PEACE INITIATIVES IN CONFLICT MANAGEMENT: THE CASE OF EASTERN DEMOCRATIC REPUBLIC OF CONGO, 1996-2016

BY

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UNITED STATES INTERNATIONAL UNIVERSITY - AFRICA

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ABSTRACT

The Democratic Republic of Congo has been an epicenter of conflict since the colonial period. Despite numerous international community initiatives to resolve violent conflicts, DRC continues to experience protracted conflicts, especially in eastern Democratic Republic of Congo. The purpose of this study is to assess the effectiveness of international initiatives in conflict management in DRC. The findings from this research will be useful in development of recommendations which will inform policy makers, the international community, academia, researchers and students on how to leverage better durable peace in Democratic Republic of Congo.
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DEDICATION

I dedicate this thesis to the people of Democratic Republic of Congo, who crave durable peace.
TABLE OF CONTENTS

COPYRIGHT ........................................................................................................ iii

ABSTRACT ........................................................................................................ iv

ACKNOWLEDGEMENT ...................................................................................... v

DEDICATION ....................................................................................................... vi

ABBREVIATIONS AND ACROYNMS ................................................................ 1

CHAPTER ONE ................................................................................................... 3

INTRODUCTION AND BACKGROUND ................................................................ 3

1.2 Statement of the Problem .............................................................................. 6

1.3 Objectives of the Study ................................................................................. 8

1.4 Research Questions ...................................................................................... 8

1.5 Justification of the Study .............................................................................. 8

1.6 Significance of the Study ............................................................................. 9

1.7 Scope of the Study ...................................................................................... 9

1.8 Definition of Key Terms ............................................................................. 9

1.9 Outline of the Study ................................................................................... 10

CHAPTER TWO .................................................................................................. 11

LITERATURE REVIEW ..................................................................................... 11

2.1 Introduction ................................................................................................ 11

2.2 Peacebuilding Globally .............................................................................. 11

2.3 Women and Peacebuilding ....................................................................... 13
CHAPTER FIVE .......................................................... 53
SUMMARY, DISCUSSION, CONCLUSION AND RECOMMENDATIONS ............................................. 53
5.1 Introduction .......................................................... 53
5.2 Summary of key Findings and Discussions .......................................................... 53
5.3 Conclusion .......................................................... 54
5.4 Recommendations .................................................. 54
5.4.1 Suggestions for Further Studies .......................................................... 56
REFERENCES .......................................................... 57

4.6 Effectiveness of International of International Conference on the Great Lakes ............................................. 47
4.7 Effectiveness of International Criminal Court in Conflict Management ............................................. 48
Abbreviations and Acronyms

AFDL……………………………….Alliance of Democratic Forces for the Liberation of Congo

AU…………………………………..Africa Union

CNDP……………………………….National Congress for the People

DRC…………………………………Democratic Republic of Congo

EU……………………………………European Union

FARDC………………………………Armed forces of the DRC

FDR………………………………….Armed forces of Rwanda

FIB……………………………………Force Intervention Brigade

GRL…………………………………Great Lakes Region

ICGRL………………………………International Conference on Great Lakes

MLC……………………………………Movement for the Liberation of the Congo

MONUSCO…………………………UN Stabilization Mission in the DRC

PBF……………………………………Peace Building Fund

PNC……………………………………Congolese National Police

RCD…………………………………..Rally for Congolese Democracy

SADC…………………………………South African Development Community

UNPBC………………………………United Nations Peacebuilding Commission

UNPBF………………………………United Nations Peacebuilding Fund
CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 Background to the Study

All major theories of conflict apply to DRC and despite numerous international and regional initiatives to promote durable peace in the DRC, durable peace is still elusive, especially in the eastern DRC. In fact the country continues to experience protacted conflicts of various types to date. According to Francois Kisangani, DRC is a leading laboratory of civil wars, because since independence on 30 June, 1960, secessions, insurrections, rebellions, mutinies and invasions, revolts, ethnic wars have led to the loss of lives of four million people (Kisangani, 2012).

After the end of Cold War in 1990s, Africa witnessed an increased number of transitions to democracy where countries adopted constitutions that tried to engender multiparty politics, the doctrine of separation of powers, regular elections, the promotion and respect for human rights, similar to what Sammuel Hunnington referred to as ‘third wave of democratisation’ (Nhema & Zeleza, 2009). At the same time the Africa continent was bedeviled by many violent conflicts, war, genocide and bad governance in public affairs. In Rwanda and Burundi, political competition within a democratic framework resulted into exclusion practices, which led to the 1994 Rwanda genocide and the effects which to date are felt within the Great Lakes Region, and have had a destabilizing effect (Kaarsholm, et al. 2006). While in Liberia, Sierra Leone and Somalia, the states collapsed due to economic deprivation and violent contestations from sub-national forms of ‘warlord politics’ and other illegal mobilizations. In Nigeria, there were alternate transitions of governance between civilian rule and military rule often accompanied by violent conflicts (Nhema & Zeleza, 2009). In Angola, after many years of civil war, the death of the rebel leader, Jonas Savimbi ended the civil war but led to negative peace (Nhema & Zeleza, 2009).

Scholars have attempted to find out the causes of civil wars, and scholars such as Zartman, Collier, Hoefleck have pointed out to greed or resources, grievance or basic needs, and creed or identity as possible causes. Although
these approaches have largely informed conflict studies, in the same vein they have received criticisms especially in the context of African conflicts. Scholars have stated DRC has bedeviled by historical injustices, issues of land, issues of citizenship, negative ethnicity, presence of illegal armed groups, political repression and poor governance, corruption, proliferation of small arms and light weapons, illegal exploitation of natural resources among others, therefore the economic explanations cannot be the only reason for the crisis in DRC.

Immediately after independence, DRC was embroiled in political competition between the state’s two leading leaders, Patrice Lumumba and Joseph Kasavubu. Moise Tshombe was the leader of the rich natural resource province of Katanga, and made secessionist claims which were frowned upon both by Lumumba and Kasavubu. Eventually the two leaders came up to a compromise, where Patrice Lumumba would be the executive prime minister, and Joseph Kasavubu, would be the president. Despite this truce, the two leaders were engaged in continued rivalry. Later Lumumba was assassinated by western powers who were threatened by his communist ideologies, since he had turned to the Soviet Union for military aid to quell violence in Katanga region. In 1965 General Joseph Desire Mobutu through a coup ousted President Kasavubu and Prime Minister Tshombe. Mobutu then ushered in a dictatorial regime which lasted for 32 years, and had the backing of the US, and as a result internal violence in the country was not given much attention (Turner, 2007).

President Mobutu was toppled from power in May 1997, by Laurent Desire Kabila with the backing of Rwanda and Uganda, under the umbrella of Alliance des Forces pour la liberation du Congo-Zaire (AFDL) which forced Mobutu to relinquish power and he went into exile in Morocco. The series of violent confrontations leading to the ousting of the kleptocrat Mobutu, is known as the “First African War” because of the involvement of 9 African countries. How

In 1997, almost a year since the Alliance that brought Laurent Kabila to power broke down first, due to his actions of enlisting Hutu genocidaires to counter the Tutsi threat so as to enforce his rule in the country, and secondly, he ordered foreign troops who were occupying various territories in DRC to leave the country, to the displeasure of Rwanda and Uganda (Nzongola-Ntalaja, 2004). As a result of these actions and counter-reactions
of the neighbouring states, DRC was ushered the country into a civil war in August 1998, which had external parties enjoined, that is, Rwanda and Uganda, directly and through proxies and militias (Turner, 2013), making it an internationalized war. Angola, Namibia, and Zimbabwe under the regional body of SADC through the concept of collective security came to the aid of Kabila and rescued him.

By end of 1998, the war claimed the lives 12,500 and more than 250,000 people were displaced (Kisangani, 2012). Rwanda intervention into DRC was on the ambit of national security. This second civil war lasted for five years, referred to as “anti-Kabila war,” ended with a peace agreement known as the Lusaka Ceasefire Agreement in 1999. The Agreement was between the states of Angola, DRC, Namibia, Uganda, and Rwanda. The Agreement aim was to bring to an end hostilities, withdrawal of regional armed forces from the DRC, disarmament of armed groups in DRC that threaten the security of neighboring countries, and establishment of an all inclusive Inter-Congolese Dialogue. The Agreement also provided for a selection of a mediator to facilitate an all-inclusive Inter-Congolese Dialogue.

Like his predecessor, Laurent Kabila had a view of himself as indispensable especially because he had acquired his legitimacy through violence and a process that did not need mobilization or participation (Nzongola-Ntalaja, 2004). Before the signing of the Comprehensive Agreement by the belligerents in Pretoria, South Africa, an Agreement was reached between the government of Rwanda and DRC in July 2002, which sought to ease tensions between Rwanda and DRC, and among other things also provided for the withdrawal of Rwandese forces from DRC territory, and a cessation of hostilities, and South Africa, a third party was the facilitator of the process (Shillinger, 2009). This Agreement created the Joint Verification Commission with a mandate to monitor and disarm all armed groups and created a framework which allayed Rwanda’s security issues, and went a long way to facilitate the withdrawal of Rwandese army from DRC.

Another agreement was reached on 6 September, 2002 between Uganda and DRC, which led to the withdrawal of Ugandan soldiers from DRC, and South Africa was the lead mediator. The Global and Inclusive Agreement on Transition on the DRC (Pretoria Agreement) was further reached in December, 2002 which agreement was to
promote peace and stability in DRC (Shillinger, Africa's Peacemaker? South African Conflict Mediation, 2009). This was a comprehensive agreement which provided for a power-sharing transitional framework which recognized Joseph Kabila as president, assisted by four vice presidents from the warring sides, and creation of a multi-party legislature (Shillinger, Africa's Peacemaker? South African Conflict Mediation, 2009).

In February 2013, 11 states signed the Peace, Security and Cooperation Framework for the DRC, to end the recurring conflict in eastern DRC. Kenya and Sudan became signatories in 2014. The key objectives of the Framework Agreement include: to address root causes of the conflict and put an end to its recurrence; to lead a comprehensive political process which is inclusive of all key stakeholders to address the causes of the conflict. The United Nations Security Council welcomed this new initiative through Resolution 2098 in 2013 and called upon the Special Envoy Representative to the DRC to lead, coordinate and assess the implementation of commitments under the Peace, Security and Cooperation Framework.

In Nairobi, on 15 December, 2006, 12 heads of state and government of member countries of International Conference on the Great Lakes under the auspices of Africa Union and United Nations met and signed the Pact on Security, Stability and Development and which contained the following commitments (International Conference on the Great Lakes):

(a) to resolve and prevent internal and inter-state armed conflict;

(b) to eliminate threats to peace and security; and

(c) to respect the sovereignty of other states.

Towards the above objectives ICGRL has attempted to resolve the Eastern DRC crisis as it has an ongoing project to disarm and repatriate all armed groups in Eastern DRC (International Conference on the Great Lakes).

1.2 Statement of the Problem

The DRC is the third largest country in Africa, with vast natural resources around 1,100 minerals and precious metals with an estimate of 77 million inhabitants, less than 40% live in urban areas (World Bank, 2019). According to Gebrekidan, DRC is an example of how colonial experience had a great negative impact (Charles &
Blanton, 2012-2013 edition). Even after independence in 1960, positive peace and prosperity was elusive due to internal divisions (Charles & Blanton, 2012-2013). Following Mobutu Sseko’s successful coup, he established an autocratic leadership and ruled with an iron fist. The kleptocratic regime was based on patronage and corruption at the expense of the mass population. After the end of the Cold War, there resulted frosty relations between the country’s long time ally, the United States and Mobutu and after three decades in power, in May 1997, he was deposed from power by the ALDF, under the leadership of hitherto little known Laurent Desire Kabila, with the support of Rwanda, and Uganda, and Joseph Kabila assumed power and declared himself President (Kisangani, 2012). Laurent Kabila’s regime was recognized and welcomed by the international community and tried to establish legitimacy and credibility to his rule, and due to mutiny in the ranks of the armed forces, he pursued some military reforms, which included ending exclusion of Congolese army forces from being commissioned officers.

Owing to the presence of foreign troops in eastern DRC and due to the alienation of Congolese Tutsis over the local communities, insurrection of the the Mai Mai militia group and the Hutu refugees armed group FDR and Interahamwe arose, these armed groups consistently attacked foreign troops occupying the eastern DRC (Kisangani, 2012). As a result in 1998, Laurent Kabila ordered the foreign troops to leave DRC, which annoyed the powerful brokers who assisted him to ascend to presidency in DRC. A second civil war ensued as a result instigated by the neighbouring countries of Rwanda and Uganda, which became internationalized as it involved 6 neighbouring countries, and lasted for five years and resulted in 3, 900, 000 deaths and more than 200,000 people were displaced each year since August 1998 until mid-2003 (Clark, 2003). In December, after a series of peace agreements, the belligerents signed a comprehensive agreement in December 2002 in Pretoria, South Africa known as the Global and Inclusive Transition Agreement (Kisangani, 2012). Many other international initiatives soon followed to implement the Global Agreement and other Bi-lateral Agreements. This study aims to assess the effectiveness of peace initiatives in conflict management in the eastern DRC.
1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this study is to assess the effectiveness of peace initiatives in conflict management in the eastern Democratic Republic of Congo.

1.3.2 Specific Objectives

This study will be guided by the following specific objectives:

- To examine the role of international actors in conflict management in eastern DRC;
- To evaluate the nature of peace initiatives in conflict management in eastern DRC; and
- To assess the effectiveness of peace initiatives in conflict management in eastern DRC.

1.4 Research Questions

This study will be conducted by the following research questions:

- What is the role of international actors in conflict management in eastern DRC?
- What is the nature of peace initiatives in conflict management in eastern DRC?
- What is the degree of effectiveness of peace initiatives in conflict management in eastern DRC?

1.5 Justification of the Study

Most of the literature focusing on conflict management in DRC and the GLR has not paid much attention to the effectiveness of peace initiatives that have been undertaken in the DRC, particularly the eastern DRC. It is the purpose of this study to find out the reasons why given the enormous financial and human resources from bilateral partners, donor community, regional states, international organizations, states, and regional institutions expended on DRC and yet it is still considered to date an epicenter of conflict, particularly eastern DRC. The effectiveness test will be premised upon the objectives of peace initiatives undertaken in DRC by different international and regional actors, states, bodies and organizations. This study will contribute to the already existing body of knowledge regarding the subject matter. Further, from the findings of this study, it may prove
useful to policy makers, development partners, donor community in designing policy prescriptions that will enhance durable peace in DRC.

1.6 Significance of the Study

The findings of this study will be relevant in the realm of peace and conflict studies, particularly in the Great Lakes Region. This study further seeks to provide policy makers, development partners, donors, with recommendations pursuant to the findings of this study on better planning and design of strategies and policies to promote durable peace in eastern DRC while taking into account the context of DRC and the GLR. The findings of this study may be relevant to the scholarly community, donor community, students, researchers, Non-Governmental Organizations, Civil Society Organizations, Faith Based Organizations as well as the public.

1.7 Scope of the Study

This study aims to assess the effectiveness of peace initiatives in conflict management in the eastern DRC from 1996-2016.

1.8 Definition of Key Terms

1.8.1 Conflict Management

Conflict management according to Mwagiru refers to a process by which parties to the conflict are encouraged to come together and do something about their conflict.

1.8.2 Peacebuilding

According to Galtung, peacebuilding is the process of creating self-supporting structures that remove causes of wars and offer alternatives to war in situations where wars might occur.

1.8.3 Peace Initiatives means for purposes of this study various peace building initiatives undertaken by regional actors and the international community to promote durable peace in the DRC.
1.9 Outline of the Study

This paper comprises of five chapters. Chapter one provides an introduction to the study. It consists of the problem statement, objectives, significance of the study. Chapter two covers the literature review and theoretical framework. It brings out various authors' viewpoints about conflict management, with particular reference to peace building for example from global, regional and state perspectives, and peace initiatives undertaken in eastern DRC. In addition, it presents theories and concepts that explain the reasons why peace initiatives are ineffective or effective with regard to conflict management in eastern DRC. Chapter three brings out the research methodology used to collect data for this study. It provides the research design, site of the study, data collection methods, data analysis methods, the ethical considerations for the study including the limitations of the study. Chapter four provides the findings of the research study. Finally, chapter five provides the recommendations and conclusion of the research study.
CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter seeks to provide a summary of the literature on the subject of the research. It will review literature on peace initiatives in conflict management in DRC, from 1996 to 2016. The chapter will also provide a context of peace building globally and regionally.

2.2 Peacebuilding Globally

Johan Galtung is credited with coining the term peacebuilding in his seminal work, “Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding” (Peacebuilding initiative). According to Galtung, peacebuilding is the process of creating self-supporting structures that remove causes of wars and offer alternatives to war in situations where wars might occur. John Paul Lederach on the other hand provides an integrated approach to peacebuilding to mean a comprehensive concept that encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships, and comprises activities that precede and follow peace agreements (UN Peacebuilding).

Peacebuilding efforts can be traced back to the post World War II where the European continent was devastated economically, socially and politically as a result of World War II. World War II claimed between 40,000,000 and 50,000,000 lives and is the bloodiest conflict in world’s history. The European continent following the aftermath of World War II was in much need of assistance to recover from the devastating effects of the war. In 1947, President Harry Trumann of the United States appointed George Marshall to be the Secretary of State (George Marshall Foundation). Under Marshall’s leadership, the Marshall concept for Western Europe was shared globally on June 5, 1997 at Harvard University. The Marshall Plan also known as the European Recovery Program purpose was to rebuild Western Europe, a political and economic instrument to restore political stability
in those countries. Seventeen countries were recipient of this program, which included 13 billion in aid, administrative and technical assistance. Through the Marshall Plan, the economies of the recipient countries were able to recover and grew rapidly. The Marshall Plan funding ended in 1951.

The United Nations later embraced the concept of peacebuilding after it was popularized by the former Secretary General Boutrous Boutrous Ghali, and later propagated by Former Secretary General Koffi Annan in the Larger Freedom Project. Consequently, after the Brahimi Report, the United Nations General Assembly and United Nations Security Council agreed to establish the United Nations Peacebuilding Commission in 2005 through resolutions A/RES/60/180 and S/RES/1645 (United Nations Peacebuilding Commission, 2019). The United Nations Peacebuilding Commission is an intergovernmental body that supports peace efforts in countries that are emerging from conflict. Its aim is to assist in post-conflict peacebuilding including mobilizing resources and bring together all relevant actors (United Nations Peacebuilding Commission, 2019). The Peacebuilding Fund is the financial arm of peacebuilding initiatives of the UN and since its inception to end of 2015, PBF has disbursed $623 million to 33 countries to prevent relapse into conflict and sustain peace (United Nations Peacebuilding Fund, 2019). Various peacebuilding initiatives around the world through these international institutions include:

(a) Guatemala;

PBF supported criminal justice initiatives with an allocation of $10 million to assist the Office of Prosecutor General and Judiciary to investigate and prosecute grave human rights violations committed during the civil war, in order to bring to an end to impunity (United Nations Peacebuilding Fund).

(b) Kyrgyzstan

PBF provided $10 million in order to empower communities living in the country’s south, particularly youth and women networks to help respond to violence in 2010 (United Nations Peacebuilding Fund).
2.3 Women and Peacebuilding

In any armed conflict gender based violence has affected women in greater ways. At the 2007 conference for peace, women were identified to be the most affected and more vulnerable than men. There was an overwhelming dependency on women because men were at war. This is why women begun advocating for an important role in peacebuilding efforts. For instance, the Vienna Conference on Human Rights and its programme of action in 1993 discussed the increased sexual violence against women in armed conflict. On 31 October, 2000 the United Nations Security Council adopted Resolution 1325 on women empowerment. The Resolution covered among others the following:

(a) the particular effects of war on women and their underutilized conditions in the peacebuilding operations;

(b) involvement of women in negotiation and implementation of peace agreements; and

(c) promoted active participation of women in peace activities and the support of local women’s peace initiatives and indigenous processes of rehabilitation.

UN resolution 1325 heralded a change towards comprehensive policies for those directly affected by war. It recognized women as key agents to solving any conflict. One of the Hypothesis is that: “H1: The prospects for UN post conflict peacebuilding will be better the higher the preconflict status of women” (Gizelis, 2009).

For instance, the 4th world conference of Beijing in 1995 pushed for the agenda of women in peacebuilding. Among the rising initiatives in Sudan, was the Sudanese Women Voice for Peace (SWVP). SWVP was birthed through a meeting of the People for Peace in Africa. In 1993, when the increase number of rebel groups was observed, women formed this to provide a source of advice to their husbands (Hilhorst & Leeuwen, 2005). The meeting was for wives of significant political leaders. The women decided to form a group for their benefit. The SWVP was formed in 1994 with the aim of uniting Sudanese women of different ethnic groups and religions. It wanted to achieve peace in Sudan because they realized that they suffer more than men do. They also identified that due to their nature, they tend to be natural peacekeepers. With the group, their headquarters was based in Nairobi and most lived in exile.
In the first year, SWVP introduced events to mobilize people against warfare and got support from bishops and UNIFEM which opened its doors internationally. A delegation was invited to Beijing where it provided information about the plight of women which led to increased funding and training to other global events (Hilhorst & Leeuwen, 2005). After five years, SWVP moved from a ‘city’ membership to a country membership platform. Nairobi members received training on conflict resolution and civic education and disseminated the information to ten groups in Southern Sudan. The Nairobi women started to present themselves as a country wide movement, even though had never met leading to a growth of 90 women.

2.4 Peacebuilding Regionally

The birth of the Africa Union represented a paradigm shift from a non-interference stance of the Organization of African Unity to non-interference. For the development of the African continent, it was essential for the new framework to deal with security threats effectively. To this end, and following the failures of the Organization of African Unity to intervene in conflicts, for example during the genocide crisis in Rwanda and Somalia crisis; the Africa Union put in place the African Peace and Security Architecture (Aning & S., 2009). African Peace and Security Architecture has as its main pillar the Peace and Security Council supported in carrying out its mandate by the following: the Panel of Wise; the Continental Early Warning System; the African Standby Force; and Peace Fund (Africa Union Peace and Security, 2012). All the substantive components of APSA are contained in the Peace and Security Protocol. APSA adopts a comprehensive approach to peace and security in Africa which embodies (Africa Union Peace and Security, 2012):

The Africa Union has been instrumental in conflict management through various initiatives in the continent, for example during the mediation efforts in the Ivory Coast, through the efforts of the High Level Panel for the Resolution of the Crisis in the Ivory Coast (Kwesi & Atuobi, 2009). Another example is during the volatile the Arab Spring period, the AU actively mediated efforts between President Gaddafi and rebel forces to end the stalemate in Libya. The AU developed a roadmap for peace including a ceasefire and political reform however did not seek Gaddafi’s resignation. The AU was emphatic that the international community should not intervene
militarily in Libya as the regional body was conducting the peace process and which should not be compromised by imperial interests of the western powers.

2.4.1 Peacebuilding in the Great Lakes Region

Rwanda was peaceful after independence but the Tutsi were excluded from power by the Hutu majority. Ethnic politics in this country was highly polarized, and the Hutus clinched power from 1959-1994. These socially constructed identities formed the basis of violent conflict in subsequent years. The ethnic profile of the country during this period was 80% Hutu, 15% Tutsi and 5% Twa (Patricia, 2006). The period of war between 1990-1994 was as a result of the regime in power failure to accept repatriation of Rwandese citizens who were in exile and implement reforms that promoted ethnic equity, principles captured in the Arusha Peace Accords (Patricia, 2006). Such failures led to the Rwanda genocide in 1994 which the Rwandese Patriotic Front was able to contain, but after the loss of 800,000 lives. The regional actors and the international community did not take adequate steps to bring to an end to the hostilities.

For Burundi on the other hand, it is estimated that over 300,000 lives were lost after the civil war which was triggered by the assassination of the democratically elected president, Melchior Ndadaye in 1993. There were numerous mediation talks to bring to an end conflict in the country from within the region and international community. These mediation efforts led to the signing of a peace agreement, the Arusha Peace and Reconciliation Agreement in August, 2000. There was also the deployment of a United Nations Operations in Burundi (Patricia, 2006). Although, not all parties to the conflict signed the agreement as the process was rushed to accommodate former President Bill Clinton schedule, and therefore it could be termed that it was a peace agreement without a cease fire.

Since the 1990s, peace and security has been prioritized by many international organizations and western nations, some of which are exterior to UN and AU peace processes, but the question lingers why have the various peace initiatives employed in the Great Lakes Region failed to bring about lasting peace in the region, Burundi and DRC, Central African Republic are still embroidered in conflict. According to Mafege, the liberal concept of
power sharing only entrenches the status quo leaving the contradictions embedded in the society unresolved. Patricia Daley is of the view that contemporary conflict models which are applied universally fail to tackle local dynamics and the multifaceted nature of the conflicts. She further states that these conflict models have the standard formula of peace negotiations, with a trajectory of ceasefire agreements, powersharing governments (transitional), constitutional changes and elections. She continues to states that the methodology used to conduct peace talks emphasizes the point that the African political space is the exclusive right of political elite, international actors, armed groups to the exclusion of civil society (Patricia, 2006).

The above assertion is supported by Autessere who opines that “a postconflict peacebuilding frame shaped the international understanding of violence and intervention in such a way that local conflict resolution appeared irrelevant and illegitimate.” Autessere cites the DRC transition from war to peace and democracy, that the postconflict peacebuilding narrative was framed in such a way that the international understanding of violence and intervention overlooked the role of local agendas in perpetuating violence (Hobbes and the Congo: Frames, Local Violence, and the International Intervention, 2009). This understanding resulted to some strategies being termed legitimate whilst others as illegitimate.

2.5 Role of international actors in eastern DRC

2.5.1 Role of Nelson Mandela

Nelson Mandela tried to mediate the crisis facing Mobutu coup attempt by AFDL in 1996. He called upon both Mobutu and Kabila to South Africa and tried to mediate a peaceful settlement of the stalemate in Congo (Kisangani, 2012). The negotiation talks were not successful since Laurent Kabila was making such progress militarily towards Kinshasa in furtherance of AFDL’s motive to topple the government of the day. The FARDC, on the other hand had been routed by AFDL. Given the failed talks, Mobutu stepped down from power and went into exile in Morocco. In spite the failed talks, in the spirit of regional integration and pan-africanism, Nelson Mandela in his capacity as the President of South Africa was beholden to take action to contain the situation and
provide a soft landing for Mobutu, while at the same time ensure a smooth transition of government (Kisangani, 2012).

2.5.2 Paris Special Adviser
The French government in October 1998 tried to mediate over the looming crisis in DRC, AND Paris sent its Special Adviser for Michael Dupuch to Kinsasha (Prunier, 2009). On November 27, President Chirac announced a French brokered ceasefire in the Congo which was later denied by President Kabila and Pasteur Bizimungu.

2.5.3 US Under-Secretary of State for African Affairs and Special Envoy
The American on the conversely condemned the outside intervention by Rwanda and Uganda and in October, 1998, the US Under-Secretary of State for African Affairs Susan Rice and Special Envoy Howard Wolpe arrived in Luanda to try and pacify President dos Santos.. This mediation effort to advance the peace process proved difficult and was not successful.

2.5.4 Roles of Thambo Mbeki and Fredrick Chiloba
After the inauguration of Thambo Mbeki as President of South Africa on 14 June, 1999 he facilitated a meeting in Pretoria which was attended by presidents involved in the DRC conflict. The belligerent parties later met in Lusaka, Zambia on 24 June, 1999 to have peace talks which resulted in a peace agreement signed by heads of state of Rwanda, Uganda, Namibia and Zimbabwe on 10 July, 1999. President Fredrick Chiloba was the official mediator of the peace process. This Agreement known as Lusaka Peace Accord provided hope for durable peace since the outbreak of anti-Kabila protest (Kisangani, 2012).

2.5.5 Role of Senator Barack Obama
Former President of US, Barack Obama developed a law to further promote the peace efforts in DRC, enacted by US Senate known as the DRC Relief, Security and Democracy Promotion Act, 2006. This Act sought to elaborate
US policy towards DRC. It also provided for the minimum funding under bilateral foreign assistance to DRC for FY 2006- FY 2007. The Act further authorized the Secretary of State to deny aid to any country found to be destabilizing DRC, and in addition to withhold funds if DRC did not make adequate progress towards achieving the objectives stated in section 102 of the Act. The same Act provided for the creation of Special Envoy to the Great Lakes Region.

2.6 Nature of peace initiatives in eastern DRC

There have been numerous peace initiatives in DRC to include the above and the following:

2.6.1 The United Nations Security Council;

A peacekeeping force was authorized by the United Nations Security Council through Resolution in 1999. The peacekeeping force has been in existence to date with its mandate evolving, more than 10 UNSC resolutions have been passed regarding the mandate of MONUSCO which also has a mandate of Stabilization. It’s priorities have also changed with time to include one of its highest priorities as civilian protection (EPON, 2019). The Civilian Office under MONUSCO has been urged by the UNSC among other things to encourage and accelerate security sector reforms, promote political dialogue, improvement of state management’s of natural resources, assist with extension of state authority, monitor human rights.

2.6.2 US Government;

The US government has bilateral relations with DRC and has been a major in the conflict management in the DRC. In the fy 2012, US aid to DRC was over $254 million and fy 2013, US advanced to DRC $274 million (Arieff, 2014). The purpose of the bilateral is among other things to promote democracy, good governance, promote conflict resolution and stability in eastern DRC, and encourage military professionalism. The US is also the major donor contributing country for the peacekeeping force MONUSCO (Arieff, 2014).
To ensure an end to impunity for gross violations of human rights, the US government through Executive Order 13413 (2006) which targets individuals and groups perpetuating conflict in DRC and committing human rights violations, imposed sanctions to groups such as M23 and FDLR.

Security Sector Reforms are critical to long term structural solutions, if done properly. US contributes to such activities which go to empower the security sector through much needed reform, including military and police training, capacity building on justice, rule of law, and human rights. The US also trains DRC military force in order to build its capacity (Arieff, 2014).

2.6.3 The European Union;

The European Union takes a comprehensive approach to conflict management in the DRC. Between 1992 and 2002, the EU suspended its direct development cooperation due to democracy deficits and outbreak of war, but this fact has since changed (Arnould & Vlassenroot, 2016). The EU conflict management policy is premised within a realistic framework, particularly France which has continually set the agenda (Gegout, 2009). EU member states would like to be viewed as ethical actors and EU is used as the machinery in sharing in the responsibility of intervention. EU conflict management policy uses diplomatic and economic means, and this policy is carried out to show that EU is a capable and independent global actor (Gegout, 2009). The EU has also been a proponent of the fact that Africans do have solutions for their problems, therefore agency lies with the African countries and not external parties (Gegout, 2009).

EU has taken a proactive approach in diffusing the DRC conflicts, particularly Belgium and France. The EU also mobilizes resources to fund development and assist in the reconstruction of DRC. Among the areas of its focus includes improved governance, political-institutional reconstruction through justice and security sector reforms which are key in peace fostering efforts (Arnould & Vlassenroot, 2016). EU is the largest donor in humanitarian
assistance in the DRC. The EU has a delegation in the DRC. It represents all the EU Institutions and some of its main functions are to:

- to conduct policy dialogue with the DRC authorities and non-governmental organizations. The dialogue as part of the Cotonou Agreement on ACP-EU partnership aims at promoting shared values and interests such as respect for human rights and political freedom, strengthening democracy, and consolidation of the rule of law (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

- presume the EU presidency locally, provide a coordination and impulse role and expressing an opinion on policy matters on behalf of the EU and EU countries, carrying out common demarches on behalf of the EU and its Member states (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

- serve as a link between the EU Headquarters and DRC authorities, where such links will contribute to analysis of the DRC situation on both a national and sub-regional level from a comprehensive perspective and develop appropriate responses. It monitors as well the implementation of all EU policies in the DRC (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

- promote sustainable development and poverty reduction in the DRC through its programs focused on areas such as justice, public finance, rule of law, SSR, health, agriculture etc. across the country (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

- collaborate with UN agencies on the ground, including MONUSCO together with international, regional institutions, regional and sub-regional organisations and diplomatic missions of partner countries. This facilitates better coordination of the partners programmes and activities (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

The strategic objective in the DRC by the EU has been to promote peace and democracy by supporting the stabilization and reconstruction of the country. This is done by offering humanitarian assistance, development aid,

Beyond the political and military aspects, contribution to consolidation in the DRC is based on strong support for development under the Cotonou Agreement, which was signed in 2000. The budget for the 2014-2020 period, is one of the largest in bilateral aid, with over €620 million being availed for four priorities, that is; health; environment; strengthening governance and rule of law and infrastructure; which also facilitate in opening up political dialogue with the regime in power (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016). The poor business environment in DRC made its private sector slow, in view of this, the EU has provided economic aid on both a macro- and micro-economic level in development financing for the private sector which help in stimulating the economy (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016)

The EU also cooperates in the reform and modernisation of public finances in the DRC (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

2.6.4 International Conference on the Great Lakes; and

In Nairobi, on 15 December, 2006, 12 heads of state and government of member countries of ICGRL under the auspices of AU and UN met and signed the Pact on Security, Stability and Development and which contained the following commitments (International Conference on the Great Lakes):

(a) To resolve and prevent internal and inter-state armed conflict;

(b) To eliminate threats to peace and security; and

(c) To respect the sovereignty of other states.

Towards the above objectives ICGRL has attempted to resolve the eastern DRC crisis as it has an ongoing project to disarm and repatriate all armed groups in eastern DRC (International Conference on the Great Lakes).
2.6.5 The International Criminal Court

The International Criminal Court was established by the Rome statute and is a permanent institution which has the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in the Statute and shall be complementary to national criminal jurisdictions vide article 1. The Court has jurisdiction in accordance with the Rome Statute with respect to; the crime of genocide; crimes against humanity; war crimes; the crime of aggression (The Rome Statute of the ICC article 5).

DRC ratified the Rome Statute in April 2002 and in April 2004, referred the situation in its territory to the ICC. The ICC therefore may exercise its jurisdiction over crimes listed in the Rome Statute committed on the territory of the DRC (International Criminal Court, 2004). ICC opened investigations and charged several DRC citizens with different serious international crimes. To date there have been three convictions.

2.6 Effectiveness of Peace Initiatives in eastern DRC

To understand why conflict trap persists despite numerous peace initiatives to contain the conflict in DRC, the Human Security Group commissioned a study to understand why EU policies on human security in DRC had limited impact (Arnould & Vlassenroot, 2016). The researchers concluded that:

(a) the strategies that are employed by EU to further peace and human security are over-simplistic, and are not specific to the local context;

(b) that since 2006, EU’s role as a major player in diplomacy and conflict management has gradually weakened, and only focused on its role as a development actor implementing technical projects rather than development of strategic policies on DRC; and

(c) a general lack of political will from the Congolese government to meaningfully engage with donor strategies and support initiative that promote genuine national reform.

The US Congress on the other hand has noted the following which contribute to limited impact of donor policies in the DR especially with regard to security sector reforms; “a lack of strategic planning and coordination,
conflicting policy goals (structural reforms or negotiate integration of rebel combatants), limited justice capacity and a lack of political will on the part of DRC authorities (Arieff, 2014).”

The US has come up with measures to ensure the effectiveness of its regional diplomacy in DRC, by enforcing sanction on actors or states that violate international norms, or law. US Executive Order 13413 (2006) has a deterrence effect. Rwanda has been denied aid not only by US but also other donor countries for violating international rules and law regarding DRC, and which prevented escalation of violence in the eastern DRC (Arieff, 2014).

2.7 Theoretical Framework

2.7.1 Public Choice Theory

According to Buchanan and Tullock, the founding fathers of public choice theory, they defined public choice theory, “as the economic theory of non-market decision making or simply the application of economics to political science. The methodology of public choice is one of economics. However, the basic behavioral postulate of public choice, as of economics, is that man is an egoistic, rational utility maximizer.” This theory displaces the view that participants in the public sphere act in the best interests of the public or for the common good. Furthermore, the founding fathers of this theory aver that Governments are collections of individuals whose have the same self-interest as those individuals in the private sector.

Given the above, the rulers of DRC have ruled the country without much regard for the peoples’ welfare, given the low ranking in terms of human development index, 176/180 in the year 2017 (United Nations Development Programme, 2017). The DRC government is repeatedly accused of massive corruption, the Transparency International ranks it 161/180 with a score of 20/100 (Transparency International, 2018) in the year 2018 which slows down not only development efforts but also creates grievances among the people which may trigger violent conflicts, and disenfranchises the mass population from enjoying their lives.
2.7.2 Spoilers Theory

Steadman in Spoiler Problems in Peace Processes, “defines spoilers as leaders and parties who believe the emerging peace threatens their power, world view and interests and who use violence to undermine attempts to achieve it.”

The situation in Congo best illustrates the theory of spoilers, as there war entrepreneurs who benefit from violent crisis in the DRC, and the government also does not have effective control of the territory in DRC, and therefore when need arises such war entrepreneurs will use violent means to maintain the status quo at the expense of the mass population who are directly affected. Such fragility of the state also provides armed rebels and their proxies with much lee way to loot the country of much needed resources because of the lack of effective control of the state.
CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction
This chapter contains an analysis of how this study will be conducted. It includes research design, data collection methods, methods of data analysis. It will also highlight ethical considerations and limitations of the study.

3.2 Research design
This study will use a qualitative research approach. According to Olive Mugenda and Abel Mugenda, “qualitative research is an umbrella term for various terms of interpretative modes of inquiry commonly used in social sciences” (Mugenda & Mugenda, 1999). This study is based on desktop research. Glesne and Peshkin have stated that qualitative research includes ethnography, case studies, educational critiques, participatory research or evaluation, among several others (Mugenda & Mugenda, 1999).

In line with the above, case study research is used when investigating a complex social phenomenon. This study will therefore undertake a case study design and will be limited to the DRC. The fragility and conflict situation in DRC presents a complex issue to be investigated, even after numerous international interventions have been undertaken to resolve the recurrent violent conflicts in DRC, particularly the eastern region.

3.4 Methods of data collection
This study will use secondary data. The data will be obtained from online sources and the United States International University-Africa library. Secondary data sources will include books, journal articles, reports, newspapers. Given that the research topic is a complex social phenomenon, a large number of sources for collecting secondary data will be used from government, non-government, research institutions and international organizations, in order to analyse the phenomenon holistically.
3.5 Data analysis method

This study will use qualitative data analysis, which provides a range of processes and procedures where the research is transposed from qualitative data that will have been collected, into a form that is capable of explanation, or interpretation of the phenomena under investigation. The data collected will be analyzed through content analysis method for purposes of classification and summarization.

3.6 Ethical Considerations

The researcher will abide by research ethics for conducting research. The researcher will use credible sources of information while undertaking research from USIU-A library, government websites, AU and UN websites, accredited journal databases, which will go a long in providing a broad and comprehensive picture, globally, regionally and nationally of the DRC crisis, notwithstanding many international interventions in the country. The researcher will maintain objectivity while undertaking the research.

3.7 Limitations of the study

This study will primarily rely on secondary data, it would have been better if a triangulation approach would have undertaken where quantitative research approach is also used in coming up with the findings of this research. Given the volatile security situation in the DRC, especially the eastern region, the researcher cannot travel to DRC to collect primary data. The researcher to mitigate this limitation will conduct a thorough research using secondary sources in order to give a true reflection of the assessment of the peace initiatives applied in the eastern DRC crisis.
CHAPTER 4

DATA PRESENTATION AND ANALYSIS

4.1 Introduction

This chapter seeks to provide an analysis of the effectiveness of peace initiatives in conflict management in eastern DRC from 1996-2016. The chapter will also provide key findings based on the analysis.

4.2 Effectiveness of International Actors in Conflict Management

4.2.1 Nelson Mandela

Under the auspices of SADC, a regional body that has been primarily involved in conflict management in DRC, and which body appointed South African President Nelson Mandela as the mediator after the first war in 1997, dubbed the anti-Mobutu war (Carayannis, 2009). A first was held meeting between Mobutu’s administration and the AFDL rebels in Cape Town in 1997 facilitated by South Africa and US. The mediation talks were not successful, notwithstanding the presence of eminent persons such as George Moose and Susan Rice from the US. Afterwards, another round of mediation talks were arranged by South African President Nelson Mandela in order to produce an agreement which was also unsuccessful as Mobutu was ousted from power by AFDL rebels after they captured Kinshasa, and ended the first war (Carayannis, 2009).

Nelson Mandela’s mediation efforts attempted to provide a soft landing for President Mobutu. The Mandela led mediation talks were not inclusive as it left out the non-violent opposition such as the local NGOs, churches, opposition leaders all who were critical in their opposition of Mobutu’s administration. The major effect of this exclusion of non-violent groups and persons who had garnered local support and legitimacy over the years consequently entrenched violence as a tool of politics; and provided legitimacy on Joseph Kabila and the AFDL.
As a result Kabila would later ignore calls by the international community, especially UN and donor countries for political pluralism (Carayannis, 2009).

4.2.2 Fredrick Chiluba and Thambo Mbeki

The second Congo war began in August 1998, ‘anti-Kabila war’ which was propagated by Rwanda and Uganda through proxies and armed militia groups after falling out with Kabila because he initiated military reforms including asking foreign troops to leave the territory of Congo but SADC countries came to the aid of DRC under the concept of collective security (African Center for Strategic Studies, 2017). Carayannis noted that many mediation talks aimed at brokering a peace agreement during the second Congo war were SADC-driven and much of the mediation in both wars was undertaken by leaders in the SADC region. During SADC’s Summit Meeting in 1998, President Fredrick Chiluba was appointed the lead mediator and was mandated with to lead the mediation talks with assistance from Special Envoys appointed from US and EU, namely Howard Wolpe and Aldo Ajello.

In 1999, the war became complex as three armed groups actively operated in eastern DRC, that is RCD-Goma, RCD-ML, and the MLC effectively controlled more than half of the country (Carayannis, 2009). The second Congo war ended in July 1999 with the signing of the agreement by the belligerent parties in Lusaka. Even with the ceasefire agreement in place, violence between the belligerent groups continued until a transition government was established in 2003. This agreement provided for the cessation of hostilities including propaganda, demobilizing armed groups, withdrawal of all foreign groups from the country, and the establishment of a Joint Military Commission to ensure the implementation of the peace agreement. The agreement further provided for the Inter-Congolese Dialogue which would help frame the political governance of the country. Contrasted with the Nelson Mandela mediation efforts was the inclusion of both armed and non-armed groups in the Dialogue as equals.
According to Carayannis, the strengths of the Lusaka agreement included:

(a) recognition of local and external actors to the war;
(b) all key actors signed the agreement including foreign states and rebel groups;
(c) a healing process before establishment of a power sharing government (transitional government);
(d) a multi-stakeholder approach which included not only government but also civil society; and
(e) recognised the security concerns of Rwanda, Burundi and Uganda.

The Lusaka Peace Agreement however fell short because it failed to recognize the areas of influence controlled by different militia groups and their sponsors, such as MLC and Uganda in the northwest and northeast, in the east, RCD, CNDP and Rwanda. However, the greatest weakness was that the agreement excluded the Mai Mai group which was not represented in the Lusaka Process or Inter-Congolese Dialogue in Sun City; Rwanda objected to its inclusion. This weakness continues to compromise the peace efforts today as the armed group continues to fight Rwandese proxy armed groups in the Kivus (Carayannis, 2009).

Thambo Mbeki was very instrumental in facilitating and coordination of the peace talks that led to the Global and Inclusive Agreement on Transition on the DRC (Pretoria Agreement) reached in December, 2002 which agreement promoted peace and stability in DRC (Shillinger, Africa's Peacemaker? South African Conflict Mediation, 2009). This was a comprehensive agreement that provided for a power-sharing transitional framework that recognized Joseph Kabila as president, assisted by four vice presidents from the opposing sides, and a multi-party legislature.

4.2.3 Barack Obama

Obama both as senator and president participated and was involved in the enactment of laws that would help the situation in DRC’s. During Barack Obama’s short term as a senator, he advocated and developed two bills which eventually became law, chiefly was the Democratic Republic of the Congo Relief, Security, and Democracy
Promotion Act of 2006. The Act provided for matters relating to conflict minerals, gender and sexual based violence, sanction on militia groups and their sponsors; and promotion of democracy. The Act provided for a minimum bilateral aid in 2006-2007 and section 105 gave power to the Secretary of State to withhold certain aid if the DRC government made inadequate progress toward policy objectives, and determined that the foreign government was taking actions to destabilize the DRC (Alexis, 2019).

Other pieces of legislation during his tenure as president include:

**Consolidated and Further Continuing Appropriations Act, 2015**

This Act restricted military aid for Rwanda, with various exceptions, unless the Secretary of State certified that Rwanda was implementing a policy to cease political, military and/or financial support to armed groups in DRC that have violated human rights or are involved in illegal exports; among other provisions (Alexis, 2019).

**Consolidated Appropriations Act, 2014**

This Act restricted military aid for Rwanda, with various exceptions, where the Secretary of State certified that Rwanda was taking steps to either cease or provide support to militia groups in DRC implicated in human rights violations or illegal exports of certain goods (Alexis, 2019).

**National Defense Authorization Act for Fiscal Year, 2013**

This Act mandated the Secretary of the Treasury and Secretary of State, to impose travel and financial sanctions against individuals, who were found by the President to have provided support to the M23 rebellion, subject to a waiver (Alexis, 2019).

**Consolidated Appropriations Act, 2012**

This Act restricted military aid for Rwanda and Uganda, with some exceptions, if the Secretary of State found that these countries ceased to provide support to armed groups in DRC that violated human rights or were involved in illegal mineral exports (Alexis, 2019).
**Supplemental Appropriations Act, 2010**

This Act provided $15 million as emergency aid and humanitarian aid for civilians, particularly women and girls, in eastern DRC (Alexis, 2019).

**Dodd-Frank Wall Street Reform and Consumer Protection Act**

This Act required US corporations whose products used minerals from DRC or neighbouring countries and to disclose whether such minerals were used to fund armed militia groups to describe related due diligence measures taken (Alexis, 2019).

**Consolidated Appropriations Act, 2010**

This Act restricted military aid for Rwanda where it was found to have supported DRC militia groups (Alexis, 2019).

**National Defense Authorization Act for Fiscal Year 2010**

The Act required the executive to identify mineral rich areas and develop a map of such areas under the control of militia groups in DRC (Alexis, 2019).

**Supplemental Appropriations Act, 2009**

The Act provided $15 million for peacekeeping operations for DRC, and also used to build capacity of the military as part of security sector reforms (Alexis, 2019).

**Willam Wilberforce Trafficking Victims Protection Reauthorization Act, 2008**

This Act prohibited military assistance for countries identified by the Secretary of State to be involved in the recruitment and use of child soldiers and involved in human trafficking (Alexis, 2019).

It is clear that the United States has tried managing the situation in DRC. Several statutes have been enacted which provide monetary aid and even give sanctions to states or persons that aid in the attacks. However, even
with all the laws put in place, there are still attacks in eastern DRC. The implementation of the various statutes has been ineffective as there is protracted violence in eastern DRC. Therefore more has to be done in order to ensure a peaceful DRC.

4.3 Effectiveness of MONUSCO/MONUC in Conflict Management

The mission has been given different mandates by the UNSC since its establishment in 1999, as a temporary peacekeeping force. A lot of dynamics have contributed to its existence to date. It’s role has been both peacekeeping and evolved to stabilization of the DRC with different strategic objectives over the years. To evaluate its effectiveness 7 parameters borrowed from a recent and extensive study by Effectiveness of Peace Operations Network will be used (EPON, 2019).

4.3.1 Politics and Elections

According to EPON, the support and advancement of a political process is key to any peacekeeping operation. The mission has been lauded by the international community for the logistical support and technical assistance it provided with regard to the 2006 general elections. The mission was instrumental in quelling the violence between Kabilla and Bemba’s supporters in Kinshasa after announcement of the election results, which was critical for a peaceful transition to democracy (EPON, 2019).

Following the electoral victory in 2006, President Kabila commitment to democracy waned and his administration did not put in place an overarching political framework after the Pretoria agreement and following the transition in 2006. Kabila’s regime hindered the protection and promotion of democracy and support of free and fair elections. According to Emily Paddon, “The UN’s ability to play a constructive role in the DRC has been constrained by the absence of a credible political process to which parties are committed, and by the international community’s selective engagement in the country” (EPON, 2019). The 2011 general elections were not credible, the electoral process was marred with irregularities and the Mission had a limited role because the international community did not have a united stance and the government focused only on a predetermined outcome. Therefore
the mission’s role was minimal and was restricted to delivery of electoral materials to various destinations in the provinces. Due to election irregularities the mission temporarily suspended its support to the electoral process.

UN’s efforts to influence the political process in the DRC was consistently resisted by the Government, particularly when MONUSCO took an open stance against undemocratic practices by Kabila administration. For instance, in 2015, Special Representative for the Secretary General Kobler was rejected by the DRC administration following efforts to negotiate a deal between the ruling coalition and opposition parties, whereas Special Representative for the Secretary General Sidikou’s subtle diplomacy attempts were tolerated, but the opposition parties perceived that he was close to the ruling coalition (EPON, 2019). Hence, it can be seen that the mission’s role in trying to promote electoral democratic practices were only successful at time, particularly the 2006 elections, the first democratic elections held in the country but later on this particular commitment to democracy was set aside by the Kabila administration.

### 4.3.2 Protection and Stabilization Mandate

The UNSC Resolution 1856 made the effective protection of civilians the highest priority and this priority was captured in the Mission’s 2016 concept. The Concept provided that the Mission’s progress would be measured in relation to the reductions of levels of threats to a level manageable by the Congolese justice and security agencies. MONUSCO’s added mandate led to a development of a civilian protection strategy, a first in peacekeeping mission. These tools included establishment of; joint protection teams, community liaison assistants, community alert networks, local security committees, prosecution support cells (EPON, 2019).

To enhance the strategy on protection and stabilization, the Mission employed protection through presence approach in order to increase access and assistance to internally displaced persons, and surrounding communities through Mobile and Temporary Operating Bases. This approach was abandoned for “protection through projection” because of financial and technical resources constraints. The mission therefore could be said has a
preventative role. For EPON the situation in eastern DRC could have been much worse without the presence of MONUSCO. However, there have been several security failures by MONUSCO which were highlighted in the 2014 UN Report on PoC, 26% of incidents reported in the period 2010-2013 were auctioned. Through a survey conducted by EPON to determine the perception of effectiveness of MONUSCO in DRC, the poll results showed that 50% found MONUSCO to be doing a good job in protecting civilians while 55% did not want to the Mission to leave.

A much cited failure of MONUSCO is the mutiny by troops from FARDC in North Kivu, which later renamed itself the M23 denoting the date of agreement between CNDP and the Congolese government in 2009. The mutiny led to the group capturing the border town of Goma in November 2012 which was very embarrassing for FARDC and MONUSCO. After this incident the mission’s mandate was reviewed and a Force Intervention Brigade (FIB) created through a United Nations Security Council Resolution 2098 comprising regional forces which authorized the FIB to neutralize armed groups. The then Secretary General, Ban Ki-moon mobilized regional actors and a UN Peace and Security Cooperation Framework was adopted by SADC, ICGLR, and the AU. The position of a UN Special Envoy for the Great Lakes Region was also created. M23 was subsequently defeated through joint offensive operations between FARDC and FIB, and due to donor countries diplomatic pressure especially on the sponsors of the group to desist from supporting the group.

Another challenge MONUSCO encountered regarded the implementation of the protection through projection because of inadequate resources, especially those that provide mobility. In 2013 for instance, the Mission had 69 air vessels which were reduced to 45 by 2018. In North Kivu, MONUSCO closed five bases which had an impact in the Mission’s military, police and civilian reach, thereby affecting continuing programmes and activities. In South Kivu on the other hand, only two air vessels were available to MONUSCO to navigate the vast territory. Consequently MONUSCO had to use roads for deployment which takes up a lot of time, hence resulting to difficulties in reaching hot spots. In Ituri it was found that closure of bases without alternative presence by
MONUSCO left the population insecure and prone to attacks from illegal armed groups. The Centre for Civilians in Conflict reported that due to such manner of closing down of bases “it would result to non state armed groups retaking territory that MONUSCO had vacated and resulting to violations against civilian population by both state and non state armed forces and humanitarian access would decrease.” From the foregoing it can be established that UNSC’s decision to scale down the size of the peacekeeping force and the reduction of the budget of MONUSCO had a negative effect regarding the protection of civilians.

4.3.3 Stabilization Efforts

MONUSCO stabilization strategy came after the 2009 Goma peace accords when armed groups surrendered their arms and agreed to integrate into the army after years of civil war. UNSC Resolution 2277 in 2010 prioritized stabilization as a key priority for the peacekeeping force, and a Stabilization Support Unit and Stabilization Trust Fund was established. However, the Strategy encountered implementation challenges such as: fallout with the Congolese Government; and the creation of FIB overshadowed the stabilization work. In addition, stabilization programmes paid attention to reconstruction of government buildings such as police stations; courts etc without taking into account the peculiar circumstances of the conflict. The Strategy was pursued in a context where effective security was lacking, rule of law and economic progress was inadequate.

Another criticism bedeviled was MONUSCO’s focus on elections and given that there are recurrent humanitarian and political crises in eastern DRC. The Stabilization Strategy was revised in 2012 to take into account the predatory nature of the state, and provided for a mixed conflict transformation approaches, that is top-down and bottom-up approach. The approach put forward democratic dialogue as a key tool for conflict transformation and political engagement. Hot spots were identified, provincial stabilization strategies and action plans prepared, validated and implemented. A Stabilization Coherence Fund of USD 40 million was created for bilateral projects earmarked for the implementation of the Stabilization Strategies for North Kivu, South Kivu and Ituri. The Fund
went a long way to help the Mission to pursue its activities and provided a pool where to draw funds (EPON, 2019).

Notwithstanding the strategic operations efforts, there have been situations where MONUSCO failed to protect civilians; for example in 2008, after the departure of Uganda armed forces from the Kivu areas, there was renewed fighting between the communities resulting to a humanitarian crisis which MONUSCO could not contain on its own, EU Artemis operation came to the rescue after a UN request.

4.3.4 Security Efforts

The numbers of active armed groups in the eastern Congo have declined following the end of the Congo wars and have been reduced to 30, and large conventional groups such as M23 and FDLR have been significantly reduced both in numbers and capacity (EPON, 2019). The FARDC and MONUSCO have been lauded for the achievement. Similar active armed groups like the FDLR and Mai Mai are relatively active and hide out in the forests and their activities are in banditry in nature, but FARDC and MONUSCO have been able to contain them. These groups report to government authorities, at times to the highest level (EPON, 2019). MONUSCO has to a large extent reduced the military strength and capabilities of these armed groups using DDRR, military pressure and soft tools but has been unable to neutralize armed groups like the FDLR and ADF because of the political context and interests of national and external actors, including the operational difficulties of MONUSCO (EPON, 2019). The resultant effects are that the population is exposed to cycles of violence whereby the FARDC and rebels come and leave as they please. Geopolitics also come into play as some armed groups are funded by Rwanda, Burundi and Uganda, and cross the borders with relative ease, necessitating tensions around the borders. Consequences of such geopolitics are failed SSR and DDRR programmes, and failure by the Congolese government to implement the programmes frustrated former combatants who were left with few options other than desertion and rejoining armed groups, and undermined MONUSCO’s efforts. In addition, the lack of an overarching political framework and lack of clarity from UNSC to pursue negotiated matters with armed groups put MONUSCO in a position to only pursue military solutions.
MONUSCO’s DDRR and SSR efforts are highlighted below;

(a) **DDRR**

DDR was initiated in DRC after the signing of the Lusaka Agreement, 1999 and the Global and All Inclusive Peace Agreement in 2002, thereafter two national conducted DDR programmes failed due to corruption, inefficiency and incapacity. In 2009 MONUSCO after 2008 Goma peace accords took up the role of spearheading DDR programmes because government commitment had dissipated (EPON, 2019). Nevertheless, MONUSCO reported that from 2008 and 2012 it had demobilized 5,000 ex-combatants, with 2,600 receiving direct support. In 2015-2016, the mission assisted the third national DDR programme, with a demobilization of 5,583 Congolese ex-combatants. However, the DDR was ineffectively conducted and hindered the peace process in DRC and persons were made to live in poor conditions and for a prolonged period. In 2007 a strategic review noted that more 32,000 foreign combatants and their dependents had been repatriated to Rwanda from 2002.

(b) **SSR**

Similar to DDR, MONUSCO and international partners initiated SSR programmes in order to establish a civilian and professional police, and army and MONUSCO. MONUSCO and FARDC had access to the Peace Building Fund and support from other donor countries. This kind of partnership was important because MONUSCO had a coordinating role between 2008 and 2014 to facilitate SSR efforts but there had been no ownership of the process by the Kabila administration and the bilateral partners. In facilitating SSR, the Mission relied on external funding with different agendas and conditionality which impacted the operations of the Mission long term. The international partners had either been unwilling or unable to coordinate their initiatives effectively and efficiently and opted for bilateral agreements with the Congolese administration and led to duplication of efforts and negative unintended consequences. The Congolese administration continuously sabotaged SSR initiatives whereby in numerous occasions the administration failed to deliver its agreed support for the individuals in
training, and at times FARDC lacked food and income and had to arrange for their own transportation to training camps.

Despite the reforms proposed for the police few have been implemented. DRC still lacks basic requirements for an effective national security system, register of personnel, effective payrolls and proper police academy. The implementation failures are due to resistance by local actors and the lack of appreciation of the local circumstances. It is estimated that 80% of the DRC police officers lack basic training and there is no budgetary allocation for training of its police officers (EPON, 2019). In line with the above, it is clear the government never had the commitment to undertake police reforms and improve the livelihood of police officers (EPON, 2019). The reform of FARDC also came against a backdrop of challenges in spite of a biometric based payment system which had been created. Against this premise, the operational capacity of the security agencies was inadequate.

4.3.5 Regional and International Support

There is in place a UN Special Envoy for the Great Lakes mandated with the task of coming up with regional solutions to protracted violence in Eastern DRC but this has had positive limited impact (EPON, 2019). Further, Resolution 2409 calls on the region to support a peaceful environment by respecting the principles of non-interference, good neighbourliness and regional cooperation. This mandate has not been effectively implemented; there is no champion of the UN Mission at the UNSC and numerous regional interferences within DRC. At times the regional players are in agreement with MONUSCO as was seen during the creation of FIB/PSCF, and at other times regional players provide support illegal armed groups in the DRC and therefore undermined the efforts of MONUSCO.

Whilst at the international level, there is donor fatigue, little commitment to DRC’s conflict management from the permanent members and MONUSCO has been consequently hindered by not only strategic challenges but also operational challenges.
4.3.6 Partnerships

Due to the mandate of the Mission, MONUSCO has been working in partnership with other countries, NGOs and humanitarian organizations in fulfilling its mandate. These relationships assist with monitoring, analysis and reporting arrangements and critical in data collection and information sharing in order to map out relevant programs, find solutions to problems such as conflict related sexual violence, analysis of trends and identification of hotspots (EPON, 2019). EPON reported in 2019 that where there exists a communications breakdown between the UN Secretariat, coordination challenges and MONUSCO was in a weak position to develop appropriate mitigation strategies and risk assessments. The lack of coherence made it difficult for MONUSCO to provide linkages between its programs and national priorities, hence the Mission paid attention insufficient attention of long term objectives of the mission.

4.3.7 Women, Peace and Security

MONUSCO has mainstreamed gender issues within the Mission and had broadened UNSC Resolution 1325 on women empowerment which has gone beyond the view of women as potential victims of sexual violence and men as aggressors, and entrenched a more nuanced approach. MONUSCO put up other measures such as engaging CLAs and gender focal points, and has in place a Gender Office.

Sexual violence is rampant in DRC, almost 50% of cases are girls under the age of 18 years. MONUSCO undertook to regularly report and monitor, prepare reports and provided data analysis to the Secretary General, in collaboration with UNICEF and UNHCR (EPON, 2019). MONUSCO has also been accused of sexual violence and has provided the basis for the reluctance to conduct investigations regarding sexual violence cases, with NGOs complaining of “MONUSCO babies” (EPON, 2019).
One of the greatest and long term achievements of MONUSCO have been concerted efforts employed in matters relating to children. The Sexual Violence Unit and Children Unit, take steps to connect with armed groups on child recruitment and sexual violence and following MONUSCO’s support, FARDC is in a better position to identify child soldiers and does not recruit them (EPON, 2019).

From the foregoing, the mission had mixed results in carrying out its mandate but has been able to stabilize the rest of the country and there is relative stability in the eastern DRC. There has been no relapse to major violent conflict and in the recent past the Mission has quelled violent attacks as was the case in Goma in the year 2009 when M23 captured the town. MONUSCO was able to ensure the implementation of the Lusaka and Pretoria Agreements, which led to a peaceful and legitimate election process. The Mission enabled the creation of state institutions, put in place SSR and DDR reforms. Furthermore, the Mission was able to create a conducive environment for other actors such as the private sector, national and international actors to operate, provide services and stimulate the economy. The mission fostered a civic space where civil society was encouraged to participate in the domestic affairs of the country, and assisted in the installation of Radio Okapi, an independent radio station for information sharing and debate (EPON, 2019). Lastly, MONUSCO-MONUC has been critical in data collection, sharing and reporting. The data collected by the mission was instrumental in the ICC investigations in the country.

4.4 Effectiveness of United States in Conflict Management

4.4.1 Bilateral aid programs

These programs seek to promote stability, economic growth, health, good governance, education, security force professionalization, and military justice.
4.4.2 Humanitarian donations and financial contributions to the UN

The United States is the largest humanitarian donor in DRC and the largest financial contributor to MONUSCO (Blanchfield, 2018).

4.4.3 Influence over decisions of international financial Institutions

The United States also has influence over the decisions of international financial institutions from which the DRC government requests for budget support, amid an economic downturn caused by falling mineral export prices (Alexis, 2019).

4.4.4 Influence in the UN

As a permanent member of the UNSC, the United States has influenced the scope of MONUSCO’s mandate and sanctions (Alexis, 2019).

4.4.5 Sanctions

US Congress enacted restrictions on certain types of U.S. aid to countries that, like DRC, use child soldiers in their military, the Obama Administration however, waived restrictions for DRC in financial year 2016. Between 2012 and 2014, the Obama Administration suspended some military aid to Rwanda due to its support for the M23 rebel group, citing violations of various US laws (Alexis, 2019).

4.4.6 Special Envoy

Former Senator Feingold as the US special envoy for the Great Lakes region and DRC helped negotiate an end to the M23 rebellion in the eastern DRC and sought to improve the protection of the rights of women in the GLR. He advocated military reforms in the country, and pushed for greater dialogue and collaboration among the DRC, Rwanda, and other states (United States Institute of peace, 2015).

After the M23 rebel movement something fundamental shifted in the way the US handles the DRC crisis. The US took seriously the claims made in the 2012 United Nations Group of Experts report on the DRC, which
demonstrated proved Kigali’s role in backing the M23 rebel movement. The US then went ahead to suspended military aid to Rwanda. It did not grant Rwanda a waiver for using child soldiers even after the peace talks faltered. This indicated that US could not turn a blind eye to its behaviour in Congo.

Despite the efforts by US to manage conflict and maintain peace in DRC. Conflict has nonetheless persisted in eastern DRC, while new conflicts emerged in previously stable regions, possibly fuelled by political interference (United States institute of Peace, 2015).

The use of laws to restrict US Aid in some countries has been argued to be ineffective. It has been argued that laws restricting U.S. aid to countries that, like DRC, have poor records on curtailing the use of child soldiers or human trafficking (Alexis, 2019).

Neighbouring countries such as Rwanda and Uganda have frequently backed rebel proxies, and the security spaces have drawn in foreign militias. FARDC and PNC have been implicated in serious human rights abuses, including extrajudicial killings and mass rapes. There were 4.5 million internally displaced persons (IDPs) in DRC as of late 2017, one of the highest numbers in the world, while another 825,000 Congolese are refugees in neighbouring countries (UNHCR, 2019). About 12.8 million people (15% of the country’s estimated population) were reportedly in dire need of assistance as of late 2018 (UNHCR, 2019). All this is taking place even with the US playing its supposed role in DRC. This clearly indicates failure on the part of the US in conflict management in DRC.

4.5 Effectiveness of EU Conflict Management

Human security has framed much of the EU’s engagement in the DRC, although it has not been overtly articulated in practice. The EU has actively participated in the international community’s efforts to restore peace and democracy in the DRC through financial aid for the constitutional referendum in 2005 and the electoral processes in 2006 and 2011, and by participating in election observation missions. The EU’s support is grounded on strong support for political, economic and commercial development in the country under the Cotonou Agreement which was signed in 2000 (Congo, The Democratic Republic of the Congo and the EU, 2016).
The EU has undertaken five Common Security and Defence Policy missions in the DRC, two military and three civilian missions. The military missions were Artemis and EUFOR DR Congo which were undertaken at the request of UN. Artemis was a French-led operation in 2013 following an escalation of violence in the eastern Ituri district. Its mandate was to stabilize the security conditions and improve the humanitarian situation in Bunia, protect the airport, IDP camps, civilian populations and UN and humanitarian personnel. Artemis took approximately three months. (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016)

In 2006, EU deployed a second military mission EUFOR DR Congo for five months. Its mandate was to assist the Congolese army and the mission in securing the elections. (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016). EU’s military missions on one hand represented short term emergency responses; the Civilian missions on the other hand were mandated with longer term institutional reform purposes. The civilian missions, EUPOL Kinshasa, EUPOL DR Congo and EUSEC DR CONGO, were aimed at strengthening the Congolese police forces. Some of EUSEC’s key contributions have been the creation of a new chain of payment to reduce embezzlement of soldier’s salaries, the modernization of military and human resources (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016).

There are other several ways the EU supports DRC. They are:

**4.5.1 Financial Aid**

In April 2010, the EU entered into a financial agreement worth 16 million euros with DRC with a view to implement an Aid for Trade programme. The overall objective of this programme was to support the government in its efforts to make the economy more competitive and to prepare its integration into the global economy (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016). The EU also frequently gave development aid to support the reconstruction of DRC. Its areas of concentration included; the reconstruction of the health sector, infrastructure rehabilitation and improved governance (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016).
4.5.2 Humanitarian Aid Assistance

The EU institutions are amongst the top three donors of humanitarian assistance in the DRC and the humanitarian department is usually committed to providing emergency assistance to displaced or vulnerable populations through appropriate humanitarian aid whilst in keeping with humanitarian principles such as impartiality and neutrality (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016).

EU has also financed preparedness and risk mitigation projects in regions prone to natural disasters and also provided assistance to refugees arriving in the DRC from the neighbouring countries. Where possible the EU repatriated refugees and it provided the minimum conditions to help the refugees reconstruct their lives and improve basic social services (Congo, About the European Union (EU) Delegation in the Democratic Republic of the Congo, 2016). In areas not affected by conflict, humanitarian aid was mainly focused on acute malnutrition, food insecurity and epidemics.

4.5.3 Protection activities

The EU has not only focused on protection activities but also assistance of victims of sexual based gender violence, child protection and encouraging establishment of assistance projects in isolated areas (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016).

4.5.4 Commitment to combating impunity

The EU has also expressed its commitment to combating impunity for human rights abuses and it supported the International Criminal Court’s investigations in the DRC.

4.4.5 Supported democracy and human rights

In 2006, over half of the election budget was funded by the EU and its member states. It also supported the electoral process through securitization of the elections and electoral observation missions. Through EU’s
instrument for democracy and Human Rights, the EU supported projects implemented by the civil society partners which focused on promotion of the rule of law, human rights protections and political participation. Some of these projects included; support for torture victims, independent local media, civic education, fight against impunity among others (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016).

In October 2016, the EU applied sanctions to 7 senior Congolese Security officers who had committed serious human rights violations and attempted to obstruct measures to find political solutions in the country by freezing their assets and restricting their travel (African Centre for Strategic Studies, 2017).

4.5.6 Criticisms

The EU has been a constant player in conflict management in the DRC. It has also made a positive contribution to the lives of many people, especially with regard to humanitarian assistance but the conflict management strategies employed by EU to bring about human security, stability and security have only produced short term effects rather than long term durable peace (Piccolino, 2010). According to Vlassenroot and Arnould there are three interrelated reasons for this: one is the EU’s flawed assumptions about institution-building as a vehicle for change, another is the EU’s diplomatic role has been watered down, and local resistance to reforms. Ian Taylor and other scholars argued that the EU’s attempts to build peace and security were severely compromised by its bureaucratic and organizational complexity as well as by its ineffective policies. EU’s approach focused on state building and has resulted in EU’s inability to deal with the realities of governance in the DRC and the strong trans-border dimensions of the conflict.

4.5.6.1 Lack of a coherent strategy

EU lacked a coherent strategy towards DRC, despite a large budget. The EU was more concerned with establishing a symbolic presence and a form of representation than with achieving specific goals in DRC (Meike, Söderbaum, & Taylor, 2011).
4.5.6.2 Overlapping roles

Almost all EU efforts in the DRC in terms of civilian crisis management and SSR were undertaken either by the CSDP or as part of development assistance programmes.

4.5.6.3 Interagency rivalry

Inter-agency rivalry is severe and there is lack of any significant agreement on a natural division of labour between the Commission and the Council led to destabilizing the EU’s efforts in DRC.

4.5.6.4 Coordination weaknesses

The tension between different actors has characterized the EU’s efforts regarding the eastern DRC (Meike, Söderbaum, & Taylor, 2011). The Commission and the Council, to date, remain inadequately harmonized, which fundamentally undermines the EU’s efforts in stabilizing eastern DRC (Meike, Söderbaum, & Taylor, 2011).

4.5.6.5 Structural difficulties

There have been structural difficulties caused by EU employment practice, which increased challenges in attaining any long-term coherent European approach. Differing contract periods meant that there was a continuous change in staffing causing institutional incapacity (Meike, Söderbaum, & Taylor, 2011).

4.5.6.6 EU has not dealt with cross-border issues

The EU has not dealt well with cross-border issues and the regional dimension of the conflict, primarily because the EU’s approach in the DRC has been nation-based. Though the EU itself has increasingly acknowledged the regional dimension of the conflicts, no practical mechanisms for dealing with this reality were employed. This was due to the way the EU bilaterally works with governments through state-building and a national approach (Meike, Söderbaum, & Taylor, 2011). The EU has found it very difficult to successfully engage in the context of a regional conflict where a credible regional counterpart is absent (Meike, Söderbaum, & Taylor, 2011).
4.5.6.7 State sovereignty

It is argued that DRC is a fragile state and that it is difficult to cooperate and engage in meaningful dialogue in such a context. A UN informant source said, “The international community is obliged to deal with the Congolese government (Meike, Söderbaum, & Taylor, 2011).

4.5.6.8 Lack of donor co-ordination

A lack of donor coordination limited the EU’s coherence. EU policies in the DRC overlooked the complexities on the ground; they have focused more on the implementation of its technical projects rather than on the development strategy. Therefore the EU policy on DRC has been ineffective given the implementation challenges experienced especially at the local community level (Vlassenroot & Arnould, EU policies in the Democratic Republic of Congo: Try and Fail?, 2016).

4.6 Effectiveness of International Conference on the Great Lakes

The ICGRL was created by the UN in partnership with the AU in 2003 in order to find solutions to the regional conflicts in the Great Lakes Region, and consists of 12 countries. The ICGRL has made progress in a number of areas in the GLR and regarding DRC. ICGRL ratified the Peace, Security and Cooperation Framework for the Democratic Republic of Congo in 2013 after noting the cycles of conflict and violence in the eastern DRC, and also erect stability by addressing the root causes of the conflict and creating trust between neighbouring countries (Kanyangara, 2016).

The DRC on its part would undertake (i) SSR; (ii) ensure effective control of the territory of the eastern DRC; (iii) decentralize; (iv) economic growth; (v) reforms processes; and (vi) conduct reconciliation (Kanyangara, 2016). While member states committed to (i) respect DRC territorial integrity; (ii) not support militia groups; (iii) commit to regional cooperation, and (iv) not to provide cover to persons accused of war crimes or crimes against humanity. Whereas the international community committed to (i) long term solutions to DRC; (ii) review the mandate of UN mission; and (iii) appointment of a UN special envoy. According to ACCORD, this pact led to some progress with regard to monitoring of security at shared borders and in disarming armed groups operating in
the DRC, resulting to peace in some areas (Kanyangara, 2016). Therefore this pact has been effective in attempting to secure peace in the eastern DRC.

4.7 Effectiveness of International Criminal Court in Conflict Management

To date the ICC has managed to investigate and convict Thomas Lubanga, Germain Katanga Bosco Ntaganda.

In *Prosecutor v. Thomas Lubanga*, the court found him guilty on 14 March 2012, of the war crimes of using children under the age of 15 years to participate actively in hostilities. The prohibition against use of children as soldiers is provided under article 8 (2) (b) (xxvi). He was sentenced to a total of 14 years in prison. In 2015, Lubanga was transferred to a prison facility in the DRC to serve his sentence.

In *Prosecutor v. Germain Katanga*, the court found him guilty on 14 March 2014 as an accessory on one count of a crime against humanity and four counts of war crimes that is murder, attacking a civilian population, destruction of property and pillaging. He was sentenced to 12 years in prison; it was later reduced and was completed in 2016.

In March 2017, the court awarded individuals symbolic compensation to victims of crimes which were committed by Germain Katanga in 2003. This compensation was to provide support for their housing, education and psychological support and also act as source of income. The trust fund for victims was further invited to consider using its resources for the reparations because of Katanga’s indigence.

*The Prosecutor v Ntaganda*, the court found Bosco Ntaganda found him guilty on 8 July 2019 for 18 counts of war crimes and crimes against humanity, committed in Ituri, between 2002-2003. Ntaganda was guilty of crimes against humanity that is murder and attempted murder, rape, sexual slavery, persecution, forcible transfer and deportation and war crimes that is murder and attempted murder, intentionally directing attacks against civilians, rape, sexual slavery, ordering the displacement of the civilian population, using children under the age of 15 years and actively using them in hostilities, intentionally directing attacks against protected objects, and destroying the enemies properties.
Based on decided cases it is clear that the ICC is bringing people to justice for crimes within its jurisdiction. However, it is argued that given the comparative lack of certainty and severity of sanction represented by the Court’s prosecutions, as well as the selection of perpetrators with powerful incentives to offend, current prosecutorial policy is not well-targeted at producing a deterrent effect (Cronin-Furman, 2013). The main criticism of the court remains the prosecutorial and investigative strategy of the Office of the Prosecutor.

One of the primary criticisms of the ICC’s investigations in the DRC cases is “that they lack representativeness, reflecting only part of the conflict, in terms of both affected victims and temporal scope” (Cassehgari, 2014). The proceedings have revealed deficits in matters relating to principles of fair trial especially with regard to rights of defendants. These principles, considered fundamental in national and international law, are guaranteed by the Rome Statute and ICC’s Rules of Procedure and Evidence, particularly those regulating evidence. Any violation of fair trial principles can cause interruptions and delays and even impede the prosecution of alleged perpetrators for their crimes. This occurred in the DRC cases, when the gathering of evidence, use of intermediaries, and application of the exception of confidentiality and nondisclosure were called into question.

Critics of the court have questioned its value; with some calling it useless or worse, and saying it has little to show for its efforts. In the DRC Cases it has been argued that there was:

4.7.1 Narrow Scope of Charges

In the Lubanga case, the restricted choice of charges against Lubanga was disputed as he was only charged with conscripting, enlisting, and using children under the age of 15 to actively participate in hostilities. This decision was taken despite the list of abuses attributed to him and the Union des Patriotes Congo-lais according to information gathered by human rights organizations and United Nations agencies, which referred to a wide range of war crimes and crimes against humanity. The prosecutor explained that he chose to limit the charges due to the difficulty of conducting onsite investigations amid security concerns and the limitations imposed by the tight schedule of proceedings set by the court (Cassehgari, 2014). Efforts made by Lubanga’s victims participating in the trial who sought addition of charges did not have a positive outcome. (Cassehgari, 2014).
4.7.2 Insufficient Temporal Scope

The Katanga and Ngudjolo cases were disputed because the charges were not representative of the alleged crimes and the period for which they were committed, because the charges brought against him only applied to a single event in Bogoro which occurred on 24 February, 2003. There was evidence to the contrary and documented by international actors. In spite of this hindrance, the charges were wide enough compared with Lubanga’s as they were more representative of the alleged crimes.

4.7.3 Insufficient Geographical Scope

Regarding Bosco Ntaganda’s case, the charges brought against him were representative comprising of a wide range of crimes. The timeframe under consideration was also representative, as it covered the period from September 2002, to the end of September 2003. Nevertheless, only Ntaganda’s criminal activity as leader of the Patriotic Forces for the Liberation of Congo with Lubanga in the Ituri district was considered; though the many crimes committed afterward with the National Congress for the Defence of the People in the Kivu region were excluded from the investigation. Unfortunately many cases, which were committed on a large scale in the Kivus still go unpunished. Justice still remains elusive for the people of eastern DRC.

4.7.4 Insufficient Representation of the Chain of Responsibility

ICC has not only at times failed to bring about prosecutions that are representative but also persons responsible for committing serious crimes of international concerns were not investigated. The documentation gathered by human rights organizations and UN agencies, as well as discussions within the court, implicated high-ranking political and military leaders in the Congolese army and government as well as those in neighbouring countries (Casseghari, 2014). Proceedings have not involved all of the persons who are alleged to be most responsible for these crimes or addressed the role of the various governments that manipulated the armed groups, contributing to their criminal behaviour (Cassehngari, 2014).

4.7.5 Problems in the Handling of Evidence
Questions have been raised regarding the Prosecutor’s methodology of handling evidence because of court’s acquittals. The prosecutor was blamed for producing unreliable witnesses and for presenting weak evidence. For example, in the judgment of December 18, 2012, acquitting Ngudjolo, the court stressed the weakness of the evidence produced by the prosecutor against him, highlighting the limited relevance of the three main witnesses. The court also criticized the delay in investigations, which took place three years after the fact, and noted the unfortunate fact that the prosecution had not visited as soon as possible the areas where most of the alleged violations had allegedly occurred, to assess the geographical context and make verifications (Cassehghari, 2014).

4.7.6 Use of Intermediaries

In the Lubanga case, the court criticized the lack of transparency in how intermediaries were selected and the weak control exercised over them, which had serious effect on the reliability of the testimony they helped to render. Some intermediaries appeared to have acted non-transparently. The court also stated that the prosecutor should not have over-delegated his investigative duties and considered that intermediaries should replace him in carrying out his duties (Cassehghari, 2014).

4.7.7 Abuse of the Exception of Confidentiality Pursuant to Article 54.3(e) of the Rome Statute

In the Lubanga case, the court ordered a stay of proceedings because the right to a fair trial could not be guaranteed. This was due to the Office of the Prosecutor’s abusive use of article 54 (3) (e) of the Rome Statute, which permits the prosecutor to keep some documents and information confidential so as to protect sources. The prosecution can use some material as leads to obtain additional evidence, but it cannot use it as evidence at trial.

The Office of the Prosecutor received more than 200 documents from the United Nations and some non-governmental organizations on the condition of confidentiality. Some of this material contained potentially exculpatory information and information relevant to the preparation of the defence case, which, pursuant to article 67 (2) and rule 77, was to be disclosed to the accused. The prosecution failed to disclose this material under article 54 (3) (e) and, notably, it refused to put it before the Trial Chamber so that the judges could assess whether the material had to be disclosed. The judges found such material inadmissible under those circumstances and not
covered under article 54 (3) (e) and the Chamber stated that the prosecutor had misused his powers under Article 54 (3) (e) to keep important evidence from the accused. In the opinion of the judges, such behaviour constituted a violation of the rights of the defendant and compromised the fairness of the trial. The failures and weaknesses that emerged from the DRC cases clearly show that some changes need to be implemented to improve future prosecutions as well as the gathering and managing of evidence (Cassehgari, 2014).

4.7.8 Jurisdiction Challenge

The DRC ratified the ICC statute in 2002 and domesticated it in its various laws, the Penal Code and the Penal Code for the Military. ICC is a court of last resort and operates on a basis of complementarity. The question of justice comes into play because most crimes were committed before DRC ratified the Statute. In addition DRC administration had been unwilling to prosecute offenders as was established in 2009 when the DRC administration ordered military magistrates not to prosecute leaders and fighters of armed groups based in North and South Kivu, particularly the CNDP (Mutahi, Katumanga, Olewe-Nyuya, & Musumba, 2012). The DRC administration entrenched impunity whenever it tried to quell violence by prescribing amnesty laws providing amnesty to most active combatants. In 2005, Congolese Parliament codified a presidential executive order which provided amnesty to person for acts of war and permitted retroactive pardon (Mutahi, Katumanga, Olewe-Nyuya, & Musumba, 2012).

It can be argued that despite the progress ICC has made to prosecute offenders, that it has not had an effective impact in deterring war entrepreneurs in DRC for the reason that violence in DRC is used as a tool to clinch political power even if it will lead to loss of lives. There are numerous amnesty laws to protect combatants, and the question of justice for victims remains unanswered or ignored.
CHAPTER FIVE

SUMMARY, DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

In this chapter the findings of the study are discussed. The chapter further analyses the contribution of the theories discussed in chapter two and makes a summary of the findings in relation to the research questions. The first section gives a summary of the key findings, followed by the conclusion drawn from the key findings of research and recommendations are given.

5.2 Summary of key Findings and Discussions

The problem of continuous violence in the eastern DRC is closely linked with fragility of the state. Despite the lack of commitment by the government administration to political reform which would address other challenges facing the country, the UNSC is committed to continually review the mission’s mandate and provide limited resources. The mission has provided security, protection and stabilization in the DRC, including eastern DRC which now enjoys relative peace. However, MONUSCO is hindered in its work due to a limited geographical reach given the large size of the country, evolving mandate of MONUSCO without adequate resources. The mission’s insufficient infrastructure consequently leads to dependence on aviation for deployment to the field. Another challenge is inadequate skills set and guidance for peacekeeping troops, the limited will and ability for certain regiments in how to use force, leadership, command and control issues at leadership levels.

The peace initiatives were conducted in an uncoordinated fashion sometimes leading to unintended consequences, wastage of resources, time such as legitimating a kleptocratic administration which acts as a predator to its own citizens, inculcating further donor fatigue. Durable peace is still elusive in eastern DRC at times despite billions of dollars, SSR and DDR reforms, Human Rights Awareness, Capacity Building, Developmental and Humanitarian Aid being dedicated to the country.
The regional efforts particularly SADC led mediation efforts and ICGRL Pact on Security, Stability and Development for the Great Lakes Region have been effective to a great level. This relative success could mean that African problems do have African solutions.

The ICC has also taken steps to ensure justice to the victims of the DRC crisis, however there has not been much deterrence effect as expected, as states in the recent past have provided cover for persons accused of war crimes or crimes against humanity. The AU has also taken a negative position on the ICC.

5.3 Conclusion

The theoretical frameworks relied on for this study has been proven, both the public choice theory and spoilers’ theory. Wherein, the successive government administrations have been unwilling to commit to the peaceful settlement of the crisis in the eastern DRC. DRC is among the worst countries in the corruption index, and operates on a patronage system to the detriment of the mass population. Many war entrepreneurs benefit from the crisis and therefore peace disturbs the status quo, forgetting that human lives are more important given that every human being has a right to life. Therefore, despite many peace initiatives including the International Criminal Court, if there is no buy in from the government of the day, those initiatives can only be effective to some limited degree thereby inhibiting the full realization of the potential of DRC. With the new president Felix Tshikedi, may be there is hope for genuine democratic change to bring a lasting solution to the violent crisis in the eastern DRC.

5.4 Recommendations

1. The effective implementation of a protection strategy has to be accompanied by the active involvement of a host country to reform its security architecture (SSR) and support disarmament and reintegration measures (DDR). Strategies cannot be successful without adequate capacities to implement them, there is need for willingness and commitment from DRC government administration.

2. For MONUSCO Stabilization Strategy to succeed there is need for closer collaboration with the local authorities, and the role of Special Envoy for the Great Lakes Region should be used in a more efficient way on issues that engender regional and international tensions.
3. MONUSCO should build strong relationships with the local community and could engage a coordinator for this purpose; sub-contract activities which are well suited to be undertaken by other partners, including local NGOs to ensure efficiency; and mobilize political alliance in order to ensure the Mission’s success.

4. The UNSC should allocate enough resources for the effective and efficient implementation of the mandate of MONUSCO, and permanent members should be champions for the conclusion of protracted violence in eastern DRC, and avoid perpetuating partisan interests to the detriment of the larger population.

5. The ICC prosecutor when defining the prosecutorial strategy should consult with civil society and discuss with them how to respond to serious violations of human rights committed in their national territory.

6. DRC national courts should become more active in the fight against impunity for international crimes.

7. There should be a coordination framework developed by the international community, US, EU, SADC, ICGRL, AU and implemented effectively in order to avoid donor fatigue, duplication of efforts which leads to inefficient use of time, resources, and unintended consequences.

8. The EU should define its policy based on the situation in DRC. It should take into account the local circumstances. The EU should take note that DRC is a kleptocratic state. EU strategies should focus on fundamentally changing the extractive character of the government administration. Since there is lack of political will on the DRC administration the EU should reconsider how it engages with state actors that continuously oppose reform efforts. It may be wise for the EU to withdraw its support in some areas until there is commitment to reform.

9. The US and EU should continue enforcing sanctions against persons who are resisting reforms in the DRC, be it countries, persons or groups.
5.4.1 Suggestions for Further Studies

The study suggests a research to be done on how local conflict resolution influences durable peace in Democratic Republic of Congo.
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