapter makes conclusions about the primary research questions. Chapter 5 also indicates where research questions arrived at ambiguous or uncertain conclusions, and suggests areas for further study. Recommendations focus on two areas: where further study is

warranted, and in tangible recommendations to the UN in preventing the further use of child soldiers in eastern DRC.

CHAPTER 4

ANALYSIS

Introduction

Chapter 4 builds on the existing body of knowledge compiled in Chapters 1 and 2 by applying the analytical methodology described in Chapter 3. In so doing, this chapter answers the secondary research question, “What were the actions that the UN implemented to influence child soldier use in eastern DRC from 1999 to 2007?” and concomitantly assess the primary research question, “How effectively did the UN influence the use of child soldiers in eastern DRC from 1999 to 2007?” Assessment of performance and effectiveness occurs within the text of each of the topic areas where appropriate. Assessment of the combined overall effectiveness of these efforts occurs at Chapter 5 using the criteria described in Chapter 3.

Defining the Problem

From the perspective of military operational design, the unique challenge of this problem lies in the fact that this study analyzes how effectively the UN prevented a means of war instead of how effectively it defeated an enemy. This nuance may seem immaterial at first glance but is in essence the crux of the problem. Chapters 1 and 2 identified that virtually all armed groups including the legitimate Congolese armed forces recruited and employed child soldiers throughout the period of conflict. Thus, the solution to defeating the use of child soldiers lay not in defeating any one group or in merely reinforcing the DRC’s legitimate security forces, as they intrinsically were part of the problem. The added challenge was that the mandate of MONUC was tied to enforcing

the Lusaka Ceasefire Agreement, the Pretoria Peace Accords, and subsequent peace agreements, and inherent to this was working with and supporting the legitimate armed forces of the DRC. For this reason, the root and enabling factor methodology described in Chapter 3 was chosen instead of a more traditional assessment of how to defeat a single or multiple armed groups using child soldiers. The enemy in this study is an objectionable means of warfare as opposed to a combatant entity or entities.

It is still useful, however, to reflect on elements of traditional military operational design to situate this analysis in a relevant context. Consistently, since at least 1999, the fragile peace and legitimacy of both Kabila governments have been tenuous to verging on non-existent in eastern DRC. Popular legitimacy was a common center of gravity for all forces vying for power in eastern DRC as it provided a source of strength to gain the necessary physical and moral support to achieve and retain power.

The armed groups in this region vied for power based largely on three main critical capabilities. The first was a capability to secure areas rich in natural resources, a capability that gave them economic wealth and a means of sustaining conflict. The second was the capability to secure legitimacy both within the populace, in the national transitional government, and to some extent in neighboring countries, a capability that gave them safe haven and sources for recruitment and moral support. Finally, and most relevant to this study, given the nature of conflict in eastern DRC, a critical capability of these forces was the ability to generate and sustain adequate masses of combat soldiers to execute the will of their political leadership.

The root and enabling factors of Chapter 2 described the critical requirements for the use of child soldiers as a means to fulfill the critical capability of generating adequate

forces. The critical vulnerabilities that the UN could attack were those root and enabling factors that lay within the mandate of MONUC and the general jurisdiction and influence of the UN Security Council and other UN agencies. This study focuses on three factors due to their direct correlation in this regard, and the fact that it can assess tangible results of these efforts for quantitative and qualitative analysis.

Scope

This analysis focuses on the root factor of insecurity, and the enabling factors of impunity, and access to weapons and how they related to the UN influencing child soldier use in the DRC from 1999 to 2007. The aim of this analysis is to assess the performance and effectiveness of the UN in each of these areas over the period in question. Figure 4 below superimposes the key activities that the UN undertook or supported through MONUC and other agencies to the methodology model and sets the framework for the analysis.

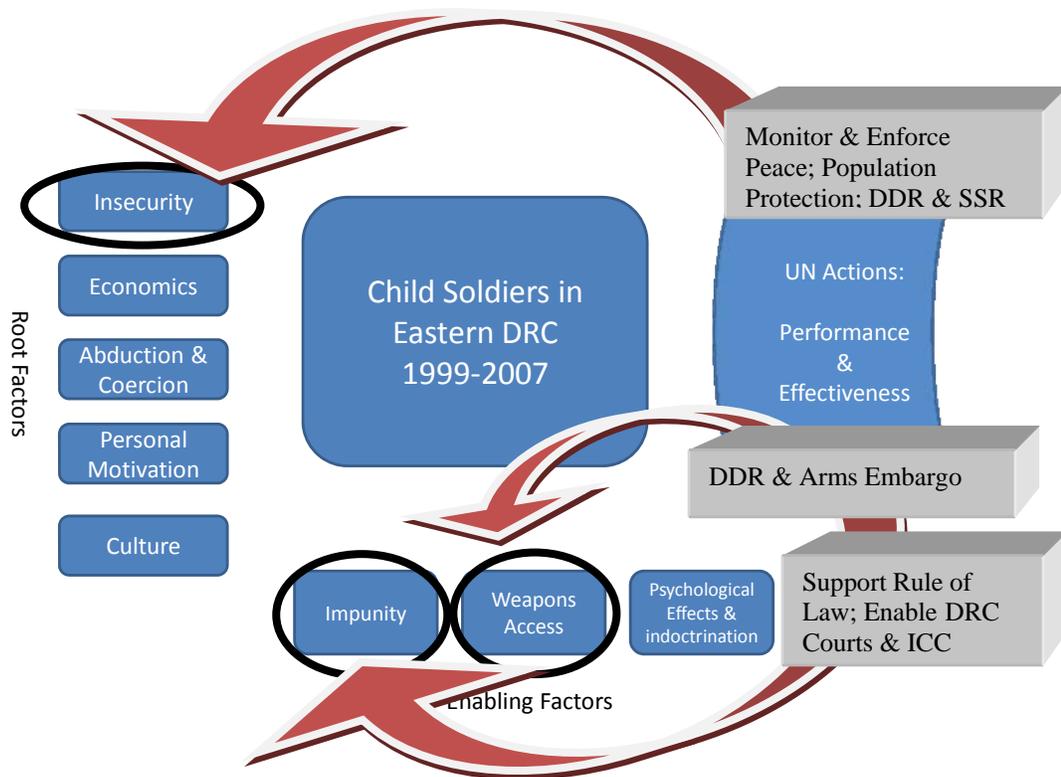


Figure 4. Analysis Model

Insecurity

For the purposes of this analysis, security measures refer to MONUC’s provision and facilitation of physical refuge, protection, and self-assurance for the people in the eastern DRC. In essence, the security provided by MONUC replaced the physical and psychological insecurity created by unauthorized armed groups, all groups that recruited and employed child soldiers, and the general absence of the rule of law. The topics addressed in this assessment are the MONUC mandate, force composition, and security capacity within eastern DRC, the indigenous and foreign fighter demobilization processes (DDR and DDRRR, respectively), and security sector reform (SSR) as supported by MONUC. Inherent to these topics was the ability to defeat or neutralize the behavior of the perpetrators that continued to recruit or employ child soldiers within the DRC.

Initial Mandate (1999-2003)

MONUC's initial mandate stemmed from the request by the signatories of the 1999 Lusaka Accords for a UN force, in what amounted to verbiage seeking peace enforcement based on the stipulations of the accords:

The United Nations Security Council, acting under Chapter 7 of the UN Charter and in collaboration with the OAU (Organization of African Unity which provided ceasefire monitors to DRC), shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the force (Bernath and Edgerton 2003, 5).

The Lusaka signatories expected a force that had the requisite Chapter VII mandate to conduct military operations to restore peace and security. In the eyes of these signatories, the UN force would not only observe the ceasefire agreement but also conduct a number of other tasks as follows:

- Provide and maintain humanitarian assistance to and protect displaced persons, refugees, and other affected persons;
- Track down and disarm armed groups;
- Screen mass killers, perpetrators of crimes against humanity and other war criminals;
- Hand over “genocidaires” to the International Crimes Tribunal for Rwanda;
- Repatriate former combatants to their home countries;
- Work out such measures (persuasive or coercive) as appropriate for the attainment of the objectives of disarming, assembling, repatriating, and reintegrating into society members of armed groups (Bernath and Edgerton 2003, 5).

By this list of expectations, it was logical that influencing the use of child soldiers would have been a concomitant result of the UN force's activities. Previously cited national DRC and international legal statutes prohibited the use of child soldiers and made

perpetrators of child recruitment war criminals.

What the UN decided as a mandate for MONUC fell short of the expectations of the Lusaka signatories. The signatories request outlined how the UN would create peace in the DRC. The UN was willing to provide a phased approach to the DRC problem and started as an observer force with a weak Chapter VI mandate peacekeeping operation focused on initial observation and assessment. There was only one Chapter VII component “to protect United Nations and co-located personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence (Bernath and Pearson 2003, 4).” This mandate was in stark contrast to the desired robust Chapter VII peacemaking operation envisioned at Lusaka.

A Special Representative of the Secretary General (SRSG) headed the MONUC mission that comprised military, political, information, mine action, administrative and logistics, human rights, and humanitarian coordination elements (UN Department of Peacekeeping Operations Military Planning Service 2001, 14). In its 2001 guidance to troop contributing nations, the UN Department of Peacekeeping Operations (DPKO) defined the concept of operations in three phases: a preparatory phase for force deployment and coordination with a Government of the DRC Joint Military Commission, a verification phase to monitor ceasefire adherence and troop withdrawals, and a continuity of monitoring phase (DPKO Military Planning Service 2001, 13).

Related to child soldiers specifically, according to the UNSC Resolution 1291 of 24 February 2000, in addition to other security tasks including DDRRR and DDR, MONUC was responsible to “facilitate humanitarian assistance and human rights

monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers (Bernath and Edgerton 2003, Appendix A).” MONUC later articulated more specifically its principal role in addressing the problem of child soldiers:

MONUC’s principle role – which it draws principally from Security Council resolutions on the DRC and on Children and Armed Conflict - is to identify relevant priority protection concerns through monitoring; to advocate, both inside of MONUC and also with the authorities, for those needs to be addressed; and to recommend ways that this can be done. It also carries out facilitation, capacity-building and awareness-raising activities (MONUC 2008).

MONUC had considerable flexibility to execute this part of its mandate with the caveat statement “as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations (Bernath and Edgerton 2003, Appendix A).”

The main impediment to fulfilling this initial mandate and addressing child soldiers was that “acceptable security conditions” did not exist in the DRC, especially in eastern DRC where parties who were not signatories to the Lusaka Accords were preparing for the Second Congo War. The MONUC mandate was predicated on there being an existing peace to be kept while the signatories of Lusaka were relying on the UN to achieve peace through force if necessary.

MONUC (1999-2002)

In the early years of the Chapter VI mandate, an emaciated MONUC force was limited by incremental growth in achieving any meaningful level of security in a country rivaling the size of Western Europe. MONUC’s original authorized force strength grew from the 90 Military Liaison Officers authorized under UNSC Resolution 1258 of August

1999 to up to 5,537 military personnel, including up to 500 UN Military Observers (UNMO) authorized by UNSC Resolution 1291 of February 2000 (DPKO Military Planning Service 2001, 9). By December 2002, MONUC's authorized force level increased again to 8,700 designed to fulfill a mission in a country with a population estimated at over 50 million in 1999 (DPKO Military Planning Service 2001, 70).

Despite these authorized troop levels, the actual deployed force size in 2003 was well under 5,000. Most of these forces were deployed under the Chapter VI mandate and were largely employed along a relatively safe ceasefire line instead of in the volatile eastern DRC. MONUC's sparsely deployed military forces had little capacity to guarantee any meaningful degree of security to the population of eastern DRC (Bernath and Pearson 2003, 5). In its 2001 guidelines to troop contributing nations for UNMOs in MONUC, the DPKO was clear that "MONUC's planning, verification, monitoring and investigation tasks" were to be conducted solely by unarmed UNMOs numbering some 480 personnel of 120 four-officer teams. The operational function of Guard and Riverine units was confined to the guarding of UN personnel and other collocated agencies, facilities, and equipment (DPKO Military Planning Service 2001, 12). Figure 5 below provides a snapshot of the MONUC observer mission and deployment of approximately 2,300 troops during 2001, representative of how sparsely it covered eastern DRC where fighting waged heavily between forces loyal to Kabila and proxy foreign fighters.



Base Map: UN Map No 4121, Revision 7 February 2001

010620 Military Planning Service, Department of Peacekeeping Operations, United Nations Headquarters

Figure 5. MONUC Disposition - 2001

Source: UN DPKO Military Planning Service, *Map No. 4121, Revision 7, MONUC* (New York: UN, February, 2001).

Until 2003, the MONUC mission was essentially undermanned and ill-equipped to provide any meaningful security to eastern DRC. Whatever the stipulations of the mandate, the MONUC military force was essentially an observer force with very little means of imposing security other than by moral persuasion as a result of its presence. A

corollary result was that programs like DDR and DDRRR were only in their nascent state of concept and implementation. While the Lusaka request had high hopes for a robust force to solve the security problems of eastern DRC, the member nations of the UN and the UNSC specifically did not equip and man a MONUC mission fully enabled under a Chapter VII mandate to enforce peace.

Within DPKO and MONUC itself, opinions varied as to the effectiveness of the Chapter VI mission. One DPKO official stated “[having] Chapter VII is not as important as the capacity to implement the mandate. We’re not fighting a war. We’re peacekeepers. Our job is to enhance security so that political and humanitarian work can be done (Bernath and Pearson 2003, 13).” Another senior MONUC military put more weight on the need for a full Chapter VII mandate, “I regret that the international community did not make the suitable decisions and commitments earlier. We wasted three years (Bernath and Pearson 2003, 14).”

Perhaps more importantly, from the perspective of the people of eastern DRC, the MONUC mission was thus far less than successful. The head of a Congolese NGO expressed this view: “The mandate has never been understood by the people. We thought they were here to restore peace. Now we learn they’re only here for themselves-not to intervene...When MONUC first came, everyone celebrated. But now there is disappointment (Bernath and Edgerton 2003, 13).”

New Mandate (2003-2007)

As a result of the formal cessation of hostilities in eastern DRC with the signing of the Pretoria Global and All Inclusive Accords in 2002, and the agreement for a multi-party, power sharing transitional government, the UNSC had an impetus to pursue the

MONUC mission with greater will and resources. Thus, MONUC's mandate changed in July 2003 and in the eastern DRC specifically, to apply Chapter VII of the UN Charter to all elements of the mission and authorized it to "use all means deemed necessary, within the limits of its capacities and in the area of deployment of its armed units, to protect civilians under imminent threat of physical violence; and to contribute to the improvement of the security conditions (MONUC 2008)."

In addition to the litany of Chapter VI tasks from the previous mandate, the Secretary-General backed by UNSC Resolution 1493, outlined the following additional Chapter VII tasks:

- Protect UN personnel, facilities, installations and equipment;
- Ensure the security and freedom of movement of its personnel, including in particular those engaged in missions of observation, verification, and DDRRR;
- Protect civilians and humanitarian workers under imminent threat of physical violence;
- Contribute to the improvement of the security conditions in which humanitarian assistance is provided (Bernath and Pearson 2003, 12).

MONUC was to execute this new mandate in four phases: Phase I involved implementing the ceasefire agreement. Phase II involved ceasefire monitoring, and the reporting of violations. Phase III, ongoing at time of writing, focused on facilitating the DDRRR and the DDR processes. Phase IV, also ongoing, involved facilitating the organization of credible elections (MONUC 2008).

In October 2005, International Crisis Group cited how MONUC's mission had expanded from its original 1999 ceasefire observation role and translated to include the following lines of effort:

- Support of the transitional government;
- Assistance in security sector reform;

- Disarmament, demobilisation and reintegration (DDR) of armed groups;
- Aid in re-establishing a state based on the rule of law;
- Monitoring of the arms embargo;
- Protection of civilians in imminent danger; and
- Election support (International Crisis Group 2005, 8).

Interim Emergency Multinational Force (2003)

Because of the new Chapter VII mandate, MONUC's authorized troop strength also grew between 2003 and 2007, but it took considerable time for these forces to build up. As an interim measure to prevent a derailment of the peace process due to extreme violence and unrest created by the withdrawal of 7000 Ugandan troops in Ituri, the UN demonstrated its resolve to address the security situation in eastern DRC and Ituri specifically, with the authorization of a French-led Interim Emergency Multinational Force (IEMF) between June and September 2003. Deployed specifically in Ituri, the IEMF of approximately 1400 troops had a very limited mandate to protect the Bunia airport and the town of Bunia itself. The IEMF was successful in its mandate, stabilizing the situation in Bunia, and as a result providing humanitarian access to the region (Bernath and Pearson 2003, 10). Most importantly, the IEMF demonstrated the potential for MONUC's success in eastern DRC with a committed and professional force with a clear mandate to establish security. Unfortunately, as a harbinger of things to come, the IEMF was responding to fill a gap where a MONUC Uruguayan battalion had failed to secure the area previously.

MONUC (2003-2007)

UNSC Resolution 1493 and the Secretary General's 27 May 2003 report on the DRC immediately authorized MONUC's countrywide troop strength to increase to

10,800 from its previous 8,700 limitation. In keeping with the DPKO practice of extending UN missions on a yearly basis, MONUC grew as its mission extended over the next four years. By February 2005, MONUC organized itself based on a Western Brigade with a headquarters in Kinshasa, and an Eastern Division to cover the volatile eastern DRC, with a headquarters in Kisangani. By the same time, the authorized MONUC military force had grown to an authorized strength of over 16,700 soldiers and police allocated an annual budget in excess of \$(US) one billion with 92 percent of all MONUC soldiers operating in eastern DRC (United Nations Department of Public Information 2008). Figure 6 below illustrates this force disposition that has remained relatively consistent since 2005 and represented the largest peacekeeping operation in the world.

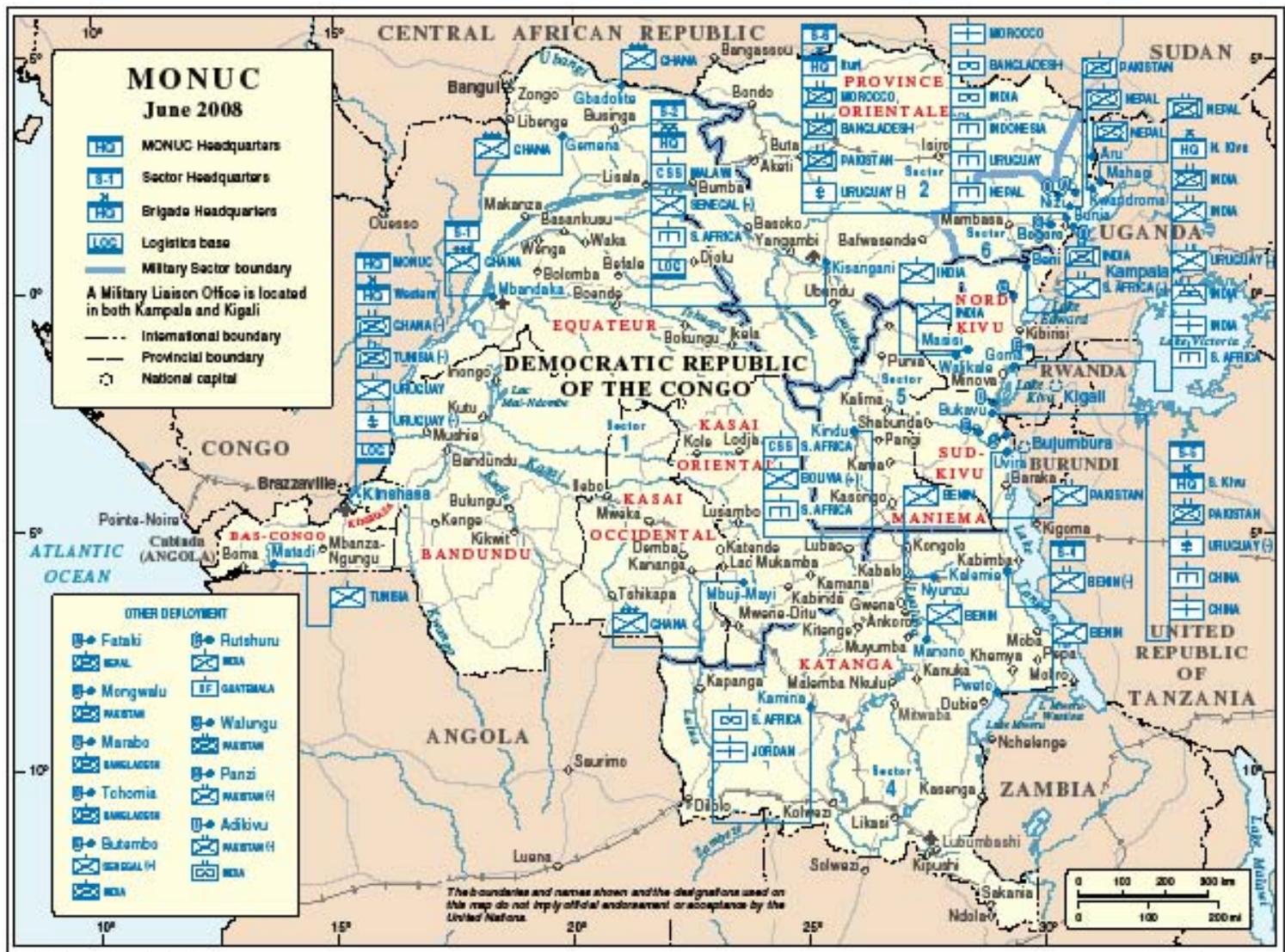


Figure 6. MONUC Disposition - 2008

Source: UN Department of Field Support Cartographic Section, *Map No. 4121, Revision 37, MONUC* (New York: UN, June, 2008).

Insecurity in eastern DRC remained problematic, however, despite the promise of the 2003 MONUC mandate and an increased force structure. MONUC’s forces were still inadequate to police the entire region effectively as well as support the myriad other tasks

involved in its mission; its presence barely stemmed the tide of despair in eastern DRC. As Amnesty International cited in 2006, the continued conflict left communities across the east in ruins with the bulk of their civilian populations killed or displaced. By 2006, Amnesty International estimated that 3.9 million Congolese had died as a result of conflict, with approximately 1200 people dying every day from violent attack or the disease and starvation brought on by conditions of insecurity (Amnesty International 2006). International Crisis Group reported in February 2006 that in eastern DRC the mortality rate due to these factors of insecurity was actually 75 percent higher than it had been prior to 1998 (International Crisis Group 2006, 1).

The number of displaced persons was a good indicator of the level of security that MONUC had achieved in eastern DRC. Between November 2003 and 2006, according to International Crisis Group the number of displaced persons across all of the DRC decreased from 3.4 to 1.1 million, however, as a result of renewed fighting in eastern DRC an additional half a million people were displaced in 2006 alone and hundreds of thousands were left without access to clean water and health care (International Crisis Group Congo: Consolidating the Peace 2007, 12). Displacement of personnel coincided temporally with FARDC and MONUC operations against rebel groups. Because of the methods employed by the FARDC, the local population had no confidence that they would not fall victim to human rights abuses. Thus, while MONUC supported the FARDC's actions at combatting armed militias, the result was often disastrous in terms of displaced civilians. An example of this occurred in November 2007 in North Kivu, where FARDC offensive operations against FDLR forces resulted in humanitarian abuses and displacement of over 100,000 civilians (UNSC 2007).

While MONUC's increased presence likely prevented a worse security situation in eastern DRC, persistent gains were largely insignificant due to the remaining threat of rebel and foreign militias and the unreliability of FARDC forces formed as result of the *brassage* SSR process. Examples of MONUC's short term successes such as joint FARDC cordon and search operations against rebel militias in Ituri in 2005 were overshadowed by such events as human rights abuses and the killing of many civilians at the hands of their FARDC partners (International Crisis Group Congo: Consolidating the Peace 2007, 14). Consequently, MONUC had limited success in instilling any semblance of lasting security. Clearly, the FARDC forces could not be trusted to sustain that peace in MONUC's absence.

The following sections attempt to amplify this dilemma further by analyzing MONUC's performance and effectiveness in achieving security specifically through the demobilization and security sector reform (SSR) programs it supported during this period. These programs were symbiotic in nature as demobilization facilitated the rebuilding of the FARDC in the form of the *mixage* and *brassage* integration campaigns described in Chapter 1. The focus of this analysis are the challenges that these programs faced and their effectiveness related specifically to child soldiers.

Supporting Multi-Agency DDR (1999-2004)

One of MONUC's major activities to achieve security in eastern DRC was facilitating the demobilization of armed groups. The UN attempted this by supporting two systems, one that applied to foreign fighters, DDRRR, and one that applied to armed groups indigenous to the DRC, DDR. Prior to the DRC's development of a national DDR program in July 2004, the demobilization of children from armed groups was a

collaborative effort led by international and national NGOs and supported by UNICEF and the MONUC Child Protection Division (Amnesty International 2006). These efforts fell within the larger programs for the demobilization of adult combatants. Prior to 1999, the demobilization was particularly problematic as armed parties saw child soldiers as important assets in their critical capability to generating adequate combat forces in an ongoing war. Leaders of armed groups had very little incentive to demobilize soldiers of any type. In April 2000, however, probably because of the peace dividend anticipated from the Lusaka Accords, the DRC government requested technical assistance to establish a DDR policy for child soldiers from organizations such as the United States Agency for International Development (Agborsangaya 2000, 3).

The DDR program that emerged received primary funding from a multi-donor trust fund called the Multi-Country Demobilization and Reintegration Program (MDRP). In late 2002, seven countries funded MDRP with a total of \$US 100 million, a figure that was matched with \$US 100 million directly from the World Bank (Amnesty International 2006). No overriding agency was responsible for implementing DDR and consequently UNICEF and other organizations had the expectation that once a national plan was devised they would shift under that organizations responsibility for coordination (Amnesty International 2006). DDR was very much a decentralized and uncoordinated activity between agencies less the centrality of funding through MDRP. UNICEF was merely one of these agencies and MONUC as previously described, with a very weak Chapter VI mandate, accomplished very little in support of DDR. Essentially, no agency achieved DDR on a scale of any significance in eastern DRC prior to 2003. The reason for this is self-evident as conflict was ongoing and no armed group was willing to give up

any of its soldiers. As was the case for security in general, by 2003 with the implementation of the Pretoria peace agreements and the complementary *brassage* SSR program, demobilization for children specifically received concentrated effort and hope for success. This coincided with a new UN mandate that tasked MONUC to provide security for DDRRR and support the DDR process.

CONADER / MONUC (2004-2007)

In July 2004, the Government of the DRC launched a national DDR plan under the auspices of the National Commission for Demobilization and Reinsertion (CONADER). CONADER was responsible for the DDR processing of combatants indigenous to the DRC. UNICEF supported these efforts directly for the demobilization of children. The DDR process that developed involved not only the structured disarmament and demobilization of combatants, but also provided monetary incentives for their reintegration into civilian life (Thakur 2007, 55). Unlike adults, however, at no stage of the DDR process were children offered direct financial incentives (Amnesty International 2006). Instead they were taken to so-called transitional care structure (SET) or transition and orientation center (CTO) facilities, administered by local or international NGOs for sheltering and vocational training for up to three months and then reunification with their families (Amnesty International 2006).

The DDRRR process for foreign fighters, coordinated mainly by MONUC, was similar in construct and also supported by UNICEF in the case of children. In both cases, NGOs were actively involved in the process through the provision of support through SET and CTO facilities. By design, the DDR and DDRRR processes were linked to the security sector reform (SSR) that saw periods of *mixage* and *brassage* as described in

Chapter 1 where combatant forces were given a choice to reintegrate into the FARDC or as civilians back into society.

By June 2006, CONADER announced that it had demobilized 19,054 children of the armed forces and groups (Amnesty International 2006). By January 2007, CONADER claimed to have disarmed and demobilized a total of 54,000 children since 2004 with most of the children having been returned home to their families through UNICEF (Thakur 2007, 54). As of February 2007, there were an estimated 15,000 to 20,000 children waiting to undergo DDR, however, the entire process was grinding to a halt by this time as funds were running out; the World Bank had withdrawn funding to CONADER based on allegations of mismanagement of resources and corruption (Thakur 2007, 55).

In 2007, MONUC took over the DDR process in addition to the DDRRR initiative. In that year in Ituri MONUC demobilized a further 1,795 Congolese combatants and an additional 13,851 in North and South Kivu (Medardo 2007; Young 2008). Between 2003 and February 2007, the DDRRR process had repatriated over 14,100 foreign soldiers including children in North and South Kivu (mainly from Rwanda, Uganda, and Burundi) (Thakur 2007, 54). In 2007 in the Kivus, MONUC repatriated an additional 800 foreign combatants and 629 of their dependants. By the end of 2007, some 8,000 foreign combatants mainly from the FDLR, remained in the Kivus (Young 2008).

Although the statistics supplied by CONADER and MONUC appear impressive upon first inspection, the DDR process was mired by bureaucracy and dependent on the voluntary demobilization of armed groups was doomed to achieve mediocrity at best. On 13 June 2006, the first country report by the UN Secretary General on children and armed

conflict in the DRC, cited numerous misgivings about the success of this program. The report focused on the period of July 2005 to May 2006, but it was indicative of the progress that DDR had achieved since its inception in 2004. While the mismanagement of CONADER was a telling theme of the report, its greater relevance spoke about the effectiveness of the DDR program on the ground. The Secretary General cited that child re-recruitments “both forced and voluntary” were being reported in eastern DRC, and that while the total magnitude was unknown, the trend was noteworthy (UNSC 2006, 11). A year later, a second Secretary General’s report cited this trend as a continuing problem. By June 2007, the number of cases of child abduction in Ituri and North and South Kivu remained high. 30 percent of abducted children were recruited into armed forces, and particularly in the case of girls were often raped and forced into servitude as sexual slaves (UNSC 2007, 4).

Part of the re-recruitment problem was due to the slow rate of approval by CONADER for child reintegration programs proposed by local NGOs that would protect children from susceptibility to recruitment and abduction. Amnesty International discovered in March 2006, in discussion with CONADER officials, that no such projects had received final approval although 14 were under consideration (Amnesty International 2006). As a result of this shortcoming, the lack of economic incentive provided to demobilized children, and the fact that little meaningful protection was provided to them after demobilization, many of these children became susceptible to immediate re-recruitment at the hands of armed militias. This issue of re-recruitment continued until at least late 2007, as armed groups were able to access child populations as they needed new fighters.

The DDRRR processes organized by MONUC, also had severe limitations. As MONUC facilitated the repatriation of demobilized fighters outside of the DRC's borders, its mandate did not permit the prevention of further recruitment in the refugee and IDP camps of its neighbors. MONUC attempted to focus its activities to force groups such as the FDLR to comply with DDRRR. It achieved considerable success when it did so as it had in 2005 in Ituri Province, killing over 100 militiamen and forcing thousands of fighters to demobilize (International Crisis Group 2005, 8). The effectiveness of these efforts was shortlived, however, as MONUC shifted its security efforts and forces to the Kivus shortly thereafter thereby allowing armed groups numbering over 4,000 to settle back into Ituri (International Crisis Group 2005, 8).

In the Kivus, MONUC was often hesitant to act against the FDLR or other non-compliant armed militias and did not interpret its mandate to protect civilians and force DDRRR in a robust manner. This non-confrontational approach resulted in the reinforcement of FARDC operations as the main security effort. When DDRRR did occur, it was limited in its effectiveness due to the porous nature of the border with Rwanda and the ability for non-compliant groups to seek out new and recently repatriated child soldiers from outside of the DRC's borders. In his June 2007 report on children and armed conflict in the DRC, the UN Secretary General noted a surge since January 2007 in the recruitment and use of Congolese and Rwandan children by commanders loyal to Laurent Nkunda in North Kivu. Interviewed children claimed that they were recruited in Rwanda by men in civilian clothes offering them civilian jobs in the DRC (UNSC 2007, 6). In October 2007, Human Rights Watch substantiated this assessment in North Kivu

and accused Laurent Nkunda's forces and the FDLR of re-recruiting child soldiers from Rwandan refugee camps (2007).

Security Sector Reform (SSR)

In order to prevent the retention or re-recruitment of child soldiers by armed groups, MONUC needed to develop some assurance that the effects of SSR would be enduring. Chapter 1 described the national integration processes of *mixage* and *brassage* initially attempted by the government of the DRC after the Pretoria peace accords; this section assesses the results of the UN efforts and their effectiveness in breaking down the system of child soldier recruitment and employment in armed groups in eastern DRC. In addition, this section analyzes MONUC's secondary effort to reform the DRC National Police as this reform related to the problem of child soldiers.

Reforming the Army

In February 2006, International Crisis Group stated that creating an effective and unified army with a single chain of command was the most important challenge to achieve peace and development in the DRC (International Crisis Group 2006, i). Up to that point, reform of the FARDC based on the *brassage* integration had progressed slowly largely because of the aforementioned DDR process. A convoluted system of reintegrating forces into the FARDC resulted in only six brigades out of an anticipated 18 being deployed prior to the 2006 elections (International Crisis Group 2006, i). The processes of *brassage* and *mixage* did very little to reform the leadership of forces that formed the new brigades. Essentially, SSR for the Army was a logistical shuffling of previously belligerent forces into newly formed FARDC units. The unreformed culture of

human rights abuses, coupled with a poor system of pay, and granting previous combatant leaders positions of responsibility set the conditions for the FARDC to be of little better quality than the militias it was fighting.

The UN's direct responsibility for SSR in the FARDC was quite limited. Individual nations such as Belgium, the United Kingdom, Angola, and South Africa, and the EU mission provided the bulk of support for this task. MONUC's role was to provide a coordinating body that linked the DDR process to SSR. In addition, MONUC military forces in eastern DRC also provided 45-day training courses to senior Congolese officers, helped train FARDC forces, and conduct joint operations against militias (International Crisis Group 2006, 22).

There are two main criticisms of the UN's involvement in the reform of the FARDC as those activities related to the persistence of child soldiers. First, MONUC's involvement in the DDR process for demobilizing armed groups did not adequately account for, demand or supervise the demobilization of child soldiers before armed groups were integrated into the FARDC. Evidence for this assertion lies in the UN Secretary General's 28 June 2007 report on children and armed conflict in the DRC. By this account, particularly in North Kivu, commanders hid large numbers of children as their units underwent the DDR and integration process. Once integration into the FARDC was complete, these commanders reunited with their child soldiers in order to build up their ranks within the new brigades (UNSC 2007, 8). UNICEF also cited that the lax approach to age verification in the integration process resulted in commanders falsifying the ages of child soldiers such that they would be eligible for service in the FARDC (IRIN 2007). The incentive for these commanders to retain child soldiers was two-fold in

that they could extort the FARDC pay from these child soldiers and achieve greater military rank based on the size of the force that followed them.

A second criticism is that the SSR that did occur did not require a wholesale retooling and indoctrination of the cultural norms of the military to prevent the further recruitment of child soldiers. As a coordinating body and resource for funding, MONUC had a credible basis to demand that this be part of the transition. Granted, Kabila's government was likely more concerned at the time with generating troops to combat the dissident forces both within and threatening his borders than creating an ethical and law-abiding force. The longer-term effect, however, was that the eastern DRC populous did not trust the FARDC when it conducted operations. Elements of the FARDC also continued to employ child soldiers within its ranks despite being in violation of DRC and international law. Consequently, the incentive for illegal militant armed groups to give up child soldiers could not have been too great knowing that they still existed within the ranks of the FARDC.

Reforming the Police

The impetus for MONUC's involvement in police reform was the preparations for the 2006 elections and the necessity to have some semblance of a national police force in place to support the electoral process. In 2005, recognizing the risk of increased political violence during the process, Secretary General Kofi Anan requested and received an additional 841 MONUC Police, bringing the total number to nearly 1500 (International Crisis Group 2006, 10). MONUC organized the bulk of these forces in 125-officer units to support the DRC National Police efforts in insecure regions, particularly cities. The

remainder were used to advise territorial police and senior police planners in operations and management (International Crisis Group 2006, 10).

The potential value of the National Police related to the problem of child soldiers was two-fold. First, if they had been developed into an effective security force, they could have alleviated the burden on the FARDC in eastern DRC to achieve security so that the FARDC could get on with defeating armed militias and forcing them to submit to the DDR process. This would have promoted an environment of security that dissuaded families from giving up their young to voluntary recruitment. Arguably, the police would have been better suited to deal with civilians than the *brassage* Army forces known for human rights abuses and violence against civilians. Second, an effective National Police could have inculcated the population of eastern DRC with a better understanding of the laws within the DRC against the use of child soldiers and enforced those laws by incarcerating perpetrators.

MONUC's involvement in police reform was in no measurable way incorporated into the fight against child soldier use eastern DRC. This was a product of the National Police and MONUC's focus on the urban centers. International Crisis Group perhaps best recognized the gap in the security sector integration in the East in its 2006 assessment of SSR. It stated that specialized police units should have been available in the countryside to combat armed gangs, improve the security situation, and end the lawlessness within the region (International Crisis Group 2006, 11). Clearly, however, the required levels of trust, training, and professionalism in the National Police were not existent during the period to permit this approach to be effective. For the National Police to stem the use of child soldiers, they first would have required an appreciation of the rights of children

according to DRC and international law. The likely success of such an appreciation without significant indoctrination was dubious. The police were often the greatest perpetrators of abuses against street children found in the Kinshasa and were accused of excessive force and shipping street children to the provinces to get them off the streets of the capital (International Crisis Group 2006, 11; Reuters April 2006). These guardians of the law were little prepared to fulfill their duties.

Impunity

This study agrees with the consistent assessment by existing works described in Chapter 2 that the failure to indict criminals who violated DRC and international laws regarding child soldier use was a major enabling factor that contributed to their continued use. Chapter 2 documents well the pervasive use of child soldiers during the period in question; analysis now focuses on how the UN contributed to bringing the perpetrators to justice. Because the DRC ratified the Rome Statute of the International Criminal Court, the two main judicial bodies enabled by DRC law to indict such criminals were the DRC courts and the International Criminal Court. The UN's role in supporting this process manifested into action in two ways: the reporting of violations of the recruitment and use of child soldiers to the DRC Government and the ICC, and through the imposition of sanctions against perpetrators of this crime through the UN DRC Sanctions Committee based on these same reports.

The UNSC established a DRC Sanctions Committee and a Group of Experts in March 2004 and in 2005 established a working group on children in armed conflict. Shortly thereafter, the working group's efforts precipitated the UNSC adopting Resolution 1698 which extended sanctions to "political and military leaders recruiting or

using children in armed conflict and individuals committing serious violations of international law involving children and armed conflict (Security Council Report 2008, 19).” Despite the reports of the working group and MONUC citing numerous offenders, as of February 2008, Security Council Report found that the Sanctions Committee had taken no action and imposed no punishment on individuals or entities directly involved with the recruitment and use of child soldiers in eastern DRC (2008).

Arguably, the credibility of the UN’s efforts also suffered when MONUC allegedly perpetrated its own crimes against children. In a news release in February 2005, the UN Secretary General appealed to the Security Council to investigate, allegations against MONUC for the sexual exploitation of women and girls in exchange for food (United Nations News Center 2005). In May 2008, *The Economist* reported that this type of conduct was widespread and seemingly unabated and unpunished as UN peacekeeping forces were legally immune from host nation or UN punishment. The UN’s only recourse was to dismiss and recommend the repatriation and indictment of the alleged perpetrators by the troop-contributing nation (The Economist 2008).

The ICC was only marginally better in thwarting the issue of impunity in eastern DRC. As of the end of December 2007, the ICC had only confirmed the charges of one alleged perpetrator for the recruitment and use of child soldiers. The ICC’s investigations into crimes committed in the DRC began in June 2004. On 17 March 2006, Thomas Lubanga Dyilo, the UPC founder surrendered and was arrested under an ICC warrant. On 29 January 2007, the ICC confirmed Lubanga’s charges as “war crimes consisting of conscripting and enlisting children under the age of 15...and using them to participate actively in hostilities in Ituri, from September 2002 to 13 August 2003 (International

Criminal Court 2007).” While the UN Special Representative for Children and Armed Conflict touted Lubanga’s trial as “a crucial step in the fight against impunity [that] will have a decisive deterrent effect against perpetrators of this outrageous crime against humanity (UN News Center 2008),” the trial was delayed many times and had not yet occurred at the time of writing.

As of April 2008, only one national criminal prosecution had occurred against a perpetrator of employing child soldiers. In March 2006, a military court in Bukavu sentenced Jean Pierre Biyoyo, a FARDC commander *brassaged* from rebel service, to death by for child recruitment and illegal detention of children in South Kivu in April 2004. Bukavu authorities later reduced the sentence to five years imprisonment. Biyoyo subsequently escaped from prison and remained at large at the time of writing (Malinowski 2008).

From a purely judicial perspective, the effectiveness of the UN’s addressing impunity has been marginal at best. While the UN had no jurisdiction over the ICC or the DRC courts, it also failed to impose any sanctions or punishment specifically against perpetrators using child soldiers with its own DRC Sanctions Committee. The result of UN influence to achieve indictment of alleged perpetrators was equally ineffective as demonstrated by the paucity of cases compared to the aforementioned widespread use. Interestingly, not only has judicial and punitive action proven ineffective, some efforts may actually have proven counterproductive to the overall goal of preventing the use of child soldiers. In May 2007, Reuters reported that exposure of the case of Thomas Lubanga Dyilo was not deterring groups from using child soldiers as desired by the UN Special Representative. Instead, a phenomenon known as the “Lubanga Effect” saw

commanders of armed groups hiding their underage soldiers and forcing them to lie about their age at DDR facilities out of fear of retribution (Bavier 2007, 1).

Weapons Access

Weapons access was another enabling factor to the use of child soldiers in eastern DRC during the reporting period. As described in Chapter 2, the proliferation of small arms and the technological specifications of these weapons (lightweight, simplicity, robustness, cost, etc.), enabled their use by child soldiers. The focus of this analysis is to determine what the UN did to avert this enabling factor and how effective was this action. Two main areas encapsulate UN actions: implementing a UN arms embargo in eastern DRC specifically, and MONUC acting as the caretaker of that embargo. This study also briefly addresses the effectiveness of related arms embargoes in regions outside of eastern DRC.

UNSC Resolution 1493 of 28 July 2003 imposed an arms embargo on the provinces of North and South Kivu and Ituri specifically and to non-signatory groups of the 2002 Global and All Inclusive peace agreement. While the terminology of the resolution never actually used the word embargo, the text was quite explicit and fulfilled the definition of an official restriction on weapons importation. Based on an initial period of 12 months, subject to extension, the resolution determined that all nations:

... Take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related material, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo (UNSC 2003, 4).

The UN embargo further demanded that all States ensure “that no direct or indirect assistance especially military or financial assistance is given to the movements and armed groups present in the [DRC] (UNSC 2003, 4).” MONUC, the IEMF, and the integrated (read *brassage*) units of the Congolese national army and police forces, and supplies intended solely for humanitarian or protective use as notified in advance to the Secretary-General through its Special Representative were exempt from the ban (UNSC 2003, 4). In April 2005, the UNSC widened the scope of the arms embargo to include any recipient of weapons in the country not just eastern DRC and authorized a travel ban and asset freeze of individuals violating the arms embargo. The travel ban and asset freeze were extended in July 2006 to political and military leaders recruiting child soldiers or targeting children during conflict (Associated Press 2008). The DRC sanctions and arms embargo were renewed multiple times, similar to the extension of the MONUC mandate during the period of study. On 29 September 2003, through European Council Regulation 1727, the European Union also recognized the UN embargo within its own legislative powers (Amnesty International 2005).

The burden of imposing the embargo fell largely to MONUC despite the fact that the direction was to all member nations for implementation. MONUC was thereby authorized to assist the Government of the DRC and through military observers, to report on the movements and position of armed groups and “on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in that region (UNSC 2003, 4).” This responsibility nested within MONUC’s mandate to observe and help implement the peace agreements and conduct DDR. The UN DRC embargo was complementary to other embargos or arms restrictions imposed by the

UNSC against the DRC's neighbors. Following the Rwandan genocide of 1994, the UNSC imposed an embargo against that nation and in June 1995 imposed an embargo on arms transferred to the DRC, Uganda, Tanzania, and Burundi intended for the eventual destination of Rwanda. The UNSC lifted this restriction in August 1995 with a caveat that prohibited arms transfers to Rwanda if the weapons were intended for resale to its neighbors or other armed groups (Amnesty International 2005, 10).

While the 2003 embargo explicitly directed MONUC to support state authorities, the actual state ability to regulate the flow of cargo in and out of eastern DRC was virtually non-existent. As late as 21 July 2006, the UN was frustrated in its attempts to address the problem of illicit arms trafficking in violation of the arms embargo in the DRC. A UN Group of Experts composed of specialists in arms trafficking; finance, aviation, customs and border control conducted seven weeks of field investigation. The Group of Experts assessed that the main conduit for arms and ammunition remained air transport and that "...persistent problems with border porosity, continued lack of air space surveillance and poorly monitored financial flows have created a permissive environment for embargo violations (UN News Center 2006)." In addition, the Group assessed that some measure of recording the legal and confiscated weapons holdings within the DRC was required as it was otherwise nearly impossible to hold the FARDC responsible for any loss or theft of its weapons (UN News Center 2006).

The same Group of Experts reassessed the arms trafficking situation in late 2007 and reported little improvement in verifying adherence to, or enforcement of the embargo. The Group concluded after six weeks investigation in the DRC, Rwanda, Burundi, and Uganda, that MONUC was not well-supported by the Government of the

DRC in monitoring the embargo. As a Sovereign state, the Government of the DRC had in fact stated on at least one occasion that it had no obligation to disclose the flow of military supplies delivered into the nation (UN News Service 2008).

In the operational theater not surprisingly, MONUC was frustrated with the ineffectiveness of the embargo. In June 2006, in Ituri, Major Hans-Jakob Reichen, a MONUC representative, stated that despite MONUC's ceremonial burning of stacks of confiscated weapons, "there are still weapons that are coming in and this will continue so long as there are people willing to pay for them (Reuters June 2006)." Local militia sources concurred with Reichen's assessment stating that the AK-47, the "Congolese credit card," remained plentiful and that ammunition came in "easily" from Uganda (Reuters June 2006). The International Peace Information Service corroborated this assertion of Ugandan influence in a 2006 report on Ugandan arms trade in Ituri. The report cited that Uganda continued to supply the AK-47 and its derivatives to armed groups supportive of Ugandan interests and the UPDF in exchange for natural resources (Danssaert and Johnson 2006).

In 2005, Amnesty International cited that Rwandan authorities also continued to actively support and supply armed groups. Similar to the Ugandan case, Amnesty International asserted that Rwanda's supply of arms to local eastern DRC warlords was with the interest of securing natural resources from eastern DRC. The distribution of arms generally took place through multiple arms brokers thereby making the linkage to sovereign states difficult to trace and not necessarily in violation of the arms embargo (Amnesty International 2005, 10).

While the technical origin of small arms was easily discernible based on weapons type and design, identifying the actual supplier was far more difficult. Prior to the 2003 embargo UN customs data indicated Western European countries including Germany, France, and Italy as suppliers (Control Arms Campaign 2006). After the UN and subsequent EU embargo, however, many of the small arms that circulated in eastern DRC were from Eastern European surplus stocks that emerged after the collapse of the Soviet Bloc as well as from China (Control Arms Campaign 2006). The indirect supply of arms from neighboring Great Lakes countries was even more complex to track with armed groups receiving weapons from private contractors shipping on private airlines (Control Arms Campaign 2006). Allegations against MONUC peacekeepers for trading weapons for gold and ivory with armed groups in Ituri in 2005 also did not help MONUC's cause as the principle instrument of monitoring the UN embargo (United Nations (AFP) 2008).

The implementation of the UN arms embargo and its effectiveness at reducing the number of small arms available for child soldier was been limited at best. Although the UNSC imposed the arms embargo in July 2003, it was not until March 2004 that the UN established a sanctions committee to oversee its implementation. It was not until 2005 that all of the DRC was subject to the embargo and thus internal transfer of weapons was unimpeded by UN actions. An already over-extended MONUC peacekeeping force had the added burden of assisting the monitoring of the embargo. More importantly, MONUC's method of weapons collection in the DDR process did not adequately assess the source of weapons that would allow analysis to determine culpability in arms trade. MONUC essentially destroyed what armed groups turned in during the DDR process or reissued the weapons to the integrated units. Even if MONUC were able to track the

origin of illegal arms, the likelihood of indicting individual violators or states sponsoring their activities would have been small. The network of arms trafficking front companies and misleading paperwork made such identification problematic and very difficult to prosecute effectively.

Control Arms Campaign best summarized other reasons for the UN's persistent inability to control arms supplies in eastern DRC. These included the massive geography and porous borders of the region, the inadequacy and under-funding of MONUC forces to monitor violations at the 171 airports, airfields, and landing strips in eastern DRC, and the obstructionist behavior of Congolese, Rwandan, and Ugandan governments to monitor the embargo and impose sanctions (Control Arms Campaign 2006, 14).

The proof of ineffectiveness really lay in the fact that weapons remained easily accessible to unauthorized groups throughout the period of study and that national governments rarely caught or prosecuted violators of the UN embargo. When nations did identify perpetrators, they did little to stem their freedom of movement or impound aircraft. In a rare example in March 2007, the U.S. Treasury Department named seven companies and three individuals who had directly contributed to the conflict in the DRC by supplying arms directly or indirectly supporting illegal armed groups in the country. The department froze their U.S. assets and banned any U.S. company or citizen from conducting business with the listed offenders. Named entities included renowned international arms dealer Viktor Bout and his associated companies, and Congolese, Ugandan, and Rwandan gold traders and arms suppliers (United Press International 2007).

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Introduction

Conclusions about the UN's effectiveness in influencing the use of child soldiers in eastern DRC are broken down into two periods based on the change in UN mandate that occurred in 2002. These periods were 1999-2002 and 2003-2007. This chapter synthesizes the analysis of Chapter 4 that addressed the three factors of focused study: the root factor of insecurity, and the enabling factors of impunity and weapons access using the measures of effectiveness described in Chapter 3. This chapter also indicates where findings were inconclusive and discusses the relevance of this analysis to the broader field of study of child soldiers. Finally, it recommends where further study is warranted, and discusses the UN's options for preventing the further use of child soldiers in eastern DRC.

1999-2002

In the initial stages of the MONUC mission the UN failed to achieve any meaningful effect in influencing the use of child soldiers. This period reflected the nascent state of response to the crisis in the DRC. The Lusaka Accords and the signatory request for UN assistance begged for a Chapter VII intervention but an observer force was all that the UN was able or willing to contribute. The UN did begin to target the correct factors to influence the use of child soldiers during this period primarily by addressing insecurity as the critical impediment to halting child soldier use. To be clear, however, the UN's goal was not solely to solve the issue of child soldiers but more

focused on achieving some semblance of peace in the DRC and the Great Lakes region as a whole. The fact that the Lusaka Accords failed to achieve a lasting peace hamstrung the UN's ability to conduct meaningful peacekeeping. Arguably, there was no peace to keep and thus very little ability for the UN to influence the use of child soldiers other than through moral persuasion. Combatants had little incentive to give up this critical requirement to maintaining adequate combat forces and legitimacy. UN actions failed to produce a tangible reduction in child soldier use between 1999 and 2002. This study is inconclusive as to whether or not the UN's actions had any unintended effects related to the proliferation of child soldiers during this period.

The enduring quality of the UN's actions related largely to the education and bringing to the floor of the UNSC and the General Assembly, the relevance of child soldiers as an international security issue. This built on the 1996 Machel report that led to the creation of the position of the Special Representative of the Secretary-General on Children and Armed Conflict, and the appointment of its first executive in September 1997. The Special Representative identified the DRC as an area of interest for child soldier use, however, nothing more than political rhetoric was achieved to address the issue.

Prior to 2002, lines of effort that directly affected child soldier use remained in an embryonic state. The DDR and DDRRR programs did not achieve any meaningful start, however, these were endeavors that would eventually achieve some results in reducing child soldier use in the coming years. Security sector reform was also only a theoretical construct, and like demobilization was not yet imposed within the DRC. Similarly the enabling factors of impunity and weapons access remained largely unaddressed during

this period. The ICC itself did not yet exist, nor did a UN embargo, Group of Experts or Sanctions Committee.

At the risk of oversimplifying the complexity of deliberations and assessment that occurred within the UNSC and the General Assembly, this phase of effort to combat the use of child soldiers in eastern DRC was very much a period of developing understanding and visualizing the problem within the context of the larger conflict. A limited commitment was made to address the root factor of insecurity through the MONUC Chapter VI mission but little was done to achieve tangible effect on the use of child soldiers in eastern DRC.

2003-2007

As a result of the formal cessation of hostilities in eastern DRC with the signing of the Pretoria Global and All Inclusive Accords in 2002, the UN took advantage of the opportunity and did have some effect in influencing the use of child soldiers in eastern DRC. This was largely achieved through the expansion of the MONUC mandate and an attempt to solidify peace and security through a fairly robust Chapter VII mandate.

In accordance with the new mandate, the UN did target the correct factors that it could influence, specifically, the overall situation of insecurity as a root factor, and the enabling factors of impunity and weapons access. Arguably, the reduction of child soldier use during this period was directly attributable to the efforts of the MONUC mission and its supporting agencies. By supporting DDR, MONUC contributed to the demobilization of over 54,000 child soldiers with an estimated 15,000 to 20,000 remaining in February 2007 (Thakur 2007, 54).

This quantitative success, however, was overwhelmingly overshadowed by the UN's failure to achieve any success in addressing lasting security in the region. In essence, the UN efforts were a bandage to a nation in which conflict had resulted in over five million dead within the last decade. While MONUC's intentions may have been admirable, the fact that foreign and Congolese armed groups continued to operate and recruit within eastern DRC, and the fact that death, crime, and displacement on such an incredible scale remained the status quo during this period suggests that security was never achieved in a meaningful sense. In view of its ever-expanding mission, particularly considering that its main instrument of power was a military force, MONUC faced considerable challenges in achieving any vestige of security in eastern DRC. In addition, MONUC was forced to work with a weak transitional government and a national army that was arguably no better in quality or ethical conduct than the rebels it sought to defeat. It was no surprise, therefore, that an integration program allowing power sharing within the FARDC based on patronage for demobilized former rebel leaders failed to adequately address the problem of child soldiers either existing or being recruited into the ranks of newly created units. The DDR and DDRRR programs were rife with corruption and bureaucracy and failed to address adequately the issue of reintegration of child soldiers into society. The lack of security in the region was evident to rebel groups as well and resulted in their retention of child soldiers as they sought to sustain credible forces of legitimacy in the mineral rich east. Thus, there was little that the UN did that prevented perpetrators from re-recruiting child soldiers as the deteriorating situation required.

In terms of scale, the commitment of over 16,000 troops to provide security to an area the size of Western Europe was insufficient. Coupled with the enormous responsibilities to bring peace to a region factionalized by tribal, political, and economic interests, personnel displaced by warfare, starvation, in eastern DRC MONUC operated in an area characterized by jungle conditions, a population suffering from displacement and extreme poverty and with the concomitant threat of diseases such as malaria and HIV. The MONUC military force lacked the ability to compel parties to adhere to the peace accords due to its limited size. The UN did achieve isolated success in combatting insecurity as was demonstrated by the IEMF in Bunia in 2003. The strong caveat on this success was that it was achieved by a professional French armed force with a very limited mandate for a fixed period of time. MONUC's peacekeeping force did not have the luxury of the simplicity of the IEMF mission over the entire eastern DRC, not to mention conflicting demands when unrest in regions in the rest of the DRC sparked up and required a redistribution of forces.

While MONUC achieved some degree of security that contributed to the reduction of child soldier use, addressing impunity, or halting illegal armed groups from having access to weapons were categorical failures. Perpetrators in violation of child soldier recruitment and use were unimpeded in their violations of national and international law throughout the period in question. Despite UN efforts to name and shame perpetrators, the will of the courts of the DRC to indict and convict these war criminals resulted in only one conviction for child soldier use. The UN sponsored ICC was equally ineffective at acting as a court of last resort despite its mandate to deal with perpetrators of crimes against children. Only one indictment had been confirmed at the

time of writing despite the widespread use of child soldiers in eastern DRC. The UNSC dragged its heels to establish a DRC Sanctions Committee in 2004 a full year after the arms embargo was enacted and it was not until 2005 that it set up a working group to address children in armed conflict. Essentially, the flow of weapons to perpetrators of child soldier use was unimpeded. Thus while some would call this period the 'era of application' in essence the bureaucratic machine of the UN was barely catching up to provide meaningful energy to impose its own resolutions.

Unintended effects of the UN actions are inconclusive, however, some aspects are worth mentioning for further long term study. First, the UN intervention did provide some degree of security and stability which allowed child soldier demobilization to occur, however, it is arguable that the DDR process actually allowed child soldier perpetrators to achieve legitimacy through the *brassage* process which granted them lawful status as leaders of government forces. This status likely led to the unwillingness of the DRC courts to indict child soldier perpetrators given their new status as representatives of the country. Whether indictment of more perpetrators would have been more effective remains undetermined, however, as the case of Thomas Lubanga Dyilo likely created a deterrent effect for commanders to give up their child soldiers out of fear of retribution. Ironically the one case of halted impunity likely did more harm than good to cease the use of child soldiers.

Recommendations

Despite the criticism levied here against the UN's effectiveness in influencing the use of child soldiers in eastern DRC, the solutions to solve this problem are not simple. In credit to the UN, any action that it undertook was subject to the scrutiny of its General

Assembly and the concurrence of the UNSC, a bureaucratic and highly politicized process best analyzed in another work. At the heart of the matter, if the UN seeks to address the issue of child soldier use in eastern DRC, it must continue along its chosen path of addressing the root cause of insecurity by bringing about a cessation to the hostilities. This includes stemming the influence of the DRC's neighbors in destabilizing the region for their own economic and ethnic interests. In essence, there must be a peace to keep. Regional stability and security will allow the tide of true demobilization, disarmament, and reintegration of all rebel parties and concurrently allow the DRC and the UN to address child soldiers in a manner unhindered by open warfare.

To achieve this, the UN has a number of options. These include withdrawal of forces and hope for the exhaustion of fighting within the DRC. This course of action is likely morally unacceptable given the stigma that remains with the UN for its failure to act in Rwanda in 1994. A second option is to follow the IEMF example and use highly professional forces to consolidate regional gains in key centers and build out success from these areas of moral and physical influence. This option is contingent on the governments of capable forces being willing to become embroiled in a long security and stability fight in the DRC at the expense of other interests abroad. Finally, the UN can continue to pursue a status quo of mediocrity where its forces are spread so thin across the region that they barely provide some modicum of security in addition to the litany of other tasks listed in their mandate.

Weapons access is an issue where perhaps the UN should not waste further energy. Until the UN is willing to impose sanctions against nations for violating the embargo, 'naming and shaming' individuals will not be effective. In order for the

sanctions to be effective, they need to address the culpability of nations for allowing its citizens to continue to violate binding international resolutions. It remains highly unlikely that the UNSC will come to such an agreement. Thus, the status quo of having an embargo for deterrent effect may be the best realistic option available with full realization that groups will still gain access to weapons.

Regarding impunity, perhaps the best option is to wait on this issue until MONUC achieves a more reasonable semblance of security. The underlying issue is that the eastern DRC has slipped into a state of barbarism when it comes to warfare. Child soldier use is only one aspect of this. Thus, while it may offer moral conciliation to the hearts of western politicians to see the issue dealt with, perhaps they would be better served to see the root cause of insecurity addressed and then sort out why the means of fighting were so intolerable. The scenario is similar to trying to stop starvation and disease in the region when the root causes include insecurity and displacement due to conflict. With stability achieved, however, thereafter the value of punishing war criminals is questionable. Amnesty, education, reconciliation, and rehabilitation are more enduring solutions, as punitive measures are likely to result in enormous energy spent on judicial cases versus rebuilding from the effects of war.

If the UN is to be the instrument of success, the key decision for its members will be when they as a collective, given all other commitments, agree to solving the problem of war in eastern DRC where there has been an absence of peace since at least 1996. Tying back to the opening premise that child soldiers are not an acceptable condition; in eastern DRC, child soldier use has become a consistent norm and is symptomatic of the desperation and tragedy of warfare and insecurity in the region. Until the international

community and the government of the DRC are willing to address the complete set of root causes leading to conflict in the region, armed groups including the FARDC, will continue to employ children in armed conflict and the UN's efforts will remain half measures. Thus far, with a mandate focused on security, the UN has failed to achieve success. This work has merely highlighted how the existence of a deplorable means of warfare is representative of the greater human condition in eastern DRC.

Epilogue

The intervening year since the end of 2007 and the publication of this work has not brought renewed hope for the UN's success in eastern DRC. Despite a UN-brokered comprehensive disarmament plan for all militias in the east through the Nairobi declaration of November 2007, and the Goma peace agreement of January 2008, the actual implementation of these plans has failed. At the time of publication, Laurent Nkunda's CNDP forces encircled and threatened to capture Goma after renewed fighting with the FARDC and tacit support from Rwanda. The UN has proven ineffective in preventing this action and thus far has not brought the Kabila government and Nkunda together for diplomatic negotiations. The result has been the displacement of hundreds thousands of civilians and continued insecurity in eastern DRC. On 11 November 2008, the UN Secretary General requested an additional 3,000 peacekeepers to help bring security to eastern DRC. How this continued insecurity will affect the use of child soldiers is as of yet undetermined. If the past is any predictor, however, resurgent use will occur as armed groups struggle to maintain superior numbers relative to their enemies.

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