



**Mendel  
University  
in Brno**



**United Nations Peace Keeping Mission: Achievements,  
Challenges and the Prospects for Lasting Peace in the  
Eastern Democratic Republic of Congo**

Diploma Thesis

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## **Abstract**

*Josue, M. The United Nations peace keeping mission: Achievements, limitations and the prospect of the lasting peace in the Eastern of DR Congo*

The diploma thesis aims to assess the World largest UN peace keeping mission achievement and limitations since its deployment in DR Congo 1999 to data and the study suggests solution for the lasting peace in Eastern Congo. The second war broke out in the Democratic Republic of Congo 1998. Theoretically the war ended in July 2003 following the signing of peace accord. The UN troops were deployed to monitor the cease fire, implementation of the agreement and to stabilize the country. However, conflicts still continue in various parts of the country and in particular in the Eastern provinces of North Kivu and South Kivu. The secondary data method was used to collect data from UN agencies, International organizations and international media. The introduction of the study gives the background of the study, the literatures explain among other things the peace keeping history, UN charter, conflict theory and list of armed forces operating in Eastern Congo. The result give a list of the Mission achievements and the discussion focus on the Mission limitations. After the study conclusion, some recommendations are formulated including for the lasting peace in the eastern DR Congo; security reform; economic development promotion for job creation and finally the study recommends the setting up of the criminal court to bring to book all perpetrators of crime committed during conflict.

**Key words:** DR Congo conflicts, lasting peace prospective, peace keeping.



## **Abstrakt**

Mírová mise Organizace spojených národů: úspěchy, Výzvy a perspektivy trvalého míru na východě Demokratické republiky Kongo

Cílem diplomové práce je zhodnotit dosažené výsledky a omezení největší světové mírové mise Organizace spojených národů od jejího nasazení v Demokratické republice Kongo v roce 1999 dosud. Práce navrhuje řešení trvalého míru ve východním Kongu. Druhá válka vypukla v Demokratické republice Kongo v roce 1998. Teoreticky válka skončila v červenci 2003 po podepsání mírové dohody. Jednotky Organizace spojených národů byly nasazeny k monitorování příměří, dodržování dohody a stabilizaci země. Konflikty však stále pokračují v různých částech země, zejména ve východních provinciích Severním Kivu a Jižním Kivu. Metoda sekundárních dat byla použita ke shromažďování údajů od agentur OSN, mezinárodních organizací a mezinárodních médií. Úvod práce představuje teoretická východiska, mimo jiné vysvětluje historii udržování míru, Chartu Spojených národů, teorii konfliktů a seznam ozbrojených sil působících ve východním Kongu. Výsledkem práce je seznam úspěchů mise a diskuse se zaměřuje na omezení mise. V závěru práce jsou formulována některá doporučení jako trvalý mír ve východní Demokratické republice Kongo; bezpečnostní reforma; podpora ekonomického rozvoje při vytváření pracovních míst a také zřízení trestního soudu, který by umožnil evidenci všech pachatelů trestných činů spáchaných během konfliktu.

Klíčová slova: udržování míru, konflikty v Demokratické republice Kongo, perspektiva trvalého míru



## List of acronyms

AFDL	Alliance des Forces Démocratique pour la Libération
ADF	Allied Democratic Forces
CNDP	Conseil National pour la Défense du Peuple
CLI	Community Liaison Interpreters
DRC	Democratic Republic of Congo
DOMREP	Mission of the Representative of the Secretary-general in the Dominican Republic
FAC	Forces Armées du Congo
FARC	Forces Armées de la République Démocratique du Congo
FDLR	Forces Démocratique pour la Libération du Rwanda
FIB	Force Intervention Brigade
GDP	Gross Domestic Products
IMF	International Monetary Fund
LRA	Lord Resistance Army
NALU	National Army for the Liberation of Uganda
MONUC	Missions de L'Organisation Des Nations Unis pour la République Démocratique de Congo
MONUSCO	Missions de L'Organisation Des Nations Unis pour la stabilisation de de la DR Congo
M23	Mai 23
NALU	National Army for the Liberation of Uganda
PoC	Protection of Civilians
UN	UN
UNSC	UN Security Council
UNAVEM I	UN Angola Verification Mission 1
UNTAC	The UN Transitional Authority in Cambodia
ONUSAL	UN Observer Mission in El Salvador
ONUMOZ	UN Operation in Mozambique
UNTAG	UN Transition Assistance Group
UNSF	UN Security force in west New Guinea

UNYOM	UN Yemen Observation Mission
UNFICYP	UN Peacekeeping Force in Cyprus
UNEF I,	First UN Emergency Force
UNIFIL II,	UN Interim Force in Lebanon
UNDOF	UN Disengagement Observer Force
UNIFIL	UN Interim Force in Lebanon

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## 1. INTRODUCTION

The principal purpose of the United Nations (UN) since it was established on 24 October 1945 is to “maintain international peace and security” according to its charter Article 1. This was came as the consequence of the second war world scourge, which in our lifetime brought untold horror and sorrows never experienced by humankind. By establishing the UN world leaders expected to promote global peace and security through dialogue and peace means. However, in the case of failure to maintain security by peaceful means, the United Nation had provided in its charter to use of specific sanctions (embargo) and force to impose peace and security where peace is under threats. Therefore the chapter 7 of the UN Charter stipulates the following, “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security” since then the UN peace keeping mission has been deployed in the different place across the globe, some time with successful results, failure or with mixed results.

In 1996, Ugandan, Rwandan and Burundi armies, supported the Congolese opposition leader Laurent Kabila, invaded DR Congo the (former Zaire). Initially Rwanda, Uganda and Burundi main principal motive to get involved in DR Congo was to stop attacks coming from DR Congo territory. Successfully Laurent Kabila and his allies were able to overthrow the Mobutu regime, and Mobutu fled the country. Laurent Desire Kabila became president in May 1997 after the Lord the fall of Mobutu (BBC R. , 2012). However, the relations between President Laurent Kabila and his former allies rapidly deteriorated until Uganda and Rwanda decided to mount up a new rebel movement against Laurent Kabila and the escalation between the two allies triggered the second war in 1998. The country was turned into a vast battlefield, President Laurent Kabila massively received the support from regional countries including; Zimbabwe, Namibia, Angola, Zimbabwe, and Chad troops on the other side of the front line Rwanda and Uganda mounted and backed rebel’s movements in eastern of DR Congo (Initiative, 2014). The conflict became devastating and deadly and especially in the Eastern regions until the conflict was referred as Africa’s World War with nine countries fighting on Congolese soil. The effects of the on human life and economy has been unprecedented. The international community together with regional organizations such as the African Union and (AU), Southern African Development Community (SADEC) got very concerned of the situation and called for a peaceful mean to solve the conflict which had

already taken a regional dimension. All parties involved in the conflict met in Lusaka Zambia for negotiation. On July 10, 1999 a cease fire was agreed and signed by all belligerents. Following the cease fire agreement, the UN Security Council adopted a 1279 resolution, establishing the peace keeping mission in country under the umbrella of UN Organization Mission in the Democratic republic of Congo (MONUC), with a limited mandate of observation of the disengagement of belligerent's forces. In 2010 the UN mission evolved to adapt to the changing situation on the ground and become what is known now, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The mission has set three priorities including: Protection of civilians, support the DR Congo government effort to stabilize the country, and lastly to supporting implementation of the Peace, Security and Cooperation Framework for the DR Congo and across the region. However, despite the heavy presence of the UN peace keeping mission, the Eastern DR Congo region is still a large not stable with a lot ongoing killings, massive rape cases and forced displacement of people from their homes towns. Therefore this study examines clinically the achievements and limitations of the UN peace keeping mission in DR Congo since its first deployment to date. The research proposes also solutions for the prospect of the lasting peace in Eastern DR Congo.



## **2. AIM AND METHODOLOGY**

### **2.1. Aim of the study**

In regards to the ongoing human atrocities and massacres in the east of DR Congo region, this study will assess the role of the UN peace keeping mission in east of the DR Congo in the light of the UN primary goal. The study will analyse in particular the achievements and limitations of the UN missions in protecting the civilians and restoring peace in the Eastern DR Congo.

Finally, some recommendations will be formulated, suggesting alternatives for prospect of the lasting peace and security in the eastern region of DR Congo. The thesis will be elaborated in the structure including: Introduction, Literature review, methodology, results with discussions, conclusion and recommendations.

#### **The study will seek to answer the following research question;**

The role of the UN peace keeping mission since its deployment in eastern of DR Congo;

1. The UN mission challenges in fulfilling its primary goal in regards to peace and security in the eastern DR Congo
2. Propose new strategies and sustainable alternatives that can bring lasting peace in the eastern DR Congo

### **2.2. Methodology**

In fulfilling the aim of the thesis, the literature review is analysed with descriptive method based on the current knowledge about the region as well as the thesis topic. The review uses secondary sources from UN reports, International Organizations/Agencies, and International media publications which give a theoretical base for the research and analysing the UN Peace Keeping Mission: Achievements, Challenges and the Prospects for Lasting Peace in the Eastern Democratic Republic of Congo. We focused on qualitative data as it provides the best theoretical understanding of different players involved in the peace process in the region including the UN peacekeeping mission. According to Brian, the strategy of the qualitative research is more focusing on the writings rather than quantification of data in the collection and analysis. It emphasizes inductive approach between theory and research that helps in the

generation of theory (Bryman, 2012). In the literature review, there is a compilation of all factors relevant to the thesis topic which are connected to the UN peace keeping mission ultimate goal of safeguarding global peace with focus on DR Congo context

### **3. LITERATURE REVIEW**

#### **3.1. Peace keeping mission's background.**

UN peacekeeping operations started in 1948 when the UN Security Council voted a resolution authorizing the deployment of military observers to the Middle East. The mission role was to monitor and follow up the implementation of the Armistice Agreement between Israel and its Arab neighbours countries. The mission later was known as the UN Truce Supervision Organization (UNTSO). Since then, the UN has deployed 71 peacekeeping operations worldwide, including 56 since 1988. Hundreds of thousands of men in uniform, as well as tens of thousands of UN police and civilians of 120 countries have participated in these operations over the years. More than 3,326 peacekeepers from some 120 countries have lost their lives while serving as UN troops. The history of peacekeeping operations can be subdivided into three phases.

Stage one was the birth of the UN peacekeeping operations during the Cold War. Blocks rivalries often resulted in a paralysis of the Security Council. The UN objective was above all to maintain ceasefires and stabilize situations on the ground by providing crucial support to political efforts to resolve conflicts through peaceful means. These missions consisted of unarmed military observers and small arms soldiers whose role was essentially to monitor and report on the situation on the ground and to restore confidence between the parties involved.

The UN Truce Supervision Organization (UNTSO) and The UN Military Group for Indian and Pakistan (UNMOGIP) were the first two UN peacekeeping missions. At the time, these two missions (which are still in operation today) were examples of UN observer and monitoring operations and the authorized mission did not have more than hundred men. The first armed peacekeeping operation was the UN Emergence Force (UNEF I) which was successfully deployed in 1956 to respond to the Suez Canal crisis.

The UN Organization in Congo (UNOC) was launched in 1960 after the Country has gained its independency, and it was the first large-scale mission with nearly 20,000 soldiers. This demonstrated the dangers associated with efforts to stabilize war-torn regions, about 250 UN personnel lost their lives during this important mission, including the then UN General-Secretary, Dag Hammarskjöld.

In the 1960s and 1970s, the UN sent short-term missions to the Dominican Republic (DOMREP), New Western Guinea (UNSF) and Yemen (UNYOM). It has also begun to deploy in the longer term in Cyprus (UNFICYP) and the Middle East (UNEF I, UNIFIL II, UNDOF and UNIFIL). In 1988, UN peacekeepers were awarded the Nobel Peace Prize. On this occasion, the Nobel Committee particularly stressed that “by their efforts, peacekeeping forces have contributed greatly to the attainment of one of the fundamental purposes of the UN. The Organization is now called upon to play a central role in world affairs and is entrusted with greater confidence.”

The second phase, with the end of the Cold War, the strategic context changed radically and the number of peacekeeping operations increased rapidly. The UN changed its approach and has expanded its operations on the ground. The “Traditional” missions, which are generally limited with observation tasks performed by military personnel, have become complex and “multi-purpose” machinery designed to ensure the implementation of international peace agreements and helping lay down foundations for a lasting peace. The nature of conflicts has also changed over time. Increasingly, peacekeeping operations, the initial goal of which was to facilitate the resolution of conflicts between States, have been deployed to deal with internally states conflicts and civil wars. Increasingly, UN peacekeepers have been led to undertake complex and multi-dimensions tasks, support to build sustainable governance institutions, monitoring human rights, Reform and to facilitate the disarmament, demobilization and reintegration of ex-combatants. Military contingents continued to form the nucleus of most peacekeeping operations, but they have begun to develop new elements such as economists, police officers, lawyers, electoral observers, defenders of human rights, civil affairs and good governance specialists, Humanitarian workers and communication and information experts. With the end of the cold war, the number of peacekeeping missions increased rapidly. Taking advantage of a new consensus on the importance of its role, the Security Council authorized 20 new operations between 1989 and 1994, increasing the number of peacekeepers from 11,000 to 75,000. These missions were deployed in Angola (UNAVEM I), Cambodia (UNTAC), El Salvador (ONUSAL), Mozambique (ONUMOZ), and Namibia (UNTAG). The successes which had generally marked the previous missions suffered a serious setback when the mission failed to protect civilians such as the former Yugoslavia (UNPROFOR), Rwanda (UNAMIR) and Somalia (UNOSOM II). Missions were established in situations where weapons had not yet gone silent and there was no peace to be maintained or peace keeping mission can only operate effectively where peace which has

been agreed by belligerents. The setbacks of the UN mission of the early and mid-1990s led the Security Council to limit the number of new peacekeeping missions and to undertake a process of reflection to avoid the recurrence of such failures.

The third phase which is the current situation. As of May 2010, the UN peacekeeping force comprised more than 124,000 military, police and civilian personnel. Since then, these operations have entered a phase of consolidation. For the first time in 10 years, their numbers began to decline slightly with the downsizing of the UN Organization Stabilization Mission in the Democratic Republic of the Congo MONUSCO. However, this does not mean that the challenges facing the Organization are less. Although the numbers of peacekeepers are declining, there is every indication that the demand for field missions will remain high and that peacekeeping will continue to be one of the most complex operational tasks of the UN. Moreover, the political complexity of the context in which peacekeeping missions operate and the scope of their mandates, including civilian activities, remain considerable. The third phase which is current multi-purpose peacekeeping operations will continue to facilitate political processes, protect civilians, assist in the disarmament, demobilization and reintegration of ex-combatants, facilitate the organization of elections, Promote and protect human rights and help restore the rule of law.

### **3.2. Peace keeping theory**

Theoretically the UN Security Council's (UNSC) role, is to maintain international peace and security, includes protecting civilians in armed conflict zones. The concept of peacekeeping is the subject of a multitude of definitions in the literature. The first definition proposed has the advantage of including all aspects of peacekeeping, while the second definition offers a definition of conventional peacekeeping that is, at the time of first peace keeping operations. Jit Riktye defines Peacekeeping can first be defined as "the prevention, limitation, restraint and cessation of hostilities between or within States through third-party intervention, organized and directed at the scale International, using military, police and civilian personnel to restore peace" and secondly, peacekeeping can then be defined as "the deployment of a largely military force of the UN, with the consent of the parties concerned, with a view to maintaining a ceasefire and preventing the resumption of hostilities" . These forces are deployed only when a peace agreement is reached and respected. On the other hand, these forces remain impartial and neutral; they can only act and retaliate in self-defence. They are immediately withdrawn if armed hostilities resume (David, 2006).

UN Department of peace keeping operation (DPKO), defines the UN peace-keeping to “activities or operations aimed of to creating an enabling environment that which is favourable lasting peace”. This comprises essentially a collective effort to stop hostilities by all mean and to manage conflicts so that they would not turn into broad escalation. There is no particular theory or doctrine behind the UN operations as such, operations occur by necessity and emergencies need. Conflicts improvised nobody can predict when conflicts would start or when they would end, therefore, a practical response to emerging conflict requires active action. The term peace-keeping operation gained currency much later (DPKO, 2014).

### **3.3. Defining the protection of civilians in UN peacekeeping**

The UN have committed to implement the effective protection of civilians as a key factor in creating a secure and enabling environment for the lasting peace. This means the civilian’s protection should be an important component of peacekeeping operations under the UN Peacekeeping Operation’s principles and Guidelines. Peacekeeping operation are under obligations to “protect civilians, particularly civilians under imminent threat of physical violence”. To fulfil effectively the protection of civilians (PoC) mandate, peacekeeping operations are being supported with a certain authority so that they can efficiently be able to protect direct physical civilian, including the use of force under certain when necessarily as permitted by the UN Charter, Chapter 7. The Chapter 7 gives authority to peacekeeping operation to use all necessary means, within their limits of its capabilities in the areas of geographical of its deployment, to protect civilians under imminent threat of physical violence, without compromising the responsibility of the host Government. Civilians is defined as any person who does not belong or is no longer directly belong to any armed group involved in any hostilities or other forms of violence. The protection of civilians mandate in conflicts is guided by a set of legal of legal framework and practical principles which are drawn from the UN Charter and international law such as the “Geneva Convention”. These legal principles and practices are apply to all peace keeping missions in regards to civilian’s protections mandates. Having the basis from the international law, the protection of civilians mandate is the international community political good will and clear demonstration of the international community’s commitment and determination to prevent most serious international human rights violation, humanitarian law and refugee law violation and other related international legal instruments (UN, The United Nations Guiding Principles on Internal Displacement , 2001). The Protection of civilians mandate is therefore an additional gesture from the international community to reinforce the peace

keeping mission's mandate of promoting and protecting human rights (OHCHR/DPKO/DPA/DFS, 2011). However, when force is used in UN peacekeeping operations, the action must strictly abide by legal framework of the international law, which includes the international human rights and humanitarian law stated in the Geneva Convention. The action must absolutely also abide by the military rules of engagement specified in the peace keeping operations mission (ROE) and the principal of use of force directive (DUF), this including a principal of making the different between civilians and combatants in military operations, the use of force proportionally principal, the minimum use of force and the principal of avoiding the use of force to minimize collateral consequences. It should also be noted that that, the UN Mission can only act within its limited means and capabilities and within its geographical areas of deployment therefore people should not expected the Mission to engage in any action beyond its capacity and the Mission mandate to protect civilians does not mean peace keeping can address all violence threats against civilians at all times and its impossible for the mission to be everywhere.

It's the responsibility of the host country to protect its civilians within its borders and this state responsibility is not reduced when a peacekeeping mission is deployed. The deployment of the mission's protection of civilians mandate does only support the host country effort to stabilize and protect its people. The mission can act independently to protect civilians when the state is not strong enough to protect its civilians or unwilling to protect its own civilians, or where government armed forces pose a threat to civilians. In supporting the host country peacekeeping forces act to prevent threats. The Mission would demonstrate deterrent might, pre-emptive strike or respond to any sort of threats of physical violence in their areas of deployment, whatever the scale of the violence and irrespective of wherever the threats come from.

### **3.4. UN Charter: Chapter 7**

Chapter 7 of the Charter of the UN deals with the conditions of action of the Security Council "in the event of a threat to peace, breach of the peace and acts of aggression". It defines the conditions for the use of force by the UN and entrusts to the Security Council alone the authority for its implementation. It is the chapter of the exception, because it has the collective constraints and progressive retaliation. It is a chapter which is the centre of the coercive mechanism provided for by the Charter in 1945.

Chapter 7 is the exceptional chapter because it derogates from certain principles established by the Charter such as the non-use of force in relations between States (Article 2 (4)) and non-interference in internal affairs of a State (Article 2 (7)). Through its application, the Security Council may permit the use of force and military intervention within a State. Thus, from the 1990s onwards, many peacekeeping operations were created under this chapter.

Chapter 7, Chapter of “constraint”, comes after the Chapter 6, Chapter of “consent”, devoted to the peaceful settlement of disputes. This order reflects the concerns of the UN charter drafters and their intentions: the priority given to the peaceful settlement and the prevention of crises and conflicts. But any real prevention cannot do without a possibility of action, coercive if necessary. Indeed, “every organized society presupposes measures of reaction or sanctions for the violation of its established rules”. It thus tends to confer on the Council “police” powers of the international system. The measures prescribed in the chapter 7 are intended to “put pressure on the defaulter to voluntarily renounce, even by force violators of international peace”. However, there are few limits to the powers of the Security Council when it acts under Chapter 7, without respect for the spirit of the Charter, this also means that, in theory, the Security Council must exhaust all other methods of dispute settlement before proceeding to a purely military action.

Thus, Chapter 7 sets up a progressive mechanism of sanctions that organizes the implementation of a blockade around the aggressor country: diplomatic, economic and then military blockade. At the same time, the country is being quarantined and banned by the international community. Ultimately, coercive action is conceived as a deterrent, since it is branded as a measure that will be applied if the aggressor State does not submit to diplomatic and economic sanctions. This deterrent power is reinforced by the fact that the Council may not apply these preliminary sanctions and engage directly in military action.

Chapter 7 of the UN Charter “Action in case of threat to peace, breach of the peace and acts of aggression” contains thirteen articles. Articles 39 to 42 empower the Security Council to deal with threats to the peace. The following five articles allow it to use military measures. Articles 48 to 50 lay down the obligations of the Member States and the measures to compensate States affected by Council measures. The last article (51) gives the right to the Member States to invoke a right of self-defence, individual or collective. According to this scheme and its logic, “the Charter provided for a complete, coherent and progressive system” (Paul Tavernier, 1996). As Professor Marcel Merle says, “the rules laid down in Chapter 7 are, in good logic, interdependent and cannot be interpreted in an alternative way”. According

to Jean-Marc Sorel, “Chapter 7 is a reflection of collective action to protect collective security: the qualification of the situation (Article 39), provisional (Article 40) or definitive measures (Article 41 and 42), The instruments used for these measures (Articles 43 to 45), their management (Articles 46 to 49), mitigation (Article 50) and the self-defence exception (Article 51) form a whole. One can, of course, discuss the basis of each article, their chronological order but the whole reflects a coherence. The reading of Chapter VII is often done in the light of its fragmented application. In an article, or even in a part of an article, one seeks a legitimation which will be only partial. It is impossible to proceed otherwise, but it is worth repeating this perversion of the interpretation of Chapter 7” (Sorel, 1994). However, the Security Council may also choose not to respect that gradation.

Article 39 or the prior qualification of situations, before deciding and acting, the Security Council must identify the conflicting situations that arise in its consideration. The problem is that no situation likely to trigger action by the Security Council is defined in the Charter of the UN. This was intended to broaden its field of action, as the drafters chose very general formulas that were subject to multiple interpretations. In fact, the terms “situations” have different meanings, evolving according to the international crises facing the Security Council. This is the case with the term “threat to peace”, which may refer to a conflict between States or a crisis within a State, a situation likely to have repercussions at the international level. According to Jean-Marc Sorel, “this is a very precise function within the collective security system: it is a starting point for actions - recommendations or decisions - of the Security Council depending on the gravity of the threat” (Sorel, 1994).

The breach of peace is “a very general and, in principle, very neutral concept insofar as it does not oblige the designation of the State responsible for that act or the resulting situation. The expression applies in all cases where hostilities have broken out without it being alleged that one of the parties is the aggressor or has committed an act of aggression”. As for the term aggression, it was the Soviets who insisted that it be included in the text of the Proposals of Dumbarton Oaks. It was not until December 1974 (Resolution 3314) that the General Assembly defined a definition of aggression as “the most serious and dangerous form of the illicit use of force”. But, making aggression a supreme crime, the Council no longer dared to use it to describe a situation.

Article 40 or the decision of provisional measures, this is the article of timing. It is the article of peacekeeping operations which basically constitute these “provisional measures which in no way prejudice the rights, claims or positions of the parties concerned, measures to prevent



the situation from becoming worse and that the conflict Does not extend”. According to some authors, this article is the most misplaced of Chapter 7 and could have been before Chapter 39. But placed within Chapter 7, others consider it to be of binding force, would not have within Chapter 6. Others consider that Article 40 alone constitutes “Chapter 6 and a half” referred to by Dag Hammarskjöld to characterize the legal basis of peacekeeping operations.

These interim measures are also urgent measures which enable the Council to act as quickly as possible and which must be all the easier to vote because they do not in any way prejudice the rights, claims or positions of the parties concerned . These provisions are also part of a progressive sanctions mechanism, but their place is not well defined within this mechanism. The text of Article 40 does not specify the conditions or situations which would necessitate the application of that article. This is, once again, due to the discretionary nature of the decisions and actions of the Council. It is also not clear whether the Council should qualify the situation before applying these measures or whether it can use provisional measures without prior qualification. On this point, and according to Denys Simon's analysis, “the textual interpretation of Article 40 militates in favour of an obligation for the Security Council to find a threat to the Peace, breach of the peace or an act of aggression before being able to indicate provisional measures”. According to Jean Combacau, Article 40 “attests the possibility of a pause between the recognition of the situation and the triggering of the measures” (Combacau, 1974).

Article 41 or the decision of measures not employing armed force, article 41 deals with economic sanctions and embargoes. Three different ways of characterizing the measures provided for in this article exist: if the qualification made by the Security Council is discretionary and untied from any preoccupation with establishing a breach of a previous obligation, such measures may be qualified as police measures; If the qualification coincides with the finding of a breach of an international obligation or if the categories of Article 39 are pre-established and correspond to internationally wrongful acts, such measures may be qualified as sanctions; If, finally, the categories of article 39 are held to be pre-established but distinct from the categories of internationally wrongful acts, it may be said to be primary obligations.

Article 42 or the decision of any action necessary for the restoration of international peace and security, article 42 provides that the Security Council may undertake, through air, naval or land forces, any action it deems necessary for the maintenance or restoration of international peace and security. This may include demonstrations, blockade measures and other

operations, which are only examples. This article gives the Council the power to undertake coercive military actions within the framework of the security system of the Charter. But, as Patrick Daillier points out, “this provision has a paradoxical destiny: as the cornerstone of a new system of collective security which should correct the shortcomings of the League of Nations system, it has become a quasi-virtual, rhetorical procedure, to be once again at the centre of the controversies over the use of collective force for the maintenance of peace”, if indeed this provision is still in force must be explicitly used.

Article 43 or the provision of armed forces under special agreements, the modalities of the coercive actions of the Security Council are set out in the special agreements for which signature is provided for in Article 43. These agreements form an essential link in the mechanism of Chapter 7. The idea was to sign agreements so that the forces placed at the disposal of the Security Council would be immediately ready and available where necessary. These agreements were also supposed to give the Organization, in a definite and definitive way, the means to act. However, they were not, in any way, a way of ordering States to act and make armed contingents available to the Security Council independently of their control. Article 43 therefore provides that all Members of the UN undertake to make available to the Security Council at its invitation and in accordance with a special agreement or special agreements the armed forces, Assistance and facilities, including the right of passage, necessary for the maintenance of international peace and security. These provisions therefore constitute both a “supplement” to the Charter and “a formula which makes it possible to vary the commitments of each. The system of special agreements was intended not only to clarify the respective commitments, but to adapt them to the capacities of each”.

According to Article 43, paragraph 2, agreements must therefore specify: the size and nature of the forces, their degree of preparation, their general location, the nature of the facilities and the nature of the assistance to be provided. Paragraph 3 provides for two types of agreement: a multilateral agreement between the Council and Members of the Organization, and a series of bilateral agreements between the Council and Members or groups of Members individually. The meaning of the definite article "of" is ambiguous and shows the non-binding nature of these agreements. Only those Member States which wish to place at the disposal of the Armed Forces Council will have to sign such agreements. These agreements have never been signed, which has led the Secretariat to rely on a fully ad hoc system when an operation is decided.

### **3.5. DR Congo conflict background**

Following the Rwanda's genocide the Hutu regime was overthrown by the Rwandan Patriotic Front, (RPF) led by Kagame the current Rwanda president, more than two million Hutus Rwandan are believed to have fled into eastern of DR Congo fearing reprisals against them by the new, Tutsi-dominated government of RFF. Many of the militiamen who responsible for the genocide were among refugees who had in (former Zaire) DR Congo (BBC R. , 2012). The former Hutu Rwandan regime enjoying Mobutu's sympathy, they found shelter in large refugee camps around North and South regions in the eastern of DR Congo formerly known as Zaire. Immediately Hutus in refugee camps start to reorganise with an objective of reclaiming back the power in Rwanda by force. Rwanda's post-genocide Tutsi-dominated government decided to invade DR Congo in pursuit of the former genocide perpetrators. With high determination of Rwanda's post-genocide Tutsi-dominated government led by Paul Kagame to invade the DR Congo in pursue of genocide perpetrators, therefore a military coalition was formed including: Ugandan, Rwandan and Burundi armies, along with Congolese opposition leader Laurent Kabila and together they invaded the DR Congo to overthrow the dictatorial regime of President Mobutu in 1996. Mobutu's army was quickly disintegrated and crumbling, it only took less a year for the rebel's coalition to seize control of the all country and put an end to the 32 years Mobutu's reign. Mobutu with his entourage fled the country and Laurent Desire Kabila became president in May 1997 (BBC R. , 2012).

In August 1998, President Kabila unilaterally attempted to separate himself from Rwanda and Uganda Armies who have backed him in a coalition to seize power. The Laurent Kabila move to purge Rwandan elements from his government did not go well with his former allies Rwandan and Uganda who felt Kabila has betrayed. In response to the Kabila action, Rwanda and Uganda opted for military response and decided to re-invade Congo, supporting rebel proxies against Laurent Kabila. While Rwandan forces had previously been focusing primarily on pursuing the Hutus Rwandan who were accused of having committed the genocide in Rwanda, both Rwandan and Ugandan forces increasingly became interested in controlling and exploiting the mineral-rich eastern provinces of DR Congo. President Laurent Kabila called on Angola, Namibia and Zimbabwe for help, and, with their military support, managed to stop the invasion (Group, 2000).The War (was also known as the Great War of Africa or the Great African War, and sometimes referred to as the African World War). During this period, DR Congo soil became a battle field of regional military forces from and the escalation created havoc, horror among innocent's civilians. During this time Uganda and

Rwanda troops were accused of massive looting the vast natural resources and terrorize civilians in Eastern DR Congo while pretending securing their borders Congo (Jason, 2014). To evaluate the impact of the conflict in DR Congo, the International Rescue committee (IRC) in 2008 releases a report called, “Shrinking Cost of war” which had revealed that between 1998 and 2007 the war and its aftermath in DR Congo had already caused the of about 5.4 million of people, principally through disease and starvation making it the deadliest conflict worldwide since the second world war (IRC, 2008).

With the broad escalation of the conflict, both the international community and regional organization got very concerned, parties in conflicts were urged to stop hostilities and embark on peace negotiation process. As a result, a cease fire was negotiated, agreed and signed in Lusaka Zambia, between all belligerents involved in the conflict, the agreement was known in French as “Accord de Lusaka” in July 1999. The same year November UN Security Council establishes a peacekeeping mission for the DR Congo, known as the “UN Organization Mission in the Democratic Republic of the Congo” (MONUC), the Security Council requested the deployment of 500 military observers to monitor the Lusaka peace agreement (Human right watch, 2009). Although the UN peacekeeping forces, known by its French acronym MONUC, was authorized specifically to monitor the cease fire agreement, the conflict continued as all sides kept violating the Lusaka accord. January 2001 President Kabila is assassinated by his body guard and immediately his son, Major General Joseph Kabila, assumed the presidency.

Under his leadership, Joseph Kabila re-launched Peace negotiations in 2002, and in December of the same year all Congolese belligerents involved in conflicts, civil society groups, and unarmed opposition parties signed an agreement in Sun city, South Africa. In the Sun City accord, all foreign troops were to pull out from DR Congo territory, and by the end of 2002, Angolan, Zimbabwean, Rwandan, and Ugandan troops had fully withdrawn from DR Congo. Remarkable rapid progress was made on paper, but the situation for civilians on the ground, especially women, remained difficult. Although open fighting between government Armed forces and rebels faction on the front line reduced but the two sides were accused of different crimes including sexual violence and mass killing of innocent civilians, and some cases, ethnically cleanse targeted populations (Jason, 2014).

The recurrence of cycles of violence in the eastern of DR Congo, was again exacerbated by major crisis in North Kivu province which started in April 2012 by the former rebel’s

movement called, M23 (BCC, 2012). The M23 rebels became a serious obstacle to the progress of peace process witnessed for some time in the country. The new rebellion backed by Rwanda and Uganda UN reports said (FRANCE24, 2012), threatened the overall stability and development of the Great Lakes region. Quickly the rebellion was defeat in November 2013 by the DR Congo Special Forces backed by UN tanks, helicopters and a 3,000-strong African special brigade.

Another key factor contributing to ongoing series of violence, have been the ever presence of local armed militias and foreign armed groups taking advantage of power and security vacuums in the eastern part of the country. Another factor influencing the ongoing crisis is the illegal exploitation and trade of natural resources; the interference of neighbouring countries in Congo internal affairs; chronic impunity; intercommunal conflict; and the limited capacity of the national armed forced and police to protect civilians effectively as well the national territory integrity (MONUSCO, 2014).

### **3.6. The UN Organization Mission in the Congo (MONUC).**

As the logical consequence of the signing of the Lusaka ceasefire accord the UN Security Council on 30<sup>th</sup> November 1999 adopted a resolution 1279 which established the United Nations Organization Mission in the DR Congo (MONUC). Initially the mission mandate was to plan for the observation of the ceasefire and disengagement of forces and maintain liaison with all parties to the Lusaka Ceasefire Agreement. Other resolutions were by the Security Council expanding the MONUC mandate from supervision to the implementation the cease fire agreement signed in Lusaka. The mission also reinforced with additional multiple tasks related (UNSC, Security Council Resolution 1279, 1999). The Mission mile stone it was in 2006, when the Mission assisted the DR Congo to organize its first Democratic election since its independency in 1960. Kabila was declared a winner by the Country Supreme Court after the election run off on 29 October. The Security Council voted another resolution which gave the Mission a new mandate to support the post conflict Government to stabilize the Eastern of the Country.

### **3.7. From MONUC to MONUSCO, towards the Application of the UN Chapter 7**

As the situation in DR Congo conflict evolved, the UN Security Council voted new a resolution 1925 on July 2010, changing the UN missions in Democratic Republic of Congo (MONUC) to the UN Organization Stabilization Mission in the Democratic Republic of the

Congo MONUSCO aimed to reflect the new phase of peace dynamic in the country. The new resolution was backed by a new mandate authorizing the use all necessary means to carry out adequately its mandate related, among other things, the civilian's protection, the protection of the humanitarian personnel, human rights activists facing threats of physical violence. The new mandate also is to support the DR Congo Government s' efforts to stabilize and to consolidate peace consolidation in the eastern of the country (United Nations Security Council, 2010).

The UN Security Council decided to reinforce the peace keeping mission MONUSCO mandate, by that the mission would comprise, in addition to the already existing 19,815 military personnel maximum, civilian, judiciary components, a total of, 760 military observers, 391 police personnel and 1,050 members of formed police units. The Future reconfigurations of mission operation would be determined as the situation evolving on the ground, including: the achievement of the ongoing joint military operations in North and South Kivu as well as the Orientale provinces; improved DR Congo's government capacity to protect the population efficiently and effectively; and the consolidation of the restoration of the state authority throughout the territory (United Nations Security Council, 2010).

In a move to support the UN mission s' stability of DR Congo, and to ensure DR Congo sustainable peace get hold in the country, regional leader met in Addis Ababa to sign a "Peace, Security and Cooperation Framework for the DR Congo and the region" the accord was signed by the representatives of 11 regional countries including: the Chairs of the African Union (AU), the International Conference on the Great Lakes Region (ICGL), the Southern African Development Community (SADEC) and the UN Secretary-General on February 2013 . Unanimously the Security Council adopted the resolution 2098 (2013), on 28 March 2013, aimed to support the Framework agreement objective which is Peace, Security and Cooperation for the Democratic Republic of Congo and the region, in response to the call from Africa's Great Lakes region government, by extending the MONUSCO mandate until 31 March 2014, and created a specialized "intervention brigade" to strengthen the peacekeeping operation (UNSC, Security Council Resolution 2098, 2013). Following the UN special report recommendations, the Security Council decided the send additional 3000 force Intervention Brigade (FIB) from regional Countries including; Tanzania, Malawi, and South Africa Armies to disarm and neutralise armed groups still active in the eastern part of the Country. In support to the already existing UN 18,000 member peacekeeping force and the

DR Congo forces armed forces (CNN, United Nations sending offensive brigade to Democratic Republic of Congo, 2013).

The primarily objective of the FIB is to eliminate armed groups and contribute to the reduction of the threat posed by armed groups. The FIB is mandated to carry out offensive operations, unilaterally or jointly with the Congolese Armed Forces, in a robust manner to stop activities of armed groups threatening innocent civilians. However, the new brigade had a one year mandate and it should had a clear exist strategy. The UNSC will decide its extension based on the brigade result on ground (UNSC, Security Council Resolution 2098, 2013). The UN Security Council, voted a 2147 resolution to extend the UN mission MONUSCO mandate until 31 March 2015 includes the mission s’ new Force Intervention Brigade (FIB) in an exceptional way and without creating a prejudice against the already existing UN troop comprised of 19,815 military personnel, 760 military observers and staff officers, 391 police personnel and 1,050 formed police units as the table 1 shows its composition below (UNSC, Security Council Resolution 2147, 2014).

*Table 1: UN personnel*

Total Uniformed personnel	22,016
Military personnel	19,815
Military observers	760
Police	391
Personnel of formed police units	1,0501

Source: (MONUSCO, 2017)

The UN mission in DR Congo comprises: 22,468 total, including: Military, police, local and international civilians staff, and the number of casualties (fatality). Progress has been made in the DR Congo conflicts significantly since the establishment of UN peacekeeping and the situation in many regions of the country has generally stabilized as compare in the years 1999 and 2001 when the country was divided in pieces leaving each region under a rebel faction control with parallel administration. However, the eastern part of the country is still submerged in permanent waves of skirmish attacks, unprecedented humanitarian crises, and sexual violence, massive human right violation and mass killings. The mission is made up in majority by military personnel but the Mission has also civilians staff both local and international who are involved in non-military activities for peace sustainability. The Mission has suffered serious casualties as it’s displayed in the table 2.

Table 2: UN personnel and Number of casualties

<b>Uniformed personnel</b>	<b><u>18,780</u></b>
• Troops	16,937
• Military observers	478
• Police	1,365
<b>Civilian personnel</b>	<b><u>3,317</u></b>
• International civilians	779
• Local civilian	2,538
UN Volunteers	371
Fatality	107

Source: (MONUSCO, 15)

### 3.8. Armed groups operating in eastern DR Congo region.

Most of the armed groups currently operating in the eastern DRC are a direct consequences of the first (1996–7) and second (1998–2003) DR Congo wars and the subsequent transition period (2003–6) that led to the elections of 2006 (Jason Stearns, 2013). The outbreak of the first DR Congo War in 1996, unleashed by the Rwanda, Uganda and Burundi forces in support of the late Laurent Kabila led rebellion “Alliance of Democratic Forces for the Liberation” (AFDL) left a power vacuum in the Eastern of the Country with limited or not existence of the state authority in some places in areas of the Eastern parts. The war triggered armed mobilization across the eastern of the country, while some armed groups mobilized against what was seen as Rwanda, Uganda and Burundi invasion, others militias groups came to support the AFDL rebel seen as “liberators” by proxies fed up by Mobutu dictatorship regime.

During the DR Congo second Congo War which started following the deterioration relations between the President Laurent Kabila and his Rwandan backers that the militias groups began



drastically to flourish. Some militia groups receive the DR Congo government support to fight against what Laurent Kabila called occupying invaders force, reference to Rwanda, Uganda and Burundi forces who were backing the Congolese Rally for Democracy (RCD) rebel movement. Rapidly the Rwanda-Uganda backed rebel movement occupied large parts of the eastern, as the war became fierce on the front lines, DR Congo government began to funnel funds and weapons to local armed groups in RCD-held areas, appointing some Militias (Mai-Mai) leaders as senior officers in the national army with an aim to boost the Congolese army ranks and destabilize rebel positions beyond the front line. In order to boost the ranks of its poorly trained and poorly equipped troops, the DR Congo government also forged an alliances with the remnants of the Ex-military of the former Rwandan Hutu regime and their Hutu militia affiliated group who had fled in the eastern of DR Congo in 1994, to fight against what the DR Congo Government was calling “invaders” (Jason Stearns, 2013).

After Sun City peace agreement and the pulling out of all foreign troops, the Congo war changed the nature of armed group’s overtime, as locally rooted rural militias became enmeshed in networks led by business and political elites. Militias caused significant insecurity in rural areas and the situation has been exacerbated by community tension among different tribes. These armed groups are generally split in to smaller groups ranging from (50 to 1000) combatants. They don’t have a real political agenda and they normally operate within their local areas and unable to expand events beyond their strong hold. These militia networks are driven by the development of a war economy, which thrived on illegal taxation, smuggling, and racketeering. While the local economy depends on legal and illegal mining, it’s pave way for the quick enrichment of some people, leaving civilians with little choice but to collaborate with armed groups (Raeymaekers, 2004). At the same time, the recruitment of young men and women in these militia groups it’s increased at alarming rate. And this, have created a militarized generation that became increasingly detached from custom in regards to traditional chiefs, village elders, and parents. The rampage of these militia have reduced the dependence and accountability to local authority. The proliferation of the armed groups has led to deteriorating behaviour towards innocent’s civilians, displaced thousands and thousands from their homes. Militia are also sources of physical abuse, forced labour, and forced illegal tax collection (Acker, 2001). Today three main categories of armed groups are actively operating in the in eastern Congo: the Rwandan Hutu FDLR; the ADF NALU, the LRA and different local militias groups called “Mai Mai”

### **3.9.1. Democratic Liberation Forces of Rwanda (FDLR)**

The Democratic Liberation Forces of Rwanda (FDLR) is the largest foreign armed group active in the DR Congo territory. The group was formed on 30<sup>th</sup> September, 2000, and has committed various and serious violations of human rights on innocent civilians in breach of the international law involving the targeting of women, children and men in mass killing, massacres, mutilation, sexual violence, and forced displacement. The group has been actively involved in fighting throughout of the DR Congo first and second war and the fighting which has continued since then. It is mainly composed entirely of ethnic Hutus ethnic opposed to Tutsi rule and influence in the region (International Crisis Group, 2003).

The group primarily objective is to return to power in Rwanda by forces, and their entire political and military structure is oriented towards that objective. Ignace Murwanashyaka is the Political leader of the FDLR living in Germany. Ignace was not in Rwanda during the genocide of 1994. However, everyday command and control over the fighters and their civilian supporters lies with the military commanders on the ground in the Eastern parts of Congo. As of May 2016, the, Major General Sylvestre Mudacumura was the FDLR's overall military commander. Mudacumuruwas himself is the former deputy commander of the Rwanda Presidential Guard of the Hutu former regime of Habyarimana in which was overthrown By Paul Kagame led rebellion 1994 (Hans Romkena, 2007). It's being alleged that, the FDLR counts among its troops the original members of the "Interahamwe" the militia which was the machine that carried out the 1994 Rwandan Genocide. Year back the FDLR movement received extensive backing and cooperation from, the government of DR Congo, who used the movement as a proxy force against the foreign armies operating in the country including the Rwanda-backed Rally for Congolese Democracy.

The FDLR group is well structured in South and North Kivu and have a broad network in Africa some countries, Europe and North America. The group secures its survival mainly at the cost of the Congolese people, who are forced to pay this group taxes, share with them part of their harvests and yet the people are permanently exposed to all kinds of arbitrary violence from the group. Amnesty International said in 2010 reported that, 96 civilians in Busurungi (Walikale territory) were killed by the FDLR combatants in 2010. Among the FDLR victims some were burnt in their homes alive. The same source reported around about 60 rape cases were reported in a period of a month in the southern Lubero territory, North-Kivu by armed groups including the FDLR in June, 2010. The Human Rights Watch (HRW), released a

report showing that FDLR combatants have been actively in child recruitment. At least 83 Congolese under-age children, some as young as 14, were forcibly recruited by the FDLR group (Security Council Resolution, 2012).

January 2012 report from HRW confirmed the attack on number of villages in Masisi territory. The attack killed six civilians, raping two women, and abducting at least 48 people by the FLDR combatants. The same source indicated in May 2012 FDLR fighters had attacked civilians in different including; Kamananga and Lumenje (South Kivu province). Similarly attack took place in Chambucha Walikale territory, Ufumandu village in Masisi territory (North Kivu province). During the attack, fighters used machetes and knives hacking to death dozens of innocent's civilians, including children. The UN Group of Experts (GoE) revealed that from December 2011 to January 2012 the FDLR attacked several villages in South Kivu province leaving 33 people deaths including women and children. The mode of operation was the same, people were killed and burned alive, decapitated or shot during the attack. There were also some rape cases during the attack. 106 incidents of sexual violence were reported between December 2011 and September 2012 and FDLR rebels were the principal responsible. The same report said that, FDLR combatants had raped women on 10<sup>th</sup> March 2012, including a minor, in Kalinga Nya, Kabare territory (South Kivu province). The same village came under attack for the second time on 10 April 2012 and rape cases were reported. The UN Experts counted 11 killed by the FDLR in Bushibwambombo, Kalehe November 2012. The same rebel group was involved in 19 further killings in Masisi territory, including five minors and six women, in May (Security Council Resolution, 2012).

The Congolese Armed Forces (FARDC) have been conducting an operation called “Kimia 2” in North and South Kivu with the support of the MONUSCO forces to try to flush out the FDLR elements who are still resisting the disarmament and repatriation process. “Kimia 2” operations aim to dislodge the FDLR fighters from lucrative positions controlling mines in the region; and to improve security for the civilian population. Therefore, this operations’ mission is to capture or kill FDLR elements that are unwilling to lay down arms and accept voluntary repatriation to their home country Rwanda. Although no one expected the operations to completely eliminate the FDLR, there has been tangible results as follow: 1,114 FDLR have killed and 1,522 combatants and 2,187 of their dependents have repatriated to Rwanda; the remaining FDLR elements were pushed deeper into the forest, away from larger population centres and major commercial sites.

### **3.9.2. Allied Democratic Forces (ADF/NALU)**

The Allied Democratic Forces (ADF) is Ugandan rebel movement which now actively operating in Eastern of DR Congo, the group was created in 1995 in Uganda and is located in the mountainous DR Congo-Uganda border area. The group founder is Jamil Mukulu, a Ugandan Muslim. The UN Group of Experts (GoE) 2013 final report on DR Congo said, as by 2013 the ADF had an estimated strength of 1,200 to 1,500 armed fighters located in north east Beni territory of North Kivu province, close to the border with Uganda and according to the same source, ADF's total membership including women and children to be between 1,600 and 2,500.

The group main objective was to overthrow Uganda's government and to replace it by an Islamic state. The group became actively operational in 1995, when it carried its first attack in western Uganda. This Uganda region where the group chose to start its operations is mountainous and was close to the DR Congo border. The ADF attacks on Uganda territory became progressively intensified. In 1998 the rebel carried out its first deadly attack at Kichwamba Technical College in Uganda. The attack had left 80 people dead and 80 more were abducted. However, the Ugandan Army piled military pressure on the group, until it was driven out of the Uganda region and crossed the DR Congo border in 2002. The ADF group went on to recruit former officers of the Ugandan army, as well as volunteers from Somali and Tanzania. The rebel group managed to create 15 well-structured bases in the Ruwenzori Mountains, located in the DR Congo-Uganda border areas (Jazeera, 2013). The insurgency continued on a smaller scale until 2013 which marked a resurgence of ADF activities in Beni district in the DR Congo. The group launched a recruitment campaign along with numerous attacks on DR Congo soil (West, 2015). In April 2013, it was reported that ADF started a recruitment campaign in Kampala Uganda and other parts of the Uganda to reinforce its ranks in Congo (vision, 2013). July 2013, the ADF group renewed its fighting in the Congolese district of Beni. According to the UN co-founded Radio Okapi, the ADF fought a pitched battle with the DR Congo armed forces, briefly taking the towns of Mamundioma and Totolito, on 11 July, the town of Kamango came under a heavy ADF attack, sending over 60,000 Congolese people across the border into the Ugandan district of Bundibugyo for refuge (Times, 2013). The group recruited and used child soldiers in violation of applicable international law (Security Council Resolution, 2012). The UN Group of Experts (GoE) 2013 final report stated that, ADF recruiting in Uganda lure people with false promises

of employment and free education for children and then force them to join the ADF in DR Congo.

UN human rights report said, the ADF rebels were mainly responsible for the summary executions of at least 237 civilians in the eastern DR Congo between October and December 2014. The ADF killings were more than 300, more than what have occurred since October in a series of attacks on civilians in Beni district. Between October and January, UN investigators went on 13 different missions to the area, visiting several massacre sites and speaking to 180 direct and indirect witnesses of this mass killings. The head of the UN Human Rights Office in the DR Congo, Jose Maria said: “the killings in the last quarter of 2014 in the district of Beni were carried out in a systematic, premeditated way, primarily by the ADF”. Although most of the ADF leaders are Ugandan but majority but more and more local Congolese have started to join the group, and that complicated the situation in track against the group. The investigators also received allegations that ordinary local citizens and some authorities in Beni territory helped the ADF to carry out the massacres, with information and logistics (Aranaz, 2015).

September 2013, regional leaders under the International Conference on the Great Lakes Region (ICGLR) appealed to the UN Force Intervention Brigade which operating under the UN Organization Stabilization Mission in Congo MONUSCO to attack positions of foreign negative forces operating in the DR Congo, including the ADF. 3 people were killed and 30 abducted during an ADF attack in the Watalinga sector on September, 2013. A report published by DR Congo Member of Parliament delegation in late October 2014 after touring the affected areas in Beni including: Oicha Eringeti and Ngadi , detailed the level of brutality of ADF. The MP mission discovered how the ADF rebels smashed and burned houses, fabrics and bed nets were used to bind the victims before slaughtering them, disembowelling them and cutting them up. Violent killings were perpetrated in urban areas and the attackers used machetes, axes, hammers, knives, hoes, large stones and firearms. Rebel also killed and looted (goats, chickens and food) at the same time.

In January 2014, the DR Congo Armed Forces launched a major offensive against ADF forces in Beni district. By April, Mukulu and other senior ADF leaders fled their headquarters camp as the Congolese forces were approaching their strong hold. The rest of ADF fighters alongside women and children retreated into the forest, where their numbers were significantly reduced in the following months as a result of starvation, desertion, and

continued the FARDC military pressure (Reuters, 2014). Various reports stated that, the ADF attacks on civilians in the Beni district of the Democratic Republic of the Congo had already killed at least 550 people over 18 months by March 2016. Due to the military operations by the joint operation between the Congolese Armed Forces (FARDC) and the UN forces conducted in 2013 and 2014, ADF group divided its combatants in different smaller mobile groups. ADF also started move its abducted women and children to west of Beni, and to the side of Ituri-North Kivu border. In April 2015, the leader of the group Jamil Mukulu, was arrested in Tanzania territory by Tanzania security forces (AFP, 2015). He was handed over to Uganda authority to face justice.

### **3.9.3. LRA (Lord's Resistance Army)**

The so called "Lord Resistance Army" (LRA) it's a Uganda rooted rebellion which traces its beginnings in the mid-1980s. The group is led by Joseph Kony, a self-professed spirit medium intent on governing Uganda using the 10 commandments of the bible. The LRA started its insurgency in 1987. Instead of directing its attack on military facilities, the movement focused its attacks on soft targets which are the innocent's civilians. Carrying raids on villages to get supplies and abducting children and forcing them to carry looted goods into the bush (Guardian, 2007).

March 1991, the Ugandan government started "Operation North", with the objective to destroy the LRA camps and cutting away its roots of support among the local population through heavy-handed tactics (Gersony, 1997). As part of "Operation North" the Uganda Government created local defence youth called "Arrow Groups" to fight the LRA. The creation of the (Arrow Groups) angered the rebel's leader Joseph Kony, who accused the local population of betrayal. In response the LRA group massacred mercilessly anyone who could suspected collaborating with the government. The "Operation North" failed and the Uganda minister in charge of the failed operation Betty Bigombe initiated a first face-to-face meeting between the rebel LRA and Uganda officials with no success.

In 2006, the LRA and Uganda government embarked again in new series of negotiations in Juba (South Sudan), mediated by the south Sudanese separatist leader Riek Machar the Ugandan government and the LRA signed a truce on 26 August 2006. It was agreed that, the rebel's fighters would abandoned their bases in Uganda territory and would gather in two camps in the National Park of Garamba of DR Congo that border with South Sudan. The

Ugandan government agreed not to attack rebels in the assembly area in DR Congo. However, a coalition of the armed forces of Uganda, DR Congo and South Sudan launched a joint military operations against rebel camps in Garamba in December 2008 and March 2009. The joint operations managed to destroy rebel's camps, but the efforts to inflict a final military defeat on the group were not fully successful. The US backed operation "Lightning Thunder" took place in support for the regional armies to defeat the LRA resulted in brutal revenge attacks by LRA rebels on Congolese civilians, with over 1,000 people killed and hundreds abducted in DR Congo and South Sudan, and hundreds of thousands were displaced while fleeing the massacres.

The joint military action in the DR Congo did not result in the capture or killing of Kony, who remained on the run in the large forest area covering the Central Africa Republic, the South Sudan and DR Congo forest (BBC M. , 2009) but the group still has a nuisance capacity to strike any time on the soft targets, for instance, in 2008, during Christmas festival, the LRA massacred at least 143 people and abducted 180 at a concert celebration which was sponsored by the Catholic Church in Faradje in the Democratic Republic of Congo (Watch H. R., 2009) and struck several other communities in the near-simultaneous attacks: 75 people got murdered in a church near Dungu, at least 80 were killed in Batande, 48 in Bangadi, and 213 in Gurba (CNN, Congo groups: 400 massacred on Christmas day., 2009). By August 2009, the group terrorist act had resulted in displacing as many as 320,000 Congolese, exposing people to a famine threat, displacing large numbers of people and worsening an ongoing humanitarian crisis which the UN described as one of the worst in the world according to UNICEF director Ann Veneman. In December 2009, the LRA fighters under Dominic Ongwen who is currently detained by the International Criminal Court (ICC) attacked and killed at least 321 civilians and abducted 250 others during a four-day siege in the village and region of Makombo in the DR Congo (Woudenberg, 2010). In Kpanga, February 2010, about 100 people were butchered by the group fighters. By May 2010, the group had already killed over 1,600 Congolese innocent civilians and abducted more than 2,500 people including children (Niangara, 2010). Between September 2008 and July 2011, the terror group, despite being reduced to only a few hundred fighters, had killed more than 2,300 people, abducted more than 3,000 and displaced over 400,000 across the DR Congo, South Sudan and the Central African Republic (OXFAM, 2011). Recently the DR Congo National army (FARDC) has increased pressure on LRA group which has led significantly to the decrease of the LRA attacks on villages in Norther Eastern DR Congo. However, the

threat still there because the LRA is still scared in small groups across the region bordering DR Congo including: South Sudan and Central Africa Republic and the LRA leader Joseph Kony still on the run.

#### **3.9.4. Local Congolese militia groups “Mai-Mai”**

The Mai-Mai is range of local and community-based militias who have been active during since the DRC Congo’s two wars between 1996 and 19998. These groups are the most prolific recruiters and users of child soldiers, and human rights abuses and massive rape cases in DR Congo conflicts. Historically, Mai-Mai were related to armed rebellion against post independent Congo central government in the 1960s as part of the Mulele rebellion, when the post independent former education minister Pierre Mulele organized young men into militia’s revolt against Mobutu’s regime. Pierre Mulele used traditional charms to convince the youth that sprinkle themselves with sacred water before battle, bullets would turn to water if shot at Mai-Mai fighters. The expression of (Mayi- Mayi or Mai-Mai) began largely to be used again in the 1990s to be identified as locally-based militias organized on an ethnic basis and engaged in struggles around the protection of their communities and their interests such as; lands, broader economic interests and political power (Gottschall & Jonathan, 2004). Majority of these Mai-Mai groups were created to resist against Rwandan army aggression in 1996, but other Mai-Mai groups were just created to exploit the war for their own advantage by looting, cattle rustling or banditry. Although the situation has been slowly improved recently but still pockets of conflict remain in which Mai-Mai groups are actively involved. The Mai-Mai group’s self-identification is a perception that they are indigenous of DR Congo soil and the legitimate heirs to the land. They represent a range of different groups which differ from one another in size and fight capacity. According to the Congo Research Group (CRG), At least seventy armed groups are actively operating in the eastern Congo, and approximately 1, 6 million people remain displaced in the region. The group noted that, various approaches taken by the Congolese government and its foreign partners including the stabilization program, demobilization efforts, and security sector reform have produced meagre results (Stearns, 2015). The Mai-Mai groups are very much fragmented and dynamic, new Mai-Mai groups can easily emerge or older groups dissolve and reform, therefore, it quite difficult to map up the geographical location correctly. Some of these Mai-Mai are relatively small, locally-based group with 50 to 60 combatants and other groups are larger more organized militia, in some cases several hundred or thousand strong fighters, with a wider geographical spread.



These militia groups do not have a single central command. Each group operates independently in pursuit of its own interests, although these interests in most cases do meet by coincidence. As it has been widely noted, several factors have led to this proliferation of these armed groups in the Eastern of DR Congo, lack of alternatives, especially the failure or total absence of sound demobilization programs, produced fractionalization which has brought security dilemmas at the very local level. Most armed groups operating in the region had never been very cohesive, and over time the lack of military pressure, the ample space and resources at their disposal, and the government's failure to offer their members alternative livelihoods led them to splinter into multiple groups. Today Mai-Mai groups have been accused of committing all types of atrocities on innocent's civilians in different parts of the Eastern Congo including; mass vicious killings, mass rapes, mutilations, and child abductions and looting according to the UN and human rights organizations.

### **3.9.5. Armed groups and illegal mining trade in DR Congo conflict**

The conflicts in eastern of DR Congo with its ramifications web of various actors pursuing a multiplicity of agendas can be confusing and overwhelming. With some elements of the DR Congo Armed Forces often engage in abuses similar to those of militias, the region have become a fertile environment for the development and growth of armed groups and warlord phenomena (Enoughproject, 2013). It's very clear that most of the conflict in eastern of DR Congo has been concentrated in mineral-rich zones of in Eastern DR Congo. There a power vacuum in some remote areas which are beyond DR Congo government control and armed groups which are perpetrating the violence control much of the minerals site. Therefore minerals trading in conflict remains one of the key factors of the ongoing conflict. These militia groups have made a lot of profits from the illegal mineral trade in eastern Congo. Regularly, the armed groups commit atrocities which shock the conscience as they jockey to control the area's most valuable mining sites, transportation routes and opportunities to impose illegal taxes on those involved in this trade.

Among other minerals illegally traded and trafficked by the armed groups in DR Congo is the (Columbite-tantalite) better known as "coltan". This mineral is very much essential for the hi-tech industry used in mobile phones, computers, military equipment's, electrical devices and electronics and it has become the cornerstone of the digital age from which nearly all technology is built upon (Montague, 2002). Today it has been argued that "coltan" has become the "blood diamond of the digital age" (Mantz, 2008). The increase demand of coltan

on the internal market have largely contributed to the ongoing conflict in the Eastern DR Congo. Almost 90 percentage of Coltan exploited in the eastern DR Congo is traded illegally. It is extracted with a lot of violence on people, illegally exported by militia groups and sold to various multi-national corporations with the complicity of local and neighbour business men the these businessmen then sell it to other buyers around the globe until it is finally used in the manufacturing of the final product. Revenues generated by this illegal trade serves only to subvert the DR Congo government, thereby hindering the welfare of the local population (Mantz, 2008). Despite the role of this mineral in technological progress, the method in which mineral is produced has been critical to the perpetuation of war and state instability in the DR Congo, it is a far cry from the drama of the “No blood on my cell phone” campaign that a group of NGOs and religious communities have launched in Europe to lobby for an embargo on the so called “blood tantalum”, the coltan that comes from the war zones in the eastern of DR Congo. The European lobby groups, like the regional analysts, say that coltan production is fuelling the war in DR Congo (BBC, Human cost of mining in DR Congo, 2009).

Gold is also another mineral traded illegally by these armed groups. Global Witness research reveals that the Chinese company Kun Hou Mining, paid a militia group “Raia Mutumboki” which is operating along the banks of the Ulindi in South Kivu \$4,000 and gave them two AK-47 assault rifles in order to secure access to rich gold deposits on the river bed. The Chinese company ran four semi-industrial river dredging machines along the Ulindi in the boom. Members of the same militia groups also earned up to \$25,000 per month by illegal tax collection from workers on locally-made dredgers who were doing the dangerous job of manually sucking up gold from the river bed (Globalwitness, 2016). Regional officers responsible of enforcing the Country law related to artisanal gold sector apparently were in support of the Chinese company instead of holding the company responsible and accountable for its illegal deals and activities.

In fact some regional officials, collaborate with the armed groups to illegally tax artisanal gold diggers, in violation of DR Congo law. Mining authorities in Bukavu the provincial capital, falsified declarations of origin for the small quantities of Shabunda’s artisanal gold that were officially exported in order to obscure its origins, which are considered by international standards “high risk”. Semi-industrial dredging companies, mostly Chinese-owned companies, have been accused by DR Congolese provincial authorities and others of not paying taxes and smuggling gold out of the country in other parts of eastern DR Congo. Millions of dollars of gold produced manually from the eastern of country have fuelled human

rights abuses and violence end up in the global markets each year, often passing through transit countries such as Uganda, Burundi United Arab Emirates (UAE) and Switzerland (Globalwitness, 2016).

The UN Group of Expert (GoE), estimated 98 percent of gold produced by artisanal miners in DR Congo between 8 to 12 tons worth roughly \$400 million is smuggled out of the country. Artisanal gold diggers in DR Congo work by hand with pick-axes and shovels, largely illegally, due to an over-regulated, corrupt system put in place by some government officials and some and some of military officers of the DR Congo Armed forces are also allegedly getting profit from the illegal trade. The supply chain of this illegal conflict gold has been facilitated by neighbour countries such Burundi and Uganda officials who are facilitating this illegal gold traffic. The then much of the gold shipment arrive in Dubai, a major international gold trading centre. The international mine certification agencies and the DR Congo government have not been unable to audit most mining areas because of their size, poor roads and recurrent insecurity.

### **3.9.6. Armed groups and rape cases in DR Congo conflict**

April 2010, the UN Special Representative for Sexual Violence in Conflict, Margot Wallström, described the DR Congo as the “World capital of rape,” Eastern DR Congo as the “most dangerous place on earth to be a woman” said Margot, and the prevalence and the intensity of various forms of sexual violence in Congo, has been described as the worst in the world. Frequent rape cases in the Democratic Republic of Congo has been described has as a “weapon of war,” by the UN officials in 2008 (Kristof, 2009), because the “rape in war” makes a particular effective weapon because rape not only destroys the physical body of victims, but it also destroy the entire communities as well.

Rape cases and sexual violence are not something new in time fighting, mass rapes have occurred in different armed conflicts such as, Kosovo, Rwanda, Yugoslavia, Sierra Leone, Angola and Liberia, just to cite few examples. However, the rape case in DR Congo has pulled a lot attention and very large amounts of international attraction because of its level and brutal nature. Reports by respected observers, such as UN, the Human Rights Watch, have found that sexual violence in the country is used as a weapon of war by all parties involved in the long-standing conflict rape and other multiple forms of sexual violence including: Kidnapping, sexual slavery, gang rapes and forced marriages. Reports added the rape is also used as a strategic tool to win and maintain influence over civilians in territories

controlled by armed groups. Sexual violence is often committed in front of family's members and villagers to terrorize and increase psychological pressure on local population. Women and girls of all ages are not spared by the plague of rape (from a 23-month old baby to an 84-year old). Data collected from local health centres in Kivu, said about 40 women are raped on daily basis. The data revealed that 13 percent of these rape victims are under 14 years of age, 3 percent die as a result of the rape, and 10 to 12 percent contract HIV/AIDS. Another study estimated 1,100 rapes per month between November 2008 and March 2009 (Nanivazo, 2012). The form of rape used by the armed group according to the UN report includes: rape, public rapes, sexual slavery, forced prostitution, forced pregnancy, gang rape, forced incest, sexual mutilation, disembowelling, genital mutilation, cannibalism, deliberate spread of HIV/AIDS, and forced sterilization. From January 2010 and 2013 December, 3,645 victims of sexual violence were identified, with nearly three-quarters of the victim's women according to the UN report. The report said women, children and men were subjected to rape and other sexual violence in over a 4 year period by the country National Armed forces or armed rebels. Victims ranging in age from 2 years to 80 years old, comprised of 73 percent of women, 25 percent of children and 2 were men, the report said. Just over half the rapes documented were committed by members of armed groups operating in eastern DR Congo. In some cases in the volatile eastern parts of the country, the rape case on at large scale has been used to humiliate and punish civilians who are being perceived collaborating with a rival party implicated in the conflict struggle for power over areas rich in natural resources. Incidents of sexual crimes general occur during armed group's attacks on villages, combined with mass killings, looting and abductions. Many women are raped in their homes areas, sometime rape take place while working on farms, on their way to shopping or when moving to fetch water in remote areas, said the report (Aljazeera, 2014).

A Congolese gynaecologist Dr Denis Mukwege, founded Panzi Hospital in Bukavu, where he specialized in the treatment of women who have been raped by different armed forces operating in the region. Dr Mukwege who's now the world's leading expert in repairing the internal physical vaginal damage caused by gang rape. Thousands of women have been treated by Dr Mukwege. According to the Dr Testimony, some of victim of rape were raped more than once, up to 10 surgeries were performed on daily basis during his 18-hour working days. Dr Mukwege described the horrific condition of his patients when arriving at Panzi hospital sometimes naked. The World has recognize Dr Mukwege effort and has been awarded various international prices including: the European Union's Sakharov Prize and in

2013, he received his first of three nominations for the Nobel Peace Prize, On May 28, 2015, He was awarded an honorary Doctor of Laws by Harvard University and many other prizes (Nolen, 2008). However, On October 25, 2012, himself Dr Mukwege was a victim of assassination attempt, armed men attacked his home while he was around, upon his return, his guard who intervened was shot dead by the gang. The armed group missed Dr Mukwege and Mukwege was forced to go in exile in Europe and the Panzi Hospital reported that his absence had a devastating effect on its daily operations on rape victims (Africa:Allafrica.com, 2012). Dr Mukwege, has since returned to Bukavu on January 14, 2013, where the population reserved him a warm welcome. The UN Mission is currently protecting Dr Mukwege.

### **3.9.7. Armed group and Child soldier recruitment in DR Congo conflict.**

The UN convention strictly prohibits the use of children in armed conflicts. However, at least 250 000 child soldiers are currently involved in armed conflicts worldwide. The UN Children's Fund (UNICEF) and its partners struggle to repair the damage a report said. Children are recruited by the armed groups to be used as fighters, children are used as transporters, and children are used to cook for armed group's officers, their also used like messengers, spies and sex slaves. They are often forced by the commanders to transport arms and participate in mass killing and all type of atrocities. The collapse of civil society resulting from protracted conflicts and the unchecked abuses of marauding militias expose children to a range of health risks, permanent physical injuries, and post trauma disorder. During the first and second DR Congo civil conflicts, all sides were involved in the war actively recruited or conscripted child soldiers, known locally as "Kadogos" which literally mean in Swahili "little ones". The former DR Congo president Laurent Kabila had used children in the conflict from 1996 onwards and it was estimated that up to 10,000 children, served under his rebel movement AFDL (Singer P. W., 2006). Some children are forced into service, and many are left with no choice but to join the militias, which may offer some protection and provisions. It has been estimated that the militia led by Thomas Lubanga was made up of 30 percent of children. On January 26, 2009, the International Criminal Court (ICC) began its first trial, a landmark case against Congolese warlord Thomas Lubanga who has been accused of conscripting and enlisting children under the age of 15 to fight in his militia between group 2002 and 2003 during second DR Congolese civil war. On March 14 2009, Lubanga was found guilty by the International Criminal Court of using child in armed conflict. In the DR Congo, child soldiers are forced to commit the most atrocious acts of murder, acts which mentally scar them for life. A report from the Amnesty International said that, a 15-year-old

combatant, “Kalami” was made to kill a family, to cut up their bodies and eat them. Female child combatants are used frequently as sexual slaves by the commanders. In 2011, the UN estimated that more than 30,000 boys and girls were still fighting with various armed groups to the conflict in the eastern of DR Congo. Most these children soldier have now been released or demobilized, but active recruitment continues in the eastern parts (Watch H. R., Child Soldiers Worldwide, 2012).

A research conducted by the European Journal of Psych-traumatology investigated the characteristics and experiences of former child soldiers in the on-going conflict in eastern DR Congo, their findings conclude that former child combatant’s suffered from being both perpetrators and victims of violent acts as compared with a group of adult former combatants, former child soldiers presented a higher severity of trauma-related symptoms during the civil integration process. It’s also reported that child soldiers perceiving perpetrating violence as in more fascinating and arousing manner. A child soldier who seen to be appetitive aggressive is related to higher positions in armed groups and more perpetrated violence types. Additionally, high appetitive aggression was related to repeated reenlistment in armed groups. The findings indicated that in growing up in an armed group is linked to higher levels of trauma-related disorders, aggressive behaviour, and failed reintegration in to civilian life. As a consequence former child soldiers burdened with trauma-related illness and substantial appetitive aggression pose challenges for successful integration into civil society (K, Hecker T, Maedl A, Schauer M, & Elbert T, 2013). The UN passed the Convention on the Rights of the Child (CCR) in 1989. Optional protocol on the involvement of children in armed conflict came into force in 2002 and The DR Congo is a signatory of both of these international instrument of child protection. The official position by UNICEF is that the use of children in armed conflicts is that it is morally reprehensible and illegal and also a crime against humanity according to the International Criminal Court status,

## **4. RESULTS AND DISCUSSIONS**

### **4.1 Results**

Through the literature review, the role of the UN operations is clearly explained, the DR Congo's conflict background is given in detail and principal negative forces (armed groups) operating in the eastern DR Congo are listed along. Atrocities committed on civilians by the armed groups are also listed including: illegal mining, mass rape, mass killing, forced displacement, looting and child soldiers forced recruitment, therefore the result in this chapter is to compare whether the UN mission in DR Congo's main objectives have been achieved in regards to its original mandate given by the Security Council.

#### **4.1.1. The UN mission support to DR Congo elections process**

The UN mission got extremely involved in the all electoral process, the role of the Mission in the logistic of the most complex and largest election operation was very decisive for the success of the entire election process. The UN support is detailed in the table 3 below. The all election process cost about \$500 million, it's believe to be the Africa post conflict biggest and most costly election operation which have ever been organized and supported the international community and a UN peace keeping mission. The table below shown the breakdown the financial and logistical support, from the International Community and the UN mission in the country MONUSCO

*Table 3: Elections Logistics Support*

<b>The UN support to DR Congo 2006 first democratic election in 4 decades.</b>			
<b>Finance</b>	<b>Logistiques</b>	<b>Personnel</b>	<b>Security</b>
260,000 electoral agents paid by MONUC and UNDP.	3,500 tons of election material transported by MONUC.	800 UN Volunteers. 600 UNDP, HCR, LWF staff.	4,793 Congolese police officers trained by MONUC for the elections process.
73,000 police officers paid by MONUC and UNDP to secure the election process.	Election results collected by MONUC from over 50,000 polling stations to 62 destinations.	200 MONUSCO staff.	
	60,000 electoral kits transported by MONUC		

Source: (Faubert, 2006).

With the support of the UN mission DR Congo was able to organize its first free and fair elections in 46 years on 30th July 2006, a 500-seat National Assembly was voted. After the election run-off on 29 October, and resolution of a subsequent legal challenge, President Joseph Kabila was declared the winner by the DR Congo Supreme Court. It's believed that the entire electoral process represented one of the most complex vote's exercise the UN peace keeping mission had ever helped organize. Since February 2007 the DR Congo had a legitimate elected government and therefore should be considered as a sovereign state and by that fact, it implies that the elected governments' priority would be the restoration of peace in country and to civilian's protection. November 2011, the DR Congo government organized its second Presidential and parliamentary elections, At the Security Council, Roger Meece the Special Representative of the Secretary-General for DR Congo and head of MONUSCO during that election period, told the Security Council that the mission and the UN Development Programme (UNDP) would provide a wide range of assistance to the DR Congo s' Independent National Electoral Commission body as it was preparing for the 28 November elections including: 30 civilian aircraft to the UN mission to air fleet and distribute election materials throughout the country. The UN mission together with the international community direct contribution the 2011 DR Congo presidential and parliamentary elections is estimated to be about \$ 400 million (Reid, 2013). Hundreds of the Congolese National Police (PNC) received training on good governance and techniques for securing elections by the UN mission police (UNPOL).

In the perspective of the coming elections due to take place in the country this year or next year the UN mission in DR Congo MONUSCO airlifted 3,900 tonnes of election materials to 15 different election centres around the country to be distributed to 107 satellite stations. In



March 2007 the UN secretary emphasized by declaring in his 23rd report that the UN mission's role in DR Congo from then on would be mainly restricted to supporting the Congolese Armed Forces FARDC to pacify the eastern of country.

#### **4.1.2 UN forces training Congolese Armed Forces (FARDC)**

As the DR Congo situation evolves, the UN mission has to change also in order to fit in the new dynamic of the situation on the ground. Therefore the UN mission has been involved in providing various military training to the Congolese national Security forces with an objective of boosting its capacity as it striving to restore peace and security in the country and particular in the eastern parts. The following are series of trainings provided by the UN mission to Congolese Army;

Guatemalan peacekeepers of the UN Mission in DR Congo, trained the Congolese armed Force (FARDC) officers In Dungu, Haut-Uélé district, in the Eastern province. The training focused on the use of the Global Positioning System (GPS). The training was completed on 8 October 2013 and 20 Congolese officers were awarded certificates after the training in an official ceremony, during which Luis Fortunato, the colonel of the Guatemalan contingent Special Force commander, announced that more training sessions would be organized for other Congolese army elements. Colonel Fortunato further explained the importance effective use of the GPS equipment by deployed officers in combat operations would help them organize safe and efficiently military patrols in the field. About 500 FARDC troops have received similar trainings from Guatemalan peacekeepers (Jean-Michel, 2013).

May 2014, Bangladeshi Peacekeepers of the UN Stabilization Mission in DR Congo MONUSCO, launched in Bunia, the administrative capital of the district of Ituri, a training sessions on the basics practical use of IT military tools targeting officers of the Congolese Armed Forces (FARDC). 16 Congolese officers took part in the training including 2 women. The training is part of MONUSCO technical and logistic assistance to FARDC under the UN Security Council Resolution 2147 with a view of improving the FARDC's capacity to enable them to successfully carry out their preliminary mission that is to ensure the protection of civilian populations and security for the entire national territory. At the end of the training sessions, the Congolese armed forces are expected to be able to use effectively the IT military tools in their military operations against armed groups active in jungle of the eastern DR Congo (Maiga, 2014).

September 2010 in the city of Bandaka, the UN mission, Child Protection Section organized training for 50 Congolese officers of the 3rd Military Region of the FARDC. The training purpose was to help officers understand the basic concept of the international law on child protection during military operation. The training intended also to sensitize the officers on the law regarding Child Protection including: the non-criminal responsibility of child associated with forces and armed groups, the fundamental rights of the Child, the national and international legislation on child protection in armed conflict and the general notions on minority and Child. The training emphasised of the importance of the relationship between the armed forces and children as critical , where the risk of violation of child rights are obvious during offensive operations; therefore “in the exercise of their mandate to defend the territorial integrity, the FARDC must know thoroughly the rules and methods that apply to specific vulnerable groups of population, in this case the children, for which additional precautions must be taken to avoid falling into irregularities and child abuses.” After the training the army officers expected to contribute positively to the child protection in conflicts area’s environment. April 2011 another training was launched by the Child Protection office of UN mission in DR Congo, the training took place in the of city Bukavu. The program empowered some 6500 officers of the DR Congo national army (FARDC) in South Kivu province about the national and international legal instruments on child protection in armed conflict. Issues being addressed during the training sessions include: Child definition as provided by the different national and international legal instruments; the role and mandate of the Child Protection section of the UN mission; the monitoring of violations of children's rights; the impact of armed conflict on children in the DR Congo; the process of identification, verification and separating children from armed groups (Tahina, 2011). 298 police officers received training by the UN police in Goma, Nord Kivu province, including 14 women as a part of the Congolese national police force (PNC) process reform initiative. Training mainly focused on techniques for maintaining and restoring public order, the basic concept of human rights, first aid and criminal law (Padovan C. , 2012).

#### **4.1.3. UN forces support Congolese armed forces (FARDC) in tracking militia groups in eastern parts.**

UN Security Council voted a resolution which recommends the UN forces in DR Congo to support the Congolese Armed forces to track negative forces. Several joint operations have taken between Congolese armed forces and UN forces in the Country. As a result, the joint operation of the Congolese armed forces and the UN forces led to the total defeat of the M23

rebel movement. Several villages under armed control are now under government control. Following are the results of the success of the joint operations.

#### **4.1.4. The defeat of the M23**

Since the Rwanda backed M23 rebels group seized the town of Goma on 20 November 2012, in the North Kivu, the UN mission MONUSCO came under heavy criticism for failing to protect civilians against the M23 rebels as provided by its mandate of “protecting civilians,” against armed groups. According to the Deputy Special Representative of the Secretary-General and Humanitarian Coordinator, 330 000 people had fled their homes during the M23 rebels offensive. Based on recommendation from the UN Group of Expert, the UN Security Council accepted the deployment a Force Intervention Brigade (FIB), to carry an offense and neutralise armed groups active in regional. The FIB played a pivotal role in the Congolese armed forces counter-offensive against M23 rebels. After almost two weeks of intense fighting, the Congolese armed forces backed by FIB managed to defeat the M23 rebels after capturing their last bastion on Chanzu hill. Rebels fled to Rwanda and Uganda after their defeat. Following the rebels defeat, population which had fled the rebel’s offensive started retuning back to their homes (Padovan, 2013).

#### **4.1.4. Joint UN forces and Congolese armed forces military operations “Kimia2” and “Amani Leo” against the FDLR rebels**

Two joint UN forces and Congolese armed forced military operations took place during 2009 and 2010. The operations were established with principal objectives to protect civilian population’s threats, clear strategic areas from negative forces, hold territory liberated from FDLR rebel control, and assist in restoring Government administration in areas retaken by Congolese Armed Forces. Amani Leo and Kimia2 operations included preventive interventions aimed at stopping the FDLR from regrouping and attacking civilian populations and re-occupying major mining areas which are sources of rebel income. The UN forces aided Kimia2 operations with helicopter lifts, medical evacuation, fuel and rations, as well as firepower support to the Congolese Armed Forces to keep FDLR rebel from reclaiming areas previously under its control.

Upon the operation assessment, the conclusion was the FDLR rebel strength was reduced by half, from approximately 7,000 combatants to an estimated 3,200 elements. However, the operation Kimia2 caused major internal displacement (about 500,000 internally displace

persons) and many civilian casualties due to reprisal attacks from rebel group (MONUC, 2010).

**4.1.5. UN forces and Congolese Armed Forces new offensive against FDRL militia group.**

The UN mission in the Democratic Republic of the Congo MONUSCO and the Congolese Armed forces (FARDC) launched on February 2012 a joint military operation called “Amani Kamilifu” against the FDLR rebel group in the territories of Kabare, Shabunda, Mwenga, and Kalehe, South Kivu province. The operation aimed of tracking down some 500 FDLR elements who were causing havoc in this part of country’s far eastern region. The operation was decided following the FDLR increased attacks in Shabunda territory. FDLR rebel attacks on village resulted in the death of nearly 45 people, lootings and destruction of property and thousands of people were made homeless. The UN forces operation set up regular patrols in all the accessible areas, an aerial reconnaissance and surveillance missions was also set up for the effective civilian’s protection under FDLR rebel’s threats in Shabunda territory.

**4.1.6. Operations “Sokola2” and “Sokola1”**

January 2015, the Congolese armed forces backed by the UN forces launched military Operations codenamed “Sokola2” to disarm by force the FDLR Rwandan Rebel. According to Congolese Chief of Staff General Didier Etumba, the FDRL Rwandan rebels 7 years , were in larger number (7,500 combatants) but to date, according to different reliable sources, there are a maximum of 1400 combatants left due to joint UN forces and Congolese armed forces military pressure (MONUSCO, “Sokola2” to disarm the FDLR Rwandan Rebels., 2015). Although the operations “Sokola 2” had not reached its main objective which is to free all Eastern DR Congo areas from the Negative forces and in particular the FDRL rebels. Tangible results of the operations as from 2015 July 2016 was judged positive by the Congolese by Armed forces officers and local civil society as indicated in the table 4. The Several number of villages were recaptured and secured from rebel’s threat by Government forces and UN forces, many rebel were captured and many more surrendered to UN forces bases as it’s indicated in the table below (Radiookapi, 2016). Operations “Sokola 2” results by July 2016.

*Table 4: Sokola2 Operation Results*

Number of combatants captured or surrendered to UN forces	<ul style="list-style-type: none"> <li>• 936 local combatants</li> <li>• 323 Foreign combatants</li> </ul> FDLR
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Number of surrendered to UN forces bases MONUSCO	<ul style="list-style-type: none"> <li>• 199 FDLR rebels</li> </ul>
Number of rebel killed during operations	<ul style="list-style-type: none"> <li>• 116 local combatants</li> <li>• 140 Foreign combatants</li> </ul>
Number areas recaptured by UN and Congolese Armed forces	<ul style="list-style-type: none"> <li>• Buleusa,</li> <li>• Rusamambo,</li> <li>• Mizinga,</li> <li>• Rusoha</li> <li>• The surroundings villages.</li> </ul>

Source: (*Radio okapi, 2016*)

These are areas which were retaken by the Congolese forces and the UN forces were some of the bastions of the FDLR rebels located in the two hotspots territories of Lubero and Walikale in the North Kivu provinces (OKAPI, 2016).

In the Beni district where the ADF Ugandan rebels have creating havoc among innocent's civilians since 2014, the Congolese armed forces and the UN forces launched a joint operations called "Sokola 1" aimed to flush out the rebel positions in Beni district and the surroundings. The provisional report of the "Sokola 1" operation, indicated that many rebels have been killed and other 5 captured, and 3 rebel's strongholds recaptured. April 2017, General Ismaila Sarr the deputy of the UN police forces after touring the region judged the situation in Beni globally position. The joint operation of UN forces and Congolese Armed forces have significantly improved the security situation in Beni district and its surroundings (Radiookapi M. , 2017)

#### **4.1.7. UN mission MONUSCO DDR and DDRRR program.**

The disarmament, Demobilisation and Reintegration program it's a part of post conflict UN component strategy for the establishing of lasting peace in the country in post conflict country. However, the program is divided in two program, one (DDR) focusing on the local disarmed combatants and another one (DDRRR) focusing on foreign combatants.

#### **4.1.8. Disarmament, Demobilization and Reintegration (DDR)**

Disarmament, demobilisation and reintegration (DDR) is often a post conflict process of disarming ex-combatant and assist to integrate a civil life. DDR has become a component of the UN peacekeeping operations success. It entails the physical removal of combat means from ex-belligerents, the collection and destruction of weapons ammunition. All efforts led to the DDR, as a process aimed at disarming members of irregular local armed groups to reintegrate them into the society in a free choice basis. January 2004, the UN Security Council passed a resolution 1522 which called for the disarmament, demobilization and reintegration (DDR) of former combatants. Therefore it was imperative that Congolese Government and

the UN mission in Congo to come up with a strategic plan of Disarmament, demobilisation and reintegration (DDR).

*Table 5: DDR Phase One Results*

DDR Phase one	From 2004 to 2006
Funding Organizations	World Bank-IDA and multi-donor trust fund (MDTF)
Cost of operations \$	200 million
Number of Demobilised	150,000 combatants (Men, women and children)
Action	UN mission forces and Congolese Armed forces

Source: (World Bank, 2009)

In 2004, a multi-donor trust fund (MDTF) and World Bank-IDA set up an Emergency Demobilization and Reintegration Project (EDRP) program to support the demobilization and reintegration (D&R) in the DR Congo. A project targeted to demobilize approximately 150,000 ex-combatants involved in the DR Congo conflict, the program has been underway since 2004, with combined funding of US\$200 million from a multi-donor trust fund (MDTF) and World Bank-IDA grant under the umbrella of the Multi-Country Demobilization and Reintegration Program (MDRP). Phase one DDR program was complete in December 2006 with some 132,000 men, women and children demobilized from armed groups (World Bank, DDR in the DR Congo Program Update, 2009). The table 5 above, displays the result of the phase one of the demobilization and reintegration program from since the year 2004 to 2006 (World Bank, 2009).

A phase two DDR program, funded by the World Bank-IDA, African Development Bank (AFDB) and Congolese Government of US\$75 million. However, the phase program failed to start because of a new war which began in the Eastern of DR Congo between Congo Armed forces and rebel group.

*Table 6: DDR phase two Results*

<b>DDR Phase two</b>	<b>From September 2008 to June 2010.</b>
Funding Organizations	World Bank-IDA and African Development Bank (AFDB)
Cost of operations \$	75 million
The Number of combatants Targeted for the phase two DDR program.	70,000 armed forces from Congolese Armed forces 19,000 militia 23,000 ex-combatants 8,000 children were to be reunified and reintegrated

	40,000 Ex combatants were to be intergraded
Action	UN mission forces and Congolese Armed forces

Source: *World Bank, 2009*

Phase two DDR program targeted 70,000 of the Congolese armed forces, 19,000 militia, 23,000 ex-combatants were expected to demobilize as shown in the table 6. 19,000 militia members were to receive reintegration support, phase two this targeted 8,000 children who were to get support for reunification and reintegration, and 40,000 ex-combatants demobilized in the first phase were to be reintegrated. This second phase was set to start in September 2008 and end in June 2010 as the table below shows it (BANK, 2009).

Under the Global Accord, the DR Congo national DDR program (PNDDR) set up the reintegration plan of the main different belligerents who were engaged in the second DR Congo war. The table 7, shows the main beneficiaries of the National DDR program from the different armed factions, which was mainly financed by the Multi-Country Demobilization and Reintegration Program (MDRP) and the World Bank.

*Table 7: DDR outcomes*

Combatants factions	Numbers ex combatants
Ex Congolese armed forces (FAC)	100,000
RCD-Goma (ex-rebel movement)	45,000
RCD-K/ML (ex -Rebel movement)	15,000
RCD-National (ex-Rebel movement)	10,000
MLC (ex-Rebel mouvement)	30,000
Mai-Mai	30-50,000

Source: *World Bank (2013)*

During the DR Congo war, all fighting parties used children as part of their armed forces either directly in military combat or in supporting roles. Various armed groups committed to the release of children in accordance with international law as well as the different peace agreements. Over the transitional period from Dec.

*Table 8: DDR Results*

Number of children demobilised and reunited with parents from 2002 to September, 2011	<b>31,738 children</b>
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Number of weapons collected by September 2011	<b>118,459 weapons</b>
Number of ex-combatants who went through a verification process,	<b>209,605</b>
Number of Ex-combatants who joined the national army	<b>66,814</b>
Number of demobilised by March, 2011	<b>140,000</b>
Number of beneficiaries of the reintegration assistance.	<b>80%</b>

Source: *World Bank, 2013*

2002 to September 2011, the Government with support from the MDRP and other partners such as UNICEF and specialized NGOs, reintegrated some 31,738 children as shown in associated with armed forces and collected many weapons from armed groups as displayed in the table 8. The UN forces played a crucial role in facilitating the disarmament process (WOLRDBANK, 2013).

#### **4.1.9. Disarmament, Demobilization, Repatriation, Reintegration and Resettlement of foreign armed groups (DDRRR)**

The DDRRR, is a component of a post conflict strategy for executing successful UN peacekeeping operations. DDRR Section aims to voluntarily repatriate all illegal foreign armed groups and their dependents to their respective countries of origin. In 2001, the UN Security Council passed a Resolutions1355 and Resolution 1493 in 2004 calling for the disarmament of all armed groups acting in the DR Congo within the UN Mission in the DR Congo (MONUC) mandate. In 2010, the UN Security Council adopted another Resolution 1925 establishing the UN Organization Stabilization Mission in the Democratic Republic of Congo MONUSCO, as previous resolutions, the 1925 Resolution also called for a comprehensive and voluntary Disarmament, Demobilization, and Reintegration (DDR) for local Congolese armed groups, and the Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement (DDRRR) of foreign armed groups operating in Congolese soil for the long-term stability and economic development of the DR Congo. The latest UN Security Council Resolution 2098 (2013) calls for the establishment of an Intervention Brigade (IB) within MONUSCO mandate that authorize force to neutralize and disarm all armed groups actively operating in the DR Congo. The Intervention Brigade will also have a duty to attack and forcibly disarm any armed group that refuses to adhere to the voluntary process of DDR/RR.

*Table 9: DDRRR Results*

<b>Repatriated Nationality</b>	<b>by</b>	<b>Combatants</b>	<b>Dependents</b>	<b>Total</b>
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Rwandans	12427	12518	24945
Ugandans	629	339	968
Burundians	3784	132	3916
Other	32	2	34
<b>Total</b>	<b>16,872</b>	<b>12,991</b>	<b>29,863</b>

Source: (MONUSCO, 2015)

Therefore, the DDRRR Section of the UN mission in DR Congo was set up based on two operational program components. The first component of program focused on the foreign armed groups such as FDRL, ADF, LRA, and FNL. The second component is the DDR, which focuses on the local Congolese armed groups, including the residual elements of the Congolese civil war as stated in the previous section. It will be noted that, some demobilised armed groups elements are still in different UN transits centres waiting either for their integration in the civil society or repatriation in their Country of origin. The table 9 above only shows the number of illegal foreign armed groups already repatriated from 2002 to 30th June 2014 and those who are in transit camps.

A number of weapons and round munitions were also collected buy the UN forces from the ex-combatants. After the weapons are collected their destroyed by UN and DR Congo officers. The table shows the quantity of round of ammunition and small arms destroyed by the UN mission since January 2009 to 2013.

*Table 10: DDRRR Results*

Round of ammunition removed and destroyed	98,274
Number of small arms destroyed	1,316
Removal of unexploded devices	13,649
Number of people trained on Mine risk	25,588

Source: MONUC, 2015

## **4.2. Discussion**

This section discusses challenges which are the constraints the UN mission in DR Congo, has been facing since its deployment to date including. The chapter also discusses people's perspectives and disappointments towards the Mission.

### **The current challenges of the UN “Blue helmets” globally**

Since the UN inception in 1945, the UN has committed for maintaining international peace and security. Founders of the UN Charter had in their mind an organisation that would be engaged in the entire spectrum of conflict management and resolution, from conflict prevention strategies, crisis response, to the long-term stabilisation of conflict areas. However, the drafters of the UN charters could not anticipate and predict the amount of international crisis, regional conflicts, and series of wars that the world would have faced as we are witnessing today. There is an influx of conflicts across the world today, from 2008 to 2015 there were some 128,000 military, police and civilian personnel serving in 39 UN missions worldwide, missions have been confronted with large and multiple challenges to effective peacekeeping (United Nations, 2015).

The mission conceptual is largely seen as a challenge because initially, the UN peacekeepers were expected merely to separate belligerent's forces and observe cease-fires agreed by both conflict parties as it was the case of the DR Congo UN (MONUC) first mandate. The success of the mission was essential depended on the good will of parties implicated in the conflict to offer their collaboration and support to the mission. However, in recent series conflicts, implicating ethnic-based disputes, domestic political struggle and state institutions collapsing, As the result the UN missions now increasingly working in an continuing unconventional armed conflict. Sometime the UN missions are caught up in crossing fire from conflict parties in places where there are poorly defined cease-fire lines and no guarantee for the safety of live or even role (Osmançavuşoğlu, 2000). Today's multidimensional UN peacekeeping missions are expected to do more than to maintain peace and security, but the mission also is expected to facilitate political processes of the host country, the protection of civilians, support in the disarmament, demobilization and reintegration (DDR) of ex-fighters, participate and assist in the organization of free and fair elections, protecting and promoting human rights activists, and assist in the restoring the rule of law in host country.

Another challenges facing about the UN today there is about mission funding, with 113,394 military, police and civilian personnel serving in 16 UN missions worldwide, the world

community is unwilling or unable to provide the UN missions with adequate resources to carry out efficiently the enforcement tasks. Without the implications of the UN five permanent members of the Security Council (France, USA, Russia, China and the United Kingdom), in particular the logistical support, political and financial support of the United States, no UN operation has ever been completed successfully. Recently Donald Trump administration threatened to reduce the UN budget brought a panic among the international community. The Trumps administration s' intention to cut 40% of the State department \$ 2.2billion annual contribution to the UN 's overall peacekeeping operations budget, which comes just under \$8 billion was by the he US federal budget blueprint for 2018 (Boutellis, 2017).

#### **4.2.1. The UN mission in DR Congo Challenges**

Following the Lusaka agreement in July1999 by the DR Congo government and regional countries implicated in RD Conflict including: Angola, Namibia, Rwanda, Uganda, Zimbabwe, the UN Security Council adopted a resolution 1279 to establish the UN Mission in the Republic of Congo (MONUC). The initial mandate of the mission was to do observation of the cease fire and the disengagement of belligerent's forces and maintain liaison with all parties' signatories of the ceasefire Lusaka agreement. As the situation on the grounds evolved the Security Council by series of resolutions expanded the mission mandate of supervising the cease fire and the implementation of the Lusaka accord. Throughout its deployment the UN mission in DR Congo (MONUC) regularly changed its mandate to adapt to the conflict and political context. However, the mission has been hampered with number of the challenges which has seriously affected the effective operations of the mission to execute its mandate in the eastern of DR Congo, including: Geographical challenge, Clarity in the mandate, communication challenges, bureaucracy, clarity on resolutions, and practicability of the resolutions.

#### **4.2.2. Large number of armed groups operating in regions**

There is high number of armed groups actively operating in the Eastern of the DR Congo, some are from foreign Uganda (LRA, ADF) Rwanda (FDRL) and Burundi (FNL) and recently a new armed group has crossed the border from South Sudan. These foreign armed groups are just an additional to the dozens of Congolese armed groups actively operating in Eastern DR Congo. According to the Congo Research Group (CRG), around 70 percentage of the armed group are actively operating in Eastern parts (Appendix a, b). Armed group's

activities have caused a massive movement of approximately 1, 6 million displaced people. And preventing attacks from these armed groups has been serious challenge to UN peace keeping troop. Not only the groups are many but they are very mobile and very difficult to localise their basis. To make the matter more complicated, these groups are fragmented in small groups. They can form and disintegrate at any time. They do not have a real structure or command and do not have uniform and they can easily camouflage among populations which make the military tracking's operations very difficult.

#### **4.2.3. Geographical challenge**

The eastern of DR Congo it comprises of Maniema, South Kivu and North Kivu province. When addressing the insecurity issues the two provinces come on light which are: South and North Kivu province are two provinces on hotspot as far as recurrence insecurity is concerned. Geographically these provinces are big in size which make quite difficult to Congolese armed forces and their counterpart UN forces to cover. These two provinces are neighbouring four regional countries including; Rwanda, Uganda, Burundi, and Tanzania (Appendix a,c),The size of the South Kivu province alone is about 65,103 Km<sup>2</sup> make the province size double of the Belgium country size. The North Kivu province is about 59,483 Km<sup>2</sup> make the province size bigger than the all Slovakia Country. These two regions are surrounded by massive chains of mountains, and huge forest covers, rivers and three regional lakes; Tanganyika, Kivu and Edouard. Two National parks are also located in the two provinces; Virunga Park in the North Kivu and Kahuzi Biega in the south Kivu. The huge size of areas and its landscape made up of mountains, hills and large forest areas makes favourable hideouts for armed groups. They can easily operate and unexpectedly attack on soft targets; civilians, loot and run back in hideouts deeper in forest. In contrast this landscape terrain makes too hard for the UN forces (made up of the foreign troops) to protect the populations who are fragmented in small villages across this region.

Additionally these two provinces lack communication infrastructure, there is no proper road infrastructures in this region. Armed groups attacks are conducted in very remote areas where roads are impassable to quickly move the troops in for a rescue mission when the villages are under rebel's attacks. Villages are fragmented in different districts within the region and generally far from town centres that make villagers very vulnerable to militias attacks and it's impossible to the UN forces to patrol each village and district throughout due to size factor and the region landscape.

#### **4.2.4. UN peace keeping mission bureaucracy**

Any UN military operation is related by a strict top-down hierarchy structure with very complex procedures. Each single United Nation action requires a consensus and approval by the hierarchy, which often leads to inefficiency. As a consequence, immediate reactions in the operational field do not exist and room for spontaneity actions or personal initiatives to take action is limited. Consequently, the UN mission in DR Congo MONUSCO peacekeepers usually do not act to prevent the attacks, but they act to repair the damage already done by the attacks. However, it is said that some contingents invoke the heavy bureaucracy and hierarchy as an excuse to justify their inaction in regards to civilian protection. MONUSCO Headquarters is Kinshasa capital city of the DR Congo about 2000 km from the operational zone; North and South provinces, the only possible remedies are the development of a rapid reaction mechanism in order to provide direct support to the population under threat, or the transfer of more senior management from Kinshasa to the eastern, so that time delays can be shortened.

#### **4.2.5. UN Military structure challenge**

The UN military structure is another challenge facing the UN mission in The DR Congo. As per now the UN forces in the DR Congo have no integrated command chain or a mixed structure of command. Each national contingent is deployed under one Commander Force, who has the command over all the contingents deployed. However, the challenge is that each contingent reports to its contingent national commander, who is accountable to his own government first before obeying to the Commander of UN forces in the country. Troops are normally sent by their respective states and a time troops are not fully considered as part of the UN system. Since the UN member States to a certain degree consider that the troops which they provide to the UN peace mission as their own troops therefore, the interests of states which provide troops have been having a great influence on the contingents' efficiency during military operations. The State providers of the UN troops also fear to allow their troops to engage in serious combat zones, to prevent loss of life of their countries soldiers and the pressure from their public opinion who may claim the repatriation of their troops who are dying in foreign countries. Indeed, contingents are constantly under pressure from their respective governments to avoid loss of life at all cost during their mission abroad. But the UN member state should aware of the local circumstance and the risk it implies by accepting to send troops abroad and especially in combatting zone. It's clear that the success of the peace keeping operation depends to a certain extent on the good will of troop contributing

countries. The creation of a real international force with an integrated single command chain could solve this issues of troop's dependency on their national government. However, one could suggest that the creation of multinational force with a single command be part of the UN global reforms.

#### **4.2.6. Human resource limitation**

Challenge related to the human resource, as it should well understood that the UN does not possess its own permanent army, it solely rely on the goodwill of member states who can voluntarily provide needed troops. But the truth of matter is only few developed countries are willing to supply their soldiers to the UN peace keeping mission in DR Congo. Today the UN mission MONUSCO is made up of MONUC's 18,000 military personnel, about 4,300 are of Indian nationality and most of them operating in the North Kivu province, about 3,500 are operating in the South Kivu province, and 1,300 special force Bangladesh. The current UN force Commander, is Lieutenant General Derick Mbuyiselo from South Africa. According to a survey conducted by Julie Reynaert, concluded that majority of Congolese people wished that the UN troops should review its composition, most of the current MONUSCO peacekeepers are supplied by developing countries, with limited military capacity to face the chronic insecurity in the eastern provinces. The assumption is that western countries have military capabilities, better training and advanced equipment which can be decisive in dealing with armed groups phenomena in the Eastern country.

However, reports shows that the Pakistan brigade operating in the South Kivu is well appreciated by the population due to its good discipline and competence. Besides the call for more participation of the western troops in the UN peace keeping operations, there is an increased plausible for lasting solution to the current human resources challenge which should require to set up of an international standardized recruitment mechanism accepted by all UN member states, such mechanism does not exist as per now. Another factor affecting human resources system is the deficient due to constant troop's rotations: UN personnel are constant on moves and leaves, and especially on the military side. Always new keepers need to adapt and familiarize with conflict context and usually take six months and year to recruit new one. This mean that getting the right people on right time to do a right job its major challenge.

#### **4.2.7. The complexity of the use of forces by the UN mission.**

Although the UN peacekeeping mission in DR Congo is operating under the Chapter 7 of the UN which authorise to use force for the protection of civilian under threat but in practice the

use of force in regards to civilian protection is still a sensitive matter due to different reasons: First of all it should be reminded that UN was established in the aftermath of the Second World War (June 1945) with principal aim of maintaining international peace and security, as stated in Chapter one of the UN Charter. Therefore, the use of force is still considered as incompatible with the peaceful principal objective of the organization. The use of force is always considered as a means of last resort and should be applied only when all peaceful means have failed. However, Terrie argued that such assumptions are very basis of the UN peace keeping inability and unwillingness to use force when necessary. While there is often a perception that the simple presence of a UN peacekeeping forces on the ground might be enough, Terrie said that the military strategy of “deterrence through a simple presence” is one of the UN mission big mistake. Deterrence only works when the military operation is undertaken in a credible manner and the credibility can be obtained as a result of the use of force (Terrie, 2009). This means that belligerents in conflicts must be persuaded that the UN peace keepers are determined to use force when necessary to impose peace and security. If this conviction is not in belligerents mind, the mission is likely to fail. The use of force in UN mission operations continues to be perceived as a breach of impartiality principal: The UN Department of Peace Keeping operations (DPKO) states that force should be applied with extremely caution, as it has some implications on certain policy that may jeopardised the peace keeping mission impartiality principle (such as perturbation of the political balance between the conflicting parties). Such DPKO statement is quite ambiguous, again the so called “impartiality principal” may be used as an excuse to refrain to intervene where necessary. Currently most UN peace keeping operations are deployed under Chapter 7 and allowed missions to use force to protect civilians, the Protection of Civilians (PoC) constitutes today a relatively new development role for UN peace keeping , who some are really trained adequately to carry out the civilians protections tasks. There is still also a lack of clear conceptual and operational guidance as far as the use of the force is concerned in peace keeping operations. Conceptual clarity should be detailed by the UN Security Council. It the responsibility of the UN Security Council to provide the peace keeping mission mandate language, including various meaning of terms related to civilian protection. Unfortunately most of the Security Council mandates under resolutions are mere political declarations. The Security Council should impose directive to peacekeeping missions on the ground, rather than be content with the operational documents which sets the specifics of mission operations and mode of action. The mission mandate rather must raise awareness and assist in building a normative framework to support practical strategies in the field. Its UN Department of Peace Keeping operation (DPKO) duty

to provide UN missions a clear operational guidance related to civilian protection in conflict zones. However, to date such guidance generally does not exist, peace keeping troops are largely left out themselves to deal with issues related to civilian's protection operations. Another thing is about the real meaning of the word "protection" in practice it remains unclear because protection can entails different meaning, different things, depends on the environmental context, the type of threat and the perception of those who are assigned the responsibility to do the job of protection. It should be taken in into consideration that peacekeepers are not primary responsible for the local population safety and security but the Government. Peace keeper supports the Government and also must ensure their own personal security including other UN personnel and assets. With limited resources, this puts often peace keeping mission in a very challenging and controversial position (V & Taylor G, 2009).

#### **4.2.8. Civilian protection challenge**

Both Congolese and UN mission MONUSCO staff have experienced both a lack of clarity related to civilian protection. Among the UN mission in DR Congo MONUSCO two types of interpretations emerged apparently regarding the protection of civilian mandate: Some UN staff believe that the mission MONUSCO under chapter 7 can only use force in self-defence, this mean that the UN troops can open fire when for the defence of the UN staff and UN infrastructures and in the defence of the civilians under threats. According to this to this "defensive" interpretation peace Keeper forces would only be allowed to use force as response to a certain threat. As consequence of this interpretation armed groups perpetuated some crimes not far from UN forces bases and the UN forces often intervened after the crimes have been committed. Other UN mission staffs believe that the UN Chapter 7, mandate permits peace Keeping mission to adopt a proactive attitude, using force in order to prevent attacks.

The lack of clarity in the interpretation of the use of force for civilian protection under Chapter 7, is said to make the UN mission in RD Congo MONUSCO forces quite reluctant to exploit the UN mission mandate full potential. This can be well demonstrated with the following example: in previous joint military operation between the UN forces MONUSCO and Congolese armed forces (FARDC) against the Rwanda rebel (AFDL), the main question asked by Indian peace keeping troops was if they could offer fire support to Congolese Armed forces if Congolese armed forces were under militia attack. In 2008 such ambiguous situation resulted in the pulling out of the UN troops together with the Congolese Armed forces (FARDC), leaving behind the population under militia threat. The UN mission mandate



includes “occasional fire support” to Congolese armed forces. However, the question comes what does “occasional” means? The ambiguity of the interpretation and lack of clarity and guidance, becomes a stumbling block in the way of protection civilian effectively. A Civilian Protection Cluster (CPC) issued a practical protection handbook, containing several protection guidelines “protection in practice”, for the UN peace keeping forces in DR Congo MONUSCO. The hand book provides various do’s and don’ts are explained for various types of scenarios for example what to do when facing a mass violence targeting civilians or Internally Displaced Persons (IDPs), civilian fleeing or even when civilian are gathered around UN bases and are under attack. The guidelines provided in the hand book itself still unclear in real practice, as result the handbook has not real improved civilians protection (Cluster, 2009).

There a general feeling among Congolese people that the UN peace Keeping forces in DR Congo MONUSCO are not willing or lack of good will and preparedness in protection of civilian. UN peace keeping are not prepared to take risk in engaging armed forces in the battle field. According to certain an anonymous source from UN mission in DR Congo MONUSCO, the peace keeping troops tend to adopt a hesitant attitude towards the use of force when it required. The UN Rules of engagement (RoE) are said to be narrowly interpreted, thereby excluding any use of force, unless in the exceptional case of self-defence or force protection.

Another view says that peace keeping troops restrain themselves to use of force to avoid collateral damage among innocent civilians. A senior field Head Quarters personnel confirmed “a sharp decline in firing engagements by contingents since 2006, indicating an apparent growing aversion to the use of force, while this period has seen considerable action on the part of illegal armed groups which threatened the populations and caused massive Internally Displacement of Persons movements in the in North Kivu and South Kivu”. There are also a general feeling that peace keeping mission troops lack motivation. As already seen in previous chapter that the most of the troops are supplied by Developing countries in DR Congo mission, money obviously would be one of the key motivating factor to apply for a UN peace mission. For sure the UN mission pays its troops more than their own government would do pay. While the financial motivation is undeniable, but this should be nuanced: funds allocated to peacekeeping troops goes partly to the administration of the state that supply troops, which represent extra revenue the troops supply state. Some states deploy troops to UN mission without proper equipment which impact negatively the motivation peace keeping

troops when they engage in a conflict perceived as not their own. However, we should be careful not to generalize and stereotype. The United Nations comprised with more than 18,000 peacekeeping troops, in the field it is obvious that some contingents may lack motivation or misconduct, but other peacekeeping contingents would be willing and prepared to protect civilians despite the risk it entails.

Some cases were reported that UN mission personnel were involved in various scandals: in 2004 it came to the surface that UN mission military and civilian staff members were involved in serious sexual exploitation acts and abuse, resulting in a public scandal. In 2007 International media reported that peacekeeping from Indian contingents in Goma had exchanged arms for minerals with ex-rebel movement CNDP. When CNDP troops were advancing towards Goma in 2008, the attitude of Indian Contingents was very suspicious and was being accused of sympathizing with rebel movements in impartiality UN principle. The Indian contingents' mere observation while the CNDP troops were marching towards Goma without opening fire to stop them. As a result of the UN attitude, the population's mistrust towards the mission kept increasing, and people became more and more hostile. People's actions towards the UN mission were much witnessed including; launching of stones on mission convoys, attacking mission bases and booing mission personnel when passing by. Another thing which exacerbated people's ill feeling towards the UN mission, it's no evidenced controversial rumours which circulated that the UN convoys were transporting CNDP rebels in and out of Goma city in the same year. However, the examples of sexual exploitation and violence and traffic in arms and natural resources remain marginal cases among the UN mission personnel and few staff who are involved in any misconduct that breaches UN code of Conduct are sent back to their country to face justice in regards to crime committed.

### **5.2.9. Communication challenge**

Communication with local population has been one of the biggest challenges the UN mission is facing in Eastern DR Congo and there was a need to be improved. A peace operation cannot simply effectively succeed without a proper means of communication with the forces and the local community. As it was witnessed in the civilian's protection crisis which took place in October/ November 2008, in Kiwanja and July/August, 2010 in Kibua/Mpofi in the North Kivu provinces. In peacekeeping operations communication is very crucial for two good reasons: One, the UN mission should be able to communicate clearly with civilians about their mandate, role and their limitations in order to develop realistic civilian's expectations. When there is poor communication between peacekeeping forces, and people then people

perceptions become realities and people starting behaving according to their perceptions. In such a case rumours can quickly take over with an enormous impact.

Because The UN mission in DR Congo does not have a mechanism of communication with people about its mission and mandate, as the consequence the mission MONUSCO is creating false expectations and create confusion among Congolese citizen for instance, In general people in DR Congo do not know the exact role of the UN mission in their country, they ask themselves if the peace keepers troops are there just for observation mission, for interposition, for fighting armed groups or to protect citizens. That is why there a need to UN mission in DR Congo MONUSCO, to do much more in sensitizing Congolese citizens about its mission mandate and limitations, by share communication in very clear manner about the military operations it is undertaking. This is very necessary and especially in insecure and inaccessible remote areas where civilians have the impression that the mission is just like a group of tourists who have come just to tour the areas and to loot their natural mineral.

The best way to remedy this communication issue which partly affecting the mission, as a lasting solution, there must be a very closer cooperation between UN peace keeping forces and the Congolese population. There should be quite regular the number of meetings with Congolese local citizens. The UN mission should conduct periodically polls to deeply uncover people expectations. Also the peace keeping troops should be able to communicate openly to people about the obstacles facing in their operations against armed groups and seek people's view on the better way to do it. Secondly, the better communication mechanism between peace keeping forces and local civilians help the UN mission forces to collect information from people which can be very crucial in planning strategy to prevent threats from armed groups and especially when it's clear that the UN peace keeping forces in the DR Congo are operation in very complex environment, therefore communicating with the local population is important in raising awareness among the population about mission operations. Unfortunately, the communication is poor due to distrust climate between local community and the UN mission forces which is exacerbated among other things by the culture and language barriers. DR Congo in the French speaking Country and the two provinces of the South and North Kivu the local language spoken is Swahili, In contract the UN peace Keeping troops of Indian contingent which is operating in the North Kivu and Pakistan contingent which is operating in the South Kivu have difficulties in communicating with the population simple because they can either French or Swahili. The Pakistan and Indian

contingents operate in English as their field language. As a result, to gather intelligence from people become very limited. Even when the Mission is able to gather some information, it gets very distorted and not disseminated on time which also lead to the delay of the intervention forces in protecting civilians. However, the mission seemed to have learned a lesson as its trying to address the situation, a networks for surveillance have been set in various areas with a purpose of collecting information which can help the mission troops to react rapidly when attacks is reported; another network of Community Liaison Interpreters (CLI) was put in place to improve the communication between the local population and the UN peace keeping troops.

Due to financial of constraints the number of these interpreters is limited. The UN mission in DR Congo MONUSCO is also co-founded a radio station “Radio Okapi”, the station cover the all country and population attach a lot importance to the station, therefore the Mission should take advantage of the “Radio okapi” to disseminate sessions of information explaining to the people the mandate of the UN in the Country, the mission role, the mission limitations, and prospect of military operations in advance. The Mission also must be humble enough to accept its limitation and make the world understand clearly the challenges it’s facing in the exercising the complex and difficult task of protecting civilians in the Eastern of DR Congo.

## **5. CONCLUSION AND RECOMMENDATIONS**

### **5.1. Conclusion**

The UN mission in DR Congo (MONUC/ MONUSCO) was deployed in a guerrilla conflict context with a regional implication since 1999. The mission have been facing serious capacity shortage. The mission is operating under serious materials and human resources limitations in

a large area which is 3 time bigger than the size of Belgium with no roads infrastructure and a plethora of both national and foreign combatants. In such complex conflict environmental, the UN mission in DR Congo in this has to carry multiple is compelled to collaborate with DR Congo which do not assume adequately its state duty Howe. The Democratic Republic Congo is a sovereign state and the protection of civilians and guarantee peace and security for the entire country is a primary responsibility of the government. Since the government does not assume fully its responsibility the population is expecting the UN to take over the government responsibility which is indeed impossible. The DR Congo is not under UN tutelage, it has an elected president and full function government and the National Armed forces, therefore assuming that the protection of population can be handled by the United Nations forces is pure is an illusion.

The best remedy could be a deep DR Congo security forces reform, as key factor which can put an end to the recurrent insecurity and illegal exploitation of natural resources by both foreign and local armed groups in eastern parts. As so long the DR Congo government fails to build a strong and dissuasive army, every single action which the UN mission undertake will remain very limited in term of success. Yes the DR Congolese government has undertaken some security reform measures but need to do more and the International Community at large, should therefore encourage the DR Congo government to make security reform as a priority of the priority.

As already mentioned that the UN mission in DR Congo has shown its limitations and capability gaps and the constraints are subject to many frustrations such as; heavy bureaucracy, and hierarchy as result of that, for the Mission to make a spontaneous and quick response to a threat become difficult, with peace keeping troops arriving at spot area under threat too late which often have been triggers people anger and accusations against the Mission and called Mission as “Useless mission”. The Mission ambiguity about its mandate and especially regarding the “use the force” have also severely limits the Mission capacity to protect civilians in the field. The UN mission in DR Congo MONUSCO is perceived by many Congolese that they are just not willing to protect the population. Other very dangerous perception about the Mission is that, the Mission wants the Eastern DR Congo situation to remains the way it is so that the Mission staff keeps enjoy the huge salary provided by the UN. The fact is the UN Mission in Congo MONUSCO rarely apply the United Nation Chapter 7, (which allow the Mission troops to use force when civilians are under threats), instead the UN peace keeping forces only intervene and use force when there is no much risk

attached to the operation. In most cases the UN forces merely respond to a threat instead setting strategy of preventing the attacks and currently UN keeping forces are only deployed after the attacks against civilians have taken place.

It should underlined that the lack of UN preparedness and willingness related to civilians protection can be connected to the lack of clear training regarding and the Mission guideline regarding civilians protection. A severe resources limited might also lead to more reactive attitude instead of proactive attitude in the field. Despite challenge, the Mission military presence provides an important indirect and dissuasive impact. Generally armed groups will not dare to attack civilians when peace keeping troops are around. Also when the population feels danger they run to UN forces near bases and the when the Mission forces withdraw the population retreats deep in jungle this proves the vital role of the Mission presence.

Currently, the essential part of the mission's strategy is the operational support provided the DR Congo Armed forces (FARDC) in the Joint various military operations against armed groups including: The ongoing operation "Sokola1" against ADF Ugandan rebel in the Beni territory and "Sokola 2" against FDLR Rwanda rebel in South Kivu. As a result many areas have been secured from these armed groups but many areas are still under armed group threat.

## **6.2. Recommendations**

Following the assessment of the UN peace keeping mission: Achievements, and limitations, this section of the research is about to exploit plausible remedy for the lasting solution to the ongoing eastern DR Congo conflict. The following approaches are suggested for the lasting peace in Eastern of DR Congo including; political stability and good governance, security reform, economic development, and justice.

### **6.2.1. Political stability and good Governance**

There is a need of putting in place strong and responsible institutions that can be able to face responsibly the multidimensional issues affecting the Congolese population in general and in particular Congolese who are living areas affected by conflict. Political stability entails the rule of law, political and human rights, strict respect of the country constitution, accountability, at all level of governance and military capacity. I recommend that the international community assists the DR Congo government to adopt good governance measures that would have a positive impact for peace and security in the country and in particular in Eastern regions. Good governance should entails the following: quality of services the State should to the citizens; government's ability to design new programs which

people expectations; quality of government policies; quality of government personnel; transparency and honesty of the legal system; anti-corruption measures; equal distribution of governments resources; transparency and fairness of the legal system.

### **6.2.2. Security reform**

The Congolese armed forces (FARDC) reform of initiated since 2003, 14 years ago, aimed at the creation of a republican army, professional, modern, credible and dissuasive which people hoped for has never been achieved to date. Today Congolese armed forces armed are characterised by tribalism, politicisation, and complacency partisan, low salary, and low level of discipline, poorly trained, poorly housed and poorly equipped. There is some time a level of mistrust between armed forces and the population.

Security reform process should include a radical transformation of the armed forces from the recruitment process, the training quality, better pay and pension related to (their professional values, service and risk), adequate housing, adequate health system, career development opportunity, and appropriately military equipment's supply that can stimulate its performance in operations. Parliament oversees and control the Congolese armed forces reform process. Parliament should also be actively involved in the process of promoting senior officers to the rank of Generals by setting up a joint ad hoc committee composed of (parliamentarians, senators, government officials and opposition representatives of the military hierarchy and academic experts specialized in the military and strategic fields) for the promotion committee. The same applies to appointment to the position of Chief of the General Staff of the Armed Forces and other high profile military position. During reform process, it will be necessary to assign clear objectives taking into account the national geopolitical balance.

### **6.2.3. Economic development**

The DR Congo is the second largest country in Africa in size, and one of the richest in natural resources. DR Congo is home to 47% of the world's cobalt reserves, 30% of diamond reserves, 10% of copper, in addition to large amounts of gold, manganese and coltan (columbium-tantalite) yet the country is listed among the poorest in world. I suggest that the DR Congo government set in place Strategic Development Program for the reconstruction of the provinces ravaged by conflict. The plan should into consideration; a realistic Disarmament Demobilization and Reintegration program of the Ex-combatant. The plan should include; constructions of the basic infrastructures (roads, bridges, electricity, water system, schools,

hospitals). The economic development can create massive employment among the youth who are willing to join the armed groups by lack of job opportunities.

To support this plan, the mining sector should be restructured and contracts that were ill negotiated should be renegotiated again aimed at making sure that people benefit from the dividend of the mining profits. Government should set an industrialization and commercialization strategy for the mining in eastern DR Congo which are exploited in artisanal methods in eastern regions by local communities at lower prices.

Parliament must set up an Anti-corruption commission in the mining sector and be part of a negotiating committee to negotiate contracts. There is also a need to identify favorable tax regimes for companies, which do not prevent them from using a variety of strategies to avoid the little tax they have to pay. There shall be an enforcing law which will compel these foreign companies to employ local people in good numbers and give a competitive pay that will discourage people to join armed groups and instead seek jobs in mining companies.

#### **6.2.4. Justice**

In eastern DR Congo, many of the crimes committed by armed groups remain unpunished. Therefore, we suggest a special Hybrid Criminal Court by (Congolese government and UN) be put in place to bring to book all perpetrators of massive crimes in eastern DR Congo, because it will be quite difficult to talk about lasting peace without proper justice for the victims of evil crimes. Without justice, we cannot talk about lasting peace. Talking about justice, perpetrators must be punished accordingly in order to send a clear message that will make someone think twice in attempting to commit any crime of any sort. Justice should also include material and financial reparations to the families who are victims of crimes.

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Appendix A: DR Congo; South Kivu and North Kivu provinces

Appendix B: Mapping armed groups in eastern of DR Congo

Appendix C: DR Congo land scape one

Appendix D: DR Congo land scape two

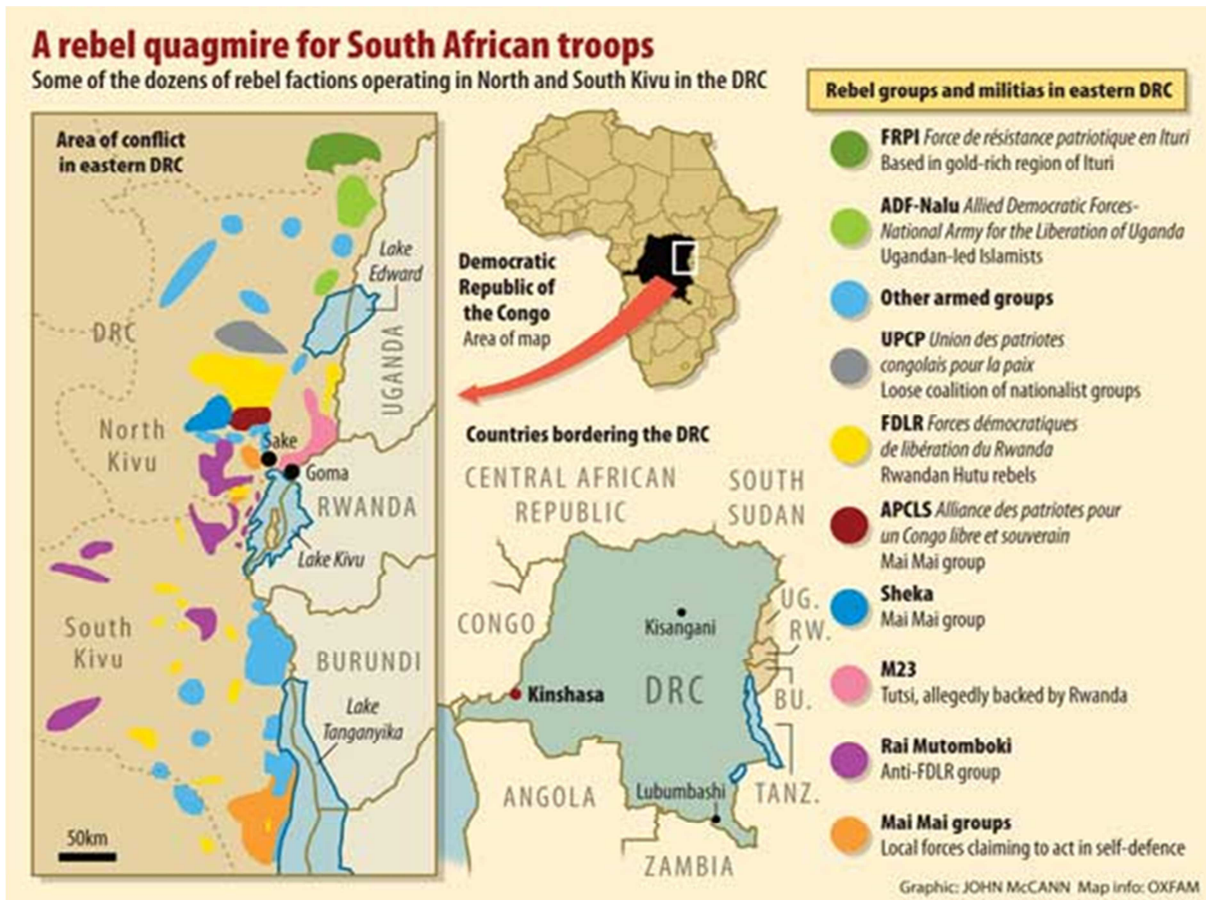
Appendix A DR Congo; South Kivu and North Kivu provinces







Appendix B: Mapping armed groups in eastern of DR Congo





Appendix C The landscape of Eastern of Democratic Republic of Congo

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Appendix D The landscape of Eastern of Democratic Republic of Congo

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