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The African Union's duty to prevent the political and security crisis in the DRC: A gendered perspective

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International Relations

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By

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Declaration

I, Nouriatou Monjap Pefoura Ntieche declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date: 15 December 2017

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In loving memory of my mum...

Abstract

The current political and security tensions in the Democratic Republic of Congo, risk escalating into an all-out war as seen in that country in the past. There have been several unfruitful attempts to prevent and resolve the conflicts, while research is emerging that the participation of women in peace processes increases the chance of their success. This thesis mainly seeks to determine that the African Union must match its preventive and mediation efforts there with its gender equality agenda to increase their effectiveness. It mainly questions the extent to which the African Union's prevention frameworks enable it to mediate the crises in Democratic Republic of Congo using a gender-inclusive approach. To answer this question, the gender-sensitive analysis is applied to the data collected. This thesis finds that the African Union possesses an extensive set of policies in the women, peace and security area, beside its diplomatic tool, the Panel of the Wise, and the new African Union Mediation Support Unit that could help it tackle the crises in the Democratic Republic of Congo in a gender-sensitive way. This notwithstanding, African Union's mediations in that country from 2015 to date have, to an insufficient extent, reflected its gender equality policies with respect to peace and security.

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List of Acronyms:

ACHPR: African Charter on Human and People's Rights

APSA: AU's Peace and Security Architecture

AU: African Union

AUCA: AU Constitutive Act

CENI: *Commission Nationale Electorale Indépendante* [National Independent Electoral Commission]

CEWS: Continental Early Warning System

CSOs: Civil society organizations

DRC: Democratic Republic of Congo

ECOWAS: Economic Community of West African states

FemWise-Africa: Pan-African Network of Women Mediators

ICGLR: International Conference on the Great Lakes Region

NAPs: National Action Plans

NMBU: *Norges miljø- og biovitenskapelige universitet* (Norwegian University of Life Sciences)

OAU: Organization of the African Unity

OSE: Office of the Special Envoy on Women, Peace and Security

PanWise: Pan-African Network of the Wise

PoW: Panel of the Wise

PSC: Peace and Security Council

RAPs: Regional Action Plans

RECs: Regional Economic Communities

R2P: Responsibility to protect

SADC: Southern African Development Community

SDGEA: Solemn Declaration on Gender Equality in Africa

UN: United Nations

UNSRC: UN Security Council Resolution

WPS: women, peace and security

WWII: World War II

1. Introduction

The topic of this thesis found its inspiration in research such as Mama and Okazawa-Rey (2008) who argue that conflicts and violent regime changes in the post-independence period find their roots in the colonial past of Africa and the ensuing culture of militarism. Patriarchal gender norms, they say, play a role in how present-day leaders attempt to restore the values of masculinity that was oppressed during colonialism, and perpetuated the militaristic legacy (Mama & Okazawa-Rey 2008). It is enlightening to place the politics of elections in the Democratic Republic of Congo (DRC), and elsewhere in Africa, against this backdrop. Most of the time, African leaders are reluctant to relinquish power upon the end of their mandates (Englebert 2017). Previous elections in the DRC, and other cases such as in The Gambia with Yahya Jammeh illustrate such attitudes. DRC's president Joseph Kabila was supposed to leave power on 19 December 2016, end of his second term. The constitution does not allow him to run for a third term, and as of this writing he is still in power, yet to clarify whether he intends to run for the next elections or not (Radio Okapi 2017b). The country has been holding its breath, with mounting fear of large scale violence (Tilouine 2016). The DRC has known only two elections in its history since its independence in 1960, both won by Kabila who took over his father Laurent Kabila after his assassination in January 2001 (Tilouine 2016). Protests against president Kabila ambitions to run for a third term led to a series of violence in the capital Kinshasa in November 2016 (Bensimon 2016). The country is the site of one of the longest lasting conflicts in the world, the worst since World War (WW) II (Autesserre 2010). While the political situation is an important factor, the violence in DRC has other local and regional dynamics (Autesserre 2007).

Despite the presence of the biggest and oldest UN peacekeeping mission, the political unrest and the violence have led to the largest humanitarian crisis in the world: millions of deaths, refugees, internally displaced people, the massacre of civilians, abductions, assassination and sexual violence (Autesserre 2010; Roth & Sawyer 2017). The latter is such a scourge that the UN represented eastern DRC as the "rape capital of the world" (Lloyd-Davies 2011). 1100 women were believed to be raped every day (Tampa 2012). But after three years of policy change and activism in the country from 2013 to 2016, report in 2016 indicates that cases of war-related sexual violence dropped by half (MONUSCO 2016). The scale of sexual and gender-based violence, however, either war-related or not is still alarming.

In light of the country situation wherein Kabila manoeuvres to stay in power, the opposition is divided, on top of the growing violence. The Congolese population can be said to be in need of a "savior". One candidate would be the African Union (AU). Following the norm of non-indifference guiding its security policies, the AU has a duty to intervene (Williams 2006). Doing so will hopefully

prevent the already tense situation to escalate into an all-out war as seen in the past. AU's obligation represents a novelty brought by the AU when it replaced the Organization of African Unity (OAU), which has allowed the AU to approach sovereignty less narrowly than its postcolonial predecessor (Jeng 2012). It enables the AU to intervene within an institutional framework in grave circumstances defined by its Constitutional Act.

The dominant stance in the literature on the responsibility of the AU in peace and security states that it has an important role to play, since many African states fall short in their role of main security provider to their populations (Moolakkattu 2010; also Jeng 2012). Most of the literature, however focuses on peace operations and security mechanisms deployed by the AU in its role of security provider (Gelot et al. 2016). The novelty of this thesis lies partly in the fact that it studies conflict prevention in a country where it is understudied. It breaks then, with the tradition of fatalism that has been going on among conventional analyses regarding conflicts in the DRC. Indeed, in a very insightful work, Autesserre (2010) reveals that international actors perceive violence in the DRC as cultural and normal; Congolese would be inherently violent. Therefore, little is done by international peacebuilders to resolve local violence that has a "normal" level. Violence is not normal, and populations should not have to pay the price of such (mis)conceptions. It is argued that the AU would have fewer crisis to deal with if more attention was given to prevention, even more so because of its lack of resources and funding, and its dependency on external aid (Apuuli 2016).

Furthermore, this research analyzes AU-led mediations and preventive measures in DRC through a gender-sensitive lens. Such analysis is scant in regard to the DRC, with available researches focusing mainly on Africa in general or other countries (such as Okech 2013; Olonisakin & Hendricks 2013). Gendered researches on insecurity in DRC mostly focus on sexual and gender-based violence (among others Eriksson Baaz & Stern 2011; Eriksson Baaz & Stern 2013; Mertens & Pardy 2016). The paper attempts to show the interplay between gender, conflicts and conflict prevention and mitigation in DRC. Such analysis is important to determine how peace processes can be rendered more effective. The centrality of gender in peace and security has gained momentum since the adoption of United Nations Security Council Resolution 1325 (UNSCR 1325), resulting in policy changes at both the global and regional levels. Therefore, this thesis investigates whether or not AU's gender instruments are implemented on the ground, as well as the ways in which the AU seeks to improve African women's participation in peace processes

It has been found that the AU is sometimes more successful in mediating African conflicts because of the legitimacy it enjoys, stemming from the norm of African solutions to African conflicts (Duursma 2017). For this reason, the AU is arguably the most legitimate actor to intervene in the crisis in the DRC, but also because actions previously taken by western actors to mitigate the conflicts

or to pressure Kabila to leave power has been subject to accusations of neocolonialism (Katangais 2017). Other potential peacemakers are the Southern African Development Community (SADC) and the International Conference on the Great Lakes Region (ICGLR) of which DRC is a member. Neither has meaningfully addressed the current situation (ISS 2016) to date. They are critiqued for being biased towards Kabila's regime (ISS 2017), and the possibility of a regional solution appears unlikely, given the military involvement of some of DRC's neighbors in the country, and the fact that most of the surrounding presidents have amended their countries' constitution to prolong their rule (ISS 2016). Whereas regional neighbors could play a major role to resolve conflicts. Going back to the case of the Gambia indeed, it was with the strong leadership of members states of the Economic Community of West African States (ECOWAS), particularly Senegal that Yahya Jammeh finally left power (Jones et al. 2017).

This dissertation focuses on non-military conflict prevention because of its ability to de-escalate violence and substantially limit collateral damages on the most vulnerable part of the population during conflicts – women and children –, without recurring to force. This is important, given the growing trend of militarized peacemaking in Africa that has nefarious consequences on civilians (Gelot 2017).

1.1 Objectives and research questions

The AU and its member states committed to “end all wars in Africa by 2020”, as part of the overall vision of “[s]ilencing the guns in Africa by 2020” (African Union 2016a). This objective is ambitious to say the least, with the surge of conflicts on the continent since 2010 (de Carvalho 2017). The peace and security framework provides different institutional mechanisms to prevent conflicts. The AU's Peace and Security Architecture (APSA) rests on five pillars: The Peace and Security Council (PSC), the Continental Early Warning System (CEWS), the African Standby Force, the Panel of the Wise (PoW), and the African Peace Fund. To an extent, all of these pillars play a role in preventing conflicts (de Carvalho 2017). But the CEWS and the PoW are the key mechanisms for AU's operational prevention (van Wyk 2016; Gomes Porto & Ngandu 2015). The CEWS is beyond the scope of this thesis, mostly because it is largely inactive (Gomes Porto & Ngandu 2015; Makinda et al. 2016).

This paper analyzes the practice of mediation often used by the AU to navigate the diverse demands of the main stakeholders and reach agreements. In those cases, mediation has been used towards preventive purposes, that is, preventive mediation. So far, two major preventive mediation attempts led by the AU in DRC yielded agreements that have not been implemented by parties (Pineau & Pennetier 2017), and the AU has started new talks with the government, the opposition and other relevant actors (AUC Chairperson 2017a). Congolese news organizations websites reveal that a large

number of people are getting tired of all the diplomatic solutions that fail to secure them durable peace. For instance, one comment reads: “RDC pays des éternels dialogues”, or “DRC country of endless dialogues” (Kaleb Hobiang 2017).

The two major DRC mediation attempts were led by top male diplomats. This forms part of a larger trend as regards mediation practice in Africa. In general, in 92 percent of cases of AU’s mediations in African coups between 2000 and 2014, the lead mediator was a serving or retired (male) president (Nathan 2017). As part of diplomatic measures to ease the crisis in DRC in 2002, the Sun City peace negotiations brought together delegates from the Congolese government and rebel groups. Out of 340 delegates, only 40 were female whom represented 12% of negotiators and 0% of mediators (CFR 2017a). Research is emerging that inclusivity and more gender-sensitive approaches to conflict management is correlated with durability of peace (O’Reilly et al. 2015). Indeed, peace agreements in which women participated are 35% more likely to last at least 15 years (CFR 2017b). In spite of this, most of the literature on peace building in Africa has neglected the role that women can play (among others, Kissi 2016; Söderbaum & Tavares 2009). There is a knowledge gap here in need of systematic study, not least since the AU has to its disposal a set of instruments and policies promoting the women peace and security agenda. The latter stems from the global recognition of the importance of equal participation of women in peace and security processes (Okech 2016). The thesis studies how those instruments and policies are implemented in the context of DRC to mediate the crises more efficiently and expand the type of actors that have access to negotiating tables. It makes the case for gender-inclusive peacemaking strategies, something that has been missing in debates on African security (Haastrup & Dijkstra 2017). All in all, the main objective of this dissertation is to determine that the AU must match its preventive and mediation efforts in DRC with its gender equality agenda to increase their effectiveness. While there may be references to older and past events for the sake of clarity, it focuses on events that took place since 2015, because it is the year before Kabila’s planned end of term.

In light of the above, the main research question that guides this research is: to what extent do the AU’s prevention frameworks enable it to mediate the DRC crises using a gender-inclusive approach? That research question is further split into the following sub-research questions:

- How well have the AU’s mediation and prevention measures in the DRC from 2015 to date reflected the gender equality agenda of the AU with respect to peace and security?
- What can the case of DRC tell us about the AU’s ability to improve women’s participation in peace processes?

1.2 Outline of the thesis

The remainder of this dissertation is structured as follow: Chapter 2 presents the background of the topic, with an accent on sexual violence and AU's responses and mediations in DRC since 2015. Chapter 3 develops the conceptual and theoretical framework. To this end, it reviews the literature to explain the concepts of conflict prevention and mediation, using a gendered approach. It also explores how the women, peace and security agenda was constructed, and what its significance is. This Chapter further links the gender equality agenda to the AU's duty to prevent, to show how the AU has domesticated UNSCR 1325, and how it mainstreams gender equality. Before this, the challenges that obstruct the participation of women in peace processes will be presented. Chapter 4 explains how this research was conducted, the limitations experienced, and how they were overcome. Further, Chapter 5 analyzes the AU's mechanisms to mediate the DRC crises since 2015 through gender-sensitive lenses. In doing so, it will determine whether AU's mediations and preventive measures led through the PoW reflected its gender equality agenda; and the potential of the recently operationalized Mediation Support Unit for more effective mediations. Before that it will explore how the AU promotes the gender equality agenda through its gender architecture. Then, Chapter 6 shows some initiatives of the AU to enhance African women's participation in peace processes. Lastly, the concluding Chapter 7 wraps up this research arguing that the AU possesses an extensive set of measures and tools designed to match its gender equality agenda in peace and security, that could lead to gender-inclusive mediations. This notwithstanding AU's mediations in DRC from 2015 to date have, to an insufficient extent, reflected its gender equality policies with respect to peace and security.

2. Topical Background

“We are potentially one of the richest countries on earth given our size and population, with our natural resources [...], but the cost of war is intense and immense” (Ghani 2017). While this statement is meant for Afghanistan, it easily applies to DRC. The country possesses the 16th largest population, and 12th largest territory size in the world (CIA 2017). Natural resources are so abundant in the country that some observers see it as a curse (Snow 2013). Indeed, notwithstanding its immense potential, DRC's history captures almost constant violence and political instability. The army supposed to secure the country and make the population feel safe “behaves like a militia” (Reyntjens 2006, p. 315). The military is involved in massacres of civilians, plunder or racket; and rape (Eriksson Baaz & Stern 2011; Reyntjens 2006).

The “social cost” (Trefon 2005, p. 127) of violence and armed conflicts in DRC is immense. The country is in an “apocalyptic” state, populations depend on aid and charity for healthcare (Snow 2013). The Second Congo war of 1998 led to millions of deaths, massacre of civilians, millions of refugees, internally displaced populations, and massive human rights violation. That war also caused the First African World War because of the implications of neighboring countries (Autesserre 2010). In fact, Rwanda and Angola backed the insurrection against Laurent Kabila’s government, which Angola, Chad, Namibia, Sudan, and Zimbabwe came to the rescue (CIA 2017). The most violent regions of North Kivu and North Katanga, in the eastern region of DRC are hardly accessible to the government and humanitarian workers (Autesserre 2007). Therefore, populations endure continuing suffering from diseases, malnutrition, human rights violations: rapes (sexual violence), looting, massacres of civilians or cannibalism among others, as a result of violence perpetrated by the different armed groups (Autesserre 2007). “Empirically speaking, the DRC has virtually ceased to exist as a state” (Reyntjens 2006, p. 315). It is a state “by courtesy” (Jackson 1987 p. 529); a “quasi-state” (Jackson 1987), or a “failed state” (Clark 2014) in more recent terms. As a result, the government lack of control over the territory and some institutions, with the afore-mentioned devastating consequences on populations. The next section takes a close look at sexual violence, because of the implications it has for women, and the creation of both global and regional women, peace and security agendas.

2.1 Sexual violence in DRC

Sexual violence affects men and boys as well (Eriksson Baaz & Stern 2011; Sadie 2015), but women and girls are by far the biggest victims (Sadie 2015). Its most common expression is rape, or at least the one that receives much focus, and is most prominent in the eastern region (Eriksson Baaz & Stern 2011; Sadie 2015). Stories and reports on the scale of that scourge are horrific (see for example, Tampa 2013; Eriksson Baaz & Stern 2013). Sexual violence is perpetrated by rebel groups, as well as civilians. And security forces are among the main perpetrators, as much as 35,24% of the number of incidence in the period 2010-2013 (Sadie 2015), and they blame it on poverty (irregular payments of their salaries), or the lack of respect of populations among others (Eriksson Baaz & Stern 2013; 2011). Insecurity and conflicts certainly contribute to perpetuate the rape endemic, but sexual violence is also rooted in unequal gender norms of the society (Sadie 2015). Sexual violence “has destroyed basic tissues of social life, it has damaged spousal bonds and child–parent relationships and it has seriously fractured the sense of community” (Mertens & Pardy 2016, p. 964).

Further, sexual violence is now recognized by the UN as a threat to global peace and security (Mertens & Pardy 2016); and used as a systematic weapon of war, it may constitute the grave category

of war crimes (Sadie 2015), or crimes against humanity as provided by the Rome Statute instituting the International Criminal Court (Olonisakin & Hendricks 2013). Five of the eight UN Security Council resolutions in the domain of women, peace and security agenda specifically address sexual violence in warzones (Mertens & Pardy 2016) – while neglecting the prevention aspect of that agenda (Basu 2016). Notwithstanding the importance of such recognition, many argue that war-related sexual violence has received a disproportionate attention from western media and the international community, something that has negatively impacted policies and humanitarian relief (Mertens & Pardy 2016; Sadie 2015; Eriksson Baaz & Stern 2011). For instance, while focusing on sexual violence, they ignore other societal problems, war-related or not, such as domestic violence, civilian rape or poverty (Mertens & Pardy 2016; Eriksson Baaz & Stern 2011). It also results in the “commercialization of rape”, as some women have to claim they have been raped to get access to healthcare, or community organizations that have to put sexual violence on their agenda to get funding (Eriksson Baaz & Stern 2011; Sadie 2015). Therefore, and as Mertens and Pardy (2016) contend, the attention given does not necessarily result in effective remedies.

Moreover, the international community overwhelmingly represents sexual violence in DRC as war-related, and sometimes misleadingly as a weapon of war (Mertens & Pardy 2016), a way of humiliating, terrorizing or punishing the adversaries (Eriksson Baaz & Stern 2011). Such account fails to acknowledge the impact of complex gender relationships relevant in the society (Mertens & Pardy 2016). On this, Sadie (2015) argues that to successfully curb sexual and gender-based violence, authorities need to address the origin of the issue, which is traditional and cultural attributes to women and men’s roles in the society. She contends that more women in the public sphere among other could help change attitudes (Sadie 2015).

Mertens and Pardy (2016) sum all those discrepancies with the concept of “sexurity”, this is, a western discourse resulting from the “securitisation of sexual violence, the sexualisation of security, and the language of crisis” (p. 960). “Sexurity” reflects the gendered relationship of the West and the South wherein the former imposes its views and norms on the latter (Mertens & Pardy 2016). The consequence of “sexurity” is that international response is not adequate, as the framing is not comprehensive of all dimensions of the issue, and the disregard to local realities (Mertens & Pardy 2016). Sexual violence needs to be addressed *with* other social problems (Mertens & Pardy 2016).

To be fair however, some reports such as one from the European Union Parliament do mention the gendered dimension of sexual violence (European Parliament 2014). And despite the exaggeration, the fact that the atrocities of sexual violence draw international attention gives the opportunity to engage in transformative debates for gender equality (Olonisakin & Hendricks 2013). Anyway, the concept of “sexurity” is important for this research because it demonstrates that external solutions

decided in the global arena sometimes poorly match local realities, and therefore amounts to the need for local solutions in line with local contexts. Hence the pivotal role of the AU, as it has the advantage of the proximity, and knowledge of local realities (Makinda et al. 2016).

2.2 AU's responses and mediations in DRC since 2015

Before the AU recently engaged in new negotiations in the country as will be explored in Sub-section 2, two major initiatives yielded agreements that have not been implemented by parties, as evoked in the introduction. These are reviewed in Sub-section 1.

2.2.1 Two mediations, two agreements, no peace

In 2013, a Framework Agreement for peace and security was signed for the DRC, following peace talks among the UN, the AU, the SADC, the ICGLR, the DRC government and regional neighbors (Kok & Zounmenou 2013). That agreement has not been implemented to date. Among other things, it called on DRC to “consolidate State authority”, and on its neighbors to “neither tolerate nor provide assistance or support of any kind to armed groups” (Kabila et al. 2013). Clearly, this mediation was undertaken before 2015, but it is interesting for this research because of the variety of actors involved to no avail for peace. As of this writing indeed, violence continues in DRC, making it the bloodiest war since WWII (Autesserre 2010, Snow 2013; de Bibo 2008). More than 3000 people were killed, 20 villages destroyed by the army and militia groups in the Kasai region in 2016 (Kouassi 2017). The UN reports more than 80 mass graves and about 1,4 million people who fled the violence in that region (Radio Okapi 2017a). Congolese women were excluded from negotiations that led to the signing of that agreement in Addis-Ababa, something that resulted in gender issues being largely excluded from the accord (ONU Femmes 2017). The only direct reference to gender that could be found in that agreement is “[a]cts of sexual violence” (Kabila et al. 2013, p. 1). It did however have one female signatory, the first female chairperson of the AU Commission.

In 2016, the AU sent Edem Kodjo, former Togolese prime minister (and member of the outgoing Panel of the Wise) to mediate the crisis. It has been argued that Kodjo's mediation was insufficiently inclusive or representative of all stakeholders, and led to an agreement that is already forgotten (Sido Nshimba 2017). To be sure, that attempt was initiated at the request of the government, something that somewhat limited Kodjo's neutrality, and the success of the mission (ISS 2016). The political agreement was signed on 18 October 2016, and around eighteen percent of women participated this time to negotiations (ONU Femmes 2017). As a result, gender issues were taken more fully into consideration (ONU Femmes 2017). This notwithstanding, that agreement was

not implemented, and the government's crackdown on protestors and political opponents continues (Bensimon 2016; Roth & Sawyer 2017), and security remains "volatile" (International Crisis Group 2017) in Kinshasa and other regions. In view of the lack of implementation of those agreements, new rounds of negotiations have started since the end of the year 2016.

2.2.2 New attempts, new hope

Following the AU's track record of non-inclusive mediation, the Church through the Catholic bishops of the National Episcopal Conference of the Congo (CENCO) spearheaded talks that led to a deal with the government and the opposition on 31 December 2016. That accord posits that Kabila will have to organize elections by the end of 2017, in which he cannot be candidate (Africa news). It provided new hope for peace without violence, and hope for a future DRC without Kabila at its head. President Kabila assured at the UN General Assembly in September 2017 that they "are most certainly moving towards credible, transparent and peaceful elections" (AFP 2017). But authorities announced that they could not take place before 2019 (RFI 2017). In fact, the government claims that the recent escalation of violence in the Kasai hinders the organization of elections (Roth & Sawyer 2017). It is worth noting that those acts of violence started in August when the military killed the traditional chief Kamuina Nsapu, an opponent to Kabila's regime (AFP 2017). This leads some to argue that the government deliberately triggers violence and instability to delay the elections (Roth & Sawyer 2017); that the government seeks the hatred of Congolese (Musavuli 2017).

The AU has started new talks, arguably initiated at the visit of Moussa Faki Mahamat, Chairperson of the AU Commission in September (AUC Chairperson 2017a). This initiative is supposed to complement the new year eve's agreement and ask for its implementation. The Chairperson met with president Kabila twice, members of the opposition, as well as major stakeholders and members of the civil society. The goal of this mission is to listen and become informed about the country's situation, and to show the strong commitment of the AU to help DRC getting through the current tense situation (AUC Chairperson 2017a). Given the lack of trust of the opposition and the failure of the first attempt to rally all sides, the critical question is how this attempt will be different, and how the AU plans to win the trust of the opposition accusing it of helping Kabila to stay in power (Le pays 2017). The opposition insists on Kabila leaving by January 2018, and it would be interesting to know what leverage the AU possesses to bring them to the mediation table (Le pays 2017). The complexity of the situation leads many to already predict the failure of the new attempt, that "the comeback of the [AU] into the Congolese quagmire is only an attempt to give itself good conscience" [le retour de l'organisation continentale dans le borbier congolais n'est qu'un engagement pour se donner bonne conscience] (Lepays 2017).

Before that, Bineta Diop, the AU Special Envoy on women, peace and security visited DRC in a joint UN-AU “High-Level Solidarity Mission” in July 2017 ((AU 2017a). That mission main objective was to “Revitalize Women’s Participation and Leadership in Peace, Security and Development” (AU 2017a). It pushed for the realization of the gender equality agenda in the country, and encouraged women’s participation in security and development initiatives (AU 2017a). It will be seen later on that this mission followed the decision of the AU to create a network of African Women leaders, something that could increase Congolese women’s presence in the political sphere.

3. Conceptual and theoretical framework

3.1 Conflict prevention and mediation: a gendered approach

Rwanda, Yugoslavia, Sierra Leone are among the prominent cases that displayed the failure of the international community to predict them (Ramsbotham et al. 2005). The atrocities of those cases spotlighted the need for conflict prevention – conflict here is to be understood as armed conflicts, as opposed to conflicts that affect every society at a healthy level and allow those societies to develop themselves through debates for instance (Jarstad 2008). In Ramsbotham et al words (2005, p. 124), a “global culture of prevention” sprung, and conflict prevention organizations and institutions mushroomed. Nevertheless, the concept of conflict prevention can be traced back to the Westphalian Treaty, as it sought to prevent more interstate wars (Carment & Schnabel 2003b). Practitioners and scholars alike widely agree that preventing conflicts is less costly than reconstruction or relief after armed conflicts have erupted (Ramsbotham et al. 2005; Lund (2009); van Walraven (2005)). For instance, the violence in DRC has already claimed millions of lives and financial resources with the very expensive MONUSCO, the humanitarian aid, etc.

Conflict prevention is now an established norm, thanks to the UN through the “Annan doctrine”, developed after Boutros Boutros-Ghali (re)framed the concept of conflict prevention in 1992 (Ramsbotham et al. 2005, p. 125). On top of being cost-effective, previous experiences like Macedonia or South Africa indicate that conflict prevention can actually work (Woodhouse 1999). This shift of culture has led many different organizations to take steps and transform their policies to match the requirements of conflict prevention. The most prominent actions are taken within the UN itself, and within the EU (Ramsbotham et al. 2005), while the discourse on conflict prevention in Africa started after the Cold War (Engel 2005).

As a matter of fact, after the Cold War and the end of ideology blocs that followed, superpowers refrained from intervening in conflicts in Third World states. They did it only when it

suiting their interests (van Walraven 2005; Autesserre 2010) even if it meant watching populations in agony. Therefore, it left regional organizations with the responsibility to provide peace and security on their continent (Draman 2003).

It was not until the UNSCR 1325 that a gendered conflict prevention gained formal recognition in international policies (Basu & Confortini 2016), even though discussions on gender mainstreaming started at the UN in the 1970s and 1980s (Olsson 2007). UNSCR 1325 advocates for transformative change of the system, a recognition of the importance of gender in peace processes (Basu & Confortini 2016). For Feminists, gender transcends the biological distinction of sex of individuals; it is an analytical tool, rather than a descriptive one (Tickner 2014). Gender is socially constructed, and is amenable to change over time (UNDP 2017). It refers to “the social attributes, challenges and opportunities as well as relationships associated with being male and female” (UNDP 2017, p. 7). Those perceptions associate masculine traits with strength, and feminine ones with weakness; and the former are preferred over the latter (Tickner 2014; Haastrup 2015). In this distinction, individuals may belong to each category irrespective of their sex. For instance, a man can be seen as acting womanly, and a woman like a strong male (Tickner 2014).

That said, according to Lund (2009), “[c]onflict prevention applies to peaceful situations where substantial physical violence is possible, based on typical indicators of rising hostilities” (p. 288). Basically, conflict prevention pertains to preemptive measures in order to thwart the possibilities of violent conflicts. He warns of the consequences of using the term of conflict prevention when violence has already erupted, as it removes the very nature of what prevention is, and allows international actors not to act prior to the beginning of violence. He argues that actions taken after the eruption of violence is rather part of conflict resolution (Lund 2009). This point of view is shared by other scholars such as van Walraven (2005), or Ramsbotham et al (2005) who contend that when armed conflicts have already erupted, one should refer to conflict mediation, intervention, or conflict management. They note that practitioners usually resort to conflict resolution mechanisms, rather than genuine conflict prevention.

Following this reasoning, even though the purpose is to prevent further escalation of violence in DRC, while referring to AU’s actions at this point, the concept of conflict management is “more fitting” (Lund 2009, p. 289). Still, today’s violence in DRC has not yet reached the tipping point seen in the past, such as during the First Congo War and the Second Congo War in 1998, and sometimes have been at a relatively low level. The level of violence as of this writing is considered to be relatively low compared to both war periods for instance, and is concentrated in some provinces. Therefore, AU’s actions could lead both to avoid the spreading of violence to other regions, and the escalation of violence to new peaks. According to Carment and Schnabel (2003a), conflict prevention

“can be applied at different phases of conflict” (p. 11). They argue that doing so provides some flexibility to practitioners, insofar as they do not have the capacity, nor the resources to intervene at early stages of all potential conflicts (Carment & Schnabel 2003a). Indeed, one of the biggest of the AU is its lack of resources and its over-reliance on external aid (Apuuli 2016; Makinda et al. 2016), which explains its overall reactivity to conflicts, rather than proactivity. And the number of conflicts on the continent further complicates its proactivity. As reviewed by Wallensteen and Möller (2003), the phases of conflict prevention differ from one scholar to another, and they argue that there are “no sharp lines between the phases” (p. 13). Ideally, conflict prevention must be applied to cases where violence is predictable or imminent; and practically, it can be applied throughout the conflict. For the purpose of this research and the situation in the DRC, the practical approach is the most suitable.

Furthermore, there are two aspects of conflict prevention, the “light” or operational prevention and the “deep” or structural prevention (Lund 2009; Ramsbotham et al 2005). The former, also referred to as preventive diplomacy focuses on preventing violence from breaking out without addressing the root causes of violence (diplomatic actions, mediation etc); while the latter is more aimed at addressing those root causes (Ramsbotham et al. 2005). Structural prevention entails a range of initiatives to “address the sources of conflict by encouraging economic development, meeting the needs for identity, security and access of diverse groups, strengthening shared norms and institutions, addressing the sources of conflict in poverty, marginalization and injustice, and building domestic, regional and international capacity to manage conflict” (Ramsbotham et al. 2005, pp. 108-109). Operational prevention is short-term, while structural prevention is long-term (Carment & Schnabel 2003b).

To be successful, conflict prevention must combine both strategies. However, the deep prevention aspect is beyond the scope of this research, because security is more urgent in DRC. Indeed, it is security that enables all other structural operations. There is not much one can do when the sound of rifles hushes the sound of actions. “[W]hen the choice is between securing the peace and promoting [long-term measures], peace should be given priority” (Jarstad 2008, p. 18).

Basu and Confortini (2016) critique the above-mentioned literature on conflict prevention for failing to determine the interplay between gender and the different conflict prevention strategies. A gender-sensitive approach would acknowledge the different impact that conflict prevention activities and policies have on men and women, as well as the importance and challenges to involving women in peace processes. (Basu & Confortini 2016). Moreover, a gender-sensitive conflict prevention remains critical to demonstrate how gender dynamics in societies allow wars and armed conflicts to occur in the first place (Basu & Confortini 2016). Given the main objective of conflict prevention to avert the occurrence of violence, proper attention to gender could help explain the conditions that

foster and normalize armed conflicts (Basu & Confortini 2016). Whereas, the current literature on conflict prevention falls short in theorizing the gender drivers of conflicts, and taking women's experiences in conflict, conflict prevention and resolution into consideration. Local actors, especially women's groups are marginalized and not taken seriously (Basu & Confortini 2016). This critique echoes the dominant narrative in the literature on armed conflicts in DRC, which mostly depicts women as victims of sexual violence and rarely explore their agency in the resolution of conflicts. A gender-sensitive conflict prevention would make prevention more efficient, and "create[s] conditions for the elimination of gender subordination and other harmful power asymmetries" (Basu & Confortini 2016, p. 46).

In light of the above, the need for gender-inclusive mediations is obvious; though a comprehensive aspect of inclusion is not limited to women (UNDPA 2017). One definition of mediation stands out in the literature (Wallensteen & Svensson 2014; Beardsley 2008), the one provided by Bercovitch and Houston as "a reactive process of conflict management whereby parties seek the assistance of, or accept an offer of help from, an individual, group, or organization to change their behaviour, settle conflict, or resolve their problem without resorting to physical force or invoking the authority of the law" (Beardsley 2008, p. 724; Wallensteen & Svensson 2014, p. 316). Mediation implies the intervention of a third party (Wallensteen & Svensson 2014; Ramsbotham et al 2005).

Thereby, it is clear that parties to a conflict voluntarily take part to mediations, even though third party may use "muscle" later to make them stay or commit. Be it with threats of sanctions or use of force, or threat of expelling from the state from an international organization (Lund 2009). It should not be assumed that all parties participating in mediations genuinely wish to end violence as Wallensteen and Svensson (2014) seem to indicate. In fact, as seen above, in Africa in general, and DRC in particular, violence can be used as a strategy of the government to sow instability and stay in power.

Furthermore, the literature does not agree on whether mediation is effective or not (Beardsley 2008). While it provides short-term peace, mediation falls short on sustainable peace (Beardsley 2008). One reason for this may be that once the mediators are no longer involved third-party intervention ceases to have effect (Beardsley 2008). Researches demonstrate that 55% of mediations efforts fail to achieve a peace agreement, but that compared to alternative ends of conflict such as victory or agreements between parties, mediation does lessen the chance that conflict and war will recur (Wallensteen & Svensson 2014). Also noteworthy is the fact that mediation is successful if the mediator is an international organization like the UN or a regional organization like the AU. The

latter reach the best outcome if it collaborates with the UN or a great power (Wallensteen & Svensson 2014).

With respect to the neutrality or not of the mediator, the literature is also divided (Eisenkopf & Bächtiger 2012; Wallensteen & Svensson 2014). Some argue that the mediator should be neutral and impartial, and other point to that fact that biased mediators actually obtains better results since they have some sort of leverage on one party (Wallensteen & Svensson 2014). Thus, biased mediators may easily convince the side they support, while impartial mediators can be “powerless” (Ramsbotham et al. 2005, p. 18). Some scholars even go further by arguing that third party rarely intervene unless they have a self-interest (van Walraven 2005). Van Walraven (2005) argues that the cost-efficiency narrative, and the humanitarian dimension prominent in the intervention discourse do not suffice to warrant a third-party mediation.

From a gender perspective, reports indicate that including women in peace processes increases the probability of longer lasting peace agreements (O’Reilly et al. 2015). However, owing to the “power dynamic” (p. 4), women are often excluded from negotiation tables. Men do not take them seriously, or do not think they have enough expertise to participate (O’Reilly et al. 2015). Whereas, “most times the men that sit at the table are half-educated, don’t know anything about anything, they sit there and spew stupidities out of their mouths and people take them seriously” (Gbowee 2015). Another reason for women’s absence is the fact that those taking part to negotiation most of the time are warring parties, whom are rarely women (O’Reilly et al. 2015). In this context, mediating parties appear to be both “judge and jury” [juge et partie] (Jorge 2013, p. 2), as “[t]hose who currently possess the means to end the violence are paradoxically the protagonists invited to the negotiating table” (Trefon 2005, p. 133). If not for their competence however, a rights-based approach contends that women have the right to take part to negotiations since they constitute half the population (O’Reilly et al. 2015). Further, bringing women to mediation means bringing diversity of ideas. In effect, insofar as women experience war differently than men, security would not necessarily mean the same to each sex. Therefore, and based upon reports and empirical evidence, women will affect negotiations by expanding the debates to questions of human rights, development, in addition to security (O’Reilly et al. 2015; Jorge 2013).

Participation in mediation activities can be done at the informal level, when women “[invent] and/or [take] advantage of other channels to influence peace negotiations” (Saiget 2016, p. 35); and at the formal level such as official mediations (Diop 2016; Saiget 2016). Drawing on the cases of Liberia and Burundi, however, Saiget (2016) argues that the distinction between both categories is sometimes blurred, as even informal peace processes can influence the formal ones, to such extent

that it creates a “parallel form of diplomacy” (p. 35). Considering the successes of women’s participations in those cases, informal peace processes are not to be neglected (Saiget 2016).

Taken together, conflict prevention and mediation attempts need to put the women, peace, and security (WPS) agenda as defined by UNSCR 1325 into practice. In doing so, they increase the probability of successes of such efforts, and durability of peace agreements. The concept of conflict prevention provides the broad picture of how preventive activities can be undertaken through mediations, and shows the relationship between conflict prevention and mediation. Building on the assumption on the positive impact of the WPS agenda on peace processes, this research analyzes the extent to which AU’s mediation attempts in DRC fit with the gender equality agenda. Further, the distinction between formal and informal mediations is important to show that while women remain widely excluded from formal processes, the AU, in partnership with the UN is taking actions to boost women’s leadership in Africa.

3.2 Women, peace and security

“More women means more peace”, as stated by the Swedish foreign minister (Wallström 2017). While there needs to be more research to substantiate that, available data already indicate that peace processes are more likely to be successful if women are part of peace negotiations (O’Reilly et al. 2015). The dominant (mis)conception has always been that in times of war, women are passive victims who need protection from men (Tickner 2014; UNDP 2017). Those assumptions are debunked by accounts of women actively taking part in wars, either as warriors, or care providers for their families and communities in the absence of men (Tickner 2014; Okech 2016; UNDP 2017). Insecurity affect men and women differently, and women (and children) tend to suffer the most from wars; whether as refugees or internally displaced people, or as victims of sexual violence (Tickner 2014). States, however, in their quest of national security sometimes overlook the physical security of its citizens in general, and women in particular (Tickner 2014). It is therefore important to see security with gender-sensitive lens. Feminists define security as “the diminution of all forms of violence, including physical, economic, and ecological” (Tickner 2014, p.265). This definition encompasses the notion of negative peace (absence of violence), and positive peace (economic development) (ref). Feminists suggest that security should be analyzed from the bottom-up, rather than top-down, inasmuch as, women and men alike can be security providers (Tickner 2014).

The realization of the need to address security from a gender-sensitive approach led to the landmark UNSCR 1325 adopted in 2000 (UNDP 2017). It mainstreams the importance of women’s equal participation in peace and security processes (Okech 2016). Several UN resolutions have followed suit in that domain (Okech 2016). UNSCR 1325 officially set out the WPS agenda globally,

with an accent on the protection of women and girls during armed conflicts, the prevention of armed conflict, and the participation of women in peace processes (Basu 2016). That resolution is in line with the call for gender equality in societies. In fact, studies prove that societies in which gender equality is effective are less prone to war (Melander 2005). This is explained by the fact that when women can affect political decisions on matter of wars and peace, they do so in a manner that avoid wars. They are supposed to be more war-averse than men (Melander 2005), whom want to appear strong, whereas appeasing attitudes are perceived as weak (Tickner 2014). Melander (2005) categorizes these arguments as the essentialist argument, and the constructivist argument. The former is based on the biological distinction between men and women. Essentialists claim that women are inherently averse to violence because of their reproductive and nursing roles. The latter describes socially constructed assumptions of what it means to be male and female (Melander 2005).

Regardless of the perspective one adopts, gender equality contributes to peaceful societies, as the quantitative study of Melander (2005) demonstrates. He used three indicators to establish the correlation between gender equality and peace in a society: the presence of a highest woman leader in the state, the percentage of women in parliament, and the female-to-male higher education attainment ratio (Melander 2005). He found that while the first indicator has no statistical significance, the last two are “associated with lower levels of intrastate armed conflict” (p. 696). He also found that the presence of women in parliament has an impact on peace “in interaction with the level of institutional democracy” (p. 710). Indeed, it is one thing to give an opinion, another for that opinion to count. As he pointed out, however, it is not very clear from that analysis why gender equality affects peace the way it does (Melander 2005). To put things into prospective, women represent 8.2% of share seats in DRC’s parliament, and the percentage of women/girls that have at least some secondary education is 14,5 % compared to 35% of male (UNDP 2016). The country is ranked 153 out of 159 on the gender inequality index (UNDP 2016).

This postulate is useful for this thesis to argue that AU’s peacemakers need to pay (more) attention to gender equality and women’s participation in the society, if their activities are to make any significant impact in resolving the crisis in DRC. In this sense, promotion of gender equality in itself is a conflict prevention strategy. The aforementioned study also helps explain how women can have a significant impact in the society, and how the systemic structure of the same society refrains that impact from occurring.

3.3 Challenges to women’s participation in African peace processes

Seventeen years after UNSRC 1325, women’s participation in peace processes remains marginal. It is slightly increasing, but they are still not able to substantially affect the course of negotiations and

their outcomes (ONUFemmes 2017). There were only 10% of women negotiators globally by 2015 (Hendricks 2015). In DRC data on the number of women that participated in the agreements of 16 October and 31 December 2016 are unavailable, or very difficult to find. Peace agreements signed in absence of women rarely take women's needs and other vulnerable members of the society into consideration, as the male signatories are more preoccupied with sharing power among themselves (Jorge 2013; Hendricks 2015), and solutions to conflicts are inadequate (Senarathna 2017). As full citizens, Women have the right to be included in peace processes, and should not have to justify why (Hendricks 2015; Serarathna 2017). So far, they have been more engaged in informal or local peace processes and excluded from the formal ones (Diop 2016). Whereas they are able to engage in community dialogues to resolve and prevent conflicts, or monitor the implementation of peace agreements (ONUFemmes 2017).

Their activism and advocacy run up against manifold structural barriers, be it insecurity, lack of resources, or gender norms. With respect to insecurity or violence, the protracted conflicts in DRC aggravate physical, sexual and psychological violence, even though violence is not always war-related. 64% of women in DRC experience lifetime intimate violence from their partners, and 39% of women feel safe in their communities, something that affects their "mobility and opportunities" (GIWPS 2017). In such circumstances, it is difficult to imagine many women willing to further jeopardize their personal security to be active in the political space. And authorities may even use political violence to dissuade them to do so (Kishi 2017). It is not uncommon to physically and mentally harass women who want to engage in politics, and sometimes they even lose their lives (Walender 2017). For instance, Kishi's research (2017) finds that political violence against women in Zimbabwe reaches a peak during or around elections periods. Gendered repression is used to oppress and humiliate women, so that they do not vie for political roles (Kishi 2017).

Regarding gender norms, it is one of the main explanation to the underrepresentation of women in peace processes. Indeed, patriarchal cultures represent women mostly as victims unable to take decisions, and because of oppressive traditional values women lack confidence in their ability to participate (ONUFemmes 2017). Gender roles and the perceived normality hinder the emancipation of women in African in general, whereas wars bring about their ability to step up their roles to be head of families, and be more visible in the public arena (Walender 2017). The aggregate score representing DRC's discriminatory laws is 34 (GIWPS 2017). The legal discrimination makes it "harder for women to own property, open bank accounts, start a business, or take a job and enter professions restricted to men" (GIWPS 2017). Politics is indeed dominated by masculine-hegemonic norms and male leadership culture (Walender 2017). In some cases, authorities do give in under pressure, but by co-opting women "to fill the numbers and add to votes" (Walender 2017, p. 222), or

those who can be controlled are chosen. Similarly, in the security sector, only 2% of Congolese women are represented in the police (Sadie 2015). In order to hold leadership positions and participate in taking decisions that affect their future however, women need to be visible (Walender 2017). Patriarchal norms dictate their behavior and teach them to be shy in public. They should not speak in public spaces, or they need permission from their husbands or fathers to do so (Walender 2017). This also diminishes their chances to get involved. The absence of women decision-making processes can further be explained by the fact that those who do manage to get to leadership positions are stamped as prostitutes if they work late, or meet with colleagues outside workplaces (Walender 2017). Husbands also bar those who are married from working with male colleagues to prevent them from being unfaithful. And while their male colleagues attend meetings convened outside working hours, women in the same position have to go back home to fulfil their domestic roles (Walender 2017).

With respect to the lack of financial resources, gendered power dynamics are also to blame. Political careers are costly, because of expensive political campaigns among others, and most of the time women lack personal resources. They do not have access to family properties legally owned by men (Walender 2017, Sadie 2015). 9% of Congolese women aged 15 or older report having an individual or joint account at a bank or other financial institutions or using a mobile money service (GIWPS 2017). Compared to the score of Norway or Sweden – 100% – or that of Mauritius to be fair as it is in the same country group, 80% (GIWPS 2017), that Congolese women are deprived of opportunities is not surprising.

National Actions Plans (NAPs) which are sets of measures developed to implement UNSCR 1325 and the subsequent resolutions on WPS in states (AUCommission 2016b), are supposed to enable transformative change in the direction of gender equality. But as will be seen later, governmental measures in DRC have not translated into realization, and “meaningful inclusion” (Senarathna 2017) seems decades ahead. There are clearly many barriers to the emancipation of women in African societies in general, and DRC in particular, more than could be mentioned here. They are vulnerable and lack or are refused the ability to stand up for themselves. Some do stand up, but their impact remains marginal (Lyman 2017). Others have been able to make a significant difference for their communities. Indeed, Leymah Gbowee started her struggle for peace with minimal resources – seven women and ten dollars – but abounded with courage, strength and anger (Gbowee 2014). Change does not come overnight, and every step taken in its direction is a victory. Women are resourceful and combative. Of course, the struggle for change is not on them alone, as they also need men. But until men are fully involved, women need to continue to mobilize despite the setbacks. Let us turn to the AU’s duty to prevent, and show how gender equality plays in.

3.4 The AU's duty to prevent: What role for gender equality?

As seen above, gender equality contributes to achieving peaceful societies. And peace is desperately needed in Africa. The “colonial imaginary” (Mertens & Pardy 2016, p. 968) represents Africa as a continent that is racially and civilizational inferior to the West. What follows is a gendered relationship of the masculine West, that has to protect to feminine South (Basu 2016). Against the backdrop of insecurity therefore, the supposed superiority of the West also results in the idea that “white men have to save brown women from brown men” (Basu & Confortini 2016, p 50 ; Mertens & Pardy, p. 963). Hence, this section is an attempt to indicate that/how “brown men” or more precisely black men, can/have to save “brown women”, black women themselves, alongside the participation of those women (who would not need protection anyway, if not for power relations that keep them behind).

The AU's duty to prevent emerged with the paradigm shift operated when it took over the OAU. In fact, because of the principle of non-intervention, the OAU refrained from intervening in member states' affairs no matter the gravity of the situation (Williams 2006). The organization required the permission from the state to intervene (Chan 2017). In the post-colonial environment of that time, sovereignty was sacrosanct. However, “nonintervention affects justice” (Nye 2003, p. 153). Justice for populations whose hopes for better future are constantly undermined by power dynamics. In effect, in African neo-patrimonial states, wherein governments serve themselves and the small elite, the AU commits to relieve the populations when governments are unwilling/unable to do so. Inspired by cases such as Uganda and Central African Republic in the 1970s, and the genocide in Rwanda in 1994 in which the OAU failed to act, the Assembly of Heads of state and Government of the OAU decided to include the right of intervention in AU's Constitutive Act (Kioko 2003). Article 4(h) of the African Union Constitutive Act of 2000 (AUCA) proclaims “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity” (AU 2000) Thereby, the AU can only intervene in grave cases, as it purposely avoided to include human rights violations. To be sure, these remain in almost every African state, and including that as a ground for intervention would put those states at risk (Baimu & Sturman 2003). Article 4(j) goes further by giving Member States the right to request intervention from the AU “to restore peace and security” (AU 2000). The AUCA does not define the type of intervention. But given that intervention ranges from non-military actions to military use of force (Baimu & Sturman 2003), the use of intervention in this research is restricted to non-military actions such as mediation.

Further, article 4(h) was amended in 2003, introducing the “rights of the AU to intervene upon the recommendation of the Peace and Security Council when there is a serious threat to legitimate

order for the purpose of restoring peace and stability in a member state of the AU” (Baimu & Sturman 2003, p. 41). Baimu and Sturman (2003) argue that this amendment goes against the original intent of AUCA article 4(h) of protecting individuals, as it enables African states to request help from other member states when their regimes are under threat. Thus, the amendment provides a regime security, instead of human security (Baimu & Sturman 2003).

One would say that this commitment from the AU derives from R2P which provides the ability to “override the sovereignty of the state[s] in question” (Williams 2006, p. 275). In addition to the preventive component, R2P also implies the responsibility to react and the responsibility to rebuild (Murithi 2007). However, R2P as conceived of globally has not been a perfect match with the assumptions and values embedded in the right of the AU to intervene. In effect, the right to intervene is best understood as a pan-African cultural expectation that Africans need to address their own problems their own way (Makinda et al. 2016). It pertains to the well-known motto of “African solutions to African problems”. As a matter of fact, the late OAU which did not institutionalize the duty to prevent “genuinely embarked on conflict prevention strategies” (van Walraven 2005, p. 82). No wonder then that AUCA used the word “right”, instead of “responsibility” or “duty” to intervene which implies a stronger commitment. As some scholars pointed out, the choice of right could somehow give the AU the ability to choose whether or not to intervene (Baimu & Sturman 2003). Though Baimu and Sturman (2003) countered this argument by saying that African leaders probably do not pay attention to such details, and that what really matters is the political will to act or not.

Following the mainstreaming of gender equality at the UN, most notably with UNSCR 1325, the AU has embraced the WPS agenda (Diop 2016). Despite being critiqued for sustaining the western imperialism on the Global South – insofar as it originated from western institutions and norms, (Basu 2016) UNSCR 1325 has been domesticated within the African Union through different policy instruments. In effect, as provided by article 4(1) of the AUCA, one of the key principle of the AU is the promotion of gender equality (Haastrup 2015). The traditional state-centric perception of security neglected gender issues. To remedy that, several policy instruments such as the AU Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa (SDGEA) and the AU Gender Policy on gender rights, and peace and security have been adopted (Okech 2016). These instruments are the results of women groups’ activism across the continent (Haastrup 2015). They reflect the engagement of the AU to include women and increase their participation in peace processes (Okech 2016).

In spite of institutional and rhetorical commitment to gender equality however, implementation is yet to be achieved (Haastrup 2015). Indeed, the Pan-African ideals embedded in the peace and security architecture of the AU are informed by patriarchal and traditional values which

privilege masculine characteristics over feminine one (Haastrup 2015). Thereby, the male elite benefit from that patriarchy, and surely “seek to maintain their privilege” (Haastrup 2015). One reason for the slow pace of gender equality on the continent could be that the question tends to be addressed using the framework of human rights, which provide equality before the law (Haastrup 2015). But equality before the law is not substantive equality needed by African women, which takes their challenges into consideration. The human rights framework for gender equality “fails to interrogate the quality of equality” (Haastrup 2015). It does not challenge the underlying social cultures of patriarchy that subordinate women to men. For instance, the African Charter on Human and People’s Rights (ACHPR) of 1981 did not provide proper inheritance rights to women and girls (Haastrup 2015). Progress was made by the Protocol to the African Charter on Human and People’s Rights on the Rights of women in Africa in 2003, or the Maputo Protocol, insofar as it genuinely engaged in gender equality by proclaiming and recognizing rights (such as the right to abortion, or the condemnation of Female Genital Mutilation) for which the ACHPR was silent (Haastrup 2015). Unfortunately, other policy instruments such as the SDGEA reaffirm the need for parity (instead of equality), and mostly represent women as victims, not as agents (Haastrup 2015). Indeed, African politicians acknowledge the importance of gender equality for peace and security, but actual steps to implement that rhetoric are missing (Haastrup 2015). Moreover, as long as gender is equated with women as it is currently, policies will leave power dynamics and cultural representations unchallenged (Haastrup 2015).

The Pan-African identity that is argued to underpin the AU’s duty to prevent is sometimes conflicting with its gender equality agenda. Women remain excluded from peace processes and mediations, and the majority of leadership positions are “overwhelmingly” held by men (Okech 2016, p.15). The prevention of conflicts is crucial because “one house on fire is a threat to every home in the neighbourhood” (Kissi 2016, p. 247), by preventing armed conflicts in one state, the AU avoid any splash into other states. By engaging into the prevention of further violence and instability, some of the AU Members States prevent that crisis from affecting them with the flow of refugees for instance (Kissi 2016).

Figure 1 below summarizes the interconnection between the concepts and theories reviewed in the above. It provides insights into the interplay between power dynamics and the prevention and management of armed conflicts. The biggest “losers” of security and political crises tend to be women (and children), and the way in which policies aimed at resolving those crises are framed is important. From the concepts and theories reviewed above, this research contends that the key variable here is women and gender. Indeed, as researches suggest, the emancipation of women would avoid intrastate wars, and when these do occur, women can make a significant impact in their resolution. But because

of gender norms and cultures, women are held behind, and their role remains minimal in peace processes. Therefore, this research makes the case for (more) involvement of women in mediation strategies, and transformative gendered policies. A gender-sensitive lens will provide a comprehensive picture of the extent to which AU's responses to the crises in DRC were or are appropriate for that matter.

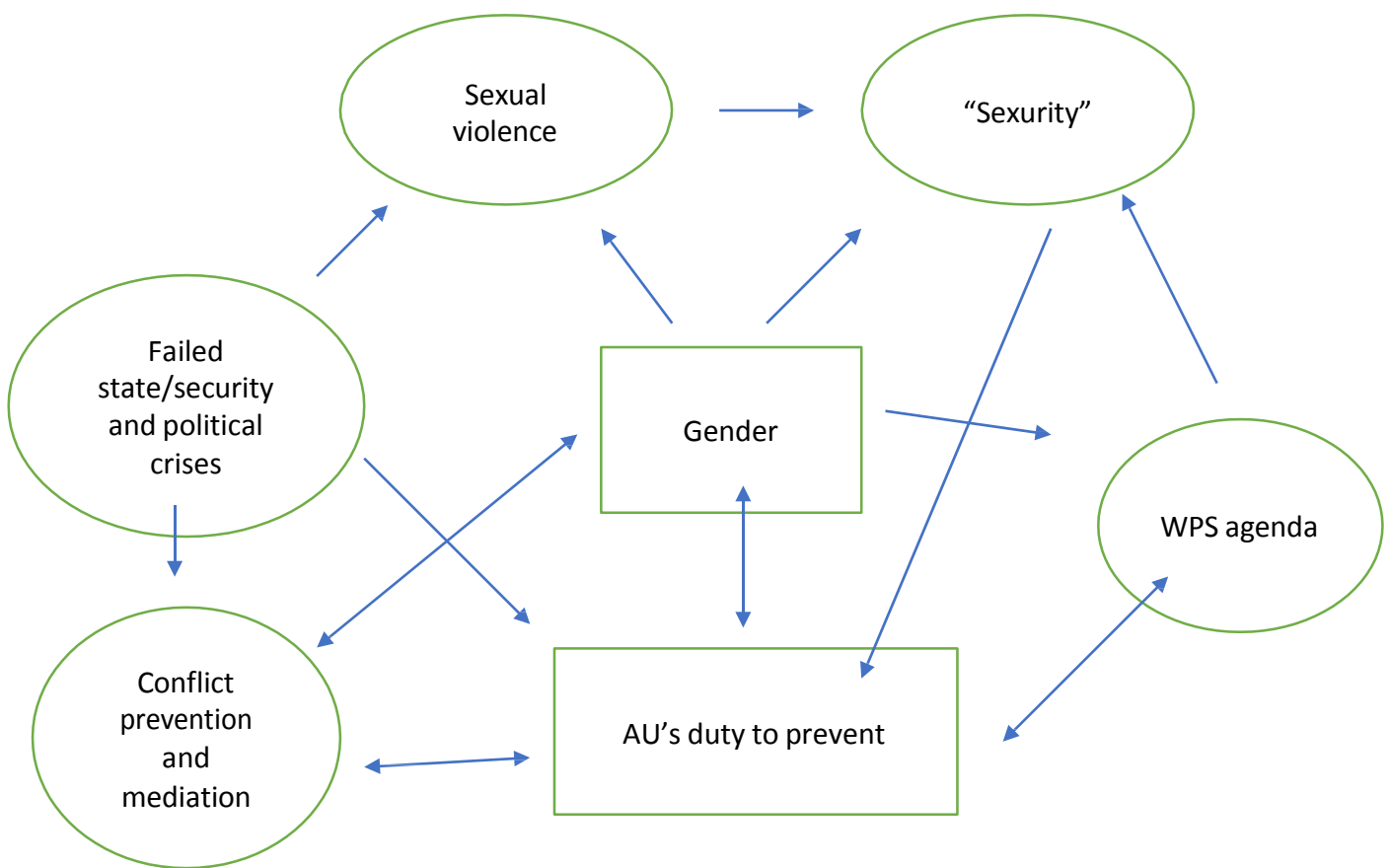


Figure 1: Concepts and theories map

4. Methods

This Chapter describes how this research was conducted. It covers four criteria of the research design: the sampling, the data sources, the validity of this thesis, and the data analysis. The data were collected through the purposive sampling guided by the research questions, and new themes emerging from

previous articles reviewed. From scanning through journals webpages, using NMBU's search engine Oria, to searching online newspaper articles. The supervisor was also of great help, providing very recent journal articles. This was very useful, given the temporal delineation of the topic.

The main data sources are peer-review journal articles, textbooks, databases, datasets, official documents from the AU – such as communiques, reports, speeches or information on AU's website – and UN official documents (strangely, some reports of the AU such as that on the implementation of the WPS agenda in Africa could only be downloaded from the UN's website). In addition to those, this dissertation relies on magazines articles, western-based and Congolese newspaper articles, and organizations websites. These data are analyzed following the gender-sensitive analysis. This means that feminist lenses are used throughout the process to determine the gendered ramifications of the conclusions drawn from the interpretation of the material.

Regarding its validity, one limitation to this research could be that it relies mainly on secondary data. There could not be any fieldwork, nor was I able to conduct interviews as initially intended to experience things first hand. As a student, it was challenging to reach out to people working at the AU. The secretive nature of mediations may have also contributed to that. After multiple unfruitful attempts, I decided to focus on secondary data. While the absence of interviews may have deprived me from insightful comments from that organization, I found that AU's website was very useful, inasmuch as it is relatively well documented and up-to-date. Therefore, changing the research methodology still allowed me to answer the research questions with available data sources. Moreover, the journal articles stem mainly from western-based researchers and scholars and may lead to western-bias. Triangulation was used to overcome this challenge and increase the validity of this thesis. To this end, data were cross-checked using different sources, authors or institutions on the same theme, and the information in articles or reports were compared with Congolese-based and African-based news organizations or websites. Doing this provided me with different and diverse perspectives to assess.

Having said that, the next chapters analyze AU's mechanism to mediate the DRC crises through gender-sensitive lenses, then how the AU endeavors to increase the participation of African women in peace processes, and the conclusion.

5. AU's mechanisms to mediate DRC's crises since 2015: A gender-sensitive analysis

As others in Africa, the Congolese society is mostly patriarchal. It was noted that women remain marginalized and largely absent from the public space. Gender inequality is still dominant, whereas the research of Melander (2005) found that gender equality reduces the risk of intrastate conflicts. It was then argued that in this sense, gender equality is a conflict prevention strategy in itself. Following this, it is not surprising that the DRC is beset by so many conflicts, given the persistence of male-dominated cultures. As argued by Mama and Okazawa-Rey (2008), gender identities and the perceived bravery attached to masculinity sustain the culture of militarism, which in turn leads to armed conflicts and amplify gender-based violence. This is why conflict mitigation strategies must pay attention and understand gender ideologies relevant to the context of DRC. Thereby, gender equality lowers the risk of armed conflicts, whereas gender inequality constitutes an aggravating factor of these. Of course, this is not to imply that conflicts in the DRC result solely from lack of gender equality, rather that complete mappings of causes of conflicts must be gendered. Further, it was also noted in a previous section that conflict mediations are more effective when women participate in negotiations, because their presence broadens the set of issues covered during the discussions (O'Reilly et al. 2015). And peace agreements concluded that way are more durable than others obtained without women; more specifically, they are 35% more likely to last at least 15 years (CFR 2017b). Against this backdrop, the interconnections between gender, conflicts, and conflicts prevention and mitigation are clear. Gender inequality foster conflicts, and when these occur, gendered measures are best-suited to effectively address them. Those gendered measures may lead to lead gender equality, which in turn reduces the likelihood of armed conflicts. For those reasons, the AU must push for gender-inclusive mediations in DRC.

Given the urgency of gender equality for peace and security, it appears important to study how AU's policies and legal instruments pave the way for gender-inclusive mediations in DRC. Section one analyzes how the AU promotes the WPS agenda in DRC through its gender architecture. Then, Section two explores the mediations and preventive measures the AU took through the PoW, and how they reflected the gender equality agenda. The activities of the PoW have tended to fit both the prevention and mediation purposes of the AU. Finally, Section three shows the potential of the AU Mediation Unit for more effective mediations. The more the mechanism is gender-inclusive, the best it is to mediate the crises in DRC efficiently.

5.1 AU's promotion of the WPS agenda in DRC through its gender architecture

According to the AU Gender Policy, the “AU has a strong political will for ensuring gender equality” (AU 2009, p. 4) in Africa. Indeed, a wide variety of policy instruments and mechanisms point in that direction. The gender architecture builds on the Maputo Protocol and the SDGEA whose shortcomings were explored above, as well as the AU Gender Policy. Out of the 54 AU member states, only 34 have ratified the Maputo Protocol, among which the DRC (AfricanCommissiononHumanandPeoples’Rights 2017). This section does not provide a comprehensive enumeration policies and instruments constituting the gender architecture, only the most salient. That said, the Women, Gender and Development Directorate is in charge of mainstreaming the WPS agenda. It was created under the AU Commission in 2000 to ensure

that capacity is built for all AU Organs, RECs and Member States to *understand gender, develop skills* [emphasis added], for achieving gender mainstreaming targets and practices in all policy and programme processes and actions by 2020, in order to close the existing gender gaps and deliver the promise of equality for all African men, women, boys and girls (AU 2009, p. 5).

The Department of Peace and Security launched the Gender Peace and Security Programme in June 2014 to serve as the continental framework for the AU, RECs, member states and Civil Society Organizations (CSOs) in the area of WPS. It encourages cooperation among those actors on the implementation of the UNSCR 1325 and subsequent resolutions on WPS (AUCommission 2016b). In 2016, the AU Commission developed the 2016-2020 African Peace and Security Architecture Roadmap, after AU heads of states declared 2015 as the “Year of Women’s Empowerment and Development Towards Africa’s Agenda 2063”, and 2016 the “Year of Human Rights with Particular Focus on the Rights of Women” (AUCommission 2016b). Clearly, the AU takes the WPS agenda seriously, rhetorically at least. Indeed, drawing on the report *Implementation of the Women, Peace, and Security Agenda in Africa* published by the Office of the Special Envoy on Women, Peace and Security (OSE) for the AU Commission Chairperson in 2016, one can say that those policies and legal instruments do not translate into practical steps on the ground.

That report admits that the execution of UNSRC 1325 has been elusive on the continent (AUCommission 2016b). The OSE prepared it as part of its continental results framework developed to “monitor and report on performance on women, peace, and security commitments at all levels” (Diop 2016). The AU has thus decided to pause on policymaking and focus on implementation (AUCommission 2016b). Surprisingly, it did not set up an action plan to put all those policies into practice, and therefore, the OSE had to use data mainly provided by member states and RECs to assess the implementation of UNSCR 1325 (AUCommission 2016b). Indeed, NAPs and Regional

Actions Plans (RAPs) are developed to domesticate UNSCR 1325 and the subsequent resolutions on WPS at respectively states and regional levels. The DRC is among the nineteen countries that have developed and adopted a 1325 NAP (AUCommission 2016b). But women's representation in parliament – as one common measure of women participation in the society – remains very low, despite the provisions on gender parity for legislated candidates (AUCommission 2016b). Remember that Melander's research (2005) found that high percentage of women in parliament reduces the risk of intrastate conflicts, because they can affect political decisions in a way that avoid wars.

Further, Women's financial inclusion in DRC is as low as 9%, whereas women spend in average seven years in schools (GIWPS 2017). This influences Congolese women's ability to access opportunities, participate in decision-making, and break the cycle of violence against them. As UN Secretary General António Guterres stated, “[v]iolence against women is fundamentally about power. It will only end when gender equality and the full empowerment of women is a reality” (Guterres 2017). The DRC has taken measures to increase the participation of women in the security sector, and has adopted a plan to fight against gender-based violence that an implementation committee oversees. The country also formulated a plan to curb children's enrolment in armed groups (AUCommission 2016b). It is clear that the reality of the exclusion of women remains unchanged despite those policies and measures. Only 8% of women in the parliament when gender parity is supposed to apply; and the proportion of women in ministerial level positions has decreased, going from 12.5 % in 2010 to 8.1 % in 2015 (AUCommission 2016b).

The AU does not lead by example however. Men continue to be disproportionately represented in leadership positions, at the disadvantage of women. For instance, among the eleven AU Special Envoys in 2016, only one was a woman, the Special Envoy on WPS, and all the nine Special Representatives were men (AUCommission 2016b). The only organ of the AU that has been consistently gender-balanced in its composition is the PoW (AUCommission 2016b). The slow enforcement of the gender equality agenda by the very institution that sits on so many gender policies is unfortunate. Virtually every speech of AU officials or representatives acknowledges the importance of the WPS agenda and the lack of implementation, but that change is yet to be achieved remains uncanny. Or perhaps the AU, after all, does not have so “strong political will” for that matter as asserted in the AU Gender Policy. Though the appointment of Bineta Diop as Special Envoy on WPS in 2014 is somewhat illustrative of progress. But the task ahead is still immense.

For sure, the application of normative and legal instruments faces challenges such as the impact of conflicts on women's conditions, and their inability to access funding allocated to advance the agenda (AUCommission 2016b). In contexts of insecurity, the institutional leadership –if any– choose not to prioritize the agenda, and the options to access public spaces for women are limited. It

is also due to the centralization of programs and services to regions that are easily accessible (AUCOMMISSION 2016b); as well as institutional cultures informed by the relevant gender roles in African societies. On this last note, perhaps the mistake has been to focus on women, to increase their numbers in public spaces while ignoring the important role men can play (Hendricks 2015). Indeed, feminism is not about replacing women in men's positions, but is about advocating for women's rights and gender emancipation (Hendricks 2015). Attempting to add women does not fix the underlying power dynamics, which needs transformative attitudes both among men and women. Whereas excluding men from the gender mainstreaming makes women responsible to do it alone (Hendricks 2015). Attention needs to be set on what masculinity means today and how it plays on the subordination of women in male-dominated institutions and societies (Hendricks 2015).

The aforementioned report shows the weak implementation of the WPS agenda in DRC. This means that women remain marginalized and excluded from decision-making. Provided that gender equality entails few or lower chance of armed conflicts, the AU must support measures to promote gender equality in DRC. That the AU itself lacks a plan of action to implement its gender policies is problematic. The findings here are in line with the analysis of most feminist authors on the implementation of the WPS agenda in Africa in general (Haastrup 2015; Hendricks 2015; Okech 2016). The AU must act as it says, and develop concrete strategies of its own to increase the meaningful participation of women in peace processes, which would render its mediations and prevention measures more effective.

5.2 AU's mediations and preventive measures through the PoW: whither gender-inclusivity?

This Section determines how well the AU's mediations and prevention measures in the DRC from 2015 to date reflected the WPS agenda explored above. Most of those measures were taken through the PoW. It builds on the assumption that "[w]omen's participation in conflict prevention and resolution can improve outcomes before, during, and after conflict" (CFR 2017b). For this reason, this part first describes the normative framework of the PoW, then determines how it contributes to peace and the WPS agenda, despite its limitations, which are explored last. In doing so, a particular attention is paid to gender-inclusivity, or lack thereof.

5.2.1 Normative framework of the PoW

The PoW is an important instrument for African diplomacy (van Wyk 2016). Article 11 of the *Protocol relating to the establishment of the Peace and Security Council of the African Union* (PSC Protocol) created the PoW "to support the efforts of the Peace and Security Council and those of the

Chairperson of the Commission, particularly in the area of conflict prevention” (article 11(1)). The PSC Protocol builds on the mandate provided by the UN Charter to regional organizations and mechanisms for “the maintenance of international peace and security” (AssemblyoftheAfricanUnion 2002, p. 1). As provided by the PSC Protocol article 11(2), the PoW is composed of “five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent”; whom “shall be selected by the Chairperson of the Commission after consultation with the Member States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years” (AssemblyoftheAfricanUnion 2002). The PoW was inaugurated in December 2007 (Gomes Porto & Ngandu 2015). The newly appointed members of the PoW by the AU Assembly in July 2017 are Dr. Speciosa Kazibwe from Uganda representing the eastern Africa, Armah Moussa from Egypt for northern Africa, Catherine Samba-Panza from Central African Republic representing Central Africa, former President of Namibia Mr. Hifikepunye Pohhamba for the southern Africa region, and outgoing president of Liberia Ellen Johnson Sirleaf representing western Africa (ECOWAS 2017).

The PoW is tasked with advising the PSC and the AU Commission Chairperson “on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa”, PSC Protocol article 11(3) (AssemblyoftheAfricanUnion 2002). Therefore, its role is advisory and supportive, “with little room for pro-active initiatives” (van Wyk 2016, p. 62). Though, it can, at its own initiative, “undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa”, following article 11(4) of the PSC Protocol (AssemblyoftheAfricanUnion 2002).

The PoW bears the signs of African traditions and cultures, insofar as it is akin to indigenous council of elders (Murithi & Mwaura 2010; Gomes Porto & Ngandu 2015; van Wyk 2016). These were required to resolve communities’ issues in a way that would prevent other conflicts (Murithi & Mwaura 2010). They did and continue to do so on the basis of the respect and the moral authority they inspire to their communities (Murithi & Mwaura 2010). In African cultures, elders are very respected and are supposed to be wiser, owing to their long lifetime experiences (Gomes Porto & Ngandu 2015). The label Panel of the *Wise* is therefore not surprising. Hence, the institutionalization of the PoW, demonstrates the AU’s commitment to traditional conflict resolution mechanisms, and the continuing relevance of councils of elders in the mediation and resolution of disputes and conflicts (Gomes Porto & Ngandu 2015). This normative element distinguishes the PoW from other high-level panels such as those of the UN or the EU, giving it a unique character (van Wyk 2016). To an extent however, the PoW is different from indigenous council of elders – which are exclusive of women–

as it is gender-balanced in its composition (Gomes Porto & Ngandu 2015). Indeed, the PoW has always have at least two women members, out of the five members. Given that the operationalization of the PoW intervened after UNSCR 1325, the gender-balanced composition of the PoW, arguably, reflects the willingness of the AU to implement the WPS agenda through these agents of peace.

One advantage of the PoW is that it can act independently, as opposed to the PSC or the AU Commission whose roles can be restrained by the positions of member states (Gomes Porto & Ngandu 2015). For instance, and arguably, the PSC and the AU Commission have little flexibility in their actions in DRC, because of the self-interests of Rwanda or Uganda. In fact, by financing rebel groups to terrorize the populations in eastern DRC, they keep control on that minerals-rich region (Shepherd 2014). Their little interest in violence waning there is therefore self-evident.

Further, and following Article 11 (5) of the PSC protocol, the PoW reports to the PSC, and through the PSC to the AU Assembly. As for the meetings, the PoW meets “as may be required for the performance of its mandate”, “normally” at AU’s Headquarters, but they can meet other places in consultation with the Chairperson of the Commission (AssemblyoftheAfricanUnion 2002, PSC Protocol, article 11(6)).

The modalities of action of the PoW were later developed by the AU Commission, and adopted by the PSC in 2007 as *Modalities for the Functioning of the Panel of the Wise* (Gomes Porto & Ngandu 2015). Those modalities are summarized by van Wyk (2016) as:

the facilitation and establishment of channels of communication; fact-finding missions; shuttle diplomacy between parties; encouraging political dialogue, assisting and advising mediation teams; assisting and advising parties on conflict resolution; and developing and recommending ideas and proposals to promote peace, security and stability. Besides this, the Panel can also make use of personal mediation, diplomacy and good offices to achieve its mandate (p. 62).

Thereby, even though members of the PoW are not officially appointed mediators (Gomes Porto & Ngandu 2015), they are very engaged in mediation activities, as evidenced by Kodjo’s mediation in DRC in 2016. Members of the PoW must not be politically active when they are appointed until the end of their tenure (Gomes Porto & Ngandu 2015). This point is very important to gain the trust of the parties involved and ensure their cooperation, which determine the issue of mediations (Nathan 2005). For instance, the initiative of the Catholic Church in December 2016 rallied more actors than the dialogue led by Facilitator Kodjo, because of the perceived neutrality of the former and lack thereof of the latter among parties, as noted above.

Furthermore, five criteria dictate any PoW intervention in a conflict (Murithi & Mwaura 2010; van Wyk 2016). It is the degree to which that conflict is already receiving regional and international attention; the involvement of the PSC and the possible contribution of the PoW in resolving the

conflict (van Wyk 2016). Also determining is the impact of mediations and conflict resolution on the conflict, its duration or the chances or relapse into violence. The last indication is the sudden deterioration of the situation, and lastly, whether parties oppose the relevant peace agreement and risk prompting a new conflict (van Wyk 2016). Following this, the conflict in DRC appears as a perfect case for the PoW to intervene in, since it accumulates all those criteria. It is argued that the PoW could make a meaningful contribution.

5.2.2 The PoW's contribution to peace and the WPS agenda

The PoW's activities have to contribute to preventing conflicts, and to reduce those that have already occurred (Murithi & Mwaura 2010), therefore contributing to peace. Its contribution and role in preventive diplomacy can be analyzed using different indicators, as suggested by van Wyk (2016): the knowledge production ability, raising awareness of a particular issue, finding new ways to address and solve a particular issue, reducing tension or conflict about a particular issue and contributing to governance, all of which are determined by the context wherein it operates.

Producing knowledge is important as it may provide new perspectives on how to tackle unresolved issues (van Wyk 2016). Knowledge production is in line with the advisory and supportive role of the PoW as defined by article 11 of the PSC Protocol, and is therefore its duty (van Wyk 2016). To this end, the PoW makes use of a variety of instruments such as thematic focus area, horizon scanning, reports, or the cooperation with the CEWS (Gomes Porto & Ngandu 2015; van Wyk 2016). The PoW may also undertake diplomatic field missions, in-country visits, workshops with experts, etc. (van Wyk 2016) to get first-hand insights, and acquire information on a situation. For instance, The AU Commission Chairperson went on a field mission in DRC in October, then in November to meet with the CENI (AUC Chairperson 2017b). The publication of the long-awaited electoral calendar days later (BBC Afrique 2017) demonstrates that the visit may have had an impact. Further, the PSC went on a field mission in October in the Kananga (Kasaï province) to hold a consultative meeting with the governor (PSC 2017a), following the episodes of violence that erupted in that province in August 2016. These visits are clearly not from the PoW as such, but it is difficult to find data on activities – or lack thereof – of members of the PoW in DRC at this time insofar as it acts “away from media attention” (Smaïl Chergui, cited in van Wyk 2016, p. 69). But that the AU Commission and the PSC visit DRC is only reflective of the coordinated effort of the AU to ease ongoing tensions. That said, Edem Kodjo went to DRC as a Facilitator in 2016, and according to the PSC, his “exemplary work” in “facilitating, among other cases, the mediation process [...] has prepared the ground for the hard-won and complimentary political agreements of 18 October and 31 December 2016” (PSC 2017b). Exemplary is not, however, the word that many have used to describe

that mission mostly perceived as a failure (ISS 2016; Sido Nshimba 2017). On 22 November 2017, the AU, the UN, the ICGLR, and the SADC met as guarantors of the Peace, Security and Cooperation Framework to “review the status of preparations for elections in the Democratic Republic of the Congo (DRC) and discuss coordinated regional and international support to the electoral process” (AU et al. 2017). They backed the appointment of the Chairperson of the PoW, former president of Namibia Hifikepunye Lucas Pohamba, as Special Envoy of the SADC to the DRC (AU et al. 2017). This indicates the involvement of the new PoW in the political crisis.

Further, the PoW has issued some reports, based on thematic focus areas throughout the years. The most relevant thematic focus for this research is women and children in armed conflict, because of its contribution to the WPS agenda, and as it is the one whose results are “most tangible” (van Wyk 2016, p. 68). This was the third thematic focus, “based on evidence confirming the suffering of women and children” (van Wyk 2016 p. 65) as a result of conflict and violence. The objective was to propose better implementation alternatives for AU legal instruments on the elimination of all forms of violence against women and children during armed conflict (van Wyk 2016). The workshop session for that theme was held in DRC in 2010. The choice of DRC is telling of the magnitude of the plight of women and children in that country in particular, and on the continent in general, and somewhat illustrates the commitment of the AU to resolve that issue. The resulting report, *Preliminary report on mitigating vulnerabilities of women and children in armed conflicts* (van Wyk 2016, p. 65) led to the PSC initiating annual open session on women and children in armed conflicts, the establishment of an AU Peace and Security Gender Mainstream department, and the appointment of the Special Envoy on Women Peace and Security (van Wyk 2016). This is a major accomplishment, because it spotlights the WPS agenda, as well as the gender equality agenda. As also pointed out by van Wyk (2016), the fact that the PoW is gender-sensitive in its composition may have facilitated this agenda setting. Indeed, women bring diversity of ideas, and gender-sensitive issues. Unfortunately, that report has not yet been adopted by the AU’s Assembly (van Wyk 2016).

In addition to that, the PoW monitors major peace and security issues based on the data from the CEWS. One of the main activities of the PoW is the prevention of elections-related disputes and conflicts, as part of its “direct conflict prevention engagement” (van Wyk 2016, p. 67). This activity fits well with the current situation in the DRC. In the area of knowledge production, the PoW has have a clear and important normative impact (van Wyk 2016). The stature and background of its members further contribute to raising awareness on the question of conflict prevention (van Wyk 2016). Indeed, famous and highly respected individuals may be more likely to attract media and public attention than people who are not. They also set the agenda on a conflict, potential or ongoing,

because of their ability and duty to give their opinion on or provide advices for peace and security on the continent (van Wyk 2016).

Finally, the PoW has to intervene in a timely manner. Waiting too long may decrease the chances of success of the mission. For instance, the Pow intervened in DRC in November 2011 when the situation was already too tense, and violence out of control (van Wyk 2016; Gerenge 2015). Tensions began in 2010 because of the adoption of a contentious electoral system and the establishment of politically-biased electoral commission. These signs notwithstanding, the PoW only intervened in October and November 2011, a little too late (Gerenge 2015). As rightly pointed out by (Wallenstein & Möller 2003) however, it cannot be sure “whether the action failed because it was “too” late or if it failed to address other elements in the challenging situation” (p. 14). It may have served as a lesson, as Special Envoy Edem Kodjo was appointed by the then-Chairperson of the AU Commission Dr Nkosazana Dlamini Zuma in April 2016. His appointment aimed “at assisting in convening an *all-inclusive dialogue* [emphasis added] in order to address issues related to the upcoming elections in that country” (AU Commission 2016a). Interestingly, this set the importance of inclusivity in that mission, but the actions of Edem Kdjo did not match that purpose.

In light of the above, the PoW is an important instrument to promote peace and the WPS agenda on the continent in AU’s institutional framework. Its gender-inclusive composition and the ensuing gender-sensitive decisions increases the likelihood of its effectiveness. The latter also depends on how the PoW applies gender-inclusivity during its interactions with conflicts parties. Failing to do so may spell the failure of its initiatives. So far, the PoW has not succeeded in mitigating the tensions in DRC, perhaps also because of the challenges it faces in the realization of its mandate.

5.2.3 Limitations of the PoW

Despite the relatively satisfactory institutionalization of the PoW, resources allocated to its members do not match their impressive mandate (van Wyk 2016). Five members, cannot alone engage in so many conflicts on the continent, even less as they are not committed to the work on a full-time basis. Indeed, most of them have other engagements in addition to their activities at the PoW (Gomes Porto & Ngandu 2015; van Wyk 2016). At its 665th meeting in Addis-Ababa in March 2017, the PSC underscored “the urgent need for enhancing the capacity of the Secretariat of the Panel of the Wise, including through the mobilization of additional human, material and financial resources, with a view to ensuring that the Panel discharges its mandate more effectively” (PSC 2017b). The Secretariat of the Panel established later was supposed to provide some relief to the PoW, which is assisted since July 2010 by the Friends of the Panel to take on their responsibilities more proactively (van Wyk 2016). The Friends of the Panel’s members are also highly respected personalities from various

African regions, and are about five to ten. Past members of the PoW can become members of the Friends of the Panel, and vice-versa (Gerenge 2015). For instance, the outgoing members of the AU will become members of the Friends of the Panel, as decided by the AU Assembly upon the appointment of new PoW's members (ECOWAS 2017). The Friends of the Panel can replace members of the PoW as special envoys in cases where they are unavailable (Gerenge 2015). They undertake similar activities as the PoW, they attend the meetings of the PoW, and have the same privileges (van Wyk 2016).

Moreover, the Pan-African Network of the Wise (PanWise) was established in 2012 by the second PoW. It consists of “the Panel; their regional counterparts with complementary responsibilities; AU Special Envoys and High-Level Representatives, the Friends, and individual mediators and institutions engaged in mediation activities on the continent” (van Wyk 20116, p. 71). In effect, mechanisms akin to the PoW exist at the level of Regional Economic Communities (RECs), the oldest being the Council of Elders created by the ECOWAS in 1999 (van Wyk 2016), which was renamed the Council of the Wise (Gomes Porto & Ngandu 2015). The cooperation of the PoW with RECs, and international partners is important to coordinate all efforts in conflict prevention and peace-making. It is based on the principles of subsidiarity, complementarity and comparative advantage (Gomes Porto & Ngandu 2015).

The latter refers to the ways in which the AU partners with international actors such as the UN or the EU to tackle conflicts; these provide material and financial support to peace and security efforts of the AU (Makinda et al. 2016). It remains a “win-win” situation for the West and the AU, because it gives the west the moral satisfaction to help, and provides needed resources to the AU (Makinda et al. 2016, p. 122). Nevertheless, this partnership and over-reliance of the AU on external funding do not only undermine the principle of self-reliance or African ownership (Makinda et al. 2016; Williams 2006), but also perpetuate the gendered relationship between the West and Africa of the one that always need protection from the other. But the partnership results in more effectiveness of conflict mediations, as international partners provide the capacity needed, while African actors bring in their legitimacy (Duursma 2017). Whereas capacity is important in terms of resources and incentives the third-party can have in mediations, legitimacy means that parties to the conflict trust the mediator, and believe that mediating is “the right thing to do” (Duursma 2017, p. 594).

The deficiency in resources of the PoW affects its productivity. The number of conflicts on the continent has not waned (van Wyk 2016), quite the contrary (Chergui 2016). The institutional framework, as provided by article 11 of the PSC Protocol, and later by the Modalities of its functioning gives the PoW little latitude to be proactive in front of conflicts. Its attitude is rather reactive (van Wyk 2016). Because of the resources gap, the PoW has been over-reliant on consultants,

and experts to draft its reports (van Wyk 2016). Additionally, the complex landscape of conflicts on the continent has added to the difficulties it is confronted with. Against this backdrop, the role of the PoW in preventive diplomacy has been limited (van Wyk 2016).

All in all, AU's mediations and preventive measures in the DRC have averagely reflected the WPS agenda of the AU, be it through diplomatic efforts of the PoW, or through the fact-finding missions of the AU Commission and the PSC. The fact that the PoW is gender-balanced in its composition enables broader perspectives and diverse points of view. But Kodjo's mediation focused on "political heavyweights" (Kodjo 2016), whom are rarely women. This is not to imply that it is wrong to do so, as leaders do matter. They can either fuel hatred and violence for their political self-interests, or promote unity (Lyman 2017). However, to increase the sense of ownership critical for representability, and durability of peace, special envoy Kodjo could have sought the inclusion of more actors, and women. These have strong will and their "know-how" (Bihamba 2017) that could be useful. As contended by Nathan (2005), the fact that armed conflicts have enormous consequences on women, among other reasons, motivate them greatly to put their peacemaker skills to the service of peace. For instance, a founder of a women's group in DRC recounts: "I have worked with women here and have received dozens of death threats as a result. My home and office have been attacked and raided. One of my staff members was raped" (Bihamba 2017). Despite this, she does not give up. Her organization, along with 65 women leaders started a Congolese Women's Forum for peace and equal political representation in Kinshasa. This initiative led to the inclusion on 20% of local women in peace talks that was organized in the Kasai region following the violent episodes of 2016 (Bihamba 2017). For that reason, Nathan (2005) argues that The PoW "should include an equitable number of women and should be sensitive to gender concerns in the course of mediation and in the design of negotiated settlements" (p.10). Hence, despite the fact women remain political "lightweights", their presence at negotiation tables would provide depth to discussions, and weight to agreements. Further, during his visit in October mentioned in Section two above, the AU Commission chairperson was accompanied by a big delegation, including the Commissioner for political affairs, Minata Cessouma (AUC Chairperson 2017a). It is however not clear from the communique if they met with women's groups or organizations. The AU must not only ensure women in its ranks, but also in its interlocutors'. Admittedly, some male leaders tend to be reluctant to interact with women as pointed out by O'Reilly et al. (2015), but the AU must demand – when possible – the presence of women, even just as observers. Moving forward, the next section explores the potential of the AU Mediation Support Unit for more effective mediations.

5.3 The potential of the AU Mediation Support Unit: Balance of gender

This part argues that with the recent operationalization of the AU Mediation Support Unit, the AU has the ability to “do things right”. It must listen to calls of academics and researchers to balance the composition of mediation teams in gender. Gender here, as a descriptive tool – men and women. Indeed, women can have access to populations and venues otherwise closed to men (CFR 2017b). This means that during the fact-findings missions for instance, more valuable information could be gathered, which would help understand the issues more fully. Likewise, future mediation teams must master gender as an analytical tool to define the possible ramifications of gender in relevant contexts. This, it is argued, would engender more effective mediations.

Having said that, the AU and its predecessor, the OAU remain the biggest mediator on the African continent, in terms of the numbers of mediations they have engaged with (Duursma 2017). Mediation, as seen upper, is a pivotal tool at the disposal of peacemakers to avert the escalation or outbreak of conflicts among parties, and resolve those that have already occurred. According to article 3(a) of the PSC Protocol, one of the objectives of the PSC is to “anticipate and prevent conflicts”, but if they do occur, the guiding principle is the “peaceful settlement of disputes and conflicts” as provided by article 4 (a) (AssemblyoftheAfricanUnion 2002). To face the rise and resurgence of conflicts in Africa in general, the AU has increased its mediation efforts (Chergui 2016). Duursma’s research (2017) indicates that African mediators are effective in mediating conflicts in Africa because of the legitimacy acquired through the norm of African solutions to African problems.

As pointed out in the preceding section, the PoW is supposed to facilitate the work of mediating teams, or engage in mediation itself, but its members are not appointed AU mediators as such (Gomes Porto & Ngandu 2015). About 20 AU special envoys, representatives and mediators are currently working in conflicts-affected countries, or post-conflicts settings on the continent (Chergui 2016). It is not clear how many of them are female. But so far, there have been very few to no female mediators in formal mediations. From 2000 to 2014 in effect, 92 percent of mediators in African coups were male (Nathan 2017). The current mediators are appointed by the Chairperson of the AU Commission, whether on a decision or endorsement of the PSC, or the Assembly of Heads of States and Governments (Chergui 2016). To facilitate the work of these mediators, and increase their capability, an AU Mediation Support Unit was operationalized in 2016 (AfricanUnion 2016b). It will provide systematic support to mediators on the field by guiding them based on past experiences, by building an AU internal mediation capacity, and collaborating with member states, RECs, the UN, the Civil Society, research institutes, the EU and the international community (AfricanUnion 2016b).

Operationalizing a Support Unit addresses the poor coordination and partnerships with the RECs and other strategic partners that has been challenging for AU mediation (AU Commission

2016c). The Mediation Support Unit will bring more continuity and expertise, and build institutional memory by documenting AU practices (Cherguy 2016). The latter is a major improvement, as the AU has lacked so far proper mechanisms to learn from past mediations in a systematic way (AU Commission 2016c). Its “poor institutional memory” (Makinda et al. 2016, p. 124) has impacted its ability to learn from past endeavors and build best practices. The Support Unit will serve as the secretariat for the annual retreat of African mediators and special envoys. Further, it will provide mediators and staff with necessary materials, and establish an analytical and early-warning capacity for armed conflicts (Chergui 2016).

It is worth noting that the AU wants “to ensure the mainstreaming of gender and youth in the composition of staff, mediators, and mediation teams” in the operationalization process (AfricanUnion 2016b). Young and or female mediators would bring fresh perspectives to mediation techniques, and challenge conventional assumptions (Siewers 2017). Indeed, new methods of conflict prevention and resolution may be needed to adapt to new complex and changing sources of conflicts (Lyman 2017). Unless there is transformative change in the system however, this will just remain a policy guidance as many others. Owing to the deep patriarchy entrenched in African societies, such as in DRC in fact, women and young people are usually not taken seriously. The AU has the opportunity here to recruit community-based women’s groups that know their communities well, and are already engaged in peacemaking activities. For instance, the CAFED, a women’s organization based in North Kivu receives training in mediations and advocacy from their external partners, and has already met with rebel groups and president Kabila several times (Malimukono 2017).

The move to operationalize a Mediation Support Unit is a commendable step of the AU to increase the effectiveness of mediations on the continent, as it will be staffed with trained and competent personnel. The practice of appointing personalities on the basis of their stature and profile may not be enough to deal with the wide array of ongoing and potential conflicts. Nathan (2005) even sees it as a “mistake” (p 9), because mediation requires skills and expertise. A Mediation Support Unit will further provide a better coordination of efforts by different actors on the continent, and coordination with AU’s international partners (AU Commission 2016c). The PSC Protocol acknowledges the important contribution of African Regional Mechanisms (RMs) to prevent conflicts on the continent, but the AU has had a great deal of difficulties coordinating and cooperating with them (Makinda et al. 2016).

In his quantitative study on the effectiveness of joint African and non-African mediation efforts, Allard Duursma (2017) finds that compared to non-African mediations in civil wars, African third parties are much more likely to conclude peace agreements, which are more likely to be durable. But that efforts are most effective when they are mixed and coordinated between African and non-

African third parties wherein the African third-party takes the lead (Duursma 2017). He argues that African third parties are more effective because of their legitimacy (Duursma 2017). This substantiates Nathan's argument on the importance of legitimacy and confidence-building in mediation (Nathan 2005). However, while these findings may encourage African solutions and leadership, the fact that he measured the success of mediation by the conclusion of an agreement is questionable. In effect, and going back to the DRC, virtually every mediation led to an agreement, and yet the country is in the same state because those agreements are not implemented. Therefore, it is argued that a successful mediation should not be measured with the signing of agreements, rather their implementation.

Prior to the operationalization of the Mediation Support Unit, the PoW functioned as a support unit for appointed mediators, using data collected from the CEWS, fact-finding missions, conciliation, good offices and facilitating communication among relevant stakeholders (van Wyk 2016, Gomes Porto & Ngandu 2015). Beside the PoW, the AU used to appoint *ad hoc* mediators such as the Panel of Eminent African Personalities led by Kofi Annan to mediate the post-electoral crisis in Kenya in 2013 (van Wyk 2016). That Panel was also constituted by Graça Machel, and Benjamin Mkapa, in coordination with the PoW (Nantulya 2016). The success of that mediation illustrates the ability of the PoW to effectively prevent violence (Nantulya 2016), but also the "moral persuasion" (Duursma 2017, p. 595) it can have on parties. It further indicates that a successful mediation needs not be determined by the potential leverage the mediator may have, insofar as the Annan's team did not have any (Duursma 2017). Thus, the legitimacy of the mediator and ownership of the process by parties outweighs potential muscles (Duursma 2017, Nathan 2005). As a support unit, the PoW cooperates with other AU institutions such the CEWS, with the UN and RECs, the ICGLR and the SADC with respect to DRC. The Support Unit's role is critical, as it "really makes an important contribution that allows the [mediators] to do [their] work much easier than if [they] had been on [their] own (Kodjo 2016).

One of the main critique to the appointment of former heads of states to mediate crisis is that they are biased towards incumbent president (AU Commission 2016c), something that undermines the impartiality required from mediators (African Union 2016b). As reviewed above however, scholars lack consensus on whether the mediator should be neutral or not. Some argue that it is not necessarily a negative thing (Wallenstein 2014; Beardsley 2008). But in his afore-mentioned study, Duursma (2017) finds that the presence of a biased African mediator has negative impact on the outcome of mediation. The mission of Special Envoy Edem Kodjo in 2016 in DRC is illustrative of such skepticism and impact. The majority of the opposition accused him of being on Kabila's side (ISS 2016), and did not participate in the talks. It has affected the implementation of the agreement

signed on 16 October the same year. This notwithstanding, the success of the case of Kenya indicates that the perceived impartiality of mediators is not the only determining factor. Perhaps the argument lies somewhere else. Graça Machel was very active in that mediation. Her presence may have swayed its issue, in line with studies on the positive impact of women on the outcome of mediations.

Hence, and borrowing one guideline from the recently set up *Guidance on gender and inclusive mediation strategies* (UNDPA 2017) by the UN, the AU must “[d]evelop and resource concrete strategies on gender and mediation to increase the meaningful inclusion of women, particularly at the senior level in formal peace negotiations” (UNDPA 2017, p. 12). Doing so could transform attitudes, and provide directives to mediation teams on how to be sensitive to gender. The Mediation Support Unit remains at its embryonic stage, and therefore has not yet (arguably) have an impact on peace and security. But as it appears, it is following on other practices of the AU of mainstreaming gender in the “composition of staff”, without actual measures to follow through. And once again, the AU conflates gender parity with gender equality. To realize its objective of gender equality and the mainstreaming of the WPS agenda, the AU needs to seriously engage in transformative institutional knowledge on gender norms, while taking actions to enhance the participation of women in peace processes.

6. AU’s efforts to enhance African women’s participation in peace processes

It is argued here that the participation of women in peace processes is critical for their success. Indeed, “[t]he participation of civil society groups, including women’s organizations, makes a peace agreement 64% less likely to fail” (CFR 2017b). The need to increase the participation of women in peace processes is thereby self-evident. Whereas the conceptual part of this thesis revealed that African women in general and Congolese in particular still have many challenges to overcome to be able to participate in decision-making and peace processes. Their participation would, based on the aforementioned findings, have a positive impact on peace and security. It would also support the AU’s objective of silencing the guns on the continent. Section 1 of this Chapter reviews the different steps of the AU to meet that goal, and empower African women to increase their opportunities to participate.

The AU has been taking a variety of initiatives recently to that end. Perhaps the report showing the weak implementation of the WPS agenda on the continent was also decisive in this. As a matter of fact, that report was produced last year, and most of the initiatives that could be found took place

after that report. These initiatives can set a new positive direction for the WPS agenda. Having said that, the AU Commission and UN Women, with the support of Germany launched the African Women Leaders Network in June 2017, in order “to enhance the leadership of women in the transformation of Africa” (UN Women 2017c). This initiative focuses on governance, peace and stability. The creation of the Network resulted from a “High-Level Women Leaders Forum for Africa’s Transformation”, which gathered about 80 participants from Africa from “eminent women leaders from the political and public sectors”, women in business, civil society and the media (UN Women 2017c). The Network represents the willingness of the AU Commission and UN Women to implement the WPS policies, and could lead to better conflict prevention and inclusive economic growth, because it empowers women and girls (UN Women 2017c). It draws on previous experiences of women’s leadership to equip other women with knowledge that will improve their participation in peacebuilding and peace processes. Through this initiative, the AU committed to support women and girls’ empowerment, for peace, security and sustainable development (UN Women 2017c).

This represents another recognition of the important role of women in sustainable peace and development. The next meeting of the Network is planned in February 2018 in Addis Ababa. In the meantime, a task force will work on the modalities of the Network, a roadmap, its strategies, the funding, and “intergenerational partnerships” (UN Women 2017c). Though, members of the Network did reconvene during the 72nd UN General Assembly in New York, calling for action. Its members stressed the importance of education for rural women and girls, and their economic and political empowerment (UN Women 2017a).

Furthermore, in a meeting in September 2017 during the UN General Assembly, the governments of Italy and Albania, the AU and UN Women called for the establishment of networks of women mediators (UN Women 2017b). These will increase the participation of women in formal peace processes, and provide a platform for appointment and training of female mediators. Some participant suggested the introduction of quotas for female mediators in mediation teams (UN Women 2017b). Indeed, imposing quotas is one of the measures suggested by the UN for more gender-inclusive mediations (UNDP 2017). The AU’s Pan-African Network of Women Mediators (FemWise-Africa) was established in July 2017 as part of the APSA, and as a subsidiary mechanism of the PoW and the PanWise (AU 2017b). It will bring about 500 African women mediators (AU 2017b).

As noted above, one of the main challenges to women’s participation in peace processes is the lack of resources. This also emerges from the perspectives of Congolese women’s group, who say that they need funding, and need to be taken seriously (Bihamba 2017). It is praiseworthy that these platforms will provide training and funding to women. Hopefully it does not become one of those

initiatives that fall off when the spotlights have waned. And hopefully it does not only serve as a motive for annual gatherings of “eminent” women leaders. It should empower local women whose work make a difference for their communities. Some regional mechanisms exist for training and equipping local women with adequate tools to improve their participation in peace processes (Diop 2016), but it is important that the AU takes the lead and show strong leadership in that domain. The aforementioned initiatives indicate that the AU is willing to take actions that could lead to more participation of women in peace and security, as they are empowered. Another guideline from the *Guidance on gender and inclusive mediation strategies* indicates that mediators and their teams should “conduct systematic consultations with civil society, women’s organizations and survivors of sexual violence in all peacemaking efforts” (UNDP 2017). Thereby, and as pointed out before, the AU must not only consult with renowned African women leaders, but also with women on the ground. For instance, during the joint mission to DRC and Nigeria in August, the Special Envoy on WPS Bineta Diop, the UN Deputy Secretary-General, Ms. Amina Mohammed, the Under-Secretary-General and Executive Director of UN Women Ms. Phumzile Mlambo-Ngcuka and the Under-Secretary-General and Special Representative of the UN Secretary-General for Sexual Violence in Conflict, Ms. Pramila Patten met with local women, refugees, and victims of sexual violence to hear their experiences (AU 2017a). More of such missions are needed to make sure local women directly express and their needs and experiences and take appropriate measures. Consultations are not as direct as being at negotiating tables, but they could increase the sense of ownership over the peace processes, as argued by O’Reilly et al. (2015). This in turn would lead to more durable peace. The more actors involved, the more issues and grievances can be taken into consideration. While all of these initiatives are not specifically meant for DRC, but for the whole African continent, they could benefit Congolese women and contribute to more of them participating for a peaceful DRC.

7. Conclusion

This thesis mainly aimed to investigate to what extent the AU’s prevention frameworks enable it to mediate the DRC crises using a gender-inclusive approach. It appears that the AU possesses an extensive set of policies in the WPS area, beside its diplomatic tool, the PoW, and the new AU Mediation Support Unit. These instruments could lead to tackling the crises in DRC in a gender-sensitive way, and thus more effectively. This paper found however that the extent to which AU’s mediations and prevention measures in DRC from 2015 to date reflected its gender equality agenda with respect to peace and security is insufficient. Indeed, AU’s attempts neglected to include women

more in the processes, even though it included some women leaders. On a positive note, the AU and its partners are taking action to empower African women and increase their participation in peace processes. These would increase their visibility in the public space and their ability to participate in decision-making. This thesis presented the magnitude of challenges African women in general, and Congolese in particular have to overcome to do so.

One thing is sure, the task ahead is immense for both mediating the crises, and including women in DRC. It requires strong leadership of the AU, strong commitment and strong political will. Conflict prevention and mediation are a complex endeavor. Textbook-cases of potential conflicts might not in fact result in armed conflicts, and unpredicted scenarios might well turn into bloody conflicts (Lyman 2017). The task is even rendered more complex by damaging gender roles and norms, as well as unequal power relations. These perpetuate “negative” masculinity and engender violence and sexual violence. They also hinder effective conflict prevention and mediation insofar as they hamper the participation of women that can be significant.

No matter how many instruments are enacted, or resolutions enforced, if the patriarchal structure of the society does not improve, the dominant practices of subordinating women and favoring men will resist change. It should not be expected that those who hold the power will be freely willing to share it with the minority, women. As this study of the case of DRC suggests, women have to come forward and seize any chance and opportunity to shine. The case of DRC appears similar to the majority of African states where patriarchy is dominant as observed by (Haastrup 2015). Asking men – or any other perceived superior category for that matter – to implement gender equality is akin to asking a child to share their ice cream. Unless you offer them proper incentive to do so (such as going to their favorite park for the child; and for men the assurance that having more women in is pragmatic), they will always be reluctant. Therefore, more researches, qualitative and quantitative alike are needed on the impact of women in peace processes, and why the presence of women increase the sustainability of peace the way it does. In addition, future researches could study how to change patriarchal attitudes so harmful to gender equality, peace and security in Africa in general.

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