



**Building a Human Rights Culture in the Context of Child
Soldiering: A Challenge to the Protestant Church in the
Democratic Republic of Congo**

by

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“How can I play in a strange land, in an alienated and alienating society? How can we laugh and rejoice when there are still so many tears to be wiped away and when new tears are being added every day?” (J. Moltmann)

Child soldiers



Protestant Cathedral in DRC (Kinshasa)



DECLARATION

I, Joel KUVUNA MBONGI, hereby declare that the research presented under the title, **“Building a Human Rights Culture in the Context of Child Soldiering: A Challenge of the Protestant Church in the Democratic Republic of Congo”**, is my original work, except where otherwise indicated.

This thesis has not been submitted for any degree or examination at any other university. It does not contain other persons’ data, pictures, graphs or other information, unless materials are specifically acknowledged as originating from other sources. It also does not contain other persons’ writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, the wording has been changed while preserving the general meaning and the information has been referenced. In the case of verbal quotations these have been placed inside quotation marks and referenced. The thesis does not contain information copied from the Internet unless specifically acknowledged as such with the source provided in detail.

Joël KUVUNA MBONGI

Dr. Clint C. Le Bruyns

DEDICATION

To my parents Mbongi Poba Sylvain and Mabilia Muanda Elisée, who suffered and who guided me in the way of justice by their prayers and strong leadership and who always encourage me and bear me in their hearts,

To all those children who have lost their dignity as a result of the child soldiering phenomenon, who suffer injustice and who think that no one can understand their suffering,

And to all those who build and seek rights and justice,

I dedicate this work.

ABBREVIATIONS

AFDL: Alliance de Forces Démocratiques pour la Libération

AIDS: Acquired immune deficiency syndrome

ANC: Armée National Congolaise

APCLS: Alliance des Patriotes pour un Congo Libre et Souverain

ART.: Article

BIT: Bureau International du Travail

CCIA: Commission of the Church for International Affairs

CEPCO: Conseil des Eglises Protestantes au Congo

CEPZA: Conseil des Eglises Protestantes au Zaïre

CPC: Conseil Protestant au Congo (Congo Protestant Council)

CRC: Convention of the Rights of the Children

DFID: Department For International Development

ECC: Eglise du Christ au Congo

ECZ: Eglise du Christ au Zaïre

FARDC: Forces Armées de la République Démocratique du Congo

FDLR: Forces Démocratiques de Libération du Rwanda

FRPI: Force de Resistance Patriotique de l'Ituri

GECAMINES: General des Carrières et des Mines

HIV: Human Immunodeficiency Virus

HR: Human Rights

ICC: International Criminal Court

ILO: International Labor Organization

M23: Mouvement du 23 Mars

MONUSCO: Mission de l'Organisation des Nations Unies pour la Stabilisation du Congo

MPR: Mouvement Populaire de la Révolution

NGO: Non Government Organization

NKJV: New King James Version

PARECO: Patriotes Résistants Congolais

RCD: Rassemblement Congolais pour la Démocratie

SES: Socioéconomique status

SICOMINES: Sino-Congolais Mines

UDHR: Universal Declaration of Human Rights

UDPS: Union pour la Démocratie et le Progrès Social

UK: United Kingdom

UN: United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNICEF: Fonds des Nations Unies pour l'Enfance

UNILU: Université de Lubumbashi

US: United States

WCC: World Council of Churches

ABSTRACT

The present research focuses on the phenomenon of child soldiering which occurs in many countries worldwide and which is prevalent specifically in the Democratic Republic of Congo. The DR Congo alone has in the last ten years included 27 percent of African child soldiers in its armed forces. The conflicts in the DRC always centre on the country's mineral resources and in this context children have become a weapon of war.

Many scholars have studied the phenomenon of child soldiering as a human rights problem. The gap that this research aims to fill concerns a consideration of child soldiering as a human dignity abuse that compromises the future and the development of the country as a whole. The study's target is to challenge the Church to build a human rights culture that opposes child soldiering.

Two frameworks are used in this research. The first framework involves social science and provides a theoretical background whereas the second consists in the theological outlook on human dignity of Jurgen Moltmann. The literature analysis is used as a methodology to promote an understanding of what is really going on.

Based on a study of the various reasons for the involvement of child soldiers in DR Congo, the research demonstrates that most children join as a result of external causes leading them to become enlisted or to volunteer. Among these causes are poverty, failure of the educational system, coercion, abduction and the impunity of recruiters.

The research reviews many tools, internationally used and ratified by human rights organisations that aim to protect human dignity. Theoretically the CRC (Convention of the Rights of Children) is supported by the DRC that therefore is expected to adhere to the principles of "Provision, Protection and Participation" of children. However, in spite of a multiplicity of tools to guarantee children's rights, child soldiering remains a challenge of human dignity in DR Congo.

The present research has adopted a theological view of human dignity proposed by Jurgen Moltmann. This theology justifies three key points why a child should be seen as

a full human being: Child is created in the “imago Dei”, thus inheriting respect and worth, he participates in the story of redemption and he is created with full freedom.

What should be the role of the Church in when such full human beings fall victim to undignified situations? The DRC Church has been challenged by reminding it of its mission and role. As a child represents the image of God and is a member of the Church, its abuse constitutes the abuse of the Church as a whole. Thus the phenomenon of child soldiering detracts from the dignity of the Church because part of the body of the Church is affected by the presence and participation of child soldiers.

Key words: Human rights, child soldiers, dignity abuse, Church.

RESUME

La présente recherche s'articule sur le phénomène enfant soldat qui constitue une grande menace au travers le monde, spécialement en République Démocratique du Congo. La RD Congo a regorgé les dix dernières années 27 pourcent d'enfants soldat. Les ressources minières demeurent au centre des conflits émergeant en RDC. Les enfants deviennent donc une arme de guerre.

Beaucoup d'auteurs ont parlé de ce phénomène enfant soldat constituant un problème de Droits de l'homme. Le point focal de cette recherche se veut de considérer ce phénomène comme un abus à la dignité humaine compromettant le futur et le développement de tout le pays. Cette recherche vise à défier l'Eglise à construire la culture de Droits de l'homme dans le phénomène enfant soldat.

La recherche s'est focalisée sur deux cadres, à savoir : Les sciences sociales dans le but de porter des lunettes théoriques, ainsi que la Théologie sur la dignité humaine de Jurgen Moltmann. La méthodologie de ce travail constitue une analyse littéraire.

L'étude des causes d'enrôlement des enfants soldat en RDC démontre que la plupart d'entre eux étaient enrôlés par des causes externes qu'internes, parmi lesquelles sont : La pauvreté, l'échec du système éducationnel, l'enlèvement, le kidnapping, la contrainte, et l'impunité de leurs bourreaux.

Cette recherche a revu beaucoup d'instruments internationaux ratifiés dans le domaine de Droits de l'homme, cherchant la protection de la dignité humaine. La Convention sur le Droit de l'Enfant est théoriquement ratifiée en RD Congo. Elle suppose le respect des principes de la Provision, de la Protection et de la Participation des enfants. Malgré tous ces instruments juridiques, le phénomène enfant soldat demeure un défi sur la dignité humaine en RD Congo.

La présente recherche a mis en œuvre la théologie de la dignité humaine de Jurgen Moltmann. Trois points focaux justifient l'enfant comme pleinement humain : Il est créé à l'image de Dieu, d'où il mérite respect et égards ; il participe à l'histoire de la rédemption, et il est créé pleinement libre.

Quel rôle devrait jouer l'Eglise dans cette déshonorante situation de l'être humain ? Le présent travail se veut un défi à l'Eglise de la RDC en réitérant son rôle et sa mission.

Etant image de Dieu, et membre de l'Eglise, l'abus fait à l'enfant constitue un abus sur toute l'Eglise. Nous pouvons ainsi dire que le phénomène enfant soldat fait de l'Eglise une Eglise déshonorée, l'étant ainsi par le phénomène enfant soldat.

Mots clés : Droits de l'homme, enfants soldat, abus de la dignité, l'Eglise.

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Let these few words be the expression of my thankfulness. I would not have been able to complete this work without the will of my Almighty God.

“Your eyes saw my substance, being yet unformed. And in your book they all were written, the days fashioned for me when as yet there were none of them” (Psalm 139.16).

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CHAPTER ONE

GENERAL INTRODUCTION OF THE STUDY

This chapter focuses on some aspects of the motivation for the research. It presents a review of previous studies on child soldiering in relation to human dignity, some questions and sub-questions considered by the research, its objectives and its theoretical framework as well as the method used to achieve the objectives. Anticipated problems are mentioned and, finally, an outline is given of all the chapters.

1.1 Brief motivation and background

The present research concentrates predominantly on human rights and specifically on children's rights in the context of the phenomenon of child soldiers. The study has been motivated by seven important factors.

- 1) **Contextual factor.** Many children are used as soldiers in the Democratic Republic of Congo at an early date in their lives. They can be seen nearby the fronts getting a foretaste of war. They are used as maids and porters. Forty percent of child soldiers in the fighting fields are girls, mostly used as sex slaves. According to Nakah (2012:126), there are currently twenty nations worldwide where children under 18 years form the majority of the population. Only four of these nations are outside Africa. Sixteen countries in Africa use child soldiers in legal and illegal armies and in rebellions. Child soldiering is mostly an African phenomenon. This becomes clear from the statistics.
- 2) **Statistics factor.** Large numbers of child soldiers have been recorded on other continents, but especially in Africa, specifically the DR Congo. In 2005, there were about 33,000 child soldiers in the province of North Kivu in the Democratic Republic of Congo. The Democratic Republic of Congo is actually emerging from "one of the deadliest conflicts since the World War II, involving seven foreign armies and militia groups" (Stern, 2008: 58). Of sixteen countries involved in child soldiering in Africa, eight have operated in the Democratic Republic of Congo. Since 2008, 300,000 children have been used in regular and irregular

armies worldwide. 120,000 child soldiers, or roughly 40 percent, have been involved in Africa alone (Rakisits, 2009: 109). The Democratic Republic of Congo had used 33 000 child soldiers. This means that 27, 5 per cent of African child soldiers used during the last years were Congolese. According to a United Nations report, 1,000 cases of child recruitment by armed groups were verified by the “MONUSCO” between the 1st of January 2012 and the 31st of August 2013, predominantly in the eastern province of North Kivu. The armed groups Nyatura, « Forces Démocratiques de Libération du Rwanda » (FDLR) and the 23rd March Movement (M23) were identified as having recruited in all 451 children, into their groups at the time of reporting

(<http://www.un.org/apps/news/story.asp?NewsID=46330>). This reality suggests that there might be question of a political agenda.

- 3) **Political agenda.** The current war in the DRC started in 1998 and most of the original pockets of conflict have ever since continued to prevent peace-making in the east of the country. The conflict has cost more than four million lives and displaced millions of people, disturbing their lives and causing them to look for refuge in many different countries. The main cause of the war and the battles in the DRC is the struggle for control over natural resources. Diamonds, gold, copper and “coltan”, cobalt, are internationally in great demand. In the context of such a political agenda, children have become roped in as weapons of war. This kind of exploitation is possible because of a lack of protection and, in some cases, a fundamental disregard for the rights of children living in conflict zones. Talking about the war in DR Congo, Rakisits (2009: 111) explains that the current fighting in the East of the country began in 1994 with the Rwandan genocide in which 800,000 people, mainly Rwandan Tutsi, were killed. In this period about 8,000 to 10,000 of the killers went to the border of RD Congo and founded the FDLR (Democratic Forces of Liberation of Rwanda). Tackling the same issue, Lischer (2010: 152) writes that in 1996 for “the first time the previous president Laurent Desire KABILA issued a call through the national radio for youth between 12 to 20 years to enlist and fight against the rebels in which the Alliance of Forces for the Liberation of Congo-Zaire included at least ten thousand child soldiers. Half of this recruitment was under then 18 years”. In the

meantime, by 2003, 20 percent of RCD Goma combatants or rebels were under eighteen. Lischer (Reich, 2010: 145-146), discussing war, displacement and the recruitment of child soldiers in the Democratic Republic of Congo, identifies different paths followed in the recruitment of child soldiers. Most of these recruitments were caused by the economic situation in the country.

- 4) **Socio-Economical factor.** Violence, sexual abuse and sexual harassment which destroy the youth are commonly used to get children involved in warfare. In most socio-economical situations children who were separated from their parents did find refuge on the battle field. These children are sometimes forced to kill members of their own families. After committing such a crime they are for their own safety obliged to stay in the army. Much of the child abuse committed in the country is the result of poverty, lack of a strong educational system and some other factors. We cannot talk about children's rights without considering the umbrella formed by human rights in general.
- 5) **Legal factor (human rights).** A human being is permitted to claim his or her rights. As Kesby (2012:51) argues, nationality is an instrument that helps to secure the rights of each man and woman in the national as well as the international context. To claim our rights is our right. It is wrong not to recognise and claim those rights. The Convention of the Rights of the Children (CRC) is the most updated and widely ratified human rights treaty worldwide (Pare, 2009). Many other conventions and treaties are concerned with children's rights, but they are not always conscientiously applied and sometimes they remain just objects of political discourse. Not to speak about the CRC is to ignore what has already been done in this area. Thukral (2011) argues that "good governance must be based on the rights. It is a precondition for sustained poverty reduction, peaceful and stable society". We agree that the principle of democracy involves justice, freedom and equity. We cannot talk about democracy without respecting human rights and there is no democracy when children's rights are abused by the use of child soldiers. Thus, true democracy in the DR Congo requires respect for children's rights. It is logical that, as long as children continue to be abused as soldiers, democracy will remain elusive. Is the church involved in any action

dealing with this problem? Is there any theological basis on which the church can play a role in countering the phenomenon of child soldiering?

- 6) **Theological factor.** The Church has a prophetic liberation role. In this way, the Church provides a social response. But sometimes its silence is too persistent and, unfortunately, there is evidence that the Church does in various ways not sufficiently respect children's rights. As Newlands (2006:6) argues, there are huge numbers of victims of human rights abuses in the world and even, sadly, within churches. This is specifically apparent in the limited importance attached by churches to children's rights. A consequence of this is that the Church lacks a determined focus on the phenomenon of child soldiering that leads to the stagnation and eventually the breakdown of social development.
- 7) **Development motivation.** Child soldiering is a real threat to the future of our society. The phenomenon compromises education systems and the well being and the security of the children involved. Without a strong education system, society cannot be strong. Society cannot be transformed as long as there is child soldiering. Development depends on human beings. Society in the future will reap the results of the seeds it sows today in its children. There can be no positive development without the well-being of children. If children grow up without a sense of well being and security they will in the future produce weak systems.

The present research considers the scholarly works of many researchers who have discussed human rights, children's rights and perceptions of human dignity in relation to the phenomenon of child soldiers. The following section reviews literature gathered around this topic.

1.2 Literature review

Many scholars have studied the child soldiering phenomenon in relation to perceptions of human rights and specifically children's rights. In view of the numbers of children involved as participants in current international conflicts the topic is of paramount importance. Ames in Reich (2010: 14) defines the elimination of child soldiering as a completely commendable goal. Ensor (2012:281) states that child soldiers are often the

passive victims of violence and exploitation. Thus, in order to eliminate child soldiering this exploitation would have to be stopped.

On the basis of data collected from the available literature, six themes can be defined as relevant to the present research.

1. Many scholars mention the human rights field. Since the late nineteenth century scholars have spoken about theories of natural rights and defined particular natural rights (David G, 1924 : xi,). Frankel describes human rights as 'claim' rights (1984:1). In 1988 the United Nations have compiled the Human Rights declaration as an internationally applicable instrument. Kenneth Thompson stipulates the moral imperative of H(uman) R(ights). Shue, in his study, defines three basic rights, security, correlative duties, and liberty, but he also mentions three challenges to subsistence rights, namely realism, affluence and nationality. Robertson and other scholars add various interpretations of what human rights are (Selby, 1987).
2. Within the general field of human rights, a few scholars pay attention specifically to children's rights and their position in the discourse of human rights. Responding to the question whether research has contributed to an improvement in the human rights situation of children, Williams concludes that very little progress has been made in the two decades (from 1989 to 2009) since the coming into force of the CRC.
3. The issues pertaining to children that have been discussed by scholars include sexual abuse, poverty, the lack of elementary education, and the use of child soldiers. However, only few of these scholars recognise child soldiering as a human rights problem. Williams argues that the idea of human rights for children was late in joining the general human rights discourse.
4. The present research aims to respond to the position as regards children's rights taken by the church where many theologians and scholars speak about human rights and human dignity. One such scholar is Bunge who has explored some significant developments in research on children and childhood in the areas of theology and religious studies. Bunge (2008:350) has developed 'child theologies,' re-examining not only conceptions of children and obligations to them, but also fundamental doctrines and practices of the church. Relevant to all

discussions on human rights is article 3 of the Geneva Convention referring to the protection of human dignity (Waldron 2012a:200). Among the scholars dealing with this topic is for example Neal who argues that the Convention of the Human Rights mentions the dignity of same-sex couples, patients, prisoners, detainees, asylum seekers, even women seeking abortions and people wishing to end their lives . Jurgen Moltmann has developed the concept of human dignity in the theological foundation but among the many writers on human rights and dignity very few mention the dignity of children.

5. In the literature consulted by the present researcher not a single theologian or scholar was found who claimed that child soldiering is a human dignity abuse. It is this gap that I aim to fill with this research. Willems argues that human rights are more than international laws but that they involve ethics, politics, psychology and even theology. Citing Desmond Tutu, Witte states: “Any violation of Rights of God’s stand-in cries out to be condemned and to be redressed, and all the people of good will must be engaged in upholding and preserving those Rights as a religious duty”.
6. The groundwork in eradicating the phenomenon of child soldiers consists in establishing a human rights culture. Such a culture embraces the beliefs, customs, practices, and the social behaviour of a nation or people. Only a few scholars have researched human rights in the context of cultural practices. Answering the question whether international law can protect child soldiers, Hughes argues that laws presume order and some sort of structure in society. In a society that lacks order and structure the same law may lead to the killing of people.

According to the literature, research has been conducted in the field of children’s rights. But the specific interest of my research lies in the church’s response – or the lack thereof - to the phenomenon of child soldiers as a human rights abuse, and in the church’s engagement with specifically the rights of children. No theological analysis has been made of children’s rights and of the abuse of human dignity in the context of child soldiering. A theological analysis of human dignity will enlighten perceptions of child soldiering. The present research aims to provide such an analysis and to promote the building of a human rights culture in

the DR Congo that centers on the problem of child soldiering as a human dignity abuse.

1.3 Research question

The question central to the present research is the following. In what way and by adopting which theological foundation can the church be involved in building a culture of human rights and of development in the context of child soldiering in the Democratic Republic of Congo?

1.4 Sub-questions

1. Why is, according to statistics of the last decade, child soldiering increasing in DR Congo?
2. In what ways does the use of children as soldiers constitute child abuse?
3. What do the Congolese Constitution, treaties, conventions and other national, regional and international instruments say about the rights of children and how are these various tools implemented in DR Congo?
4. How can a theological vision focused on children's rights be created in which children are considered as human beings in the full sense of the word?
5. How can the church in DRC be challenged to get involved in the building of a human rights culture in the context of child soldiering?

1.5 Objectives of my research

This research focuses on the following objectives.

1. To investigate the abuse of children's rights by using child soldiers in war in DR Congo.
2. To search the main causes for the involvement of child soldiers in DR Congo.
3. To analyse the theoretical existence of children's rights in the Congolese constitution as well as such rights contained in treaties and in other international instruments that aim at stopping child soldiering.
4. To develop theological views on children's rights whereby child soldiering is considered as a human rights abuse.

5. To challenge the church in DR Congo to engage with building a human rights culture in a context of child soldiering, using a theological foundation for dealing with human dignity abuses.

1.6 Theoretical frameworks

In relation to the DR Congo, the present research poses important challenges in terms of human rights and children's rights, specifically as regards children abused as soldiers in war. In the DR Congo an alarming number of children are abused as soldiers.

Two frameworks will be applied. The first framework is provided by social science that provides theoretical bases for the study of human rights, children's rights and the phenomenon of child soldiers. The second framework is based on theological science. It implies reading the social situation in terms of theological concepts and it will guide us in the development of a human rights culture. This research will specifically study the theological view of human dignity as a foundation for a true human rights culture. The present study focuses on Jurgen Moltmann and his theology of human dignity, for his theology on human dignity has been a strong influence on theological thought in the last few decades, and he was a child soldier when he was 17 years old. Then his younger years influenced his theological views of liberation, human rights, and human suffering. His theology will be contextualised within the phenomenon of child soldiering as a human dignity abuse.

1.7 Research methods

The methodology for this research into child soldiering in Democratic Republic of Congo is analytic research methodology in nature. It concentrates on understanding the current situation.

This research will:

- ✓ Use some current writings on the abuse of children, specifically in the context of child soldiering in the Democratic Republic of Congo.
- ✓ Consult relevant books, academic publications, online literatures, articles, journals, the DR Congo constitution, the Convention on the Rights of the Child, and children charts and treaties on human and children's rights.

- ✓ Question the current theological approach to children's rights. It explores how the church is dealing with certain children's issues.
- ✓ Engage in a critical review of current literature relevant to the research topic, examining and analysing data.
- ✓ Analyse relevant literature by linking aspects of social science and theological science.

1.8 Anticipated problems

Child soldiering is prevalent in the Democratic Republic of Congo today. Talking about this topic tends to offend sensibilities, for example of the current government. The phenomenon of child soldiering in DR Congo began with the introduction of the AFDL (Alliance of Democratic Liberation Forces) by the previous president Laurent Desire Kabila, father of the current president. The security of a researcher who engages with these matters might be at risk.

Another difficulty is the scarcity of scholars in the field. Few theologians and other thinkers have worked on children's rights or have considered child soldiering as an abuse of children's rights and therefore an offense of human dignity.

1.9 Outline of chapters

The present research is subdivided into six chapters:

The first chapter presents a general introduction, providing some motivations for, and background to, the study in the context of the Democratic Republic of Congo.

The second chapter deals with child soldiering as a problem and as a challenge to humanity. It presents the main causes for child soldiering. Whether they are used as soldiers in legal armies or in rebellions, children are either attracted or coerced by recruiters. Several realities leading to children's involvement in warfare will be discussed.

Chapter three concerns the position of the social sciences in relation to human rights and takes account of the Convention of the Rights of the Children and of United Nations policies. Child soldiering constitutes a human rights problem. How does the DRC

approach the issue of human rights and the Convention of the Rights of the Children, and what is the influence of the United Nations on the DRC in this regard? Some scholars' findings will be criticized in order to establish the need for the effective use of available national and international tools in RD Congo. Specific aspects of the Universal Declaration of Human Rights as these may apply to children will be analysed in this chapter as well as their impact on the human dignity of child soldiers whose position will be demonstrated to be a human rights problem.

The fourth chapter presents a theological view of human dignity in the context of child soldiering. It is focused on theological theory of human dignity and concerned with the divine plan of creation, specifically the creation of mankind. Metz argues that to have dignity means "to have a superlative non-instrumental value that deserves respectful treatment". Pope Benedict IV understands human dignity as determined by the creation of human beings in the image of God (Kirchhoffer, 2010 : 586). In accordance with this principle Foster declares that "dignity works where other principles do not" . Central to this chapter is the theology of Jurgen Moltmann who remains in our century an influential scholar on human dignity. His theology will be applied in the context of child soldiering as a human dignity abuse.

Chapter five is the application of the findings of previous chapters and present a theological view that is in accordance with the mission of the church. It looks at how to integrate social theories and theological theories in the context of child soldiering in Democratic Republic of Congo. It considers the practices of the church in DR Congo and its involvement in the phenomenon of child soldiering which is, as demonstrated in chapter three, a human rights abuse, but also an abuse of human dignity as becomes clear from the theology on human dignity of Jurgen Moltmann. We interrogate the story of the Protestant church of the DR Congo and challenge this church to start playing a role in the child soldiering phenomenon that poses a threat to the church and to the country as a whole.

Chapter six contains the conclusion of this study and makes some recommendations.

CONCLUSION

This first chapter has provided the background of the present research on child soldiering that constitutes a human rights problem in the Democratic Republic of Congo. The research is motivated by seven factors which are: the position of the DR Congo and the impact of surrounding countries, the statistics on the phenomenon worldwide, in Africa and in DR Congo, the political agenda of the violent conflicts, the socio-economical problems, the abuse of human rights, the theological issue and the development factor.

The important gap that we would like to fill with this research is the theological view of child soldiering as a human dignity abuse. The five sub-questions posed were answered by five research objectives that will be fulfilled by analysing the relevant, available literature. Two frameworks are proposed to support the research and its analysis.

The next chapter engages with the nature of the child soldiering phenomenon and looks at the reasons why children in the DR Congo get actively involved in violent conflict.

CHAPTER TWO

CHILD SOLDIERS: PROBLEM AND CHALLENGES

2.1 Introduction

Chapter two discusses what is going on with child soldiers and why the phenomenon is growing in the DR Congo.

According to UNICEF, a child soldier is “any person under 18 years of age involved in the armed forces or armed groups in any activity such as cooks, porters, messengers”, including even “girls recruited for sexual purposes and for forced marriage” (Rakisits, 2009 : 109).

Africa is, in term of population, seen as the youngest continent of the world. About 51.5 percent of its population is under 18 years of age. In Nigeria for example 54.8 percent of the population is younger than 18, in Ethiopia 55.2 percent and in Uganda 60.8 percent (Bequele in thukral, 2011 : 43).

2.2 Main causes of the involvement of children in armies in DR Congo

The most important characteristic of the end of the 20th and the beginning of the 21st centuries is the violent conflicts and wars in which increasing numbers of children are used as soldiers. The causes for this tendency can be divided into two groups, namely internal and external causes. It is generally the vulnerability of children that leads to them being enlisted. This vulnerability of children is illustrated by the following factors.

2.2.1 Internal causes for involvement or volunteering

The internal causes are those whereby children themselves take the initiative to become involved, whether on the behest of some agent or because it is their wish to do so.

Some scholars argue that the notion of free will in the context of recruitment in the army or in armed conflict is problematic. They reason that in such cases young people merely choose the least negative one of a series of depressing possibilities (Richards, 2014:302). It can be demonstrated that such a choice is not really a deliberate one. It is not based on

an imposed motivation but it is also not a truly personal decision. Many reasons can push children to volunteer for joining a militia group.

2.2.1.1 Desire for vengeance and defense or self protection

Many young men have chosen to be enlisted because they wished to avenge family members killed by others. They eventually have to look for self protection. There are many examples of such cases in the East of the DR Congo. Former soldiers have released many testimonies describing how they were recruited.

In North Kivu, for example, many young Mai Mai were mobilised by the traditional chief and told to join the militia as volunteers and fight against the RCD (Rassemblement Congolais pour la Démocratie). Two former members of Mai-Mai Mongol explain: “It was the traditional chiefs that pushed us to enrol and fight for our tribe”. Another former soldier claims:

When the Tutsi started to attack the East of our country we enrolled in the Mai-Mai to combat RCD. This was after we were sensitized by our customary chiefs. We then decided freely to join the armed group (Richards, 2014:314).

Another former Mai-Mai who had faced the Banyarwanda states:

Each person who could not stand the presence of the Banyarwanda was enrolled. The ones who did not want stayed quietly in the village. I had some friends who stayed. They were afraid of combat and of being killed. I did not have fear, because I wanted to avenge the death of my brother (Ibid:314).

Another former Mai-Mai adds:

I joined because of the massacres by the Tutsi in the villages. We saw the threats to our population and we, the youth, took the decision to take up arms and join the Mai-Mai. We found the one with the most magic to protect us (Ibid:314).

A former girl soldier declares:

I watched as soldiers killed many of my relatives in the village and raped my two sisters and my mother. I was hiding . . . I was scared, and I thought that if I joined the army, I would be protected. I wanted to defend myself (Ibid:320).

However, with Richard we find that other factors have also played a role in decisions to volunteer. Many very young soldiers experienced pressures, both of an external and an

internal nature that moved them to join the militia. The following declaration of a former Mai-Mai who had lost his work indicates three concurrent reasons for his recruitment.

Our chiefs asked that each family with three children delegate at least one young male. It was necessary to combat our enemies. So, I decided to sacrifice myself in the name of my family, because I could no longer work in my field (Richards, 2014:320).

The first motivation for joining was his “unemployment”. The second one was the demand that each family would send at least one child and the third was his own decision to be enlisted. Some youngsters joined as if it were a kind of joke. A former child soldier in the DRC reports: “I joined because there were many children already there” (Ibid:319).

Hecker *et al* in their study argue that in children who join an armed group of their own accord higher levels of appetitive aggression are found (2012 :248).

2.2.1.2 Greed

Greed is one of the motivations for voluntary enrolment into armed groups and militias. Those who are doing so expect to gain materially or financially. When the AFDL entered the DRC in 1997 it promised those who joined 100 US \$ in wages per month. It was a considerable amount in view of the difficult economical situation of the country. At the time primary school and high school teachers earned around 15 US \$ per month. Hence, many children looked upon the army as a good business. Even some parents encouraged their children to enlist for the sake of the good payment.

2.2.1.3 Spiritual motivation

Few scholars have explored the link between religiosity and military enlistment. Burdette *et al* studied the American conception of their “covenant society”. Patterns of enlistment in the army are possibly related to this conception and determined by a wish to help fulfil God’s plan for the earth. Burdette mentions “the advantaged economic position of the United States to expose all nations to Christianity, as well as to protect America’s religious heritage”. The conclusion of the Burdette investigation is that patterns of religious involvement form a religious profile which in turn predicts military enlistment. The notion of holy war has surfaced in many cases in Nigeria, Somalia and Kenya involving jihadists and Al-Shabaab and including the recent hostilities in Central Africa. People are fighting in

the name of their religion on behalf of their God. A militia declares: “For me it was not about money at all, I thought I was joining for the cause of God” (2014:530).

2.2.2 External motivation of involvement in soldiering

External motivation is concerned with children who have enlisted without exercising their own will, but pushed by external factors or causes.

2.2.2.1 Culture and context

Let us remember that 18 years of age as the limitation of childhood was in 1989 suggested by the Convention of the Rights of the Children per optional protocol. In May 2000 the UN adopted this protocol to the CRC, officially establishing 18 years as the minimum age for participation in any army. The problem is that eighteen years of age as the beginning of adulthood is by many countries seen as a western constraint. Pugel states that African and South American countries generally consider the limitation of eighteen years old as an exaggeration (Reich, 2010: 161). He continues that “childhood is a social construct”. The level of the threshold between childhood and adulthood depends *inter alia* on the society, the ethnic group and its culture, and even its religion. It is a challenge to define the concept of childhood in any society as is evident from the following examples. Reich has done research among the Kpelle, one of the Liberian tribes. He explains that they initiate their members into young adulthood sometimes at the age of only seven years old. Once initiated, they are submitted to a test of ritual exercises. After a successful initiation, the candidate is no longer considered as a child, regardless of his/her age. He or she has communal responsibilities and social obligations, one of these being to defend his community (2010:162).

Becker, in his research (2004), discusses how the United Kingdom recruits soldiers at age sixteen. The UK is the only European country that has soldiers who were under eighteen years of age into battle. The UK declared in 2003 that it will continue to do so in certain situations when there is deemed to exist on a “genuine military need”. This position was clarified by the UK when ratifying the optional protocol to the CRC in 2003.

- ✓ Although the DR Congo’s constitution delimits childhood to the age of 18 years, traditional forces must be recognised as a factor that influences the practice of

behaviour. Some tribes in the West of DRC determine the adulthood of a person by his or her abilities, for example being able to climb a palm tree, to cultivate plants, etc. Those skills enable a person to take care of his or her partner. It means that children as young as fourteen or fifteen years old can be married. It is clear that the rural conception of adulthood is very different from that in urban civilised society.

- ✓ The biblical comprehension of adulthood gives us another perspective. Many biblical scholars who have thought about childhood issues have focused their attention on what the life of children and adolescents was like in ancient history. Accessing ancient cultures is not always possible. Only little information referring to children in biblical times is available. A few recent archaeological discoveries provide some idea of the lifestyles of children in ancient times. Sometimes the perceptions of biblical authors of childhood cannot easily be interpreted by contemporary scholars because of the difference in culture. Berquist points out the problems involved in reading how ancient cultures understood childhood, adolescence and adulthood. For example, it's not easy to guess how old Adam and Eve were when they were created. It is not known what age they were. They may have been sixteen years old or a hundred. The book of Genesis relates that many people in ancient times were in their hundreds when they began having children. It is the same with the age of David when he killed Goliath. The well known story concerns a boy who was too young to be enlisted in the army and who was rebuked by his older brother. He would have been younger than eighteen if the army concerned was the legal army of the DRC. Curiously, talking about enlistment in the military service, the bible defines the age of enlistment in the army as at least twenty years or older (Numbers 1.3). In the story of Jesus' childhood there is no mention of age except when he was lost in the temple at 12 years old (Luke 2.41-52). The canonical scripture relates only that his public life began when he was approximately 30 years old. Berquist declares that in many modern cultures, including the Roman, Jewish and Palestinian cultures, it is likely for a man to be married at that age

In addition to the cultural context, the causes of involvement of children in armies depend also on the social environment (traditional, rural or urban). Pugel confirms that it can be

demonstrated that recruitment of child soldiers is influenced by geographical position, ethnicity and ideology (Reich, 2010: 162).

2.2.2.2 Economical problems: Poverty and unemployment

Most scholars, activists, non-governmental and international organisations who engage with the phenomenon of child soldiering confirm poverty as one of its causes (Achvarina and Reich, 2006 : 133). According to the statistics children constitute the largest group of people living in poverty and 80 percent of children facing poverty live in sub-Saharan Africa (Grugel, 2013 : 25).

In addition to poverty, there are other causes. Sometimes violent conflicts lead to the destruction of people's fields and other means of food production. Many children volunteered as soldiers on behalf of their families so that they could provide for them. The same events do not always produce the same reactions for many children living in conditions of extreme poverty do not enlist whereas often children whose living conditions are favourable randomly choose to join an army.

2.2.2.2.1 Defining poverty

The World Bank defines poverty as "the inability to attain a minimum standard of living". John Dixon, David Macarov, and Chengiah refer to the concept of poverty as a basic lack of the means of survival. The inability to obtain food, clothes, and consequently the risk of death, even in normal circumstances, is a characteristic of poverty (Chengiah, 2011 :12).

Haughton and Khandler define poverty as a "deprivation in well-being, predominantly indicating the lack of financial ability to afford basic human needs". Pieterse wrote an article in which he links human "well-being to the principle of shalom in the Old Testament" that connects both material *and* spiritual well-being (Janse van Rensburg, 2013 : 7).

2.2.2.2.2 Types of poverty

Quoting Chengiah, three types of poverty can be distinguished, namely

- ✓ subsistence poverty: the lack of food, water, clothing and shelter;
- ✓ basic need poverty: this type of poverty is a relative poverty as it depends on each country's definition of what is an acceptable minimal standard of living;

- ✓ structural poverty: a type of poverty that may include physical abuse and violence, humiliation, loss of dignity, being subjected to exploitation, helplessness, anxiety, rejection, denigration, a sense of powerlessness, insecurity and injustice (2011 :21).

World Bank statistics indicate that poverty is increasing more and more. In Sub-Saharan Africa for example the number of poor people in 1990 was about 242 million and in 1998 291 million. Fifty percent of Africa's population lives on less than 1 US dollar per day. This situation has causes such as armed conflicts, wars, political instability, drought, high external debt, HIV/AIDS. Consequently, life expectancy is reduced, degradation of the environment occurs and there is an absence of real opportunities to lead a valuable and valued life.

Poverty is described by others as "the greatest scandal in the world" (Nolan, 2009 : 112-113).

In the specific case of the DR Congo with its favourable geographical position poverty may well be considered as a huge scandal. It is after all one of the richest country in the world with forests lakes and plenty minerals. According to a CONGO article the country produces 64 percent of the world's production of coltan, ten percent of the global copper production, 30 percent of diamonds mined and it boasts a most important extraction of silver. In spite of all this potential wealth the DR Congo is in practice among the poorest countries on the continent with a heavy burden of debt. People live on less than one dollar a day. Poverty, hunger and misery prevail. In the land of plentiful resources, economical injustice is paramount with a number of people continually growing richer while the majority remains extremely poor.

According to Wembonyama, since many years the health department is allocated 1 to 5 percent of the yearly government budget and less than 60 percent of this allocated amount, or one dollar per inhabitant, does actually reach health institutions and gets used (Wembonyama et al., 2007 : 452).

Despite its 515 hearth zone, the health status of the population of the DR Congo is currently the lowest in Sub-Saharan Africa (Gerstl et al., 2013 : 1). The poverty of the people means that they cannot access health care. An interview conducted by Malteser International led to the conclusion that 92 percent of households interviewed were not able

to pay health consultation fees. And on a human development index of health, education and income levels in 187 countries, the DRC was classified 187 out (Gerstl et al., 2013 : 2).

As concerns food security, 2.4 percent of households eats less than one meal a day while 26.8 percent gets one meal a day, commonly called “*gong unique*” which means unique vacation. 58.8 percent can afford to eat twice a day and 12 percent eats three meals a day. Of children below 5 years of age 31 percent shows birth deficiencies and 38 percent has stunted growth (Wembonyama et al., 2007 : 453). In this context Lende (2012 :183) argues that poverty poisons the brain. There is a correlation between socioeconomic status and human development. Poverty impacts on the brain mechanism of children. Poverty is seen as a poison that gently kills off the chances of future generations to build a better life. The research concludes that “unhealthy levels of stress hormones in poor children destroy neural development. Poorer socioeconomic status (SES) in childhood leads to negative outcomes in adulthood”. Hackman and his colleagues pose that “children and adolescents from poor socioeconomic status backgrounds show superior charge of depression, anxiety, attention problems and conduct disorders, which can conduct to aggressive and impulsive life” (Lende, 2012 : 186). Stress involves both brain and body. Physiologists prove that high levels of glucocorticoids can lead to huge neuronal failure and a smaller proliferation of connections among neurons, affecting the effective formation of the brain which contributes to the production and reproduction of the social lives (Lende, 2012 : 186). Society cannot dream of a good future without first ensuring the children’s well being and their positive physical and mental development.

In 1991 and 1993 the DRC saw many of its enterprises closing down. This led to increased unemployment. As a result many families began to look for other solutions to survive such as finding asylum elsewhere or becoming active in agriculture. Some researchers agree that of the farmers in Kinshasa 65 percent farm because they can’t find other well-paid employment while 30 percent want to supplement their low wages as workers and only 5 percent has always worked as agriculturists (Musibono et al., 2011).

2.2.2.2.3 Causes of poverty

Vázquez, listing the causes of poverty, talks about internal and external causes of poverty (Pascual, 2010 : 1170). There are some causes of poverty are specific to the situation in the DRC while others depend on international policies.

Among internal causes of poverty are:

- ✓ Instability of the political system. Richard traces the history of the political system in the DRC to King Leopold II who ceded the country that became a Belgian colony on 15 November 1908. Many Europeans have been attracted by the fertile soil of Kivu in the East and founded agricultural enterprises. In 1926 Europeans, specifically Belgians began to import many Rwandans to work on their plantations. Meanwhile the Banyarwanda had been established in this area long before the start of colonization. The arrival and settling of Hutu and Tushi created tensions with the original inhabitants. In 1962 the tension spiralled out of control and Rwandophone people fought against the Hunde and Nande in North Kivu while the Tutsi community of Banyarwanda in South Kivu created another rebellion in the East in 1964 which was referred to as the “Simba rebellion”. The Banyamulenge chose the side of the legal army, the ANC (Armée Nationale Congolaise). After the defeat of the Simba rebels, they were rewarded by general Mobutu who became president in November 1965. They were given access to the land. This decision upset the traditional authorities in North and South Kivu who considered it as their prerogative to decide about the citizenship of Banyamulenge and Banyarwanda. After a violent conflict the Banyarwanda acquired 90 percent of the former European plantations in Masisi and Rutsuru and the original native population became a minority. The 1972 citizenship law was in 1980 repealed by Mobutu in order to exclude Rwandophone people from access to land and to political power. There was renewed tension in the 1990s in North and South Kivu between Banyarwanda and the local community which formed a defence militia named “Mai-Mai”. Then, during the genocide of 1994 in Rwanda, more than 1.2 million Rwandan fled to North and South Kivu (Richards, 2014 : 303-304). Since the founding of the ADFL, after the end of Mobutu’s dictatorship and until today, the DR Congo has not been able to establish political stability. The system that

followed on the dictatorship was itself not legal but it was a system, unique to the world. It was called 1+4 which referred to a leadership consisting of one president and four vice-presidents. After this period with a multiple leadership the country could face its first “democratic elections” of which the results were unfortunately violently contested because of a lack of transparency. It led to the death of many people. Moreover, also the second set of elections ended in total confusion when the first results were released and some foreign news channels mentioned one winner and other channels another. Finally the current president took over. It is clear that many aspects of today’s unsatisfactory system of government in DR Congo are the result of warfare and of the fraternizing of people with militia from Rwanda, Uganda and elsewhere. The poor government structure leads to increased mismanagement of natural resources. Policy priorities need to be defined to strengthen the economy and to protect the national assets. In fact the DR Congo had already been participating in wars, even before independence in 1960.

- ✓ Deficiency of jobs. Makabu, discussing rates of employment in DR Congo, states that three times more young males remain unemployed over a period shorter than fifteen years than young females. He indicates that of boys between the ages of 15 and 29 about 20.3 percent is unemployed and of girls 18.2 percent (Makabu Ma Nkenda et al., 2007 : 21). This research cannot be officially considered because employment of a fifteen year old is not accepted by the BIT (Bureau International du Travail), the international labour office. At fifteen a boy or a girl is still a child and as such it should be at school. The big problem in gauging the seriousness of unemployment in DR Congo is to determine what kind of job we are dealing with. Naturally there are more informal jobs than formal ones.

It is not possible to talk about the economy without looking at labour. Labour is the key to all economical issues. Decent work is a condition for the development of a country. It involves adherence to minimum wages, definite hours of work, occupational safety and health (Fields, 2003 : 244). Social and economic policies can’t be separated. We can’t discuss one without taking account of the other. Social policies involve work, health, education and retirement (2003 : 248).

Work is important because it is considered as the practical link between human beings and the world. Theologically, work is the way to rest in the presence of God. Anthropologically, work has not only economic value but also produces existence value for humankind. In the context of human dignity, Moltmann distinguishes four meanings of work: work as a vocation, work as an enterprise, work as an achievement, and work as participation in God's history (1984 : 38-57).

- Work as vocation. All human beings while working are serving God. The Gospel can meet each one of us in the position we fulfil in our societies. All work well done is simultaneously a fulfilment of the mission of God. Our faith and election must be shown by our work.
 - Work as enterprise. As an enterprise, work is the proof of aptitude of the human being. This theory sees in work the justification of the true existence of humankind. In other words, without work the human being does not exist.
 - Work as an achievement. Work is the means by which each man or woman expresses his or her being. While creating something according to one's own idea, the human being fully brings out his or her self. Work is the way in which human beings come out of themselves and to themselves. It is self realization, achievement and identity in one. The work is the confirmation of man's identity. Depriving people of work is denying them this identity. This means that people without work lose the sense of their existence having value and feel as if they don't really exist. In addition work provides creative, unified and human community. Lack of employment leads to alienation and dehumanization and to an inhuman society.
 - Work as participation in God's history. One may work in order to earn a living. Work aids in the socialization of human beings. Thus it becomes easy to actively participate in the social process. Through work man and woman are as if they were creating God, calling humanity and themselves to freedom.
- ✓ Mismanagement of natural resources. The DR of Congo is the richest country of the world judged by its resources, but it is among the poorest as regards its living standards. It is not normal that, in a country with the second largest river in the world, many people have no access to drinking water. The DRC has the best climate in the world and the second biggest amount of forest but the availability of

food in households is low. There are numerous lakes (Lake Albert, Tanganyika, Kivu and others). Albert lake is the richest lake in fish in the world while the Congolese continue to import fish by the name of “Thomson, shynchard” from faraway. The Kivu Lake contains methane gas that has never been exploited. Despite being one of the better watered regions on the planet, rice and beans are imported from desert countries. In other words, in the primary needs of the Congolese is foreseen mainly by import. According to Gerstl, in spite of mining operations (of diamond, uranium, gold, copper, zinc, coltan), 59 percent of the population lives on less than 1.25 \$ a day (Gerstl et al., 2013 : 2). All these contradictions in potentiality and actual living standards result from the lack of correct management of the natural resources. Humphreys declares: “This is consistent with evidence that external actors have incentives to work to bring wars to a close when natural resource supplies are threatened” (2005 :508). Many testimonies indicate that natural resources are the key to what causes the war in the East of the DRC. A former soldier declares: “There was no security [in Walikale] because of the militias and rebels of all origins who invaded and stayed in the area because of the minerals and mines” It is also possible that natural resources provide a way to finance rebellions that were started for other reasons. Richards concludes that “rebel and militia groups in the DRC were financing their military activities through the illegal trade, taxing and looting of resources, including coltan and cassiterite”. Finally, this kind of corruption facilitates the growth of the informal economy while the formal economy is in decline. Matti confirms: “Resource exploitation by intervening forces and armed rebel groups was a central theme in both civil wars” (2010 :403)

- ✓ Low wages paid to workers and inequality of resource distribution. It is evident that in DR Congo the good jobs where people are well paid are found in politics. Those with positions in government structures and parliament earn more than 7000 US \$ per month whereas primary and high school teachers currently are paid about 70 \$ per month which is hardly enough to pay the rent. The rental for single accommodation is on average 70 \$ per month.
- ✓ Lack of knowledge and ability. In 1965 “l’Union Minière de Haut Katanga” (UMHK, the mining society of the Province of Haut Katanga or the current GECAMINES)

was the lung of the Congolese economy. On its own it provided 50% of state revenue. Since the Belgian engineers, technicians and managers left, the “Société Générale des Carrières et Mines” (Gecamines) has never achieved the levels of profitability of before 1965 when Belgians ran the mines (Matti, 2010 : 403). The lack of maintenance of this society is due to the politics and the mismanagement of leaders. Many of those big societies in the DRC are managed as if they were the private propriety of state leaders.

- ✓ Lack of developing access to quality education. Quality education is mainly on offer to those who are able to afford it. The government contributes to the inaccessibility of quality education for most of the people. Only the middle class can cope with the challenge of paying for quality education.
- ✓ The high taxation system. Most of the time the country adheres to an illegal system of taxation. There are multiple forms of taxation and these pervade every sphere of life in the DRC. Corruption. According to Matti, the DRC was on the corruption perception index of 2007, compiled by Transparency International, ranked as the 168th out of 179 listed countries. Matti argues that “the high part of the economic system is supported by the foreign aid which is actually creating opportunities for corruption and patrimonialism. Huge numbers of aid-projects provided for allocation for goods become politicized and patrimonialised”(2010 :405).
- ✓ Lack of “self creation”. Janse van Rensburg distinguishes many other inner driving forces of poverty. Those forces do not necessary create poverty but may enforce a “situation of poverty” (2013 :1). The human being plays a major role in his own situation of poverty. When their spirits and minds bow down to poverty, people may remain stuck in situations of deprivation. Most of us think that poverty is always synonymous with a lack of material or financial resources. But it can also reflect a lack of the right financial decisions. When people take the wrong financial steps, sometime just for the sake of some enjoyment or to satisfy the desire to be happy for a while, they may pay for it in the future. We can agree with Shafir who comments that: “the poor aren’t less able, they’re distracted” (Janse van Rensburg, 2013 : 1). Emotional distractions lead people to make, and to continue making, wrong decisions of which the poverty may be the consequence. While some are stuck in poverty, others succeed in overcoming it.

- ✓ Social structures or environment. Another possible cause of deprivation lies in the lack of good and just social structures (Janse van Rensburg, 2013 : 6). As the earlier mentioned former Mai-Mai child fighter stated: “I was unemployed and my parents were poor”. In this case the child soldier enlisted because his family lived in extreme poverty as a result of the contextual situation and the war. The following observation indicates what was going on: “RCD turned to extraction and advertised Coltan trading as soon as it assumed control over the areas previously controlled by AFDL”.

Among external causes of poverty are the following.

- ✓ The exploitation of Third World countries and the marginalization of local people by rich countries. Many international firms and lobbies contribute to the miserable situation of African people. Mining enterprises are often not controlled by the legal systems of the country in which business is done. Trading tends to take place by informal means.
- ✓ The excessive consumption of resources by rich countries. There is evidently a link between natural resources, conflict and development. In the 1990s. “Gecamines” got in serious financial problems and could not pay its agents. Workers were for 36 months without salaries and for 56 months without food allocation. When 10 655 lost their jobs and became unemployed they received only one fifth of what was due to them. The DR Congo has made a deal with “Sicomines”, a mining group consisting of Chinese enterprises. Two main clauses in the contract signed by the DRC and the Chinese mining companies are the following.
 - The first clause concerns the allocation of US\$ 9.25 billion and the stipulation that the Chinese enterprises will undertake a number of infrastructure projects which will be financed through a joint mining business enterprise.
 - The second clause states that in the post-conflict period the “source of easily corruptible revenue shifted from resource rents to foreign aid without fundamentally altering [the] political structure” (Matti, 2010 : 401).
The poor countries contribute to the exploitation by the multinational companies. Matti explains that, with the value of the mines in 2008

estimated at \$80-85 billion, 68 % accrues to the Sicomines while 32 % will be retained by Gecamines.(2010 :409).

Matti stipulates that “resources rent can’t help people to increase his economic because of its external nature” (2010 :409). In the same vein Paul Collier and Anke Hoeffler accentuate that “countries whose wealth is largely dependent on agricultural produce and natural resources are highly prone to civil violence”. That the presence of natural resources plays a decisive role in the violent conflicts in the DRC cannot be doubted. However, this cannot be entirely blamed on the weakness of governmental structures. According to Humphreys the impact of the presence of natural resources on their surroundings is mostly independent of state strength (2005 :508).

- ✓ External debt of the least developed countries. High levels of foreign aid are the main reason why there has been some development in the DRC economy from 2002 onward (Matti, 2010 : 405). Unfortunately, most of the huge “aid projects” operating in the DR Congo, have placed burdens on the Congolese people and their institutions. A huge part of the budget of those projects circulates within the projects themselves. High salaries are offered to functionaries in donor projects and low salaries to the employed citizens. The high levels of foreign aid will in the end have no real impact on the lives of Congolese people (Matti, 2010 : 407)
- ✓ World economy and banking. It is by Congolese generally assumed that the global economic and banking systems are loaded against the poor. War has come to be seen as an opportunity to make money. Guerrillas or rebels promise material gain. Hence, parents get their children to join illegal armies in the hope that this will put an end to their lack of food and other necessities.

2.2.2.3 Failure of educational system

One of the crucial challenges of African leaders is the provision of education. Less than half of the children in Africa finish primary school (Bequele in thukral, 2011 : 44).

Research by Colclough, Rose, and Tembon associates poverty with an under enrolment in schools of children of school going age. Killing the educational system of a country

poisons the future of both the country and its children. Labora argues that “education [...] must be free so that children from disadvantaged environments are able to enjoy this right” (2014 :162) Jonathan Morduch and other scholars link poverty with vulnerability. Poor households are exposed to many risks of an economic and social nature. These lead to reduced numbers of children in school with negative implications for future generations (Leopoldo Laborda Castillo, 2014 :164). Kosher *et al* confirm: “A good education is considered to be one of the most important aspects of society, and it is one of the major goals of the Convention of the Rights of the Children. Education (and schooling) was one of the first rights granted to children as, in the 18th and 19th century, school became the major “work setting” for children” (2014 :11).

In the DRC, according to the UNESCO, UNICEF, DFID and the Congolese national ministry of school, 7.6 million or about 33 percent of children globally do not have access to school. The “Plan d’action humanitaire de la République Démocratique du Congo” (Poncelet, 2010), (UN, 2011. : 49), indicates two reasons for the low enrolment in school:

- ❖ The education cost. The Government is not able to honour its promise of free education from the first to the fifth grade in primary school. The current system of parents paying fees for their children in primary schools began in 1990. The fees serve to pay teachers’ wages. The average monthly cost is between US\$ 10 and US\$ 40 a student, depending on the location. The gap between promise and reality is clearly a wide one. The education of girls suffers in particular, also because in Sub-Saharan Africa it is still not uncommon that the roles of females are seen as limited to reproduction and domestic tasks. As a result 37 % of girl children don’t receive schooling for cultural reasons. (Leopoldo Laborda Castillo, 2014 : 170). Both the monetary and the non-monetary costs of schooling are a great burden on the poorest households and act as a significant barrier to education (2014 : 164). Not being able to go to school can be a motivation for children to join rebel group. The frustration and the anger at not getting an appropriate education can push them to volunteer for soldiering. Finally, many children are used in domestic work and other labour. In other words, they help their parents. As regards the parents’ incomes, in many cases

the structures of family life are informal. Parents obtain an informal income by letting their children work. As Gubert and Robilliard conclude, “transitory income” affects and destroys children’s schooling. Many of those children who do attend school pay their own fees by running small businesses before or after class.

- ❖ Lack of infrastructure and teachers. The DRC currently has many schools and educational offices without proper infrastructures. An example is a school in Kungu (Equator province) which is built from naturally available materials (wood, leaves, grass, mud, etc) and which has very little in terms of resources such as desks, chairs, etc. At another primary school, 33 km from Lubumbashi, three classes of children, from grade 1 to grade 3, are studying in the same classroom, being taught by only one teacher.

See below a classroom (left) and a school inspection office (right)



2.2.2.4 Broken families and broken hearts

Several scholars report that in the RDC recruitment has for the marginalized become a way to revisit and improve their social status.

Scholarly literature also links the recruitment of children into armies to their family background. In many cases children with a “disrupted family background” are vulnerable to army propaganda. Vulnerability can result from the loss of parents, other family members and a situation that lacks stability. Human Rights Watch explains: “Orphans and refugees are particularly vulnerable to recruitment”(Achvarina and Reich, 2006 : 134). Not having parents and looking for guidance and care, children try to join military groups, attracted by

the promise of food, protection, glory and so on. There are however also cases in which they are coerced and threatened with punishment or even death. Holding, Singer, Achvarina and Reich note: “Children, particularly those orphaned or disconnected from civil society, may volunteer to join any group if they believe that this is the only way to guarantee regular meals, clothing, or medical attention”(Achvarina and Reich, 2006 : 135).

2.2.2.5 Abduction

Abduction involves removing a person from his place of residence by using force and deception. It is, in other words, a kidnapping.

The UN General Secretary mentions in a report: “The transportation of vulnerable children by both government and rebel groups across borders during armed conflict constitutes one of the worst forms of child trafficking” (Rakisits, 2009 : 115-116).

Many children have by armed groups abducted from their homes, schools, from the market place, and sometimes on their way to church (Reich, 2010: 153). Children were taken from everywhere and forced to become soldiers. Many were forced to kill members of their family or their neighbours with the aim of creating broken relationships between the children and their former environment. Consequently, even if they were set free or did escape, many children could not return home because they would meet enmity in their family and community. There are reports referring to thousands of abducted children. Among these, girls and some boys have been raped or sexually exploited by militia group commanders or other soldiers (Rakisits, 2009 :114-116).

The UN General Secretary mentions that of the more than 10,000 identified survivors of sexual violence in Eastern Congo from October 2006 to July 2007, 40 to 60 percent were children. General Nkunda’s fighters and some armed groups, even the FARDC (the army of the DRC government) have deliberately used rape as a weapon of war. After being raped girls were made part of the army (Rakisits, 2009 : 115-116).

Many girls have returned from their time in rebel groups with babies and are no longer welcome in their communities and families. Others have, after being abducted, missed out on such a large chunk of their education that they sometimes choose to return to the army, seeing it as their best hope for some kind of future (website.).

2.2.2.6 Coercion or force

The majority of child soldiers are coerced to enlist in army groups when these plunder and terrorize communities under their control (Richards, 2014 : 314). A former member of APCLS reports: “In general, we did not force people, but as soon as the number of effectives diminished through combat we took the young by force”. Another former officer from Pareco-Lafontaine states: “When we were going to the front we picked up youth who were going to school. This is how I was recruited”. Another tells: “Before entering RCD, I was a baggage porter for the soldiers. We had no choice and we were threatened with beatings or torture if we refused”. Mostly forced recruitment takes place when armed groups experience a shortage of manpower.

Also after children have received official papers confirming their demobilisation, they are often harassed and even forced by their former superiors – the same who demobilised them in the first place – to re-enlist as Rackley (2006 :426) states: “As no other authorities are available for appeal, the use of children as combatants and forced labour by armed groups remains widespread”.

2.2.2.7 The unique alternative

In situations of extreme insecurity enlistment can be the only way out. Many children see no other alternative. Confronted with death threats they choose the lesser evil of enlisting.

2.2.2.8 Impunity of recruiters and lack of respect for agreements

Child soldiering is encouraged by the impunity of recruiters. Despite all the international and national legal regulations to which FARDC is subject, few attempts have been made to arrest and punish recruiters of children in the army. Major Jean-Pierre Biyoyo of FARDC for example was on 17 March 2006 condemned to death for the illegal arrest and detention of children who had already left the armed forces. His sentence was reduced to 5 years. He escaped from the Bukavu Central Prison in June 2006.

Nevertheless some little progress has been seen, for example in the case of 30 FARDC officers who had committed rape in Ituri Province. They were condemned to life imprisonment. Thomas Lubanga Dyilo, leader of the Union of Congolese Patriots (“Union des Patriotes Congolais” or UPC), was arrested on 17 March 2006 and transferred to the International Criminal Court (ICC) in the Hague on an accusation of crime and recruiting

children under eighteen years of age. On 17 October 2007 Germain Katanga from the Patriotic Resistance Force in Ituri (“Force de resistance patriotique en Ituri” or FRPI), was also transferred to the ICC on six charges of war crimes and three charges of crimes against humanity committed in Ituri (Rakisits, 2009 : 118).

Sometimes impunity in the context of child soldiering results from written appeals for amnesty to be granted to certain perpetrators of crimes. There is, in general, no guarantee that agreements on humanitarian issues and international pacts concerning the political and civil rights of citizens, signed by the DRC will also be honoured in the DRC (Cosandey, 2001 : 17).

We also note the illegal sale and transfer of weapons to non-state armed groups in Eastern Congo in violation of the 2003 UN arms embargo. Some foreign countries continue to give military assistance to rebel groups.

CONCLUSION

Chapter two focuses on the main causes for the involvement of children in violent conflicts. The causes are divided into internal and external ones. The internal causes motivating children to volunteer are spiritual convictions or the desire to defend themselves, their village, and their families.

External motivations were associated with cultural and contextual factors, poverty and unemployment, the failure of the education system, broken families, abduction and coercion.

An analysis of the causes of children getting involved in irregular and even in regular armies seems to indicate that external causes play a more important role than internal and personal factors. Children are indeed made by what their milieu offers them. They are made by circumstances.

CHAPTER THREE

CHILDREN AND HUMAN RIGHTS

3.1 Introduction

This chapter considers some social science theories and discusses the constitution of the DR Congo. What does the constitution say about human rights and what place is given to human rights concerns? What does the constitution state about enlistment in the army and to what degree is the influence of the Convention of the Rights of the Children, ratified by the DRC, noticeable? The chapter also pays attention to the role and policies of the United Nations as regards human rights and the principles defined in the CRC.

3.2 DR Congo, human rights, CRC and UN policies

3.2.1 The Democratic Republic of Congo and human rights

According to AfadsBad (2013 : 33-34) the DRC has already signed or/and ratified many international treaties pertaining to the human rights field:

- ❖ Convention on the Prevention and Punishment of the Crime of Genocide, ratified in 1962.
- ❖ International Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1976.
- ❖ International Covenant on Economic, Social and Cultural Rights, ratified in 1976
- ❖ First Optional Protocol to the International Covenant on Civil and Political Rights, ratified in 1976.
- ❖ International Convention on the Suppression and Punishment of the Crime of Apartheid, ratified in 1978.
- ❖ Convention on the Elimination of All Forms of Discrimination against Women signed in 1980 and ratified in 1986.
- ❖ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1996.

- ❖ Convention on the Rights of the Child signed in 1990 and ratified the same year.
- ❖ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict signed in 2000 and ratified in 2001.
- ❖ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, only ratified in 2001.
- ❖ Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, signed in 2010.

3.2.2 The Democratic Republic of Congo and the Convention of the Rights of the Children

A good childhood depends on two main entities: school and family. One of the most important requirements for the flourishing of a society is good schooling. The CRC focuses its attention on this point. Like Koshier, we reaffirm that one of the first rights of a child is to receive an education that will function as a useful tool in the child's engagement with society (Koshier et al., 2014 : 11).

The resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014) on children and armed conflict are part of a long list of tools used to secure the rights of children (UnitedNations, 2014).

With reference to children under eighteen the current constitution of the DRC highlights in its art 41,4 (Congo, 2006 :14):

- Each child has the right to know its parents
- The right on protection from its family, society and the government.
- The ill-treatment of children, neglect in "pedophilia", sexual abuse and the accusation of a child of witchcraft are forbidden by law.
- Child labour is forbidden.

The DR Congo is bound by international treaties prohibiting the recruitment of children under eighteen years of age (April 4, 2014) Although the constitution does not explicitly state that the recruiting of children for military purposes is prohibited, this is implied in other instruments that are binding for the DRC such as the Law on protection of the child adopted on January 10th 2009.

3.2.2.1 General views of the Convention of the Rights of the Children

In most of human history, children's rights are not mentioned. There simply were no rights for children. Children were viewed as extensions of their parents, as their personal possession, their property. Children were in a state of "becoming", but not yet "beings". In that conception, children had few or no legal rights. This put children in a position of passivity, weakness and vulnerability and in need of adult protectors. Children's rights were thus liable to depend on adults. As children were considered as being in the state of "becoming human", they were not recognized as persons who should enjoy freedoms and rights.

Two schools of thought about children can be distinguished in the CRC. The first thinks that children are in need of special protection and priority care. The second school acknowledges children as autonomous beings and "fully-fledged beneficiaries of human rights" (Wouter Vandenhole, 2010 : 19).

The 19th century is considered as the century in which childhood came to be recognized as a period in which the child ought to be granted certain rights.

In the second half of the 20th century, the concept of the three "Ps" was developed: P for protection rights, P for provision rights and P for participation rights. Children were now seen as having a right to self-determination and as legal persons, free to claim many of the same rights as adults (Kosher et al., 2014 : 8).

As regards provision rights, children need the adequate provision of services and resources to enable them to develop their abilities. Provision rights include the child's right to health care and service (art 24), to social security (art 26), to an adequate standard of living (art 27), to education (art 28), and the right to play and culture (art 31).

Children's rights concerning protection include the right to be protected from neglect, abuse, and exploitation (art 34, 36), from violence (art 19), cruel and degrading treatment, discrimination, invasion of privacy (art 16), hazardous work and armed conflict. Children who are deprived of their family environment have a right to protection (art 20). The child should be protected from child labour (art 32), from torture, degrading treatment and deprivation of liberty (art 37). Art 38 is concerned with the protection of

children involved in armed conflict. Parkers adds that protection must also be given to children separated from their parents (art 9) or who are in conflict with the law or the society (2013 :6)

The third “P” refers to the principle of participation. It includes respect for the views of the child (art 12), the right to freedom of expression (art 13), the right to freedom of thought, conscience and religion (art14), the right to freedom of association and peaceful assembly (art15), and the right of access to information (art 17). According to this principle, children have to be respected and considered as active members of society, taking part in decisions affecting them. In addition, they must have access to information, enjoy freedom of movement, association, belief, and expression as well as a right to privacy, liberty, and development toward independence (Kosher et al., 2014 : 8).

Rights create opportunities for human well being, including that of children. The concept of children’s well being is the subject matter of the CRC.

Well being can be defined in various ways. It may be seen as a “desirable state of being happy, healthy, or prosperous. It is also understood as “the fulfilment of desires, the balance of positive and negative emotions” and “satisfactory living conditions (Kosher et al., 2014 : 9). In connection with children, well being can be understood as the realization of their rights and the availability of the opportunity for every child to realise its potential, based on its abilities and skills.

A challenging problem is how children can become aware of their rights and whether they are able to access complaint mechanisms? Another question is how their rights can be considered and accepted as separate from those of their parents (Smith, 2013 : 306).

The Convention on the Rights of the Child (CRC) was unanimously adopted by the General Assembly of the United Nations (UN) on November 20th, 1989. In its outline the CRC presents a holistic view of the child as “a person” and, hence, a subject of rights. The Convention is composed of 54 articles dealing with the full range of human rights, economical, social, civil, cultural, and political. The Convention thus is an international tool for the protection and promotion of the human rights and the fundamental freedoms of persons under the age of 18.

The CRC has been largely ratified by all the parties involved, except the USA and Somalia who have not ratified but signed the Convention. 193 nations in all have ratified the CRC. Among these nations and in terms of respect for children's rights, Canada has since long been the world's leader. Between 1979 and 1989 Canada played an important role in drafting the CRC. The 20th November was originally launched as "the national day of the child" in Canada after which it became an international tradition. Implementing the Convention, four general principles were adopted. These are the articles 2, 3, 6 and 12 of the CRC. They state the following.

- ❖ Article 2, dealing with the issue of non-discrimination, determines that states are bound to respect and ensure the rights of each child within their jurisdiction without discrimination of any kind. Clearly, this applies to all children and specifically to those who are vulnerable and marginalized (e.g. girls in many cultures, children living in situations of conflict and political instability, children with disabilities, children born out of marriage, indigenous children, immigrant and refugee children, children of divorced parents, and children in alternative care).
- ❖ Article 3 addresses the matter of the best interests of children, which are to be "a primary consideration" in all actions concerning children. On this premise, the most concrete way of serving the child's best interests would be to implement the CRC to its full potential. It then becomes feasible to systematically integrate the CRC into national legislation and policies while at the same time implementing it on the ground and in the daily lives of children.
- ❖ Article 6 concerns the inherent right to life and the child's right to development in a systematic manner. The child's right to life is a fundamental human right. Its right to development is understood widely to include the child's physical, mental, spiritual, moral, psychological, and social development.
- ❖ Article 12 tackles the right to be heard and has, over the past two decades, developed into one of the most fundamental provisions of the CRC. It does not only espouse the right of the child to be heard and listened to in all matters affecting the child — more pertinently in legal or administrative proceedings — but it has also become the foundation for child participation together with other pertinent articles (Pare, 2009 vi-vii).

3.2.2.2 Effects of the CRC in the DRC

The DRC has adopted the Law on the protection of the child on January 10th 2009, confirming the country's involvement in international conventions. The law has 202 articles and is divided into five sections: general dispositions, specific dispositions, juridical protection of the child, penal protection of the child and final dispositions (Congo, 2009) It reflects the spirit of the CRC. In addition to the common rights of children as defined in the CRC, the researcher will in the following discussion of the DRC Law on protection of the child underline certain points that relate to child soldiering and its causes.

- Article 38 stipulates that every child has a right to education and that the state must guarantee free education in primary school. The problems surrounding education in the DRC have been mentioned in chapter two; clearly showing that disrespect of article 38 is one of the causes for the involvement of children in warfare.
- Art 53b prohibits the recruitment of children in armed conflict which is described as "the worst form of children's work".
- Art 71 prohibits the enlistment and use of children in the army and police.
- Art 72 guarantees the protection, the education and the care of those who are affected by armed conflict.
- Art 74 provides some organs of child protection.
- Regarding penal protection, art 162.1 condemns the trade in children which includes the child being abducted for soldiering purposes. The penalty is 10 to 20 years and perpetrators are liable to be fined one hundred and fifty thousand to one million Congolese Francs.
- Art 187 mentions a penalty of 10 to 20 years for the recruitment and use of children less than 18 years old in the army. Congolese people may expect such a penalty to apply to all those who enrol children in the army and who are sometimes well known and carrying other important responsibilities.
- Art 188 emphasises the penalty of five to ten years for the use of children in any form of crime.

The real problem remains the lack of enforcement of this law on the protection of the child. The law has become merely a subject of discourse among politicians. World Vision, investigating the application of human rights in the DRC, has declared that the situation remains “a cause of great concern, especially for women and children” (WorldVision, 2009).

As Rachel Marcus posits: “The rights focus may have come to dominate the language of policy towards children but it has not transformed the practice” (Grugel, 2013 : 22).

3.2.3 United Nations in DRC: its role in human rights and CRC policies

The peace mission of the UN in the DRC is called “Monusco” (*Mission de l’Organisation de Nations Unies pour la Stabilisation du Congo* or United Nations Organization of Stabilization Mission in the DRC). The mission has a specialized team at work in the Eastern Province or (*Province Orientale*). The focal point of Monusco is child protection referring specifically to those children who are directly or indirectly affected by the violent conflicts in the region such as those active, and in many cases abused, in armed groups.

Monusco importantly has stated that it itself does not put in place programs for children and it does not take charge of children. Rather, it works as a component of the peace mission and it identifies children in need. Monusco supports these children in coordination with partners such as UNICEF and NGOs active in child protection. Monusco ensures that children who are in need of protection are referred to the relevant available programs

By resolution 2147(2014) Monusco extends its mandate in the DRC until 31 March 2015 with an involvement of 22,016 soldiers, employees, observers and staff. The DR Congo’s UN mission is the largest worldwide The UN, through Monusco in the same resolution (2147(2014)5g), has decided to specifically pay attention to the needs of children formerly associated with armed groups. However, it is the concern of the present researcher that the enlistment of children is not only an historic problem and not limited to the past. On the contrary, it is very much a present-day problem with many children enlisted in various armed groups, militias, and even the legal army. A possible answer is found in the same resolution (2147(2014)25), where the government is

encouraged to prevent and to end the recruitment and use of children and of sexual violence committed by the FARDC, and to ensure that children's rights are respected.

3.3 Some scholars on human rights issues

Human rights include civil, political, social, economic and cultural rights. To deny one of these can impact on the other. Rights work best when all components have rights (Williams, 2011 : 21). This means that, if a society denies the rights of children, it will probably deny the rights of women or general rights to free expression as well. Respecting the rights of every individual is recognition of the dignity of the human being and its integrity.

If rights are recognized they offer legitimacy to campaigns, to pressure groups, to NGOs and lobbies and they allow those silenced to raise their voices.

Criticizing the origins of the principle of human rights, Moran declares himself dissatisfied with the nature and the very existence of the human rights concept, doubting its history, its nature and its value. Moyn argues that human rights did not begin until 1977. The term "human rights" had been used earlier in the twentieth century and the idea was promulgated by the United Nations in 1948. From its adoption in 1948 until 1977 the UDHR (Universal Declaration of Human Rights) did not attract much attention and only in the 1970s "human rights" became a term commonly used by lawyers, politicians, and international aid workers as well as by the readers of newspapers (Moran, 2012 : 76). The concept of "rights" has been in use since the twelfth century. However, when employed for political purposes, Moyn argues, "human rights" are based on what he calls "negative promises". Many scholars argue that "human rights" figured already in the eighteenth century under the name of "natural rights".

Bentham considers human rights as children of general laws (Moran, 2012 :77). As opposed to Bentham, Jeremy sees human rights as the parent of law. Along similar lines Suter, mentioning human tradition, thinks that some people have a sense of responsibility without some text telling them how to behave. He considers the Universal Declaration of Human Rights as a progressive step towards a declaration of human responsibilities/duties(Suter, 2012 : 52). Gumbis emphasizes that the regulation of daily

life is mostly based on unwritten rules, observations of customs, social standards and traditions (Gumbis et al., 2010 : 137).

Suter wishes to position the origins of human rights in human tradition but he acknowledges that in the nineteenth century "traditional" seems to have been the opposite of "progressive." The 21st century on the other hand is struggling for progress. However, a consistent anti-traditionalism is in danger of becoming itself a tradition (Suter, 2012).

A lack of respect for human beings and their individual value is the basis of the contemporary human rights discussion although the concept has been in the process of becoming firmly established since World War II. The purpose was to build a peaceful world and prevent a repetition of what had happened in Germany and elsewhere.

Hurley confirms that the concept of human rights is accepted virtually everywhere and unfortunately also violated and abused virtually everywhere. Often the introducers of a human rights policy in a country are also its abusers. Even though the UDHR became a universal principle of human dignity, for many people around the world human rights remain as yet no more than a dream and an unfulfilled promise (Gumbis et al., 2010 : 126). Since the UDHR the world has continued to see deadly war and genocide.

Different schools of thought and cultures define "human rights" in different terms as seen from different perspectives. "Human rights" are not just words written in a document but relate intimately to people. Complaining about the human rights regime, Feyter criticizes the practice of human rights as a means of distributing power in an international context. He writes: "Limited tools are available to hold powerful states responsible when they commit human rights violations" (Feyter, 2005 :218). The economically dominant powers encourage market friendly policies, selecting approaches that favour their own interests without recognizing those of others. As Blackburn declares: "In particular instances it proves very difficult to make human rights an overriding objective"(Taylor, 1991 : 20).

Ishay fears that we may face truly apocalyptic scenes in the next twenty years if the world continues its highly selective application of the principles of the Universal Human Rights Declaration.

Taylor remarks that, since its adoption many years ago, the implementation of the UDHR has probably been effective in places where it was accepted at regional levels at which nations can share culture (1991:36). Donnelly explores different meanings of "universal" human rights and claims: "I also consider [...]senses in which it might be held that human rights are 'relative'" (2007:281). The universality of possession of the UDHR text is not in doubt but the problem lies in the universality of its enforcement. The text is also criticized for reflecting Western cultural concepts. Anderson (2009:120) distinguishes two main challenges in the UDHR. The first challenge lies in its cultural relativism: the Western conception of the rights is based on the individual, political and civil whereas the third world emphasises its tradition in community as the foundation of human rights. The second problem is to enforce the human rights principles. This problem is evident from the way in which international laws are ratified but not always practised by signatories. Of crucial importance is Hathaway's view: "More than any other gauge, the International Bill of Rights is essential to an understanding of the minimum duty owed by a state to its nationals. Its place derives from the extraordinary consensus achieved on the soundness of its standards, its regular invocation by states, and its role as the progenitor for the many more specific human rights accords"(Anderson, 2009 : 125).

The UDHR is focused on the right to work more than on the right to live. However the more precious right is that of living. Nobody can work without being alive. Is this basic right respected in the UDHR?

The UDHR is a product of its time. Article 28 specifies that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." The UDHR will be considered as a fundamental document that has inspired more than two hundred international human rights instruments (Anderson, 2009 : 118).

There are no rights without personal autonomy (from the Greek "auto" which means "him- or herself" and "nomos" for "rule"). Thus, every person is considered to be able to initiate his own rule and to realise independent action. Certainly, those rules should imply respect for the neighbours' rights as well. Autonomy as perceived by Gumbis means that the subject is the best expert when it comes to defining his or her interests (2010:129). But ultimately, the freedom of a person depends on the society to which

he/she belongs. Many factors may limit autonomy: Disabilities, suffering, poverty and so on. In such situations freedom becomes constrained. The present researcher emphasizes that autonomy without authority to act leads to self imprisonment. The state carries a great responsibility and has to allow people to fulfil and achieve their purpose. Otherwise, the state becomes a brake on people's initiative. Society has an important role in human well being. All states need to guarantee this well being through legislation and law enforcement. Gumbis emphasizes that, according to the first article of the UDHR, personal autonomy and human rights are closely connected and cannot exist without one another (2010:133). Conor Gearty considers human rights as "the ethical architecture necessary to decent everyday life" (Alderson, 2012 : 189).

3.4 The child in the human rights discourse

Children's rights are generally understood as a specification of human rights but, when looking carefully at the CRC, this seems not to be true. Cordero mentions that the addressees of human rights are adults and those of children's rights are children (Cordero Arce, 2012 : 370). According to Ferguson, the expression "children's rights" refers to rights targeted to benefit children but they also reflect a critical identity of children. Respecting children's rights is to recognize children's dignity. Along these lines other scholars such as Archard argue that in the CRC adults "retain final authority over children" (2013:183). Many people are of the opinion that children cannot be the holders of rights because they are not able to make decisions and exercise their rights. But if, instead of giving them rights they are offered protection, it implies that their autonomy is questioned and they may ultimately become entirely dependent on adults (Bessell and Gal, 2009 : 287).

Alderson notes that children and young people are invisible in adult-centric sociology and human rights literature (2012:178). In order to explore this point we will compare the fifty-four articles that make up the CRC (adopted and ratified by the General Assembly resolution 44/25 on 20-11-1989 and been in force since 2-9-1990), with the thirty articles of the Universal Declaration of Human Rights (approved by the General Assembly of the United Nations in Paris on 10-12-'48). Our first concern is the repeated use in the UDHR of "everyone" without any form of definition. For example, which age

groups does the UDHR include in “everyone”? The lack of precision opens the door to talking about categories of people rather than with them, thus, possibly, marginalizing them. Certainly, from the implementation of the UDHR over forty years it would seem that “everyone” refers only to those older than eighty. Cordero wonders if perhaps “only adults belong fully within the law’s human rights discourse” as addressees of human rights are adults and those of children’s rights are children (Cordero Arce, 2012 : 370). On the basis of the following listing of articles, differences and similarities between the CRC and the UDHR will be determined. The articles are followed by a few comments to help creating an understanding of the spirit of parts of the text.

<p style="text-align: center;">Convention of the Rights of the Children</p>	<p style="text-align: center;">Universal Declaration of Human Rights</p>
<p>Article 1 For the purposes of the present Convention, a child means every <u>human being</u> below the age of eighteen years unless under the law applicable to the child majority is attained earlier.</p>	<p>Article 1 All <u>human beings</u> are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p>
<p>Comment: The first article in the CRC stipulates who is considered to be a child. Both articles concern the human being: child and adult are both human beings. The story of the birth of Cain in Genesis 4.1 tells us that Eve expresses her joy at giving birth to a human being with the help of God. Eve sees the child as a complete human being. Therefore, freedom, equality, dignity and rights are due to children.</p>	
<p>Article 2 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.</p>	<p>Article 7 All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p>
<p>Comment: This article is used as one of the four general principles adopted by the CRC committee. It concerns the principle of non-discrimination. The States Parties must respect and ensure the rights of each child without discrimination of any kind.</p>	

<p style="text-align: center;">Convention of the Rights of the Children</p>	<p style="text-align: center;">Universal Declaration of Human Rights</p>
<p>Article 6 1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p>Article 3 Everyone has the right to life, liberty and the security of person.</p>
<p>Comment: The right to life is basic. It implies not only the right to live but to live according to God’s wish. In Bessel’s view the participation right is essential for children’s development. There is a need not only for children’s rights but these rights must be specifically held by children themselves (Bessel and Gal 2009:289).</p>	
<p>Article 7 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.</p>	<p>Article 15 Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.</p>
<p>Comment: Many children born to parents living in foreign countries are affected by problems surrounding their nationality. Innocent beings as they are, some are deprived of the right to be considered as nationals of the country in which they were born. In such cases art 2 of the CRC must be used to fight the discrimination of children of immigrants and refugees.</p>	
<p>Article 12 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</p>	
<p>Comment: Citing this article, Brenda Hale comments that children and their rights are often not respected in judicial courts (Alderson, 2012 : 178-179). In order to implement article 12, the CRC committee has recognized the establishment of independent human rights institutions for children as a core obligation of governments (Linnarsson, 2014:455). There</p>	

is no provision in the CRC for the treatment of children as adults. Bessel acknowledges that the CRC respects “the right of children to *participate* in the decision-making processes that precede any decision affecting their lives, giving gradually more weight to children’s views as they mature and develop their capacities”. He does however not appreciate the right of children to make their own decisions (Bessell and Gal, 2009 : 289).
 Liebel, in his discussion of children’s viewpoints, asks why article 12.1 insists on children’s own views. Why would adults not simply discuss these views, seeing that it is not easy to determine whether a child indeed expresses its own ideas? A child may not be ready to form its own views and it may well pick up its ideas from the grown-ups in its surroundings. Lee understands art 12 of the CRC as approaching the child as a “political *being*” and a “psycho physiological becoming” (Cordero Arce, 2012 : 373). To respect children’s views, the DRC has established an independent court for children. This is an encouraging step in the realisation of children’s rights.

<p style="text-align: center;">Convention of the Rights of the Children</p>	<p style="text-align: center;">Universal Declaration of Human Rights</p>
<p>Article 13 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (<i>ordre public</i>), or of public health or morals.</p> <p>Article 14 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion. 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his</p>	<p>Article 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</p> <p>Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.</p> <p>Article 20 Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.</p>

<p>or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p> <p>Article 15</p> <p>1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful Assembly.</p>	
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Comment: All children are social actors and as such have to express their views. Unfortunately, in many cases the concept of children's participation is mistakenly interpreted as referring to simply the presence of children at meetings of grown-ups. Bessell considers children to be rarely able to participate fully in important debates (2009:290) However, when children participate as real partners in a discussion, they will do so, not in the manner of adults, but in their own way. The important thing in the process is their inclusion as active participants and not as passive beings. As regards the weight attached to children's views, Cordeco suggests "to make the rights of children dependent on *children's voices*"

<p align="center">Convention of the Rights of the Children</p>	<p align="center">Universal Declaration of Human Rights</p>
<p>Article 28</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p>	<p>Article 26</p> <p>Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.</p> <p>Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p>

<p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p> <p>Article 29</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious</p>	<p>Parents have a prior right to choose the kind of education that shall be given to their children.</p>
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groups and persons of indigenous origin;
(e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Comment: The rate at which education globally increases is phenomenal. As underlined in chapter two of this thesis, education is one of the challenges facing African leaders. Fewer than half of African children attend primary school (Bequele in thukral, 2011 : 44). According to the UNESCO, UNICEF, DFID and the DRC national ministry of education, 7.6 million or about 33 per cent of children in the DRC have no access to school. Free education at the fundamental stage remains a dream in many countries in Africa. Unfortunately those countries have often adopted the articles on the right to education without making sure that these could be implemented.

The above CRC articles emphasise twenty specific needs for the well-being of children.

These are:

1. In all actions the best interests of the child shall be a primary consideration (art 3). Each child must be individually respected by considering his or her views and feelings.
2. The child's right must be respected by preserving his or her identity, including nationality, name and family relations (art 8).
3. A child shall not be separated from his or her parents against his/her will, except when it is necessary for his/her best interests. The abduction or coercion of the child into soldiering is an infringement of this law (art 9).
4. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, neither to unlawful attacks on his or her dignity and reputation (art 16).

5. Each child should have access to information (art 17).
6. Children must be protected from all forms of physical or mental violence, torture or other cruel, inhuman or degrading treatment, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time (art 19, 34, 36, 37).
7. A child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State (art 20)
8. The adoption of a child is authorized only by competent authorities (art 21).
9. A child that is seeking refugee status or that is considered as a refugee in accordance with applicable international or domestic law and procedures shall, receive appropriate protection and humanitarian assistance (art 22).
10. A mentally or physically disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Such a child deserves special care (art 23).
11. Every child has the right to enjoy the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health (art 24).
12. Every child has the right to benefit from social security, including social insurance (art 26).
13. Every child has the right to a reasonable standard of living (art 27).
14. Every child has the right to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language (art 30).
15. A child has the right to rest and leisure (art 31), to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education (art 32).
16. Children must be protected from the illicit use of narcotic drugs and psychotropic substances (art 33).
17. Abduction, the sale of or traffic of children for any purpose or in any form must be prevented (art 35).
18. International humanitarian law and rules applicable to children in armed conflicts must be respected (art 38).

19. Measures of reintegration must be taken in the case of children who are victims of any form of neglect, exploitation, abuse or torture (art 39).
20. The penalising of a child must be done with dignity and worth (art 40).

From art 46 to art 54 the document is concerned with how state parties should implement the CRC.

However, some problematic points arise from the documents that constitute the CRC and the UDHR.

- ❖ From the articles 3 and 25.3, it seems that the UDHR infantilises the child or considers it as an irresponsible being. The UDHR clearly is not espousing the idea of children as rights holders but simply draws attention to their need for special protection. Quoting Kennedy, Cordero says: “One of the major characteristics of adultism is the ignorant attribution of ignorance to children” (Cordero Arce, 2012 : 378) Children’s rights as expressed in the CRC seem to lean strongly on European and American perceptions of the child as being ignorant, innocent and needy. In that way children’s rights become no more than a concession granted by adults (Cordero Arce, 2012 : 365). As Bessell suggests, childhood might be a process in which children gradually, and with practice, learn how to make decisions and exercise their rights (Bessell and Gal, 2009 : 289).
- ❖ “Special care and assistance” during childhood are not further defined in the UDHR. It is shown that children are dependent on the protection provided by their family.
- ❖ That “cultural context” is not mentioned in the UDHR does not strengthen its universal value. Taylor thinks that regional treaties are more respected by the public for their attention to cultural context (1991:36).
- ❖ In my view, art 26.3 in the UDHR (the right to choose the child’s education belongs to the parents) constitutes a violation of children’s rights if the child is capable of making independent decisions as indicated in art 5 of the CRC.
- ❖ Article 26 guarantees the right to education and promises free education in the elementary and fundamental stages of schooling which will be compulsory. Unfortunately illiteracy is widely spread and millions of children around the world

cannot read or write. Poorer countries meet difficulties in the implementation of guarantees to which they have subscribed.

- ❖ The words “children” and “child” appear only twice in the entire UDHR while “childhood” appears once in three articles (16, 25 and 26).
- ❖ How helpful has the UDHR been in Africa in view of the fact that “the rights, welfare, and dignity of children in Africa remain a huge challenge” (Ewelukwa Ofodile, 2009 : 39). Ewelukwa Ofodile distinguishes four tyrannies faced by Africa’s children. The first one is silence: a number of Africans think that childhood is a kind of pre-life period for children. Thus, they have to play and learn before they can be legally recognized as adults on their eighteenth birthday. Childhood in other words is seen as a training ground for adult responsibilities. The second tyranny concerns a cultural problem: in some African conceptions female children are often seen as a second class of citizens and therefore is, for example in educational matters, priority given to male children. The third tyranny is found in poverty and corruption”: child poverty is at the root of human rights abuses in Africa. In 2007, globally 9.2 million children died before their fifth birthday; about 4.5 million of these were African children. Poverty increases corruption which is a crime against humanity. The fourth tyranny is globalization: increasing child trafficking, forced labour, and sexual exploitation are the result of globalization. As regards forced labour, according to the International Labour Organization (ILO), more than thirty percent of African children between ten and fourteen years old are agricultural workers.

The UDHR appears to be silent about these tyrannies. The expectations expressed in the UDHR are still elusive and represent a challenge for the twenty-first century. Serious efforts must be made to deal with the care of children in Africa who constitute more than half of the continent’s population. They are the key to transformation of Africa.

The UDHR has provided the direct motivation for a number of national constitutions that today espouse the view that children have their own rights. In order to implement and enforce these rights many treaties have been concluded that promote a better understanding of the problems experienced by African

children. The visible result of this is a number of regional declarations, resolutions, and treaties proclaiming the rights of children:

- Declaration of the Rights of the Child (1959)
- Declaration on the Rights and Welfare of the African Child (1979)
- The World Summit for Children (1990)
- The Maputo Declaration on the Use of Children as Soldiers (1999)
- The Accra Declaration on War-Affected Children in West Africa (2000) (Ewelukwa Ofodile, 2009 : 45)
- Africa's Contribution to the United Nations General Assembly Special Session on Children, Cairo 2001
- The Security Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 on children in armed conflict
- The United Nations General Assembly Special Session on Children (2002)
- The resolutions 2003/85 and 2004/47 of the United Nations Commission on Human Rights on the abduction of children in Africa
- The Africa Declaration on Violence against Girls (2006)
- Declaration on the Rights and Welfare of the African Child
- The African Charter on Human and People's Rights ("Banjul Charter")
- The African Charter on the Rights and Welfare of the Children ("ACRWC")
- The African Common Position

The influence of the UDHR on stipulations in the constitutions of African states that aim at improving the lives of children is apparent in:

- ✓ The constitutions of states that specifically refer to children, explicitly guaranteeing their rights. Examples are the South African constitution (section 28) and the constitution of Swaziland (art 29).
- ✓ Other constitutions offer children the right to be protected by their families.
- ✓ Some constitutions do not declare that children hold rights but only acknowledge the need for their special protection. An example is art 30 of the Angolese constitution, art 14 of the constitution of South Sudan, and art 24 of the constitution of Burkina Faso.

The DRC is among those states that grant the child the right to protection both through its parents and the state (art 41 of the 2006 DRC constitution). The law signed on January 10th 2009 on the protection of the child further promotes children's rights.

3.5 International juridical tools promoting human dignity

Several international tools have been created to protect, and sometimes enforce, human dignity, for example the introduction of the prohibition of outrage and of human degradation (Waldron, 2012:200). Some of these are discussed below.

3.5.1 The Geneva Conventions of 12 August 1949.

The first Geneva Convention was adopted in 1864. A second one followed in 1906 and a third one in 1929. The fourth Geneva Convention was approved in 1949. There would be two additional protocols, in 1977 on the protection of the victims of internal and international armed conflicts and, in 2005, for the ratification of a new international symbol that appears on a badge worn by medical or religious personnel in addition to the traditional Red Cross and Red Crescent (Kuznetsov, 2014 : 1). In relation to the treatment of prisoners of war article 3 of the Geneva Convention prohibits outbursts of anger that may affect personal dignity. In particular a humiliating and degrading treatment of prisoners of war is forbidden (Red Cross, 1949 : 77,8). The article is thus a tool to preserve human dignity.

3.5.2 The International Covenant on Civil and Political Rights (ICCPR).

In its article 7 the ICCPR stipulates: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation". The article protects human beings from being used as objects of experimentation, for example for the sake of scientific research. This tool is based on the recognition of the inherent dignity of man. After all, the human family constitutes the foundation of freedom, justice and

peace in the world (United Nations, 1976). The 1976 convention thus aims to promote the freedom of humankind and its enjoyment of human rights.

3.5.3 The European Convention on Human Rights (ECHR).

The ECHR's article 3 reaffirms: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment". As is clear from the International Covenant on Civil and Political Rights, the use of a human being without his or her consent is degrading and, hence, inhuman.

3.5.4 The Universal Declaration of Human Rights (UDHR).

The central concept of dignity was established within the first eight months of the sitting of the UN commission for human rights. It was discussed over a period of two years until, on December 10, 1948, the Universal Declaration of Human Rights was ratified. It opens with proclaiming the "inherent dignity" of all human beings (Hughes, 2011 : 3). What is "dignity" in the understanding of the UDHR? The concept is widely used, particularly in reference to human rights, law and bioethics. Michael identifies two conceptions of dignity in the human rights field. The first one concerns the full inherent dignity (FID) that belongs equally to every member of mankind and that implies full moral status. It is permanent, unconditional, indivisible and inviolable. The second conception is that of the non-inherent dignity (NID) which is an earned and variable condition that depends on a person's behaviour and circumstances. Michael, quoting Kirchhoffer, writes: "Human dignity can be both something we already have and something that we seek to acquire" (2014:12). The concept of dignity is the foundation of civilized society, making the serious abuse of people less likely to happen. According to al-Ahsan (al-Ahsan*, 2009 : 569), human dignity creates civilised society. Shultziner, thinking along the same lines as Moltmann, writes: "Human dignity is universal and transcends cultural diversity, and is the source for all human rights" (Shultziner, 2006 : 663). However, other scholars have different, sometimes contradictory, perceptions of human rights. Baets proclaims: "The Universal Declaration is not a perfect mirror of the concept of human dignity" (2007 :81). The first chapter of the Universal Declaration of Human Rights "recognizes the inherent dignity and the equal and inalienable rights of all human beings. According to the UN Covenants on civil and political rights, and on social

and economic rights, rights derive from the inherent dignity of the human person”(Bayefsky, 2013 : 810). Bayefsky reckons that there are no rights without dignity of the human being. To own dignity is not just associated with the way in which one is treated by others, but also depends on one’s own conduct. Therefore human rights require that people are not treated as passive beneficiaries but as persons who are able to stand their ground and defend their dignity (2013:823). We agree with Vaisvika that today “the highest human right is the right to dignity” (2009:112). Freedom and dignity are inborn rights.

3.5.5 The Convention of the Rights of the Children (CRC).

The CRC focuses on the protection of the child’s “wholeness” by combating its undignified treatment. Art 39 of the CRC statutes is directed against any form of neglect, exploitation, abuse, torture and inhuman treatment in armed conflicts. It encourages respect for the child’s dignity. The CRC can be seen as the voice of the voiceless. Its position is echoed by Vaisvika who declares: “Naturally the dignity of those who are weak or disabled is [considered] ... because they are not able to participate objectively in the creation of their personalized social worth” (2009:123)

3.6 Child soldiering as a human rights problem

Even though plenty of juridical tools have been created for the protection of human rights, child soldiering remains a big challenge. Three arguments summarise the reasons why child soldiering constitutes a serious human rights abuse.

3.6.1 Abuse of Congolese military law

Child soldiering constitutes a human rights problem as it abuses Congolese military law. In its article 7 of the 12th November 2004, Congolese military law prohibits the recruitment of children under 18 into the armed forces. The transitional constitution of April 2003 forbids (art 184) the recruitment of children younger than eighteen and their employment in hostilities. Unfortunately, the new constitution of 2006 did not specify an age limit for enlistment and recruitment in the army. Art 191 states that the military law must define the conditions for recruitment in the army. The question is if this is simply

an omission or whether the lack of precision is intended to offer a loophole for using children in warfare?

3.6.2 Abuse of treaties and laws

The DRC has subscribed to many legal documents that formally and in strong terms prohibit the use of child soldiers such as:

- International treaties banning the recruitment of children into armed forces, signed by the DRC.
- The national legislation prohibiting the use of children as soldiers.
- The ratified Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- The International Labour Organization's Convention 182 to which the DRC is a party.
- The Additional Protocols to the Geneva Convention of 1949 to which the DRC is also legally bound.

In spite of all these legal obligations, the DRC's record as regards child soldiering has over the last fourteen years been a particularly bad one (Rakisits, 2009 : 118). The DRC might offer as an excuse that it hasn't ratified the African charter on the rights and welfare of children which specifically prohibits the recruitment and use of children under the age of 18 years in both international and internal armed conflicts.

In its article 22(2), the African charter that came into force on 29th November 1999 requires state parties to "take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child".

3.6.3 Abuse of international on military enlistment

There is, in addition to the International Criminal Court (ICC), a special court in Sierra Leone for the covering of all crimes on an international level committed against children, such as the conscription, enlistment and use of child soldiers. Besides, the UN Security Council has established a Monitoring and Reporting Mechanism (MRM) for the objective collection of information on the violation of children in situations of armed conflict

including killing and maiming, recruitment, rape, sexual abuses, the use of child soldiers, abduction, attacks on schools and hospitals (Linnarsson, 2014 : 451) The MRM has been established to fulfil the specific role of “monitoring governments and other actors’ actions affecting children, promote children’s rights at the national and local levels, and create a space for dialogue between children and the state.” They support the practical application of art 4 of the CRC concerning the rights of children. In spite of all this, the DRC has always used children in its armed forces.

CONCLUSION

Chapter three deals with children and human rights. Many conventions and treaties have been ratified by the DRC, including the Convention of the Rights of the Children and the DR Congo has approved the Law on the protection of the children. Three principles are highlighted in the CRC: provision, protection, and participation. Compared to the UDHR the CRC puts more emphasis on specific points and prohibits the worst form of child labour, namely child soldiering. Monusco offers protection to children affected by conflicts. Human rights are the subject of many scholarly discussions and studies. A common conclusion is that human rights are accepted everywhere, although worded in different ways but, curiously, they are also violated everywhere. Human rights remain a dream in many countries where it is often the interests of lawmakers that prevent them from respecting human rights. True rights require that personal autonomy is guaranteed.

The constitution of the DR Congo does not declare that children have rights. Children are seen as having rights through their parents and through the state’s protection according to article 41 of the 2006 constitution although the Law on child protection of 2009 specifically promotes children’s rights.

In spite of subscribing to a large number of national and international instruments that deal with the promotion of children’s well being, children’s rights continue to be abused in the DR Congo where child soldiering is a growing phenomenon. The fact that child soldiering constitutes an abuse of Congolese military law and of African and other international treaties concerned with military enlistment is ignored.

In the light of the above and considering the views of social scientists on human rights, what can theology contribute to the upholding of human dignity in the context of the child soldiering phenomenon? This is the subject of chapter four.

CHAPTER FOUR

THEOLOGICAL VIEW OF CHILD SOLDIERING AS A HUMAN DIGNITY ABUSE

4.1 Introduction

Chapter four focuses on the theological theory of human dignity. It looks at the vision and plan of God when he created humankind. Numerous theories have been developed on conceptions of human dignity. No doubt human dignity is fundamental for peace and welfare around the world. There is no principle that is more important in this context than that of dignity. Foster emphasises that dignity works where other principles don't (2014:45). This chapter consists of three main parts. The first part provides an overview of the concept of human dignity as seen by various scholars and cultures. The second section discusses the theological foundation of human dignity according to Jurgen Moltmann. Three key points in Moltmann's view of human dignity will be underlined. The third part is concerned with applying the theology of Jurgen Moltmann in the context of child soldiering. The three key points, distilled from Moltmann's theology are used to construct a theological foundation for the labelling of child soldiering as an abuse of human dignity.

4.2 Human dignity – An overview

To trace the concept of "human dignity" in Jewish thought and tradition we have to turn to the books of Jewish culture and religion, namely the Torah and Prophets in the Bible (Shultziner, 2006:666). The concept of human dignity, *Kvod Ha'adam* is not clearly present in the Bible. That is why many scholars mistakenly presume that the expression "human dignity" is not Christian. Lawler for example declares that "dignity" is not particularly meaningful in Christianity. He asserts that dignity is given no special significance in the Scriptures and that, historically as a theological concept, it doesn't play much of a role. Only in the twentieth century moral theologians have begun to use the word dignity when addressing issues such as abortion, religious liberty, and economic justice (Lawler, 2009:41).

Nevertheless, Adam (man) and *kavod* (glory, dignity) are separately found in the Bible. *Kavod* was also used in reference to the God of Israel, for example *kavod helohim*. "*Kavod ell*" means the dignity or the glory of God. Human dignity is found in the sanctity of life. In Jewish culture the defiling of *Tzelem Elohim*, or *imago Dei*, is strictly prohibited, also after death and even in the case of the hanging of a convicted criminal.

If a man has committed a sin deserving of death, and he is put to death, and you hang him on a tree, his body shall not remain overnight on the tree, but you shall surely bury him that day, so that you do not defile the land which the Lord your God is giving you as an inheritance; for he who is hanged *is* accused of God (Deuteronomy 21:22, 23).

God has implanted a sacred kernel of worth in human beings that must be protected. The dignity of ourselves and others must not be damaged as this would constitute a direct offence to God. The Psalms describe human dignity:

What is man that you are mindful of him, and the son of man that you visit him? For you have made him a little lower than the angels, and you have crowned him with glory and honour. You have made him to have dominion over the works of your hands; you have put all *things* under his feet (Psalms 8:4-6).

The *Halakhah* (Jewish law) uses the expression "dignity of the people". But in Israelite religion (Judges) the term is used in the sense of human dignity. The term *Kvod Habriyotn* mostly occurs in the plural "*Habriotn*", meaning "people". It implies that a person is an integral part of a collective so that personal dignity has a collective dimension. Shultziner emphasizes that the dignity of one individual is also the dignity of many, because the humiliation of the individual implies the humiliation of the entire human race. An illustration of this is the fact that the presence of a naked person in a public place offends also the dignity of those dressed (Shultziner, 2006:670).

Jewish tradition recognizes three qualities characteristic of being human. The first consists in the fact that human beings, created by God, have the sanctity of life. They are *Tzelem Elohim*, or *the imago Dei*. The second quality is the *Kvod Habriyot*, dignity of the people. This concept indicates that the humiliation of one means the humiliation of all. The third quality is that the protection of human dignity is inseparable from the code of religious precepts in its entirety. Dignity is defined by life, regardless of physical

characteristics, mental capabilities, or racial belonging (Shultziner, 2006 : 680). To quote Montgomery (1986:206) “man has supreme value. Each and every man is, *coram deo*, creature of infinite worth”. The meaning of the Hebrew word אלהים יראת in Deut 25:18, is by Weinfeld given as “the conscience, the human quality which deters a man from harming somebody even though there are no fears of punishment” (Jindo, 2011 : 436).

A Christian theology of human dignity has increasingly taken shape since World War II. After the murder of millions, theorists and other scholars began to think about the dignity of human beings. Among these were a great number of theologians who focused on the Scripture and the Christian tradition as the foundation of human dignity.. The views of some are discussed in the following section.

Dignity is defined in various ways, according to its specific use and context (Metz 2012b, Michael 2014, Jindo 2011b, and Bayefsky 2013). In order to attain an understanding of what human dignity means several scholars will be consulted. I wish to avoid using the concept of dignity as it is usually applied in legal arguments and political discourse. Instead, I aim to define it etymologically and by confronting the interpretations of scholars. I will concentrate on the post 1948 understanding of the concept of dignity.

Among the theologians consulted are J. Calvin and Montgomery, who is both a theologian and a lawyer. His view is based on human rights and human dignity (Montgomery, 1986 : 189). Using social science as well as theology he analyses the human dignity concept as flowing from the doctrines of creation and redemption which are seen as the foundations of human dignity. The present research consults some recent studies in the field of human dignity. Theological views of dignity – among others those of Jurgen Moltmann - will be contextualised in the child soldiering phenomenon that will be identified as a human dignity abuse.

4.2.1 Etymological meaning of dignity

The various meanings of the word “dignity” in classical languages are presented below.

- “Dignity” comes from the Latin word *decus*, meaning ornament, distinction, honour, glory. Its verbal form is *decet*, connected to the Greek *δοκειν*: to seem or to show, to look like, to appear. The Latin participle is *decens*, -tis, which is

found back in the English “decent”. Thus, on the basis of Latin, dignity seems to indicate that one deserves respect. Dignity is certainly not just a question of appearance.

- In Greek, the word for “dignity” is, paradoxically, *αξιομα*. *Dignitas* is understood as “self-imposing”. According to the Greek interpretation of *axioma*, dignity is something accepted as self-evidently true. *Dignitas* therefore is, with a neologism, a *δοξα αξιοματικη*, something taught to be a first, a highest value (Lebech, 2004:1).
- In Hebrew, *kavod* stands for dignity, honour and respect. English also uses “dignity” to express both respect and honour, for example, when we say “to dignify” a person by honouring him/her with an award, and of “dignified” to define someone or some action as honourable and worthy (Shultziner, 2003:10).
- The Romans conceived of *dignitas* as status in the social hierarchy. It was applied to high ranking persons and called “hierarchical dignity”. Another kind of dignity is “moral dignity” which is the conception of the dignity of humanity. The Greeks did see dignity as a qualification that had to be earned, and the dignified man was an exceptional person who attained distinction by inner strength of character.

4.2.2 Some scholars’ views of dignity

Without distinguishing between secular or religious motivations but based solely on scholars’ understanding of the concept of human dignity, five different types of interpretations are listed below.

4.2.2.1 Dignity as autonomy

Many scholars consider autonomy as a *sine qua non* for dignity. Kant, seen as the father of the modern concept of human dignity, affirms that to treat people with dignity is to consider their autonomy, their ability to choose their destiny. He defines the autonomous will of human beings, or human freedom, as the source of dignity.

Thus, when people are unable to choose their own destiny, they are far removed from owning dignity. People can only fully realize their basic dignity if they use their freedom well (Bayefsky, 2013:813). The modern trans-humanists agree with Kant that “we are undignified in so far as we are determined by nature, by our personification”. But Kant would have disagreed that the dignity of humankind depends on its technological transformation of nature. Each human being is free and dignified, because of what he or she thinks and does. And the degree to which we are human is not determined by impersonal natural forces. We are free to treat others as dignified persons. Considering human beings as no more than exploitable beings is to reduce dignity to the capacity of productivity. The dignified being does not have a price and, as free and rational persons, we are capable of acting while keeping in mind that we have all equal dignity. Kant defines honour as respect depending on a person’s social standing. But he wanted to change this perception and he encouraged the view that, instead, respect for a person should be based on his or her autonomy. He emphasizes that the root of dignity lies in the duty of human beings to conduct themselves in ways that rightly command the respect of others. As in the human rights literature, human dignity is attached to a human being because of his/her inherent autonomy. Human dignity is focused on the human being as an end in itself. Each person must maintain his or her own humanity and honour the dignity thereof. In fact, Kant associates dignity not with “humanity” but with “personality” (Bayefsky, 2013:820). Kantians speak of the inalienable rights of persons to be protected from harm (Jeffreys, 2004:508). Joel Feinberg understands human dignity as an attitude of respect towards humanity as represented by each single person. He thinks that it is not quite clear what it precisely is in our humanity that gives it dignity (Baets, 2007:75). Oprisko defines dignity as a minimum expectation of value that is placed upon an individual for being authentic (2012:130) and, according to Sandel, dignity is “the capacity of human beings to be autonomous and able to choose their own ends for themselves”.

4.2.2.2 Dignity as earned character

Baets distinguishes two kinds of human dignity, namely an inherent human dignity and an external dignity that earns a person the respect of others (2007:73). This external dignity as perceived by Romans is by Cicero defined as that which merits respect,

whether mediated by an office or by the excellence of virtue itself. Metz, thinking along similar lines, understands dignity as a superlative non-instrumental value that deserves respectful treatment. And the 1998 Decree No. 1 of the Senate of the Supreme Court of Lithuania describes dignity as a “person’s self-evaluation that is determined by society’s evaluation” (Vaišvila, 2009:114).

4.2.2.3 Dignity in an existential context

Donnelly defines human dignity as encompassing the moral nature and worth of man and woman and his or her proper (political) relations with society (1986:802). Kateb argues that only those who are morally altogether or nearly blameless have human dignity. But the victimisers, or those who have violated the rights of others, have lost their chance to attain dignity. He defines human dignity as an existential value (2011:4,11). In the *Summa Theologiae*, Thomas Aquinas uses the phrase *dignitas humana*, arguing that human beings can lose their human dignity by sinning and that it is not necessarily bad to kill such sinners, although the killing of an innocent person in possession of natural dignity is evil.

4.2.2.4 Dignity as an inherent quality

Dignity is explained in the South African context as *ubuntu*. It entails a philosophy of life that in its most fundamental sense represents personhood, humanity, humaneness and morality (Mokgoro, 1998:2). This conception ties in with Moltmann’s who also interprets dignity as a relational concept.

It implies the potential for intelligent and free action. Human dignity is an objective universal quality of human nature, possessed by everyone, according to John Paul II. Universal is also human dignity in a subjective sense, meaning that man and woman may employ their intellect in order to create their individual self (Coughlin, 2003:68). Coughlin considers reason as a distinctive human capacity that testifies to human dignity. He grounds his theological view of human dignity on the biblical themes of creation, redemption, and consummation. Each person is created in the image of God and therefore deserves respect and dignity. The Catholic Church asserts that honour is the “social witness given to human dignity”(Oprisko, 2012:126) Pope Benedict IV as

well accentuated that human dignity resulted from the creation of human beings in the image of God (Kirchhoffer, 2010:586). Also in Islam, the Qur'an ascribes the origin of human dignity to the creation that has bestowed this quality on Adam and his progeny. Al-Ahsan states: "This dignity is bestowed through God's act of creating Adam and breathing into him His Own Spirit. Since all human beings originated from Adam and his spouse, every single human being possesses this dignity regardless of colour, race, religion and tribe" (al-Ahsan*, 2009:569). Humans are different from other creatures. The human being's gift for reasoning distinguishes him/her. Man and woman are characterized by a basic natural capacity for conceptual thought, deliberation, and free choice. George *et al* posit that dignity is not a distinct property or quality, like the colour of a body or the function of an organ. It is not a quality that can be directly and intuitively grasped (George, 2008:174).

4.2.2.5 Dignity as fiction

John Coetzee denies the existence of human dignity. He thinks that it is a state we claim for ourselves. He considers it as the foundation of a fiction. It exists solely so that we will take the fiction seriously (Baets, 2007:75). Baets concludes that human dignity - if such a thing exists - is a dragon with multiple heads, or indeed a majesty with short legs needing pillows for support (2007:77). Kraynak mentions the Thomistic natural law (which teaches that humans are rational and social animals longing for God) and Kant's idea (that humans are acting creatures with an autonomous will and human rights), in theological documents of the Second Vatican Council, the new Catechism of the Catholic Church, and the writings of Jacques Maritain, John Courtney Murray, John Paul II, and others (Jeffreys, 2004:508). It is clear from the above-mentioned viewpoints, that Kant's epistemology has had a considerable influence on Protestants and Catholics.

My own position is that I do not consider dignity as a matter of social status or as a virtue to be merited in the eyes of others or of society, nor as an indication of moral blamelessness. Dignity is inherent in the nature of human beings as they have been created in the *imago Dei*. It is *ubuntu* (in South Africa), *Bomoto*, *kimuntu*, *ki-utu* (in some Congolese languages), and it is not defined by external factors. In fact, creation could be considered the source of dignity and, hence, account for its worth. What we deserve

in the eyes of others should not be used to measure our dignity. Respect and humiliation do not determine the level of our dignity, and are no more than a sign of recognition or of non-recognition of our inherent nature that does not result from our social rank, race, age, or anything else, but that is granted us as part of our resemblance to our creator.

The following section discusses Moltmann's conception of human dignity. However, I also make some use of Calvin's perception of human dignity although he did not use these words as they are interpreted in the twenty-first century. Vorster says that the concept of human dignity as a constitutional principle was not known in Calvin's time (2010:198). But Calvin contributed to the provision of a foundation for current reformed reflection on human dignity. Developing his theology, Calvin's ideas on the image of God (which are also used by Moltmann), common grace, natural law and civil authority, when summarized, provide the basis for the contemporary human dignity concept. As will be seen, Moltmann too used the theme of human beings created in the image of God and thereby obtaining a God-given inherent dignity. This dignity is part of being human since the creation of man in God's own image and according to his likeness. As is written in Genesis: "and the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living being" (Genesis 2.7). Calvin sees humankind as the noblest of the works of God as, from the earliest existence of man, God's justice, wisdom and goodness (Vorster, 2010). God willingly created man on the sixth day, ensuring the protection, provision and production of humankind and thereby showing the special status bestowed on man. God the creator provided humanity with three basic needs, even before human existence. In fact, the idea of the three Ps (but with participation taking the place of production) as discussed in the third chapter in connection with the Convention of the Rights of the Children, is inspired by God's idea that the creation should be the dwelling place of humankind. Calvin is of the opinion that the most distinguishing quality of humankind is its likeness to God. In his *Institution* 1.15.4.179, Calvin situates this likeness to God specifically in the human intellect and the abilities of the soul. In *Inst.* 1.15.4.107 he finds that, in spite of the fall of humankind and the depravity that has led to corruption of the *imago Dei*, the creational dignity of humans as expressed in the likeness to God has not been destroyed. Through the *imago Dei* and the expiation in Christ, a human being becomes

man of God (Vorster, 2010:209). Therefore, by respecting human dignity, the world can achieve true peace. Vorster's reasoning counters that of Kateb, who argues that "only those who are morally blameless or at least much less guilty have human dignity. Violators of rights, the victimizers, have given up their chance to obtain dignity (Kateb, 2011:4,11). Based on Moltmann's views, I will in the next section set up my understanding of human dignity.

4.3 Theological foundation of human dignity according to Jurgen Moltmann

My theological foundation of dignity is inspired specifically by the theologian Jurgen Moltmann who studied Luther's doctrine of two kingdoms and Barth's doctrine of the Lordship of Jesus and who built his theological interpretation of human dignity on these doctrines. Moltmann's theology on human dignity has been a strong influence on theological thought in the last few decades.

4.3.1 Moltmann

A brief look at Moltmann's life helps us to understand how events in his younger years influenced his theological views of liberation, human rights, and human suffering.

Moltmann (2008:9), a German Reformed theologian, tells us that he was born on 8 April 1926 and became a soldier when he wasn't yet 18 years old. At 14 he joined the mounted section of the Hitler Youth. He experienced war as a teenager. In July 1943 when he was 17 years old, his hometown of Hamburg was bombed by the British Air Force. The attack caused a firestorm that destroyed Hamburg and killed 40 000 men, women and children. From February 1945 to 1947 he was a prisoner of the British. In the prison camp he was given a Bible and became interested in the psalms of lament that gave expression to his own despair and that he could identify with. Thereafter he intensified his search for God. He realised that "war stories are not tales of adventure. They are stories about destruction and death." He remembered how people forced in the army, egged on by pointless drills, sometimes brutal harassment, inhumane humiliations. In April 1948 he went home and met his father who had been a prisoner of war in France. Reading Heidegger's *Sein und Zeit* inspired him to study more and from 1948 to 1952 he did his theological studies in Gottingen. After his doctorate he married

and was from 1953 to 1958 a pastor in Wasserhorst. From 1958 to 1964 he worked at the church seminary in Wuppertal. He then began to play a more public role as a scholar of theology. Moltmann is known as one of the most prominent contemporary contributors to the reform theology of human rights, using the theme “liberation” as the key to human dignity (Montgomery, 1986:203). He is the most widely influential of the theologians of his generation. He is also widely travelled. During the more than forty years of his public career, Moltmann has remained remarkably open to new approaches and insights (Bauckham, 2011:359-360). Moltmann is Professor Emeritus of Systematic Theology at the University of Tübingen, Germany.

For the purpose of the present thesis three key points in Moltmann’s theology are underlined.

4.3.2 Key points of Moltmann’s theology on human dignity

Three key points in Moltmann’s views on human dignity are that the human being as *imago Dei* must be worthy, that human beings participate in the creation story as *imago Dei*, and that humankind must be released from oppressors in order to act freely.

4.3.2.1 *The human being as imago Dei*

As regards the *imago Dei*, theologians throughout the world hold different views. Moltmann sees dignity as the source of all moral principles and dignity is Bestowed, not by a person or by any human institution (Moltmann, 1984:x). This means that, even if the term itself has only fairly recently become current, the many individuals and organisations discussing human dignity are not its inventors. Moltmann sees God’s claim to creation as the origin of dignity. God created humankind *ex nihilo* (from nothing). God’s rights imply that the entire human concept is based on rights. Thus, human rights involve the prevention of the destruction of human dignity as grounded by God. The human being has a mission to represent God’s mission in the creation. Human rights constitute tools to fulfil God’s mission. To succeed in representing God’s will in the creation, humankind needs human rights. Without human responsibility, human rights are null and void. Food, shelter, clothing, health care, education, etc are such rights and to (Moltmann, 1984 : xii). To deny these is to deny humanity. Christ set humankind free from tyrannies of a spiritual, political, and economic nature. God’s

redemption searches and meets the basic human needs. Moltmann understands human dignity as grounded in God's redemption of the world. Seeing the Trinity as the foundation of all theology, Moltmann considers the *imago Dei* as *imago Trinitatis*. This results in Moltmann's new dialectical finite—infinite ontology of God (Nengean:1). Moltmann argues that the *imago Dei* is a theological concept with clear ethical implications. It is explained in its close relationship with the *imago Christi* and *Gloria Dei est homo*. God created an image and entered into a close relationship with it. The *mysterion* becomes the image of God in which God is present. The human dignity is grounded by the existence, or the dwelling, of God in the human being. In this way, whether a person is a Christian or not, being created in the image of God means that God is dwelling in him. Therefore, he deserves respect and dignity. Quoting Moltmann, Vorster argues: "The whole person, not merely his soul; the true human community, not only the individual; humanity as it is bound up with nature – it is these which are the image of God and his glory". The *imago Dei* explains what human beings **are** and not what they **have** (Vorster, 2010:210). Unfortunately, in much folklore and ideology, only the king is called 'the image of God' while the prince figures as the shadow of God and the people as the shadow of the prince. This undermines the value of the human being (Moltmann, 1974:3). It means that dignity is only ascribed to those of a high rank in society. The rulers and the ruled are not considered as equal humans. Society currently seems to be overcoming this limiting perspective. In his study "On human dignity", Moltmann considers different views.

- ✓ Reformed theologians base the principle of human dignity on the creation of humanity in the image of God. This implies that humanity has God-given rights. These theologians see things differently from scholars such as Tod and Huber who considered human rights as secular concepts that fitted in with Christian faith, but who rejected the existence of a Christian foundation for human rights.
- ✓ The Roman Catholic Reformed view is that all human beings have by nature the same dignity but that this becomes accomplished and clear through the mystery of the Word of God becoming flesh (in Jesus Christ). The human dignity is seen in the light of the

Gospel. It is the revelation of God in Christ through the Gospel which is the way to acknowledge the dignity of the human being as being grounded in the image of God (Moltmann, 1984:13,14).

Moltmann's comprehension of humankind as *imago Dei* is linked etymologically with the word *kabod*, derived from the root 'kbd' and indicating heaviness in the physical sense and honour or respect in the spiritual sense. The same root has produced the noun 'kabel', meaning "liver" (which is, with the heart, among the most important organs in the human body). According to George, the word *kabod* appears 199 times in the Old Testament. In Greek it is *doxa*, used 177 times in the LXX. Like '*kabod*' in the Old Testament it means glory or honour. In the Old Testament *kabod* was during Israel's wanderings in the desert revealed to inform the Israelites of their destiny (Anderson, 1984:34). The following passage shows how *kabod* is used.

And the whole congregation said to stone them with stones. Now the glory of the Lord appeared in the tabernacle of meeting before all the children of Israel. And Korah gathered the whole congregation against them at the door of the tabernacle of meeting. Then the glory of the Lord appeared to the whole congregation (Numbers 14.10; 16.19).

God manifested his *kabod* by the message sent to Moses in the tent of meeting. This tent is understood as the central sanctuary from which God spoke to his people. The tent was filled in *kabod* after it had been consecrated. God gave the laws governing sacrifice. The exegetical source P sees the tent as sanctified by God's *kabod* as the place of meeting of God and Moses where God gives Moses the laws for the people (Exodus 25.22, 29.42-45; Numbers 7.89). The place where God meets each human being is the human body. The human body is thus the place consecrated to the meeting with God. Therefore, man deserves the *kabod* of God. As the ancient tent, also the human being as meeting place with God is not an invention of the priestly writer that the human being, as the tent where God is present, deserves God's *kabod*, is not just some philosophical thought or some part of human knowledge. The conception of the human body as sacred remains a huge challenge in contemporary society and specifically in DR Congo where all kind of human treatment is seen. In Ugaritic, Akkadian and Hebrew, the words for heart (*libbu*) and liver (*kabattu*) are used in similar ways.

Similarly, in South African languages, *ubuntu* and, in Congolese languages, *kimuntu*, indicate as translated by Mokgoro: “A philosophy of life which, in its most fundamental sense, represents personhood, humanity, humaneness and morality”.

In his article, “The recognition of human dignity in Africa: A Christian ethics of responsibility perspective”, Etienne de Villiers (2010:264) argues that, “human dignity, like [...] human rights and responsibility, belongs to those concepts that to some extent have their roots in traditional Christian beliefs and ideas”.

In sum, human beings are created in the image of God. Adults and children thus share the same spirit. They have sanctity of life.

Human beings are made to be sacred and they possess and live with a sacred breath. Their specific relationship with God encompasses their relationship with themselves, with other human beings and with nature. Dignity must not be an excuse for increasing human egoism, but, on the contrary, it requires from us a sense of responsibility for ourselves, others, and nature. By injustice and by breaking the covenant with God, people violate God’s love. An abuse of God’s covenant-partners, God’s image and God’s creatures implies a violation of God himself (Moltmann, 1994:5). The divine claim upon human beings is expressed in the concept of the image of God. Human rights to life, freedom, community, and self-determination reflect what God wants for all his creatures in their relationships in life, in relationships between human beings in general, and in their relationship with the creation. All are destined to reflect the image of God in order for humanity to be worthy of its identity (Moltmann, 1974:3).

Identity in this context refers to the inner character of human beings that distinguishes them from other living creatures. Early in the story of creation the human being is made aware of a kind of existence unlike his/her own:

Out of the ground the Lord God formed every beast of the field and every bird of the air, and brought them to Adam to see what he would call them. And whatever Adam called each living creature that was its name. So Adam gave names to all cattle, to the birds of the air, and to every beast of the field. But for Adam there was not found a helper comparable to him. And the Lord God caused a deep sleep to fall on Adam, and he slept; and He took one of his ribs,

and closed up the flesh in its place. Then the rib which the Lord God had taken from man He made into a woman, and He brought her to the man. And Adam said: "This is now bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man (Genesis 2.19-23).

Even in the beauty of nature created by God, Adam did not find anybody like himself, with his identity and worth. Understandably Adam was astonished to recognize in Eve bone of his bones and flesh of his flesh. Even other creatures had bones and flesh but Eve's were different. Moltmann speaks about the "notion of fellow-creatureliness". Human beings are aware of sharing rationality. This raises them above other creatures. They can reason and be sensible. Thought and judgement guide them rather than emotion or instinct. In his "Ethics of Hope", Moltmann deals with moral questions. Considering the beginning of life, he reasons that even the embryo, although not yet present in the world, has a future. Every human being was once such an embryo. Moltmann highlights that every fusion between sperm and ovum brings about not just new human life but also a mother and a father". Moltmann thus sees the beginning of life in the union of sperm and ovum (Graaff, 2013:405). Therefore all human beings are of worth. Moltmann explains his understanding of Christian identity as a pilgrimage to be accomplished, moving from suffering to hope. Human beings are in the process of walking towards their future and divine dignity (Robinson, 2011:146).

Moltmann perceives the imago Dei in himself as the human capacity to reflect the image of Christ and as the presence of God in him. Moltmann's perception that the human being reflects God, is anthropocentric in nature (Robinson, 2011:134). He sees the Spirit as concretising the dwelling of God in human beings. He builds a Trinitarian model of relationship. His vision of the Trinitarian God leads on to social life as Moltmann talks of "men and women without privileges and without subjugation" (Robinson, 2011:138). The notion represents a challenge for present society with its injustices, its privileges for some and its subjugation of others. Such a society does not reflect the image of God anymore. The image of God requires that we banish individuality and look for equality in society, or for the earthly Kingdom.

4.3.2.2 Participation and responsibility

The true nature of Christ consisted in concern for the good of society. This is the sense of Messiah. The same concern should motivate all Christians to participate in public life. It's what is called public responsibility.

Jürgen Moltmann's theology embraces this notion of participation. He calls upon all Christians to embrace the kingdom of God not as a kind of "opium" from beyond or as a "utopia of the status quo". Moltmann encourages human beings to participate in the creation by anticipating the coming kingdom. Human beings must act hopefully in discipleship in their communities (Clawson, 2013:293). Moltmann points human kind to the place God gave it at the beginning, where it can be co-creator with God. God told Adam and Eve to reproduce and multiply. As it is written in Scripture:

Then God blessed them, and God said to them, "Be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth." ²⁹ And God said, "See, I have given you every herb that yields seed which is on the face of all the earth, and every tree whose fruit yields seed; to you it shall be for food. ³⁰ Also, to every beast of the earth, to every bird of the air, and to everything that creeps on the earth, in which there is life, I have given every green herb for food"; and it was so. ³¹ Then God saw everything that He had made, and indeed it was very good. So the evening and the morning were the sixth day (Genesis 1.28-31).

This part of Scriptures indicates that God wanted humankind to participate in the creation. One of the ways in which God grants dignity to human beings is by making them participate in his creation.

In relation to conscience and respect for the dignity of humankind, Moltmann argues that we live in a time when human beings must take responsibility for their own lives. No life should be treated as being without sense. Everyone should act according to his or her own conscience (Moltmann, 1988:25).

One of the ways in which God allows human beings to participate in the creation is by letting them represent his will in creation. The human being becomes a commissioner of

God, carrying some of God's authority. Human beings have to give life to creation as it is in the power of death, evil, war, abuse in short: the power of sin. Thus, human beings have been made co-creators with God. This is the "basis of God's calling to human beings to participate in God's struggle for life" (Moltmann, 1984:xiii). Moltmann describes human dignity as dependent on work. Without work, dignity is lost. Through work we participate in the creation.

However, as opposed to Moltmann's view of human dignity as bestowed by work, other scholars have generally, and ontologically, argued that the human is always human in full and that no condition can lead to the loss of this humanity. Human nature cannot be changed as it was granted by God.

4.3.2.3 Liberation from oppression and freedom

Human beings have inherent and limitless worth. Their value does not depend on race, sex, the area where they live or anything else. They have an inner value that cannot be destroyed by external conditions but that can however be abused by external agents. Discussing the protection of the human identity and worth, Moltmann concludes that each violent act committed by human beings against other human beings or by human beings against feeble creatures constitutes sin and is a crime against life. He distinguishes two kinds of violence. The first one is violence directed at others. Those who commit such violence exploit others, aiming to control them. The second form of violence is humiliation, for example the humiliation of slaves. Slaves, by being exploited, lose everything, including their rights. Life is in several ways destroyed through evil and suffering. The perpetrators of violence become increasingly unjust and inhuman while their victims are robbed of their rights and become dehumanized. In view of such constraints of freedom and justice, Moltmann argues: "The liberation of the oppressed from the suffering of oppression calls for the liberation of the oppressors from the injustice of oppression" (1994:4).

The liberation issue can be contextualized in the situation of deaf people who experience discrimination. Hitching argues that, in relation to Moltmann's theological thought, deaf people may be understood as having more direct access to God. However, this perception seems to advantage deaf people over others whereas

Moltmann emphasises equality of all. The present researcher prefers to speak of all human beings having “the same access to God”. By claiming that human beings have all the same worth because all are inspired by God, Moltmann comes close to Barth in his formulation of the doctrine of election. And Moltmann went further than Barth in his affirmation that finally all human beings will be saved by God and taken up in the new heaven and earth. The grace of God will ensure that all of humankind through all time will be renewed, put right and justified (Wright, 2012:37). This viewpoint will help us to understand why Moltmann rejects, what is called, the traditional understanding of sin that he sees as the crucial crisis between humanity and God. In spite of the rebellion of human beings, Moltmann downplays God’s sovereignty, recognizing the possibility to build an egalitarian community (Stewart, 2011:107).

Like the ancient people of Israel talk about liberation, the covenant, and the claim of God, so also Christian theology has discovered freedom, the covenant, and the rights of human beings. The idea is to bring out the pain caused by current internal and external enslavements and the struggle to get free from enslavement and move towards a life of dignity, rights, and duties in fellowship with God. Moltmann recognises that this world is not yet the kingdom of God. He talks about “the healthy kingdom”. Christians cannot, in any area of their lives, cope without the divine liberation, the covenant of God, and their dignity as human beings. The Bible is witness to liberation, covenant, and God's claim leading to a corresponding Christian practice and theology. The story of the redemption of Israel and its people through Christ clarifies that God is the God liberator and redeemer and the creator of all. It is in his action of liberation and redemption that the original destiny of humankind is both experienced and fulfilled (Moltmann, 1974:3). Moltmann’s theology enumerates few of the many burdens from which Christians need to be freed, for example poverty, racial and cultural alienation, industrial pollution of nature, and senselessness and cheerlessness.

Work, in terms of liberation, must satisfy the material needs of human beings and give them access to health care, nourishment, clothing, and a roof over their heads, in addition to social justice whereby all members of society receive a sufficient and just share of what they produce. In the case of the Democratic Republic of Congo the profits of the country’s productivity are most unfairly divided. A minority of Congolese

share in the wealth of the country. This situation is associated with political oppression and, in general, human rights problems that need to be solved. In the DRC context true democracy becomes a symbol for the liberation of men from the vicious circle of force. Liberation also has cultural dimensions and should constitute the end of human exploitation and pollution (Paeth, 2005:219).

Moltmann has experienced exploitation, humiliation and imprisonment during and after the Second World War. He realized, along with other oppressed people, that freedom is a natural need of human beings. Sometimes, without consciously searching for liberation, human beings cry out for it. Moltmann affirms that our hope for liberation and freedom comes from God who created and wanted justice for those who suffer oppression. This realisation caused Moltmann to develop his thought on political revolutionary movements and finally his theology of liberation (Clawson, 2013:296). The lack of freedom may drive human beings to revolutionary action. The need to experience freedom is strong.

Moltmann proposes in his "*Theology today*" that the theology of the modern time should be a theology of freedom. He presents the God of the Exodus as the God of freedom. The God of the Exodus set his people free from Pharaoh and let them worship freely in the desert. God is the first defender of human freedom. Moltmann wishes Christianity to be based on the tradition of freedom that will be called 'religion of freedom'. He sees reliance on faith in God and on the authority of the church to transform human beings as immature and irresponsible. Moltmann talks, in relation to universal human rights and children's rights about five kinds of freedom. These are freedom of religion, freedom of belief, freedom of conscience, freedom of association, and freedom of theology (1988:24-25). These freedoms can also be expressed in terms of economic, political, cultural, and ecological freedoms and as freedom of association and theology. He sees the origin of freedom in God's suffering and love which were incarnated in Jesus Christ. His incarnation leaves human beings without the right to remain in and submit to any form of tyranny or dominion (1984:xii).

However, the same freedom that is supposed to affirm the dignity of human kind is continuously abused by human beings leading to the dehumanisation of fellow human beings. The world is thereby destroyed and even exposed to the danger of nuclear warfare. Moltmann explains the opposition between his kind of freedom and abusive

freedom as an eschatological reality (1984:xiv) in his view what we are seeking today is the reality of eternal living.

4.4 Theological foundation of child soldiering as a human dignity abuse

Chapter two considered many different causes for the child soldiering phenomenon in the specific case of the DR Congo. These causes were divided into external and internal causes as seen from the child's viewpoint. Coercion, abduction and the pressure of poverty were among the external causes. All of these constitute child abuse. By way of introduction to the following section I present one statement by Luther King Jr. and one by Kant.

“Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity” (Martin Luther King Jr. in his Letter from a Birmingham Jail).

“Anyone who reduces dignity to productivity turns other human beings into exploitable resources” (Kant).

4.4.1 Definition of the concept “abuse”

Abuse is defined as the illegal, improper and harmful use of something or somebody. It is the maltreatment of a person or a harmful practice (Microsoft Encarta Dictionary, 2009a). It can also be seen as using somebody without considering his own will as happens when the weak and vulnerable are oppressed by those who are stronger or powerful. The social ethics aspect of Luther's theology claims that a Christian must be a point of contact or a connecting link between the kingdoms of God. His social responsibility is to remedy injustice by becoming a "little Christ" to his neighbours, even in an as yet imperfect society (Montgomery, 1986:200).

On the basis of Jurgen Moltmann's theology of human dignity, it will be proved that the phenomenon of child soldiering constitutes a violation of the dignity principle. In the first place, any form of abuse is a violation of human dignity. Three arguments will provide the basis for a specific theology of child soldiering as a human dignity abuse in accordance with Moltmann's views as discussed above. Following Moltmann's reasoning, we accept that children are full human beings in the imago Dei. This bestows on them their true identity and worth. Secondly, children are free to participate in God's

creation, and, thirdly, children have been granted freedom and must be liberated from oppression. All three motifs are valid in relation to the child soldiering issue.

4.4.2 Children as imago Dei

Moltmann's notion of imago Dei, when applied to children gives them their status of full human beings. We may ask where the beginnings of a human being lie. When does human nature begin? Which step in life is defining for human nature? According to the Scripture:

Behold, I was brought forth in iniquity, and in sin my mother conceived me (Psalm 51.5).

For you formed my inward parts; you covered me in my mother's womb. Your eyes saw my substance, being yet unformed. And in your book they all were written, the days fashioned for me, when as yet there were none of them (Psalm 139.13, 16).

For he will be great in the sight of the Lord, and shall drink neither wine nor strong drink. He will also be filled with the Holy Spirit, even from his mother's womb. And it happened, when Elizabeth heard the greeting of Mary that the babe leaped in her womb; and Elizabeth was filled with the Holy Spirit (Luke 1.15, 4).

Human nature begins biologically with the conception, but is long before that part of God's plan. The full human, made in the image of God, is already completely present in the developing child. Supporting Moltmann, Graaff argues that life begins in the union of sperm and ovum and that the (2013:405). Child as a human being already has all the attributes of the adult person he will become. It is granted human dignity on the basis of the sacred nature of human life as shown in the Scripture. The child is given its own human dignity and respect long before it is born. We agree with Bunge who claims: "Children, like adults, possess the fullness of humanity. Regardless of race, gender, or class, they have intrinsic value". Some Christians may reject the notion of children as being fully human and made in the image of God. There are Christian traditions in which children are perceived as animals, pre-rational and pre-adult, and defined as "becoming humans". This conception has been rejected even in the Convention of the rights of the children. Karl Rahner, in *Gedanken zu einer Theologie der Kindheit* writes: "I believe that we are to respect children from the beginning of life. We need to see them as a

‘sacred trust’, to be nurtured and protected at every stage of their existence” (Bunge, 2006:566). In regard of this, Children thus are truly full human beings and therefore deserve dignity, respect and worth.

Many African cultures use rituals and ceremonies in order for children to be declared fully human. There are numerous examples: some Malawian tribes do not consider children as fully human at birth. They perform a ritual named *kutenga Mwana* that prepares the newborn for personhood which usually begins at adolescence.

Among the Babukusu of Kenya the parents give a temporary name to their infants. At the attainment of full personhood in adolescence it will get another name. Similarly in South Africa where among the Xhosa circumcision rituals introduce a boy to adulthood. The Zulu however have no circumcision. For a Xhosa, a man who has not been circumcised remains stuck in childhood and is not allowed to take on a leadership role. Thus the Xhosa Thabo Mbeki told Jacob Zuma (a Zulu) that he would not be able to govern adults because he himself was still a boy (Mtata, 2012:9). One reason why some missionaries do not welcome children for baptism and communion is their assumption that children are not yet sufficiently human to partake of what is sacred.

However, all children are the image of God at every stage of their lives. As God is dwelling in them, they must be dignified and receive respect.

Is inherent dignity bestowed on children? Humiliation is considered as an injury to anybody’s dignity. Humiliation and dignity are closely linked (Statman, 2000:524). Quoting Feinberg, Statman observes:

Respect for person may simply be respect for their rights, so that there cannot be one without other; and what is called human dignity may simply be the recognizable capacity to assert claims. To respect a person then, or to think of him as possessed of human dignity simply is to think of him as a potential maker of claims (2000:525).

Continuing along these lines, a human being belongs to the human race, created in the image of God that is the foundation of human dignity. If this is true, how can a human being lose its dignity while being the image of God? In other words, humiliation does not signify the loss of human dignity but is no more than an abuse of human dignity as defined above. Human dignity is not some notion to protect those who are vulnerable

and underprivileged, but it reminds us of the true nature of humankind. Can a child lose its dignity by being abused? The child, being a full human being, has an inherent dignity resulting from its creation in the image of God. Therefore, even if the child is abused, it is still the image of God and has worthiness. The reality is that victims of humiliation or abuse distance themselves from the values and standards of their abusers. The challenge is that to one's self respect should not be dependent on the respect of others. Even if others do not accord us respect, we should consider ourselves worthy of respect in accordance with our inherent value. This view presents Africans with the challenge to take the autonomy of children into account. Mostly, African children are the object of decisions made by others. Quoting D. Lange, De Villiers writes:

People's dignity does not rest in their rationality as [in] Kant's view nor on their social merits, but on the fact that they are called by God to live their lives as his creatures *coram Deo*, together with others. Their self-respect is implied by and derived from this vocation (De Villiers, 2010:267).

Children need to be aware of these views in our present society where injustice relegates them to an underprivileged position and a certain class of society. How can Congolese society reflect the image of God when a lack of equality and the power of individuality dominate in society, and how can such a society call for the earthly Kingdom to be established?

4.4.3 Children as participants in the creation

Every child has an important role as a participant in the doctrine of creation and redemption.

For unto us a Child is born, unto us a Son is given; and the government will be upon His shoulder. And His name will be called Wonderful, Counsellor, Mighty God, Everlasting Father, and Prince of Peace (Isaiah 9.6).

In this context, the child has the dignity of the chosen King David. The notion of participation has been used in the Convention of the rights of the children and in the three P's of chapter three, namely provision, protection and participation rights. These require respect for children's views, their freedom of expression, of thought and

conscience. In order to recognise their right of participation children have to be respected and their views considered. They must not only be protected by adults, but they need protection as active members of society who can take part in making the decisions that affect them.

When Jesus spoke about the kingdom of God, he used the child as an illustration and witness in his teaching. The children thus became representatives of Jesus who made them into a model of faith for grown-ups as well as a source of revelation. But Jesus also reflected the contemporary understanding of the role and place of children in his society. Children were not heard and all they had to do was to learn from adults and obey them. Jesus' view is too hard.

Unless you change and become like children, you will never enter the kingdom of heaven. Whoever becomes humble like this child is the greatest in the kingdom of heaven. Whoever welcomes one such child in my name welcomes me (Matt. 18:2–5).

Children are considered as partners in the Gospel. Hence, Friederich Schleiermacher, the nineteenth-century German Protestant theologian, emphasises that “adults who want to enter the kingdom of God need to recover a childlike spirit”. There are many things we can learn from children such as living fully in the present moment, being able to forgive others, and being flexible and humble .(Bunge, 2006:567).

Moltmann accentuates this, saying: *“Every child is a chance for the coming reign of peace and the decrease of violence and power”* (Moltmann, 2000:600). It implies that children play an important role in the story of salvation. Children bring a dimension of hope for the future. They are truly participant in the salvation and must be recognized in the same way as adults, namely as participants in the life of a society. Being a soldier can be a meaningful work and it may represent participation in the creation of God. But the big issue here is the use of children as objects, mostly without considering their own will. Children are, directly or indirectly, forced to participate in war. This is what we mean by “another form of enslavement” whereby soldiering stops being respectable work.

4.4.4 Children deserve freedom and liberation from their oppressors

In the perception of children, religious traditions treat them in various ways.(Bunge, 2006:574). We agree with Waldron who states:

Respecting human dignity entails treating humans as persons capable of planning and plotting their future. Children must be dignified to plan their own future. Thus, respecting people's dignity includes respecting their autonomy, their right to control their future (Waldron, 2012:207).

The autonomy of the child must help it to exercise control over its future. Using children in war is not allowing them autonomous control of their lives. De Villiers quotes Sarkozy who blames the lack of progress in African countries on their traditional cultures. However, the situation in many African countries is the result of Western leaders serving their own interests at the cost of Africans, even in cases where they offer help to African governments.(De Villiers, 2010:263).

Moltmann speaks of violence committed against others as sin and a crime against life (1994:4). Children are violated, exploited and dominated by others so that they become like slaves, living under humiliating conditions. Being the image of God and deserving of worth, they should be allowed dignity or freedom from all kinds of oppression. Child soldiering constitutes oppression and is among the worst forms of enslavement.

As a full human being a child has a natural capacity to make choices for its future. Already before the child turns eighteen, it is ready to choose what it wants to be.

A child has a free will. Forcing it into the army is to ignore its rights to choose for itself and to exercise its freedom based on its free will. Abduction and coercion compromise children's freedom as well as their dignity. They become objects to be used and they stop being autonomous subjects acting for themselves. Children who are forced into warfare feel that they have lost their free will. And along with their free will they have lost their dignity. They cannot develop independence of character. They are just tools in the hands of somebody else. Their human personality is inhibited. We agree with George who declares: "People who become dependent on others often feel a certain loss of dignity". Even so, the inner dignity cannot really be lost because it does not depend on

external factors. But the child, forced or coerced into the army, can't help feeling as if it has lost its dignity. It recognizes that its surroundings – where enslavement, rape, murder, humiliation, coercion, wrongful imprisonment and so on occur - are undignified. Quoting Jacobs: “One’s treatment is degrading and inhuman if it humiliates one before others or drives one to act against one’s own will or conscience”(1975:26). Child soldiers are exposed to premature sexual intercourse. They are living hard lives, exposed to violence and having to perpetrate violence. They undergo intense physical training and are often indoctrinated. All these factors contribute to the child’s loss of innocence(D’Alessandra, 2014:8). As full human beings children should claim back and use their God-given freedom. The theology of liberation allows human beings to take their freedom back from those who have stolen it to satisfy their greed for power.

CONCLUSION

Chapter four presents a theological view of human dignity in relation to child soldiering. The concept of dignity is discussed from an etymological point of view and on the basis of writings by various theologians. According to the cultures and languages of different regions in the ancient world, original meanings of dignity are considered (appearance, decency, respect, highest value, honour, worth, rank, etc.). In the context of this study, dignity was more specifically described as an inner quality of the human being. There is no external reason why human beings should have an inherent dignity. As dignity is inherent, it cannot be lost as the result of any negative treatment or humiliation, even though humans tend to have a sense of losing dignity when they are humiliated by others. Some persons seem to be perceived as more dignified than others, thanks to their higher social rank. Chapter four focuses in particular on Jurgen Moltmann, a currently influential theologian of human dignity. Three key points of his theology are discussed. The first is that humankind is created in the “*imago Dei*”. This implies that God is present - dwells in – every human being whatever his or her identity and circumstances. It is what constitutes the *ubuntu* or *kimuntu* of human beings. It creates “fellow-creatureliness” and it gives them identity and worth. Human beings can reason as no other living creature. Their identity is determined according to God’s will from the moment when sperm and ovum come together, according to Moltmann, and even

earlier than that. The second key point results from God's inclusion of human beings in his creation as co-creators. This participation of humankind brings with it also responsibility. The third key point concerns the right to strive for liberation and to claim freedom from oppressors. All forms of oppression or enslavement create in human beings a sense of loss of dignity. God created humans to be free from poverty and from cultural alienation by eliminating human exploitation.

Moltmann's theological views are contextualised in relation to the child soldiering phenomenon which is an abuse of the human dignity of children who are also made in the "imago Dei". Children have all the attributes that make a person fully human, although some African cultures don't recognize them as such. They are deserving of identity, dignity and worth. They can participate in God's creation, are partners in the Gospel and must be freed from oppressors. As full human beings they can handle freedom. Moltmann's argues that: "Every child is a chance for the coming reign and decrease of violence".

In the light of the above considerations, how is the church in the DR Congo dealing with the child soldiering phenomenon that poses a threat to the country's future? The following chapter is devoted to this question.

CHAPTER FIVE

THE CHURCH AND CHILD SOLDIERING IN DR CONGO

5.1 Introduction

Chapter five builds on material discussed in the third and fourth chapters. It attempts to integrate social theories and theological theories in the context of the child soldiering phenomenon in the Democratic Republic of Congo. It deals with present responses of the church and it indicates ways in which the church should engage with combating child soldiering.

In the early years of the League of Nations, the United Nations and international peace work, the church, through the ecumenical movement, was deeply involved in human rights issues and in social activities. At the time, the World Council of Churches was formed and the Universal Declaration of Human Rights was published in 1948. In 1974 the church, through the CCIA (Commission of the Church for International Affairs), held a conference in St Polten where human rights and Christian responsibility were discussed (Moltmann, 1984:3).

Currently, there is much debate on the involvement of the church in human rights questions and the Convention of the rights of the children was an important concern of the church. But when the Catholic Church supports the debating of these matters, many Protestants sometimes protest. Bunge thinks that the compatibility of Christian values plays a role in these issues and forms the basis of the CRC (2006:553).

5.2 Defining the church

In general, the African church continues to grow. In the 1800s 90 percent of Christians were Europeans and North Americans, but today over 60 percent of Christians are found in Africa, Asia and Latin America. Africa alone had around 380 million Christians in 2000. Africa's population is young. According the UNICEF 474 million people in Africa are under 18 years of age. This fact has implications for the future of the church

(Nakah, 2012:117). What will be the growth of the African church look like in the next decade?

It is important to remember that it is the responsibility of the church to worship God and to serve the world. A former American president stated the following during a constitutional convention.

I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth: that God governs in the affairs of men. I firmly believe this; and I also believe that without his concurring aid, we shall succeed in this political building no better than the builders of Babel: We shall be divided by our little, partial, local interests, our projects will be confounded, and we ourselves shall become a reproach and byword down to future ages (Chaput, 2014:17).

What we believe—or don't believe—about God profoundly shapes what we believe about the nature of the human person and the purpose of human society. Obviously, we have an obligation to respect the dignity of other people and their own basic rights as well. We're always bound to treat other people with charity, justice, and prudence. But that can never be an excuse for our own inaction or silence. In the Bible, the first three of the Ten Commandments govern our relationship with God. But the next seven outline our obligations to other people. Working to defend the dignity of human persons and the dignity of the human family is an obligation of our freedom (Ibid :2).

The statement proclaims that the church cannot simultaneously worship God and remain silent in the public life of its people. To be involved in the public life of Christians is simply another way of worshiping. Even if the role of the church is not to push political candidates, its role of training people to be good stewards of the world is an important one.

What is the church? Pennington (1996:1) distinguishes three types of churches:

- ❖ The Church can be a building where Christians gather to worship;
- ❖ It can be defined as an organization, in which case the church is just a structure for the management of believers' affairs;

- ❖ As an institution, the church becomes the people of God fulfilling the tasks the Lord gave them. The church consists of a group of people as there is togetherness between people because of their relationship to the Lord. The church is indeed a fellowship of believers, a group of persons who have been regenerated, born on the water and the Spirit, and become new creatures, born again through faith. Thus, the church becomes the body of Christ himself. All believers can be called people of God by mercy. Hence, the purpose of the church must be the strengthening of the fellowship of the people of God. This idea is indicated by the etymology of the Greek word "ecclesia" which means "gathering of people", or church (Schmidt, 1950:1).

Moltmann's theology considers the church as both an institution of civil society and the body of Christ (Paeth, 2005:232). It is an institution of civil society because the church is dwelling among human beings in society. It is the body of Christ according to its spiritual character. Moltmann identifies the church, according to its mission, as an "Exodus Church". The church is not only important in its institutional character but it is called to witness the promises of God personified in Christ. As "*ecclesia*", the church is a community of those who are "called out" for a specific task, as Moltmann puts it, **in, to,** and **for** the world. This is the church's *missionary* role. Therefore, the church must always be "on the move", always in a state of exodus. The church may not rest, contented with its position in social structures (Paeth, 2005 : 22-23).

5.3 Brief story of the "Eglise du Christ au Congo", the Church of Christ in Congo

5.3.1 The beginning of the ECC

The history of the 'Eglise du Christ au Congo' (Church of Christ in Congo) appears to be linked to that of the state. The first Protestant mission arrived in the DR Congo in 1878. Events involving the church began to intensify when Mobutu restricted religious liberty. He banished Christmas and Easter and tried to exclude Christian names. He wanted a return to authenticity (*retour à l'authenticité*) and he embraced tradition in his popular revolutionary movement (Mouvement Populaire de la Revolution, or MPR). The

seventies brought decree that forced all Zairians to join one of three permitted religious groups which were Catholic, Kimbanguist and Protestant. All the Protestant churches were gathered under the leadership of Itofo Bokeleale. Today, churches resulting from Protestant missions have been functioning in Congo for around one hundred years. They are mostly Anglophone (Garrard, 2013:131,132). The process of Christianisation was a difficult and long one. Since 1902 the various Protestant missions have tried to coordinate their fieldwork. The result of the vote taken in the General Assembly of the “Conseil Protestant du Congo” (Protestant Council of Congo) on the 3th March 1970 seemed to be welcomed by the government (Bibi-Bikan, 2002:). Until the vote members of Protestant missions had been gathered in the CPC (Congo Protestant Council) created in 1924. The council was in its early years run by Alfred R. Stonelake who in 1928 was replaced by Emoy Ross. All the coordinators of the Council were white men. The council did not operate as a legislative body, but as a representative grouping. Its role was, for example, to collect information about areas that had not yet been reached by the mission while it also planned the lobbying of the colonial government for the founding of schools, the obtaining of medical subsidies and of legal recognition of the mission by the government. The CPC did never force its will on members. Missions were free to withdraw their participation in the CPC without any threat to their legal status from the government.

Unfortunately, in June 1960 at independence, many structures, including the Protestant ones, were shaken as a result of the changed circumstances. The sudden departure of the missionaries who still occupied administrative positions of authority did considerable damage to the organisation of the church. There were not many black leaders who could maintain the organisational structure. The political change created many empty places in the church and churches were shaken by anxiety about continuing instability in government and politics. There was much bloodshed in the early years of the first republic (Hoffman, 1992 :71).

After independence (30 June 1960), national church leaders were chosen to run the CPC as a non-legislative group until 1962. The General Assembly of the CPC of 1969 wrote to the government not to grant legal status to any new missions because they considered themselves to be sufficient. Pastor Jean Itofo Bombanza Bokeleale from the “Communauté des Disciples” became the general secretary of the CPC and, in 1971,

the president. He was consecrated bishop on 16 May 1977 and replaced in 1998 by Marini Bodho, the current president of the ECC (Eglise du Christ au Congo). New legislation was introduced and the government coerced churches to form one single body that was recognized by Mobutu. The CPC changed its constitution at its 49th general assembly at Kinshasa (1970) and became the Church of Christ in Congo (Eglise du Christ au Congo), with the complicity of the state. As a result it lost the possibility of raising its voice to criticize the state. Many members, thus forced into the new structure, were not happy. In February 1971 a new group was formed, called "Conseil des Eglises Protestantes au Congo" (CEPCO) or Council of the Protestant Churches in Congo. When the group met in February 1972, the majority of Community members had joined CEPCO. The name was changed to CEPZA when the Congo became Zaire and was run by William Lovik. Pastor Bokeleale persuaded president Mobutu that the new group meant trouble and CEPZA was outlawed (Ordonnance-Loi N° 73-013 of 14/2/1973), forcing all Protestants to rejoin the ECZ (Eglise du Christ au Zaire, or Church of Christ in Zaire). The ECZ was made into the only legal Protestant church in Zaire. The church thus became increasingly an instrument of the state and many of the church's national leaders received the highest civil award called "Ordre de leopard" (Order of the Leopard), granted by president Mobutu.

5.3.2 The socio economical role of the Protestant church before 1970

Before 1970 the church was mainly run by colonizers. The state discriminated against the Protestants and favoured the Roman-Catholics. The general assembly held in 1943 in Leopoldville made some recommendations to the government, pointing out:

That this policy is developing in Congo a privileged class of Roman Catholics and seriously underprivileged class of Protestant Africans, heavily restricting the opportunities of the latter large group for effective participation in public life solely on the ground of religious affiliation...(Bibi-Bikan, 2002:207).

The colonial rulers were responsible for the degrading situation of the indigenous Protestants who were discriminated against and who suffered injustice. Injustice was the subject of a memorandum, sent by the protestant missions to the government. It

was heard by the prime minister who now recognized the equal rights of all confessions. The church wrote a letter thanking the government with the words:

They (councillors) rejoice in the removal of disabilities suffered hitherto by adherents of the evangelical church because of their Protestant convictions and they offer their respectful congratulations to the colonial Government on having thus extended the benefit of Religions Liberty accorded to the people of Colony by the Charter colonial to the important section of the African population.

5.3.3 The Protestant church during Mobutu's reign

The relationship between the Protestant church and the state during Mobutu's reign has by most scholars been strongly criticized. Garrard notes that "Protestant and Kimbanguist were good boys of the state and they became an extension of the MPR ("Mouvement Populaire de la Revolution" or Popular Movement of Revolution). Kabongo Mbaya was by the Protestant church of that time reminded of the Nazi regime. He thinks that the ECZ was playing what he calls "a manipulative role within the politics of the state in the same way that the Protestant church in Germany served the purpose of Hitler's regime" (Garrard, 2013:152).

This was indicated by the manner in which the church dealt with matters pertaining to state and government. This section will present some declarations and speeches by officials of the Protestant church that clearly demonstrate how the church at times failed to function as a critical voice.

1. « *Nous, membres de l'Eglise du Christ au Congo, réunis du 27 février au 7 mars 1970 à Kinshasa/Nganda, en 49^e session ordinaire de l'Assemblée Générale du Conseil Protestant au Congo, renouvelons avec reconnaissance notre **attachement indéfectible** au nouveau régime, au gouvernement que vous avez l'honneur de présider et au mouvement populaire de la révolution pour tout ce que vous avez réalisé durant ces quatre années stop la réhabilitation de notre pays aux yeux du monde stop la paix et la justice retrouvées stop le travail auquel **vous avez engagé l'Eglise du Christ au Congo** que nous représentons ici a pris sa part active non seulement dans les prières pour vous et vos collaborateurs mais aussi dans le développement de ses diverses œuvres stop l'année 1970 étant une année de bilan, nous, membres de l'Eglise du Christ au Congo reconnaissons que celui est **d'office positif*** »(General Assembly 27th February to 7th March 1970).

This statement announces in brief that the members of the Church of Christ in Congo, gathered from 27th February to 7th March 1970 in the General Assembly of the Protestant Council of Congo, renewed with gratefulness their indefectible attachment to the government and they automatically acknowledged the positive outcome of its balance sheet of governance.

2. « *Nous soussignés, membres du Comité Exécutif National de l'Église du Christ au Zaïre ..., déclarons solennellement notre **ferme** soutien au Président-Fondateur du Parti National, le MPR, Chef du Gouvernement et Général de Corps d'Armée, le Citoyen Mobutu Sese Seko* » (*Eglise et l'authenticité zaïroise, Kinshasa, Cedi, 1973*).

It means that the executive committee of the Church declared its firm support for the president and founder of the Popular Revolutionary Movement, Citizen Mobutu Sese Seko.

3. The opening speech of the national Council in 1975 by bishop Fama contained the following words: *Je profite de cette occasion chers Frères et Sœurs, pour rendre hommage au Président Fondateur du MPR et Chef de l'état, le Citoyen MOBUTU SESE SEKO, pour l'aide morale et matérielle qu'il ne cesse d'apporter au peuple zaïrois car il nous fait jouir d'une paix profonde et notre pays a obtenu de salutaires reformes par des soins prévoyants...Nous reconnaissons avec gratitude **toutes les vérités prêchées** par le guide et qu'il n'a cesse de dire tout haut au monde : 'Le M.P.R. n'est pas contre Dieu; nous sommes un peuple déiste' ..Qu'il trouve ainsi l'expression de notre **indéfectible** attachement et **notre sincère collaboration** dans son action qui sauve l'honneur non seulement des zaïrois mais aussi des peuples noirs d'Afrique* (Bibi-Bikan, 2002 : 281)

Summarised, the leader of the meeting began his speech by paying homage to the president for material help provided, for the peace in the country, and for all the truth preached by the "guide", in other words by Mobutu.

4. In the same Council meeting the president of the ECC declared: *Le Seigneur est avec les membres de l'Église tous les jours, dans leurs cœurs, dans leurs pensées, dans leurs vies, dans leurs paroles, dans leurs conduites, dans les temples, dans les champs, dans la forêt, dans la maladie, dans la tristesse, **dans la joie, au sein** du Mouvement Populaire de la Révolution.* (Bibi-Bikan, 2002:281).

The president declared that God is with all the members of the church every day in their hearts, their thoughts, their lives, their deeds, their diseases, their joy, within the Popular Movement of the Revolution.

5. In an attempt to fortify the people of God, the bishop Bokeleale wrote: *L'attitude du président Mobutu doit nous servir d'exemple. En voyage, au bureau, à la maison, dans les rencontres avec ses amis, il garde la dignité de chef, de zairois et de noir. Je vous demande de faire comme le Président Mobutu : Se forger une éducation morale forte et imposer une discipline à ses instincts* (Bibi-Bikan, 2002:282).

In translation: the attitude of president Mobutu should be an example for us. Whether he is travelling, in his office, at home, in meetings with friends, he always maintains his dignity as a black Zairian chief. I beg you to be like president Mobutu.

6. In 1972 at Christmas time he declared : *Tout le peuple étant dans le Mouvement Populaire de la Révolution, l'Eglise n'a pas de choix.*

These words mean that, as the whole population belongs to the Popular Movement of the Revolution, the church had no choice but to join as well. (Mobutu's revolutionary movement was at the time the only political party in the country).

7. The 6th session of the national council of the ECC began with an affirmation by the leader of the meeting, bishop Tshimungu Mayela:

*Grace soit rendue à Dieu, qui pour le Zaïre, a su nous donner l'homme qui connaît Dieu, le Président Fondateur du M.P.R, le citoyen Mobutu Sese Seko, à qui je profite de l'occasion pour rendre hommage. Depuis son avènement au pouvoir, nous avons la paix. **Nous nous sentons en sécurité...**C'est pour cela que je remercie tous les responsables de l'Eglise du Christ au Zaïre parce que depuis l'indépendance et depuis l'avènement du nouveau régime, **nous soutenons sans condition les autorités du pays, bien que ces dernières ne nous associent pas directement à la gestion de la chose publique.***

In English:

"Thanks to God who has given to Zaire [as the Congo at the time was known] a man who knows God, the President Founder of the Popular Movement of the Revolution, Mobutu Sese Seko, to whom I pay homage. Since his rise to power,

we have peace and we feel safe. Therefore, I thank all the leaders of the Church of Christ in Zaire who, since the advent of the new regime, continue to support our authorities unconditionally, even if these do not involve us directly in the management of public affairs”.

Kabongo writes that pastor Bokeleale, in 1975 in a World Council of Churches interview in Geneva, confirmed that Mobutu was the political Messiah of the Zairians (Kabongo-Mbaya, 1994:85).

Kabongo argues that such declarations were unusual as protestant leaders had mostly tended to keep out of politics .On the basis of many declarations such as those mentioned above, that favoured president Mobutu, observers and scholars concluded that the ECC was a political structure, “made by Mobutu” in order to control all the Protestants in the country.

We select some key points in church declarations made during the Mobutu period. They constitute fourteen statements by the church and referring to the government, or more specifically the president, that make the church look like a servant vowing his attachment to his boss.

1. *Attachement indéfectible* (indefectible attachment): The church promised support without failure to Mobutu’s reign.
2. *Vous avez engagé l’Eglise du Christ au Congo* (You have engaged the church). Could the church possibly has been enjoyed a right to free expression if it had been engaged by the president? It seems that the church was getting its mission from somebody else than God.
3. *Celui-ci (bilan) est d’office positif.* (Your balance sheet is undoubtedly positive). How did the church come to this conclusion? However, maybe there was after all a bit of doubt because in another statement the church remarks, in a less positive vein, that the government has not involved it in the management of public affairs.
4. *Notre ferme soutien au Président-Fondateur du Parti National, le Mouvement Populaire de la Révolution.* (Our firm support to the founder and president of the National Party, the Popular Movement of the Revolution). It is suggested that the church’s support for Mobutu is solid.

5. *Toutes les vérités prêchées par le guide* (All the truths preached by the guide). Declarations, decisions, ideology made or proposed by Mobutu were all accepted as true and nobody challenged them. Considering this statement, the church's attitude in practice was not surprising.
6. *Notre sincère collaboration* (Our sincere cooperation). The church promised not to betray its relationship with the government and the president.
7. *Le Seigneur est avec les membres de l'Eglise tous les jours... au sein du Mouvement Populaire de la Révolution* (The Lord is always with the members of the Church... within the Popular Movement of the Revolution). According to this statement, the Popular Movement of the Revolution was itself a link between the Lord and his people.
8. *Mobutu doit nous servir d'exemple* (Mobutu must be an example for us). It means that the church and its members must follow Mobutu as he preached the truth. Only Jesus is the way, the truth and the life.
9. *Tout le peuple étant dans le Mouvement Populaire de la Révolution, l'Eglise n'a pas de choix* (As everybody is in the Popular Movement of the Revolution, the Church has no choice).
10. *Grace soit rendue à Dieu, qui pour le Zaïre, a su nous donner l'homme qui connaît Dieu* (Thanks to God who provided Zaire with a man who knows God). Presumably those who made this statement had sufficient proof of Mobutu's conversion. Otherwise, the church would not have announced him to be a man who knows God through his Son Jesus, to be led by the Holy Spirit.
11. *Depuis son avènement au pouvoir, nous avons la paix. Nous nous sentons en sécurité* (Since his advent to power, we have peace. We feel safe). Mobutu was presented as a prince of peace and a provider of safety.
12. *Nous soutenons sans condition les autorités* (We support without condition the authorities). This support of the church could be qualified as blind support. The church ceased to be prophetic and declares to be partial.
13. *Bien que ces dernières ne nous associent pas directement à la gestion de la chose publique* (Even if the authorities do not directly involve us with public or state management). There is a hint of a complaint in this sentence. Although the church could almost be considered as a servant of the state, church leaders were not

always satisfied with the salaries they received. But what should we think about the ambition of our church leaders to be active in the management of public affairs?

14. *Messiah of the Zairians*. This abuse of the Messiah shows the church in a very negative light. It was committing a heresy. Which salvation did Mobutu bring? We do not necessarily think that Mobutu did not do anything at all for the country, but the theological context of Messianism is, in any case, too powerful for the concept to be used in relation to a person. Calling Mobutu a Messiah might fit in with the idea of “African authenticity” whereby Christ is considered as one of several Messiahs, like Kimbangu and similar personalities.

There was in the relationship between church and state in the Congo from the seventies until 1990 an almost total lack of balance. Talking about accountability between church and state N’Kwim, quoting Christiaens and Dermange, writes:

En tant que chrétiens, nous ne devons ni sacraliser ni déprécier l’Etat... Tout en reconnaissant la légitimité des fonctions et du pouvoir de l’Etat, l’Eglise ne doit jamais devenir son esclave ou son instrument (Bibi-Bikan, 2002 : 353)

In English: Christians must not worship the state as if it were sacred, nor belittle it... While we must recognize the legality of the roles and the power of the state, the church should never become its slave or its tool.

Linking the above statements, the church had indeed become a very strong tool of the government. We only need to read the memorandum presented by the regional executive committee of the ECZ after the conference held by the UDPS (the opposition party) at Mbuji Mayi, announcing that the church on 25 February 1990 would raise its voice. It seems that this fact could be a regionalism support of Etienne Tshisekedi from Mbuji Mayi. It was in that context that the church in Kasai now wrote to the WCC:

L’Eglise sur place a rompu ainsi son long silence. Elle a accompli son rôle historique de Libérateur. Nous avons donc besoin à ce moment précis de vos prières et soutien moral (Kabongo-Mbaya, 1994:85).

It means: the church has broken its silence. It has accomplished its historical role of liberator. We strongly need your prayer and moral support. The church mentioned its prophetic role according to Ezekiel 3.17-20.

On March 30th 1990 the national committee of the ECZ would finally really raise its voice in a memorandum to president Mobutu that, according to several scholars, was introduced very courteously as follows:

ECZ saisit cette opportunité pour louer et apprécier ..., Votre haut degré de patriotisme et Votre courage politique d'avoir initié la Consultation populaire ... C'est un acte de haute portée politique qui traduit, d'une part, la hauteur de responsabilité de celui que Dieu a placé depuis 25 ans à la direction du pays ...

The church states here its appreciation of the political courage of the president who initiated popular consultation in the country.

A national church document proposes that Mobutu should establish a multiparty system. The two documents – produced by the church at national and regional level - took different views of the political situation, the regional document seems rather too harsh and the national paper speaks of agreement and support but proposes some alternatives.

The declarations made by the Protestant church were the first critical sounds since the marriage in the seventies between the church and Mobutu's government.

Afin de rendre possible le contrôle de l'action gouvernementale et des autres organes du pouvoir, le Président de la République devrait autoriser l'existence de deux formations politiques au minimum ou de 3 au maximum dont le cadre d'action devrait être défini par la constitution... Nous sommes convaincus que les partis uniques, qui ont certes accompli d'importantes réalisations dans le pays en voie de développement en général et en République du Zaïre en particulier, n'ont plus d'avenir, à notre humble point de vue, à long terme, pour des générations futures. Cependant, même si ce peuple vous encourage de continuer avec un seul parti politique, notre Eglise, Eglise du Christ au Zaïre, estime et reste convaincue qu'il vous faut utiliser l'attachement et l'amour que le peuple vous porte aujourd'hui pour l'initier au pluralisme politique demain sans tarder (Bibi-Bikan, 2002:284).

This statement presents the church's proposition to the president to liberalise the political system by allowing the participation of at least two political parties. The church

announced that it could no longer consider the only political party that since many years had served the country as adequate for the future. The church furthermore stated that, even if the population would encourage the government to continue with the one party system, the church is convinced that the attachment of the people to the government should be used to prepare them, without delay, for democracy.

It seems that this recommendation was fruitful and it put the multi-party system on the political agenda in the Congo. On April 9th 1990 the Catholic bishops presented their critical memorandum to the Mobutu government that was very objective.

Many propositions presented at this congress of the church would later be referred to in Mobutu's speech on April 24th 1994. The proposal of Bokeleale to establish a multiparty democracy with two or three political parties was mentioned in exactly the same words by Mobutu. Some analysts noticed that many paragraphs of the proposals made by religious leaders were literally repeated in Mobutu's speech. Some actually suspected that the church had adapted its draft-text to reflect literally what the church leaders knew that Mobutu would say in his speech. Kabongo mentioned two reasons to suspect that church leaders and Mobutu had been in cahoots. The first reason is that the church leaders used several themes that occurred in Mobutu's speech. The second one is that the church leaders were not sufficiently independent from the state to dare to propose the political switch of their own accord. However, we think that the church made its proposition on its own initiative and that this is evident from the second part of its proposal.

Cependant, même si ce peuple vous encourage de continuer avec un seul parti politique, notre Eglise, Eglise du Christ au Zaïre, estime et reste convaincue qu'il vous faut utiliser l'attachement et l'amour que le peuple vous porte aujourd'hui pour l'initier au pluralisme politique demain sans tarder (Bibi-Bikan, 2002:284).

It states that, even if the people encourage you to continue with the system of a single party, the church is of the opinion that the population must urgently be familiarised with a multiparty system.

In his speech at Nsele on 24th April 1990, president Mobutu used a style that was obviously inspired by the memorandum of the church. He told the people that, even if many of them wanted him to persevere with the one party system, he had decided to open the doors for political pluralism. Mobutu mentioned that in popular consultation 87 percent of the people agreed to maintain the MPR as only party after some reforms. Only 13 percent suggested multipartyism.

*Après avoir mûrement réfléchi et contrairement à mon engagement de suivre l'opinion de la majorité, j'ai estimé, **seul devant ma conscience**, devoir aller **au-delà des vœux exprimés par la majorité du grand peuple du Zaïre**. Aussi, j'ai **décidé** de tenter de nouveau l'expérience du pluralisme politique dans notre pays en optant pour un système de **trois partis politiques**, en ce compris le Mouvement Populaire de la Révolution, avec à la base le principe de la liberté pour chaque citoyen d'adhérer à la formation politique de son choix (Mobutu Seko, 1990)*

In brief, Mobutu said that he had deeply thought about the question and, contrary to the wish of the majority but being led by his own conscience, he had decided to give the multi party system another try.

Analysing the pastoral letter of the executive national committee meeting at Goma after the launch of multipartyism by Mobutu, it would appear that the Protestant church leaders felt much freer and the document they produced was more objective. Thus, the closeness of the relationship between the church and Mobutu's government had turned to neutrality and the Protestant church was the first to propose a "Conference Nationale Souveraine".

Looking back on the history of the Protestant church in the Democratic Republic of Congo, during the colonial period the Catholic church was the good boy of the colonial government. The Catholic church at the time was a lot like the colonial government with which it shared many interests. The Catholic church could even be seen as a state within another state, even as a state religion. After the convention of 26th May 1906 the state had been hand-in-glove with the Catholic church. The church had an influence on state management (Muntu-Monji, 2009:71-72). Immediately after independence, the Catholic church would have liked to continue this close relationship with Mobutu's government. The following words by Malula show the way in which the church addressed Mobutu.

Colonel, nous fondons nos espoirs sur vous...Combattez le lumumbisme jusqu'au bout. Nous sommes derrière vous et nous vous soutenons puissamment sans réserve (Diakubikua, 1984:105).

This means: Colonel, we base our hopes in you... Fight Lumumbism until the end. We are behind you and we strongly without reservations support you.

Some historians are actually of the opinion that the Catholic church was in favour of getting rid of Lumumba eliminating Lumumba because he had Protestant roots in addition to being too much of a nationalist (Ibid:105). However, the Catholic church became distanced from the state and in 1972-73 they were in conflict with each other. The church began to feel that it was hated and persecuted by the state. As a result the Catholic church began to criticize the government, raising its voice through cardinal Malula who had many issues with president Mobutu. The president in his turn said that Malula was interfering. The government took many decisions of which the aim was to curtail and punish the Catholic church. Examples are the establishment of the "Jeunesse du Mouvement Populaire de la Revolution" in all schools, the closing down of the Catholic seminary of Jean XXIII in January 1972, the abolition of Christmas celebrations on 26th June 1974, the abolition of religion as a subject in schools and its replacement with "civism" on "Mobutism". The climax came in December 1974 when the Protestant and Catholic College of Theology were thrown out of the National University of Zaire.

In my view, the Protestants were set on winning Mobutu's heart with all their loving speeches. In the colonial period, the Catholic church had been in the good books of the government while the Protestants felt neglected. During Mobutu's reign, the roles were reversed. The above-mentioned memorandum of the "Conseil Protestant au Congo" strongly criticised the injustice of the colonial government and sought more rights for the Protestant church. Once these rights were granted, the tone of Protestants addressing the government radically changed and they offered their "respectful congratulations to the colonial government on having extended the benefit of religious liberty to the people". What does this mean?

The ECC beyond reproach

Garrard cites many criticisms of the Protestant church's attitude during the presidency of Mobutu.

- ❖ During the ethnic killing in Rwanda, when the legal army killed two thousand persons in Kivu, between October and November 1993, the Protestant church kept silent, failing to criticize Mobutu's regime.
- ❖ The failure of the church to raise its voice regarding the atrocities against Kasaians in Katanga. More than thousand persons who were working in the mining industry of Kolwezi, Likasi, were forced to abandon their homes and chased away. Only the Shaba's regional ECZ tried to write a statement of protest to the government, but the regional church authorities were afraid of the state's reaction and dropped the matter. At national level in the church not a single initiative was taken to condemn the state's behaviour.
- ❖ Kabongo is of the opinion that the Protestant church failed by remaining silent during the massacre, in 1990 on Mobutu's order, of students at the University of Lubumbashi (Unilu). Again, only a regional bureau expressed its concern about the massacre but the national executive of the church showed no interest. However there is no total agreement on this matter. There are claims that the Protestant church, through its national executive committee, gathered at Goma from 29th July until 1st August 1990, strongly condemned the massacre of students as well as other abuses committed. The committee wrote that it:

- ✓ *Approuve le mémorandum envoyé par le Président National de l'ECZ et en fait sien.*
- ✓ *Condamne et désapprouve les incidents qui ont emmaillé les universités et les instituts Supérieurs et réclame justice pour tous les dommages subis et les pertes en vie humaine.*

Which means that the national executive committee approved the memorandum sent by the national president (surely to the government) and appropriated it. The committee condemned the murders on many universities and colleges in DRC and asked that justice be done.

Many scholars asked the ECC, the Protestant church in Congo, to cast off the chains of marriage with the state and to establish the real independence that would provide it with a *raison d'être* in the society. In spite of the ECC originating from first-world French Protestantism, Kabongo writes that Zairian Protestantism was not well known.

Currently, since 1998, the ECC is under the leadership of bishop Marini Bodho. The church consists of 72 communities with 25.504.220 members, 320.101 parishes, 16.730 pastors and 1.265 missionaries. It runs 4.560 primary schools and 1.860 high schools that employ 54.800 staff members. There are 10 Protestant universities, 11 theology colleges and 22 colleges of technology. In the health sector, the church has 63 hospitals, 1606 surgeries, and 23 leprosy centres (ECC, 2007).

5.3.4 The Protestant church, human rights and child soldiering

In the 12th session of the National Council of the Church, the following was declared.

L'Eglise du Christ du Congo, fidele a sa mission prophétique et sacerdotale: Condamne l'agression et la guerre imposée au peuple congolais par le Rwanda, l'Ouganda et leurs allies...

The translation of which reads: The Church of Christ in Congo faithful to its prophetic mission condemns the attack and the war imposed on the Congolese people by Rwanda, Uganda and their allies.

About violence in relation to dignity, the 11th session of the council stated:

Que l'ECZ rappelle au tenant du pouvoir Zaïrois sa dignité, son identité et sa liberté...L'ECZ a la mission de témoigner contre toute violence et contre toute oppression.

Meaning that, the ECZ reminds those in power in Zaire of the church's dignity, identity and freedom. The Church has the mission to fight against violence and all kinds of oppression.

During this decade, the church seems to keep silent on certain political occurrences in the DR Congo. The last National Council in 2010 acknowledged this silence of the church. In its 15th session, it declared:

Considérant que l'ECC ne sais pas souvent prendre position ou ne se prononce pas clairement face a certains événements et/ou circonstances qui surviennent dans notre pays...Le Synode National recommande a la Présidence Nationale de l'ECC d'être attentive et de se prononcer clairement, et, ce, avec une impartialité face a des questions et autres réalités qui touchent a la vie nationale (ECC, 2010:96-97).

In translation: In view of the fact that the church does often not know how to take position or does not make clear pronunciations in relation to certain events and/or circumstances in the country, the National Council recommends that the national presidency of the church should be attentive and raise its voice impartially on issues of national importance.

The same council spoke out on the destabilized situation in the East of the country. They advised the government to make sure that the army had competent, trained and educated men at its disposition. The council also pleaded with MONUSCO (*Mission Onusienne pour la securite et la stabilisation du Congo*) to play its role in the stabilization of the DR Congo effectively (ECC, 2010:98-99). More efforts were made by the church in relation to some declaration on war and human rights. However, much is left for the church to be done. Its dealings with issues of human rights for example are characterised by a lack of depth. The church has never specifically dealt with the child soldiering phenomenon which casts such a blight on the country. It is seen that the church did not take clear position on human rights.

5.3.5 Child soldiering: A real human dignity abuse in DR Congo

The present section summarises some of the arguments that convincingly define child soldiering as a serious abuse of human dignity.

Dignity has been described as the minimum of value that has to be ascribed to individuals in order to allow them a life as authentic beings. To deny or to suppress individuality, personhood and humanity, constitutes an abuse of dignity. The abuse of dignity leads some victims to commit suicide as they have a sense of being annihilated - materially, socially, or ontologically. Others become rebellious. Oprisko defines the rebel as an honourable individual who seeks to restore his dignity and the dignity of others who share his troubles (2012:130). Children, who are forced by rebels to take part in

warfare, become at the same time, under duress, themselves. Militias and rebel groups in the DRC and elsewhere think they can realise their goals by using children in violent conflicts. The worst is that this ultimately leads to an increase in rebellions worldwide.

1. Children are full human beings as the blueprint of human nature is, biologically, present at conception and, theologically, much earlier than that in God's plan. Children have all the human potentials and possess the fullness of humanity as God dwells in them. They have human dignity that needs to be respected and protected. Using them in child soldiering is to ignore the protection they deserve.
2. The sacred essential worth implanted by God in each human being, including children, must be protected. Using a child against its will is to desacralize the divine part in a human being.
3. According to the logic of the Jewish understanding of dignity, "the humiliation of the individual causes the humiliation of the entire human race" (Shultziner, 2006:670). The humiliation of children by making them take part in warfare means that the entire nation - the DR Congo as a whole - is humiliated. Following the same line of thought, child soldiering is not just an abuse of children, but also a human dignity abuse. Furthermore, by humiliating a child that belongs to the church, the church in its entirety is humiliated.
4. Moltmann's experiences in and during the Second World War make clear that the use of children in war constitutes a human dignity abuse. As Moltmann states: "War stories are not stories of adventure. They are stories about destruction and death". People suffer violence and extreme humiliation. They feel they are considered as tools without value. All this is happening to child soldiers in the DR Congo who function in militias as porters, or as maids and sex slaves.
5. . The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was signed in 2000 and ratified in 2001. Child abuse is a real offence against this convention.
6. There is a lack of protection of Congolese children against child soldiering. As demonstrated in the previous chapter, the constitution of the DR Congo does not guarantee the basic rights of citizens in regard to child soldiering. Moltmann

writes: “A constitution must guarantee the fundamental human rights as basic right of the citizen, in those who are ruling and those who are ruled”(1984:24).

7. Finally, child soldiers are exposed to the danger of many post-war consequences. D’Alessandra, in a study about the psychological consequences of being a child soldier, notes that most suffer from headaches, nightmares, anxiety, stomach aches, enduring sadness, and a desire to commit suicide (2014:9-10).

5.4 What can the ECC do to mitigate child soldiering?

Nakah suggests that the role of the church in relation to the youth must go beyond its involvement with the Convention of the Rights of the Children. The church must promote the holistic development of children (2012:125). Military and other violent conflicts are among the big challenges of the African church. As Nakah states:

If Mama Africa cannot look after her children, what about the Church? The Church will not do it if seminaries are producing graduates who do not have a vision for the child and have not been taken captive by the message of Christ when he put the child in the midst (2012:126).

The attention of the church must be focused on the children. The church should not pay attention to child soldiering because it happens to be involved in the UDHR, CRC and other international tools but rather because it is aware of its responsibility and mission in the world.

There are many examples of the church playing a role in social conflicts. When African-American women in the USA for example came in action against their social status, black families were morally strengthened by black churches and encouraged to respond to domestic violence. The church’s action was limited and inconsistent, but it certainly contributed to the alleviation of domestic violence. In the early stages of the violence, the Scripture was still used to placate women. But soon the training of clergy was extended to include problems of domestic violence. The pastors became well equipped to respond to the phenomenon (Bent-Goodley et al., 2012:52-53).

In the case of the DRC however, we have not seen an important degree of involvement of the Protestant church in specifically child soldiering, even though the church has

made some interventions in other human rights areas. It would seem that the question of child soldiering was by the church not seen for what it is, namely a threat to the country. One could suggest various possible reasons for the total silence of the church on this issue.

- ❖ The church possibly thought that child soldiering was a political issue and not its responsibility.
- ❖ The church felt it lacked the clout to deal effectively with the problem,

The church was ignorant of what goes on in child soldiering. However, on the basis of the following points the church may still fulfil its prophetic role in regard to child soldiering.

5.4.1 Awakening to responsibility

In a society where atrocities are common, the church's sense of responsibility should lead it to become engaged in promoting the safety of people. That is what "doing theology" means.

In my view, the awareness of responsibility is the first step to the church involving itself with the child soldiering phenomenon. The church first has to be conscious of the relevant facts. It should no longer aspire to interfere in the business of the state, but perform its prophetic role in freeing the oppressed, in this case the children made soldiers.

Max Weber in his "ethic of responsibility" defines the Christian ethic of responsibility as being the salt and light of the world and inspiring Christians (the church) to identify and fulfil their moral vocation in the world. To be involved in the human abuse of child soldiering is to obey the commands of God that don't consist only in gathering every Sunday to sing and dance and listen to the word without practicing it in daily life. The story of the Good Samaritan in Luc 10.30 is calling out to the church to break its silence. The church is like the priest and the Levite who noticed the wounded man and passed by on the other side of the road. The sad truth of this story is that compassion was not found in the "church" but outside it. Many religious leaders think along similar lines. They reckon that the answer to human dignity abuses such as child soldiering will come

from elsewhere, from politicians or from one or another international organisation. True faith must be lived concretely. Not acting on the phenomenon of child soldiering means participation in the violation of children. How can the church overcome what possibly is its sense of powerlessness and get to grips with the problem? Individually little can be done. In order to achieve significant change, it would be best to learn to work together. The church as an organization, together with other organisations can protest against the use of children in warfare and affect concrete measures against the abuse, oppression, discrimination, and exploitation of the human beings that children are. When institutions act on their shared responsibilities, problems can be overcome. Dietrich Bonhoeffer defines a sense of responsibility as the willingness to endure for somebody else's sake. It is a vicarious action such as God's act of re-creating humanity through Jesus. God did reconcile and recreate broken humanity. The Democratic Republic of Congo needs a vicarious church to overcome child soldiering. For the church to be able to live the death of Christ, it cannot allow the abuse and the unjust death of children.

Goodley proposes that preachers should use their sermons to explain to parishioners what God expects from people in their daily lives (2012:56). The church's sermons should alert parishioners to their social responsibility. People's understanding of the Bible should have implications for decisions they make in the context of their realities. The ability of the Scripture to teach people true values should be optimally used.

5.4.2 The role of true light

Often negative situations are not turned around because of unproductive decisions. The church should aim to make decisions that correspond to the concrete reality of people. Their needs and suffering must be taken into account by the church, although its primary function is not to provide material aid. But the church must give more of its time and energy to analyse, in the case of child soldiering, the symptoms and causes of the phenomenon. Often non-governmental and other organisations don't achieve more than a little development through humanitarian projects. In Africa, many international organisations fail because the African context is not understood. For example, Westerners come to work in Africa, or more specifically Congo, building on their European political and economical background without taking the special characteristics of Congo and its problems into consideration. Most of the solutions these Westerners

want to introduce in Africa are conceived in relation to their own political or/and economical interest. The church should consult with these people to avoid the failure of their efforts. Returning for a moment to the case of the African-American black women who acted on the phenomenon of domestic violence, in addition to sermons, the church also established a “domestic violence ministry”. This ministry allowed the church to be involved and respond to domestic violence. The ministry offered a practical way to solve the problem. It is important in churches to have particular ministries for specific purposes. The DR Congo has a youth ministry, *le Carrefour des jeunes* that teaches the youth. But it would also be suitable for the church as a way to deal with specific youth problems in the DRC such as street children (*Kuluna*) and child soldiering (Bent-Goodley et al., 2012 : 55-56).

Kabati mentions that when conflicts were running high in the East of the Republic, the provincial organisation of the ECC, called RIO (*Reseau d'Innovation Organisationnelle*) empowered churches in their engagement with the violence by holding seminars and workshops for leaders. The organisation provided training that was aimed at facilitating the cohabitation of all the different tribes. The RIO was involved in the reconstruction of civil life after the various the presidential and municipal elections. One of the RIO workshops had as objective the teaching of people in leadership positions (Kabati, 2008:86). These organisational activities are just a sample of how the church can engage with specific problems in society. One of these problems is child soldiering. The phenomenon will be addressed, and possibly removed, when the church finds itself able to answer the question: Do the DR Congo churches have sufficient structures to deal with the child soldiering issue?

We agree with De Villiers that genocide, murder, assault, rape, torture, child soldiering and other violations are profoundly upsetting too many Westerners. They respond strongly to some of these violations and even to all of them. But even so, solutions are only practicable if they take the moral values that are the basis of African society into account (De Villiers, 2010:272).

The best way to influence the social sphere is by running with functional principles. Many African people are still in need of the fulfilment of fundamental living conditions. Chapter 2 discusses how basic conditions continue to be a formidable challenge in the DRC, including infrastructure, education, health, and so on.

5.4.3 Pressure

Pressure is generally perceived negatively. It means: To expose a person to a strong persuasive force in order to get him/her to do something.

De Villiers argues that the church ought to realise that African countries are economically worse off today than a few decades ago (2010:270)

The African church must respond to this situation. Globalization has, in the African context, negative results. The church should stimulate respect for human rights by explaining to its leaders and membership how to put pressure on the government and on international organisations. The church must not complain about rights when it is confronted with discontented people, but it should approach the government and claim people's rights. The fulfilment of basic needs must come before any other action is taken. The church has to be aware of the suffering of people as a result of poverty, oppression, economic exploitation, and violation of human dignity. The responsibility of the church is to take care of its people.

Mostly, ignorance hampers the church's involvement. Leaders are often not well informed about what is happening in the country, for example about children fighting wars. The above-mentioned American experience led to enhanced training of leaders. Along similar lines, the church in the DR Congo could boost opportunities for the further education and training of its leaders at all levels. Once the leaders know the facts, they are better placed to address the child soldiering phenomenon and to treat it as a huge challenge to the country. As Goodley suggests, training and educational efforts can assist clergy in understanding how their messages can be used to assist survivors, maintain safety, and to lift the spirit of individuals struggling with this issue (Bent-Goodley et al., 2012:60). In many situations the church seems to be lacking in strength. However, the history of church–state relations in the former Soviet Union tells us that, seventy years long, the church could not be the “active and independent spiritual force” that it ought to be (Gorenburg, 2014:4).

However, in the post-Soviet era it soon regained its full power. The church can use training to inform its leaders of the many resources available in communities that can be used to support it when it faces problems that it isn't familiar with, such as child

soldiering. Through training the leaders can also empower each single member of the church to serve as a vehicle of support or of change in the context of the child soldiering phenomenon.

The pressurising function of the church can be preserved according to its mandate. Calvin states that the “political authority has its mandate from God only for one purpose - to care for the common wellbeing and the common peace” (Kuber, 2011:62). It is the task of the church to remind those in power of their responsibility to promote peace and the common good. The role of the church in DR Congo is to discourage those who are using children in war and to remind them that a child is an entire image of God. If the child is abused, God himself is abused. I agree with Bonhoeffer that “things do exist that are worth standing up for without compromise. To me it seems that peace and social justice are such things, as is Christ himself” (Kuber, 2011:62). According to Kuber, the church as a community of action should be characterised by education and justice. The church must encourage a critical dialogue with political figures and pressurise them to rule in accordance with law and justice and do all they can to promote peace. Pastoral care for those in power should encourage them to always follow the voice of their conscience (Kuber, 2011:65). The present study reveals that the church in the East of the country was more concerned about the conflict in the DR Congo than the national church, because they were close to the area of dispute and they had to face the problem directly.

Many church leaders suffered from a sense of repression as a result of their political involvement with, and pressure from, the government. Not being partial but looking only for the well being of the people. These leaders were highly critical, both of the government and the rebel groups. Some church leaders were forced out of their homes or wounded and maimed. In 2001, the church in the South of the country exercised much pressure on political groups and the international community. The result was the signing of the peace accords in Lusaka and in South Africa. Churches simultaneously put pressure on different political movements at local levels through organising dialogues and peace rallies. Catholic and Protestant churches initiated joint meetings to engage rebel groups in the occupied territories. They discussed how to maintain the peace in these territories. Churches frequently called upon the international community to intervene in the DR Congo and there was indeed international pressure to stabilise

the country. During the conflict period many church leaders went out to teach the people about their rights. The church in the East was involved with the political situation. Those in Kivu province were committed to enlighten the people. They encouraged them to stand against human rights abuses and to refrain from taking up arms. During this troubled period the church was perceived as the most significant voice speaking for the population. Kabati, quoting Nkunzi, writes: "To be the true voice of those without a voice is the role of the Church in all countries which are in a state of conflict, or victim to dictatorship and oppression" (Kabati, 2008:114).

Unfortunately, there were also church leaders who served on the provincial Security Council and who were responsible for the deterioration of security in the region. Many of them were linked to political movements or rebel groups in their communities (Kabati, 2008:117). Church leaders who belonged to a certain political group or party generally failed to enforce some measure of balance on their communities. When a church leader becomes involved in a political group, the church ceases to be church and fails in its mission.

5.4.4 Foresight

The church needs to be capable of some foresight. For example it needs to realise the explosive of the child soldiering phenomenon the results of which threaten not only the country but the entire church.

Each option in every area of life has consequences. What the church decides today for its people, especially as regards the issue of child soldiering, affects the future. Today's decision is tomorrow's responsibility.

Through faith, love and hope, humanity can be restored to people. Similarly, human dignity can be restored through reconciliation, human dignity and rights (Moltmann, 1984:31).

The position as ascribed above still seems to involve some interference of the church in matters of state. Jesus was executed for a political reason. He was accused as a political criminal. His teaching was focused on a political metaphor, namely "*basileia*" of God: which means reign of God, or dominion of God, country of God, Kingdom and property of God. It is practically impossible to avoid politics, however much we might

want to do so. We agree with Hoffmeyer who says: “Trying to be politically neutral equates to support for the existing order. If you are not doing something to change the way things are, you are letting things continue the way they are”(Hoffmeyer, 2013:169).

One event during the conflict in the East of the DRC drew much attention. It concerned a rebel movement that refused to allow students' exam papers to be sent to Kinshasa for marking. On 16th June 1999, on African Children's day, the Catholic archbishop Kataliko exclaimed:

To Christians of our church we have the duty to defend the rights of children, to inform them of their rights, and to help them to reclaim them without violence and to accept to commit themselves body and soul for the protection of the human person. To be silent facing this flagrant violation of the right of our children will be a contradiction if not a complicity. A Christian cannot subtract himself from his duties because they have as principal mission to be witnesses of Jesus Christ who made himself a child and loves children. They are the future of the country and of the church (Kabati, 2008:82,83)

This extract from the archbishop's speech illustrates the kind of message he wanted to communicate to the congregation in the period of violent conflict. To give strength to the children he said:

Don't ever accept the mentality of a society that destroys or annihilates your rights. Discern with your educators the values that build your personality, adopt them and execute them humbly but firmly. Never cease to learn (Kabati, 2008:83)

This kind of personal message giving children encouragement is what is needed from the church. Marcia Bunge argues that our worship services, our educational materials, and many other aspects of child and family ministry can be positively impacted by applying a theological anthropology that takes children into account. Bunge concludes that child theology can draw on analogies with feminist, black, and liberation theologies. It has two tasks: the first is to strengthen the commitment to understanding the voiceless, marginalized, or oppressed. And the second task is to use a fresh language in such a process.

Bosch acknowledges that the mission of the early Christians has been a political and revolutionary one. He agrees with Ernst Bloch that it is difficult to wage revolution without the Bible (Bosch, 2011:48).

Quoting Niebuhr's definition of the difference between institution and movement, Bosch says:

Intimately linked to this first failure of the early Church is a second: it ceased to be a movement and turned into an institution. There are essential differences between an institution and a movement. H.R. Niebuhr (following Bergson): The one is conservative, the other progressive; the one is more or less passive, yielding to influences from outside, the other is active influencing rather than being influenced; the one looks to the past, the other to the future; the one is anxious, the other is prepared to take risks; the one guards boundaries, the other crosses them" (Ibid:40).

The conservatism of the church can hinder its progressivity and make it passive as it takes account mainly of rules and laws. The danger of such a church is that it can be influenced from outside without itself exercising any influence on the outside world. The true church looks at the future and is prepared to take risks and cross boundaries.

5.4.5 Restoring the human dignity of child soldiers

We naturally are happy on Sundays in our churches when we feel that the service is powerful, joyful, and that there are plenty of people. Surely, we are even happier if our burdens are removed and pressures yield. Thinking along the same lines as Moltmann (1973:26), how could our joy possibly be complete and perfect, if we are worried, depressed, and tortured by the state of the world and of our country? The condition described in Psalm 126 is not yet ours. Human beings are mistreated and sometimes Congolese feel like foreigners in their own land. How could the Congolese sing songs in praise of their land? How the church in DR Congo could be rejoicing, singing, laughing without a care when the killing of innocent people continues, when human dignity is not respected and children are abducted to be used in war as weapons or as sex slaves?

Christian faith is rooted in God's involvement with the world. Christians should respect this example and accept responsibility in a concrete way. The Bible is not simply a book of faith but it is also a book that empowers us and that is relevant to current social needs. Moltmann explains that "the Church needs the Bible as its foundation and the public discussion as a check" (Paeth, 2005:217).

In Moltmann's view, following Heschel, Steven Land, and Solivan, the Pentecostal churches should be considered as engaging with the suffering of Christ. A church ought to be narrowly bound to those who suffer in the community. Moltmann believes in a pathetic God, who is "touched and moved by our brokenness". The pathetic character of God is seen in Christ himself who is the fullest expression of *orthopathos*. This *orthopathos* is empowering our lives through the Holy Spirit sent by the Father and his Son Jesus. Thus, the church becomes "the church for those who suffer" (Green, 2010:141) as well as the church for the voiceless, the weak, the people without rights and the defenceless children abducted to function in warfare. Although children are human beings, the Bible considers them as vulnerable. Many Bible passages command us to help widows and orphans as the most vulnerable members of society. Bunge underlines that the Bible describes the suffering of many children through war, disease, or injustice (2008:352).

The ordering of men to war is discussed in Numbers 1.1-3:

Now the Lord spoke to Moses in the Wilderness of Sinai, in the tabernacle of meeting, on the first day of the second month, in the second year after they had come out of the land of Egypt, saying: Take a census of all the congregation of the children of Israel, by their families, by their fathers' houses, according to the number of names, every male individually, from twenty years old and above-all who *are able to* go to war in Israel. You and Aaron Will number them by their armies.

From Abraham to the beginning of Saul's reign there was no regular army in Israel. They used to call men up at the moment of crisis when they had to respond to foreign attacks. When Lot was kidnapped by Chedorlaomer, king of Elam, and his allies in Genesis 14.14, Abraham gathered 318 trained men. Training of the men is important also in the time of Abraham. The way in which men are selected for the war is clear.

The first factor considered for enrolment in the group of fighters is the age of a candidate. The Bible talks about “men”. At the time persons younger than twenty could not enter public service.

The second requirement for joining was training. Those who were accepted to respond to foreign attacks were trained. Training is a process of teaching or learning a skill or job. It is also a process of improving physical fitness by exercise (Dictionary, 2009b). Even in the time of Exodus, when the entire nation was changed into an army, only the *men* (Exodus 17.9) from every tribe participated in warfare. The word used in the passage concerned is *anoshim* from *enosh* which means “immortals”, “individual men”, “human beings”. Van Gemeren suggests that there are probably no major differences in meaning between *enosh* and *adam* (1997:455). They both mean “human being” or “man” (in the generic sense).

The choice of Jesse to send his three eldest sons to follow Saul into battle against Goliath is not hazardous. Probably the youngest, David, was not considered due to his age. The text also uses “man” when speaking about the little David:

Then one of the servants answered and said, "Look, I have seen a son of Jesse the Bethlehemite, *who is* skilful in playing, a mighty man of valour, a man of war, prudent in speech, and a handsome person; and the Lord *is* with him (1Samuel 16.18).

The Hebrew *biblaica* (Kittel, 1990) refers to David as an “ish” which means “man”, “husband”, “person”. Halat suggests that the root of “ish” may be found in “y/ws”, meaning “to be strong”, or in the verb “ns”, meaning “to sprout up abundantly”. The meaning of *ish* is “man” as opposed to *’ssa*, “woman” (VanGemeren, 1997:388). The author of this passage does not use the word *adam* (man), because *adam* refers more often to “humankind” than simply to “man” indicating a male *Adam* includes men, women and children. The use of “man” in 1 Samuel 16.18 does not necessary mean that David was already an adult, but the word may indicate that the young boy was very strong, and called “man” to distinguish him from women and that, already at a young age, he was seen as a big man because of his qualities. Clines mentions that the same word *adam* can be used for an “armed man”, a “warrior” (Clines, 1993:222).

However, David was accepted in Saul's household for other services, first as a harpist and then as an armor bearer. His older brother Eliab aroused both David's pride and his insolence for judging him too young to watch the battle.

CONCLUSION

Chapter five discusses the role of the church in regard to the child soldiering phenomenon in the DR Congo. Generally, the African churches and particularly the DRC church are growing rapidly. The number of Christians in Africa is comparatively increasing faster than that on other continents. The chapter highlights that the responsibility of the church is to worship God but also to serve people. Moltmann convincingly defines the church as an institution of civil society and the body of Christ. Based on this definition the church has to be involved in civil affairs.

The chapter makes clear that, at the establishment of the Protestant church in DR Congo in colonial times, the church was very involved in political affairs. The church could raise its voice when the state degraded the situation of indigenous people. But in the early days of the second Republic, the Protestant church supported the government unconditionally so that it seemed to be almost a part of the state. The result was that the church lost some of its authority. Many speeches by church leaders are quoted in this chapter to demonstrate that the church was hand-in-glove with political leaders.

The issue here is that the church is justified in encouraging the state when it acts correctly but that the church may not make common cause with the state for the sake of self interest.

In the nineties, the church seemed to mend its ways somewhat by breaking its silence, dealing with some human rights problems in various church councils and condemning attacks, violence and abuse of people's dignity. But it was only during the fifteenth National Council of the Church held in 2010, that members raised their voice to recommend that leaders take position on the dehumanisation that is taking root in the country.

Chapter five makes clear that the church, thus far, has not taken sufficient account of the child soldiering phenomenon in the DRC and of the danger it poses to the future of the children and of the country as a whole.

The crucial question is how the church can remain silent when part of its body is dehumanised? Chapter six will make some recommendations that are of importance for the body of Christ in general and specially as represented by the DR Congo church.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

This last chapter of this study is divided into three parts. The first part is an overview of the study. The second part offers some recommendations for the church so that it may fulfil its prophetic role more completely by building a human rights culture that includes children's rights and that can lead to the elimination of the child soldiering phenomenon in the DRC. The last part presents suggestions for further research on the topic.

6.1 Overview of the study

The present work deals with child soldiers in the Democratic Republic of Congo. It has been demonstrated that child soldiering is a real threat in many countries worldwide and especially in the DR Congo.

6.1.1 Motivation and main cause of conflict in DR Congo

The study was motivated by various factors. Child soldiering has been identified as a phenomenon that is more common in Africa than on other continents. Of the total number of child soldiers in Africa during the last ten years more than 27.5 percent were Congolese. Social science concerning human rights provided us with a tool for engaging with the problem. Theological perceptions resulted in the conviction that the church by remaining silent on the child soldiering phenomenon is neglecting its prophetic role. Child soldiering is in the present study defined as an agent of the destabilisation of the country and the stagnation of its development. Our challenge was to prove that child soldiering has to be considered as a human dignity abuse. The research focuses on Moltmann's theological view of human dignity as a main theoretical framework into which the present study contextualises the issue of child soldiering.

The main cause of the continuing violent conflicts in the DR Congo is competition for natural resources and the presence of Rwandan Tutsis who crossed the border of the Eastern Congo after the genocide in Rwanda, thus creating a situation that is at the root

of the current warfare. As a result human rights in the DRC have become a theoretical concern rather than practice.

6.1.2 Some causes of involvement of children in armies

Many reasons are identified why children become involved in armies. These causes are divided in internal or personal reasons and external factors. Many children allow themselves to be enlisted in order to defend, to avenge, and to protect themselves. Others are without job and see the army as a source of income. Children are influenced by external conditions as well such as traditional rites that declare them, sometimes at a very young age, to be part of the adult world and carriers of responsibilities. Poverty and unemployment are clearly strong agents for recruitment of child soldiers. Children are also coerced and forced into the army, or abducted by militias. Most children have personal circumstances that caused them to get involved in armed forces.

6.1.3 National and international tools

There are a great number of international and national organisations and treaties that are supposed to protect children from all forms of abuse, including soldiering. Even though the DRC is bound by international treaties to which it has subscribed and that prohibit the recruitment of children under eighteen years of age, the abuse persists. Children continue to be used by those who have the power to do so. Children are often considered as extensions of their parents or as being in the state of “becoming humans”. However, they should not just be seen as being in need of care but as deserving full human rights. Children’s rights should include rights of provision, protection and participation. The Convention of the Rights of the Children has familiarised us with viewing the child as a full human being and, therefore, deserving of rights. The present study analyses the DR Congo law on the protection of the child and it turns out to contain many points that could serve in the protection of children. However, laws become null and void if there is a lack of implementation and enforcement. The study compares the UDHR and the CRC, highlighting points that can increase the well being of children. Children’s rights are not simply a question of generosity on the part of grown-ups or a way to infantilise them. From the UDHR

onward, many treaties have been concluded in Africa that aim to protect the rights of the children. The third section of this work proves that child soldiering is a violation of these rights because it abuses the Congolese military law as well as various treaties and laws undersigned by the DR Congo and it violates international laws concerning military enlistment.

6.1.4 Child soldiering and human dignity abuse

This research focused on filling a gap in children's rights by showing that child soldiering is not only an abuse of children's rights but also an abuse of their human dignity. It presents an overview of scholars' opinions on dignity, its meaning and its importance. Some of the consulted scholars base their interpretations of the human dignity concept on etymological considerations. These are presented in chapter five. The study makes use of Moltmann's theology of human dignity and arguments and conclusions are fitted into the context of child soldiering as a human dignity abuse. Moltmann ascribes dignity to human beings, in the first place because they are created in the image of God. Reasoning along these lines, the study concludes that, as children are made in the *imago Dei*, they are full human beings. Human beings – all of them - are worthy as God provides them with their identity. Humankind carries responsibility for all creatures and participates in God's creation. A child too is part of the salvation plan. Freedom characterises the human being in its relations with others. As children are considered to be full human beings, all the various aspects of human dignity are theirs as well.

6.1.5 The Protestant church in DR Congo and child soldiering

The study finally turns to the church, connecting the perceptions of social science of human dignity with those of theology. Moltmann's conception of the church as an institution of civil society and the body of Christ is discussed. In the early years of the establishment of the Church of Christ in Congo, the church was deeply involved in the social transformation of the indigenous people. During the second republic the church took a somewhat critical position of the government. At the end of the second republic various efforts were made by the church to become truly involved in social matters. However, apart from some attempts of the DR Congo church to improve human rights,

the Church's involvement remained very limited and the church hardly dealt with the growing phenomenon of child soldiering in the East of the country. In fact, the only positive action in this respect was taken by the provincial church in the Eastern DR Congo and their involvement was directly connected to the nearness of the conflict area. However, finally, in its Assembly of 2010, the council of the church acknowledged that, over the years, it had neglected to speak out and left its missionary calling unfulfilled.

Taking account of the serious situation of child soldiering in the DR Congo and the criticism expressed in countries worldwide, the DR Congo church needs to become engaged with the child soldiering phenomenon for more than one reason:

1. Many child soldiers are members of the church.

The church seems to see these child soldiers as children of others, or perhaps even as children of nobody. However, they are members of the church at two levels:

- ❖ The first level of belonging to the church is indicated by the fact that many were abducted while on their way to church, school or the market. And even if they were not on their way to church, they are God's creatures whom the church represents. As they are created in God's image, the church carries moral responsibility for them. In addition, they belong to the category of sheep to whom Christ refers when he says:

And other sheep I have which are not of this fold; them also I must bring, and they will hear my voice; and there will be one flock *and* one shepherd (John 10.16).

Even Gentiles were part of the plan of the Kingdom of God in Christ. The church forms the flock that Christ speaks of. Before they converted, Jesus already counted Jews and Gentiles in his flock where they would form one spiritual body of Christ.

- ❖ The second level is that many child soldiers come from families that are followers of local churches and, ultimately, of the universal church. The African family is a social family. Events that affect one member, affect the entire family.

2. Looking for the well being of humankind is also the mission of the church.
3. Children **are** a gift. This assertion is grounded in the Bible's comprehension of children as a gift of God to their parents, family and their community (Bunge, 2006:563). The child is a source of joy, but belongs to God. It becomes a member of the community in which it is born.

Then Elkanah went to his house at Ramah. But the child ministered to the Lord before Eli the priest. Moreover his mother used to make him a little robe, and bring *it* to him year by year when she came up with her husband to offer the yearly sacrifice (1 Samuel 1:11, 19).

Having children is a sign of God's visitation and God's blessing. Many verses in the Bible present children as gifts and blessings, but also as a sign of stability of the family or of the parents as a couple.

And Leah said, "God has endowed me *with* a good endowment; now my husband will dwell with me, because I have borne him six sons." So she called his name Zebulun (Genesis 30:20).

In many other verses, to have a child is presented as a sign of being remembered by God and of God's grace. "...Then God remembered Rachel, and God listened to her and opened her womb" (Genesis 30:22).

The dignity of the church itself is abused whenever one of its members is abused, for example in child soldiering. The church cannot remain silent when it is abused. The suffering of one member (one child or its family) implies the suffering of the entire church. A church that doesn't react to abuse makes people feel they wish no longer to remain in such a church as it loses its dignity when it allows its youngest members to lose theirs in child soldiering. On the basis of the above-mentioned considerations we present some more recommendations to the church.

6.2 Recommendations for building a human rights culture

Without being exhaustive the present study makes some recommendations that may enhance the church's performance of its prophetic mission.

6.2.1 Building a human rights culture by promoting the well being of humankind

The church is one of the structures that ought to take responsibility for the well being of people. In the context of child soldiering, the church should contribute to the creation of a human rights culture. We quote Moltmann who says: “Without a living relationship to the possibilities and problems of the man or woman of the present day, Christian theology becomes sterile and irrelevant” (1988:53). The church has to be relevant to all categories of society, men, women and children.

We found that, if the church remains silent in difficult, even desperate, situations, people become like sheep without a shepherd. When the church leadership abandons its responsibility, its members fall victim to abuses of their human dignity. In the context of political leadership, Mavinga, quoting De Gruchy, states:

“The lack of responsibility of the State leadership has abandoned the people as sheep without shepherds. This has made them victims of several kinds of violence in society. People’s struggle for survival has brought about sexual abuse and violence against women and children” (2009:179).

When the people are struggling, the church must be the hope of the nation. Hamd considered the church as the heart of the community. His perspective is that the church is a living part of the community, an essential, central organ. The life of the community is reflected in, and its death foreshadowed by, the church’s challenges. Its central position demands courage from the church. Hamd declares: “I believe the church is the soul (or heart) of the community, being in a significant position to be able to challenge the status quo if it has the courage” (2013:112).

Children that have been coerced to enlist, or forced to do so, sometimes after being abducted, don’t have any power and are voiceless. The best prayer that the church can address to God is the prayer in which it speaks on behalf of the voiceless and in which it defends people whose human dignity has been abused. The force of God to release his people is reflected in the church. The church’s mission is to do what God would do. If the church doesn’t act as God would, God is without power. When the church asks God to help those families whose children suffer in warfare, God tells the church that it is disturbing him for he has already given it the mission, to be his voice on earth and

act. Hamd continues: “When churches extend themselves on behalf of those who have no voice, they demonstrate their credibility and their loyalties to Christ by following the model of incarnational mission within their contexts” (2013:113).

6.2.2 Building a human rights culture through effective structures

For an organization to succeed it has to set up a strong structure. The ECC is in need of a commission that deals specifically with political issues. Without peace and justice, real development will remain a distant utopia. At the moment there are at the top of the church organisation six principal services. These are the Protestant cathedral, finances and budget, an internal audit service, communication and press, justice, peace and nature conservation, a theological committee and an HIV committee.

In regard to the development of human beings, three main areas of concern can be distinguished. The first is society. The church has to be aware of concerns in current society such as poverty, family life, health, sexuality, and so on. The second area is related to the political situation and it requires from the church to be interested in public affairs. In this context it is the duty of the church to promote human dignity and to counter politicians when their actions or, at times, their abuse of power are dehumanising society and diminishing human dignity. The third main area of concern is education. The role of the church is to teach and to take care of human beings in their fullness by not only teaching the Word of God, but by stimulating people’s intellectual development as well.

For the purpose of the present study the political area has proved to be an important concern.

Among the six principal services available to the presidency of the ECC, the one that requires our special attention is “Justice, peace and nature conservation”. From my point of view this committee should take on the role of committee of politics as well and it should work together with the committee for theology.

The ECC would also gain in effectiveness if committees were truly unified. Otherwise, Buda will be justified in his assertion that: “Ecclesial divisions make Christians’ voices less credible. Divisions and marginalization of any kind obscure the Church’s witness to unity” (2014:141). In order to become more relevant to society, the ECC has to promote

the unity of its committees. Divisions within the top services and committees of the ECC may well have contributed to the church remaining voiceless for so long.

6.2.3 Building a human rights culture with “see, judge and act” impartially

Generally the DR Congo is not short on laws and treaties that are meant to protect children from abuse.

The thus far insurmountable problem remains (see chapter three) the lack of enforcement and of juridical services to ensure implementation. It appears as if laws and treaties merely serve to add attraction to politicians’ discourse.

In this respect the ECC could make use of one of the powerful tools of liberation, namely “see, judge and act”.

In the 1930s in Belgium, Father Joseph Cardijn developed a socio-transformational approach of which “see, judge and act” was the framework. The tool was inspired by his work as a chaplain with factory workers (Kamba, 2013:43). It has been adopted as an effective method in contextual theology. The ECC in the DR Congo could successfully apply the three-pronged method as follows.

- ❖ “To see” involves a social analysis of the situation. We need to see the reality of child soldiering in the DR Congo for what it is. Many leaders of churches are ignorant of what is really going on there. It is in part lack of information that leads to the church remaining silent.
- ❖ The second step is “to judge”. How does the church in Congo read the situation of Congolese children in the light of the Scripture? What is the theological view of the reality that children are used in soldiering? When the church says, “Your will be done on earth as in heaven”, what does it mean? Could what is happening in the Eastern DRC really be God’s will? What kind of theological argument could possibly justify the dire circumstances of children living soldiers’ lives in the East of the Republic? The re-reading of Matthew 6.10 is questionable for a church that keeps its distance from such a blatant abuse of its children. Kamba, quoting West, writes: “The discrepancies between the shape of God’s project and the shape of lived reality for the marginalized give both the energy and a

shape to the action that must be taken to transform lived reality so that it conforms more closely to God's project" (2013:43).

- ❖ The third component of Father Cardijn's approach is "to act". In practice this means that the prophetic voice of the church has to be raised. The church has to become involved in civil society. Woodbridge, quoting Nyiawung, defines the prophetic voice as "God authorizing a voice to speak on his behalf" (Woodbridge and Semmelink, 2013:83).

Mostly Some church leaders are too limited in their scope to analyse what is going on. They stick to theologising and to making up theories. The important thing however is to do in practice needs to be done. The prophetic voice is not always welcomed by those who want to maintain the status quo. Prophetic voices are often silenced. There are several ways of doing so:

- Through corruption. The story of Micaiah is about corruption existing even among men of God. When the church has to please the king unconditionally, it loses its prophetic role.

Then the messenger who had gone to call Micaiah spoke to him, saying, "Now listen, the words of the prophets with one accord encourage the king. Please, let your word be like the word of one of them, and speak encouragement." And Micaiah said, "As the Lord lives, whatever the Lord says to me, that I will speak." (1Kings 22.13,14. NKJV).

The prophetic role of the church can be corrupted by the desire to please those in authority. It can also be corrupted by a wish to go against the will of the Lord. In addition it is corrupted by self interest and greed. The prophetic role is not always welcome. It requires courage and a strong desire to be faithful to the word of God and to serve the well being of the people of God. The cost of fulfilling the prophetic role can be high and may involve suffering, even death. Also the threat of persecution and death may silence prophetic voices. Worldwide in many countries, human rights have again become a cause of struggle. Those who try to raise a

prophetic voice are sometimes muzzled, even killed. The Bible contains plenty examples of those who spoke with a prophetic voice and who were simply killed. Isaiah was sawn in two, according to Hebrew 11.37, during the reign of Manasseh of Judah. John the Baptist was beheaded for protesting against injustices committed by King Herod. The king, supposed to respect the law, did not do so. So John raised his voice saying: "It is not lawful for you have your brother's wife" (Mark 6.18, NKJV). The success of the church depends on its ability to reprimand those who, through illegal actions have a dehumanising influence on society. Child soldiering is one such illegal act in DR Congo. In spite of persecution Jesus Christ finally died in order to restore dignity to all of humankind.

Tyler, searching for a practical response to the use of nuclear weapons proposes some solutions for the role that the church could play in the context of nuclear issues. He considers the prophetic role as the witness to God's sovereignty. The church must care about the political situation in its country of residence as it is the pastor of all the political and military leaders and, generally, of all men and women whose functions gives them authority in matters of war. Tyler proposes that they should be helped to exercise Christian faithfulness in their particular contexts (2010:278). The church is the instrument that God works with in the world. It is the privilege of the church to be an instrument of God. There is no redemption and recreation of humanity and the cosmos without the involvement of the church (2012:116) The World Council of Churches argues that the church's mission is to glorify God in "liturgy, in worship, in spiritual life, in social action in solidarity with all humanity and with the created world, and in preaching" (2012:123). The church cannot remain silent when the worth and dignity of human beings is threatened in the context of child soldiering where the DRC faces severe challenges. The WCC accentuates that the "Christian gospel is a significant contributing force to the quest for justice, peace and reconciliation in general, and among nations in particular" (2012:126).

The mission of the church is multi-faceted and concerned with the whole of creation and the totality of human life. It is the sum of evangelism and social

action that is the mission of the church, according to Bosch. Thus the mission comes down to the saving of souls and societies (Woodbridge and Semmelink, 2013:87-88).

6.2.4 Building a human rights culture by promoting initiatives and structures

The church must support those who seeking social justice in the area of human rights, specifically in relation to child soldiering. Many credible NGOs and private initiatives can form a partnership with the church in order to further a human rights culture. In that way initiatives can be combined to empower children affected by the war as well as those who are demobilised and who return, to a degree dehumanised, to civil life.

6.3 Further research

I cannot presume to be complete in this research. Several other aspects of the research problem could be explored by future researchers. My concern is to simply focus attention on the undignified situation of child soldiers and to challenge the church to engage in concrete action.

There are other crucial questions waiting for an answer such as: How can the church facilitate the reintroduction of demobilised child soldiers into society and how can it assist these children to rediscover their God-given identity in this context. Various approaches of these and of related, questions can widen and deepen our understanding of the child soldiering phenomenon and how to eliminate it in the DR Congo.

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