EXPROPRIATION OF MINERAL RESOURCES AND IMPLICATIONS FOR CONFLICT TRANSFORMATION IN THE DEMOCRATIC REPUBLIC OF CONGO

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EXPROPRIATION OF MINERAL RESOURCES AND THE IMPLICATIONS FOR CONFLICT TRANSFORMATION IN THE DEMOCRATIC REPUBLIC OF CONGO

by

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To my late father Laurent Sebutsikali, although you left us so early, you did all you could do for my education; I will forever be indebted to you and may your soul rest in peace.

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ABBREVIATIONS AND ACRONYMS

ALIR: Armée pour la libération du Rwanda (Army for the Liberation of Rwanda)

AMC: Amalgamated Metal Corporation

CEEC: Centre d'évaluation, d'expertiseet de certification (Centre for Evaluation, Expertise and Certification)

CNDP: Congrès national pour la défense du people (National Congress for the Defence of the People)

CREDDHO: Centre de Recherchesurl'Environnement, la Démocratieet les Droits de l'Homme (Centre for Research on the Environment, Democracy and Human Rights)

DRC: Democratic Republic of Congo

EICC: Electronics Industry Citizenship Coalition

EITI: Extractive Industries Transparency Initiative

FARDC: Forces armées de la Républiquedémocratique du Congo (Armed Forces of the Democratic Republic of Congo)

FDLR: Forces démocratiques pour la libération du Rwanda (Democratic Forces for the Liberation of Rwanda)

FEC: Fédération des Entreprises du Congo (Federation of Congolese Enterprises)

FRF: Forces républicaines federalists (Federalist Republican Forces)

GeSI: Global e-Sustainability Initiative

GMB: Groupe Minier Bangandula (Bangandula Mining Group):

GMC: Global Mining Company

HP: Hewlett-Packard

ICC: International Criminal Court

ICGLR: International Conference on the Great Lakes Region

ITRI: International Tin Research Institute

MHI:	MwangachuchuHizi International
MONUC:	MONUSCO - Mission de l'Organisation des Nations unies en République démocratique du Congo (United Nations Organisation Mission in the Democratic Republic of Congo)
MPA:	Metal Processing Association
MPC:	Mining and Processing Congo
MSC:	Malaysia Smelting Corporation Berhad
M23:	Movement of 23 March
NCP:	National Contact Point
NGO:	Non-governmental organisation
OCC:	Office congolais de contrôle (Congolese Office of Control)
OECD:	Organisation for Economic Cooperation and Development
OFIDA:	Office des douanesetaccises (Office of Customs and Excise)
OGMR:	Office de Géologieet des Mines du Rwanda (Rwanda Geology and Mines Authority)
PARECO:	Patriotesrésistantscongolais(Congolese Resistance Patriots)
RCD:	Rassemblementcongolais pour la démocratie (Congolese Rally for Democracy)
RIEPA:	Rwanda Investment and Export Promotion Agency
SAESSCAM:	Service d'assistanceetd'encadrement du small-scale mining (Small Scale Mining Assistance and Support Service)
THAISARCO:	Thailand Smelting and Refining Corporation
UN:	United Nations

ABSTRACT

The eastern Democratic Republic of Congo has experienced constant instability and conflict since 1996. With the collapse of the state of Zaire and the renaming of the country by the late Laurent Desire Kabila in late 1996, there were high expectations from the Congolese population that the country was going to move forward. However, in less than two years, the central government in Kinshasa was facing a new rebellion from the east of the country, followed by widespread violence and criminal activities by armed and militia groups. Although military intervention from Zimbabwe, Namibia and Angola halted the rebellion march to Kinshasa, the capital city of DRC, and allowed the DRC government to sign peace agreement with its opponents in 2002; since then, the prospect of peace in the eastern DRC, especially the North and South Kivus seems bleak. Since 2002, that region has been the theatre of armed and militia groups (both local and foreign), owing to, in the views of various experts, the presence of mineral resources to support their criminal activities, as well as the economic interests of regional actors to create proxy militia and armed groups in the absence of central government in much of eastern DRC.

The purpose and rationale of this study is to critically identify actors in the post-conflict reconstruction process, and examine the role of mineral resources among other perpetuating factors of the protracted conflict in eastern DRC, in order to arrive at a comprehensive analysis of the reasons for the failure of peace building and post-conflict reconstruction processes that have been undertaken. This study aims to fill a gap in available literature, by pointing to some conflict drivers and factors which have previously been overlooked in post-conflict reconstruction, and in existing research on the topic, especially the role of mineral resources in sustaining conflict.

A thorough conceptualization of relevant conflict theory and a historical overview of the conflict in DRC were provided as a point of departure in order to understand other factors that contribute to the intractability of conflict in eastern DRC, this study found that those factors were rooted in the legacy of colonialism; the bad leadership under both the colonial powers and subsequent government of Joseph Mobutu,

manipulation and politicization of ethnic identities especially in the South and North Kivu and the geopolitical location of the eastern DRC. This study further established that the presence of mineral resources in eastern DRC indeed contributes to the continued insecurity in that region by providing succour to armed groups, thus undermining peace agreements especially the Pretoria agreement that formally ended hostilities in 2002. Furthermore, the study found that the issue of mineral resources is not the sole driver of the eastern DRC conflict, as the issues of ethnic polarisation especially, discrimination against Kinyarwanda speaking Congolese in the east, and the view that only military means can solve this problem; coupled with other security threats including the presence of foreign militia groups motivate the neighbouring countries of Uganda, Rwanda and Burundi to constantly meddle in DRC's internal affairs.

The study suggests that additional research be conducted to further investigate the regional dimensions of the conflict and how perceived interests in mineral revenue contribute to the polarisation of the population in eastern DRC; leading to the proliferation of armed groups.

CHAPTER ONE: BACKGROUND AND SIGNIFICANCE OF THE STUDY

1.0. Introduction

Post-independence of African states delivered a proliferation of civil wars and other forms of intrastate conflicts. In some many countries such as the Democratic Republic of Congo (DRC), Sudan, Liberia, Angola; armed conflicts have turned into protracted wars that were destructive and bloody.

The Democratic Republic of Congo, situated in the Great Lakes Region, is a country caught in this type of conflict. The purpose and rationale of this research is to critically examine the impact of its mineral resources on consistent conflict in order to identify other reasons of instability and identify actors and their attempts to end it.

This chapter presents the background to the study by first highlighting the background to the conflict in the DRC. It then sets the problem statement and outlines the objectives of the study and research questions. This chapter also discusses the significance of the study, the theoretical framework of the study, research methodology, scope of the study, limitations as well as a summary outline of each chapter.

1.1 Background to the conflict in the Democratic Republic of Congo (DRC)

Described as Africa's First World War, the conflict in the Democratic Republic of Congo (DRC) involved seven nations namely Rwanda, Uganda, Burundi, Zimbabwe, Namibia, Angola and DRC and various armed groups, some of whom are still active in the eastern part of the country. There have been a number of complex reasons, including conflicts over basic resources such as water, access and control over rich minerals and other resources as well as various political agendas. The conflict has been fueled and supported by various national and international corporations and other states which have an interest in the outcome of the conflict (Al Mousaa, 2001:1).

As far as its size is concerned, the DRC is the third largest African country after Algeria and Sudan. This territory was historically inhabited by ancient Negrito peoples (Pygmies), who were pushed into the mountains by Bantu and Nilotic invaders until Belgium colonisation in 1877, when King Leopold II commissioned journalist Henry Morton Stanley to explore the Congo, secure treaties with local chiefs and establish the contacts needed to form a commercial monopoly of the land (Susan, 2000:1).

The country is endowed with vast mineral reserves such as copper, gold and diamonds as well as huge areas of tropical rain forest and oil deposits. Since the partition of the Berlin conference in 1884, and the subsequent creation of the Congo Free State, the history of the DRC has been characterized by violence, political oppression and predation (Azikiwe, 2008:1). It is estimated that from 1880 to 1920, more than half of Congo's population (ten million people) died as a result of hunger, murder, exhaustion and exposure (Muzong, 2008:3).

In addition, from 1880 Leopold II began exploiting its natural resources such as rubber and iron using Congolese slave labour. To keep the colony profitable, torture and execution were used to force native Africans to work in the mines (Azikiwe, 2008:2; Susan, 2000:1).

Belgian rule in the Congo included missionary efforts to civilize and convert native Africans to Christianity through mission schools and many Congolese citizens were educated to secondary level or higher in line with the Belgian education system. After 1908, the monarchy in Belgium relinquished personal control over the Congo colony and allowed the administration of the territory to be overseen by civil servants and business elements. This sparked resistance that grew during the course of the early- and middle-twentieth century. By the late 1950s, when liberation movements began to gain strength on the African continent, the masses in Congo demanded national independence from Belgium (Azikiwe, 2008:2).

Although the Belgian government was reluctant relinquish control of the Congo's vast resources, it realized it had neither the force nor the authority to maintain supremacy. At the Brussels Round Table Conference of 1960, the Belgian government granted Congo its independence.

In May of that year, national elections were held. Joseph Kasavubu was elected president of DRC, and Patrice Lumumba was named Prime Minister (Susan, 2000:1).

Independence from the former Belgium colony in June 1960 did not end the country's bloody past. Just days after independence, the country descended into chaos and anarchy with a general mutiny in the military ranks, ethnic massacres in Luluabourg and the secession of the Katanga province (Muzong, 2008:5; Suzan, 2000:1). The newly elected Prime Minister, Lumumba, asked the United Nations to intervene and the U.N. Security Council authorised military force to remove Belgian troops and restore order (Blommaert, 1990:100); which did not materialize too quickly, resulting in Lumumba seeking assistance from the former Soviet Union (Suzan, 2000:1).

The new independent Congo witnessed its first military coup of Colonel Joseph Desire Mobutu in September 1960 and the arrest and subsequent assassination of Prime Minister Patrice Emery Lumumba in January 1961 (Muzong, 2008:6). Following years of turmoil, Colonel Mobutu conducted his second military coup in November 1965 (Muzong, 2008:6) and began his rule by crushing rebel forces in outlying provinces and executing dissidents (Azikiwe, 2008:3)

During his first years in power, Mobutu succeeded in restoring peace, stability and unity to the vast central African country with the considerable support he enjoyed from the US, France and Belgium (Ikome, 2008:22). He created a one party state with mandatory membership, changed the name of the DRC to Zaire, and nationalised foreign businesses and reclaimed the copper and diamond mines in the Shaba region. These mines became the backbone of the economy. However,

Mobutu's rise to power quickly proved disappointing to the Congolese people as he established one of the most personalized dictatorships on the African continent (Ikome, 2008, 23). For instance, by 1970, Mobutu had abolished the constitutional dispensation, which made provision for the separation of power between the President, the Prime Minister and the legislature. He also created a state party, the "*Mouvement Populaire de la Revolution (MPR)"* and a state trade union organisation in a bid to reinforce his control over the country. In addition, Mobutu suppressed the legislature and cancelled the organisations of presidential elections (Ibid, p. 23). Over time, Mobutu became the sole owner of the DRC, its resources and its people. As a matter of fact, in 1971, he renamed the country Zaire (Dong, 2008:2).

Mobutu's personal dictatorship was based on two pillars, corruption and repression (Campbell, 2008:1). In order to preserve his power, Mobutu relied on the security forces, especially the extensive intelligence services that he created in order to intimidate or eliminate his opponents. He also relied on the extensive neo-patronialism networks that he put in place with the aim of securing his power (Muzong, 2008:7). He then provided his friends and relatives with jobs, financial assets and access to state revenues in exchange for their political support. In November 1973, in an attempt to correct the injustices of the past and foster the creation of local entrepreneurs, Mobutu confiscated small and medium businesses owned by foreigners and redistributed them to his friends and relatives (Ibid). However, the confiscated assets were poorly managed and were on the brink of collapse a few years later. The demise of small and medium companies reduced the revenue of the state and its capacity to provide elementary services (Muzong, 2008:7).

During the same period, Mobutu used the additional revenue generated from higher commodities prices to bribe political allies both in Zaire and abroad while the economic and social situation in his country continued to worsen (Kabemba, 2006:103). Actually, in the 1970's, almost forty percent of Zairian national revenue accrued to Mobutu and his political allies while the average Zairian made $190 a year (Ibid).

The end of the cold war in the early 1990's marked a shift in the African policy of major Western countries. With the disappearance of the threat from the Soviet Union, many African countries such as Zaire lost their strategic importance as "boucliers" against communist expansion in the eyes of major Western countries. Therefore, from that period, Western economic, diplomatic and military support to Zaire waned. About the same time, the economic situation of Zaire continued to worsen as the result of the drop in the price of minerals and the mismanagement of the economy. More worrisome, the International Monetary Fund (IMF) and the World Bank subjected their financial assistance to Zaire to economic and political reforms, as part of their structural adjustment programmes in Africa.

Abandoned by his Western backers and weakened at home by devastating economic records and rising poverty, Mobutu had no choice but to adhere to the democratic process. Thus, in April 1990 during a televised speech to the nation, Mobutu announced the end of one party state system and the establishment of multiparty democracy (Muzong, 2008:7). Two years later, a National Sovereign Conference was convened in order to ensure the successful transition of the country to democracy. However, in a bit to cling to power, Mobutu and his entourage used force and manipulation to derail the democratic process (Muzong, 2008:7).

Nevertheless, the political, economic and social situations in Zaire continued to deteriorate. Given the expansion of the Zairian state in previous years, the severe economic crisis prevented the state paying the salaries of civil servants and soldiers. It then came as no surprise that in late 1991 and early 1992 the Zairian military and the civil population resorted to widespread looting of shops, companies as well as public buildings all over the country(Campbell, 2008;2). The Zairian state, including its security forces, collapsed during the last years of Mobutu's reign. In fact, municipalities ceased to exist, public transport collapsed, water and energy distribution was inadequate and more importantly, the state became unable to assert its authority over the entire Zairian territory (Kabemba, 2006:104).

Just when Mobutu and his cronies were climbing to power in Kinshasa, trouble was mounting in the east of the Country. Former soldiers of the *Forces Armees Rwandaises* (FAR) as well as Hutu militias who had run to eastern Zaire after the Rwandan genocide were reorganizing themselves from Zaire and started launching sporadic attacks on Rwanda (Jaquemot, 2010:7). In October 1996, using these attacks as a raison, Rwanda, Uganda and Burundi invaded Zaire with the help of some Western countries (Mama wa Afrika, 2011:17-8). Soon after, Rwanda, Uganda and Burundi managed to recruit Congolese politicians who acted as leaders of a new rebel movement named *Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL)(Muzong, 2008:8).* Demoralized, undisciplined and ill-equipped, the Zairian military was unable to stop the advance of AFDL troops to Kinshasa. The 2010 controversal United Nations Mapping Report (2010) alleges that during their advance to Kinshasa, AFDL troops and their foreign allies killed thousands of Rwandese Hutu civilians. In the final stage of conquest, AFDL troops and their allies were joined by Angolan troops who sought to destroy the bases of Angolan rebels of UNITA in South West Zaire (Colette Breakman, 1999:16).

Finally, in May 1997 the *Alliance des Forces Democratiques pour la Liberation du Congo* (AFDL) troops and their foreign allies captured the capital Kinshasa, their leader, Laurent Desire Kabila proclaimed himself the new president of the DRC (Breckman, 1999:17) and Zaire once again became known as the Democratic Republic of Congo. Kabila's rise to power was largely welcomed by a population tired of thirty-two years of dictatorship, violence and poverty (Breckman, 1999:17). However, just like Mobutu, (who had dashed the hopes of the Congolese people), Kabila immediately suspended the constitution, banned political parties and put in place an oppressive political system (Muzong, 2008:9). In addition, he controlled all revenue, from customs to mining and nothing was allowed to happen without his approval (Kabemba, 2006:105).

However, after just one year in power, he fell out with his Rwandan and Ugandan allies, who were asked to leave, as he was unable to control his eastern border and the former soldiers of the deposed Rwandan Hutu government continued to attack

Rwanda (Mutombo. at.al. 2011:71). Both Rwanda and Uganda initially withdrew their troops from the DRC but later undertook a new initiative to support the revolt from the east of the country (Muzong, 2008:9). Rwandan and Ugandan troops were about to topple Kabila's regime when it was saved by the decisive intervention of the Angolan, Zimbabwean, Namibian and Chadian armies (Kabemba, 2006:106). In the meantime, various rebel groups, with some form of support from Rwanda and Uganda conquered the east and north of the country and a cease-fire was reached between the warring parties with the subsequent division of the country into several parts ((Mutombo. at.al., 2011:71; Muzong, 2008:10).

Responding to pressure from the international community, the belligerents convened in Lusaka in August 1999 and agreed to sign an agreement (Mutombo. at.al. 2011:71), which sought the withdrawal of foreign troops from the Congo and the organisation of a Congolese political dialogue (Kabemba, 2006:106). However, despite being signed, the Lusaka agreement was not implemented for some time mainly because of lack of political will from the belligerents. It was only after the assassination of Laurent Desire Kabila in Kinshasa, in January 2001, that the Lusaka agreement gained momentum mainly as the result of the change of leadership in Kinshasa. Actually, Joseph Kabila, who took power after the death of his father, proved to be more moderate and accommodating of democracy than his late father. Such pragmatism enabled the young Kabila to win the support of Western countries such as Belgium, France and the US (Kabemba, 2006:106). Thus, soon after Joseph Kabila rise to power, Rwanda and Uganda withdrew their troops from the DRC as a result of Western pressure to implement the Lusaka Agreements (Ibid).

In December 2002 an inclusive and comprehensive agreement between the Congolese government and rebel factions was signed in Pretoria, paving the way for a transitional government in Kinshasa (Kabemba, 2006:107). The transitional government was put in place the following year and was headed by President Joseph Kabila supported by four vice presidents including Jean Pierre Bemba, Azarias Ruberwa, Zahidi Ngoma and Yerodia Ndombasi (Ibid). General elections finally took place in the second semester of 2006, culminating in victory for

incumbent president, Joseph Kabila, in the second round of the presidential elections against his rival vice president, Jean Pierre Bemba (Ikome, 2008:26). At the same time, the legislative elections were also won by a political coalition supporting Joseph Kabila, The *Alliance pour la Majorite Presidentielle* (AMP) (Muzong, 2008:15).

Joseph Kabila was sworn in as the new President of the DRC in December 2006 and a new government was formed in February 2007 and again for the second term in December 2011. The government of the DRC faces major challenges, as it attempts to reconstruct the Congolese state and society, which were annihilated during the long reign of Mobutu and the subsequent two civil wars. The destruction of the Congolese state has not spared the weakened security forces marred with ethnic and tribal cleavages. This led to the formation of a number of independent armed groups, especially in the eastern part of the country (US Department of State, 2012:3)

The presence of these irregular armies alters the composition of regional stakeholders and the distribution of natural resources. Previously, the distribution norm was (via legitimate and illegitimate channels) through local Congolese, mostly civilian-managed, business operations. However, these traditional modes were quickly overtaken by new power structures. Along with new players came new rules for exploiting natural resources. Armed groups embraced business in territories under their control and make money exporting stones eastward through Uganda, Rwanda, and Burundi, and also by taxing and regulating "freelance" miners, who then sell to foreign dealers with buying offices in rebel-controlled territories (United Nations Panel of Experts, 2001:71). Since 2003, with the signing of peace accords and formal withdrawal of foreign troops, the conflict and the actors may have changed, but the situation in the eastern DRC has further deteriorated, with North and South Kivus territories under the control of various armed groups. The North and South Kivus are also interesting for this study because of the involvement of Rwanda, Uganda and Burundi to different degrees. All these countries have been involved in the DRC conflict and, one or more armed groups from each country are

currently operating in eastern DRC and their involvement has transformed the conflict to a regional status.

Furthermore, the presence in the eastern DRC of substantial mineral deposits which could be used to finance military adventures and enrich the countries and individuals involved is also an important factor   (Collier and Hoeffler 1998, 2000). For instance, since 2002 the UN Panel of Experts Reports have been accusing Rwanda and Uganda, bordering the eastern DRC of illegally exploiting mineral resources, and supporting one or more militia groups operating in DRC. Even if those reports have to be treated cautiously as some flaws in their research methodologies have been put into question, others analysts might find some elements of truth in them.

Indeed, South Kivu, rich in with minerals like gold, diamond, Tungsten, cassiterite (tin), coltan and wolfram, exploited on an artisanal basis is mostly controlled by various armed groups.

1.2.   Problem statement

There have been several attempts at peace brokering in the DRC, all of which have proved unsuccessful. The Pretoria Agreement was signed on 17 December 2002 to pave the way for the peace process. Ten years hence conflict and general instability in the Eastern DRC continues unabated with experts saying that the presence of mineral resources is the cause of continuing violence and strife in the region. Yet, the presence of minerals in itself does not adequately justify the continued violence and its escalation into a security issue in Kivus and the Great Lakes region. Thomas Hobbes famously argued that life without the state is 'nasty, brutish and short' (Hobbes 1939 [1651]). And when the government of Zaire finally collapsed in the face of the 1996 revolutionary invasion AFDL, with the support of Rwanda, Burundi and Uganda, the reconstruction of the new Congolese state faced serious issues ranging from the presence of foreign troops on its territory, the illegal exploitation of mineral resources, and the continued violence and insecurity in the eastern part of the country and more.

This study attempts to explore the impact of mineral resources in hampering the peace processes and stability in the Eastern Democratic Republic of Congo. In this light, this study will first identify actors to the conflict in eastern DRC and how they are linked to mineral resources (diamonds, gold, tin, coltans) exploitation. It will then identify important actors who have been involved in peace processes and post-conflict reconstruction; how the issue of mineral resources is addressed through those processes and draws lessons from the strategies initiated for conflict transformation in the region.

1.3. Research Questions

In order to develop a research strategy that guides the study, efforts were made to focus on addressing the following primary and secondary research questions:

The primary research question has been formulated as follows:

What impact do mineral resources have on the post-conflict reconstruction processes in the DRC?

In order to answer the question, the following secondary research questions must be asked:

1. Who are the actors to the post-conflict processes in eastern DRC?
2. How are those actors linked to the exploitation of mineral resources in eastern DRC?
3. To what extent are neighbouring countries involved in exploitation of mineral resources in eastern DRC?
4. What are the post-conflict reconstruction processes employed by those actors in eastern DRC?
5. How can post-conflict reconstruction processes incorporate the issue of mineral resources to the benefit of all the parties involved?
6. What are the lessons from both historical and contemporary post-conflict reconstruction processes in the DRC?

1.4.   Research Objectives

Although this study seeks answers to the broad question of the impact of mineral resources on post-conflict reconstruction in DRC and the role individual groups and countries played in such processes; the purpose is not solely to identify various groups involved in the post-conflict reconstruction, but to learn from on-going post-conflict reconstruction processes and determine the extent to which mineral resources impinge on such processes. More specifically, the objectives of this research are:

1. To identify the actors involved in the post-conflict reconstruction processes in Eastern DRC.
2. To explore how those actors transformed the conflict.
3. To identify how mineral resources influenced the peace process in eastern DRC.
4. To identify the lessons learnt from the post-conflict reconstruction processes in the eastern DRC and the factors influencing mineral expropriation
5. To make recommendations in respect of post-conflict reconstruction processes and mineral expropriation in Africa

1.5.   Methodology

This dissertation is a qualitative and exploratory study of the impact of mineral resources in the conflict transformation in DRC. Qualitative research seeks out the 'why', not the 'how' of its topic through the analysis of unstructured information inter alia interview transcripts, open ended survey responses, e-mails, notes, feedback forms, photos and videos. It doesn't just rely on statistics or numbers (Ereaut, 2007:1). The strength of qualitative research is its ability to provide complex textual descriptions of how people experience a given research issue. It provides information about the "human" side of an issue – that is, the often-contradictory behaviours, beliefs, opinions, emotions, and relationships of individuals. Qualitative methods are also effective in identifying intangible factors, such as social norms, socioeconomic status, gender roles, ethnicity, and religion. Qualitative research is used to gain insight into people's attitudes, behaviours, value systems, concerns,

motivations, aspirations, culture or lifestyles (Joubish, Khurram, Ahmed and Fatima & Haider 2011:2082). It's used to inform business decisions, policy formation, communication and research. Qualitative research was used because the method preserves the chronological flow of the study, notices precisely which events lead to which consequences and provides valuable explanations, using words that are organised into tangible meanings that usually prove to be convincing (Miles & Huberman, 1994:1).

This study was based on both fieldwork and desktop research, involving an extensive review of literature, in-depth interviews in the Eastern DRC with two organisations involved in post-conflict reconstruction processes on the ground. The desktop research critically reviewed the post- reconstruction efforts undertaken, rebel movements in South- and North Kivu provinces. It further investigates the smuggling of mineral resources and initiatives from published primary and secondary data and literature covering books, journal articles, civil society reports and press releases on non-state actors' participation on security related matters.

Furthermore, this study will use a descriptive design in that it intends to identify various constituents or actors involved in mines expropriation and the post-conflict reconstruction process in Eastern DRC and how their strategies are carried out (McNeill: 1990:9). It will do so by analysing those strategies and how they approach the issue of mineral resources and what can be done to improve the situation.

For the reasons of practicality and time constraints, the time frame of investigation is from 2001 to May 2011, a period in which parties to the current conflict started peace negotiations to the time when preparations for this research project started. This time frame precludes an in-depth investigation of important developments in the eastern Democratic Republic of Congo since then, in particular relating to the expropriation of mineral resources and the financing of rebel activities in the region. This thesis, however, deals with the early stages of the insecurity in DRC and some trends that led to the current situation in the Eastern part of DRC.

1.6.   Significance

Many studies have been undertaken on post-conflict reconstruction processes, to better understand the root causes of conflict, to review the most appropriate approaches for each country concerned and naturally ensure the best conditions for the success of these processes. The nature and causes of conflict and wars have been generally well studied and clearly identified. Now we know that they are specific to each country though some similarities have been observed, notably that African countries with resources (mining, water, forestry, and oil resources) are predisposed to conflicts and wars. We also know that conflicts change with time. Hammouda (1999; 2) distinguished between 1) post-independence conflicts between fractions of national liberation movements; 2) conflicts resulting from the cold war manifested from the 1960s to the 1980s; and 3) current conflicts linked to African countries' democratisation processes.

However, there are fewer studies assessing the efficiency of the post-conflict reconstruction process with reference to the impact of mineral resources such as gold, diamond and coltan; and actors such rebel movements, corporate business companies, government and foreign troops, let alone seeking to propose the best approaches. Thierry Vircoulon (2008:18) believes that "countries undergoing post-conflict reconstruction suffer from unstable peace and call on foreign peace-keeping forces; their economies are still heavily dependent on international subsidies and poverty is still widespread despite plenty of mineral resources. They are surviving thanks to international safety nets and economic measures but with no immediate effect on conflict resolution and poverty reduction; the international community's disengagement is impossible in the short term". Such an assessment raises doubts about the efficiency of current post-conflict reconstruction strategies if they do not explore further the relationship between conflict cycles and natural resources (Sesay, et al, 2009:6), including mines, when violent conflict has ended.

The purpose of this study is not only to identify the actors involved in mine expropriation and how these hampers the peace process in DRC but also draw on the lessons learnt from the experiences of on-going post-conflict reconstruction and

suggest alternative strategies. The findings of this study will be relevant to interested parties, including the Government of the DRC and non-government organisations involved in post-conflict reconstruction in the DRC. Furthermore, the findings may be significant to other post-conflict reconstruction initiatives now that the continent is experiencing violent conflicts for regime change, starting in North Africa and spreading throughout the continent.

1.7.   Limitations

Due to time and logistical constrains, this study is confined to and concentrated on the eastern Democratic Republic of Congo. Although, many parts of DRC still experience violence and insecurity as a result of the continued presence of irregular armed groups, this study investigated the case of North and South Kivu, where major armed groups still control mining areas and use revenues from the mines to finance their activities. It is therefore acknowledged that many relevant areas and cases of continued insecurity are not covered, as it is the case with Katanga, rich in mineral resources but not covered by this study. The DRC map below indicates all the DRC provinces, with North and South Kivu, bordering Rwanda Uganda and Burundi that were covered in this study.

Furthermore, two of the main organisations working in the areas of post-conflict reconstruction were involved in the study namely, MONUSCO (United Nations Stabilisation Mission to DRC), that coordinates most of international community efforts for peace in DRC, and the Life & Peace Institute, an international, ecumenical organisation that coordinates local participants (local associations, cooperatives, and NGOs) working in the areas of reconstruction and peace building in Congo, especially in the eastern part of the country.

It was also difficult to cover the various post-conflict reconstruction processes and peace initiatives as they are being implemented. Although a limited number of key institutions initiated the formal post-conflict reconstruction initiatives, in many cases the actual process deviated from the blueprint approach adopted. Furthermore, time constraints prohibited coverage of all NGOs or the possibility of providing a

comprehensive overview of all the different programmes and projects implemented in terms of peace efforts.

MONUSCO and Life & Peace Institute have therefore been chosen as participants in this study based on their track record in the areas of post-conflict reconstruction and peace efforts in eastern DRC. These NGOs have been operating in DRC since 2002. The desktop research further investigated efforts by other NGO's and international organisations involved in post-conflict reconstruction efforts even if, in practice, it may be difficult to determine precisely how effective they have been in peace building.

Finally, from the early stages of planning this study, it proved impossible (for ethical and practical reasons) to speak to representatives of rebels or ex-combatants , and only few individuals in MONUSCO and Life & Peace who encountered them were interviewed by a researcher while travelling in a given area. However, all NGOs and agencies involved participated voluntarily in this research and generously made time available for interviews as well as sometimes providing planning and logistical assistance.

Source: Perry-Castañeda Library Map Collection, 2012:1)

1.8.   Dissertation outline

Chapter one introduces the background of the conflict in DRC, the research topic as well as the research motivation and problem. It briefly discusses the research design and the methodology that was used. Chapter two will comprehensively review literature related to the proposed research topic as well as literature used during the research process. Using this information, various concepts and definitions related to protracted conflict, and their relevance to eastern DRC conflicts are discussed. The nature of conflict and conflict resolution, conflict management, conflict transformation, and peace building and peacekeeping is also discussed in this chapter. Chapter three explores the post-conflict reconstruction and peace building efforts that have been undertaken in DRC since the outbreak of the war. An analysis of the Pretoria agreement will show the objectives of the document and whether or not these objectives were met. Furthermore, the role of the AU/NEPAD PCR framework in the DRC case will be discussed. The aim of this analysis will ultimately be to identify the strengths and weaknesses in current PCR strategies proposed for the DRC with the objective of ameliorating future conflict prevention strategies in DRC and in Africa as a whole. The security sector reform (SSR), as a component of post-conflict reconstruction strategies, will also be discussed. Chapter four will comprehensively discuss the research design and methodology, sample, data collection and data analysis.

As evidenced in much of the literature reviewed, the rich natural wealth in DRC has not translated into peace and stability or economic growth for the country. Chapter five will therefore identify actors involved in mineral resource expropriation, the attempts made by International organisations, the UN and the Government of Congo towards issues relating to mineral resources. Chapter six presents the findings and discussions. This chapter also provides a summary of findings from the two research groups as well as a synthesis of these findings. Chapter seven gives a general conclusion, summarising what has been achieved by this study, its relevance for future research and makes recommendations in a bid to aid future strategies and approaches to resource conflict.

CHAPTER 2: THEORETICAL OVERVIEW OF THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO

2.0.   Introduction

A literature review may refer to a critical analysis of a segment of a published body of knowledge through summary, classification, and comparison of prior research studies, reviews of literature, and theoretical articles on the subject of the study. Fouche & Delport (2005: 123) argue that a literature review provides a clear understanding of the topics under investigation. According to Henning, Rensburg and Smith (2004:27), in a literature review, numerous sources such as books, academics articles, journals and internet sources should be consulted in order to offer the reader a clear context of what is being investigated and what has been written about the subject. For the purpose of this study, this chapter will provide a theoretical overview of a number of concepts and theories which are useful in the analysis of armed conflict and wars in general and intractable civil wars in particular. At the outset, key concepts such as conflict, war, and civil war will be defined followed by a section on intractable conflicts and their characteristics. The subsequent section presents an overview on intractable conflicts in Africa, outlining theoretical frameworks for the analysis of such conflicts in the DRC context, and then a section presenting the conflict mineral and resources war theory in terms of its relevance to the eastern DRC crisis.

This chapter will then review key concepts such as conflict management, conflict resolution and conflict transformation before analysing conflict management techniques that have been used in attempts to resolve the DRC crisis. The final section will present the events that led to the conflict escalation in the eastern DRC and its implications on post-conflict reconstruction.

2.1.   Understanding Social Conflict

Conflict occurs in different forms. Different scholars have defined conflict in many ways. It has been defined as the existence of non-compatibility or disagreements between two actors (individuals, groups, organisations or nations) in their interaction

over the issues of interests, values, beliefs, emotions, goals, space, positions, scarce resources, etc. In his work, Fink (1968:456) defines conflict as any "situation or process in which two or more social entities are linked by at least one form of antagonistic psychological relation or at least one form of antagonistic interaction". The psychological antagonisms are things such as incompatible goals, mutually exclusive interests, emotional hostility, factual or value dissensions and traditional enmities; while antagonistic interactions 'range from the most direct, violent and unregulated struggle to the most subtle, indirect and highly regulated forms of mutual interference" (Fink, 1968:456). Lewis Coser (1956:8) also defines conflict as "A struggle over values and claims to secure status, power and resources, a struggle in which the aims of opponents are to neutralize, injure or eliminate rivals".

However, Bal-Tal (2008:1431) argues that conflicts between societies or nations erupt when their goals, intentions, and/or actions are perceived as mutually incompatible and cannot be viewed as a unitary phenomenon. There are different types of conflicts, which are classified in a variety of ways and one of the more meaningful classifications focuses on their severity and longevity. This type of long-lasting, severe conflict has serious implications for the societies involved as well as the world community; therefore, understanding its dynamics is a special challenge for social scientists. These types of conflict are referred to as intractable conflicts. As this study is concerned with the intractability of conflict in eastern DRC, it is at this point necessary to define some concepts which are central in the study, such as armed conflict and war, in order to arrive at a comprehensive conceptualization of the intractability in further sections.

The Peace Research Institute in Oslo (PRIO) and the Uppsala Conflict Data Program (UCDP) define *armed conflict*, as "a contested incompatibility that concerns government and/or territory [which results in] the use of armed force between two parties, of which at least one is the government of a state" by (UCDP/PRIO, 2009: 3). For the purposes of this study, however, armed conflict is understood as any fighting between two or more groups which involves the use of weapons. This is significant with regard to eastern DRC where most of the fighting took/is taking place

between rival non-state actors, during the prolonged absence of a central government. *War* is the ultimate armed conflict and is among the most destructive of human activities. Exact definitions and conceptions of what constitutes "war" differ, but armed conflicts which have resulted in more than 1,000 battle-related deaths are typically viewed as wars - as opposed to smaller-scale rebellions or conflicts of a temporary nature (Wallenstein, 2007: 19). The much quoted military theorist Carl von Clausewitz (cited in Caldor, 2006: 17) defined war as "an act of violence intended to compel our opponent to fulfill our will". From a historical perspective, most cases of war, including the on-going war in eastern DRC, has been characterised by a series of violent clashes which resulted in bloodshed and massive loss of life (Grewal, 2003: 2). According to the Uppsala Peace and Conflict Project, these violent conflicts are commonly known as armed conflicts and they involve the use of armed force between conflicting parties. Usually these conflicting parties are the government forces and interest groups or rebels (Fearnely & Chiwandamira, 2006:3, Smith, and 2001:3).

The following section discusses the concept of intractable conflict and its relevance to the ongoing DRC crisis.

2.1.1. Intractable Conflicts

Gray, Coleman, Linda and Putnam (2008:1416) define intractable conflicts as those that are persistent and destructive despite repeated attempts at resolution. Burton (1987) describes them as "deeply rooted" whereas Goertz and Diehl (1993) refer to enduring rivalries while other scholars such as Azar (1990) call them protracted conflicts. Those types of conflicts might not begin as intractable; they can become protracted through escalation, negative sentiment, and hostile cognitions that change the interactions and the dynamics of the conflict (Gray.at.al, 2008:1416). This view is shared by Coleman et al. (2007: 1456) who notes that "Most protracted conflicts do not begin as intractable, but they become so as escalation, hostile interactions, sentiment, and time change the quality of the conflict." Thus, intractable conflict becomes institutionalised over time as the disputants' behaviours reflect repetitive, habitual patterns of actions that are reinforced by social consensus. This is also the

view of Kriesberg (2007:64) that these conflicts become intractable through escalation, negative sentiment and hostile cognitions that change the dynamics of the conflict and become persistent, destructive and tend to resist any resolution efforts.

Some of these conflicts involve issues that are non-negotiable like identity differences in which trade-offs and compromises feel impossible and allow the conflict to go on for a long time. Issues of resources disputes power struggles and self-determination may also be the causes of intractable conflicts although these issues are negotiable.

Reading from Crocker, Hampson and Aall (2005: 5), an intractable conflict such as the ongoing conflict in DRC will, in this study, be broadly defined as a conflict which has:
"*persisted over time and refused to yield to efforts – through either direct negotiations by the parties or mediation with third-party assistance – to arrive at a political settlement*"

It is important to note that in this study intractability does not imply that a conflict is irresolvable, but simply that it has resisted resolution. Thus, the concept of intractability is not understood to contain an element of inevitability. In other words, conflicts are more or less intractable, not completely intractable (Kriesberg, 2005: 66). To further conceptualise what is understood by intractable conflicts, Licklider (2005: 33) views intractable conflicts as conflicts that divide large groups of people and involve large-scale violence. Similarly, in this study intractable conflicts will be understood as intractable wars; that is, armed conflicts that have resulted, or are likely to result, in a large number of casualties.

Scholars such as Coleman (2003) identified multiple variables associated with the persistence of destructive conflicts. These include political instability and power imbalances, the issues related to survival and dignity, the relationships (destructive but inescapable), the processes (malignant), and the outcomes (such as individual

and communal trauma). Although each instance of intractable conflict is unique, the fundamental features of intractability can be described in general terms. In essence, when perceptions of incompatibility (conflicts) are interpreted as sufficiently negative, intentional, and unjustified, they can lead to reactions and responses that produce patterns of increasing levels of intensity (escalation) (Gray.at.al, 2008:1416). Over time, such interaction patterns trigger psychological, group- and community-level changes (such as hostile expectations, norms, and institutions) that become increasingly intertwined and maintained by psychosocial mechanisms at multiple levels (e.g., selective perception, in-group sanctioning against out-group contact, and community polarisation. Licklider (2005: 37) makes the important point that intractable conflicts are in fact the exception, not the rule, and it is thus important that they be explained and not "assumed away" under throwaway labels such as "ancient hatreds". He further addresses the important question of how rebels and other actors in today's intractable conflicts can afford to maintain resistance during civil wars. External support and resource looting may therefore play key roles in a protracted war in the developing world (Licklider, 2005: 38). Zartman (2005: 48) points to five internal characteristics which intractable conflicts tend to have in common. They are "protracted time, identity denigration, conflict profitability, absence of ripeness, and solution polarization". For the purpose of this study; and in line with the intractable conflict in eastern DRC, Young (2003:26) also identified the following dynamic factors that contribute to the intractability of conflict:

- The weakness or collapse of the state, which leads to the diffusion of violence
- The proliferation of warring parties, which entails shifting alliances and complicate the search for a comprehensive settlement;
- The development of resources based war economy that raises the stakes while increasing the means to continue fighting
- The existence of regional linkages that that add another dimension to the conflict and broaden the number of stakeholders,
- The resilience to peacemaking efforts as shown by number of past agreements

The following section discusses in detail, the common characteristics of intractable conflict.

2.1.1.1. Characteristics of Intractable Conflict

Kriesberg (1998) suggested that the following four necessary features characterise intractable conflicts. I shall outline them and describe some of their implications relevant to the DRC conflict.

- **Protracted**

Intractable conflicts are generally believed to be about deep-rooted issues such as identity and human needs. In addition, the vested interest of various groups in the continuation of war and different forms of profiteering from war is believed to increase a conflict's intractability (Bercovitch, 2003; Azar, 1990; Zartman, 2005; Crocker, Hampson & Aall, 2005: 6). More specifically, intractable conflicts differ from other conflicts in terms of duration, actors, issues, relationships, geopolitics and management (Bercovitch, 2003: 2). The *duration* of the conflict is a key defining feature of intractable conflicts. When conflict lasts for a prolonged period, it eventually becomes institutionalised, and parties become blind to cooperation and possible solutions. As Zartman (2005: 49) highlights, it is not the duration itself which is the issue of importance, but the effects of that duration. As conflict becomes protracted and deeply entrenched, an ever-growing number of obstacles arise with the course of the conflict which renders it increasingly difficult to resolve.

Intractable conflicts like the conflict in DRC, Somalia or Sudan persisted for a long time, at least a generation, which means that at least one generation did not know another reality (Bal-Tal, 2003:1432). Their endurance allows conflicting parties to have many confrontational experiences at various occasions, and as a result, they developed animosity and hostility towards each other. Moreover, the duration of the intractable conflict forces society members to adapt their lives to face the continuously stressful situation; where like in Sudan or DRC; even young cattle herders carry guns to prepare for possible confrontation.

- **Violent**

In any intractable conflict, physical violence is highly manifested and both soldiers and civilians are killed and wounded in wars, small-scale military engagements, or terrorist attacks. Such violence can happen anytime during the conflict with varying frequency and intensity. The consequences of physical violence, especially the loss of life, have an immense emotional impact on all society members. They perceive the violence as intentionally inflicted by the opposing party; as unjustified, sudden, untimely, and most especially, as a violation of the sanctity of life. In addition, the consequences of violence are considered a societal problem and hence society shoulders the responsibility to treat and compensate victims to prevent the reoccurrence of physical violence and to avenge human loss (Bal-Tal, 2008:1432). Conflict in Sudan, Somalia, DRC have all resulted in the death of millions of people, millions of children orphaned, thousands of individuals mutilated and disabled due to the violence inflicted by the parties to the conflict. In the case of DRC this will be further discussed, Global Witness (2012:1) estimates that the conflict has claimed 5, 4 million lives.

- **Perceived as Irresolvable**

Parties to intractable conflict believe that the possibility of peacefully resolving the conflict in unachievable. As a result, both sides expect the conflict to continue with increased intensity. They take all the necessary steps to prepare themselves for a protracted conflict such as boosting the supply of heavy armaments, recruiting new fighters, increasing majority of control of society among other things, which ultimately requires significant change on the part of the societies involved (Gray, 2008:1417; Bal-Tal, 2008:1432). Ba-Tal (1998a) argues that because parties to the intractable conflict perceive it as inevitable to their basic goals, needs, and values and indispensable for their very survival, they will focus solely on their own needs and therefore neither side is able to make compromises or concede to the other. That is why intractable conflicts are perceived as Zero Sum in nature (Bal-Tal, 2008:1433). The *actors* in intractable conflicts are states or groupings with long historical

grievances who strongly wish to see these grievances redressed or avenged. As mentioned, groups or individuals involved often develop a vested interest in the conflict as a means of holding onto status, power or wealth. In these conflicts, there are typically elites who benefit from conflict which has become a fixed comfortable stasis (Crocker, Hampson & Aall: 2005: 12-13). The *issues* of these conflicts tend to be deep-rooted and intangible. Identity, sovereignty, and values or beliefs are examples of issues at the heart of intractable conflicts (Bercovitch, 2003: 2).

Identity is viewed as especially crucial in the analysis of intractable conflicts. Identity does not however, in itself, cause conflict; it is only when identities become polarised that they can cause conflict to flare up (Zartman, 2005: 50). Deep-rooted communal or ethnic cleavages are often characteristics of protracted conflicts. In such contexts, conflict is fuelled by the refusal of parties to recognise each other's identity. Identity becomes interlinked with conflict in the sense that the parties (especially elites) come to define themselves and their existence primarily in terms of the conflict itself (Crocker, Hampson & Aall, 2005: 14). The *relationships* of intractable conflicts are therefore characterised by "polarized perceptions of hostility and enmity, and behavior that is violent and destructive" (Bercovitch, 2003: 2).

Crocker, Hampson and Aall (2005) add the issue of geopolitics as a contributing factor to intractable conflict and why parties to it might perceive it as irresolvable. To them, it is common for intractable conflicts to take place in less stable regions, where they become implicated in the surrounding regional geopolitics and their eventual resolution may largely depend on developments towards peace in the wider region, which may even be more complicated than the initial peace process. In such areas, states and actors become highly interlinked and sometimes "wear multiple hats" depending on the circumstances. In these instances it can become difficult to distinguish whether an actor is internal or external to a specific conflict (Crocker, Hampson & Aall, 2005:14).

- **Demand Extensive Investment**

As cited above, while preparing for a long conflict, parties engaged in an intractable conflict make sure they have all it takes to continue fighting. In doing so, they purchase war equipment such as, military, technological, and economic materials to cope successfully with the situation. In addition to those cited characteristics, Zertman (2005) adds another characteristic that is relevant to the DRC crisis as the following section will demonstrate. He argues that intractable conflicts tend to occur in 'buffer zones' between major powers, blocs or civilisations. The ideal buffer state has its own identity and remains neutral in relation to its surrounding states. Alternatively, however, such states become heavily contested and are either partitioned between the two sides or dominated by one of them (Zartman, 2005: 57; Bercovitch, 2003: 2). Typical examples of such buffer regions include Afghanistan, Sudan and Kashmir. I will demonstrate further how the eastern DRC might be considered as a buffer zone. To those characteristics, Kriesberg (2005) adds more, citing that intractable conflicts are typically very difficult to manage and consequently they often have a history of a number of failed peacemaking efforts. Intervention by external actors is common and may, for instance, take the form of embargos, sanctions or imposed cease-fires. While well-timed, appropriate interventions may be of use, many interventions fail to have a significant positive impact on the course of the conflict, and may even exacerbate it (Kriesberg, 2005: 72-73).

Kriesberg (2005: 67), who has published extensively on the topic of intractability, also highlights the dynamic nature of intractable conflicts and outlines six phases in the lifetime of such a conflict. Bram (2003:2) also argues that conflict progression or phases involves its causes, intensification, efforts to control as well as how to end it. He propose six phases similar to those put forward by Kriesberg being Latent conflict, Emergence, Escalation, (Hurting) Stalemate, De-Escalation, Settlement/Resolution, Post-Conflict Peace building and Reconciliation as demonstrated in the graph below. Kriesberg's first phase is the outbreak of conflict, followed by an escalation phase characterised by destruction. Thirdly, there will typically be failed efforts to make peace; after which the destructive conflict becomes institutionalised, signifying the fourth phase. The fifth stage is a de-escalation of

conflict which leads to its transformation. Lastly, the intractable conflict will eventually be terminated and the society recovered. These phases are however merely loosely sequential and it is common to regress to an earlier phase. According to Kriesberg (2005: 69), intractable conflicts transform and shift from one phase to another when changes occur in their core components. He identifies four key components of social conflict as being *identities*, *grievances*, *goals*, and *means to achieve goals*. The role of identity is generally viewed as crucial in the study and analysis of intractable conflicts (Northrup, 1989; Azar, 1990; Fisher cited in Porto, 2002: 20).

Fig.2: Bram's phases of intractable conflict
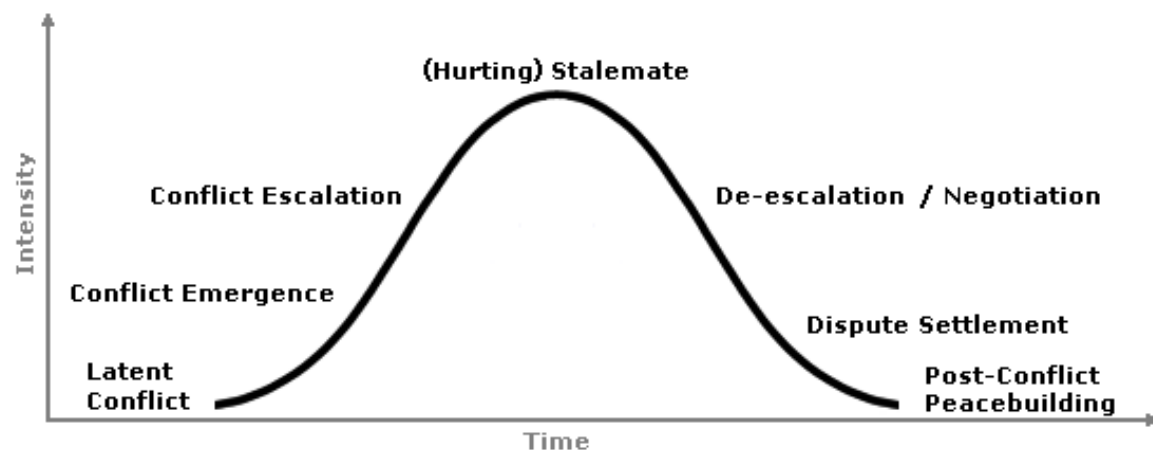
As the previous sections have demonstrated, intractable conflicts are highly complex as they are rooted in not one, but a number of issues, which when combined at any given situation, may result in the outbreak of violence. Some may be easily solved by negotiating or making use of other peaceful means. Other conflicts, between individuals, groups or nations, intensify, becoming more violent and destructive with the result that they are increasingly difficult to manage and resolve through peaceful strategies. Such conflicts may be termed intractable. As cited in previous paragraphs, intractable conflicts are armed conflicts that have lasted over a

significant amount of time, and attempts to peacefully resolve them often through mediation and peacekeeping efforts have proved unsuccessful.

Though intractable conflicts are long-lasting, it is worth noting that intractability does not imply that a conflict is completely resistant to resolution. Bercovitch (2003:1) and Kriesberg (2005:66) argue that conflicts can be more or less intractable, but are never totally unmanageable or irresolvable. When analysing conflicts, the distinction must be made between underlying causes, proximate causes, and exacerbating and prolonging factors - thus, "the sources of intractability are not the same as the original causes of the conflict" (Crocker, Hampson & Aall, 2005: 5).

2.1.2. Intractability of Conflict in DRC

In Africa, half of the continent's 54 countries are home to active conflict or one that has recently ended. These conflicts emerged within the context of a changed landscape in Africa politics. The colonial legacy, the struggles for independence and subsequent replacement with African governments, overshadowed by a global Cold War, ended in the early 1990's.

This was replaced by innumerable internal conflicts on the African continent, which unrelentingly continue. These internal conflicts are manifested in violent armed rebellion between governments and opposition or militia groups. Internal conflict, generally characterised by armed groups, built around the issue of identity.

In a number of countries these identities existed harmoniously within the context of indigenous forms of social organisation (Accord, 2007:13) Colonial rule, however, sought to accentuate these differences between identity groups within a country by recognising some groups as being superior to others, thereby creating rivalry based on stereotype that categorised people as inferior and superior. In the cases of Burundi and Rwanda minority groups were categorised as superior and used by their colonial masters to overpower, dominate and subjugate the majority.

In many parts of Africa these categorisations became entrenched social formations

that, in some part, led to the reconstruction of new identities from within and account for the protracted nature of conflict within the socio-political landscape we witness today in DRC (Accord, 2007:13). For example, besides economic problems, the politicisation of the Northern Cote d'Ivoire identity in the late 1990s, as well as the subsequent invention of the concept of ,"Ivoirité", a reconceptualisation of Ivoirian nationality by politicians struggling for power that intentionally disqualified many immigrants, led to the crisis that ended last year. (Nibishaka, 2011:3).

After independence, several of these countries plunged into prolonged civil wars that were suppressed during the period where Africa became a theatre for the Cold War. The two rival super powers, the United States and the Soviet Union, kept a tenuous hold over the continent during this period, entrenching one party states and dictatorships. The end of the Cold War saw many of these systems dismantled and the emergence of an all-out war with rival politicised identity groups and regional political leaders waging war against the national capitals, some of whom became warlords and whose power bases constantly exploit people and natural resources (Accord, 2007:13). It is therefore not surprising that there are multiple issues facing the UN, AU, multi-lateral and bilateral actors as they confront the huge peace-building challenges in Africa.

Those challenges question whether the current international conflict management architecture is adequate to meet the peace-building expectations on the African continent. The major challenge to peace building in Africa is how to ensure coordination and coherence among the various actors. For instance, the AU has a well-developed policy framework on post-conflict reconstruction and development. However, current approaches between the AU, UN, the ADB, NEPAD, the World Bank, UNDP and others on this issue are mostly ad hoc and fail to recognise the pivotal role of the AU and RECs in long-term peace consolidation (Bah, 2009:2).

These causes of conflict must be understood as different from the factors which drive African conflicts and make them intractable. This study however posits that it is important to understand the reasons behind a conflict in order to be able to proceed

to analysis and understanding its intractability. The literature on the conflict in the DRC shows considerably diverse views on the main sources, phases and dynamics of conflict and on prevention and peace building priorities. However, there is general consensus on indirect causes that can be summarily listed as follows:

- Ethnic grievances and clashing identities
- The effects of state collapse, notably inter-elite power struggles.
- Conflicts over resources, including land and natural resources
- A regionalised war context, and particularly the impact on the DRC of the neighbouring conflicts and political strategies, especially the genocide in Rwanda that provided spill over effects in eastern DRC and created the conflict emergence situation in the 1990s.

2.1.2.1. *Greed versus grievance*

Due to the complex nature of the conflict in eastern DRC, it is clear that neither greed nor grievance is sufficient in itself to explain the occurrence of violence in the country. Debating greed vs grievance with regard to the DRC conflict is interesting. To begin with some of the grievance-related arguments, such as Gurr's theory of relative deprivation, are not entirely applicable to the case of eastern DRC, a region with large deposits of minerals, fertile soil and other environmental advantages that are not found in other parts of the Great Lakes Region. Although rivalry between different tribes such as Mai Mai, Lendu, Ndandi, Banyamulenge, etc. always existed over issues such as access to grazing land, the Congolese society in the east is traditionally highly egalitarian (World Bank, 2005b). While certain social groupings, such as minority Tutsi groups, in all likelihood experienced some sense of relative deprivation in relation to more dominant ethnic Bantus tribes, they only started the armed struggle soon after the end of the genocide in Rwanda; and prior to this had no major influence in Congolese affairs. It must however be noted that the current unrest in eastern DRC has been driven by former CNDP soldiers, who defected from the Congolese army to form the new rebel group known as M23 (Movement of March 23), thus crediting the role of grievances in making the DRC conflict intractable. Economic inequality might have also contributed to the outbreak of

conflict, mainly due to unequal economic distribution as a result of clientelism and patronage under Mobutu Sese Seko. The Mobutu's dictatorship created patronage paths to state funds and contributed to social and economic inequality by giving advantages to those close to the regime and its political party (MPR: Mouvement Populaire Revolutionnaire). Patronage made DRC politics a zero-sum game in which only certain sectors of the population were the winners. As a result of divide and rule politics under the colonial powers, and later Mobutu, grievances stemming from political exclusion have been crucial contributors to the birth of numerous opposition movements in the early 1990s.

The greed-thesis also finds some support in the case of DRC. While outright greed by armed groups, companies and other individuals will be discussed in more detail in chapters four and five, it is useful to note here that DRC is in possession of all four of the economic characteristics which Collier identifies as making a country significantly more prone to conflict. These are: dependence on primary commodity exports, slow economic growth, low incomes and large diaspora (Collier, 2000; 2006). The mining sector dominates the DRC's formal economy. Minerals account for the vast majority of the DRC.'s exports and represent the single largest source of foreign direct investment (FDI) (US Department of State, 2012:4). Mineral resources such as diamonds, gold, tin have been at the centre of the DRC conflict; and thus the 'resource wars' or conflict mineral thesis discussed in further section applies to the DRC case.

However, DRC is one of the poorest countries in the world and has slow economic growth largely due to protracted instability and conflict. It is worth noting that the DRC furthermore has a substantial number of diaspora, with the potential to influence its affairs, partly due to political instability that forced many to seek shelter and green pastures elsewhere.

2.1.2.2. *General analysis of DRC's intractable conflict*
After 17 years of armed conflict in the DRC, the country is a textbook example of having intractable conflict. This section will refer back to theory presented in the

previous sections and analyse how definitions of intractable conflicts may be applied to this particular long conflict in eastern DRC.

Recalling Zartman (2005) cited in the previous paragraphs, five typical characteristics of intractable conflicts can be observed: protraction, polarised identities, profitability, absence of ripeness and polarised solutions. In eastern DRC, conflict has become extremely protracted with almost sixteen years having passed since the conflict broke out in 1996. Tribal identities have become polarised, as a result of ethnic politics and prolonged conflict. The growth of a resources conflict and conflict minerals has brought an element of profitability to the conflict, as personal greed has been a motivating factor for powerful warlords. Resources conflict and its relevance to the on-going crisis in eastern DRC will be discussed further in the following section. Furthermore, as the numerous peace negotiations and dialogue have shown, ripeness "as a pressure toward negotiation" has been fruitless (Zartman, 2005: 52). That is, the parties to the conflict have not actively sought a solution to the conflict as they have seldom been in the position of a mutually detrimental cease-fire making compromise and a lasting solution attractive to both sides. Relative to this, possible solutions have been highly polarised, with the adversaries finding it very difficult to cooperate and make concessions to the other, especially in the case of Tutsi Kinyarwanda whose stated grievances fell on deaf ears of other Congolese.

Similarly, in addition to the long duration and other factors mentioned above, intractable conflicts tend to involve certain types of actors, issues, relationships, geopolitics and methods of conflict management. The *long duration* of intractable armed conflicts is problematic in many ways. The most apparent issues are naturally large-scale loss of life and the devastation of social, physical and economic environments which are often a result of long periods of fighting. In eastern DRC, the visible manifestations of the long war have been thousands of deaths due to fighting, starvation and suffering linked to the conflict. Global Witness (2012:1) estimates that war in DRC cost over 5.4 million lives. Another aspect of the prolongation of DRC conflict is the cycle of violence in which conflict becomes institutionalised and armed

groups, motivated by the self-financing nature of the conflict; become blind to cooperation and finding solutions.

Instead of working towards a mutual agreement, armed groups intensify conflict in an attempt to achieve their own specific goals through violent means, as the M23 (former CNDP fighters) have done since April 2012. The *actors* in intractable conflicts often have an embedded sense of historical grievances. For instance, the events in eastern DRC, deep-seated historical grievances are at the root of a long conflict. Eastern DRC is predominantly inhabited by the Kinyarwanda speaking (both Hutus and Tutsis). Some migrated there under the Belgian colonial rule in 1930s; others found themselves there when artificial borders were traced after the Berlin conference. In the current rounds of the conflict, the Congolese government they are not recognized as Congolese citizens. It turn, they have now mobilized along ethnic lines to fight for their survival.

As is typical of long conflicts, the core *issues* of DRC's conflict have transformed. While superficial issues such as resources, wealth and power motivated the parties throughout the civil war, deep-rooted and intangible issues such as ethnic identity, and recognition issues, have also been central. Identity has not traditionally been a source of conflict in eastern DRC under Mobutu because he had granted citizenship to everyone whose parents were in Congo before independence in 1962. Rather, conflict centered on material issues such as land or livestock. As ethnic identities began to become polarised, identity became linked to conflict. It follows that relationships within the eastern DRC's conflict were characterised by sentiments of enmity and hostility between members of rival tribes which, time and time again, have resulted in the outbreak of violence.

What is more, the *geopolitics* of the eastern DRC conflict is also completely in line of what typifies intractable conflicts. Eastern DRC is located in an unstable Great Lakes Region, where numerous wars were waged and relationships between neighbouring countries are continuously tense. Eastern DRC has become deeply implicated in regional geopolitics. For example, rebels from Burundi, Uganda and Rwanda operate

freely in eastern DRC, which is viewed by countries like Rwanda as a threat to its stability and internal security. Besides, eastern DRC is something of a 'buffer zone' between regions and culture. The area is located on the border between Uganda and Rwanda and between Tanzania and Burundi. In the concept of Samuel Huntington's terminology, Eastern DRC is located on the fault-line (Huntington, 1993: 4) between the French speaking and Anglo Saxons. Finally, intractable conflicts are typically very difficult to *manage*, and as previously discussed, there have been numerous attempts to manage the DRC conflict. Regrettably, initiatives such as peace agreements and international negotiations have shown limited success. Having discussed the factors that contribute to the intractability of conflict in DRC, it is now important to understand how those factors led to the escalation of the conflict in the DRC and its implications to conflict transformation in eastern DRC.

2.1.3. Conflict Escalation in the DRC

Conflict escalation can be defined as an increase in the magnitude of disagreements, hostilities or violence (Shale 2006:107). Many conflict theorists find that the likelihood of conflict escalation depends on the way the parties involved react in response to others. The concept of "greed vs grievance" earlier introduced the notion that the original causes of conflict may not be the same factors that sustain and drive it. It is thus important to adopt a chronological, contextual and dynamic approach when engaging in causal analysis in order to understand how the DRC conflict has developed over time, leading to the current escalation of fresh fighting in eastern DRC.

As cited in chapter one, the effects produced by the general lack of social services, the process of decentralization, the rule of law, and the political economy throughout Mobutu's regime from 1962 led to the situation of conflict in DRC (Labda, 2011:45). Decades of the dictatorship regime that followed made DRC the scene of recurrent atrocities. The tumultuous years of power struggles and international interference that followed the country's independence from Belgium in 1960 paved the way, beginning in 1971, for nearly three decades of autocratic and corrupt rule under President Mobutu Sese Seko, during which the gradual decay of all state institutions

left entire communities without hope (Peace Building Data, 2012:1). The genocide in Rwanda spilled over in the Congo when hundreds of thousands of predominantly Hutu refugees poured into its eastern provinces, among them genocidaires, remnants of the army and militia that perpetrated the genocide (Turner, 2007:124); when Mobutu's regime was facing internal challenges.

Together with the weakening of Mobutu's regime in early 1990, the situation encouraged the emergence of a rebellion in eastern Congo in 1995, leading to conflict escalation when the (AFDL) Alliance of Democratic Forces for the Liberation of Congo. With the support of Rwanda and Uganda, it launched an offensive from the east, eventually toppling Mobutu's regime in May 1997. In 1998, Kabila ordered all foreign troops out of the DRC. Most refused to leave; instead, the Rwandan backed Rassemblement Congolais pour la Democratie (RCD) attacked the government troops with the intention of ousting Kabila. Angolan, Zimbabwean and Namibian troops subsequently intervened on behalf of the DRC government.

The RCD withdrew to the eastern part of the country, and in February 1999, the Ugandan-backed Mouvement pour la Liberation du Congo (MLC) joined the fight and assumed control over northern DRC. By the summer of 1999, the country was effectively divided into three sections and the warring parties had reached a stalemate (World Movement for Democracy, 2004:2). In July 1999, representatives from the government, RCD, and MLC met in Lusaka, Zambia, to negotiate a cease-fire agreement. The Lusaka Accord, signed in August 1999, established the political imperative to hold the Inter-Congolese Dialogue (ICD). The Accord stipulated that the ICD should include representatives of DRC's government, the armed opposition, the political opposition, and civil society. Violence continued, however, and the designated time frames to implement the Lusaka agreement and conclude the ICD were continuously missed. Laurent Kabila was accused of stalling the proceedings of the negotiations, but his assassination in early 2001 and replacement by his son, Joseph Kabila, resulted in a political environment more hospitable to the ICD (WMD, 2004:2). The negotiations commenced in Addis Ababa, Ethiopia, in October 2001 and continued at Sun City, South Africa, resulting in the signing of the Pretoria

Agreement of 2002, formally ended hostilities and an order for the withdrawal of foreign troops.

Since 2003 and specifically following the elections of 2006, hopes were high among Congolese that the country's history of authoritarian rule and predatory governance was over. However, no firm commitment to building infrastructure took place, and the promises of improved service delivery (*les cinq chantiers*) produced few results over the years (Labda, 2011:45). These unrealised expectations engendered high levels of frustration at different levels of society, while simultaneously power was becoming increasingly tightened with a few personalities and the proliferation of militia groups in the east.

This situation led to the escalation of conflict when Laurent Nkunda and his CNDP troops clashed with the Congolese National army in late 2007, in the eastern part of the country. Facing defeat, the presidency decided to negotiate with Nkunda. After a series of preliminary meetings in Masisi between Nkunda and army officers, Kabila reached out to his Rwandan counterpart, asking him to use his leverage on Nkunda, who had begun his military career in the Rwandan army in 1993. According to some reports, the South Africa government was also involved in brokering these talks, although it has denied this (Stearns, 2008:253). In 2008, when the CNDP almost captured North Kivu's capital, the situation was resolved by the replacement of its leader and the signing of a peace agreement between the government and the CNDP on 23 March 2009 under the mediation of former Nigerian President Olusegun Obasanjo and Benjamin Mkapa of Tanzania. Secret negotiations between Kinshasa and Kigali and more or less discreet mediation initiatives conducted by some members of the international community created a framework for resolving conflict (Crisis Group Africa, 2012:2).

That framework had three components: the political and military integration of Congolese armed groups in the Kivus; military action against militias, notably the Democratic Forces for the Liberation of Rwanda (FDLR); a reconstruction and stabilisation strategy to restore state authority and provide services to the

communities living in zones previously controlled by militias. This plan seemed relevant in 2008 (Crisis Group Africa, 2012:2) and peace building efforts to strengthen it were deployed by major international donors.

Rather than effectively implementing the 23 March 2009 peace agreement signed by the government and the CNDP (National Council for the Defence of the People), the Congolese authorities have instead only feigned the integration of the CNDP into political institutions, and likewise the group appears to have only pretended to integrate into the Congolese army as its commanders and troops remained deployed only in the east. Furthermore, in the absence of the agreed army reform, military pressure on armed groups had only a temporary effect and, moreover, post-conflict reconstruction has not been accompanied by essential governance reforms and political dialogue.

It was on the basis of this failed implementation that former CNDP commanders rose up against the Government in April 2012 under the new rebel name M23; citing the non-compliance with the 23 March 2009 agreement as the reason for the mutiny; leading to the escalation of conflict in North Kivu after de-escalation in 2009. At the time of writing this dissertation, while post-conflict reconstruction and peace building efforts are underway in other parties of DRC, the conflict in the east seems to have stalled now that the Congolese government refuses negotiations; while the international community is pressurising the neighbouring states of Rwanda and Uganda to stop supporting armed groups, including the M23; a charge that they deny.

As cited above, the growth of a resource conflict and conflict minerals has brought an element of profitability to the fray, as personal greed has been a motivating factor for powerful warlords. It is therefore worth discussing the concept of conflict minerals and its relevance to the DRC crisis in the following section.

2.2. Conflict Minerals and Resource Conflicts

Since the primary focus of this study is on post-conflict reconstruction and the role of mineral resources in the DRC conflict, it is appropriate to look at some definitions relating to resource conflict and see how they match with the definitions of conflict in general.

Conflict resources may be defined as "those conflicts whose systematic exploitation and trade in a context of conflict contribute, benefit, results in the commission of serious violations of human rights, violations of international humanitarian law or violations amounting to crimes under international law" (Global Witness, 2006:10). Sanginga*et al* (2007:4) defines conflict in natural resources as "situations involving people or social groups with different interests and mutually antagonistic tendencies and opposing influences competing for the use of limited resources to ensure or enhance their livelihoods.

As John-Andrew McNeish (2010:3) states, mines have long been associated with violent conflict. The most well-known material focus of the connection between minerals and conflict has, however, in recent years been blood, or conflict diamonds. Conflict diamonds refer to those "diamonds illegally traded to fund conflict in war-torn areas, particularly in central and western Africa". Conflict diamonds captured the world's attention during the civil war in Sierra Leone in the late 1990s. In the case of the DRC, several minerals including diamonds, gold, tin and coltan are involved. Furthermore, Ballentine & Sherman (2003) note valuable minerals become conflict minerals when their control, exploitation, trade, taxation, or protection contributes to, or benefits from, armed conflict. Valuable minerals are linked to violent conflict in three primary ways:

- Minerals can finance violent conflict.
- Mining can lead to lower-scale conflicts.
- Mineral wealth can increase vulnerability and corruption, which weaken states and their ability to effectively govern and maintain security, thereby opening the door to violent conflict (UNEP, 2009:8).

Since 1990, at least eighteen violent conflicts have been fuelled by the exploitation of natural resources as evidenced in the table below (UNEP, 2009:8).

Table 1: Recent civil wars and internal conflicts fuelled by natural resources

Country	Duration	Resources
Afghanistan	1978-2001	Gems, timber, opium
Angola	1975-2002	Oil, diamonds
Burma	1949-	Timber, tin, gems, opium
Cambodia	1978-1997	Timber, gems
Colombia	1984-	Oil, gold, coca, timber, emeralds
Congo, Dem Rep. of	1996-1998, 1998-2002, 2003-	Copper, coltan, diamonds, gold, cobalt, timber, tin
Congo, Rep. of	1997-	Oil
Côte d'Ivoire	2002-2007	Diamonds, cocoa, cotton
Indonesia – Aceh	1975-2006	Timber, natural gas
Indonesia – West Papua	1969-	Copper, gold, timber
Liberia	1989-2003	Timber, diamonds, iron, palm oil, cocoa, coffee, rubber, gold
Nepal	1996-2007	Yarsagumba (fungus)
PNG – Bougainville	1989-1998	Copper, gold

Country	Duration	Resources
Peru	1980-1995	Coca
Senegal – Casamance	1982-	Timber, cashew nuts
Sierra Leone	1991-2000	Diamonds, cocoa, coffee
Somalia	1991-	Fish, charcoal, land
Sudan	1983-2005	Oil

Looking back over the past sixty years, at least forty percent of all intrastate conflicts can be associated with natural resources, minerals (UCDT/PRIO, 2008:4). Civil wars such as those in Liberia, Angola and the Democratic Republic of Congo, for this matter, have centered on "high value" resources like timber, diamonds, gold, minerals and oil. Other conflicts, including those in Darfur and the Middle East, have involved control of scarce resources such as fertile land and water. The Peace and Research Center in Stockholm (2008), suggests that there is a significant potential for conflicts over natural resources to intensify as the global population continues to rise (UCDT/PRIO, 2008:4).

Development projection contends that demographic pressure and urbanization, inequitable access to and shortage of land, and resource depletion are expected to worsen, with profound effects on the stability of both rural and urban settings. In addition, the potential consequences of climate change for water availability, food security, and prevalence of disease, coastal boundaries, and population distribution are also increasingly seen as threats to international security, aggravating existing tensions and potentially generating new conflicts (Ibid).

The relationship between natural resources and conflict is thus multi-dimensional and complex, but three principal pathways can be drawn as follows:

- **Contributing to the outbreak of conflict**: Attempts to control natural resources or grievances caused by inequitable wealth sharing can contribute to the outbreak of violence. Countries that depend on the export of a narrow set of primary commodities may also be more vulnerable to conflict (UNEP, 2009:8). The presence of mineral resources, coupled with poverty or the lack of opportunity for other forms of income, especially in unemployed youth, creates an incentive for groups to attempt to capture them by taking control of resource-rich territories or violently hijacking the state. In some cases, it is a failure in governance (institutions, policies, laws) to resolve societal and community tensions equitably that leads to specific groups being disadvantaged, and ultimately to conflict. In others, the root of the problem lies in the illegal exploitation of resources (UNEP, 2009:8)

- **Financing and sustaining conflict**: As is the case in the eastern DRC, once conflict has broken out, resources may be exploited to continue finance armed forces (regular and irregular), or become strategic considerations in gaining territory, regardless of whether or not they play a causal role in the onset of conflict.   United Nations Environmental Programme suggests that in such cases, the duration of conflict is extended by the availability of new sources of financing, or complicated by efforts to gain control over resource-rich areas (UNEP, 2008:8). It is therefore obvious that the existence of natural resources in any weak state not only makes insurgency economically feasible, it may also alter the dynamics of conflict itself by encouraging combatants to direct their activities towards securing the assets that enable them to continue to fight. Thus revenues and riches can alter the mindset of belligerents, transforming war and insurgency into an economic rather than purely political activity, as it is the case in DRC.

- **Undermining peacemaking**: The 2009 UNEP report further argues that the prospect of a peace agreement may be undermined by individuals or splinter groups, often referred to as "Peace Spoilers" that could lose access to the

revenues generated by resource exploitation if peace were to prevail. Once a peace agreement is in place, the exploitation of natural resources can also threaten political reintegration and reconciliation by providing economic incentives that reinforce political and social divisions (ibid). The eastern DRC situation is a good example, where at the time of writing, General Bosco Ntaganda defected and his troops (among other armed groups in the east) now control part of the North Kivu province.

2.2.1. Conflict Minerals in the DRC

The study by Ruben de Koning (2010) investigated the illegal economic exploitation of artisanal mining areas by military forces and concluded that it is a persistent problem in the Eastern Democratic Republic of the Congo (DRC), even in areas such as Northern Katanga Province that are in transition to peace. Many former rebels and militia have not demobilised or been properly integrated into new army structures and they still receive benefits they derive from mining throughout the territory.

Congo's conflict minerals leave a trail of destruction as they make their way from the mines in eastern Congo to the mobile phone. On the ground, ordinary citizens are forced to drill for the benefit of armed groups, which in turn sell the minerals for financing the war to maintain control of the occupied territory.

With reference to the preceding paragraphs, the following issues are central to this study:

Recent armed conflict has been ascribed to natural resource abundance and as being characterised by new features not present in earlier internal conflicts (multiplicity of actors, devastation of production structures (Welsch, 2008:1)). This is so important that the probability of armed conflict varies directly with the size and value of 'lootable' resource endowments and inversely with variables that increase labor productivity and stability.

Literary evidence shows that throughout the world, mineral resources such as diamonds, gold, and uranium are objects of desire and admiration as well as having strategic importance (Jamasmie, 2012:1). First there were "blood diamonds," the gems that fuelled conflict and human rights abuses in Liberia and Sierra Leone. Then there was "conflict cocoa," the chocolate source harvested by children and that funds civil war in the Ivory Coast. Now concern is expressed about the minerals that go into common consumer electronics, in the manufacture of telephones, i.e. BlackBerry, at the expense of the stability and peace of the Congolese people?

New pressure groups and research projects aim to increase awareness of "conflict minerals" from the Democratic Republic of the Congo and push companies to rid their supply chains of them. In question are ores mined by violent armed groups in the country's eastern region evident in nearly any electronic product such as smart phones, MP3 players and laptop computers. Activists say that indirectly buying products that contain the minerals allows outlawed factions to continue conflict characterised by brutality, including the murder of civilians, violence against women and conscription of child soldiers (Jamasmie, 2012:1)

 In the Congo, as evidenced in De Koning (2010), mineral resources are among the indirect causes and fuel elements of war and the misuse of these resources created huge disparities in socio-economic conditions prior to the outbreak of hostilities in 1996 and later came to be the financial tool of conflict even after peace deals were concluded.

In October 2003, the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo published its final report to the UN Security Council. The Security Council had appointed the Panel in 2000, as a response to widespread concern at the link between exploitation of gold, diamonds, and other minerals in the east of the DRC, and the ongoing war that region since 1996. In the course of its work, the Panel has provided the most detailed account of how the exploitation of resources funded many of the different armed groups fighting in eastern DRC, and has also enriched

individual officers of the Rwandan, Ugandan and Zimbabwean armies that have intervened in the conflict. In addition, the Panel identified business enterprises from outside the region that it believed to be implicated in the conflict (RAID, 2004, 2-3). Captor four will provide detailed description of enterprises still operating in Congo.

The Panel's reports depict a self-reinforcing cycle of conflict and resource exploitation in the DRC: natural resources fuelled the war, which was perpetuated to control resources. All parties to the conflict have been accused of serious human rights violations. By mapping the interconnections between Congolese parties to the conflict, foreign governments and companies, the Panel found that business activities, directly or indirectly, deliberately or through negligence, contributed to the prolonged conflict and other human rights abuses. The interconnections between parties to conflict and mineral in the Eastern DRC will be detailed in chapter four of this dissertation (Ibid).

It is therefore acknowledged that mineral resources are highly coveted because they yield tremendous revenue, which enables the armed factions to procure additional weapons and ammunition. As was the case in Sierra Leone, unregulated possession of weapons conferred power upon the armed parties, as they could capture large areas of territory, which would, in turn, be exploited for economic purposes (Truth and Reconciliation commission, 2003). The desire of armed groups to control parts of the country for economic exploitation and gradually became the main motivating factor for all the armed groups (including foreign rebels as well as the regular army) and many local commanders, thus fettered the peace processes. Accordingly, there is no doubt that minerals fund armed groups in the largely lawless region.

The factions - which include a mix of renegade Congolese army troops, Rwanda-influenced Tutsi rebels and fugitive Hutu fighters from the 1994 Rwandan genocide, control mines that generate an estimated $144 - $218 million each, according to the Enough Project (2008) and Global Witness (2009). The supply chain of illegal mining and structure of rebel groups active in Eastern DRC will be detailed in chapter four of this dissertation. It is now important to discuss the theory of conflict management,

resolution and peace building, in order understand how intractable conflicts can be managed or transformed.

2.3. Conflict Management

Conflict management has been understood to mean the settlement and containment of violent conflict (Muboko, 2011:42). International conflict management strategies include those approaches to international conflict primarily in a social-psychological conflict management scenario. With regard to socio-psychological management Fisher (1997: 239) identifies interactive conflict resolution (ICR) as an example. According to Fisher (1997: 239), interactive conflict resolution referred to as (ICR), is one of the strategies in conflict management which involves problem-solving in the form of discussions between unofficial representatives of groups or states engaged in violent protracted conflict (Fisher, 1997: 239).

International conflict management strategies emphasize the need for direct communication between opposing parties, as well as the engagement of a skilled intermediary to facilitate that communication between these parties. Those strategies, according to Fisher (1997:241) are focused mainly on understanding and addressing the root of the conflict so that an understanding, mutual recognition and respect, and jointly acceptable and sustainable solutions in total can foster improved relationships between the parties.

It has been noted that among the various conflict management mechanisms, peace negotiations and mediation have been the most common in the majority of conflicts in Africa (Mwagiru, 2001:12). In the DRC conflict, peace negotiations were always carried out through a mediator or facilitation team. These techniques will be discussed further once the concepts of conflict resolution, transformation and peace building have been explored as certain concepts in conflict studies often overlap. For instance, scholars who support a conflict management approach suggest that violent conflict is impossible to eliminate and that attempting to resolve conflict is idealistic; accordingly, the best solution is to manage and restrain conflict, and sporadically seek compromise (Miall, 2004:5).

On the other hand, scholars who propose a conflict resolution approach argue that compromise cannot be achieved based on a party's basic needs. It believes that it is possible to go beyond conflict when parties are assisted in the examination, analysis, questioning and reframing of their positions and interests (Miall, 2004). Scholars of Conflict Transformation, however, consider the above reframing of positions and the identification of win-win outcomes focus on an engagement process with a transformation of relations, interests, discourses and societal structure that support the continuation of violent conflict (Miall, 2004:5).

2.4. Conflict Resolution

Conflict resolution refers to methods used by interventionists in order to eliminating sources of conflict, leading to conflict diminution and changes in behaviour, attitudes and structural changes. However, the term "conflict resolution" is ambiguous as it is used to refer both to the process of bringing about these changes, as well to the product of this process. Furthermore, it may refer to field of study and simultaneously to a set of activities engaged by people who may neither use this term nor be aware of it (Ramsbotham. et .al, 2005:29).

The Institute for Security studies Monograph of 1997 notes that processes of conflict resolution generally include negotiation, mediation, military intervention, and diplomacy. Thus, conflict resolution can be attained through economic, political or a military approach. The traditional structural/political approach sees conflict resolution and peacemaking as better attainable by concerning parties themselves with the reform of national political institutions, and reinstating their legitimacy and power so that they can deal with their conflicts at cultural/communal levels. This is particularly relevant for peacekeepers, operating at the interface between concurrent efforts to broker mediated settlements on the structural/political level on the one hand and implement them at the cultural/communal level on the other. In brief, peacekeepers need to master a specific range of conflict resolution skills (ISS Monograph Series N8 1997).

2.5.   Mediation as Conflict Management Technique

Since the end of the Cold War, with the current ongoing threats to international peace and security, mediation has been employed in an attempt to resolve armed conflicts and international crises and it has recently become an increasingly debated topic in academic and professional circles. Snodgrass (2010:33) stresses that the main concern today is whether these efforts offer the most promising approach to managing violent conflicts. Agbu.et.al (2006: 29) contends that when people are in conflict, they usually share many of the same goals despite their differences. Both sides usually want to see the conflict resolved in a way that will be mutually beneficial to both and inclined to enhance the relationship so that future communication will improve.

From an idealistic perspective, parties to a violent conflict may wish to negotiate and even manage to do so themselves. However realistically this might not be easily achieved because most political disputes are highly complex and involve many parties and issues. These parties often face difficulties in their initiatives to find a negotiation platform to resolve conflicts diplomatically. In this situation, parties to a conflict would therefore seek assistance in the form of a mediator. Jacob Bercovitch defines mediation as "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organisation, a group, or a state) to change their perceptions or behavior, and do so without resorting to physical force or invoking the authority of law." (Bercovitch, 1997:130). Honeyman & Yawanarajah (2003:45) refer to mediation as a process in which a third-party neutrally assists in resolving a dispute between two or more other parties.

They further argue that mediation is a non-adversarial approach to conflict resolution. Therefore, the role of a mediator in a conflict resolution is only to facilitate communication between the quarrelling parties and assist them by creating a neutral platform of negotiations, help them to focus on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict. Even though mediators operate from a high or low power base,

they are not accorded authoritative decision-making power, but are empowered to facilitate settlement through the use of the negotiation process.

Bercovitch identifies three factors that contribute to effective mediation.

Firstly, parties must be motivated to settle their conflict and seriously committed to mediation. Secondly, the conflict circumstances must be ripe for intervention. "The existence of a hurting stalemate (e.g. a military setback, a change in power relations, or a failure to impose a unilateral outcome) remains the best benchmark in a conflict for deciding when to initiate mediation."(Bercovitch, 1997: 145). Certainly, the parties must have already tried and failed to negotiate on their own. Thirdly, an appropriate mediator must be available. Bercovitch argues, "there is wide agreement among scholars and practitioners that appropriate mediators should possess intelligence, tact, skills in drafting formal proposals, and a sense of humor, in addition to specific knowledge of the conflict at hand "(Ibid, 146).

From this standpoint, mediation may often be regarded as an art or a skill that one possesses or acquires. Successful mediation to a conflict could be presumed to be dependent on the efforts and skill of a mediator (Conflict Resolution Vol III, 2003: 340). Anstey (2006:144) further defines mediation as a form of third party intervention with the intention of providing some form of assistance to the adversaries by finding a mutually acceptable settlement to the dispute (Anstey 2006:144).

The fact is that mediation is not a new concept in the arena of international politics; it has classically been introduced by international commissions in a process known as conciliation. Mediation differs from arbitration as being a diplomatic rather than a judicial procedure; simply because the parties involved in a dispute are not forced to accept the mediator's recommendation. Recently mediation gained momentum in contemporary international conflict resolution as a means of settling both international and internal disputes. Mediation should be differentiated from negotiation and conciliation.

2.6. Political approaches to Conflict Resolution

In many interventions, the political approach to conflict resolution sometimes overlaps a military approach to the art of conflict management. This approach centers on military power and the use of force and it continues to play a vital role in maintaining global power balances, dealing with regimes that refuse to abide by international norms and/or threaten their neighbours. However, international conflicts that occurred over the past decade highlighted the fact that military force alone cannot effectively deal with the extensive problems of failed states or with the malaise that grows out of continued conflict in parts of the globe, especially in Africa (Crocker, 2007: 12).

These challenges raised an alarm to the international community to design specific conflict management training that incorporate conflict resolution skills. These skills are now multi-disciplinary and combine both combat and peacemaking abilities. As mediation is considered as a fusion of both conflict management and conflict resolution techniques, the next section attempts to explain the link between conflict resolution and mediation. The focus of the chapter is on the mediation and peacekeeping process.

2.6.1. International Peace making

The term "peacemaking" is used in several different ways. According to the United Nations (UN), peacemaking can be seen as an intervention by the third party with the intention of bringing hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes. In this sense, peacemaking is the diplomatic effort intended to move a violent conflict into non-violent dialogue, where differences are settled through representative political institutions (Ouellet, 2003:1).

The objective of peacemaking is thus more about ending the violence between the contending parties than solving the problem that caused it. Peacemaking can be done through negotiation, mediation, conciliation and arbitration. During peacemaking efforts, the UN Secretary-General may exercise his or her "good

offices" to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organisations or the United Nations. Peacemaking efforts may also be undertaken by unofficial and non-governmental groups, or by a prominent personality working independently (UN, 2012:1). For instance, since November 2008 when the conflict in the eastern DRC escalatedthe United Nations Secretary General, Ban Ki-Moon, appointed former Nigerian President Olusegun Obasanjo as his envoy to help broker a peace deal to end the crisis. Since his appointment, Obasanjo has met with Congolese President, Joseph Kabila, General Nkunda, Rwandan President Paul Kagame, and other officials in the region. His mediation efforts led to the signing of the March 23, 2009 Agreement that paved a way for the integration of CNDP troops into the Congolese army (US Department of State, 2011:2).

Having defined peacemaking, there is little agreement between analysts, governments and international organisations about what peacemaking and peacekeeping are and the differences between terms such as 'peacekeeping', 'peacemaking' and 'peace building'. The situation is not helped by the fact that the terms 'peacekeeping' and 'peace operation' are not found in the UN Charter. Rather than specify precisely what peace operations are, the DPKO (UN Department of Peacekeeping) differentiates the terms as follows:

Broadly, the UN defines peacemaking as the use of diplomatic measures to bring hostile parties to a negotiated agreement (DPKO 2007: 10–11). As cited above, in peacemaking efforts the UN Secretary-General mandates his envoys or uses his good offices to mediate between the conflicting parties. Such envoys may be prominent government's officials or statesman, groups of states, regional organisations or the United Nations. Equally, peacemaking efforts may also be undertaken by unofficial and non-governmental groups, or by a prominent personality working independently.

Contrarily, the UN Department of peace keeping operations(DPKO) refers to peacekeeping as the use of military, police and civilian personnel to lay the

foundations of sustainable peace (DPKO 2007: 10–11). To differentiate further, the concept of peacemaking as defined above, and that of peacekeeping, Goulding (1993) defines peacekeeping as operations established by the United Nations, with the consent of the parties concerned, to help control and resolve conflict between them, under United Nations command and control, at the expense collectively of the member states, and with military and other personnel and equipment provided voluntarily by them, acting impartially between the parties and using force to the minimum extent necessary (Goulding, 1993: 455). This assumption is complemented by Diehl (1994) who concedes that Peacekeeping is the imposition of neutral and lightly armed interposition forces following a cessation of armed hostilities, and with the permission of the state on whose territory those forces are deployed, in order to discourage a renewal of military conflict and promote an environment under which the underlying dispute can be resolved (Diehl, 1994: 13).

Furthermore, we can distinguish between classical and contemporary peacekeeping missions. The classical peacekeeping missions were directed at stopping conflict by enforcing ceasefire agreements, while the current peacekeeping missions have expanded their peacekeeping operations to include attempts to implement peace by providing humanitarian aid, resettling refugees, rebuilding civil administrations, and other post-conflict reconstruction activities (Hillen, 1998:100).

Similarly, peacekeeping arrangements had to evolve around the need to address the deeper causes of conflict on one hand, while developing a framework for implementing peace on the other. This is why the traditional peacemaking approach had shifted from purely being state orientated to include non-governmental actors such as NGOs and civil society organisations who are closely involved in peace implementation efforts. Rasmussen (1997) refers to this approach as "a multi-track approach" to peacemaking that integrates activity on nine tactical levels: government, NGOs, business/commerce, private citizens, research/education and training institutes and advocacy organisations. Hence, while modern UN peacekeeping operations are, in principle, deployed to support the implementation of a cease-fire or peace agreement, they are often required to play an active role in

peacemaking efforts and may also be involved in early peace building activities (UN, 2012:1).

In the same vein, the UN refers to peace building as 'a range of measures aimed at reducing the risk of lapsing or relapsing into conflict' (DPKO 2007: 10–11). The measures included in peace building vary depending on the situation and the agent of peace building. Successful peace building activities create an environment supportive of self-sustaining, durable peace; reconciliation; prevention of the resurgence of conflict; integration of civil society; creation of the rule of law mechanisms; and addressing underlying structural and societal issues. To accomplish these goals, peace building must concentrate on functional structures, emotional conditions and social psychology, social stability, rule of law and ethics and cultural sensitivities (Hopman, 2011:1). Peace building targets all levels of society as well as all aspects of the state structure. Therefore, a wide variety of different agents engage in the implementation of post-conflict reconstruction. Hopman (2011:1) argues that the success of peace building efforts requires local ownership, thus external agents (international organisations and NGOs) can only facilitate and support Peace building, but can never impose it.

Actors in peace building include international organisations, donor institutions, regional institutions, NGOs, the government of the affected country, religious networks, as well as specialists and academia (Sandole, 2010:13-14). International organisations intervene at governmental level on request from the affected country. Their engagement carries the legitimacy of the international community, thus they have the ability to change and transform established structures.

Donor institutions provide the necessary funding for peace building projects. International organisations are the largest donors. Private foundations contribute through project-based financing. Regional institutions are international organisations with a regional mandate. They fund and/or implement peace building strategies, while NGOs in most cases, carry out small-scale projects to strengthen the grassroots level of affected countries. The government of the affected country

oversees and engages in reconstruction while specialists, such as lawyers, economists, scholars are employed to carry out the specific peace building projects. Their expertise plays an important role in the reconstruction of the state and transformation of society. Religious networks can play an important role in the reestablishment of moral ethics. Their role could be questionable in cases where the conflict is aggravated by religious differences. Academia provides important insights for practitioners through research and theories (Hopman, 2011:1)

Barnett *et al. (2007:49-50)* divides peace building into three dimensions: stabilizing the post-conflict zone, restoring state institutions and dealing with social and economic issues. Activities within the first dimension reinforce state stability post-conflict and discourage former combatants from returning to war (disarmament, demobilization and reintegration, or DDR). Second dimension activities build state capacity to provide basic public goods and increase state legitimacy. Programs in the third dimension build a post-conflict society's ability to manage conflicts peacefully and promote socioeconomic development.

2.7   Conflict Management and Peace Building in the DRC

As cited above, conflict management can be seen as a phased process (Ohlson & Söderberg 2002:15). The phases in a conflict management process overlap in time and substance. Each phase has certain key characteristics and critical elements. In addition, developments during one phase influence the potential for action in the next one. Sometimes, the process arrives at a crucial breakpoint, necessitating a choice between alternative courses of action.

One such course of action is the signing of a peace agreement (Kasaija, 2003:68) under a mediator or a facilitation team. On the basis of phase shifts and breakpoints, three general phases can be distinguished: the dialogue phase, which precedes a peace agreement; the implementation phase, when the stipulations of the agreement are carried out; and the consolidation phase, when consequences and changing circumstances resulting from the implementation of the agreement are to be internalised and accepted by peoples and elites. If the dialogue phase leads to a

mutually agreed upon peace agreement, then the power-induced 'negative' pressures that initiated the dialogue must be complemented by more constructive pressures that reduce the levels of mutual fear and distrust, and generate increasing trust between the party elites.

There are at least three hypotheses on peace agreements (Ohlson & Söderberg 2002:15). First, as noted above, durable peace is, as a rule, not likely to be achieved if, through the use of leverage, third parties impose a settlement on the parties during mediation processes. Agreements signed under pressure are less likely to hold than voluntarily signed agreements. Second, agreements that address the key conflict issues and concerns of the parties – as perceived by the parties at the time of the agreement – are more likely to hold than agreements that do not. Third, an agreement that includes all parties with the potential to resume hostilities is more likely to hold than one that does not. In the DRC, when the second wave of conflict started on 2 August 1998, it was generally acknowledged that military options would not produce the lasting peace required for the reconstruction of the country (Naidoo, 2003:86). Given the foreseeable consequences of a military "solution", governments in Africa and abroad urged all parties engaged in the war to enter into negotiations and find a political solution to the conflict. Most of the negotiations have been conducted under the auspices of a mediator or a facilitation team.

The following table summarises peace agreements and mediation efforts that took place between parties to the conflict in the DRC since the outbreak of the war in 1998.

Table 2: Peace agreements and Mediation efforts in DRC

Date and name of the Agreements	Parties to the agreements	Mediator/Facilitator	Results
South African initiative of 28 August 1998	Government of DRC, Uganda, Rwanda, Zimbabwe, Namibia, Angola	Nelson Mandela (Former South African President)	Talks break down due to the disagreements between Mandela and Mugabe
OAU initiative of September 10, 1998	Government of DRC, Uganda, Rwanda, Zimbabwe, Namibia, Angola and RCD	OAU	Cease fire agreement formulated but never signed
Lusaka Peace Initiative of 10 July 1999	Six African Governments involved in the conflict: DRC, Rwanda, Uganda, Angola, Zimbabwe and Namibia	Frederic Chiluba (Former Zambian President) assisted by Benjamin Mkapa (Former Tanzanian President) and Joachim Chissano (Former Mozambican President)	Temporally cease fire
Sirte Agreement of 18 April 1999	Governments of DRC and Uganda	Muammar Gaddafi (Late Libyan leader)	Agreements for the withdrawal of Ugandan troops signed
The United Nations "Month of Africa" of 24 January 2000	DRC, Rwanda, Uganda, Angola, Zimbabwe and Namibia	UN Security Council	Warring parties reaffirmed their Commitment to the Lusaka Agreements and agreed on an immediate end to cease-fire violations.
Inter-Congolese Dialogue officially opened in Addis Ababa on 15 October 2001	DRC, representatives of rebel groups of RCD, MLC, Mai Mai	Sir Kitumire Masire (Former President of Botswana)	Talks break down

Date and name of the Agreements	Parties to the agreements	Mediator/Facilitator	Results
Inter Congolese Dialogue, Sun City 26 Feb 19 Apr 02	The Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy (RCD), the Movement for the Liberation of the Congo (MLC), the political opposition, civil society, the Congolese Rally for Democracy/Liberation Movement (RDC/ML), the Congolese Rally for Democracy/National (RCD/N), the Mai-Mai	Sir Ketumile Masire	Agreement on power sharing framework reached and signed in Pretoria on 16 December 2002
December 2002	Talks in Pretoria by all Congolese parties to conflict, political opposition, civil society	Thabo Mbeki (Former South African President) and Sir Ketumile Masire (Former President of Botswana)	Comprehensive power sharing agreement reached, formal end of conflict
2 Apr 03	Pretoria agreement ratified in Sun City	Thabo Mbeki (Former South African President)	Conclusion of ICD
09 November 2007	Rwanda and DRC	UNSC	DRC resolved to forcibly disarm and hand over to Kigali members of FDLR
17-21 December 2008	Government of DRC and Congres National pour la Démocratie et la Defence du Peuple (CNDP)	Olusegun Obasanjo (Former Nigerian President)	Negotiations failed
December 2008	Government of DRC and Congres National pour la Démocratie et la Defence du Peuple (CNDP)	Olusegun Obasanjo and Benjamin Mkapa (Former Tanzanian President)	Agreement on cease fire and integration formulated
23 March 2009	Government of DRC and CNDP	Olusegun Obasanjo	Political and security agreement signed in Goma
August 2012-Current	DRC, Rwanda and rebel group of M23	Yowel Museveni (Ugandan President and Chairman of the ICGLR)	On going

Following the events listed in the table above, the number of summits, heads of state meetings and conferences between governments and special envoys, has been a clear indication of the importance allocated to a mediated solution to the DRC crisis. Over time these official efforts significantly furthered the peace process but failed to deal with the root causes of conflict in the eastern DRC. These included the signing of the Lusaka Cease-fire Agreement (LA), the appointment of a mediator for the Inter- Congolese Dialogue and the implementation of the United Nations Observer Mission to the Congo (MONUC) now MONUSCO.

The role and impact of mediation to achieve a lasting peace was negligible. There were various reasons for this outcome as will be outlined in the following paragraph and later analysed in chapter five. The nature of the conflict initially required that mediation efforts be given priority, nonetheless, given the complexity of the conflict with so many actors, mediation under track one diplomacy discussed above, proved futile.

Initial mediation to reverse the situation of war started on 23 August 1998 at an urgent SADC summit in Pretoria, where former South African President, Nelson Mandela, then chairman of the SADC, was mandated to organise a cease-fire in consultation with the OAU Secretary-General (Bokala 1998:7). However, Mandela's mediation efforts were said to have been constrained by disagreement with Zimbabwean President, Robert Mugabe, about who should head the SADC Organ for Politics, Defence and Security that was used to authorise the military intervention in support of Kabila. On 10 September 1998, the OAU hosted a meeting of ministers in Addis Ababa during which a draft cease-fire agreement was formulated. That agreement, though agreed to in principle by the belligerents, was never signed (Naidoo, 2003:93). As a result of the disagreement between Mandela and Mugabe, at the SADC annual summit on 13 September 1998 in Mauritius, Zambian President Frederick Chiluba was mandated to lead the mediation efforts, assisted by Tanzanian President, Benjamin Mkapa and Mozambican President, Joaquim Chissano.

This initiative, which became known as the Lusaka peace process, drafted "modalities" for the implementation of a political settlement which culminated in the signing of a cease-fire agreement at the heads of state summit on 10 July 1999 in the Zambian capital, Lusaka.

In addition to a cease-fire, the Lusaka Agreement contained provisions that linked domestic and regional components of the crisis. The first component reiterated Congo's territorial integrity, a goal that would be achieved by the withdrawal of foreign armies. Secondly, to ensure the security of Congo's neighbors, the Lusaka Agreement provided for an international force that would disarm the rebel groups operating in the DRC. Thirdly, internal parties were urged to begin national reconciliation talks in the Inter-Congolese Dialogue (ICD) (Kadiagra, 2003:60).

In the following four years, mediation efforts to implement the Lusaka agreement occurred in various countries and institutions, including talks in Sirte, Libya by invitation of Mouamour Khadafi on 18 August 1999. Although the Lusaka process had designated former Botswana's President, Ketumile Masire, as the mediator for the ICD, Kabila declined to negotiate with the rebels. After Kabila was assassinated in January 2001, his successor, Joseph Kabila, conceded to the ICD and Masire's mediation. Masire's mediation entrenched the diplomatic practice of using elder statesmen.

Like Nyerere and Mandela, Masire nonetheless operated under circumstances where other actors became equally salient in shaping the process and outcomes. Over the course of the negotiations, Masire's tasks entailed collaborating with key actors, notably regional states, the United Nations, and Western envoys. As the host of the negotiations in Sun city, South Africa gained significant leverage with the actors and processes. The first meeting of the ICD was held in Addis Ababa, Ethiopia in October 2001 and paved the way for the Sun City talks from February 2002. The gathering brought together many representatives from the government, the political opposition, armed opposition groups, and civil society (Kadiagra, 2003:61).

The first phase of the talks ended in April 2002 with a peace deal that excluded Rwanda-supported rebels, leading into a stalemate. Thabo Mbeki, then South African President proposed parallel talks to resolve the conflict. Thabo Mbeki's mediation yielded non-aggression pacts and troop disengagement agreements between DRC, Uganda and Rwanda.

When the talks resumed in October 2002, they culminated in the signing of an All-inclusive Agreement in Pretoria in December 2002, providing for a transitional government and elections in 30 months. The Pretoria Accord facilitated final negotiations on the installation of a transitional government and finalisation of a new constitution.

The Pretoria Agreement was based on a four plus one formula, meaning that President Kabila retained his position in an interim government, and four representatives of rebel movements during the war were appointed as vice-presidents. The four vice-presidents were each charged with a commission: The Political, Defence and Security Commission was allocated to Mr. Azarias Ruberwa from the RCD; the Economic and Financial Commission was allocated to of Mr. Jean Pierre Bemba from the MLC; the Social and Cultural Commission was allocated to the political opposition and civil society under the leadership of Mr. Z'Haidi Ngoma; and lastly the Reconstruction and Development Commission was allocated to Mr. Abdoulay Ndombasi Yerodia who represented the government (Mpango 2004). This strategy was designed to give all warring factions power at a national level and, as such, ensure development of all groups within the DRC.

Between January and April 2003, the mediators formed two technical committees on the constitution and security that concluded negotiations on a transitional constitution and resolved issues of creating a national army. With the installation of a transitional government in March 2003, Masire's mandate in DRC crisis ended. By early 2004, tensions within the transitional government had come to a head, army integration was stagnating, the RCD felt Kabila was monopolizing power and little progress was being made towards elections or a real unification of the country (Strearns, 2012:20).

In 2004 and 2005, it soon became clear that some of the signatories to the peace deal, who committed all belligerents to joining the transitional government and merging their militia forces into the national army, were facing some threats in the transitional government (Stearns, 2012:16). The RCD in particular, that controlled much of the eastern DRC, saw several flaws in the implementation of the peace deal, including that, at one point, one of the strongest military forces in the entire country, had the least to gain from the political transition. Anti Tustis' resentment of other Congolese group and Ethnic antagonisms only accentuated the problem (Stearns, 2012:17).

Furthermore, one of the core components of the peace agreement was the creation of four Vice-Presidential posts in the transitional national government. While the new Vice Presidents from rebel groups intended to abandon violence, their followers realised that their position was no better than it had been before the talks and many of them returned to fighting once they realized they had nothing to gain - electing; and new leaders amongst themselves (Diercks, 2011:112). It is in this context that new rebel movements such as the CNDP (Congres National Pour la Defense du Peuple) under Laurent Nkunda (July 2006), were created in the eastern DRC .

Thus, while the Sun City negotiations appeared to have been successful, with motivated mediators, Eastern Congo was again marred by violence with heavy fighting between Government and its allied militia groups against CNDP troops. After devastating defeats between 2006 and early 2008, Kinshasa decided to try a different track. Leading Congolese politicians proposed a full-scale peace conference, involving local communities and armed groups in what was to be known as the Goma conference of January 2008 (Stearns, 2012:33). The Goma conference led to the adoption of the Amani programme in which the former Nigerian President played a decisive role as a Special UN Secretary General envoy and helped broker a peace agreement on 23 March 2009 that expedited integrating CNDP fighters into the Congolese National army.

It was on the basis of this agreement that in April 2012, former CNDP soldiers who were integrated into the National army mutinied under the name of M23; citing failure of the government to implement the 23 March 2009 Agreement. At the time of writing, M23 had already overpowered FARDC and captured Goma, the capital of Northern Kivu province. With international committee support of the Great Lakes Region (ICGLR), Ugandan President, Yoweli Museveni, has been trying to mediate the conflict between the Government of the DRC, M23 and Rwanda, the latter accused by the DRC and the UN of backing the rebel group.

The mediation framework to conflict resolution assumes that for mediation to succeed, there are leaders of conflicting parties with whom to negotiate and a small enough group that can productively negotiate with each other (Diercks, 2011:113). With 27 armed groups currently operating in the eastern part of the country this signifies an extension of the current conflict and a core problem for mediation in the DRC. Armed groups are not clearly defined and the question is who to bring to the negotiating table. The focus is now on M23 but if any group is excluded, the current mediation efforts risk being fruitless.

- **Peace building**

The prerequisite for peace building is for the conflict to end (Keating & Knight, 2004:269). Since the formal cessation of hostilities and the signing of the Pretoria agreements in 2002, the peace building process has especially been evident in the region of eastern DRC. The process includes the establishment of a transitional government, holding two consecutive elections and the integration of former armed groups into the regular army.

The early steps in peace building processes in DRC have been the UN assistance to the DRC Government in various transitional programmes, including the demobilisation, disarmament and reintegration of ex combatants. In its role in the Congo crisis, MONUSCO, previously called MONUC, deployed in DRC from 2003 and has been carrying out its work in four phases. The first phase involved deployment of military observers (MILOBs) and liaison officers (Mpangala, 2004:21).

This phase was completed by the end of 2000, and during the second phase from 2001-2002 new cease-fire lines were drawn and completed. During the third phase in 2003, the mission has been monitoring and verifying the cease-fire lines using 90 MILOB teams. The third phase has mainly been concerned with the DDRRR programme. The DDRRR (disarmament, demobilization, repatriation, resettlement and reintegration) of the armed forces in the DRC constitutes the main focus of the UN mission in DRC, as an integral part of the post-conflict reconstruction (MONUSCO, 2012).

The implementation of the DDRRR has been carried out through coordination with various governments, UN agencies and NGOs. Such NGOs include USAID, Norwegian Refugee Council (NRC), Caritas and World Vision, Life & Peace Institute, ICRC, UNHCR, OXFAM among others, as well as local NGOs, for example, Friends of Orphans. Other important aspects in peace building in the DRC include the building of democracy and ensuring socio-economic development. So far the main preoccupation has been on military aspects in order to end violent conflicts in the east of the country. After the second democratic elections and the establishment of national state machinery, the focus should be on building democracy and carrying out socio-economic development.

Furthermore, peace-building should be initiated by the communities affected by conflict rather than being imposed by external actors (International Development Committee, 2005: 48). Until the former conflict community develops the capacity to administer and uphold the peace process without any external support, the peace-building process is incomplete.

It is therefore important that peace building in eastern DRC transforms civil society an aspect almost entirely absent in peace building initiatives. The DRC needs committed and vibrant civil society organisations with a national character. In eastern DRC for instance, it is said that the civil society organisations are vibrant due to the vacuum created by weaknesses of the central state under Mobutu. But such civil society organisations are regional and often ethnic in character (Mpangala, 2004:22),

thus their contributions to peace building lack long term prospects for peace. Peace-building includes strengthening the political, socio-economic, security and the transitional justice of a post-conflict area (Adebajo & Paterson, 2009: 1). In order to understand what would be the role of NGOs, International community and other actors in addressing the root causes of DRC conflict over the long term, it is now worth discussing the concept of conflict transformation.

2.8. Conflict Transformation

This is a generic term referring to actions and processes that seek to alter the various characteristics and manifestations of conflict by addressing the root causes of a particular conflict over the long term. It aims at transforming negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of the conflict. This term refers both to the process and the completion of the process. It therefore incorporates the activities of conflict prevention and conflict resolution and goes further than conflict settlement or conflict management. It differs from conflict resolution and conflict management approaches in that it recognises "that contemporary conflicts require more than the reframing of positions and the identification of win-win outcomes. The very structure of parties and relationships may be embedded in a pattern of conflicting relationships that extend beyond the particular site of conflict. Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict" (Miall, 2004:4).

Conflict transformation approaches differ from those of conflict management or conflict resolution. Whereas conflict transformation involves transforming the relationships that support violence, conflict management approaches seek to merely manage and contain conflict, and conflict resolution approaches seek to move conflict parties away from zero-sum positions towards positive outcomes, often with the help of external actors (Miall, 2004:4)).

Following Miall's above argument, three different schools in conflict studies overlap when analysing approaches to conflict intervention and different conceptualisations of conflict:

As previously cited scholars who supports a conflict management approach suggest that violent conflict is impossible to remove and that attempting to resolve conflict is idealistic; accordingly, the best solution is to manage and restrain conflict, and sporadically, to seek compromise (Miall, 2004:5).

Scholars who propose the conflict resolution approach argue that compromise cannot be achieved based on parties' basic needs. It believes that it is possible to go beyond conflicts when parties are assisted in the examination, analysis, questioning and reframing of their positions and interests (Miall, 2004). Scholars of Conflict Transformation consider the above reframing of positions and the identification of win-win outcomes; they focus on the process of engaging with and transforming the relations, interests, discourses and structure of society that support the continuation of violent conflict (Miall, 2004:5).

A number of conflict theorists and practitioners, including John Paul Lederach (1995), advocate the pursuit of "conflict transformation," as opposed to "conflict resolution" or "conflict management." Conflict transformation is different from the other two, Lederach asserts, because it reflects a better understanding of the nature of conflict itself (see Lederach, 1998:16-17; University of Colorado, 1998:1-2). In order to distinguish between Conflict Transformation and Conflict Resolution, Lederach (2003:17) depicts their respective perspectives in the following table:

Table 3: Conflict Transformation and Resolution perspectives

	Conflict Resolution Perspective	Conflict Transformation Perspective
The key question	How do we end something undesirable?	How to end something destructive and build something desirable?
The focus	It is content-centred	It is relationship-centred
The purpose	To achieve an agreement and solution to the presenting problem creating the crisis	To promote constructive change processes inclusive of (but not limited to) immediate solutions
The development of the process	It is embedded and built around the immediacy of the relationship where the presenting problems appear	It is concerned with responding to symptoms and engaging the systems within which relationships are embedded
Time frame	The horizon is short-term	The horizon is mid- to long-term
View of conflict	It envisions the need to de-escalate conflict processes	It envisions conflict as a dynamic of ebb (conflict de-escalation to pursue constructive change) and flow (conflict escalation to pursue constructive change)

Lederach's analyses conflict as an opportunity for change and peace as a process-structure. His theories are also central to the development of conflict transformation theories in that they provide key elements of that transformation as being changes in the personal, structural, relational and cultural aspects of conflict over different time-periods (short-, mid- and long-term) and affecting different levels at different times (Lederach, 2003:17-27).

Galtung also offered a rich development of core concepts, such as the life-affirming (constructive) and life-destroying (destructive) characteristics of conflicts; the transformational processes of conflict; the link between conflicts and larger conflicts rooted in the social and economic structure, etc. (Miall, 2004). Curle outlined the way in which asymmetric relations can be transformed, shifting from unequal to equal relations through a process of conscientisation, confrontation, negotiation and

development (Miall, 2004). However, the scope of conflict transformation theories needs to be extended to the factors that intensify conflict (i.e. root causes, triggers, escalators, deformers) or contain it (i.e. preventers, de-escalators, transformers, peace builders) (Mbalamya, 2012:86) specifically at different levels leading to different types of conflict transformation:

Context transformation implies the changes in the context or environment of conflict; it focuses on contextual/environmental elements that may bring about fundamental changes in each party's insights of the conflict situation, as well as their motivations (Miall, 2004). For example, in the DRC, initiatives and programmes led by NGOs, including Life & Peace Institute, Osfam, and USaid are attempting to change the environment or contextual factors that provoke ethnic conflict in the Kivus and Ituri in eastern DRC.

Structural transformation leads to changes in the structure of the conflict in that it transforms the position of actors, their interests, incompatible goals and relationships, or the society, economy or state within which the conflict is rooted (Miall, 2004). For instance, in order to transform conflicts between parties whose power, strategy or tactics differ significantly (asymmetric conflicts), it would be central to modify the unbalanced and contested relationships that lie at their root. For instance in the DRC context, failure to address the economic interests of each actor attempts at conflict transformation across the region have been unsuccessful. The actors (both local and external) and their motives will be analysed further in chapter five.

Issues transformation tries to re-link or de-link issues; to transcend contested issues or to change them. In other words, it aims at reformulating parties' positions on main issues at the heart of the conflict and their way of redefining or reframing those positions in order to reach solutions. It is worth mentioning that such transformation or progress is often devastatingly slow and painfully subject to reverses. Besides, the evaluation of what counts as progress is itself controversial (Miall, 2004).

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Actors' transformation entails changes in actors' goals or a broad spectrum of approaches to conflict. Central here is to bring parties together to make decisions toward peace or to initiate a peace process. Attention is paid also to alteration of leadership, the situation of public constituencies and sponsors of the respective political leaders (Miall, 2004).

Personal change targets the heart, mind, will or perspectives; it concerns, individually or collectively, leaders who have the power to decide (Curle, 1987; Mitchell, 2000,).   In addition, Lederach suggests ways in which conflict transformational approaches highlighted above can be used by practitioners to create spaces and processes that give confidence to conflicting parties to tackle and express constructive identity in relationship to others, rather than developing destructive identity that pushes them to react negatively to others.

First of all, Lederach argues, practitioners must focus on signs (language, symbols, and expressions) that reveal frustrations in identity and their acknowledgement as issues. Secondly, it is important to openly face identity issues, not to escape them because generating solutions to immediate problems is not enough. Thirdly, guided by truthfulness, iterative (i.e. repeating and cumulative) learning, and suitable exchange, it is important to promote dialogue by designing transformational processes as dynamic proposals that create repeating patterns of exchange and exploration rather than producing immediate negotiated solutions (Lederach, 2003). It is also imperative to be attentive to people's perceptions of how identity is connected to power and the definition of the systems and structures that organize and govern their relationships.

Conflict transformation in eastern DRC involves different actors ranging from states and inter-governmental organisations, developmental and humanitarian organisations, international NGOs concerned with conflict prevention and transformation as well as parties to the conflict and other relevant groups within Congolese societies. However, the most influential actor in conflict transformation processes seems to be the UN system with its peacekeeping, peacemaking or

peace building practices, which deals with the conflicting parties most directly even though the impact of such transformation has been minimal (Mbalamya, 2012:97). Development and humanitarian organisations, international, national and local NGOs, churches, etc., have been very influential in conflict transformation processes as well. Such organisations mainly target development programmes and conflict transformation towards peace building.

One of these organisations, Life & Peace Institute, a respondent to this study and its partners, try to delve deeper to understand the roots causes of conflict. They also collaborate directly with people both within and outside the conflicting parties. They search for opportunities to gather people for dialogue; support local or national conferences and workshops in order to generate options and pathways towards peace; identify opportunities for growth; and engage in efforts to build peace, relationships and institutions over the longer term.

Even if the roles of such organisations are crucial in conflict transformation, they usually consider their roles as primarily to support and encourage the work of others, including the DRC government rather than to take major responsibility for transforming its conflict. However, the DRC government is not sufficiently active in the practice of transformational mechanisms and approaches to coordinate and harmonise such efforts; which hampers the efforts of other actors.

2.9. Conclusion

This chapter defined central concepts such as conflict, war and civil war, conflict management, conflict transformation, peace building and discussed the particular characteristics and causes of intractable conflicts. It also presented various theoretical debates on the causes of armed conflict in Africa in general, and in the DRC in particular.

The conclusion is that there is a wide variety of factors which may contribute to the outbreak of protracted conflicts. These factors are often interlinked, making it difficult to distinguish absolute causes and determine causal relationships. It however

appears clear that while grievances rooted in issues such as poverty, inequality and identity; where ethnic identities began to become polarised and linked to conflict are underlying causes of social and political conflict in many cases, economic factors are at the forefront of the DRC conflict, and they have impacted the intractability of the DRC conflict significantly. The next chapter will discuss the post-conflict reconstruction (PCR) and peace building efforts that have been undertaken in the DRC since the outbreak of the war in 1998. With this in mind, it will analyse the Pretoria Agreement, discussing the objectives of the document and whether or not the objectives of this agreement have been met. Furthermore, it will discuss the role of the AU/NEPAD post-conflict reconstruction (PCR) framework in the DRC.

CHAPTER 3: POST-CONFLICT RECONSTRUCTION IN THE DEMOCRATIC REPUBLIC OF CONGO

3.0. Introduction

In chapter two there was an analysis of the theoretical foundations of the conflict including its nature and dynamics. It also explored various conflict management techniques that have been used in the DRC conflict and highlighted some challenges to peace building. This chapter explores the post-conflict reconstruction (PCR) and peace building efforts that have been undertaken to implement the Pretoria Agreement of 2002. In doing so, this chapter will illuminate major achievements of the Pretoria Agreements, its shortcomings and why such Agreement failed to produce lasting peace.

This chapter will first analyse the Pretoria Agreement, discussing the objectives of the document and whether or they have been met. The role of the AU/NEPAD post-conflict reconstruction (PCR) framework in the DRC case is also discussed. The analysis will identify the strengths and weaknesses in current PCR strategies proposed for the DRC with the objective of assisting future conflict prevention strategies in DRC and in Africa as a whole. The security sector reform (SSR), as an important component of post-conflict reconstruction strategies, one of the key pillars of the Pretoria agreement is also discussed.

3.1. Conflict Escalation: Conflict Building up to 2002

Since the outbreak of war in DRC in 1997, various undertakings have been made to bring about peace, including the signing of the Pretoria Agreement in 2002. This agreement made provisions of the formal withdrawal of foreign troops and the formation of a transitional government. However, the situation remained volatile in the eastern part of the country, especially in the provinces of North and South Kivu. At the time of writing this thesis, new fighting has erupted between the regular army and rebel groups.

As mentioned in the introduction, there are two main events that occurred during the 1990s that are believed to have ignited the civil conflict in the country. The Rwandan genocide, which occurred in 1994, had massive spillover effects on the DRC. Many Hutu Rwandans fled from Rwanda to the DRC after the genocide, fearing retaliation from persecuted Tutsi groups (Guenther 2008: 352).

The second major event or chain of events believed to have caused civil strife is the manner in which Laurent Kabila came to power in 1997. Movements in Eastern DRC formed a single force and took over most of the country. Kabila financed this rebellion primarily through gold smuggling (Guenther 2008: 352). The military effort also enlisted the aid of Ugandan and Rwandan troops (Todd 2006). When Kabila attempted to decrease dependency on Uganda and Rwanda by 1998, forces from the respective countries started supporting rebel groups in eastern DRC (Nibishaka, 2011:3).

The Ugandan border with the DRC and much of the Eastern region of the DRC is particularly rich in minerals. During the 1990s the rebel groups from neighboring states exploited the instability in the country. There is an estimated 40 tons of gold (equivalent to $1.4 billion) smuggled of the DRC annually via Uganda and Burundi destined for states such as the United Arab Emirates (Wadhams 2009).

Nkuruniziza (2008: 1) defines civil war as "an internal violent conflict between a sitting government and a rebel organisation where at least 1000 people are killed in combat related violence, with at least five percent of the casualties incurred on each side". The DRC conflict of 1990s is often considered as a civil war that is believed to have cost 5,4 million lives (Global Witness, 2012:1). These figures clearly indicated that the DRC is in a civil war situation. Much of this civil strife has been centered on the rich natural resources the DRC has to offer. Much of the conflict occurring in North and South Kivu has to do with gaining and maintaining resource wealth which has severe implications for economic development and subsequently, political stability.

3.1.1. Reliance on Natural Resources

Elbawadi and Sabanis identify three major causes of civil war in Africa: Firstly, the high dependence on natural resources; secondly, low levels of education; and thirdly the poor level of governance (Nkuruniziza 2008: 10).

The economy of the DRC is characterized by a reliance on raw materials with very little diversification of goods produced and exported. The DRC's main exports are cobalt, copper, crude oil and diamonds, and the domestic GDP is derived largely from agriculture, forestry and mining (EIU 2010: 6). These problems are certainly compounded by a lack of organisation, infrastructure and management.

Mobutu and Kabilas (Laurent Kabila and Joseph Kabila) both gained political power through military force (Todd 2006), and like other states which have endured military coups, there was a very unsurprising increase in the amount of state resources allocated to the military (Thomson 2004: 131). The financing of the war in the DRC is accomplished using varying techniques depending on the circumstances and the actors involved in a particular transaction. As will be evidenced in chapter four of this thesis, it is possible to purchase arms through direct payments, but what often occurs in the DRC is a barter type of transaction. Arms are given to a party in return for mining concessions, for example (UN report 2001).

The quick deals in arms for diamonds and other minerals have a severe and crippling effect on the long-term economic growth of the DRC. The resources accrued from the sale of minerals are diverted immediately into the military budget, which means that there is insufficient tax revenue to support post-conflict socio-economic growth strategies (UN report 2001). An estimated two to three thirds of the revenue from the 'Societeminiere de Bakwanga' and 'Generale des carriers et des mines' go directly into financing the salaries and bonuses of soldiers (UN report 2001).

This increase in military spending was done to the detriment of social spending, for instance, education, health care and infrastructure. The decline in service delivery in

these sectors has a knock-on effect that further compounds the problems that created the tensions in the first place.

This practice of centralisation has had negative implications on the formation of a healthy and progressive political system. Centralized states have, for instance, sought to 'neutralize' political opposition. The one-party state then seeks to manipulate the power within the state, the executive by-passing peripheral institutions such as parliaments, local government and judicial restraints in order to best serve the party elite (Thomson 2004 :102).

Countries that come out of a civil war are often faced with seemingly insurmountable challenges, and the longer the civil war, the worse the damage tends to be in terms of socio-economic development. In the case of the DRC, the country has inherited a ravaged economy with depleted physical and human capital. The diversion of resources which should have accrued to the state have been diverted into 'non-productive activities' (Nkuruniziza 2008: 9), and the situation in the Eastern part of the country is far from over. The conflict, now centred in the east of the country, involves a range of militant groups - local militias, Congolese and Rwandan rebels, and the Congolese army - that use control over the country's rich mineral deposits as a source of finance (BSR, 2010:1). Therefore, the civil war has transformed into a resource conflict. Nevertheless, fighting continued throughout the transitional period (2003 to 2006) and in the years following historic national elections in 2006 and in 2011; as some of armed groups diverted from their original objectives through a combination of corruption and political and economic opportunism. Finding it relatively easy to seize territory by means of violence, they attempted to replace or commandeer state structures and reap the benefits of the mineral wealth which they found in the areas under their control. As the profits from this trade became increasingly important to their survival, some of the armed groups switched their attention and resources to further developing these activities. In some instances, the financial profits from the mineral trade or from the "taxes" they extorted from the local population became so attractive that this economic agenda seemed to supersede

political or ethnic grievances as the primary motivation for the conflict (Global Witnesses 2009:5).

Armed groups in eastern DRC come and go, alliances form and unravel, and different groups have split along ethnic, political or regional lines. But some have remained more or less constant, posing continued threats to security and a pretext for their opponents to continue fighting. Among these RCD-ML, Mai-Mai, MLC, UPC, RCD National, PUSIC and Pareco and some non-Congolese groups such as LRA FDLR and FNL. Their structures, interconnections to the supply chain of minerals will be detailed in chapter four.

3.1.2. The Impact of years of resource based conflict

This study strongly emphasizes the point that PCR strategies need to adopt a holistic approach. Although this dissertation focuses on the impact of natural resources on the PCR process in the DRC, it would be impossible to fully understand the magnitude of issues surrounding the PCR process in DRC without looking at the full context of the political system of post war DRC because any economy needs a stable political environment and a good level of human capital to function. Security and weak political institutions have stunted development in all areas of the DRC. This section will therefore briefly describe the context of DRC and its developmental shortfalls before examining whether or not (or rather where) the Pretoria Agreement failed.

3.1.2.1. Political Aspects

The DRC's weak political institutions have serious implications for economic growth and sustainable development (Nibishaka, 2011:4) as well as lasting security expectations in the east. Often the massive wealth generated from the export of natural resources is accumulated by the group in power and distributed among party loyalists in a bid to maintain control of political and economic power. "This political weakness at the centre has allowed military conflicts to fester on the periphery" (International Crisis Group, 2005). This has created tension from marginalized groups who have not benefited, as they ought to have from the natural resource wealth of the country.

Yartey asserts, "Weak institutions and corruption along with primary commodity dependence are correlated with civil war in Africa" (cited in Guenther 2008: 349). Due to the fact that both Kabila regimes as well as the Mobutu regime all benefited personally and within their elite groupings from resource exploitation, no serious attempt has been made to reform institutions.

3.1.2.2. Economic Aspects

African states have a strong reliance on natural resources. The interesting point made by Guenther is that minerals are linked not only to the onset of conflict but also to the duration of conflict (Guenther 2008: 354). This has been the case in the DRC for decades. Laurent Kabila came into power financed through the gold smuggling market. Rebel groups since then have also used minerals to fund their battles. The mineral rich Eastern region of the DRC is rife with rebel groups from the DRC as well as neighboring states.

Population growth has led to an increase in subsistence and commercial agriculture. If resources are not properly managed this can become a major problem. Whether farming or livestock are kept on subsistence or commercial scale, there is no denying that land and water are an integral part of the livelihoods of the majority of African populations. In the DRC this topic has been neglected due to the fact that the country is always touted as being fertile and having abundant resources, but in reality, the displacement of millions of people as a consequence of conflict results in overcrowding in certain areas.

3.1.2.3. Social Aspects

There has been an incredible increase in population not accompanied by equal growth in social development. This has resulted in huge numbers of people with no access to education, health care and, in many cases, food (UN HDI 2010). This has lowered the opportunity cost of getting involved in conflict. Youth in many parts of Africa feel that they have nothing to lose by joining some form of rebel group or militia – some sense of power is better than none at all.

The human costs of conflict also include famines, death, malnutrition and displacement – to name a few (Guenther 2008: 354). The displacement of millions of people during conflict results in overcrowding in areas assumed to be safer. This is often not true, as groups of local inhabitants and refugees or displaced persons are left competing for resources. If conflict is sustained over a prolonged period of time, over-grazing, deforestation and water pollution all become bones of contention leading to more conflict.

3.2. The 2002 Pretoria Agreement

Collier and Hoeffler argue that the fact that a state has endured a civil war at some point in the past increases its probability of future civil wars (cited in Nkuruniziza 2008: 10). To avoid the possible regression to a situation of civil war it was essential that the Pretoria Agreement dealt with the root causes of the DRC conflict.

The year 2002 was fairly eventful as far as peace agreements go for the DRC. From the brief overview of the conflict it is evident that instability in the country has a complex network of causes. Although the DRC is not at war with Rwanda, Burundi or Uganda, there are many groups from these states implicated in the DRC conflict. In July 2002 the presidents of the DRC and Rwanda signed a peace deal in which the Rwandans agreed to withdraw their troops, and, in return, the Congolese agreed to arrest armed Hutu rebels believed to be part of the 1994 Rwandan genocide (BBC 2010). In September 2002, another peace deal was signed, this time between the DRC and Uganda. The Ugandan government also agreed to pull back its forces from the DRC (BBC 2010). These agreements were viewed as positive steps towards regional peace.

Eventually, on 17 December 2002, the DRC government signed a peace agreement with the main rebel groups within the country. The peace agreement was also signed in Pretoria, South Africa. The primary objectives of the 2002 Pretoria Agreement were: the adoption of a cease-fire; the creation of a unified army; ending the

intervention of foreign forces; the organisation of free and fair elections; and respect for human rights (IFHR 2008: 5).

The Pretoria Agreement was based on a four plus one formula, meaning that President Kabila retained his position in an interim government, and four representatives of rebel movements during the war were appointed as vice-presidents. The four vice-presidents were each charged with a commission: The Political, Defence and Security Commission was allocated to Mr. Azarias Ruberwa from the RCD; the Economic and Financial Commission was allocated to of Mr. Jean Pierre Bemba from the MLC; the Social and Cultural Commission was allocated to the political opposition and civil society under the leadership of Mr. Z'Haidi Ngoma; and lastly the Reconstruction and Development Commission was allocated to Mr. Abdoulay Ndombasi Yerodia who represented the government (Mpango 2004). This strategy was designed to give all warring factions power at a national level and therefore ensure development of all groups within the DRC.

Congolese Ambassador, Juma-Alfani Mpango, notes that the primary aims that the government expressed for the DRC during the period of transition were: the reunification of the country; the restoration of the national economic tissue which was to a large extent destroyed by the war; the creation of a legal framework for securing the investments; reduction of poverty; organisation, within 2 years, of free, democratic and transparent elections at all levels (Mpango, 2004:2).

3.2.1. Measuring the Success of the Pretoria Agreement

Almost ten years after the Pretoria Agreement not much seems to have improved in Eastern DRC. This section explores the impacts of resource wealth and conflict in the DRC, political, economic and social aspects as well as the shortfalls of this agreement with regard to these aspects.

3.2.1.1. Political Developments post-2002

One of the core problems facing post-conflict reconstruction in the DRC is the quality of peace agreements and the implementation thereof. Sadiki Koko phrases this

problem aptly: "parties to African conflicts themselves hardly agree to talk and solve their differences. In most cases, the facilitation teams find themselves not only dictating the terms of negotiation to parties, but also 'imposing' the outcome, with or without clear agreement between them. This situation partly explains why African peace processes fail to address the core issues of the conflict, that is, the root causes, and simply fail in many cases" (Koko, 2007).

The first step of the agreement was the adoption of a truce, followed by the disarmament of rebel groups and the creation of a unified national army, a process known as the Security Sector Reform (SSR). Although this step is necessary in order to create a stable environment for economic growth, this component is still entirely ambiguous even unrealistic, if the goals of the various rebel groups in the DRC are considered. There remain a substantial number of Rwandan and Burundian Hutu forces which pose a danger to any security sector reform of Congolese groups predominantly in North and South Kivu. The other major factor, also related to the lack of government support, is that banditry is rife and there is no alternative means of protection. The peace agreement did not take into consideration the reason why groups on the ground feel they need arms. Laurent Nkunda's rebel forces for example still deem it necessary to protect Tutsis in the area from Hutu militias (IFHR 2008).

The Pretoria Agreement was based on a one plus four model which was presumably to give all parties representation at a national level and thus create a system where compromise achieves a democratic consensus on development. Koko's gripe with the PCR system seems valid in the case of the DRC, as Lilly notes that the one-plus-four formula is considered to have been unsuccessful as all of the leaders were uncompromising which led to fiefdoms (Lilly 2005: 371).

Each party has been concerned with ensuring that their respective parties get a piece of the wealth rather than focusing on how to develop the country as a whole.

3.2.1.2. Economic Developments post-2002

The DRC has had a positive actual GDP growth rate over the past few years: In 2005 the actual GDP growth 6.5% which remained fairly constant until it dropped dramatically to 2.7% in 2009 (The Economist 2010). This positive growth rate seems to be indicative of a thriving new developmental economy. A closer look at this economic growth does however suggest that the growth seen is not necessarily stable. The DRC's exports comprise: 38.3% cobalt; 35.4 copper; 11.9% crude oil; and 10.7% diamonds (The Economist 2010). These statistics illuminate the fact that the DRC's economic growth is heavily reliant on the country's rich mineral deposits. The fact that the DRC's economy remains as reliant on natural resources as it was a decade ago begs the question whether the government has taken the goal of poverty reduction – as stated in the Pretoria Agreement – very seriously.

Collier notes that although there are many causes of civil strife ranging from ethnic polarisation to religious factionalism, "the intensity and duration of civil conflict is influenced primarily by the ability to finance conflict through natural resource exploitation (Guenther 2008: 348). The government has been unable to clamp down on rebel groups in the eastern regions of the country who are sustaining warfare through illegal resource exploitation. A point also worth considering is the fact that the government has not made any substantial effort to provide these groups with an alternative source of income and security.

3.2.1.3. Social Developments post-2002

The United Nations Human Development Index (UN HDI) measures the level of human development, which is useful here to examine whether or not any of the economic growth seen has been translated into positive developments for the Congolese people.

The first dimension measured in the HDI is whether people live long and healthy lives. The index shows that the average life expectancy in the DRC is 47.6 years. This low average life expectancy is indicative of the years of conflict, many dying directly from conflict or its indirect effects such as malnutrition and disease. The

second dimension measured in the index is whether people are educated. The average adult literacy rate is 67.2%, which is not a particularly good score, but what is more alarming is that the gross enrollment into schools is 48.2%. This is not a positive trend as a low enrollment could lead to a drop in literacy rates. The last dimension examined by the HDI is the GDP PPP. The GDP PPP in the DRC is 298 indicates a relatively poor standard of living in the country (UN HDI 2010). This also serves as proof that the wealth which is found in the country has not been equally distributed amongst the people.

The conflict in the DRC, as previously mentioned, has displaced millions of people. In 2009 a joint DRC-Rwanda military operation to dismantle the FDLR troops in North Kivu and later in South Kivu led to a new set of displaced persons. Approximately 2 million people are thought to be internally displaced in the DRC. Although cooperation between Rwanda and the DRC to curb rebel conflict is a positive step, again it is necessary to emphasise the enormous impact these displacements have on social development. Many of those who have been able to return home are cut off from services and economic opportunities (Refugees International 2010:1).

3.3. Strengths and weaknesses of the AU/NEPAD framework
The AU/NEPAD framework identifies a natural relationship between peace, security and development. This is a positive outlook on conflict as it assumes that sustainable development can only be a holistic process. For the DRC, this seems to be all talk and no results.

The impact of regional instability on the conflict has been discussed in the overview of the conflict, but the provision made for this serious issue in the AU/NEPAD framework has been grossly neglected. The framework recognises that conflicts in Africa are interlinked and that the states involved should cooperate to end hostilities. The framework states "Country specific post-conflict reconstruction systems need to seek synergy with neighboring systems to ensure coherence across regional conflict systems" (NEPAD 2005: 17). This serves to point out the obvious; state that

something should be done, but ultimately offers no specific direction on how this will come about.

The issue of gender is not discussed sufficiently or comprehensively. If the framework does not sufficiently deal with gender issues it is essentially side-lining half of the African population. Gender is of particular importance in socio-economic development.

The framework discusses 'ownership' of peace processes as an important aspect of overcoming conflict, and yet the document does not provide for a clear institutional interface for civil society to discuss issues, beyond various forums. The framework does not explain how civil society will work with the AU/NEPAD to coordinate PCR efforts on the ground (Murithi, n.d). The AU/NEPAD framework has adopted a three-phase strategy of PCR, which means that development issues are not dealt with for years while the country grapples with security issues and creating stability. Peace and development would be no easy task in an unstable environment even though the social and economic dimensions of PCR include re-establishing the functional components of society, including restoring internal security, as well as the reintegration of uprooted populations, and disarming, demobilising and reintegrating former combatants (DDR).

It is therefore becoming widely recognised that sustained security can only be assured if there is democratic control of the security institutions – which, in the broadest sense, includes democratic control of the military, the police and intelligence services. If any or all of these devices are excluded from Post-conflict Reconstruction Strategies, the risk remains that the use of such components may be exercised arbitrarily by one or more groups within society, risking a return to insecurity and conflict as is the case in the eastern part of DRC. The following section looks at the Security Sector Reform (SSR) in DRC in general and its impact on the ongoing conflict in the eastern part of the country.

3.3.1. Security Sector Reform in DRC from 2002

As mentioned, the security sector of the DRC has been completely depleted and destroyed by years of mismanagement, corruption and civil wars. At the end of Mobutu's reign, the members of the military, the police as well as intelligence services ceased to be operational. Their members were unpaid, unfit and ill equipped (Breckman, 1999:51). In addition, corruption was rampant within the security forces and officers, including those in the intelligence services had become involved in illegal activities, such as importing counterfeit bank notes and smuggling timber, gold and diamonds out of the country (Kodi, 2008:15) Also, officers within the military and police forces regularly embezzled the salaries of their soldiers without being held accountable.

The two wars that beset the country from 1996 to 2002 completed the depletion and disintegration of security forces. During the wars, former members of the military, police and intelligence services joined the various rebel groups and militias according to their political and ethnic affiliations and stopped receiving orders from their hierarchy (Melmot, 2009:1

At the end of the civil war in 2003, the transitional government in Kinshasa embarked on a plan to reconstruct the security sector. Initially, priority was given to the reconstruction of the military and the national police.

From 2003, the transitional government embarked on the creation of a new military called *Forces Armees de la Republique Democratique du Congo* (FARDC), which brought together combatants from all the rebel groups as well as those of the former government military. In a bid to establish a single chain of command within the military, the transitional government adopted a policy of "brassage", in which new brigades were formed of soldiers from each of the main groups, who underwent basic training for a couple of months(ISS, 2008). During the same period, the transitional government, with the help of the international community, initiated a DDR process aimed at demobilizing and reintegrating former combatants into society.

Despite the above initiatives, frankly the efforts aimed at rebuilding the Congolese military have been disappointing. Actually, FARDC are embedded in inextricable challenges of all kinds. To start with, the exact number of Congolese soldiers is still not known given the continuous integration of former combatants into the military, as well as the massive desertion of soldiers (UN, 2008). Moreover, the structure of FARDC is top heavy as more than half of the total number of military personnel is senior and junior ranked officers. More concerning is that most of these officers are either unfit or uneducated (Ministry of Defence, 2008).

In addition, the cohesion within FARDC remains poor as soldiers are still divided along ethnic lines. Furthermore, the chain of command within FARDC is confusing not only because military commanders are either unable or unwilling to control their troops, but because of the confusion over the leadership of the brigades within the military hierarchy. Additionally, as a direct consequence of the embezzlement of their salaries by military commanders, Congolese soldiers are unpaid and live in very poor conditions (i.e. few and proper military barracks) (Human Rights Watch, 2009:10)

As a result of the above assertions, it is therefore not surprising that the individual and institutional discipline of the Congolese military is very low. As a matter of fact, FARDC soldiers have been involved in the commission of serious crimes in the DRC, especially in the east of the country where the military is massively deployed. At the time of writing, the former CNDP commander, previously integrated into the national army has again defected and fighting resumed between his group and the regular army.

Finally, because of the rapid integration of thousands of former rebel combatants into FARDC in early 2009, the longstanding problems of discipline, command, control and pay have been exacerbated culminating in wholesale crimes committed by Congolese soldiers on civilians.

Concerning the Congolese national police, at the onset of the transition period, the transitional government, with the support of donors, embarked on a process aimed at

creating a republican and professional national police force. Initially, the objective was to create a special unit called *police d'intervention rapide* capable of securing the elections. Therefore, the newly formed special unit were composed of combatants from all the former rebel groups as well as from the former government's police who received training in law enforcements from various countries including Angola, Belgium France and South Africa. After the elections, focus shifted to the conceptualisation and implementation of a comprehensive reform of the *Police Nationale Congolaise* (PNC).

Nevertheless, as is the case with the FARDC, the reform of the Congolese national police has been disappointing. This outcome is not only the result of the slow pace of the reform, but also the consequence of donor strategies that limited the training of special unit members to law enforcement techniques while ignoring the more important skills such as investigation techniques and human rights awareness.

As an after effect to the above picture, the PNC still lacks adequate facilities and mobility. Its members remain poorly trained, equipped and paid. In the DRC, the intelligence sector comprises a variety of agencies such as the *Agence Nationale de Renseignements* (ANR), the *Direction Generale des Services Speciaux de la Police* (DRGS) and the military intelligence formerly known under its French acronym DEMIAP. According to the Congolese law, the ANR is the civilian intelligence arm in charge of national and external security and operates under the direct authority of the president, while the DRGS is a specialised police unit involved in intelligence that operates under the authority of the ministry of interior. However, according to the UN peacekeeping mission in the DRC MONUSCO, the DRGS is a highly political unit controlled by the presidency. It should be reported that it is difficult to get data and information about their activities. Since the Mobutu regime, secrecy is the norm in this field. Several unsuccessful attempts were made to try to obtain information for "raison d'Etat".

However, it is well-known that the security service members are often involved in gross human rights abuses, especially against political opponents and CSO's

activists (Human Right Watch, 2008). In addition, members of the intelligence are often held unaccountable for their actions and are protected by the president or his associates (Human Right Watch, 2008). Actually, judges interviewed by the Federation Internationale des Ligues des Droits de l'Homme (FIDH) claimed that the judiciary does not have any control over ANR and DRGS activities (Federation International de Droit de l'Homme, 2009). Finally, little progress has been made to reform the justice and penal systems. As the disintegration of the Congolese state did not spare any sectors of the security system, it is therefore not surprising that the status of the judiciary in the DRC is appalling. The justice sector in the DRC is faced with many challenges such as limited access to justice, prevalent corruption, a shortage of adequate infrastructure, out-dated laws and the dependence of the judiciary on the executive. Given the above, it is therefore not surprising that justice in the DRC often lies with those who possess power and money.

The penal system is equally abysmal. As a matter of fact, its challenges include insufficient food for prisoners, absence of health care, outdated prison laws and regulations and severe shortcomings in term of infrastructures and budgeting (UNSC, 2008)

3.3.1.1. Defence Sector: Military

As noted in the introduction, the Global and Inclusive Agreement signed in December 2002 which put an end to the war of four years in the DRC identified Security Sector Reform (SSR) as one of the priorities for political transition followed by the organisation of elections. The SSR was designed to form a new unified national army based on the mixing and integration of former belligerent signatories to the Comprehensive Peace Agreement. The challenge was considerable against a background where all the state structures had imploded and the country was divided into three parts under the control of rebel movements besides the many militias scattered around the country. Given the mandate of the transition, the reform focused on the army and police. So between 2003 and 2006, a legal and regulatory framework of SSR was set up as well as structures for implementation, the military Structure of incorporation and CONADER (National Commission for Disarmament,

Demobilization and Reintegration)(MONUSCO, 2012). When looking at the SSR process in the DRC it is interesting to recognise the key challenges that were identified since January 2003:

The definition of a national strategic plan determining the role, structure and size of the defence forces; regularly payment of salaries; screening and rationalising of personnel; adequate reintegration programmes; closing the resource gap (equipment, communication and infrastructure).

In December 2003, the Congolese government assisted by Belgium conducted a workshop on SSR which was the initial SSR effort in DRC and focused specifically on the reform of the defence force. It was decided to put in place 19 territorial brigades, a Rapid Reaction Force with the size of two to three brigades and main defence forces of two to three divisions. The principal idea was to have the structures in place in 2005 in order to protect the elections. However, this process has not been completed (MONUSCO, 2012).

Throughout the SSR process the international community supported the DRC in many ways. One of the programmes focused on the payment of salaries to soldiers. Yet, it was useless as the exact number of soldiers remained unknown (existence of ghost soldiers) and a considerable part of the payment did not reach the troops. It was not until the EU set up EUSEC that small salaries started to be paid to the troops. A second effort supported by the international community was the "brassage" process. This regulated the entry of the former combatants in the armed forces, ensuring a certain mix between the different armed groups. On the eve of general elections, fifteen of the envisaged 18 brigades had been formed and unified with the support of the UN through MONUC (now MONUSCO), the EU, and bilateral partners including South Africa, Angola, Belgium and France (MONUSCO, 2012). To date, eighteen brigades have been mixed *"brassés"* and integrated, but it should be noted that this training lasted 45 days, vastly inadequate to develop any professional army.

While there was bilateral follow-up training for these forces, none of the brigades have been properly re-trained. In addition, over 100.000 troops have not been assimilated into the "brassage" process (MONUSCO, 2012). Moreover, the national army is incapable of defending the country, or capable of keeping the peace in the eastern provinces. In addition, the FARDC is widely considered as a menace to the population and an additional factor of instability, especially in the east, where it is widely deployed. Thus, to date, the process has generally been considered as unsuccessful.

What is the status of army reform?

Since the Transitional Government, and increasingly since the elections, the government has also been particularly resistant to any perceived intrusions into its sovereignty, especially in the field of security. The EU – such as EUSEC – is criticised for insisting on a reform-based agenda, including in the field of human rights. The lack of an overall vision and doctrine is another serious challenge to consistent and coherent SSR, particularly of the army. In 2007, the Congolese convened the Security Sector Roundtable, bringing together Congolese and international stakeholders on SSR (MUNUSCO, 2012). Originally only army and police reform were tabled, but justice system reform was added in February 2008. The roundtable is a welcome development from the previous Security Sector Contact Group, which was led by the international community and met outside the DRC. With the Roundtable, the Congolese authorities can take their rightful place at the helm of the reform process. However, participants are disappointed that the Roundtable has not yet addressed an overarching vision for reform.

The government is clearly pursuing an approach based on bilateral exchanges rather than on well-developed coordination between the different players and the DRC government.

The reform, which is led by the UN and the European Union, was set up in 2005 around a "governance compact" that envisages the integration of the military, the demobilisation of militias, the reform of the chain of payment in the army, the

restoration of discipline, the democratic control of the police and on the army, and the independence of the judiciary. But reforms have come at an extremely slow pace. So, while the government of the DRC and the FARDC have spelled out clearly what they want to achieve, little progress has been made so far. In 2003 a decision was taken to draft a white paper – this never materialised. One of the main reasons that the process in the DRC has not yet been completed is due to political constraints. In fact, some units such as the *"Garde Républicaine"* have not yet entered the "brassage" process, while some armed groups, such as the LRA and FDLR, continue to pose a security risk.

In July 2007, the DRC hosted a meeting of the SSR Contact Group in Kinshasa. The Minister of Defence's 'Defence Reform Master Plan' was unveiled, which centres on four pillars: *creating a defence force able to ensure the security and defence of the territory; realising an ideal of excellence by restoring discipline and promoting positive values through continuous learning programmes; constructing an army that contributes to the reconstruction of the country and the consolidation of peace; and one able to support its own food needs. (Onana, 2008)*

This approach implies the simultaneous development of three force components: The first, (to be realized between 2008-2012), is the territorial forces or *forces decouverture*, which will be created in the short-term through the completion of DDR/integration and involves rehabilitating and rebuilding key infrastructure such as roads, schools and hospitals.

The second is the creation of a Rapid Reaction Force (2008-2010) capable of defending the national territory, ensuring general security of the country and replacing MONUC at the end of the latter's mandate. This force should be well trained, well equipped and professional with strong command and control capacities. The creation of the Rapid Reaction Force will be accompanied by the reorganisation and the restructuring of the army headquarters.

The third will be the constitution of the overall Main Defence Forces (by 2015), able to secure the perimeters of the country.

In February 2009, to show the government's commitment, the new minister of defence issued a revised Defence Reform Master Plan. The new development in the revised plan is that it foresaw a total of 145 000 troops and aimed to complete the implementation of major reform elements by 2011(UNSC, 2008). However, in a recent study, Sebastian Melmot shows that since the end of transition in 2006, few improvements have taken place in the Congolese SSR. For him, Congolese SSR is an imported policy which has met stiff resistance and faces constraints stemming from national and international power struggles (Melmot, 2009:18). He noted five factors that illustrate obstacles and other voluntary "oversights".

- **The Congolese SSR is incomplete and unbalanced.**

It is partial because the civil and military intelligence and the authorities responsible for border controls, two important areas of security, are not concerned.

- **Lack of coordination / inter-ministerial cooperation**

While many issues involve different institutional interests, in the absence of a person responsible of ensuring political arbitration of high level, it is very difficult to promote an integrated approach to SSR. It is de facto impossible to address issues that require a strong coordination such as military justice, the democratic control of security forces, border control, small arms, etc.

- **Strong competition between donors and international institutions**.

One of the challenges of this practice is the willingness of stakeholders to exercise influence on the Congolese authorities, or directly on the security forces. Despite the motto of coordination in the DRC, military cooperation and, to a lesser extent the police, is a particularly competitive market. This competition is due to the presence in Kinshasa of all major donors and the preference of the Congolese authorities to bilateralism. For example, the question of leadership of the international support for

the RSS has never been settled between the UN and the EU. The institutional interests in the new policy are very strong. For the UN it is a means justification for portions of its mandate to maintain peace, while for the EU it is the affirmation and consolidation of the European Security and Defence Policy (ESDP).

- **Problems arising from the functional articulation between DDR and the RSS program**

Integration in the army and police of militias' leaders and part of their troops has been problematic.

3.3.1.2. The financial dimension of the SSR

To date, the cost of reconstruction of the army or police, or even the SSR is taboo subjects for donors. The roundtable on SSR on the February 2008 RSS did not adopt a holistic approach to reform which included the defence, justice and Interior departments.

Finally, the DRC faces many challenges, including the humanitarian crisis in the past, the war between the FARDC and rebel movements, the presence of foreign armed groups, including FDLR and the Lord Resistant Army (LRA), the fight against illegal exploitation of natural resources, the implementation of the Act of commitment (process Amani) and the agreement of Nairobi (between the DRC and Rwanda), not to mention the efforts of the elected government to implement its development projects. These challenges cannot be addressed if progress is not made in the area of SSR and should not only be considered as technical and financial issues but also as an intrinsically political one.

3.3.1.3. Policing

The importance of the police needs to be emphasised. In fact, police reform is an important "point of entry" for security sector reform and is a prerequisite for the establishment of a democratically accountable security sector. In this respect, Peake (2004) has observed that the process of security system reform should begin with an appreciation of the powerful symbolic effect that positive changes to a police force

can have on the public perception of security (Peake, 2004:17). He also points out that it is important to remember that: *1) the police are usually the most visible and immediately present aspect of the security system; 2) the performance of the police is absolutely crucial to the performance and credibility of the rest of the sector; 3) the archaic practices, poor human rights records, outdated methods, and heavy-handed practices add to the public perception of the police as self-serving; 4) the police are often used to control civil disorder at the discretion of the ruling groups; and, 5) the police are in a unique position to provide the foundations for stability, security and confidence in the state. (Peake, 2004: 17)*

In the DRC, the structure and future composition of the law enforcement sector - the police - was largely neglected by negotiators at Sun City. The only provision relating to the police in the Global and Inclusive Accord stated that "an integrated police force shall be responsible for the security of the Government and population". During the transition, the international community's focus on police reform was largely on securing the elections and mainly in Kinshasa - ensuring, for example, a basic level of training in crowd control, rather than in investigating crime. During the conflict, outside the government-controlled areas most "law enforcement" activities were carried out by the armed forces of the belligerent groups, if at all. The PNC was created by decree in 2002 (Baaz & Stern, 2008) and brought together a mix of former *"Force publique",* the civil guard, urban police and gendarmerie.

The "police" forces of the former belligerent groups were then added to this group, including quotas for officers for each belligerent, regardless of the individuals' training or experience. The result was a police service that comprised trained and untrained police officers, ex-militia and ex-servicemen, and widows and orphans of former agents (Davis, 2009). Suffice to say that *in DRC, police experience problems of low salaries, inadequate training, degraded facilities, little equipment and mobility, weak management, and little oversight.*

Also, since the Mobutu regime, the Congolese national police have had military support? Until now, the conceptual planning for police reform has been completed.

The mixed group studying police reform and reorganisation produced a report on the directions and steps to take, which is a detailed road map for reform. Based on a review of the situation on the ground by the Congolese National Police (CNP), the report proposes an incorporation Act. This Act establishes the status of the CNP, proposing a census of the police throughout the country, the development of a training policy, a listing of required regulations and the creation of a committee to monitor reform. Both the recommendations of the report and the monitoring committee have been accepted by the Ministry of the Interior. However, incorporating similar Act for the Congolese police has not yet been presented to Parliament and the authorities are reticent about the demilitarisation of the police proposed in the text. (Merlot, 2009:11)

In the meantime, the police enjoy various levels of support for law enforcement capacity-building efforts engaging provincial and local actors in police reform efforts. The major players, particularly the UN Mission to the DRC (MONUC) and European Union (EU), have committed the bulk of their resources towards increasing the capacities of Congolese National Police (PNC) and Integrated Police Units (IPU) through training and the provision of material assistance while coordinating with non-government organisations (NGO's) to implement police reform at local and provincial levels.

In practice, since 2001, MONUC trained 51,000 PNC officers and established a communication network that links the PNC headquarters in Kinshasa to all eleven administrative provinces (UN, n.d). With the largest commitment of a USD 1.6 billion budget and a total of 18,931 personnel, the UN has followed the strategy of enforcing cease-fire agreements, the DDRRR process, monitoring for violations of cease-fire agreements, and preparing security for national elections. MONUC is training PNC personnel to create special police units such as the training of Road Traffic Police and Rapid Intervention Police in November 2007. The EU has a similar strategy of training the IPU forces in order to establish a centralized and elite police force to protect critical national infrastructure and protect government officials. The European Police (EUPOL) has a modest 39-member mission in the DRC with a USD

7.5 million budget and provides advisory services and training with the goal of creating criminal investigation units in the PNC. MONUC and the DRC is implementing the DDRRR process in the eastern DRC, particularly in North and South Kivu, where the recent Goma conference ended fighting between government and rebel militia forces on 23 January 2008. MONUC also provided material assistance and includes many soldiers in its ranks, even after the transition.

Currently, the police are attached to the Ministry of the Interior and guidelines for transforming ranks into civilian status have been formulated. Two years ago, police reform in the DRC was launched with the establishment of an oversight group under the authority of the Ministry of Interior that consisted of partners of the national police, MONUC, Angola, South Africa, France, the UK and the EU. The mandate of the group was to establish the state of play, to propose recommendations for the reorganisation of the police force, to draft law and to establish a coordination plan for bilateral cooperation programmes. The oversight group established a process of broad consultation with many different stakeholders including civil society in order to guarantee the broadest buy-in possible. It also paved the way for the establishment of the follow-up committee and a highly accelerated police training program to the DRC police forces with the objective of having 43,000 police to ensure order during the 2006 elections.

It should be noted that although the current strategy of emphasising the training of police in law enforcement tasks in the DRC was necessary to ensure law and order during the 2006 elections, the result led to a bloated PNC with varying or no levels of basic skills training. The lack of standard and professional training contributed to the endemic problem of sexual violence being committed by the PNC as it was responsible for committing 37% of the total cases of human rights abuse in the second half of 2006. The Congolese police fall into the category of the most repressive, brutal, and corrupt elements of the government. Allegations of abuse of authority and human rights abound. The most alarming stories of PNC human rights abuse come from the eastern DRC where perpetration of rape has been committed with impunity since the early 1990's (New York Times, 2007:1). A recently published

United Nations (UN) report about the DRC stated that during the first six months of 2007, 86% of reported human rights violations were committed by the army and police. Fifty-five security force member often arrest individuals to extort money from their families or arrest and beat the relatives of those who they seek to arrest (US Department of State, 2010:1).

Thus, the issue of police reform is becoming increasingly important in DRC as international pressure grows to curb PNC human rights abuse. Currently there is no broad strategy to initiate the reform needed to curb the corruption and brutality endemic in the PNC. The brutality of the PNC is increasingly becoming an issue for the DRC government as international authorities such as the EU highlight the necessity for police reform (ibid). In response to the alarming stories of sexual violence being committed by government forces in the eastern DRC, the UN Development Program (UNDP) and the UN for the Development Fund for Women (UNIFEM) have proposed a major UN gender sensitivity police reform (GSPR) initiative that has been implemented in Kosovo, Liberia, and Sierra Leone (UNDP, 2007:3).

3.3.1.4. The Judicial and Penal Reform Sectors
Judicial sector
The security systems of a country includes its armed forces, police, intelligence services, judicial and penal institutions, as well as the elected and duly appointed civil authorities responsible for their control and oversight (Dandurand, Griffiths & Vin 2004). At a very basic level, the justice sector helps to build a foundation of trust within society so that people know what to expect from each other and from organisations and can interact with each other in a productive rather than a destructive manner (World Bank, 2000).

However, there are innumerable challenges confronting all facets of the judicial and security sectors in the DRC. The challenges include limited access to justice, and the absence of accountable policing and correctional sectors. Moreover, the DRC is rife with corruption that constantly undermines reform efforts. Justice and law

enforcement institutions are unable to address basic public safety and human security issues in a fair, effective, credible, and transparent manner. It is important to remember that the DRC has never experienced strong justice and public safety capacity and thus, developing that capacity is difficult and comprehensive reforms to address these challenges is often precarious.

In recent years, efforts have been increasingly directed towards the reform of the justice sectors. In fact, European partners have provided support for the Restoration of the Judicial System in Congo (REJUSCO) justice rehabilitation project in eastern DRC. This project finances infrastructural capacity (courts and vehicles), training for criminal justice officials and women's access to justice, via legal support and sensitisation to raise awareness of the 2006 law on sexual violence. Also, additional support has been planned (up to £1.25 million) to facilitate the handling of sexual violence cases and the creation of a special cell within the REJUSCO Programme. Despite this, little progress has been made in order to reform and improve the justice system in the DRC (MONUSCO, 2012). For this reason, during a two-day roundtable on the reform of the DRC security sector on 26 February 2008, in the justice sector, it adopted projects relating to the legal institutions and penitentiary services, as well as the allocation of the necessary budgetary resources. The DRC's partners also declared their will and support to realise these projects. It is imperative that this happens because where law enforcement and the administration of justice are weak; there are often fresh opportunities for serious crime, corruption and other disruptive activities. In many countries, there is a close correlation between institutional failures in the justice and security sectors and the extent of organised crime (Biebesheimer & Payne, 2001:1).

With the increase of sexual violence committed in DRC, action must be taken to strengthen the capacity of the DRC justice system especially militarily. In fact, there are two basic reasons why this is pressing. First, in its own right, the military justice system is a primary vehicle for promoting the rule of law and respect for human rights. It is the main legal tool and accountability mechanism within the FARDC for ending the culture and expectation of impunity amongst its members. In addition,

reforming the military justice system will also promote human rights and the rule of law beyond the military. Actually, despite the fact that article 156 of the Congolese constitution empowers the military justice system to deal only with members of the military and the police, the military continues to arrest and detain civilians based on sometimes dubious charges.

Therefore, ensuring that the military police does not interfere in civilian matters, especially those highly political in nature will strengthen human rights and promote national reconciliation and peace in the DRC.

Secondly, reforming and strengthening the capacity of the military justice system is also an essential tool for post-conflict security sector reform in the DRC. The level of individual and institutional discipline of the FARDC is low. Consequently, its operational effectiveness and its ability to defend the DRC and its people are low. Improving the effectiveness of the DRC military justice system is an essential prerequisite for progress in improving the discipline and operational effectiveness of the FARDC, and consequently its ability to fulfil its constitutionally mandated mission of protecting the DRC and its people. This must be done in a manner which is commensurate with its obligations under Congolese and international law, including respect for human rights and international humanitarian law.

In reforming the military justice system, particular emphasis should be placed on strengthening its independence by allowing it to function independently from the military. In addition, more senior officers should be appointed as prosecutors in order to allow them to prosecute senior officers involved in the commission of crimes.

The penal sector
An efficient and capable penal sector enhances human security as it ensures that not only dangerous criminals are kept behind bars, but also that the fall out section of the population is properly re-educated and rehabilitated into society. As previously mentioned, in the DRC, the penal system is characterised overcrowded prisons, poor

sanitation, absence of health care, rape of minors, inadequate security, corruption, insufficient foods and prolonged detention.

Aiming to address the above problems, a roundtable on penal reform was organised in 2007 with the backing of France, the EU and MONUC (now MONUSCO). Concomitant to the roundtable, the elaboration of three regulatory codes (correctional code, code on judicial organisation and competence of the judiciary and penal code) were initiated again with the backing of foreign partners. Since then, the elaborations of the correctional code and the code on judicial organisation and competence of the judiciary have been completed. On top of these initiatives, MONUC and the European Union have funded the rehabilitation of some prisons, especially in the east of the country.

Despite the above gatherings and initiatives, the reform of the penal system in the DRC has been disappointing. Sharing this view, participants to the workshop on penal reform held in June 2009 in Kinshasa acknowledged the devastating state of the penal sector and promised to provide the minister of Justice with practical measures and strategies aimed at launching an effective reform of the penal system (Radio Okapi, 2009).

Regardless of the pertinence and practicalities of the measures and strategies that may be provided to the Minister of Justice, implementation will be problematic for a number of reasons.

Firstly, the DRC government lacks the necessary financial means to renovate prisons, construct new ones and equip them accordingly. Although it asked for financial assistance from its foreign partners to reform the penal sector, however, given limited funds available, it is likely that donors will rather elect to the reform the military and police.

Secondly, the DRC ministry of justice (in charge of the correctional services) lacks the necessary managerial capacity in terms of budgeting and efficient management

of resources. Therefore, any meaningful reform plan needs to include the restructure of the ministry of justice.

Finally, but not no less important is that the success of any reform of the penal sector is subject to the overall reform of the justice sector. Actually, issues such as corruption and prolonged detentions can only be dealt with if the justice sector becomes more efficient and professional. This said, parliaments should revise the penal code and the state should allocate more resources to the justice system and refrain from interfering in judicial matters.

3.4. Conclusion

This chapter has explored various aspects of the Pretoria Agreements and efforts that have been undertaken to implement them in order to bring peace in DRC.
While peace agreements have been signed and two elections held, it is apparent that mineral resources are at the very core of many of the problems facing the country, especially in the east. Resources negatively impact political development where excessive mineral deposits yield massive resource rent, which is irresistible to the political elite who spend the bulk of the funds on retaining political control and maintaining a fairly impotent national army.

The combination of insecurity, poverty and a lack of alternatives have placed the youth in the east of the country in a position where the opportunity costs involved in joining various rebel groups is negligible. This would suggest that resource management, accountability and transparency are essential to conflict prevention, and yet this issue has not been singled out as a priority in the Pretoria Agreements, and received minimal attention in the AU/NEPAD framework. Furthermore, Peace and development would be no easy task in an unstable environment and, although the social and economic dimensions of PCR include re-establishing the functional components of society, including restoring internal security, long-term security can only be assured if there is democratic control of the security institutions. In the broadest sense, this includes democratic control of the military, the police and intelligence services. If any or all of these devices

are left outside the Post-Conflict Reconstruction Strategies, the risk remains that the use of such components may be exercised arbitrarily by one or more groups within society, risking a return to insecurity and conflict as it is the case in the eastern part of DRC. In the next chapter we examine the research methodology and research design employed in this study. Methods of data collection, data analysis are discussed.

CHAPTER FOUR: RESEARCH DESIGN AND METHODOLOGY

4.0. Introduction

This chapter presents an analysis of the research or methodology and design employed in the gathering and presentation of data study. Methodology means the study of particular methods, techniques or procedures employed in the process of implementing the research design for reaching a desired end, an objective or solving a problem (Leedy 1993, Babbie and Mouton 2006).

An outline of the research design, study population and selection procedures, data collection instruments and data interpretation and analysis techniques is presented. The qualitative methodology used in this study is exploratory and interpretative study, because the aim of the interpretive social science is to learn about individuals and their views, perspectives, interpretations, and experiences (Neuman 2006: 88). This qualitative research methodology is the most appropriate for a study of post-conflict reconstruction processes in eastern DRC and actors involved.

4.1. Research design and Methodology

Researchers offer many versions in defining methodology and design, but of interest in this study are the perspectives offered by Borg and Gall (1989); Smith (1997) and Denzin and Lincoln (2005) on these concepts.

Denzin and Lincoln (2005) suggest that research design describes a flexible set of guidelines that connect theoretical paradigms first to strategies of inquiry and second to methods for collecting empirical materials. A research design situates the researcher in the empirical world and connects him/her to specific sites, persons, groups, institutions and bodies of relevant interpretive material including documents and archives (Denzin & Lincoln, 2005:25). Accordingly, Mouton (1996:107) defines research design as a set of guidelines and instructions to be followed in addressing the research problem. He goes further to suggest that, the main function of the research methodology is to enable the researcher to anticipate what the appropriate

research decisions should be so as to maximize the validity of the eventual results. Hart (1998:28) defines methodology as a system of methods and rules that facilitates the collection and analysis of data. Therefore, it provides the starting point for choosing an approach made of ideas, theories, definitions and concepts of the topic; therefore the basis of a critical activity consisting of making choices about the nature and character of the social world. Babbie and Mouton (2006:75) state that the research design focuses on the end product, to give the point of departure as being the research problem and state its focus as the logic of research. The research design performs the functions of designing the strategy to find out something and, therefore, there is need to specify what needs to be found out and determine the best way to go about it (Babbie & Mouton 2006:72).

According to Mouton (2001:33), the goal of research methodology is to plan the research project and specifically structure it to enhance the validity of research findings. Babbie and Mouton (2006:75) argue that a research design attempts to establish the final results of a study using the research problem as the guideline. The design assists the researcher with a strategy to reach a final result aimed at satisfying specific needs and devising a method to reach a conclusion (Babbie & Mouton: 72).

In order to develop a research strategy that guides the study, research questions were formulated in order to guide the data collection process. The primary research question has been formulated as follows:

What impact do mineral resources have on the post-conflict reconstruction processes? In order to adequately respond, the following secondary research questions must be asked:

1. Who are the actors to the post-conflict processes in eastern DRC?
2. How are those actors linked to the exploitation of mineral resources in eastern DRC?

3. To what extent are neighbouring countries involved in exploitation of mineral resources in eastern DRC?

4. What are the post-conflict reconstruction processes employed by those actors in eastern DRC?

5. How can post-conflict reconstruction processes incorporate the issue of mineral resources to the benefit of all the parties involved?

6. What are the lessons from both historical and contemporary post-conflict reconstruction processes in the DRC?

Although this study seeks answers to the broad question of the impact of mineral resources on post-conflict reconstruction in DRC and the role individual groups and countries played in such processes; the purpose is not solely to identify various groups involved in the post-conflict reconstruction, but to learn from on-going post-conflict reconstruction processes and determine the extent to which mineral resources impinge on such processes. More specifically, the objectives of this research are:

1. To identify the actors involved in the post-conflict reconstruction processes in Eastern DRC

2. To explore how the actors transformed the conflict.

3. To examine how mineral resources influenced the peace process in eastern DRC.

4. To identify the lessons learnt from the post-conflict reconstruction processes in the eastern DRC and the factors influencing mineral expropriation

5. To make recommendations in respect of post-conflict reconstruction processes and mineral expropriation in Africa

To achieve this, the researcher will use qualitative research techniques to explore the impact of mineral resources in the conflict transformation in the DRC.

4.2. Qualitative Research Design and Techniques

Qualitative research seeks out the 'why', not the 'how' of its topic through the analysis of unstructured information – things like interview transcripts, open ended survey responses, e-mails, notes, feedback forms, photos and videos. It does not rely on statistics or numbers alone (Ereaut, 2007: 1). This approach is more subjective and appropriate in describing, examining and reflecting on perceptions about the nature of phenomena or gaining insight into social and human activities from the participant's view point (Collis and Hussey, 2003:13; Petronio, 2007:73)

The strength of qualitative research is its ability to provide complex textual descriptions of how people experience a given research issue. It provides information about the "human" side of an issue – that is, the often-contradictory behaviours, beliefs, opinions, emotions, and relationships of individuals. The purpose is therefore to discover underlying meanings and patterns of relationships from the participant's point of view, including classification of types of phenomena and entities in a way that excludes mathematical models. Neuman (2006:157) and James (2007) add that it involves the analysis of data such as words, ideas, pictures or objects. Leedy and Ormrod (2005:94) say qualitative research can also be referred to as the "interpretive", "constructivist" or "post-positivist" approaches; mostly because it is used in identifying intangible factors, such as social norms, socio-economic status, gender roles, ethnicity, and religion, people's attitudes, behaviours, value systems, concerns, motivations, aspirations, culture or lifestyles. This is why in the past; the qualitative approach was viewed as inferior to the quantitative approach, or unscientific or full of bias, mostly by the positivists because of its subjectivity (Denzin and Lincoln 1998:7; 2005:8). By the 1960s battle lines had been drawn within the quantitative and qualitative camps. Quantitative scholars relegated qualitative research to a subordinate status in the scientific arena. In response, qualitative researchers extolled the humanistic virtues of their subjective, interpretive approach to the study of human groups. (Denzin and Lincoln, 2005:2).

In this study, qualitative approach is used because the method preserves the chronological flow of the study, notices precisely which events lead to which

consequences and provides valuable explanations, using words that are organised into tangible meanings and usually prove to be convincing (Miles & Huberman, 1994:1).

This research design will be employed to find out rich and valuable information pertaining to post-conflict reconstruction in eastern DRC since the signing of the Pretoria Agreement in 2002; when formal hostilities ended. The qualitative nature will serve the purpose of giving the researcher a chance to understand social action in terms of its specific context rather than attempting to generalise to some theoretical population (Babbie & Mouton 2001:271). Furthermore, qualitative research techniques are to be used because, as mentioned, the methods preserve the chronological flow of the study, notices precisely which events lead to which consequences and provides valuable explanations, using words that are organised into tangible meanings that usually prove to be convincing (Miles & Huberman, 1994:1).

In this light, Mouton (1996:36) defines research techniques as the researcher's tools and specific means to execute particular tasks. The researcher will use the two most common qualitative methods, which are semi-structured interviews and review of existing literature. Each method is particularly suited to obtaining specific types of data. More detail on why these techniques have been selected is discussed in the following paragraphs.

A descriptive design seeks to provide a full explanation of phenomena within its context (Yin, 2003: 5). This study is descriptive because it seeks to identify various factors within post-conflict reconstruction in the eastern DRC, to understand strategies and investigate the transformative nature of the DRC conflict by those involved, be they the government, armed groups or corporate companies as well as factors surrounding conflict and mineral resources. The exploratory design seeks to collect new data, establish the "facts" and possibly verify an existing pattern in the data (Mouton, 1996: 103). An exploratory case study is purposeful when defining the questions to be used in the desired research study (Yin, 2003: 5).

The researcher used the two most common qualitative methods, which are: semi-structured interviews and review of existing literature providing an extensive literature. Each method is particularly suited to obtaining specific types of data. Additional information on why these techniques have been selected is discussed in the following paragraphs.

4.2.1. Sampling

In qualitative research, only a sample (that is, a subset) of a population is selected for any given study. The study's research objectives and the characteristics of the study population (such as size and diversity) determine which and how many people to select (De Vos, et al, 2005: 201-202).

A sample refers to the population from which evidence and data for the study is obtained, interpreted, analysed and the findings presented. Bryman (2001: 495-496) outlined three essential questions to guide researchers with the sampling process. The guidelines are as follows:

- Who do you need to study in order to investigate your research questions?
- How easily can you gain access to a sampling frame?
- What kind of sampling strategy will you employ (e.g. probability sampling, theoretical sampling, convenience sampling)?

The researcher aims to identify participants who have been involved in post-conflict reconstruction processes in eastern DRC and who are representative of typical attributes of the populace under study (Strydom, 2005b: 201-202). Owing to the large population under study, purposive sampling is relevant in this instance in order to identify only those participants that are informative (Neuman, 2003:213).

4.2.1.1. Purposive Sampling

Purposive sampling was used in this qualitative study. Qualitative sampling refers to a sampling process in which "a selection of those to be surveyed is made according

to a known characteristic (such as being a politician or union leader)" (May 1999: 88). The researcher identifies those who are "fit for the purpose" (May 1999); that is those who are in a position to provide informative data and answers to the research questions and problem because of their professional training or occupational advantage and experience (Patton 1990). Unlike with quantitative research, the recruitment of respondents is not on representative basis but is determined by knowledge about the topic under study. The advantage of purposeful sampling is that it allows the researcher to get answers that are in line with what he/she wants to discover, understand and gain insights into. Furthermore, it allows the researcher the opportunity to select and judge the objectives of the study (Babbie and Mouton 2006).

Given that there is so many actors involved in post-conflict reconstruction processes in eastern DRC; and a limited time and scope of the study, two international organisations have been selected based on their areas of track record in post-conflict and peace building in eastern DRC for more than ten years.

Furthermore, as the table in the next section will demonstrate, the two NGOs are perceived to combine many processes and efforts in their areas of intervention. These include, monitoring and humanitarian intervention, security sector reform (SSR), peacekeeping, demobilisation and integration of ex combatants, capacity building programmes, mediation efforts and other activities. Therefore, the researcher chose the United Nations Stabilization in Congo (MONUSCO) and Life & Peace Institute as respondents because the nearly 20000-strong peacekeeping force currently in DRC, is regarded as the major international contributor to peace in the DRC.

The Life & Peace Institute is an international Non-Governmental Organisation based in Uppsala, Sweden, with offices in the DRC. It is extensively involved in peace building and post-conflict reconstruction activities. These activities range from capacity building initiatives, advocacy, facilitation of mediations ad dialogues, humanitarian assistance to IDPs. It also supports and promotes the peaceful

diffusion of conflict through a combination of research and action. The following section profiles the two organisations.

4.2.1.2. Profile of MONUSUCO and Life & Peace Institute

4.2.1.2.1. MONUSCO

As discussed in chapter two, the United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), previously known as the United Nations Mission in the Democratic Republic of Congo (MONUC), is a United Nations peacekeeping force in the Democratic Republic of the Congo which was established by the United Nations Security Council in resolutions 1279 (1999) and 1291 (2000) of the United Nations Security Council to monitor the peace process after conflict erupted in the DRC (MONUSCO 2011:1).

After the signing of the Pretoria Agreement in 2001 and the subsequent withdrawal of foreign troops, much of its focus turned to the Ituri, the Dongo and Kivus regions where conflict still prevails as a result of substantial armed groups. It is in this context that the researcher interacted with this UN mission to obtain information from those close to the various armed groups, their motivations, and other participants in the peace process. Following the signing of the Lusaka Cease-fire Agreement in July 1999 between the Democratic Republic of the Congo (DRC) and five regional States (Angola, Namibia, Rwanda, Uganda and Zimbabwe) in July 1999, the Security Council established the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) in its resolution 1279 of 30 November 1999, initially to observe the cease-fire and disengagement of forces and maintain liaison with all parties to the cease-fire agreement. Later in a series of resolutions, the Council expanded MONUC's mandate to the supervision of the implementation of the cease-fire agreement and assigned a number of additional related tasks (UN, 2012:1), including the support of the DRC government to organise free and fair elections.

Following the elections in 2006, MONUC remained on the ground and continued to perform multiple political, military, rule of law and capacity-building tasks as

mandated by the Security Council resolutions, including trying to resolve ongoing conflicts in a number of the DRC provinces. On 1 July 2010, the Security Council, through resolution 1925, renamed MONUC the United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to reflect the new phase reached in the country (UN, 2012:1). Amongst others, the new mission directives relate to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Government of the DRC with its stabilization and peace consolidation efforts. As of 30 September 2012,   MONUSCO comprises 19,109 uniformed personnel, including 16,996 military staff members , 721 military observers, 1,392 police (including formed units), 965 international civilian personnel, 2,886 local civilian staff and 577 United Nations Volunteers(UN, 2012) . Currently, MONUSCO headquarters is in Kinshasa, Democratic Republic of the Congo with field offices in Beni/Butembo, Bukavu, Bunia, Goma, Kalemie, Kananga, Kikwit, Kindu, Kisangani, Lubumbashi, Mahagi, Matadi, Mbandaka, Mbuji- Mayi, and Uvira. Its logistics bases are located in Kinshasa (DRC), Entebbe (Uganda), and Kigoma (Tanzania); while it has regional offices in Kampala (Uganda), Kigali (Rwanda) Pretoria (South Africa) and a military liaison officer in Bujumbura (Burundi).

Table 4: MONUSCO'S major activities in DRC

Sector of Activity	Objectives
Protection of Civilians (POC)	The POC strategy addresses all three aspects of the humanitarian protection concept, including prevention and response, remedial action, and support for the establishment of a protective environment. POC focus on the establishment of provincial protection strategies, the design and implementation of local community protection plans and pay specific attention to the safeguard and promotion of civil-military relations, coordination with national authorities, and decentralization of implementation responsibilities
Stabilization Strategy	The International Security and Stabilization Support Strategy **(ISSSS)** was developed in 2008-09 to deliver tangible dividends and reinforce political progress made following the 2006 elections, the Nairobi Communiqué, and the *Goma Actes d'Engagement*
Political Affairs	Close cooperation with national and international partners, PAD monitors and supports democratisation in the DRC. This entails practical support to national and provincial institutions, as well as civil society organisations, to create conditions conducive to the establishment of democracy and the rule of law. PAD contributes to MONUSCO's strategy on conflict prevention and resolution, focusing primarily on developments in Eastern DRC (North and South Kivu, Haut-Uélé, Ituri. etc). PAD contributes to the improvement of bilateral relations between the DRC and its Great Lake neighbours, notably Rwanda and Uganda.
DDRR	Comprehensive and voluntary Disarmament, Demobilization, and Reintegration (DDR) of Congolese armed groups, and the Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement (DDRRR) of foreign armed groups for the long-term stability and economic development of the DR Congo.

Sector of Activity	Objectives
Child protection	Documenting grave abuses against children (such as killings, sexual violence, abduction and recruitment) committed by parties in the conflict and police; advocating for the release of children in armed groups and national armed force, referring children who escape to appropriated support resources, referring victims to medical and legal support services where they exist; helping to build capacity of support NGOs and national institutions; monitoring legal cases before the courts (especially minors subjected to sexual violence and children in conflict with law) to assess how far the question of impunity is being addressed and identifying ways of developing capacity in this regard.
Human Rights	Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law
Security Sector Reform	To support the structures, institutions and personnel responsible for the management, provision and oversight of security in a country. These include defense, law enforcement institutions, corrections, intelligence services, border management, customs, elements of the judicial sector, management and oversight bodies, civil society groups and other non-state actors, among other elements".

4.2.1.2.2. Life &Peace Institute

Life& Peace Institute (LPI) is an international and ecumenical organisation that supports and promotes non-violent approaches to conflict transformation through a combination of research and action that entails the strengthening of existing local capacities and enhancing the preconditions for building peace. (LPI, 2012) It is extensively involved in peace building and post-conflict reconstruction activities ranging from capacity building initiatives, advocacy, facilitation of mediations and dialogues, humanitarian assistance to IDPs. It also supports and promotes the peaceful diffusion of conflict through a combination of research and action.

The LPI believes that conflict is a natural human condition with the potential to be either a constructive or destructive force for change (Life & Peace Institute 2011:1). It contributes by strengthening existing local capacities for conflict resolution through work with local partners and by enhancing the preconditions for reducing conflict. This is done through processes of DDR (demobilisation, disarmament and reintegration) of ex combatants, supports vulnerable groups such as IDPs (Internal Displaced Persons), peaceful campaigns to end violence, etc.

The Institute's conflict transformation work is based on an understanding that conflict is a natural part of society and has the potential for both constructive and destructive change. It also builds on the premise that peace can only be achieved through the active involvement of the local communities themselves. LPI's work is carried out mainly through engagement with, and support to, civil society organisations.

Research also plays an essential role in LPI's conflict transformation approach, both as a precondition for understanding the context of engagement and as a means for conflict transformation. While LPI's partners include a large variety of civil society organisations depending on the context of engagement in the different country programmes, the Institute puts special emphasis on engaging in work or dialogue with faith-based organisations (Life & Peace Institute, 2011:1). LPI headquarters is in Uppsala, Sweden with regional offices that administer conflict transformation

programmes in Nairobi (Kenya), Khartoum (Sudan), Addis Ababa (Ethiopia) and Bukavu (eastern DRC).

LPI was established without an endowment fund, which means that each project and programme as well as core costs for support to the work in the field programmes need to be fully covered by grants and donations (Life & Peace Institute 2012:3). The financial resources for LPI's conflict transformation work are generated from state and private sources. Sida (Swedish Institute of International Development) is the main donor; however, substantial resources are expected from other governmental agencies directly or indirectly and through framework organisations, both within Sweden and abroad, partnering with LPI. Among governments that provided substantial support throughout the years are the United Kingdom, Belgium, Finland, the Netherlands, Denmark and Norway.

The Church of Sweden and Swedish ecumenical networks have maintained a special relationship, and funding commitment, to LPI since the inception of the Institute. This includes both grants and a national collection day in the Church of Sweden. Other Nordic agencies such as Norwegian Church Aid, DanChurchAid and Finn Church Aid, and churches, particularly the Evangelical Lutheran Church of Finland and a number of other European and United States agencies and foundations have also been encouraging and supportive of LPI throughout the years.

Table 5: Major activities: Life & Peace Institute, DRC Office

Sector of activities	Objectives
Peace building	Engagement with, and support of, civil society groups involved in peace building in eastern DRC. LPI's capacity-building work is placed within a conflict transformation framework with the aim of building in-house expertise within the partners' institutional set-up and programming.
Cross-fertilization of conflict transformation theory and practice	To bridge the gap between the broad theoretical knowledge base at academic level and the more practical dimension of transforming conflict on the ground. LPI is therefore developing a more concerted approach grounded in a cross-fertilisation of conflict transformation theory and practice. The expected outcome is to improve the practice and methodology of LPI, its partner organisations in eastern DRC, and the wider community of conflict transformation practitioners, academia and donors.
Capacity building	To support local partners in becoming effective agents for conflict transformation in their local contexts, and offering them guidance with processes and methodologies of conflict transformation, research and analysis.
Research and advocacy	Integrated, coherent and targeted strategy for policy work and awareness of the conflict in eastern DRC, to influence both public opinion and political processes on the local, national, regional and international levels.

Given that these two organisations are involved in so many post-conflict reconstruction and peace building initiatives, with a wide engagement with local stakeholders including civil society organisations; the researcher believes that information provided by thirteen participants appointed by the organisations is crucial to the understanding of post-conflict reconstruction and peace building in eastern DRC and the challenges associated with those efforts.

4.2.2. Data Sources and Data Collection

In this study, the researcher utilised both secondary and primary data sources. Primary data consisted of data collected from interviews while secondary data was obtained from existing sources such books, journals articles, policy briefs, UN reports on conflict and post-conflict reconstruction in eastern DRC. Leedy & Ormrod (2005) assert that it is necessary to use both primary and secondary data to provide adequate information and the comparability required. Further data was classified into two main categories; numeric data (numbers and statistics) and textual data (documents, texts, conversations and interview transcripts). Secondary data collection was obtained through a literature review where available secondary data sources such as written records, including policy documents, published and unpublished literature, were consulted to gather historical information on the background to the case and the development challenges. These includes reports on illegal exploitations of Mineral in Congo, UN Mapping reports on DRC, various studies on resource conflict, studies various peace agreements in the DRC crisis, etc.

4.2.3 Interviews

Greeff (2005:258) defines an interview as an attempt to understand an issue from the participant's point of view and to uncover their whole truth before any scientific explanations are attempted. He argues that, "Interviewing the participant involves a description of the experience, but also involves a reflection on the description".

Gubrium and Holstein (2002:50) defines interviewing as a "conversation with a purpose", while Kvale (1996) says "interviews are conversations where the outcome is a co-production of the interviewer and the interviewee". Moser and Kalton (1971:271) define an interview as a research technique that is "a conversation between the interviewer and the respondent with the purpose of eliciting certain information from the respondents".

Interviewing is probably the most widely used method in qualitative research. Despite the proliferation of various terminologies describing interviews in qualitative

research, the two main types are unstructured and semi-structured interviews, hence, researchers often utilise the term qualitative research to encapsulate these two types of interviews (Bryman and Bell, 2007:472).

In a qualitative research, the approach tends to be less structured, thus it tends to be flexible. Interviewers can depart significantly from any schedule or guide being used and can ask new questions as follow-up to interviewee's responses (ibid).

Semi-structured interviews are crucial for collecting data on personal historical accounts, perspectives and experiences, particularly when sensitive topics are being explored. The researcher used a one-on-one, semi-structured interview as a data-collection tool to obtain a clear picture of perceptions and experiences in the on-going peace processes in the eastern DRC. This technique has been chosen because it is flexible and, during the interview, there is a possibility to obtain more appealing and unanticipated data in addition to the intended data (O'Leary, 2010: 195). The interviews were conducted mainly in English, while some participants alternated from English to French since the latter is the first language in the DRC. The researcher is fluent both in French and English and did not experience any difficulties in alternating between the languages.

Interviews were conducted with participants designated by MONUSCO and Life & Peace Institute respectively. Participants chosen for this study are individuals who either were involved in post-conflict reconstruction and peace building activities in DRC or have knowledge of peace processes that have been undertaken since the signing of the Pretoria agreement in 2002.

To gain access to the responding institutions and conduct successful fieldwork, the researcher obtained the approval of the Director of Life & Peace in DRC as well as the MONUSCO Head of Mission. As Schotstak and Schostak put it, "the negotiating process involves inscribing the reasons for being with people and [at] places relevant to the research into the agendas that prevail in the given social circumstances." This is to say that there is a need to explain "… the reason for the researcher to be

around and make sense to those encountered." (2008: 237) In this study letters requesting permission to conduct studies using interviews were posted and/or submitted by the researcher to the selected institutions and individual respondents. The letters explained the manner in which the studies were to be conducted, i.e. the data collection instruments, the timeframe and how the data would be reported, used and shared with the respective institutions and respondents.

This conforms to Miles and Huberman's (1984) parameters for conducting qualitative research studies. The researcher has to establish the setting (where the research will take place), the actors (who will be observed or interviewed), the events (what the actors will be observed doing or interviewed about) and the process (the evolving nature of events undertaken by actors within the setting) (in Cresswell 1994: 149). This provided the framework for conducting this study.

Furthermore, a detailed interview schedule (guide) comprising open-ended semi-structured questions on post-conflict reconstruction in eastern DRC, the impact of mineral resources in post-conflict reconstruction was drawn-up for each respondent institution in order to obtain diverse insights and views from different respondents that would facilitate meaningful data thereby ensuring valid and reliable research findings.

Open–ended questions are regarded as highly relevant in this qualitative study as an instrument to extract additional information from respondents.

Participants: MONUSCO
After familiarising respondents with the purpose of the study, the Special Representative of the UN Secretary General in Democratic Republic of Congo, who oversees all UN activities, including MONUSCO in DRC, delegated six staff members of the Joint Mission Analysis Cell of MONUSCO based in Goma and Bukavu respectively. Their main task is to assist Government authorities to implement the project of Minerals Trading Centres in the Kivus, according to MONUSCO's mandate.

These officials met the researcher and discussed supply chain transparency and issues relating to the link between the financing of armed groups and mineral exploitation and the intervention methods used by MONUSCO in this area to address these issues. They further described what MONUSCO undertakes to assist the Government in restoring state authority in mining areas.

As the interview was open-ended, the below list of questions was not exhaustive and there were additional questions to which answers were not entirely understood. Furthermore, as the two respondent institutions do have not the same mandate, structure and operations, the questions differed for each respondent institution in order to obtain broad insights and opinions on the post-conflict reconstruction processes in eastern DRC:

1. What were the past and current government strategies to bring about peace in the area since the signing of the Pretoria agreement in 2002?
2. What are the UN's post-conflict strategies to stabilize the eastern DRC?
3. What are the main challenges in terms of the control of minerals in this region?
4. How do you deal with the conflicts around resource management?
5. How do you deal with illegal trafficking of mineral resources in this area?
6. Who are the various role players in the peace processes in eastern DRC?
7. What has been successful so far in achieving peace in this area?
8. What has failed in your post-conflict strategies for eastern DRC?

Participants: Life & Peace Institute

Life & Peace Institute also provided seven staff members from its regional office in Bukavu, eastern DRC. The below list of anticipated questions was not exhaustive as in any open ended interview, probing was possible.

1. What are your areas of intervention (humanitarian, development…) in this area?
2. What strategies do you use to bring about peace?
3. What have you identified as the main challenges to your efforts in this region?

4. How did/do you cope with these challenges?

5. Who are your alliance partners in the peace processes in this area?

6. How are mineral resources channelled from mines to the cities?

7. How does the Government regulate and control the mining industry? Does the mineral industry in this area have any form of regulation and accountability policy?

8. What can you suggest to the government, international community or local population that can bring about change?

In addition to audio recording of the interview, the researcher also took extensive field notes during the interview sessions on respondents' answers and other emerging issues including his observations and interpretations of the respondents' gestures and expressions during the interview sessions. Corbin and Strauss (2008: 124) defined field notes as "data that may contain some conceptualisation and analytical remarks" noted by the researcher during the interview sessions. In these sketch notes the researcher later reconstructed the dialogue and accounts of particular events, speculations, impressions, ideas and problems as emerging during the interview sessions (Bogdan and Biklen 1992). It is important to record as much as possible from the interviews. The field notes and data from the audio tapes complemented each other to deliver comprehensive and credible data for the research findings. Inter-alia continuous reference to the field notes and the transcribed data ensured the development of the study as an emergent design which is one of the essential features of the qualitative research approach (Guba and Lincoln 1989, Bryman 2001, Babbie and Mouton 2006).

4.2.4 Literature review
Literature from published books, academic journals and news articles on mines and conflict in DRC will be used in this research. Some published books include, the Political Economy of Armed conflict (Ballentine & Sherman, 2003), Natural Resources and Armed Conflict (Collier & Bannon, 2003), Natural Resources and Conflict in Africa (Alao, 2007). Reports include, A Comprehensive Approach to Congo's Conflict Minerals by Enough Project (2009), Panel of Experts report on the

Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (United Nations, 2001; 2002; 2003; 2004; 2005); Global Crisis report (2004-2010) on the rebel movements and illegal trafficking of mineral resources in Eastern Democratic Republic of Congo as well as additional reports available at the United Nations Library in Pretoria.

Strydom and Delport (2005:315) state that scrutinising and revising documents such as those detailed above, illustrates that the data collection technique of document review is in progress. The researcher utilised this technique to obtain the relevant literature. The data collected were then analysed and interpreted to suit the aims and objectives of the study. Strydom and Delport (2005:318) have faith in this technique of data collection, contending that the literature from documents is believed to be "non-reactive" as the analysis of the existing literature can never be anticipated.

Existing literature also helped to validate information acquired from other methods of data collection; in this case, interviews; thus enhancing the concepts of reliability and validity (Noor, 2008: 1604). The data collected from reference documents used during the research process were compared with the data collected during interviews. It was then included and compiled to formalise the data-collection procedure as suggested by Mouton (2001: 198). Furthermore, apart from being relevant to the study, the researcher chose to use this technique because it is moderately inexpensive (Strydom & Delport, 2005: 318). Although affected by the availability of documentation, acquiring it is affordable compared to interviews and focus groups. However not all available literature on the topic under study is relevant to the actual study. It is the duty of the researcher to sample the relevant documents during the course of the research proceedings. Scott (1990: 6) provided the criteria for assessing the quality and relevance of documents by researchers in relation to the topic under consideration. The guidelines comprise four aspects as follows:

- Authenticity: Is the evidence genuine and of unquestionable origin?

- Credibility: Is the evidence free from error and distortion?
- Representativeness: Is the evidence typical of its kind, and if not, to what extent is it atypical?
- Meaning, Is the evidence clear and comprehensive?

In this study relevant documentation on post-conflict reconstruction in eastern DRC, resources conflict and peace building were obtained and analysed to augment data from the reviewed literature and interviews.

These documents include conferences reports, policy documents, communiqués on the activities of international organisation operating in eastern DRC, and other research on regional security and peace building efforts from various think tank institutions. Vital information was also obtained from journal contributions from researchers and websites on research institutions on conflict prevention, management and resolution.

4.2.5. Data analysis

Data analysis is the process of organising the data and information received in order to provide a clear meaning (De Vos, 2005: 333). It consists of identifying, coding, and categorising data patterns. Qualitative research results comprise substantial amounts of contextually laden, subjective, and richly detailed data. According to Bryne (2001), data usually originates from interview transcripts or observation notes and must be pared down to represent major themes or categories that describe the phenomenon being studied (Bryne, 2001:1).

Onwuegbuzie and Leech (2006:490) recommend researchers analyse their data using at least two procedures in order to triangulate findings and interpretations. These are mixed method frameworks where researchers go through at least some of the following seven stages: (i) data reduction, (ii) data display, (iii) data transformation, (iv) data correlation, (v) data consolidation, (vi) data comparison and (vii) data integration

In addition to this, with reference to written notes taken during the interviews, this study used the method of triangulation throughout the research period – since triangulation can be used for validation. Denzin and Lincoln (2000: 5) state "triangulation reflects an attempt to secure an in-depth understanding of the phenomenon in question". However, "triangulation is not a tool for validation, but rather an alternative to validation that adds richness, complexity and breadth to the study". Triangulation is defined in social sciences as the mixing of data or methods so that different viewpoints add more insights to the study (Olsen, 2004:1).

The triangulation of data collection instruments is regarded as one of the best ways of overcoming the deficiencies that may emanate from one investigator or method, neutralise personal bias, ensure complementary data and ultimately the validity, credibility, trustworthiness, confirmability, dependability, generalisability and transferability of the research findings in the interpretive research study (Lincon and Guba 1985, Denzin 1989, Leedy 1993, Cresswell 1994, Bryman 2001, Babbie and Mouton 2006). In this study triangulation was effected through the use of semi structured interviews and purposeful selection of respondents institutions. This, together with extensive literature reviews and the diverse qualitative data analysis modes, ensured a detailed description and presentation of the research findings.

4.2.6. Trustworthiness of data

Validity and reliability are important in research as they establish the content accuracy and integrity of research instruments, data collected and findings. As the main intent of the qualitative research is to build meaning based on interpretations of what is prevailing within the research context, the validation of research instruments is determined by the extent to which they address the stated research aims, satisfy the objectives and fulfil the overall purpose of the study (Cresswell 1994, Bailey 1994, Bell 1997, Bryman 2001, Merriam and Simpson 2000, Babbie and Mouton, 2006, Schostak and Schostak 2008).

This is why some qualitative researchers use terms such as research trustworthiness, authenticity, credibility, believability, confirmability, and

transferability to differentiate the qualitative research from the quantitative paradigm. Babbie and Mouton argued that "the qualitative researcher is not primarily interested in (statistical) generalisations. All observations are defined by the specific contexts in which they occur. The qualitative researcher…does not maintain or claim that knowledge gained from one context will necessarily have relevance for another framework" (2006: 275).

In this study authenticity and reliability of the research product was established through triangulation of data collection instruments. Data for the research was solicited through semi structured interviews from purposively sampled respondents institutions, extensive literature survey and study of relevant documentation such as the UN and Human Rights Reports on the DRC. Gall et.al (1996), Bogdan et.al (1998), Tsayang (1995) pointed out that in case study research, it is important to authenticated the findings through corroborative evidence drawn from multiple data collection instruments and sources. In this study, semi structured interviews and review of existing literature will be used as data collection tools. The advantage of triangulation is that the methods complement each other in that the shortcomings and deficiencies inherent in each method and source are neutralised when they are used in conjunction with others (Leedy 1993, Cresswell 1994, Babbie and Mouton 2006).

The data will be interpreted and research findings presented, in detail, and include theoretical positions within the study area in order to present a holistic and accurate picture of post-conflict reconstruction and the impact of mineral resources in that process in eastern DRC. Findings will be divided into two sections according to the interview groups, in this case MONUSCO and Life and Peace Institute. As previously mentioned, these interviewee groups were selected based on their areas of intervention in the peace process in the DRC, where MONUSCO is an international peacekeeping force mandated to observe cease-fire and ensure protection of civilians as well as assist the DRC government in its transitional phase; whereas Life and Peace is involved in capacity building and post-conflict reconstruction through participatory action research, together with various stakeholders and Congolese civil

society. The data is presented in this way so as to clearly identify where there is duplication and commonalities in response between groups but also where there are distinctions; to better suit the objective of this study.

Within each interviewee group, the data is divided into main themes which will emerge through open coding. As the interviews are semi structured, an interview guide will follow which may shape the process of the interview. Through coding, the data is then further sub-divided into sub themes to organise and analyse it in terms of its relevance to answering the central research question. According to Babbie and Mouton, triangulation is generally considered to be one of the best ways of enhancing authenticity and trustworthiness in qualitative research.

4.3. Ethical considerations

Research ethics deals primarily with the interaction between researchers and the people they study. Professional ethics deals with additional issues such as collaborative relationships among researchers, mentoring relationships, intellectual property, fabrication of data, and plagiarism, among others (Family Health International, 2004:8). The regulation of interview research involving human subjects seeks to protect respondents from such things as invasion of privacy, breaches of confidentiality and distress caused by issues raised in the interview process itself.

This study recognises that those concerns are both obviously as important for qualitative research as for any other endeavour.

Gubrium and Holstein (2002:89) state that "some of the dangers in interviewing research are the act of listening itself". Holstein (2002:89) observed that, "the interviewer becomes dangerous by the simple act of listening, when the speaker has put on the mantle of a new self-seeking to bury the old in an unmarked grave, yet must confront the presence of an interviewer who has knowledge of the past itself. The listener is also dangerous as a participant in the retelling of the past by a respondent who feels unable to escape from that past and the self-constituted by it".

The researcher is aware of agreed standards for research ethics to help ensure that he explicitly considers the needs and concerns of the people he consults, that appropriate oversight for the conduct of research takes place, and that a basis for trust is established between researcher and study participants. The researcher in this study follows the use of letters of consent, where all respondents are assisted to understand that their involvement is voluntary and therefore may be ended or withdrawn at any time.

Whenever he conducts research on people, the wellbeing of research participants must be a priority. The research question is always of secondary importance (Family Health International, 2004: 8). This means that if a choice must be made between doing harm to a participant and doing harm to the research, it is the research that is sacrificed. This study was guided by three core ethic principles, originally articulated in The Belmont Report (1979) that forms the universally accepted basis for research ethics:

Respect for persons requires a commitment to ensuring the autonomy of research participants, and, where autonomy may be diminished, to protect people from exploitation of their vulnerability. The dignity of all research participants must be respected. Adherence to this principle ensures that people will not be used simply as a means to achieve research objectives.

Beneficence requires a commitment to minimizing the risks associated with research, including psychological and social risks, and maximizing the benefits that accrue to research participants. Researchers must articulate specific ways this will be achieved.

Justice requires a commitment to ensuring a fair distribution of the risks and benefits resulting from research. Those who take on the burdens of research participation should share in the benefits of the knowledge gained. Or, to put it another way, the people who are expected to benefit from the knowledge should be the ones who are asked to participate. In addition to these established principles, some bioethicists

have suggested that a fourth principle, *respect for communities*, should be added (Family Health International 2004: 9).

Respect for communities "confers on the researcher an obligation to respect the values and interests of the community in research and, wherever possible, to protect the community from harm." (Weijer at al., 1999) The researcher believes that this principle is, in fact, fundamental for research when community-wide knowledge, values, and relationships are critical to research success and may in turn be affected by the research process or its outcomes.

4.3.1. Informed consent

Informed consent is a mechanism for ensuring that people understand what it means to participate in a particular research study so they can decide in a conscious, deliberate way whether they want to participate (Family Health International 2004: 9). Informed consent is one of the most important tools for ensuring respect for persons during research.

Many people think of informed consent primarily as a form, that is, a piece of paper that describes in detail what the research is about, including the risks and benefits. This form is generally subject to an ethics committee approval procedure, includes legalistic language, and is signed by the participant, the researcher, and possibly a witness. Such informed consent forms are appropriate in qualitative research – when the risks faced by participants may be substantial.

Data collection activities that require interaction with a person require individual informed consent from that person, regardless of whether community-level permissions exist. Examples of such activities include in-depth interviews and focus groups (Family Health International 2004: 9) and are relevant to this study.
 The participants in this study were told:
- The purpose of the research.
- What is expected of a research participant including the amount of time likely to be required to conduct the interview?

- Expected risks and benefits, including psychological and social.
- The fact that participation is voluntary and that one can withdraw at any time with no negative repercussions.
- How their confidentiality will be protected.
- The name and contact information of the local lead investigator to be contacted for questions or problems related to the research.
- The name and contact information of an appropriate person to contact with questions about one's rights as a research participant.

Although the researcher who undertook this study is an employee of an international think tank and has a prior relationship in this capacity with the majority of participants in the study, it was been made clear to his employer and all participants involved, that the researcher was pursuing this study in his individual capacity and would take all necessary steps to minimise researcher bias.

The researcher carefully explained the nature of his research to participants, making it clear that the findings would form part of a Masters dissertation, which would be made available through the university library and online archives. An explanation of the purpose of the research and the conditions under which the participant agreed to provide information were provided in English. The participants were then requested to sign the Nelson Mandela Metropolitan University Research Ethics Consent Form to indicate that he/she participated voluntarily, anonymously and that he/she understood the intent of the study. Furthermore, each participant was advised that Informed consent could be withdrawn at any stage of the research should he/she request to do so.

4.4. Delimitation/Assumption of the research

Although this study acknowledges the need for a holistic approach to post-conflict resolution (PCR), it will focus specifically on the neglected topic of natural resources and the impact they have had on political, social and economic development in the DRC, with a focus on the eastern part of the country; as this region remains volatile 10 years after the formal cease-fire was signed. Although other factors that motivate

conflicting parties are explored, the emphasis is on armed groups and their dependency on mineral resources. However, for security reasons, such armed groups are not accessible and there has been no attempt for this study to contact or interview them. Only two NGOs, MONUSCO and Life & Peace Institute have been interviewed, and although these organisations work extensively in areas of post-conflict reconstruction with several Congolese partner organisations and efforts were made to include insights from Congolese respondents, the respondents were speaking from the mandate of their NGOs. Furthermore, since MONUSCO engages regularly with several armed groups in eastern DRC as per its mandate, this study has been able to obtain a detailed picture of armed groups and their motives and structures. However, such views are only those of the MONUSCO respondents and no attempt was made to gather opinions from armed groups

4.5.   Dissemination of the Research

The findings of this research study will be presented in the form of a dissertation accessible at the Nelson Mandela Metropolitan University (NMMU) library. Similarly, the research findings will be disseminated to MONUSCO and the Life & Peace Institute. The recommendations made from lessons learned will assist MONUSCO and Life and Peace Institute with their strategies particularly in respect of mineral resources in conflict transformation and peace-building in general.

4.6. Conclusion

Research methodology and design used in data collection and analysis were discussed in this chapter. Qualitative research design and methods were also discussed, including purposive sampling, method of semi-structured interviews and literature review as data collection techniques that were employed. Furthermore, data analysis methods such as triangulation and coding were featured. In order to gain an understanding of the dynamics of the conflict in eastern DRC and the various groups and how they impact the conflict, the following chapter will explore the various armed groups active in eastern DRC, their motivation and investigate the way they finance their activities through illegal exploitation of mineral resources; and the supply chains of those minerals. Having identified various actors to the conflict

and their means of survival, the chapter will then explore conflict transformation efforts attempted to end the crisis

CHAPTER FIVE: MINERAL EXPLOITATION, ARMED GROUPS AND CONFLICT TRANSFORMATION IN EASTERN DRC

5. Introduction

As discussed in chapter one, the conflict in the DRC is often described in terms of two wars. The first began in 1996, when the AFDL (Alliance des Forces Democratiques pour la Liberation), supported by the Rwandan army invaded eastern DRC, backing rebel leader Laurent Desire Kabila, who eventually toppled President Mobutu Sese Seko; the second began in 1998, when Kabila broke ties with his Rwandan and Ugandan allies, and in turn, those two countries backed new rebel groups, the RCD and MLC, in attempt to overthrow him. Years of armed conflict that followed split the country into different zones of control ruled by competing armed groups that have been undermining post-conflict reconstruction processes.

In order to understand the impact that mineral resources have on the post-conflict reconstruction processes in the eastern DRC, we need to understand the dynamics of the conflict and the various groups operating in eastern DRC and their symbiotic relationships. This chapter first discusses the background of the expropriation of minerals in eastern DRC and its supply chain from the mines to the markets; and then presents an overview and motives of active armed groups in eastern DRC and their interaction. The Chapter then presents all peace building initiatives that have been undertaken since the signing of Pretoria agreement in 2002 in order to determine their impact on conflict transformation.

5.1. Overview of mining exploitation in Eastern DRC

Since the beginning of the 20th century, the eastern DRC, especially the provinces of South and North Kivu have been known both regional and internationally as mining areas. Minerals available are gold, tin, cobalt, uranium, coltan, diamonds among others (Bashizi, 1998:108-121). However, the mining industry in DRC has been constantly disrupted by factors such as the disintegration of the Congolese state in 1990, corruption throughout Mobutu's reign, the destruction of local infrastructure during the first and second Congolese wars (1996-2003), as well as the subsequent

formations of irregular armed groups (Dolan, 2010:14). This disruption gave a way to informal mining and mining exploitation, which employed thousands of miners and the formation of militias seeking control of the mining and mineral trade to finance their lifestyles and power struggles.

5.3.1. Exploitation of Mineral Resources: An old story

Mining exploitation in the eastern DRC did not start in the 20th century but can be traced way back over a century before during the colonial origins of the mining economy (International Alert, 2010:13). Human Rights Watch (2005:2) suggests that in 1903, two Australian explorers found gold in the Angola River and named this area after the local Chief Kilo. It was after the discovery of the gold-bearing region in Moto in the Upper Ituri that the site was named Kilo-Moto. This name has been the symbol of the DRC's gold for more than a century (International Alert, 2010:14). In 1926, the *Société des Mines d'Or de Kilo Moto* (SOKIMO) was founded, following the influx of many colonial companies such as the *Union Minière du Haut Katanga*, characterised by their paternalist policies towards their labour force (International Alert, 2010:14). These companies, veritable states within a state, were closely involved in the financing and management of regional infrastructure, including socio-educative infrastructure such as transport, health and education (Human Rights Watch, 2005:2).

However it was only during the 1920s in the Kivus, that mining became important. This importance was generated by two influential mining companies namely: the *Minière des GrandsLacs* (MGL) and the *CNKI Comité National du Kivu* (CNKI) (Bashizi, 1998, 108-121). This mining was mostly concentrated in the area of Maniema which soon became the major area for tin mining, with centres in Kalima, Punia, Kasese and Sakumakanga (ibid). Two companies, Symetain and Cobelmin of the Empain Group, established in 1932 and 1933, dominated the mining sector until after the DRC's independence.

However, the instability of world markets and the weakening and disorganisation of economic and administrative structures associated with bad governance, widespread corruption detrimentally affected the mining sector.

Companies such as Symetain and Cobelmin and a number of others in 1976 created the *Société Minière duKivu* (SOMINKI) in which the Zairian government held a 28% shareholding and the Empain Group 72% (International Alert, 2010:14). However this initiative was already hampered by the costs associated with the relative isolation of the Maniema mines from the international market. Thus the newly formed SOMINKI in 1985 proved its inability to cope with the sharp drop in the price of tin on the world market. After reaching a peak in February 1985, the price of tin on world market peaked at over £10,000 a ton and in 1986 the price dropped to around £4,300 a ton. The continuing decline caused the Empain Group to sell its majority shareholding in SOMINKI (International Alert, 2010:15). The continuous decline in mineral production following the collapse of world prices was further aggravated by the AFDL attacks in 1996.

In late 1996s, SOMINKI was sold to a Canadian group known as the Banro and as a result of the raging war that same year, Banro's legal position with regard to the control of SOMINKI mines was not clarified until 2003 when it was allowed to resume mining activity. Banro had started its activities by 2003 but by 2008 production had not officially begun. (International Alert, 2010:16) This situation prompted informal mining by different groups.

The collapse of formal mining in Kivu saw many miners bereft of jobs and needing to survive by informally exploiting the deposits they knew well (International Alert, 2010:15, De Koning, 2011:6). Dogging this informal exploitation, a parallel semi-legalised mechanism of exploitation was initiated placing exploitation of minerals from mining to exporting in the hands of agencies. Coupled with illegal control of mines by armed groups, this system of exploitation elevated mineral resources in the DRC to one of the major issues in regional conflict.

Mineral exploitation in the eastern DRC can be divided into two main areas of production, namely:

• Gold – alluvial or in lode deposits representing most of Ituri's production (Orientale Province) and also found at many North and South Kivu sites.
Various metals making up the composite minerals in the tin group – the "3Ts" – tin, tungsten and tantalum (De Koning, 2011:5; Heath, 2012:10) In the DRC, tungsten is known as wolfram/wolframite; tantalum is present in Colombotantalite, commonly known as coltan, which also contains varying proportions of niobium.

The composition of the ore varies according to the sites. Coltan and cassiterite are often found together, but coltan can also be found with tungsten (Heath, 202:10). The interest in one or other metal depends entirely on demand: in 1999-2000, cassiterite was merely an insignificant by-product of coltan; today, the opposite is true. The ores also always contain iron, regarded as an impurity that requires separation to obtain a sufficient concentration, at least 65% tin, to be profitably sold.

The eastern DRC has 13 major known mines, with another 200 mines in the region (Heath, 2012:18). Twelve of the 13 major mines are controlled by armed groups while over 50% of the 200 of the total number are also under the control of armed groups and the military (Heath, 2012:18). In an interview with MONUSCO in Bukavu, this figure could not be verified or disputed.

Table 6: Principle known mining sites in South and North Kivu

Province	Name of the **mining** areas	Production	Estimated number **of** miners
North Kivu	Bisié (Walikale)	Cassiterite, 10000 tons	Province: 200 000
	Itebero	Coltan, cassiterite	
	Mumba-Bibatama	Coltan, cassiterite	
	Lueshe	Wolframite	
	Fatwa Kasugho	Production of cassiterite in North Kivu estimated at 14 000 tons	
	Musienene	Niobium Diamonds	
	Manguredjipa	Diamonds Gold	
South Kivu	Numbi	Coltan, cassiterite,	
	Nyabibwe	Tourmaline	
	Kama	Coltan, cassiterite	
	Kamituga	Coltan, cassiterite	
	Twangiza	Gold	
	Lugushwa	Gold	
	Minoro	Gold Diamonds	

5.3.2. Supply chain of mineral trade

According to De Koning (2011:5), the supply and export of minerals from the eastern DRC is handled by *comptoirs* trading houses based in the towns of Goma and Bukavu. Artisanal miners of gold and the 3Ts are connected to the respective trading chains by small-scale traders known in French as *petits négociants*, who buy minerals for cash but more often pre-finance mining operations by bringing in equipment and supplies in return for minerals. The minerals are bought and sold by traders (*négociants*) and eventually sold to buying houses (*comptoirs*), which arrange export (Heath, 2012:18; De Konging, 2011:5).

Those *comptoirs* act as a market themselves, as they buy minerals from across North and South Kivu as well as other locations, including those produced by and benefiting armed groups and the FARDC and then sell them to companies and agencies.

The primary customers of the *comptoirs* are foreign companies (Heath, 2012:8). With the majority of exports emanating from the two provinces, the *comptoirs* are effectively acting as a gateway to the international markets (Global Witness, 2009:54; MOUSCO 2012). According to estimates made by both the South Kivu branch of the *Fédération des Entreprises du Congo* (FEC), the federation of Congolese businesses in 2007; of which most of the main *comptoirs* are members; official *comptoirs* in South Kivu each month export an average of 450 tons of cassiterite, 45 tons of wolframite, 16 tons of coltan and 10 kg of gold (FEC, 2008:2). In an interview with Life & Peace Institute, there are calls for the *comptoirs*' licences to be reviewed and reregistered in order to have a clear picture of those operating who operate illegally.

In reality, even if *comptoirs* are legalised, most of them and their international buyers are not dealing with legal traders. According to the UN Mission in Congo (MONUSCO), they are buying and selling minerals supplied by armed groups or

FARDC units, a process that is entirely illegal (MONUSCO, 2012). In 2008, there were approximately 40 registered *comptoirs* in North and South Kivu (Heath, 2012:18) run by individuals who have been involved with buying and selling of minerals throughout the wars.

Most of those individuals run successful businesses as they are willing to trade with armed groups, directly or indirectly, regardless of their history of violence and human rights abuse (Global Witness2009:55). These are well-known high-ranking personalities inside the DRC such as Mudekereza Namegabe, who heads the *comptoirs* Group Olive and MDM, Muyeye Byaboshi, who runs the *comptoir* known as *Etablissement Muyeye*. Others are known to be operating in the neighbouring countries of Uganda, Burundi and Rwanda (Global Witness, 2009:55).

In its report, the UN Group of Experts (2008:IV.B) named these individuals as trading minerals produced by armed groups and mentioned Groupe Olive, Muyeye, MDM, WMC, Panju and Namukaya to be dealing in minerals produced or handled by the FDLR.

5.3.3. From *comptoirs* to foreign companies

In recent efforts to regulate the mining industry and stabilise the eastern DRC, the responsibility to make sure that the trade in mineral does not benefit the armed groups was not vested only on the government or civilians of Kivus, but also on foreign companies who buy minerals from North and South Kivu (BSR, 2010:5). However some of these companies most of which were based in Europe and Asia, had not complied with this responsibility as they continue dealing with *comptoirs* who they know have been trading with armed groups for several years. According to De Koning (2011:8), trade in the 3Ts is facilitated by both road and air shipments from mines (mostly controlled by armed groups) to either Goma or Bukavu. At this stage, licensed *négociants* pay a small fee for a transport authorization issued by the Service *d'assistance et d'encadrement du* small-scale mining (SAESSCAM, Small-scale Mining Assistance and Training Service) or the provincial Division of Mines. Once minerals arrive in Goma or Bukavu at the

comptoirs or the airline office, authorities from the Division of Mines register the shipment in the name of the négociant. The Centre *d'Evaluation, d'Expertise et de Certification* (CEEC, Centre for Evaluation, Expertise and Certification) registers transactions between *négociants* and *comptoirs* and provides a voucher (*bon d'achat*) to the *comptoir*. The CEEC also issues an export certificate for each consignment (weighing 23-55 tons) shipped. Currently, there are 17 exporters based in Bukavu and 24 based in Goma (Heath, 2012:18). The export certificate does not name the *négociant(s)* involved in supplying the minerals or where the minerals were purchased or mined. This information has been confirmed in an interview with the UN Mission in DRC. Consignments of 3Ts from eastern DRC are then transported by road through Burundi, Rwanda and Uganda to the Kenyan port of Mombasa and the Tanzanian port of Dar es Salaam, from where they are shipped to importing or processing companies in Asia and Europe (De Koning, 2011:8).

According to statistics realised by the Congolese government, companies registered in Belgium accounted for the largest proportion of cassiterite, wolframite and coltan imports from North and South Kivu in 2007 and 2008 and from North Kivu from January to September 2008, with the main companies originally from Belgian namely Trademet, Traxys, SDE, STI and Special Metals (Custers & Cuvalier, 2009:12-19).

The second largest buyers of cassiterite from North and South Kivu in 2007 and 2008 were the Thailand Smelting and Refining Corporation (THAISARCO), thirdly the world's fifth-largest tin-producing company owned by the large British metals company Amalgamated Metal Corporation (AMC) Group; Afrimexa. Some companies were registered in UK and other in the region, such as the MPA, the Rwandan-based subsidiary of South African owned Kivu Resources (Global Witness, 2009:61)

The Malaysian Smelting Corporation, Berhad, which was the world's fourth-largest tin-producing company and some companies based in China (African Ventures Ltd in China), India (Met Trade India Ltd), Canada (BEB Investment Inc.), Austria, and the

Netherlands and Russia (Eurosib Logistics JSC) also featured on the list of companies exploiting mineral resources; with links to armed groups (Global Witness, 2009:61). These companies accounted for an increasing proportion of cassiterite imports from North Kivu between January and September 2008. In terms of coltan, the largest importers in 2007 and 2008 were Traxys, THAISARCO and companies based in Hong Kong and South Africa and a Belgium-based company (Trademet and Specialty Metals) the largest buyer of wolframite in 2007 and 2008. Other buyers included Afrimex, and companies registered in the Netherlands, China, Austria, United Arab Emirates and Russia (Division des Mines Nord-Kivu and Division des Mines Sud-Kivu, 2008: Annex B).

In terms of current trends in mineral trading, from North or South Kivu there are no reliable because the Congolese government's statistics are incomplete, and there are large inconsistencies with corresponding statistics from importing countries. For example, statistics from Thailand and Malaysia report much higher figures for cassiterite imports from the DRC than those listed by the Congolese government. Congolese government statistics also sometimes list the transport or freight company, rather than the buyer, as the importer. In some cases, this may distort the picture as the transport company may not be based in the same country as the buyer.

5.3.4. The role of transit Countries

DRC neighbouring states such as Rwanda, Burundi or Uganda come to the forefront in facilitating mineral transit from North and South Kivu (MONUSCO, 2012; De Koning, 2011:8). Once they have been transported through these countries, the minerals usually leave Africa through the ports of Dar es Salaam (Tanzania) or Mombasa (Kenya) as shown on the map below.

Some of the minerals produced in South Kivu are transported to North Kivu and exported from there, as the town of Goma is a larger commercial hub than Bukavu and has better transport and connections with Rwanda.
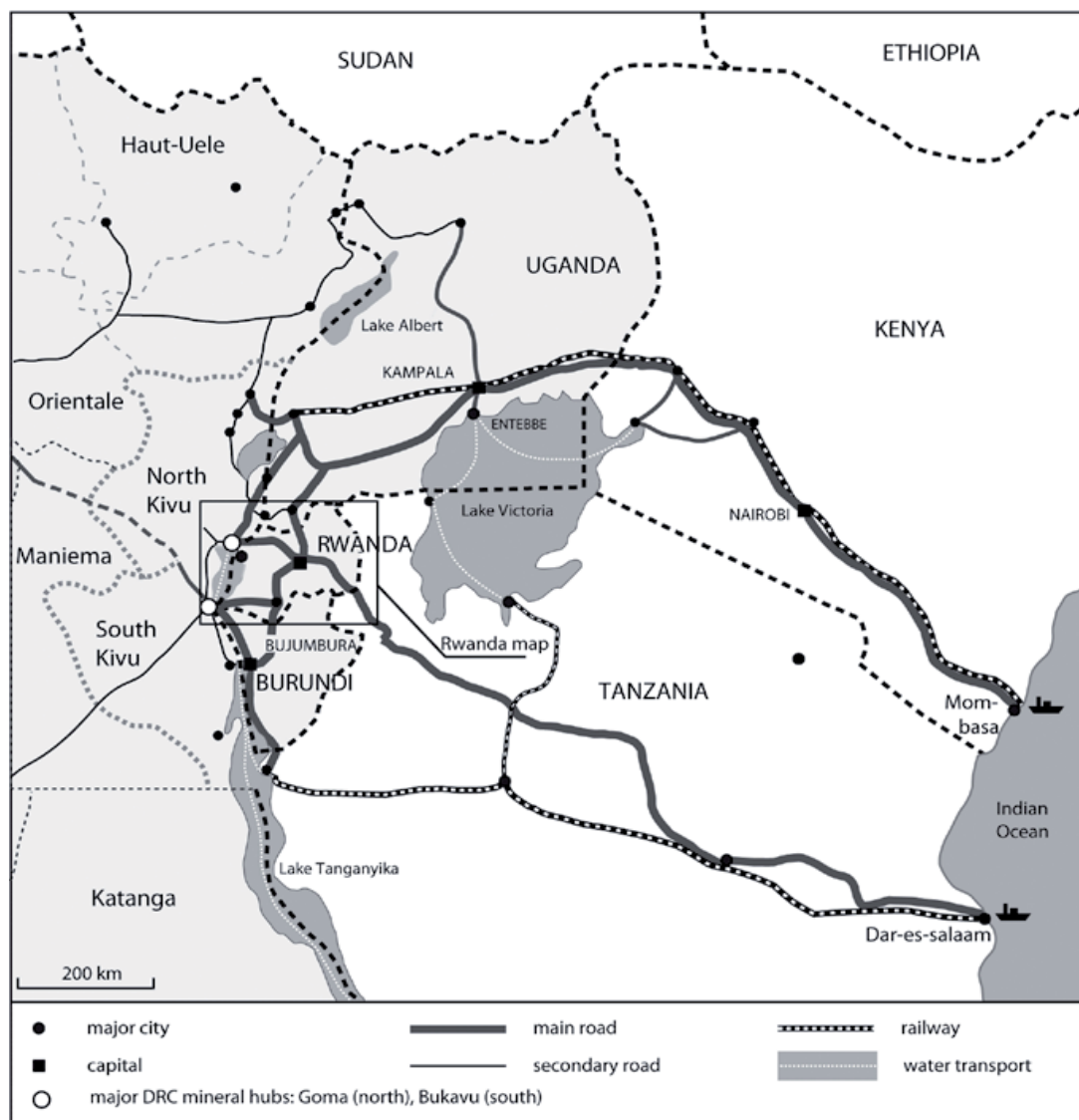
Figure 3: Transit of minerals

(Source: Blore, 2011:1" Implementing Certified Trading Chains in Rwanda)

Rwanda

Due to poor control on the Congolese side of the border, the main channel or routes through which minerals leave eastern DRC to other countries is Rwanda according to Global Witness Reports of 2008 and 2009. Recently however, Rwanda has set up verification mechanisms to show the origins of minerals in its territory. Global Witness (2009:62) points out that before, there was no mechanism to ensure that the minerals Rwanda imported had not been produced by, or benefited any of the warring parties in the DRC.

This failure by the DRC to control its borders and the alleged unwillingness of Rwanda to stop minerals from the DRC effectively provided the armed groups with a safe haven in terms of access to export routes and international markets. Various armed groups such as those reportedly supported by Rwanda (CNDP, now M23), and unfortunately even those who were Rwanda's fiercest enemy such as FDLR, were profiting from the trade route through Rwanda (Global Witness, 2009:72).

The 2001 UN Panel of Experts Report (2001:35) alleges that during the earlier phases of the war from 1998 onwards, the Rwandan government and its army profited directly from illicit mineral exploitation in North and South Kivu. Hall (2012:3) goes further to suggest that key government and civil society figures in DRC believe that since the Rwandan-backed war that led to the ascension of Laurent Kabila as president in 1996, Rwanda has manipulated Congolese politics and security to protect and expand its economic interests in eastern Congo, particularly control over the FARDC and the continued natural resource exploitation.

Regardless of the fact that Rwanda has its own mineral deposits, and a developing domestic mining sector which accounts for an increasing proportion of its exports, there are constant accusations that Rwanda continues to import and re-export significant amounts of minerals from eastern DRC (Global Witness, 2009:70). A major problem with these minerals is that the Congolese minerals

exported from Rwanda are not easily and always distinguishable from minerals produced in Rwanda.

Burundi

Burundi is the second largest importer of minerals, especially gold, produced in South Kivu just like (International Alert, 2010:7). According to a report by the Global Witness (2009), a significant proportion of the gold mined in South Kivu is controlled by armed groups namely the FDLR or the FARDC. Burundi, like Rwanda, offers an easy exit route for minerals produced by these armed groups to international markets (Global Witness, 2009:73). The UN Mission to the DRC (MONUSCO) confirmed in the interview in 2012, that although this trend has subsided to some degree, significant quantities of mineral transit through Burundi to the port of Dar es Salaam in Tanzania.

Furthermore, Burundian border control is exceptionally weak, and in some cases, customs officials are involved in facilitating illegal imports from the eastern DRC (Global Witness, 2009:73).

Gold is often smuggled into Burundi from the southern part of South Kivu through channels controlled by the FDLR. This route transverses Lake Tanganyika or through the many informal crossings along the Ruzizi River that mark the northern Burundi-DRC border to the rural hinterland. The smuggled gold is then sold to traders in the capital, Bujumbura, and exported to the international market from there. Global Witness Report of 2009 indicates that Bujumbura international airport is one of the most direct routes through which gold from South Kivu leaves the region and reaches world markets (Global Witness, 2009:73)

5.4. Armed groups active in the eastern DRC

As pointed out in the previous chapters, the major source of instability in the eastern DRC is the continuous presence of irregular armed groups and the ineffective means by the government to control them. The Integrated Regional Information Network (2010:1) identified nine armed groups that were active in eastern DRC. In order to answer to the question of identifying the roles that

individual groups and countries that have interest in the mineral resources are playing in post-conflict reconstruction processes in the eastern DRC, this section explores seven major armed groups that have been identified to be profiting from mining activities. These include: the Democratic Forces for the Liberation of Rwanda (FDLR), the Rassemblement Congolais pour la Democratie (RCD), the National Congress for the Defence of the People (CNDP, now M23), the Lord's Resistance Army (LRA), the Mai Mai militia, Union Patriotique Congolais (UPC) and the Allied Democratic Forces (ADF). Five of them are shown on the map below in their respective areas of control and linked to the types of minerals they exploit.

C.A.R.

SUDAN

Militias and metals in eastern DR Congo
Map by Conrad Taylor, Nov 2008

Au

Au

Au

Au

Au

Au
Durba

Watsa Au

Au

FNI Au
Mongbwalu

Au UPC

Bunia

Adusa

Mambasa

Kisangani

Bani

Au
Kasindi

Kagesa

Lubero

CT

UGANDA

Mbarara

Au

FDLR

CT

CNDP

Kabale

FDLR

CT

CNDP

Shabunda

T T

CNDP
Goma

Gisenyi

FDLR/
FOCA

T

CT

KIGALI

FDLR

T CT

RWANDA

TANZANIA

Au Bukavu

CT

CT

Mwenga

BURUNDI

BUJUMBURA

Au

Gitega

Au

Legend

Au Gold

CT Columbite-Tantalite (Coltan)

T Cassiterite (tin ore)

CNDP
National Congress for the Defence of the People
(Laurent Nkunda — ex RCD-Goma)

FDLR
Democratic Forces for the Liberation of Rwanda
(ex-Interahamwe Hutu Rwandans)

FNI
Nationalist and Integrationist Front (Lendu)

UPC
Union of Congolese Patriots (Hema)

FOCA
Forces Combattantes Abacunguzi, allied to FDLR

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5.4.1. Democratic Forces for the Liberation of Rwanda (FDLR)

After the 1994 Rwandan genocide, more than 2 million Rwandan refugees and elements of the former Rwandan armed forces and the Interhamwe militia settled in eastern DRC in various refugee camps. The remainder of the former Rwandan army and the interahamwe militia quickly set up a military wing to resist the new regime in Rwanda and, over the past 17 years, they have carried out numerous attacks inside Rwanda (up to 2000) and against Congolese civilians. The FDLR is in essence, a continuation of its immediate predecessor, the ALIR (I and II) and, like the ALIR, rooted in the various structures that were created among and by the Rwandan refugees and combatants who fled the country in the aftermath of the 1994 genocide (Romkema, 2007:7).

They are now known as the Democratic Forces for the Liberation of Rwanda (FDLR - French acronym) and owing to its influence, this armed group controls every aspect of the daily lives of civilians under its control. According to analysts and officials, its estimated manpower in the region is about 6 000 to 8 000 (BSR, 2010:5). At the time of writing this thesis, this figure may have changed as various reports suggest that FDLR has intensified its recruitment campaign and there have been two joint operations by the Government of DRC that targeted the FDRL.

Although the FDLR has assimilated individuals, mostly young recruits from the Rwandese refugee community in the DRC, its leadership is still dominated by members of the former Rwandan army and politicians from the regime that ruled Rwanda before and during the genocide (Romkema, 2007:7). Several FDLR leaders complicit in the Rwandan genocide in one form or other use the movement to protect themselves. Many different estimates abound on the number of 'génocidaires' in the ranks of the FDLR. In the 2008 African Rights report, it is claimed that there are 'hundreds' within the DRC and 'dozens' abroad (African Rights, 2008:60).

Romkema estimates that 200-300 suspects of genocide atrocities remain within the ranks of the FDLR (Romkema, 2007: 66). The names of some of them circulate

publicly, for example: Major General Sylvestre Mudacamura (Chief of Staff) and Idelphonse Nizeyimana (Deputy to the 2nd Vice-President of the political wing). As long as the Rwandan government refuses to publish the names of the suspects, confusion within the FDLR will persist. In 2007, Alison Desforges of Human Rights Watch stated that she doubted whether there were any genocide suspects within the FDLR, while the FDLR itself claims there are no more than 3 or 4 individuals within their ranks (Spittaels&Hilgert, 2007:8). The regular combatants of the FDLR, still the largest and strongest armed group active in the Kivu provinces, would prefer to disarm and return to Rwanda, irrespective of the political developments there, as most of the benefits from mineral wealth is claimed by the senior officers and their families; while the balance is used to sustain the movement.

Furthermore, while most of its political leaders are based in Europe, the FDLR has not managed to attract a strong and reliable ally or donor, so has no political backing internationally. However, the volatile political transition in the eastern DRC offers a favorable   political and secure environment for itself and its business.

Although the exploitation of natural resources was not the main *raison d'être* for the FDLR when it was first established in early 2003, the opportunities that presented themselves in North and South Kivu proved to be irresistible (Global Witness Report, 2009:38). Over time, the FDLR's economic activities became increasingly lucrative. Experts estimated that the FDLR was making profits "possibly worth millions of dollars a year from the trade in minerals" and describes the mineral business as "a high priority for FDLR". Resource Consulting Services (RCS) estimates that in 2008 the FDLR, obtained up to 75% of its revenue from the taxation of DRC minerals, predominantly gold (Nicholas & Mitchel, 2009:6). In an interview with MONUSCO, it was confirmed that the FDRL depends entirely on mineral trade, even if it is difficult to evaluate the exact revenue involved.

Hence, the FDLR's trading activities in South Kivu appears to have become an end in itself. As shown on the map below, in parts of the territories of Shabunda, Mwenga, Walungu, Uvira and Fizi the FDLR has become extraordinarily well

ensconced and connected (Romkema, 2007:5; Global Witness Report, 2009:38). The report further claims that all the territories under FDLR control have gold or cassiterite mines. For example, in the *collectivité chefferie* of Burhinyi (in Walungu), the FDLR controls nine of the 18 *groupements*, all rich in minerals, forests and agricultural land. Their products are sold in the nearby markets by using local civilian support to collect their loot and provide transport accompanied by one or two of their soldiers. The following map shows the location of the FDLR in eastern DRC:
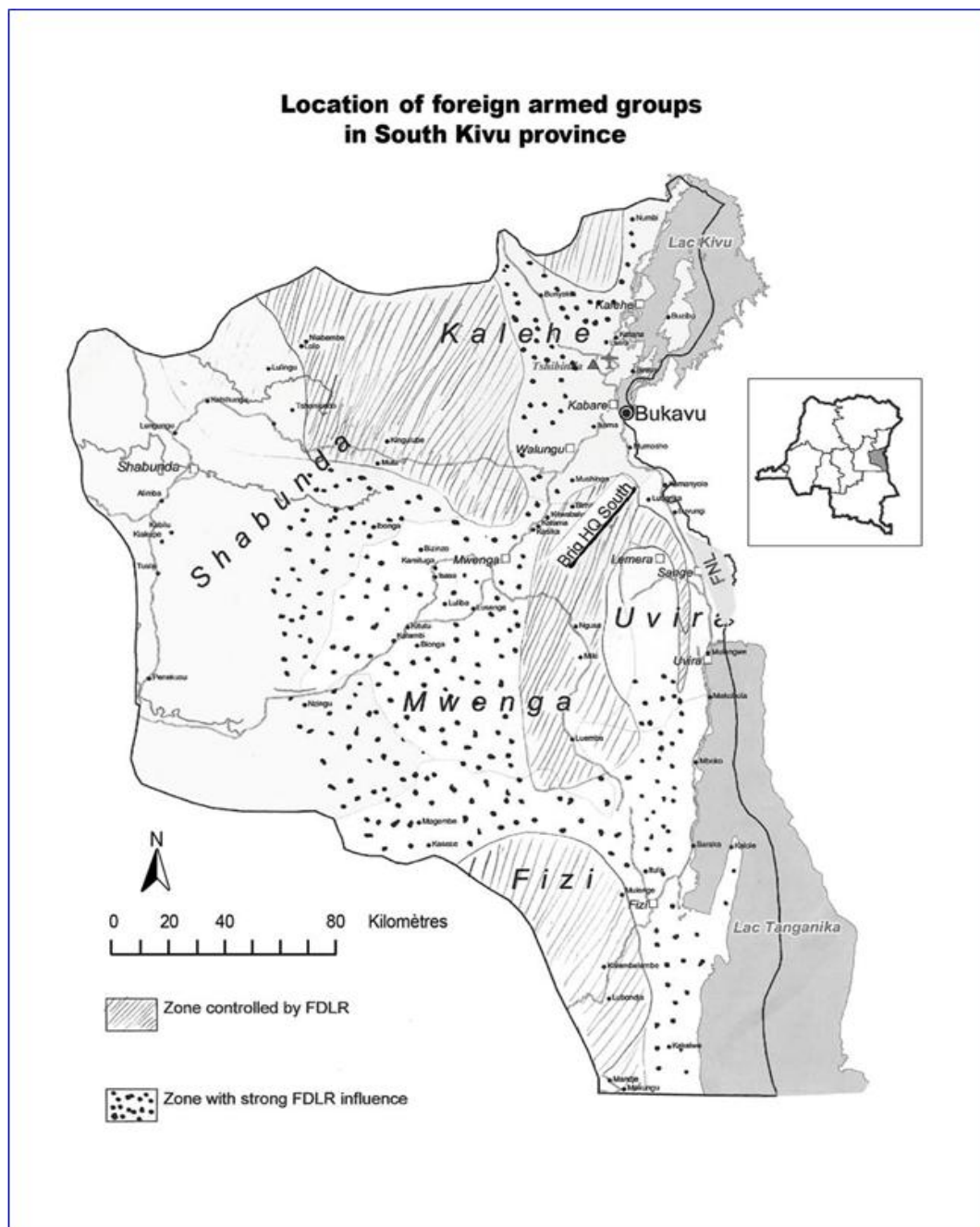
Fig 5: Location of foreign armed groups in South Kivu (Romkema, 2007:5)

With the profits, the FDLR have established efficient and extensive business networks and are able to obtain other supplies, including weapons, without difficulty. According to Global Witness (2009:38), the FDLR also set up political, economic and social structures and administration, including, for example, their own parallel justice system. The United Nations Stablising Mission to DRC (MONUSCO) confirmed, in an interview in 2012, that this situation has not changed in territories under their control regardless of two joint military operations aimed at dislodging them.

5.4.2. The Rassemblement Congolais pour la démocratie (RCD)

The Rassemblement Congolais pour la Democratie (RCD) was established in 1998 as a result of deteriorating relations between Kabila and his Rwandan and Ugandan allies. When the new president dismissed his Rwandan Chief of Staff, Gen. James Kaberebe in July 1998 and severed cooperation with Kigali thereafter, the stage was set for war. In early August, the RCD seized power in Goma and moved against Kinshasa (Havenne, 2001:2).

According to the International Crisis Group (ICG), RCD affiliation is by and large Kinyarwanda speaking who depended almost entirely on Kigali for financial, political as well as military support (International Crisis Group, 2003:10). It drew its soldiers from the fifteen battalions that comprised the 10th Brigade of the Congolese army, the military branch of the RCD (the *Armée nationale congolaise*, ANC), including troops drawn from Mobutu's old army; some remnants from the AFDL "Kadogos" who captured Kinshasa in 1996 and brought Kabila senior to power; Kasaian elements recruited through the patronage of the movement's former president, Adolphe Onosumba Yemba; several Banyamulenge fighters first mobilised in the 1990s from the ranks of the RPF movement in Rwanda; new recruits from the Congolese Hutu of Rutshuru, and mobilised Banyamulenge militias (International Crisis Group, 2003:10).

On 2 August 1998 the RCD embarked on a massive offensive under the leadership of Wamba Dia Wamba. During this military operation, the RCD managed to conquer

large swathes of land in Orientale province, North and South Kivu, Maniema, Kasai Oriental and northern Katanga. However as Havenne (2001) points out, the success was followed by an internal power struggle between March and May 1999; which caused a split into two factions: RCD-Goma, allied to Rwanda and RCD-Kisangani allied to Uganda (Havenne, 2001:16); which, in turn, divided the eastern Congolese provinces into different zones of control and provoked a total fragmentation of the politico-military landscape. This led to the proliferation of rural militias in Kivu's hinterland, Katanga and Ituri and even further complicated the local politico-military context by carving up the territory into multitude of continually shifting zones of control as witnessed today.

To finance their activities, Koen Vlassenroot (2008) identified strategies of exploitation that RCDs put in place. Formally, the RCD generally limited itself to consolidating its dominance in the key strategic areas (urban centers and mining sites) of eastern DRC in order to access pre-war structures and networks of economic value. It did so to gain a substantial foothold in the local resource market by developing several structures to secure control over existing mining commodity-chains, including the (failed) granting of export monopolies, as well as exerting direct military control over the more lucrative mining sites (Vlassenroot, 2008:7).

Informally, the RCDs established barriers and checkpoints strategically aligned to reap economic benefits. Soldiers were used to collect taxes and report back to their commanders. These were the early ventures into an extractive approach of collecting taxes and exploiting natural resources (ibid).

5.4.3. The National Congress for the Defence of the People (CNDP)
The National Congress for the Defence of the People (CNDP) was the second dominant armed group in eastern DRC until 2009, when it started integrating into the regular Congolese army (IRIN, 2012:1). At the time of writing this dissertation, most of its former combatants; including its high command, defected from the regular army and formed the rebel movement called M23. Although it claims to act on behalf of all local ethnic groups, the grievances of the Congolese Tutsi are

central to its agenda, including demands for political representation, refugee repatriation and protection from the predations of the Democratic Forces for the Liberation of Rwanda (FDLR) (Shepherd, 2011:43). United under this objective, the CNDP appeared to be a powerful armed group with its support stemming from civilians of eastern Congo, but after the Congo-Rwanda joint military offensives in 2009, the CNDP ceased to be a cohesive group.

Once led by Laurent Nkunda, currently under house arrest in Rwanda, observers saw CNDP as a Rwandan proxy; the latest in a sequence of Kigali-backed actors dating back to the Congolese Rally for Democracy (RCD) that had played a central role in the second Congo war (1998-2003) (Shepherd, 2011:43). The UN panel of experts has even accused Rwanda of supporting the newly formed M23, under the Command of Col.Sultan Makenga and Bosco Ntaganda; formerly second in command prior to the arrest of Nkunda; a charge Rwanda denies.

CNDP has its origins in RCD (Rassemblement Congolais pour la Democratie), as many CNDP combatants previously fought for the RCD. Having resisted integration into the Congolese national army during the post-war transition as a result of various flaws in the transitional government, they re-emerged under Nkunda's leadership during the Bukavu crisis of 2004 and later formed the core of the CNDP military. Nkunda himself fought for the Rwanda Patriotic Army (RPA) in the 1990s, before holding a senior position in RCD. CNDP, now M23, was therefore, a hybrid organisation, reflecting the deep complexity of parallel local, national and regional conflict systems in eastern DRC. It represented a local reaction to the continued incapability of the Congolese state and the long-standing grievances of Congolese Tutsi over lack of political power and land. The CNDP and its allied groups were party to all peacemaking initiatives, from the inter-Congolese dialogue (2001-02) and the transition (2003-06), to the 'mixage' agreement of 2007, the Goma conference of 2008 and subsequent Amani programme.

Each of these processes treated CNDP and its antecedents as predominantly Congolese phenomena, emanating from domestic political dynamics or inter-

community tensions. Although its integration into the regular army and the current defection raise many concerns, its political demands were not met and the structural causes of conflict, such as land distribution, nationality, resources and refugee repatriation, remained salient given the continuous presence of FDRL in the areas inhabited by people the CNDP claims to represent.

According to IRIN (2012:1), the integration of CNDP into the national army (FARDC) failed partly because ex-CNDP commanders retained control of key economic and strategic sites in eastern DRC, with loyal ex-CNDP troops under them in robust, held parallel chains of command. As a result of failed security sector reform, the CNDP military hierarchy never disbanded (SSR) (IRN, 2012:2).

According to Global Witness (2009), the CNDP never relied as heavily on the mineral trade as the FDLR, because the territories under its control in North Kivu tend to contain fewer large mineral deposits. However, the report indicates that CNDP benefited heavily from mineral taxation (Global Witness, 2009:48). The CNDP controlled some areas where mineral deposits are found. These include coltan mines at Bibatama; a wolframite mine at Bishasha; and cassiterite deposits in other locations. Resource Consulting Services (RCS) estimates that in 2008 the Congrès National pour la Défense du Peuple (CNDP) obtained up to 15% of its revenue from mineral exploitation ((Nicholas & Mitchel, 2009:6).

Also, like other armed groups, the CNDP relied on civilians to dig for minerals and took a proportion of the production. More significantly, CNDP troops found other ways of cashing in on the mineral trade, through extortion and the imposition of "taxes" – which they collect in cash or kind – along the roads, at checkpoints and at border crossings. A particularly rewarding source of revenue for the CNDP has been the crossing at Bunagana, on the DRC-Uganda border (Spittaels & Hullebroeck, 2008:7). As the fighting continues in the eastern DRC, it is impossible to document the territory currently under M23 control. There is a strong likelihood, however, that this new movement will continue to exploit minerals or derive benefits from the trade in the areas under its control.

5.4.4. The Allied Democratic Forces (ADF)

The Allied Democratic Forces (ADF), like the FDLR it is a foreign armed group in DRC, originating from Uganda (CRS, 2011:6). The ADF is a Ugandan Muslim rebel group with dual objectives both in Uganda and in the DRC; however, their activities are limited in both Uganda and the DRC. In 2010 the ADF was reported to operate in the Beni district near the border between Uganda and the DRC. However, their actions were short-lived because in June 2010 the governments of Uganda and DRC joined forces to squash ADF activities. At that time the Congolese armed forces launched a military operation known as Rwenzori against the ADF and its allies in Beni (CRS, 2011:7). Although the military operation was successful in dislodging ADF forces according to UN officials it was a failure in the sense that it displaced an estimated 100 000 Congolese civilians.

5.4.5. Mayi Mayi Militia

The Mai-Mai militia is a less cohesive group comprising a number of Congolese militia with disparate political demands. While the Mai Mai groups pretend to have a national resistance agenda, in reality their fights are more often than not, local. Their grievances derive from Kivutian disgruntlements that predate the two "liberation wars" of the past decade and will endure beyond any national peace deal unless it addressed directly with them. Since 1998, control over gold or coltan mines been a prime motivation for Mai Mai infighting. The anti-Tutsi and, by extension, anti-Banyarwanda agenda is one of the unifying forces since Rwandophones remain the easy scapegoats for all political and economic frustrations in the Kivus (ICG, 2003:11). This explains the relative fragility of Mai Mai allegiance to the Kinshasa government and to any power-sharing agreement that Joseph Kabila might sign with the RCD.

Koen Vlassenroot (2008) argues that unlike its counterparts in the Northern Kivu, the Mai Mai armed group presented itself as both a political and military movement that wanted to restore the collapsed institutional framework of the Zairian state on one side of the token and on the other claimed the need to protect the autochthonous

population against outside forces as its end objective (*Koen Vlassenroot, 2008:11.*).

Historically, the Mayi-Mayi militia did not start its operations when war broke out in 1996; but was already operating prior to the Congolese wars. However, it was mainly after the start of the RCD-rebellion that it gained prominence and was able to occupy parts of South Kivu's interior (Vlassenroot, 2008:11). In the areas under its command, the Mai Mai militia instituted a highly militarised authoritarian regime that claimed sovereign authority (Reinventer, 2005:1).

Even if the movement was promoting total freedom for the autochthonous population, its strong control over civilian administrators and the population through ideological seminars and the introduction of repressive justice mechanisms, confirmed that the movement relied heavily on disciplinary and sovereign techniques of government (Hoffman, 2007:102). Unlike the RCD which generated income through business connections, the Mayi-Mayi militia generated it through taxation, from the population and the local economic activities to finance the movement's bureaucratic apparatus. However as the situation progressed, the militarisation of mining and trading activities came to the forefront of financial support and completely changed the pre-war integrative administrative structures which were in place (*Vlassenroot, 2008:11*).

The Mayi Mayi currently comprises several groups. Besides smaller groups, the main Mayi-Mayi force in the eastern DRC is the Coalition of Patriotic Congolese Resistance known as PARECO allied to several Mayi-Mayi groups. The leadership of the coalition is in the hands of Colonel La Fontaine of Nande ethnicity (Spittaels & Hullebroeck, 2008:14).

5.4.6. The Lord's Resistance Army (LRA)

The LRA is the oldest rebel group in Uganda and its existence can be traced back to the mid-1980s under the leadership of Joseph Kony (CRS, 2011:7). With similar practices to those of the FDLR, the LRA is an interstate rebel group with military operations and presence in northern Uganda, the DRC, the Central African Republic (CAR), and Southern Sudan. With the implementation of the Comprehensive Peace Agreement (CPA) in Sudan, LRA units fled to DRC in 2005. In March 2011, attacks by the Lord's Resistance Army (LRA) displaced more than 1 200 people in the Dungu area, Orientale Province of DRC, while UNHCR reported 33 attacks in north eastern DRC in 2012 (International Displacement Monitoring Centre, 2012:1). Meanwhile, tens of thousands of people recently fled their homes in North Kivu Province, following attacks by unknown armed groups. Some have implicated LRA while others blamed the attack on the FDLR.

5.4.7. Union Patriotique Congolais (UPC)

In July 2001, the Hema movement Union Patriotique Congolais (UPC) started its activities as a parallel development to the Mayi-Mayi militia and RCD activities in North eastern DRC (Vlassenroot, 2008:12). Initially led by Thomas Lubange, now in ICC custody, the Union Patriotique Congolais (UPC) was instituted by civilian and military Gegere leaders as the final stage of a strategy to seize political and economic power in Ituri. Prior to the formation of this armed group, close collaboration between Ugandan army commanders controlling the Ituri region and certain Gegere political leaders and economic actors led to the creation of a trans-border power complex that was able to monopolise trade networks and secure access to local resources (Vlassenroot, 2008:12). This suggests that originally the UPC was supported financially and militarily by Uganda as a means of gaining control of the gold deposits in southern Ituri.

After the arrest of its leader, Thomas Lubanga in March 2005 by Congolese authorities on charges of human rights violations, including genocide, war crimes, and crimes against humanity, the UPC announced a cease-fire and an end to its

insurrection. On 17 March 2006 Thomas Lubanga was transferred to The Hague to stand trial before the International Criminal Court (Danssaert & Brian, 2005).

5.5. Peace building Initiatives and Conflict Transformation in eastern DRC

The DRC conflict has attracted many peace efforts. Currently, the country hosts one of the largest UN peacekeeping forces in the world. The International Conference on Great Lakes has been at the forefront of facilitating peace negotiations and signing of agreements. Furthermore, the Sun City agreement of 2002 set out the main conditions for peace: democracy, territorial sovereignty, political checks and balances on power and the control of all armed groups. This international undertaking has contributed to a certain level of political stability and ensured the functioning of several transitional institutions; it also facilitated the preparation of the 2006 and 2011 national elections and aided, in part, the implementation of a comprehensive Disarmament, Demobilisation and Reintegration and Security Sector Reform programme.

Nevertheless, all these efforts have not provided security in the eastern party of the country but rather, since the signing of the peace accord, conflict conditions in eastern DRC have deteriorated even further. Using data from interviews and literature review, the following section discusses major peace efforts; their levels of success and why they failed to bring about sustainable peace in eastern DRC.

5.5.1. The International Conference on Great Lakes Region (ICGLR)

Since the outbreak of war, more than twelve major peace agreements have been concluded. Negotiations, and reconciliation initiatives, often brokered with help from the international community, have been the primary means to resolve conflict in the DRC (Kalele, 2008:2). Most of these accords neglected the principal conflict drivers, namely militias opposed to the government in Burundi, Rwanda, and Uganda, all based in the Kivus, and whose home countries are members of ICGLR.

The majority of these peace agreements were facilitated though ICGLR, convened by United Nations Resolution 1291 of 2000 and held under the auspices of the

African Union and the UN supported by international donors (Minani, 2012:4). The ICGR consists of 18 countries, 11 of which were directly involved in the conflict by supporting at least one party to the conflict (Minani, 2012:4).

After six years of political negotiations, the outcome was a Pact on Security, Stability, and Development in the Great Lakes Region, signed in December 2006 by heads of state from Angola, Burundi, the Central African Republic, the DRC, Kenya, the Republic of Congo, Rwanda, Sudan, Tanzania, Uganda, and Zambia following another successful peace effort, the 2006 presidential elections (Fleshman, 2007:18). The Pact was in force from June 2008 after being ratified by eight signatories. An ICGLR Secretariat was established in Bujumbura to implement the ten specified protocols which included regional non-aggression and mutual defence, good governance, and reconstruction and development (Fleshman, 2007:18; Minani, 2012:4). Parties to the agreement were requested to renounce force in regional relations, abstain from supporting or tolerating the presence of armed dissidents of other states, cooperate in disarming and dismantling existing rebel movements, control regional arms transfers, eliminate and prevent hate speech and ethnic discrimination, and prosecute war crimes and crimes against humanity, particularly sexual violence and abuse of women and girls (Fleshman, 2007:18). However, between 2004 and 2012, a series of reports from the UN Panel of Experts showed repeated instances of Rwandan support to CNDP and conversely continual FDRL operations with the DRC territory. With no sanction mechanisms in place, the ICGLR was powerless.

Furthermore, parties to the agreement were required to cease or prevent the illegal exploitation of natural resources, respect national sovereignty over natural resources, establish the Great Lakes as a "specific reconstruction and development zone," harmonise national and regional economic policies, cooperate in projects relating to regional energy, transport and communications, and enhance commerce and development among border populations to promote regional integration (Fleshman, 2007:18). The ICGLR took this issue further, given the economic dimensions and motivations of the conflict in the eastern DRC, by launching a

Regional Initiative on Natural Resources to certify, formalise, and track the mineral trade to eliminate trafficking and the role of armed groups (Blore, 2011:22). Limited progress is evident and the ICGLR agreement has now become a "talk shop". The United Nations Mission in DRC (MONUSCO) is, however, furthering the initiative, by facilitating the establishment of a regional verification and certification mechanism; and constructing trade centers. Unfortunately this process is likely to be detrimentally affected by fresh fighting that started in May 2012.

The ICGLR's main shortcoming has been its failure to address the immense human rights violations committed by various state actors that intervened in the DRC, especially well documented abuse contained in UN reports (UNCHR, 2010:70). Consequently, these actors have had little incentive to end their reliance on short-term military responses and proxy militias to meet their immediate security and economic interests.

5.5.2. The Tripartite Plus Commission and the Nairobi Communiqué

The USA launched its own initiative in 2004, referred to as" The Tripartite Plus Commission" to promote peace in Eastern DRC (McCormack, 2007:1). The Tripartite Plus process led to a number of agreements over the past five years, including the creation of a Joint Verification Mechanism (JVM) to address cross-border issues. Commission members include the Foreign Ministers of Rwanda, Burundi, Democratic Republic of Congo and Uganda. It is facilitated by the US with the African Union (AU), European Union (EU) and MONUC acting as observers (WIJEYARATNE, 2008:8).

The main objective of this initiative was primarily to deal with the issue of negative forces, especially the FDLR and initiated on 9 November 2007, at the same time the DRC and Rwanda signed a joint communiqué in which the two governments agreed to launch a joint military offensive against the National Congress for the Defense of the Congolese People (CNDP) and the Democratic Forces for the Liberation of Rwanda (FDLR) (Minani, 2012:4).

The partnership resulted in two joint operations known as Umoja Wetu and Kimia II. The objectives of these operations were to dislodge the FDLR and CNDP although resulting in many civilian casualties. The disarming of a few FDLR prompted reprisal attacks against villages accused of aiding the FARDC and RDF.

According to Steven Hege (2009:2), the FARDC-RDF rapprochement made FDLR feel deeply betrayed by the Congolese and this will continue to negatively impact on its treatment of the local population. For instance, in the months following the joint operations, FDLR conducted attacks, mass killings and raping of Congolese civilians (Human Rights Watch, 2009:2). Hege states that these joint operations were not successful because few FDLR were repatriated or dislodged (Hege, 2009:1). However, the US Congressional research Services (CRS) suggests that the operations dislodged and seriously weakened the CNDP forces. For instance in January, the leader of the CNDP, General Laurent Nkunda, was arrested inside Rwanda, after he fled eastern Congo. The FDLR forces were also dislodged from their stronghold in North Kivu and forced to retreat. More than 2 000 Rwandan refugees returned home in January and February, as well as some FDLR militia members (CRS, 2009:12).

After the withdrawal of Rwandan forces and the completion of Operation Umoja Wetu, the government of Congo, with the support of MONUC forces, launched Operation Kimia II. In eastern Congo, government forces targeted FDLR militia, especially in mining areas (CRS, 2009:12). However, Government forces reportedly engaged in serious abuse of civilians, while FDLR forces retaliated by attacking civilians as well. According to Human Rights Watch, "the attacks against civilians have been vicious and widespread (Human Rights Watch, 2009:10).

On 31 December 2009, the government of Congo ended Operation Kimia II and launched another operation Amani Leo in February 2010. The objectives of Amani Leo according to MONUSCO, were to protect civilians, remove negative forces from population centers, re-establish authority in liberated areas and restore state authority. MONUC now MONUSCO announced that the operation concentrated on

controlling strategic areas in order to ensure that armed groups, notably FDLR elements, would be unable to recapture territory and conduct reprisal attacks (MONUC, 2010). Within a few months however, FDRL were able to regroup and direct systematic attacks against civilians which currently continues. What is clear is that the Triparitite Plus agreement erred in limiting responsibility for the instability in eastern DRC to the FDLR and CNDP.

There are other local negatives with the main raison d'être as economic rather than political and any peace effort must also look at economic factors, especially the mining industry as being central to the DRC crisis.

Although the US sponsored initiative did not effectively resolve the issue of negative forces in the eastern DRC, one cannot ignore that the Tripartite Plus's main achievement drew two major antagonists - the Rwandan and Congolese leadership to the negotiation table. Improving relations between Rwanda and the DRC is critical to consolidating peace throughout the entire region and this approach showed that constructive communication is possible, although the recent insurgency by M23, would impact progress. At the time of writing this chapter, the UN Panel of Experts accused Rwanda of supporting M23 and, as a result, several Western donors, including the USA have cut or delayed aid to the Rwandan Government.

Beyond joint military operations, there is a need to consider the issue of refugees, their repatriation, and resettlement as this could relieve local-level tensions and minimize the potential of FDLR and other armed groups to recruit new members. Steven Hege (2009:2) states that the peace process in the DRC cannot be separated from the broader context of democratisation in the Great Lakes region. In Hege's view, refugees in the DRC from Burundi and Rwanda will continue to resist returning to a country where they face a restrictive political environment. The Tripartite Commission's initiatives thus lacked the confidence and trust building elements essential for successful disarmament (Steven Hege, 2009:2)

5.5.3. The Goma Conference of January 2008

In January 2008, two months after the signing of the Nairobi Communiqué a conference on Peace, Security and Development was held in Goma, North Kivu. The Conference focused exclusively on the conflicts raging in North and South Kivu Provinces, in eastern DRC. The Goma conference brought together more than 1 500 representatives from civil society, government and armed groups, and resulted in the Act of Engagement signed on January 23, 2008, by the Government of the Democratic Republic of Congo and 22 armed factions operating in the eastern DRC, excluding FDLR (WIJEYARATNE, 2008:9).

By giving all communities and most armed groups a voice, the Goma Conference represented a significant step forward in understanding the conflict from a local perspective (Minani, 2012:5). After the conference, the involvement of traditional village chiefs and other community leaders facilitated the disarmament or integration of 22 armed groups into the national army, indicating a strong desire at local level to end the fighting. The Agreement called for a cease-fire, withdrawal of troops from key areas in the east and the creation of a UN "buffer zone". Rebels were granted amnesty for acts of insurgency or war. War crimes and crimes against humanity, however, were not included under the amnesty provisions. Unfortunately, the cease-fire agreement failed (WIJEYARATNE, 2008:9) and in August 2008, heavy fighting broke out between the CNDP and FARDC, jeopardising the commitment of other signatories to disarm (MINANI, 2012:5).

The fighting finally subsided when, in a surprising turn of events, in January 2009 authorities in Rwanda arrested Laurent Nkunda, the then leader of the CNDP, under the Tripartite Plus arrangements. The Goma Conference did not involve the FDRL, one of the major belligerent in the eastern DRC nor was Rwanda engaged in the negotiations.

Omission of foreign-armed groups was a flaw in the process since, excluding non-Congolese and regional actors (FDLR or Rwanda) from the Goma Peace Process, meant that major parties to the conflict were not involved in peace negotiations and

will, in some cases, continue to act as peace spoilers.

5.5.4. The role of the UN

The United Nations has been actively engaged in mediation efforts, although its peacekeeping Mission in Congo MONUSCO has come under criticism for failing to implement its mandate to protect civilians. Following the signing of the Lusaka Cease-fire Agreement in July 1999, between the Democratic Republic of the Congo (DRC) and five regional State actors to the conflict, the Security Council established the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) through resolution 1279 of 30 November 1999 (CRS, 2010:9).

The operation is authorised under Chapter VII of the United Nations Charter, which allows peacekeepers to use force, if necessary, to carry out its mandate (UN, 2012:1). Over the past decade, the Security Council passed a number of resolutions to strengthen MONUC's force and its mandate. Resolution 1291, passed in 2000, authorised MONUC to carry out a number of vital tasks, including implementation of the cease-fire agreement, verification of disengagement and redeployment of forces, and support for humanitarian work and human rights monitoring (Security Council Report, 2010:2). The resolution provided MONUC the mandate, under Chapter VII, to protect its personnel, facilities, and civilians under imminent threat of physical violence and increased MONUC's troop level to 5 537 military personnel (Ibid).

Resolution 1565, adopted in 2004, also increased MONUC personnel, with the primary objective of MONUC deployment to eastern Congo to ensure civilian protection and seize or collect arms, as called for in U.N. resolution 1493. The resolution also authorized MONUC to temporarily provide protection to the National Unity Government institutions and government officials. Resolution 1493 authorized MONUC to assist the DRC government to disarm foreign combatants and repatriate them to their home countries. The resolution, under Chapter VII, authorized MONUC to use "all means necessary" to carry out its mandate (MONUC, 2010:1).

In December 2009, Security Council resolution 1906 reaffirmed MONUC's mandate

until the end of May 2010. The Kabila government subsequently asked for the withdrawal of MONUC forces by 2011. On May 28, 2010, the United Nations Security Council passed Resolution 1925 that converted the name and mission of the current peacekeeping force from the U.N. Organisation Mission in DRC (MONUC) to the United Nations Organisation Stabilization Mission in the DRC (MONUSCO), effective July 1, 2010. The resolution also authorised MONUSCO's mandate until June 30, 2011 and ordered the withdrawal of up to 2000 peacekeeping troops by June 30, 2010.

The resolution additionally called for the protection of civilians and humanitarian workers; support for the DRC government on a wide range of issues and support for international efforts to bring perpetrators to justice. Although civilian protection is stated to be the highest priority of the United Nations peacekeeping mission in the Democratic Republic of Congo in all abovementioned resolutions, MONUSCO continually struggles to fulfill this mandate. Congolese and foreign observers have reported that MONUSCO forces did not provide sufficient protection to civilians, who have been the primary target of government forces and militia groups (CRS, 2010:10; Salomon, 2012:2). United Nations officials argue that MONUSCO has done what it could under difficult circumstances and that Congo is a large territory to effectively manage. These officials contend that it is the primary responsibility of the Congolese to protect its citizens. However, the recent defections and subsequent attack by M23 suggest that the poorly trained, poorly led, lowly paid Congolese armed forces are not able to meet this challenge, leaving the United Nations (UN) peacekeepers with the responsibility to protect citizens.

Overall, the failure of the UN to decisively deal with the FDLR, as the major contributor to regional instability, allows the eastern Congo crisis to fester (Lezhnev & Wimmer, 2012:1).

Recognising this challenge, MONUC made critical decision in January 2009 to work closely with anti-FDLR military offensives launched by both the DRC and Rwanda. There are three main motives behind this decision: Firstly, the UN Security Council

previously mandated MONUC to support the implementation of the November 2007 Nairobi communiqué, a Rwandan-DRC agreement that allows for the use of force to disarm the FDLR. Powerful members of the Security Council had long demanded that MONUC participate in decisive military action against rebel groups. Yet those members were not ready to commit their own troops for the job.

Secondly, the former head of mission, Alan Doss, did not want MONUC to be accused of undermining the historic November 2008 rapprochement between the DRC and Rwanda, in which he believed, anti-FDLR military campaigns played an important role.

Thirdly, he argued that since military offensives were inevitable, MONUC's participation in FARDC operations would at least reduce their negative impact on the population. He expected that in exchange for UN logistical support, the Congolese authorities would make significant efforts to improve the behaviour of soldiers. Also, MONUC involvement would, in theory, provide peacekeepers with access to the planning stage of operations, therefore allowing them to anticipate associated risks for the population (Vircoulon, 2010:1). However, while the FDLR might have lost 40 per cent of its combatants during that period, they demonstrated resilience in the face of FARDC offensives using dispersion tactics and forging new alliances with Congolese armed groups. Today, the FDLR pose as great a strategic threat to regional security as ever. There is nothing to suggest these military operations have improved the security of the population, and Human Rights Watch (2009) reported a rise in human rights violations since the beginning of 2009. Even if the number of FDLR combatants continues to decrease, the rebel group will remain a major strategic obstacle to peace and security in the Kivu. Vircoulon (2010:4) suggests that since the military approach is not solving the problem, MONUSCO and the governments of the DRC and Rwanda should implement a comprehensive strategy, including negotiations with some non-genocidaire rebels.

As of April 2012, MONUSCO had 19 815 military personnel, 760 military observers, 391 police personnel and 1 050 members of former police units, 2 690 local civilian

staff and 629 United Nations volunteers (UN, 2012:1), making it the largest U.N. peacekeeping operation in the world. Whilst leaders from Africa's Great Lakes region plan to send an international stabilisation force to the DRC in response to M23 mutiny, it is difficult to see how such a force could possibly be successful when 20 000 UN peacekeepers currently on the ground have been unable to contain the situation.

5.6.   Conclusion

This chapter briefly explored the historical background and financing methods of major armed groups in DRC. It further discussed the supply chain of minerals under the control of armed groups and identified inadequacies in border control and mining regulations to provide safe havens to various negative forces. The chapter then discussed peace initiatives and process aimed at conflict transformation in eastern DRC to only identify that each initiative had pitfalls that contributed to its failure; among them the economic factor of the conflict and rebel access to mineral resources that received little attention.

The next chapter will present and discuss the findings of the study. The major themes, sub-themes and categories from the interviews will be analysed and discussed in detail while focusing on the main aim of the study, the identification of actors to the post-conflict reconstruction in eastern DRC and explore the impact of mineral resources in conflict transformation.

CHAPTER SIX: PRESENTATION OF FINDINGS AND DISCUSSION

6.1. Introduction

With the unfolding evidence of the failures of most of the peace agreements and initiatives due to various deficiencies and the illicit exploitation of natural resources, it is clear that this pattern is not new in the DRC and it will be difficult to reverse.

This chapter presents the findings collected from the field using the data collection methods of interviewing and document reviews. The research findings are divided into two sections according to the interview groups that provided participants to this study. The data are presented in this manner to not only clearly identify where there is duplication and commonalities in the responses between groups, but also where there are distinctions better suited to the objective of this study.

Those organisations are MONUSCO and Life and Peace Institute described in the chapter four, and they were selected based on their areas of intervention in the peace process in DRC. Recall that MONUSCO is an international peacekeeping force mandated to observe the cease-fire and ensure protection of civilians as well as assisting the DRC government in its transitional phase. Life and Peace intervenes in capacity building and post-conflict reconstruction through participatory action research, involving various stakeholders and Congolese civil society. Section one consists of five major themes and twelve sub themes from MONUSCO Interview group; whereas section two from Life & Peace interview group consists of five major themes and seven subthemes. Those themes and sub themes emerged from the data, through open coding and triangulation. Triangulation is generally considered a process of using multiple perceptions to clarify meaning and verify the repeatability of an observation or interpretation (Stake, 2000:443). The data from the interviews is carefully compared with the information gathered in the literature review and the findings are discussed focusing on the aim of the study. As the interviews were semi structured, an interview guide was followed and partly shaped the process of the interview. These divisions cited above are outlined in the table below:

Table 7: Themes and Sub-themes

Interview Group	Themes	Sub Themes
MONUSCO	Post Conflict Reconstruction Strategies	Government Strategies -UN Strategies
	-Illegal exploitations of Mineral -Management of Mineral resources	-Comptoirs -Due diligence -TSCie (The ITRI Tin Supply Chain Initiative) -Mineral traceability -Dodd Frank Act
	-Role players in the DRC Peace process	-Armed Groups -International Community -State Actors -Civil Societies organisations
	-Successes and failures of post-conflict Reconstruction in eastern DRC	-Security Sector Reform (SSR) -Chapter 6 and 7 of the UN Charter and MONUSCO Mandate in DRC
Life & Peace Institute	-Post-conflict Reconstructions strategies	-Civil society support and engagement -Policy work and awareness-raising
	-Challenges to peace process in eastern DRC and coping strategies	-Conflict Transformation Theory and Practice
	-Partners to the post-conflict reconstruction in eastern DRC	-Participatory Action Research (PAR).
	-Regulation and Accountability of Mining industry and impact to conflict transformation	-Categories of partners and actors to post-conflict reconstruction in eastern DRC -Local organisations and the supply chain of minerals

6.2.   MONUSCO interviewees

6.2.1. Past and current post-conflict reconstruction strategies since 2002

Post-conflict reconstruction strategies in DRC can been divided into two sub themes. One describing the DRC Government post-conflict reconstruction strategies and a sub theme describing strategies employed by the UN in the DRC conflict:

6.2.1.1. DRC Government Post-conflict Reconstruction Strategies

All eight interviewees from the UN Peacekeeping forces in DRC indicated that since the withdrawal of foreign troops in 2003 there was no conclusive governmental strategic framework for stability the eastern DRC. All attempts to formulate with a comprehensive road map to peace were spoiled midway. The Inter- Congolese Dialogue that ended in Sun City, South Africa; the July 2002 agreement between the Democratic Republic of Congo (DRC) and Rwanda, the Amani initiative discussed in chapter five and current efforts under the Tripalitite Plus commission, all ended inconclusively.   One participant went as far as to say that "…there was no such thing as a Government strategy to bring about peace in eastern DRC and, despite these agreements and the engagement of the United Nations through a monitoring mission (Mission de l'organisation des Nations Unies au Congo, or MONUC), no concrete peace yet… And the government strategy alone cannot bring peace… all actors to the conflict must be party to that strategy, the government is one in so many actors." (Interviewee 1)

At the height of the war the conflict developed an international character, introducing many regional actors, defying regional and international mediation. The interviewee stated that the security cluster is in chaos because the above initiatives were premature and not properly planned. In his view the security must be reformed first, reenergized in terms of capacity building so that they establish control in the areas under government control. The plan for peace will emerge from there.

" Since the signing of Pretoria agreement, the government has not been stable enough to plan properly for a lasting peace in Kivus… it is challenged everywhere...

there have been a lot of unconventional clashes between the regular army and various armed groups that affected the government plan… my view is that the DRC government needs assistance in capacity-building of its armed forces, to assist in the training of DRC armed forces such that they are able to establish control and authority in areas under conflict in the country…. then they will be able to plan properly for such lasting peace…"(interviewee 5)

Since the outbreak of war, more than twelve major peace agreements have been concluded. Negotiation, mediations and peace building initiatives, often brokered with help from the international community, have been the primary means to resolve conflict in DRC (Kalele, 2008:2). Most of these accords, however, neglected the principal conflict drivers, namely the issue of militias and the security sector reform that should form the core of the government strategy as advocated by participants to this study. The Pact on Security, Stability, and Development in the Great Lakes Region, signed in December 2006 by heads of state from ICGLR and entered into force in June 2008, also did not emphasise the importance of the security sector reform as well, nor did the AMANI initiative or the Tripalitite Plus commission. Interviewees are of the view that as long as the issue of minerals in the eastern DRC is not seriously approached, the SSR process will not be institutionalised.

"…Various armed groups that spoil the peace process come and go for many reasons….however, if there was no means to sustain their activities they will not proliferate; and I am sure if there were no minerals in this region, we won't be having this situation" (Interviewee 2)

6.2.1.2. UN's post-conflict strategies to stabilize the Eastern DRC

Interviewees from the UN Peacekeeping force in DRC were of the view that the role of the UN should fall within the mandate given to the mission as outlined in chapter VII of the UN Charter that describes its role and requisite action with respect to the threats to the peace, breaches of the peace and acts of aggression. This section of the UN Charter authorises the UN peacekeeping force to use force where necessary to carry out its mandate.

"As a UN mandated mission, we have been assigned a defined role that is in line with our mandate as spelt out in Chapter 6 and 7 of the UN charter….local arrangements with local actors including the government of DRC are made upon recommendations to the UN Security Council that authorised the mission..." (Interviewee 3)

Over the past decade, the Security Council passed a number of resolutions to strengthen MONUC's force and its mandate. Resolution 1291, passed in 2000, authorised MONUC to carry out a number of important tasks, including implementation of the cease-fire agreement, verification of disengagement and redeployment of forces, and support for humanitarian work and human rights monitoring (Security Council Report, 2010:2). The resolution provided MONUC the mandate, under Chapter VII, to protect its personnel, facilities, and civilians under imminent threat of physical violence and increased MONUC's troop level to 5,537 military personnel (Security Council Report, 2010:2). Resolution 1565, adopted in 2004, also increased MONUC personnel, with a primary objective of MONUC deployment to eastern Congo to ensure civilian protection and seize or collect arms, as called for in UN resolution 1493. The resolution also authorized MONUC to temporarily provide protection to the National Unity Government institutions and government officials. Resolution 1493 authorised MONUC to assist the DRC government to disarm foreign combatants and repatriate them to their home countries. Under Chapter VII, the resolution authorised MONUC to use "all means necessary" to carry out its mandate (MONUC, 2010:1).

In December 2009, Security Council resolution 1906 authorised MONUC's mandate until the end of May 2010. The Kabila government has asked for the withdrawal of MONUC forces by 2011. On 28 May 2010, the United Nations Security Council passed Resolution 1925 that converted the name and mission of the current peacekeeping force from the UN Organisation Mission in DRC (MONUC) to the United Nations Organisation Stabilization Mission in the DRC (MONUSCO), effective 1 July, 2010. From the time of its deployment as the Joint Military Commission (JMC) in 1999, MONUC has been heavily criticized for not doing enough to stop the fighting

and bring peace to the DRC. United Nations officials and members of the UN Security Council point out, however, that MONUC was created to observe compliance with the Lusaka Cease-fire Agreement of 1999; and its mandate has never been, and never will be, to forcibly bring peace to the DRC. That is why, as cited by one interviewee above, MONUSCO is a UN Chapter VI operation with one UN Chapter VII component that allows self-protection and protection of the civilian population. The conceptualisation of UN Chapter VI and VII was discussed in chapter five of this dissertation.

However, as evidence in a literature review, the Lusaka signatories in 2002 (also referred to as "parties"), were expecting a military force that would observe and verify the compliance to the elements of the peace agreement and further:

- Provide and maintain humanitarian assistance to and protect displaced persons, refugees and other affected persons;
- Track down and disarm armed groups;
- Screen mass killers, perpetrators of crimes against humanity and other war criminals;
- Hand over "genocidaires" to the International Crimes Tribunal for Rwanda;
- Repatriate former combatants to their home countries;
- Work out such measures (persuasive or coercive) as are appropriate for the attainment of the objectives of disarming, assembling, repatriating and reintegrating into society members of the armed groups (Edgerton & Bernath, 2003:6)

Interviewees were of the opinion that they did their best to meet the above-mentioned expectations despite numerous challenges and the rise of new armed groups that undermined their efforts. These officials contend that it is the primary responsibility of the Congolese to protect its citizens, and with the UN support; effectively bring about lasting peace in the east.

"*Over the past decade or so, MONUC and its current version MONUSCO embarked*

on various peace building activities that fall under our mandate, including: Deploying and maintaining a presence in volatile areas; ensuring the protection of civilians and UN staff; monitoring cease-fire agreements and cross-border movements of military forces and arms; facilitating humanitarian assistance and the return of refugees; Assisting with protection and promotion of human rights; coordinating mine removal activities; supporting a national dialogue and promoting the political process; Integrating rebel groups and factions into the Congolese National Army (FARDC) and internal security forces; contributing to the security of Congolese institutions and protecting officials; supporting the (DDR) disarmament, demobilization, and reintegration of former combatants; advising on essential legislation, including a constitution and laws dealing with the electoral process and security sector reform; Coordinating operations with the FARDC against armed groups; and training and mentoring the FARDC in human rights and humanitarian law in order to bolster security sector reform efforts. Given the current predicament, we can confidently say that our mandate is not entirely fulfilled yet but, we believe we have done our best…. We cannot got beyond our means, let alone our mandate…., after all the Congolese government has also the primary responsibility to protect its own people and manage its post-conflict reconstruction strategies…donors, the international community are only partners to the process…" (Interviewee 4)

Defined in broad terms, post-conflict reconstruction entails exercises undertaken after hostilities have ceased in order to smooth the transition to sustainable peace and to put a country back on the path of institutional functionality, macro-economic stability and development (Edomwonyi, 2007:1).

A successful post-conflict rebuilding project is one that sets effective foundations for democracy, economic prosperity, peace and justice to take root in societies in transition. The above argument of the UN Mission in DRC in the post-conflict reconstruction process suggests that it is crucial for long-term sustainability that the reconstruction effort is locally conceived of and led, with the support of international partners and donors. This argument credits the view of various authors, including Cedric de Coning (2007:85), that all peace-building agents are interdependent in that

they cannot individually achieve the goal of the overall peace building system without the local ownership of the process. De Coning continues that coherence helps to manage the interdependencies that bind the peace building system together, and coordination is the means by which individual peace building agents can ensure that they are coherent with the overall strategic framework (De Koning, 2007:86). A complex peace building or post-conflict reconstruction system requires a wide range of internal and external actors, including governments, civil society, the private sector and international agencies working together in a coherent and coordinated effort.

It is widely accepted that externally driven post-conflict peace building processes are untenable (Peace building Forum Conference 2004:2). Peace building and post-conflict reconstruction activities should be need-based, and the priorities, sequencing and level of delivery informed by the dynamics of the conflict system, through local ownership and meaningful internal/external coordination. Therefore, peace building activities that are not grounded in the socio-cultural belief systems that shape the worldview of the internal actors cause dysfunction. For instance, while MONUSCO is privileging its cooperation with Congolese national army (FARDC) as a legitimate national army, the Mai Mai militia will always be locked in their belief box and undermine any efforts towards peace. It is therefore important to have a balanced and meaningful partnership between internal and external peace building agents for any post-conflict peace building system, even if it is one of the most difficult to achieve.

6.2.3. Illegal exploitation of mineral resources and challenges in terms of the control of minerals in eastern DRC.

As indicated in the table above, this theme has been divided into four sub themes: comptoirs as catalysts of illegal exploitation of mineral resources, mineral resources traceability, The ITRI Tin Supply Chain Initiative (iTSCi) and illegal trafficking of mineral resources in eastern DRC:

6.2.3.1. Comptoirs as catalysts of illegal exploitations on minerals.

The nature of mineral exploitation in eastern DRC and the role of the comptoirs reflect the regional realities that are at the core of the continued presence of armed groups in eastern DRC as one interviewee pointed out:

"*Much of the region's mining activity is informal, carried out by artisanal miners that dig out and sell their production to buying houses known as comptoirs; most of those comptoirs are not registered and their number is not unknown. The comptoirs then sell the minerals on to exporters and processors*" (Interviewee 6).

This transaction however is facilitated by the vacuum of the central authority, with several mines in North and South Kivu controlled by individual armed groups:

"*Some minerals-rich territories in the areas are outside the control of the central government, with poor communications and roads are in bad conditions. Armed rebels and criminal groups continue to exploit deposits under their control ...the lack of border controls between the DRC and Rwanda, where a number of mining companies have reported unexplained increases in production, prompting suspicions that they are siphoning minerals…. though not necessarily conflict ones.. from the DRC into the supply chain…, the transportation of minerals without tags has been made illegal for example in Rwanda and perhaps there is still room for improvement in the processes for issuing tags and recording the data of shipments. Logbooks get incorrectly filled in, lost, or damaged by bad weather. Some companies conspire with tagging officials to circumvent the process…*" (Interviewee 6)

6.2.3.2. Mineral Resources Tracking

Despite these challenges however, participants highlights some promising efforts to address the situation especially by assisting the government and companies to use the iTSCi system.

"*There are several challenges when it comes to control of minerals in the DRC in General and particularly in the East of DRC where my action is limited. The majority of the mines are directly or indirectly under the control of national and international*

armed groups and the regular army. The UNSC voted Resolution 1806 of 2008, 1856 of 2009, 1925 of 2010 and 1991 of 2011 mandating the Joint Mission Analysis Cell (JMAC) MONUSCO to fight against the illegal exploitation and commercialisation of minerals in the East of DRC..." (Interviewee 1)

However, the JMAC mandate is very limited in that it sought to establish five known trading centers, where minerals will be sold. Given the size of eastern DRC, the five trading centres will not be enough to curb the illegal trafficking of minerals

"*JMAC in collaboration with International Organisation for Migrations (IOM) initiated the Centres the Négoce Project which consisted of building five Trading Centers or Centres de Négoce (3 in North Kivu and 2 in South) where gold, cassiterite, coltan and wolframite will be sold to traders by the artisan miners themselves. It is an exchange market center where artisan miners (creuseurs) and traders (Negociants) meet to sell and buy minerals*" (Interviewee 1).

"*As for now, there is no way to control minerals because the tracing process has not begun given that the Dodd-Franck law of April 2011 and the UN and the OECD Due Diligence exigencies, coupled with the government ban on exportation of minerals, which are not coming from GREEN mine sites has put a stop to artisanal mining activities. Nevertheless, artisan miners are still exploiting minerals which are trafficked across the border*" (Interviewee 1)

In efforts to redress this situation, MONUSCO, DRC government, civil society and other international stakeholders have initiated the ITRI Tin Supply Chain Initiative (iTSCi), as a mechanism to complement the Centres de Negoce project.

"*The main objective of the project is to cut finances from Armed Groups who illegally exploit and commercialise these resources to fuel their rebellions. The second objective was to put a tracing system in place to track minerals from the point of extraction to the point of exportation, the third was to reorganize/formalise the artisanal mining sector and the fourth was to assist the Stabilisation and*

Reconciliation of zones emerging from armed conflicts (STAREC) Program which is a DRC Government program....the DRC government also adopted the use of a iTSCi framework that will, I think, complement our project" (Interviewee 1)*.*

6.2.3.3. The ITRI Tin Supply Chain Initiative (iTSCi)

The association of minerals with conflict in the Democratic Republic of Congo (DRC) has driven the United Nations (UN), civil society and, consequently industry and governments, to seek to bring transparency and best practice to the extraction and trade of minerals from the Great Lakes Region.

In particular, the reports of the UN Security Council's Group of Experts on the DRC (UNSCGoE) have called for actions to establish due diligence practices and tracing in the mineral trade in the DRC since 2008. Besides tracing measures, the UNSCGoE has also more recently called for third party audits and comprehensive due diligence provisions by downstream users and financial institutions. In addition, on 21 July 2010, US President, Barack Obama, signed the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act") into Law (The US Securities and Exchange Commission, 2011:3). This requires companies to declare to relevant authorities upon arrival in the host countries, whether the tin, tantalum, tungsten or gold in any product originated in the DRC or any adjoining country and, if so, to report on the due diligence undertaken within the supply chain and provide further details if the products are not 'DRC conflict minerals'. In anticipation of this Law and its rules, released in April 2011, (The US Securities and Exchange Commission, 2011:3), as well as exposés by journalists, advocacy groups, and the UN of companies sourcing allegedly 'conflict' minerals from DRC, has led to a number of initiatives aimed at preventing total disengagement from the region by industry and allow companies to source metals responsibly from the region. However as MONUSCO interviewee pointed out, no concrete results are evident thus far.

The ITRI Tin Supply Chain Initiative (iTSCi) is one such programme, developed collaboratively between the international tin industry (represented by ITRI) and the Tantalum-Niobium International Study Centre (T.I.C.).

iTSCi is a tracing, tracking and due diligence programme that incorporates risk management of the supply chain from mine to smelter. It is designed for use by industry, but with oversight and clear roles for government officials, in keeping with the recently published OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and takes into account the recommendations of the UN Security Council to expand due diligence to include criminal networks, as well as armed groups.

Using uniquely numbered tags, iTSCi's tracing system, allow companies to confirm the actual source and trading chain of the minerals they purchase. iTSCi also incorporates risk assessments (and respective adapted risk mitigation strategies), data management and data analysis (through the iTSCi database) and regular independent audits. Long-term, it is envisaged that it will also address social and environmental aspects of mineral production. iTSCi has been in development since 2008; piloting has been underway in DRC and Rwanda since 2010.

Interviewees also said that efforts are being made to comply with the OECD Guidelines both by the corporate sector of the mineral supply chain and by the institutions and state services of the DRC and Rwanda.

"…*Not only that the DRC neighbour, Rwanda has initiated positive measures to comply with OECD guidelines, it has started acting decisively. You will recall that last month four army generals were arrested in connection with doing business with local Congolese…you can imagine what that business entails but in March 2012, the Rwandan Geology and Mines Department (GMD) blacklisted four Rwandan companies for illegally tagging minerals…this is clearly an improvement…*" (Interviewee 2)

In May 2012, the DRC suspended the operations of two exporting companies for failing to check on the sources of mineral ores they were trading. These developments follow Rwanda's announcement in October 2011 that it was returning

70 tons of untagged minerals to the DRC that had been smuggled across its borders, and in January 2012, arrested four senior military officers on charges of illicit cross-border dealing (Bray, 2012:2).

However, since armed groups control over 50% of the mines in the eastern DRC, efforts should be concentrated on breaking the link between armed groups and mines. That is to say, if armed groups are dislodged and driven away from the mining areas, their finance would be hampered and their survival weakened. The regulation of companies and comptoirs would then follow.

"… *The comptoirs are there because minerals are there…the rebels are there because minerals are there, so the problem is not the comptoirs but those who make them corrupt, in this case the armed groups…and they corrupt them using minerals.. They are profit seeking and they cannot refuse the opportunity, you will now understand that, if minerals were not there, there should also be no rebels, no illegal comptoirs…"* (Interviewee 6)

6.2.3.4.   Illegal trafficking of mineral resources in eastern DRC

As highlighted above, the continuing conflict is primarily financed by the illegal trade in natural resources, in particular, minerals. Interviewees from MONUSCO argued that they are aware that the government is unable to halt the movement of armed groups on its own and are therefore incapable of legalising and monitoring the trafficking of mineral resources. In an effort to terminate the movement of armed groups and monitor the traffic of mineral resources, MONUSCO in addition to the Centres de Négoces project cited above, is assisting the government in its capacity building programs, and in reinforcing patrol and control units.

"..*Due to multiple tasks assigned to the regular army, the FARDC, including the protection of civilians and defence of major cities, they are unable to mount patrols along the various trade routes…. Nevertheless, MONUSCO is currently working with the GoDRC to implement a commission which will be charged with carrying out spot checks at the airports, beaches, major roads and frontiers to search vehicles, boats*

and planes to capture minerals destined for trafficking" (Interviewee 5).

Considering the size of eastern DRC and the lack of infrastructure that characterises DRC in general and Kivus in particular, MONUSCO lacks the resources and equipment that it needs to monitor and ensure that mineral are only sold and bought in constructed trading centers highlighted above, and is only able to verify those minerals transported along normal trade routes.

MONUSCO agrees that its action is very limited when it come to the control of the traffic of minerals in the Kivus.

"*There are several challenges when it comes to control of minerals in the DRC in general and particularly in the East of DRC where my action is limited. Majority of the mines are directly or indirectly under the control of national and international armed groups and the regular army...*" (Interviewee 1)

The situation further deteriorated when India recalled its helicopter contingent in 2011 and only South Africa offered a single helicopter to aid the mission for patrol purposes. The lack of infrastructure and difficult terrain of eastern DRC means that, armed groups will search for new routes and in all probability continue their business undetected.

Furthermore, MONUSCO mentioned the need for regular visits to confirm mines destined to supply these trading centers and ensure that there are no minerals originating from armed groups. Joint teams involving Congolese administration, civil society, MONUSCO and BGR (Federal Institute of Geosciences and Natural Resources; based in Hannover, Germany), will map, regularly visit and validate transportation routes and mine sites due to supply the centres and drive the above-mentioned trading centres or 'centres de negoce' initiative. These teams will assign a black, orange or green designation to mining sites. Black mines according to interviewees, are those under the direct control of armed groups such as FDLR, orange mines are those under indirect control of armed groups; for example, owned

by locals who pay taxes to armed groups or those mines that employ under-age children, while green mines are those judged clean with no armed group involvement or child labour.

"..The Minister of Mines signed a ministerial arête on 29 February 2012 …he just enacted into law the ToR that was drafted by the Mines Thematic Group in Kinshasa on criteria to be considered when classifying mines; giving the composition of the members of the Qualification and Validation of mines as follows:

- *Representative of JMAC/MONUSCO*
- *Representative of BGR (Federal Office for Geosciences and Natural Resources)*
- *PACT/ITRI.*
- *Ministry of Mines*
- *Division of Mines*
- *SAESSCAM (Service Administratif et d'Encadrement de Small Scale Mining)*
- *Police des Mines*
- *Federation des Entreprise de Congo (Chamber of Commerce)*
- *Civil Society*
- *Cadastre Minier (CAMI or Mining Cadastral* Survey)" (Interviewee 1)

This 10 member team will visit each mine and gather information that will ultimately lead to the qualification/classification of mines in red, orange (yellow) and green as detailed above.

"Mines which are under the direct or indirect control of armed groups are classified RED...Mines which are directly or indirectly under control of the regular army, which has minors working in, which has pregnant women working in, which pays illegal taxes to army or administrative authorities are classified YELLO until the irregularities are rid of…Mines which do not fulfill the conditions on A and B above are classified GREEN…" (Interviewee 1)

While this validation exercise seems promising, certification alone will not cut the link

between armed groups and mineral resources. Indeed some mines will be labeled green, orange (yellow) or blacks, but as long as the black mines exist with full access to trading routes and external trading companies, armed groups will not disappear.

6.2.4. Various role players in the peace processes in Eastern DRC

MONUSCO interviewees suggest that the process of identifying actors is complex; many actors to the conflict would later be part of peace negotiations.

MONUSCO names actors in 4 categories: Armed groups, International community, Civil Society organisations and state actors.

"*The conflict in DRC involved many actors ranging from local and foreign militia groups, the Government of DRC, neighbouring states to name just a few… To some extent these actors are parties to the peace process...*" (Interviewee 3)

Furthermore, MONUSCO asserts that apart from being actors in the conflict they are also parties to the peace process and post-conflict reconstruction with several being partners to the process; here it refers to the international community and international organisations as well as individuals who play or played roles as mediators or civil society organisations.

" *…obviously the peace process involves facilitators, mediators, donors organisations, local stakeholders, civil societies organisations and associations…our role as the UN peacekeeping force* is to provide security and the political and peace building support to help make the difficult transition from conflict to peace…" (Interviewee 6)

6.2.4.1. Armed groups

Over the past 12 years, the eastern DRC has been the theatre of various armed groups. While some Mai-Mai groups represent legitimate communal political interests, many are made up of small numbers of fighters grouped around a local leader. Some are largely nominal entities created primarily to advance their leaders'

political positions, as was reportedly the case with respect to several signatories of the January 2008 Goma Accord, a widely violated peace agreement.

Many of these groups have maintained fluid links with the larger armed entities, notably the mostly Hutu Démocratiques de Libération du Rwanda-Forces Combattantes Abacunguzi (FDLR-FOCA, or FDLR hereafter) and the FARDC, including distinct elements of the FARDC who are former members of the Tutsi-dominated Congrès National pour la Défense du Peuple (CNDP), in its current version M23.

While the Integrated Regional Information Network (2010) identified nine armed groups that are active in eastern DRC, the UN interviewee is of the view that the most active armed groups are FDLR, FRF and FNL, who did not participate in most of the peace processes.

"… of many armed groups that operate in DRC, the FDLR are better equipped and have intensified operations recently; the FRF and FNL operations are reported to a less extent..." (Interviewee 1)

Six armed groups were party to most of the peace negotiations, including the Goma conference. These are the Rassemblement Congolais pour la Democratie (RCD), the National Congress for the Defence of the People (CNDP, now M23),), the Mai Mai militia, Union Patriotique Congolais (UPC) and the Allied Democratic Forces (ADF) and PARECO.

The Goma conference brought together more than 1 500 representatives from civil society, government, and armed groups and resulted in the Act of Engagement signed on 23 January, 2008, by the Government of the Democratic Republic of Congo and 22 armed factions operating in the eastern DRC, excluding FDLR (WIJEYARATNE, 2008:9). Omission of foreign-armed groups was a weakness in the process as the approach in dealing with them produced conflict between parties at the Conference. Heavy fighting began in August 2008 between the CNDP and

FARDC, jeopardising the commitment of other signatories to disarm (MINANI, 2012:5).

6.2.4.2. International community

The International community's involvement in the DRC since 2002 is complex and difficult to assess, because of continued and protracted conflict. The United Nations' role became crucial in the DRC in 1999 when six neighboring African countries became involved. As mentioned in the historical background, the cease-fire agreement called the Lusaka Accord required the attention of a UN Peacekeeping force. In response to this Accord, the UN created the United Nations Mission in the Democratic Republic of the Congo (MONUC) and constituted its first mandate in Security Council Resolution 1291 in 2000.

The primary goals of MONUC were to implement and oversee the cease-fire agreement, including tasks of releasing prisoners of war and military captives, as well as facilitating improvements to human rights with other non-governmental organisations.

The original force of peacekeepers was 5 537 members and, as conflict continued, it was evident that peacekeeping would need to be intensified (United Nations, 2011:2). Since its implementation, MONUC's mandate has been extended several times to increase the number of troops deployed, as well as to assume additional duties. An extension to Security Resolution 1565 in 2004 placed more emphasis on protecting citizens, ensuring the protection of all UN personnel and facilities, overseeing and taking control of the arms embargo in force and reporting the position of armed movements and groups throughout the country. Other extensions included security for country officials, disarming and demobilisation of foreign combatants, monitoring the process of disarmament, demobilisation, and reintegration in the DRC and even contributing to a successful electoral process. Security Resolution 1797 dated January 30, 2008 authorised MONUC to help organise, prepare and conduct elections late in 2011 (MONUC, 2011). On May 28, 2010, the United Nations Security Council passed Resolution 1925 that changed the

name and mission of the current peacekeeping force from the U.N. Organisation Mission in DRC (MONUC) to the United Nations Organisation Stabilization Mission in the DRC (MONUSCO), effective July 1, 2010

MONUSCO is the largest UN peacekeeping force in the world as it currently has 19 815 military personnel, 760 military observers, 391 police personnel and 1 050 formal police unit members, 2 690 local civilian staff and 629 United Nations volunteers (UN, 2012:1).   Countries contributing to MONUSCO military troops include Nigeria, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, China, Czech Republic, Egypt, France, Ghana, Guatemala, India, Indonesia, Ireland, Jordan, Kenya, Malawi, Malaysia, Mali, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Romania, Russian Federation, Senegal, Serbia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Tunisia, Ukraine, United Kingdom, United States, Uruguay, Yemen and Zambia; while those contributing to MONUSCO police personnel include Bangladesh, Belgium, Benin, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Côte d'Ivoire, Egypt, France, Guinea, India, Jordan, Madagascar, Mali, Niger, Nigeria, Romania, Senegal, Sweden, Togo, Turkey, Ukraine, Uruguay and Yemen (MONUSCO, 2012:1).

6.2.4.3.   State actors

As stated, actors to the peace process in DRC also include state actors as the conflict involved more than eleven African states. The root of the conflict in DRC can be traced back to the 1994 genocide in Rwanda that spilt over into the Congo. Over the years, the conflict has attracted global interest drawing in many countries in the region. These countries in the region through the ICGLR (International Conference on Great Lakes Regions) intensified efforts to mediate the crisis with a recent attempt held in Kampala on 7 September 2012. The ICGR consists of 18 countries, 11 of which were directly involved in the conflict by supporting at least one party to the conflict (Minani, 2012:4). The number of summit meetings, heads of state meetings and shuttle missions between governments and special envoys, clearly

show the interest of ICGLR member states in the DRC crisis. These official efforts significantly advanced the peace process and included the signing of the Lusaka Cease-fire Agreement (LA), the appointment of a mediator for the Inter-Congolese Dialogue and the implementation of the United Nations Observers Mission to the Congo (MONUC, now MONUSCO). Sadly the ICGLR failed to produce lasting peace in the DRC, primarily because of the nature of the conflict and the enormity of the crisis in which member states do not share motivations and perceived interests to see it end.

6.2.4.4.   Civil society organisations

Notwithstanding challenges for political space in DRC, civil society organisations in DRC peace process have played an increasingly significant role since the signing of the Pretoria Agreement in 2002. This was described by the interviewee as follows:

"…*during the post-conflict reconstruction period, civil society organisations intensified peace education and electoral sensitisation campaigns within their constituencies and in local communities at large…"* (Interviewee 1)

It is however worth noting that shortly after the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) captured Kinshasa in May 1997, the newly appointed president, Laurént Kabila, clamped down on political rights, banned political activities and failed to install an effective transitional government. The internal political opposition and civil societies organisations responded by embarking on a non-violent struggle for the removal of both Kabilas.

Represented by political groups such as the Union for Democracy and Social Progress (UDPS), the internal unarmed opposition in the DRC and civil society had little input to any peace process that led to the signing of the Lusaka Cease-fire Agreement (LA). While the Goma conference included civil society organisations, official diplomatic efforts focused exclusively on the official belligerents in the war, namely the Kabila government, the rebel movements and the external armed forces, leaving little room for the Congolese unarmed actors (Naidoo 2000:9). Even the

Mai-Mai, an internal armed group, was excluded from initial formal peace talks and cease-fire negotiations, despite being party to the conflict. Although the conflict had clear domestic roots, it was the external or regional dimension to the crisis that attracted a huge intervention, namely the involvement of Rwanda and Uganda. As a result, the Congolese civil society organisations have only been noticeably active since the formal end of hostilities in 2002. A network of NGOs, unions and churches delivered many peace building outcomes on different levels with activities directed at conflict mitigation and peace building.

"...*the nature of civil society organisations in eastern DRC is a network of human rights and development organisations that emerged as a result of lack of effective governance in the region, gradually expanding to create functions to address intercommunal conflicts where the government is absent...*" (Interviewee 3)

However civil society's efforts to peace building and post-conflict reconstruction is independent of other Government and international community peace building efforts which in the end tend to be undermined and overtaken by armed actors.

6.2.5.   Achievements in the peace building process

To describe useful UN achievements in DRC, interviewees referred to various reports by the UN Security Councils on the achievements and situational reports by the Mission in DRC. Reports highlight that the sustainability and success of a peace process in the Democratic Republic of the Congo would depend on effectively stimulating recovery and reconstruction and the active presence and authority of the State, as well as consolidation of democratic structures. Therefore, progress has taken place in line with MONUSCO activities surrounding three essential tasks set out in resolution 1906 adopted on 23 December 2009, i.e. protection of the civilian population; disarmament, demobilization, repatriation and reintegration of armed Congolese and foreign groups; and support for the Government in security sector reform.

"….In order to enhance efforts to protect civilians, MONUSCO deployed 87 Joint Protection Teams, including 22 since the beginning of 2010. Additional military bases had been established in the Kivus and the Lord's Resistance Army-affected areas of Province Orientale, bringing the total number to 73. Deployment was guided by the Rapid Response and Early Warning Cell, to analyse and anticipated threats to prevent them from materializing…" (Interviewee 6)

"…MONUSCO had provided assistance to 18 battalions carrying out operations against the Forces Démocratiques de Libération de Rwanda (FDLR)…. Forces armées de la République démocratique du Congo (FARDC) officers had been screened on their history of human rights violations, and they reported directly to the North and South Kivu operations commanders of operation Amani Leo" (Interviewee 6)

Concerning the issue of the FDLR, the UN believes that "FDLR suffered from steady erosion as a result of military pressure from the FARDC and outreach from the MONUSCO disarmament, demobilization, repatriation and reintegration teams". The FDLR leadership, however, remained at large and the group was still carrying out violent reprisals against and abduction of civilians. Elements of the Congrès national pour la défense du peuple (CNDP) continued to maintain parallel administrative structures and tax collection in Masisi territory prompting the formation of M23 that is now undermines all peace efforts.

This indicates that the security sector reform (SSR) has been seriously neglected although some progress had been made in police training and deployment as well as in army training by several bilateral partners in the eastern Democratic Republic of the Congo. The process is however random. Additional, coordinated efforts will be required to help build the capabilities the Government needs to fully guarantee the protection of the population.

As for the UN protection of civilians and its aptitude in the DRC, it is worth considering major elements contained in its Mandate as of 1999. In 2011, the

International Coalition for the Responsibility to protect (ICRtoP), reported that during the period between July 30 and August 4, 2010 mass rapes were carried out by members of the Rwandan rebel group, the Democratic Forces for the Liberation of Rwanda (FDLR), and the Congolese Mai-Mai Cheka rebels in the region of eastern Congo. At least 303 civilians were raped during the plunder of multiple villages. Homes and shops were also ransacked and people were abducted to provide slave labor. The crimes occurred within miles of the UN peacekeepers' base; however the UN force was unable to protect Congolese civilians (ICRtoP, 2011:1). Such horrific incidents still occurred despite additional efforts by the bolstered MONUSCO peacekeeping force.

Atul Khare, the UN Assistant Secretary-General for Peacekeeping acknowledged the failure of the UN by stating: "our actions were not adequate, resulting in unacceptable brutalization of the population of the villages in the area. We must do better." The Security Council has urged "swift and fair prosecution of the perpetrators" and called for further expansion of the UN Organisation Mission in the Democratic Republic of Congo's (MONUSCO) "interaction with the civilian population."

Incidents such as these raise questions about whether the UN Mission is able to fulfill its mandate and if its actions can lead to stability and security in the region Recalling the original mandate of the UN mission in Congo, a "Chapter 6" peacekeeping operation is normally implemented to help keep peace and peacekeepers are not permitted the use of force other than for self-protection (Edgerton & Bernath, 2003:5), while Chapter VII peacekeeping operations, also referred to as "Peace Enforcing", sanctions UN peacekeepers to use military force if necessary to restore peace and security. MONUC is a Chapter 6 operation with one Chapter 7 component that allows self-protection and limited protection for the civilian population (Edgerton & Bernath, 2003:5).

With the unanimously adoption of resolution 1925 in 2010, the UN Security Council reassigned MONUSCO under Chapter VII, emphasizing that the protection of civilians must be the priority, the Council instructed MONUSCO to use all necessary

means to carry out its protection mandate, including the effective protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence, as well as the protection of United Nations personnel, facilities, installations and equipment. The Mission would also support Government efforts to fight impunity and ensure the protection of civilians from violations of international human rights and humanitarian law, including all forms of sexual and gender-based violence (MONUSCO, 2012:1).

The most contentious element of the mandate is its last sentence pertaining to protection under Chapter VII of the UN Charter. Chapter VII entitled "Action With respect To Threats to the Peace, Breaches of the Peace, and Acts of Aggression," states "Should the Security Council consider that (non-military) measures 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."

The vast majority of UN peacekeeping operations fall under Chapter VI of the UN Charter – "Pacific Settlement of Disputes." Other than for self-protection, Chapter VI mandates generally prohibit the use of force. However, most operations also have a Chapter VII provision for self-protection and varying degrees of protection of the civilian population.

Many of the people and parties who disagree on the success or failure of MONUSCO do so based on how they interpret this particular element of the mandate. A close study of the Chapter VII element of the mandate shows how vaguely it is written: "Acting under Chapter VII of the Charter of the United Nations, decides that MONUC *may* take the *necessary* action, *in the areas of deployment of its infantry battalions* and *as it deems it within its capabilities*, to protect United Nations and collocated JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and *protect civilians under imminent threat of physical violence*."

Thus, when MONUSCO troops failed to protect civilians in various rebel attacks, it is easy to see how they were able to justify their inaction. The protection aspect of MONUCO's work is in question, and clearly it is understood that MONUSCO does not have the capacity to enable it to ensure full protection of the civilian population in the entire area of eastern DRC. But clearly MONUSCO has the responsibility and the mandate to be able to protect those whose lives are in imminent danger, especially in the areas in which MONUSCO is fully deployed. In his June 2002 report to the Security Council, the former UN Secretary-General Kofi Annan wrote that even though the Security Council mandated MONUC to protect civilians under imminent threat, "…MONUC troops currently deployed in the Democratic Republic of the Congo are not equipped, trained or configured to intervene rapidly to assist those in need of such protection."

With the heavily armed personnel currently on the ground in the eastern DRC, it is dubious whether MONUSCO troops are yet equipped, trained or configured to intervene rapidly and assist a population in need as outlined in its mandate, whether the mandate is still too ambiguous, or if MONUC's leadership is able to correctly interpret the mandate. What is blatantly obvious is that the protection mandate has not been met.

6.3. Life & Peace Institute interviewees

6.3.1. Post-conflict Reconstruction strategies

Life & Peace Institute interviewees indicated that LPI has three strategic priorities in its areas of intervention, namely civil society support and engagement, policy work and creating awareness and cross-fertilisation of conflict transformation theory and practice. In order to achieve optimal results, the work with these three strategic areas requires focus on different target groups.

"…*LPI supports and promotes nonviolent approaches to conflict transformation…. through a combination of action and research that strengthen existing local capacities and enhance the preconditions for building peace….*" (Interviewee 8)

LPI identified 3 major strategies that drive its work in the eastern DRC:

"*In the case of DRC, those approaches include supporting civil societies, policy work and awareness-raising, and cross-fertilisation of conflict transformation theory and practice.*" (Interviewee 8)

The following section expands on these sub themes.

6.3.1.1. Civil society support and engagement

Interviewees claim that Congolese civil society organisations (CSOs) constitute legitimate and ideal structures for sustainable and in-depth conflict transformation.

"*Civil society organisations contribute to lobbying with national and international partners in order to make the peace process more inclusive, and through some external assistance they receive, support for grassroots reconciliation projects and peace-building for local-level conflicts…*"(Interviewee 8)

LPI's perceived professionalism within the area of conflict transformation offers it credibility to promote sustainable and non-violent management of the conflicts and contradictions that exist within the Congolese context (particularly the Kivus). LPI assists civil society organisations to be effective as their capacity building needs to meet other identified weaknesses such as programme implementation, administration, finances and general organisational development and not only concentrate on conflict transformation. LPI refer to civil society organisations as "partners". "…*we have developed partnership with local civil society organisations…approximately forty eight (48) local cooperatives that work in different sectors…*" (Interviewee 9)

A possible indirect effect of the work that LPI does with these partners will be the emergence of new actors involved with conflict transformation at the local level. The permanent peace committees that were put in place subsequent to the Participatory Action Research focusing on the Rastas in 2008 and 2009, together with LPI's

partner Union Paysanne pour le Développement Intégral, is a concrete example of such local initiatives. These will then also become part of LPI's target group for civil society support and engagement. Activities will encompass internal partner assessments, capacity building efforts within organisational development and conflict transformation, accompaniment in conflict transformation activities such as PAR (Participatory Action Research) processes, gender mainstreaming and financial support.

6.3.1.2. Policy work and awareness-raising

Life and Peace Institute contends that many peace building initiatives carried out in eastern Congo are top-down and remain oblivious to realities on the ground. Thus, they risk only attending to the symptoms of the conflicts rather than dealing with the locally identified root causes.

"..*Any peace building initiative must adapt to the local context…it is true that the current conflict involves high politics but conflict is rooted in the society and must be addressed from there… LPI and its partners carry out on conflicts within the local context; these actors are very well positioned to feed international, national and regional policy-makers with a more comprehensive understanding of the conflicts and their dynamics, thus enabling the policy-makers to take more informed decisions…"* (Interviewee 8)

The interviewee also pointed out that interventions are restructured to conform to the LPI approach at local, provincial national and international level in order not to duplicate work:

"*LPI's DRC programme contributes information, via existing fora, on general subjects targeting political actors at the provincial, national and international levels rather than initiating its own work within this area. At the local level, LPI's partners play a very important role in raising the awareness of key conflict actors such as armed groups (foreign or Congolese), leaders of ethnic-based associations, and community leaders…*" (Interviewee 10)

Target group and types of activities in this category include governments, organisations and international donors with political influence of conflicts in the DRC. It is worth noting that although remaining in the wings, LPI supports its partners by providing techniques and methodologies related to awareness-raising and policy work so that they can reach relevant actors. Types of activities that form part of LPI's policy work and awareness-raising in the DRC include identification of relevant themes, the publication and distribution of salient information to appropriate actors and the participation in appropriate fora both on the local, national and international level.

6.3.1.3.   Dissemination of conflict transformation theory and practice

While LPI has a lot to learn from various actors operating in the same area, it also remains convinced that the Institute and its partners' experiences will be of relevance to the further development of theory and practice within conflict transformation and peace building.

"…*The DRC conflict transformation process is an interesting conflict case study…, it has local, regional and international dimension…individuals and group involved can adapt quickly to similar case…*" (Interviewee 8)

Lessons learned from LPI and its partners' PAR processes and conflict transformation experiences can provide areas of research as well as sources of inspiration and theoretical input to various research institutes and think-tanks.

Target groups in this category include, LPI's "partners", other peace building and conflict transformation organisations nationally and internationally. These studies are carried out through active participation in relevant networks, direct cooperation, seminars, and the publication and dissemination of research results. Strategic partnerships with universities and independent research centres are important and facilitated through the acceptance of interns and collaboration with researchers.

Additionally, activities will include the systematised documentation of experiences and lessons learned by the DRC programme and its partners.

6.3.2.   Challenges to post-conflict reconstruction efforts

The Life & Peace Institute believes that many recent peace building initiatives in eastern DRC have been reactive and devoid of thorough analysis of the structural reasons for the Congolese conflict.

"*…by ignoring the real actors of the conflicts these initiatives mainly become "top-down" processes (for example, the inter-Congolese dialogue, Goma conference, Nairobi agreements, etc.), striving towards pre-determined results without taking into account the realities on the ground (particularly the input of local actors). As these initiatives are mainly guided by politicians they tend to limit themselves to legitimising political actions leading to the confirmation of the personal interests of certain actors,… which may later hinder the peace process and undermine all efforts…"* (Interviewee 11)

Based on this, the LPI uses an approach that is innovative in the way that "*it centres on a holistic capacity-building programme targeting local organisations working with conflict transformation within Congolese civil society".* (Interviewee 8)

The aim is to provide those civil society organisations with sufficient tools to become professional conflict transformation centres.

Using the PAR (Participatory Action Research) process, based on thorough research involving the primary actors from the start, these local organisations delegate the responsibility for identifying the actions needed in order to transform conflicts to local actors themselves. This approach also increases the sustainability and ownership of the transformation of conflicts.

Regarding LPI's development of a Participatory Action Research (PAR) for Conflict Transformation (CT), interviewee 12 states:

"….LPI helps build the capacity of its partners to become skilled at guiding their communities through PAR processes. In PAR for CT, all parties involved in a destructive or intractable conflict are engaged in a process of analysing the multiplicity of interpretations of conflict causes and consequences, and the identification of constructive actions for the future…" (Interviewee 12)

The process is participatory in that all actors concerned in a conflict are involved in learning how to address problems in a constructive manner. The conflict transformation process is designed as research, because emphasis is placed upon empowering parties to a conflict to learn how to analyse complex problems and generate solutions that are viable long-term.

"...Providing the conflicting parties with an opportunity to engage in collaborative enquiry simultaneously, provides them a venue for transforming their relationships from oppositional to cooperative…" (Interviewee 12)

Thus, the research process is action-oriented in two important ways: Firstly, the research process is a transformation of destructive conflict dynamics into constructive, cooperative inquiry. Secondly, the process includes a collaborative design of action plans to ameliorate issues identified by the community as problematic. LPI's approach also offers communities a sustainable solution by empowering them to address future conflicts in a constructive manner:

"*When communities acquire the skills to engage in PAR, they have not only learned how to resolve a single conflict episode; they have learned how to confront future conflicts as opportunities to learn and improve so that all can prosper".* (Interviewee 12)

6.3.3.   LPI Partners to the peace process in eastern DRC

LPI has developed partnerships with actors that work in conflict transformation or peace building in DRC, especially in North and South Kivus. LPI interacts with a

number of these organisations at different levels. The actors, according to the LPI-DRC 2011-2012 internal strategic plan document obtained by the author, can be classified into 7 categories.

6.3.3.1. Categories of LPI Partners to the peace Process in eastern DRC

The first category is composed of local NGOs and actors of the Congolese civil society that are very active in peace building. This is the most important factor of change in the DRC that can assist the Institute implement its programme. LPI has already chosen its seven partners within this network of civil society, but still has contacts with others to identify possible partnerships and to exchange information about conflict transformation and peace building news in the field.

The second category comprises churches and faith-related organisations within civil society. As an ecumenical organisation, LPI will especially, but not exclusively, cooperate with such actors. RIO, one of LPI's selected partners, is church-related as a service of *Église du Christ au Congo*. These actors are active in the domain of peace building and can be agents of change. LPI already has informal interaction with them which will continue. Churches and faith-based organisations are involved in PAR as key actors in the conflicts in the areas where PAR is carried out by LPI's partners.

The third category is international NGOs active in the DRC, such as Search For Common Ground, the Interchurch Organisation for Development Cooperation (ICCO), International Alert, Catholic Relief Service, and Pax Christi International. LPI's DRC programme has regular contact with these organisations and initiated common activities with some of them which are likely to be repeated. For now, International Alert and ICCO are the two main peace building INGOs with which LPI has formal partnerships.

The fourth category is international actors and associated forums in which they are active. In the DRC, MONUSCO is active in peacekeeping, but there is no direct collaboration between them. There are a number of other UN agencies such as the

United Nations High Commissioner for Refugees, the UN Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Children's Fund, the United Nations Population Fund or other INGOs not directly involved in peace building, as well as agencies such as International Rescue Committee, International Committee of the Red Cross, and Save the Children. There are casual exchanges and discussions between them, but the real collaboration takes place through LPI's the participation in the forums where these actors are represented. LPI is active in the Protection cluster as co-leader, in the CPIA and CIMIC as a member, and in NGO networks within Bukavu. As a valuable member of these forums, LPI could influence the agenda and the discussions on important themes. Occasionally, LPI is also represented within task forces established for specific issues and then works directly on certain issues with other actors.

The fifth category of actors is Congolese political-administrative authorities with whom LPI's partners work. At local or national levels, these very important actors are involved by the partners in the various PAR initiatives and help in the search for solutions to the conflict. By involving them in PAR, it is assumed that they will be more active peace builders in their countries.

The sixth category of actors is international policy makers and donors, such as foreign affairs ministries, embassies, and European Union representations. LPI has already established contacts with some of them and can disseminate the main themes of its policy and awareness-raising work through these channels. The links with these actors are crucial for a good management of public relations in order for LPI to remain an actor whose conflict analyses is accepted as relevant and useful in the DRC.

The seventh category of actors is international research centres, think-tanks or NGOs active in conflict transformation, but not necessary in the DRC. LPI has already launched exchanges with others actors in the region, such as *Centre d'Alerte et de Prévention des Conflits* (CENAP) from Burundi and *Institut de Recherche et de*

Dialogue pour la Paix (IRDP) from Rwanda in order to create a network of professional conflict transformation centres in the Great Lakes region.

Contacts are also being strengthened with InterPeace, based in Nairobi, to exchange experiences and to boost conflict transformation theory with practical experience. Other exchanges will be made with international research centres such as *Institut Français des Relations Internationales* and International Peace Information Service.

6.3.3.2. Local organisations and the supply chain of minerals from mines to the cities.

LPI interviewees indicated that there is no official information from their local partner organisations regarding the supply chain of minerals. They insisted that although unofficial information exists, LPI's focus does not extend to conflict minerals or minerals related conflict.

"*LPI focuses on Intercommunity tensions and conflict as whole rather than mineral related conflicts*" (Interviewee 13).

Unofficial information is forthcoming from interviewees that the *comptoirs* handle all transactions between miners and businesses and the primary customers of the *comptoirs* are foreign companies. It is therefore not surprising that the Institute places special emphasis on supporting what John Paul Lederach (2003:1) refers to as the middle-range and grassroots levels, where possible and relevant. The middle-range level includes leaders of civil society organisations serving as important connectors between the top and grassroots levels. This ignores the business community so often connected to high politics and the issue of mineral resources and conflict resources is not dealt with in LPI work.

6.3.4. Regulation and accountability of the mining industry and the impact on conflict transformation

Interviewees argued that various but vague legislation exists for the mining industry. The problem, according to LPI, is not legislations but the implementation and functioning within the bounds of such legislation.

"The mining industry is supposed to be regulated by the Mining code. That code makes provisions of Mining Regulations enacted by the Decree No. 038/2003 of 26 March 2003 that make provision of organisation and operation of the Directorate of Mines to inspect and supervise mining activities with regards to safety, health, work procedures, production, transport, sale and social matters…..given the security challenges however, it is very difficult for miners to conform with those regulations, the government does not have the total control of the territory to ensure that mining activities are in line with those regulations.." (Interviewee 12)

Furthermore, they state that mineral trade legislation even if necessary, is not the most desired component in the peace building effort in the DRC, given that even existing laws are abused on daily basis.

"…the security challenges in eastern DRC will not be solved primarily through mineral trade control measures like traceability and certification schemes, and due diligence measures. … While technical control and legislations in mineral trading is necessary, they are neither conflict resolution nor conflict prevention strategies…" (Interviewee 9)

They therefore recommended that, in the quest for peace in eastern DRC, actors to the peace process (Government, the International Community, armed groups and civil society organisations) should contemplate all available avenues, including the issue of minerals to develop a holistic approach that will ultimately create a win-win situation between belligerent parties and cement the peaceful transformation to achieve security.

"…although it is very easy to recommend than implement, my view is that for any lasting peace in DRC, all stakeholders need to implement recent peace negotiations addressing security concerns with belligerents, especially in the East. .. Security remains prerequisites for peace…The government and its partners must therefore undertake effective reform of the security sector, not only to ensure that past human rights violators are removed from the ranks, but also to train the national police and army to be human rights protectors rather than violators whom civilians fear, as is the current perception of the population. The government must further open an inter-community dialogue, resolve underlying causes of the conflicts including equal access to land and exploitation of natural resources". (Interviewee 8)

It is therefore important to note that the prospects for peace in the DRC will fundamentally depend on the development of an inclusive approach that combines the security and economic interests of the various local and regional actors in the Great Lakes. The DRC conflict needs to be understood in the context of regional conflict and involves all regional actors. Regional integration has also been adopted as one of important measures in the fight against conflict and efforts to building peace. It has been observed that regional integration creates conditions of regionalism, which are likely to lower the degree of conflict (Hattne, 1998:8-15). This is because such integration can change conditions of economic stagnation and poverty, which is a source of political turbulence, wars and unrest.

Likewise, through regional integration ethnic tensions between groups are likely to disappear (Gakwandi, 1996:188-189). Integration can also create conditions, which are uncomfortable for the survival and operations of warlords such as LRA, FDRL, CNDP and other regional actors. For this reason, as matter of urgency, the question of regional integration should be given special priority by the DRC government. It is necessary to move away from own state spectrum and establish the Great Lakes Regional bloc or join the East African Community within the context of the African Union. This means that the process of post-conflict reconstruction including, democratisation and socio-economic development carried out within the context of

regional integration is likely to prove more successful than a single nation state, where common market protocols and verification mechanisms are centralized and harmonized. Then the issue of mineral resources can be tackled regionally.

None of this work can succeed, however, without a sustained effort to rebuild a functioning, legitimate state in the DRC. At the end of the day, it is up to the Congolese to assume leadership over their territory to ensure peace and security in the Great Lakes. Peace and development too, would be no easy task in an unstable environment and, although the social and economic dimensions of PCR include re-establishing the functional components of society, restoring internal security, reintegration of uprooted populations, disarming, demobilising and reintegrating former combatants (DDR) (Anderlini & EL-Bushra, 2005:52), it is becoming widely accepted that long-term security can only be assured if there is democratic control of the security institutions which, in the broadest sense, includes democratic control of the military, the police and intelligence services. If any or all of these requirements are outside the Post-conflict Reconstruction Strategies, there is a potential risk that the use of such components may be exercised arbitrarily by one or more groups within society with a simultaneous return to insecurity and conflict as it is the case in the eastern part of DRC.

6.4.   Summary of the main findings

From the discussion in chapters five and six, it has been revealed that the ongoing situation in eastern DRC cannot be interpreted only as a result of having mineral resources, but associated with broader governance failures in the DRC, including the inability of the Congolese state to maintain security in its territory. The DRC's national army, the FARDC like other identified armed groups, is also one of the sources of instability in eastern DRC, where its members are responsible for significant human rights violations and illegal exploitation of resources, including mineral resources. This research further found that without a functioning army under state civilian control, armed groups will continue to proliferate in the region and be able to operate at will; and minerals will only serve as their means of survival.

It is further important to note that even if mining activity around high-value commodities, including diamonds and gold, exists throughout many regions of DRC; violence does not develop around every mine. Only North and South Kivus are experiencing security problems, suggesting that specific, local dynamics such as ethnic configuration, especially the Rwandophone problem and other geopolitical complexities identified in chapter two drives conflict in the eastern DRC.

It is therefore crucial to understand the history of the Rwandophone presence in eastern Congo in order to grasp the root causes of conflict and explore the way forward. According to the Great Lakes Policy Forum (2005:3), as early as 100 years ago, there is evidence of Kinyarwandan speakers in the Kivus. Some came voluntarily while others came as a result of the colonial experience. Today, there is a struggle between two forces of identity among the Rwandophones in Eastern Congo: a person's identity as Hutu or Tutsi, as well as his/her larger identity as Banyarwanda. The issue has been complicated by 20th century events, including genocide and refugees crisscrossing the border from Rwanda. As a result, it has become increasingly difficult to differentiate between Congolese and Rwandans (Great Lakes Policy Forum, 2005:3).

The Rwandophone identity in eastern Congo is both political and ethnic and has been a motivating factor for groups seeking to unite Congolese of Hutu and Tutsi descent into a single community. Because of past experiences, such groups fear being targeted by the Congolese government and these fears are manipulated by elites to motivate their claims, which in turn, lead to polarization from other Congolese who fear oppression from a united Rwandophone community and create different armed groups to defend their interests. Minerals resources play a role in sustaining these groups. It is therefore important for anyone seeking to invest in post-conflict reconstruction and peace building in eastern DRC, to encourage the DRC government to address this problem before attempting any other effort.

For instance, the existence of armed foreign forces, including the FDLR (Democratic Liberation Forces of Rwanda) poses a serious obstacle to improved relations

between Rwanda and DRC, and has been central to the Rwandan involvement in DRC, including accusations that it supports militia associate with Tutsi Kinyarwanda speaking Congolese, and assisting in the transport of DRC mineral resources.

It is worth noting that the aspect of conflict minerals has been seriously neglected in most of peace building initiatives, including those under MONUSCO's mandate and the Tripalitite Plus Commission. This, despite the existence of a general understanding that all the main armed parties to the current conflict in eastern DRC identified in chapter six are heavily involved in the mineral trade in North and South Kivu. Although this cannot be directly ascribed to the continued conflict, minerals as discussed in chapters two and three contribute to the survival and the creation of such armed groups and even motivates them. However, in all peace building initiatives, as verified in the interview responses, this issue was never adequately addressed and the current MONUSCO efforts are unlikely to triumph, given its challenges and limitations identified earlier.

 Furthermore, apart from the illegal exploitation of mineral resources to finance their activities and ensure their survival, both armed groups and the Congolese army have used the identified governance vacuum in eastern DRC and engaged in other parallel activities such as slavery and systematic extortion of the locals, including illegal taxation of other goods in the areas under their control; further complicating the process of post-conflict reconstruction and rendering the conflict more intractable. This systematic extortion is facilitated by the use of violence and intimidation, torture and rape inflicted on locals who resist working in the mines or resist handing over the minerals they produce.

The findings suggest most people interviewed are of the opinion that the FDRL (Forces démocratiques pour la liberation du Rwanda*, a* group dominated by Rwandan Hutu with elements who participated in 1994 genocide, is constantly engaged in the incidents highlighted above; and is a major peace spoiler in the DRC. As pointed out in chapter five, the FDLR has a strong trading base in South Kivu, and in most areas it has been so overpowering that its political activities are no

longer the driving force, but rather that its economic activities appear to be an end in itself. Global Witness suggests that, from 2009, FARDC and the FDLR are viewed as collaborators and trading partners (Global Witness, 2009:43). By mutual agreement, they carved up territory and mining areas and they sometimes share agreed upon administration activities. The FARDC is no longer troubled by the presence of the FDRL; in some instances it allows FDLR to use roads under its control to carry out trade activities thereby undermining several clauses in the peace agreements against the presence of FDLR. This begs the question whether the Government of DRC is genuinely committed to the peace agreements which stipulate the necessity to disarm and repatriate the FDLR. The current mutiny by former CNDP Commanders and their subsequent defection from the FARDC to form the M23 were a result of these fundamental requirements.

Not only does the FDLR benefit from the free passage provided by the FARDC, armed groups such as the *Congrès national pour la défense du peuple* (CNDP now M23), the Mai-Mai and others also profit from the mineral trade particularly through their own systems of "taxation" in the areas under their control.

The research also found that the role of Uganda, Rwanda and Burundi previously in the DRC conflict, and now in the peace process should not be underestimated. From 2004, the United Nations Panel of Experts Reports, although some are controversial and contested, accused Rwanda, Uganda and Burundi for providing access routes for the bulk of the minerals produced in North and South Kivu leaving the DRC. In those reports, it is documented that these countries offer access to the international market and their governments turn a blind eye to fears that the promotion of illegal trade actually fuels the conflict in eastern DRC. They also fail to hold accountable companies that engage in this type of trade (Hall, 2012:4; UN Reports, 2004, 2008, 2010, 2012). Disregarding Rwandan, Ugandan and Burundian involvement in eastern DRC (mostly at rebels and some extent regular armies originating from those countries) precludes any durable or sustainable solutions from taking shape in the most critical sectors needed to attain peace in the Congo.

Complex foreign involvement in DRC, conflict minerals and the role of the *comptoirs* trading houses in eastern DRC shouldn't be ignored in any regulatory mechanisms that the government might envisage. The regulation of the *comptoirs* and the mining industry will not offer a panacea to the DRC conflict, but it will at least address a couple of the conflict drivers. These *comptoirs* are buying, selling and exporting minerals produced by armed groups. Although there are many, the most well-known *comptoirs* in eastern DRC, according to the UN Group of Experts (2008:IV.B), are Groupe Olive, Muyeye, MDM and Panju. As detailed in chapter five, these *comptoirs* use the cover of being government recognised, legitimate, officially licensed and registered operators to launder minerals from armed groups without establishing the source.

Their identified customer*s* include companies from European and Asian countries. The most known in the eastern DRC mineral trade being the Thailand Smelting and Refining Corporation (THA ISARCO), the world's fifth-largest tin-producing company owned by British metals giant, Amalgamated Metal Corporation (AMC); British Afrimex; and Belgian Trademet and Traxys (Custers & Cuvalier, 2009:12-19). Since 2009, these companies have been buying minerals produced by armed groups and selling them to processing and manufacturing companies specialising in electronics in their home countries.

As a result of perceived interests in the on-going conflict in eastern DRC, the research found that major actors to the conflict and the international community have turned a blind eye to the impact of mineral resources and this topic is hardly mentioned in peace building negotiations. Taking centre stage in peace negotiations is the issue of the presence of FDLR and other armed groups while the economic dimension of the conflict is ignored. However, with a systematic analysis of actors in the eastern DRC, the current conflict seems to be predominantly economic rather than political. Therefore as Global Witness argues, the political agreement which does not address the root cause of conflict is a failure in itself (Global Witness, 2009:8). All initiatives undertaken should have addressed the issue of access to natural resources by armed groups as being one of the main drivers of the conflict.

The DRC government also failed to stand firm on the issue of illegal exploitation and show moral leadership by holding liable for human rights abuse, those companies involved in the trade of minerals. It also failed to set up protective measures for the effective control and channelling of mineral resources. This inaction gave rise to a paradise for armed groups to continue benefiting from the mineral exploitation and human rights abuses with impunity and eliminated the formation of a mechanism that would deprive armed groups of their principal sources of funding.

As a result, the Security Sector Reform (SSR) identified in the Global and Inclusive Peace Agreement signed in December 2002, which formerly ended the four year war in the DRC did not materialise and peace building efforts were and will always be hampered by the presence of irregular armed groups that perpetually come and go.

6.5.   Conclusion

This chapter presented and discussed the findings of the study. The major themes, sub-themes and categories were analysed and discussed in detail while focusing on the aims of the study which were: to identify actors and their impact to the post-conflict reconstruction in the DRC; explore the role of mineral resources in conflict transformation and how the issue of mineral resources can be addressed in future post-conflict reconstruction processes. Ten major themes emerged including: past and current government strategies to bring about peace in the eastern DRC; UN post-conflict strategies in eastern DRC; challenges in mineral trade control; various role players and partners in the peace process in eastern DRC among others broken down into nineteen sub-themes and categories to structure the discussion. The next chapter presents the general conclusion of the study, discussing what has been achieved in terms of the objectives. It then discusses the significance and limitations of the study and will suggest recommendations that can be used when dealing with conflict minerals in eastern DRC.

CHAPTER SEVEN: CONCLUSION AND RECOMMENDATIONS

7.0. Introduction

The previous chapter discussed the findings of this study. Several themes, sub-themes and categories were developed and discussed based on the information collected from the document review and interviews. This chapter presents the general conclusion discussing what has been achieved in terms of the objectives of the study. It then suggests recommendations that the researcher thinks may help address the peace process differently and concludes by proposing areas for further research.

Considering the objectives set out at the beginning of the study, it undertook:

- To identify actors involved in the post-conflict reconstruction processes in Eastern DRC
- To explore how the actors transformed the conflict
- To identify how mineral resources influenced the peace process in eastern DRC
- To identify the lessons learnt from the post-conflict reconstruction processes in the eastern DRC and the factors influencing mineral expropriation
- To make recommendations in respect of post-conflict reconstruction processes and mineral expropriation in Africa.

The following section discusses how those objectives have been achieved:

7.1.   General Conclusion of the study

After setting up research objectives, questions and methodology to be followed in chapter one, a comprehensive theoretical discussion on conflict was provided in chapter two.

As set out in the objectives of the study above, this dissertation explored the actors involved in the post-conflict reconstruction in eastern DRC and the impact on mineral resources on conflict transformation. To do so, this study took the position that it is

nonetheless vital to understand the underlying root causes of a particular conflict situation to successfully analyse its intractability and the role of various actors and mineral resources. Such underlying causes have been identified in chapter two. Within the same chapter another serious conflict driver was identified - that of regional ethnic configurations in which elites use revenue from mineral resources to advance their interests along ethnic lines in the void of central governance. Chapter two showed that greed and grievance theories arising from inequality, discrimination and dictatorship have certainly contributed to the conflict. Parties to conflict are manipulated by the greed of warlords and politicians who find ways to exploit mineral resources and other sources of revenues to fund the conflict and personally benefit. As with most African conflicts, this chapter determined that the major causes of conflict in the DRC are rooted in the legacy of colonialism; bad leadership under both the colonial powers and the subsequent government of Joseph Mobutu, manipulation and politicisation of ethnic identities especially in the South and North Kivu and the geopolitical location of the eastern DRC.

The premise of this study is that the presence of mineral resources in eastern DRC contributes to the continued insecurity in that region by providing a means of survival to armed groups, thus undermining peace agreements especially the Pretoria agreement that formally ended hostilities in 2002.

The post-conflict reconstruction process in DRC since 2002 within the framework of the Pretoria Agreement was analysed in chapter three and provided details about the major achievements of the Pretoria Agreement, its shortcomings and why such Agreement failed to produce lasting peace.

An assessment of the contribution of each actor in the post-conflict reconstruction process in DRC; the role of armed actors, International community actors, state actors and civil society actors were identified in chapter five and six. Chapter five also investigated the issue of conflict minerals that constitutes the basis of this study. Minerals in eastern DRC are explored from a historical background and the current expropriation strategies to the supply chains from mines to international markets.

Connections of armed groups and international trading companies to this supply chains have been established. The supply chain of mineral from the mines to the international market can now be attributed to the *comptoirs* as the first ports of illegal mineral resources from mines controlled by armed groups. Chapter five demonstrated that the *comptoirs*, in turn, transfer the minerals to the processors via Burundi, Rwanda, and Uganda and the ports of Mombassa, Kenya and Dar es Salaam, Tanzania. This chapter also investigated all peace building efforts that have been undertaken to end the conflict in DRC. It established that, although many of the main actors to the conflict have been engaged in one or more peace dialogues and negotiations, factors ranging from breach of agreements by one or more parties to the conflict, geopolitical interests of actors, ethnic grievances that have been not met, initiative proved to be fruitless and the conflict escalated.

Chapter six presented the findings from the interviews. In this chapter, actors to the post-conflict reconstruction in DRC were identified and their strategies discussed. The chapter established that these actors are mostly those identified armed groups in chapter five, International community, Civil Society organisations and state actors. Furthermore, this chapter established that, although all the actors have shown willingness and effort to bring about peace in DRC, some of them act as peace spoilers and instead of seeking a comprehensive approach; they merely advance their own interests. The greed of some major actors through the illegal trade of natural resources, in particular minerals, is one of the major drivers of the conflict in eastern DRC. Chapter six, however, established that the issue of mineral resources is not the sole drive of eastern DRC conflict, as the issues of ethnic polarisation especially, discrimination against Kinyarwanda speaking Congolese in the east, and their view that only military means can solve this problem coupled with other security threats including the presence of foreign militia, are the major drivers of the conflict in the eastern DRC. According to the researcher's analysis, the most significant internal factors contributing to intractability of conflict in eastern DRC is associated with the issues of leadership failure and state inability to map a comprehensive strategy to root out armed groups.

The study finally provides the following recommendations that focus on cutting access to and flow of minerals to armed groups in the DRC, as well as closing all international trade routes and external networks, thus addressing the issue of conflict minerals as a driver of conflict in eastern DRC

The recommendations are specific to each concerned party in the conflict including the UN, the Government of DRC, governments of neighboring states, international donor organisations and companies that trade in minerals, etc.

7.2.   Recommendations

The proposed recommendations are specific to identified actors in the DRC post-conflict reconstruction process. The researcher believes that these recommendations offer tactics to cut access by the armed groups to mining sites in the DRC, as well as closing all their international trade routes and external networks, thereby addressing the issue of conflict minerals as a driver of conflict in eastern DRC. The dissertation also proposes a framework of legal action against those engaged in illicit mineral exploitation, including foreign companies, foreign governments and individuals.

Furthermore, it proposes the establishment of multilateral agreements between governments of countries in which companies involved in minerals trading are founded to hold them accountable of their actions; and concludes that any peace initiative must be an inclusive approach that combines the security and economic interests of the various local and regional actors in the Great Lakes for it to be successful.

7.2.1. Recommendations to the Congolese government

As discussed in the presentation of findings and discussion, the Congolese government did and does not have a clear strategy to stabilise the eastern part of the country. Thus first and foremost, the DRC government must define a national vision for peace building that is articulated and owned by its people, and reflects an understanding of the root causes of the country's conflict.

The Congolese government should prioritise peace building activities as part of a societal transformation that alters relationships positively between the state and its citizens, and facilitates more equitable power sharing. The government must also establish a regular budget with adequate controls to reinforce state authority, properly manage resources and combat widespread corruption.

With regard to the illegal exploitation of mineral resources, the Congolese government should develop a regulatory system on the supply of minerals from the point of extraction (mines) to the point of export (ports). In doing so, it should ensure that individuals or companies handling minerals produce verifiable documentation outlining the exact point of origin, the identity of suppliers, any intermediaries or third parties and the final destination. This is what Steven Hege (2010:3) calls due diligence in the mining sector of the DRC and will prevent registered *comptoirs* channelling minerals purchased from armed groups and stop mineral exports without documentation being exported. Secondly, the activities of *comptoirs* should be reassessed and controlled. However, this can only be achieved if the pre-existing licences of *comptoirs* and *négociants* (buyers) who partake in mineral trade are cancelled and reissued.

The Congolese Government should identify suppliers of mineral exports from North and South Kivu through the *comptoirs*, and also investigate any fresh allegations or suspicions about *comptoirs* who may be obtaining supplies from individuals known to be close to armed groups or FARDC units involved in mineral exploitation.

The Government of DRC should decentralise governance by providing strong political and technical support, especially in terms of capacity and security to provincial-level government agencies responsible for controlling the mining sector, exports and border controls in North and South Kivu. On top of this, senior national level government officials should be prepared to intervene if any civilian officials are threatened or intimidated by members of armed groups or the FARDC who prevent provincial officials from doing their jobs.

The Congolese government should order a special investigation into allegations that senior FARDC officials at both provincial and national level are benefiting from mineral trade; and ensure that any official found to be benefiting from this trade is brought to justice.

More checks and balances are needed within the army, along with greater parliamentary oversight of the army. Where possible, there could also be a demilitarisation of mining sites or the deployment of mining police (Hege, 2010:5). This whole process should form part of security sector reform (SSR) discussed in chapter four of this dissertation.

7.2.2. Recommendations to governments of neighbouring and transit countries

Other countries involved in the DRC can positively contribute to the restoration of peace in eastern DRC by implementing UN Security Council Resolution 1856 of 2008 that calls upon "all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means" and report to the UN Security Council on measures taken. Due to the severity of the human rights situation in eastern DRC and the fact that armed groups depend on mineral trade for funds, neighbouring countries should stop importing minerals which do not come from certified areas. This is only possible if minerals imported from the DRC have verifiable documentation indicating their precise origin and destination.

Neighbouring countries, especially those consistently accused in various UN Reports such as Rwanda, Burundi and Uganda should also create investigation committees to follow up with mineral trading companies in their countries to ensure that they do not deal with any of the armed groups in eastern DRC. The findings of such investigations can be submitted to the UN Sanctions authority, listing the names of individuals or companies that trade in minerals that help fund armed groups in eastern DRC.

7.2.3. Recommendations to other actors including donors and foreign governments

The UN, in collaboration with the AU and SADC, should help the Congolese government build effective institutions to manage its immense natural resources. The UN should also seek to strengthen partnerships between the UN, the EU and other external actors in order to prevent the destabilising effects of regional and international exploitation of the DRC's natural resources.

International actors in the DRC conflict should ensure that the issue of armed groups is holistically approached, including the use of regional and international political dialogues and negotiations. This includes the use of a non-military approach towards the FDLR, M23 and others. The international community should furthermore assist by urging the Congolese government to implement other measures listed above to regulate the mining industry and help strengthen the capacity and effectiveness of provincial and local government bodies responsible for mining sector and export control oversight.

Most importantly, the international community should help draft security sector reform (SSR) and training programmes for the Congolese security forces which, if effective, prohibit illicit exploitation of natural resources and provide total control of the whole territory.

7.2.4. Recommendations to MONUSCO

MONUSCO should ensure that the financial support to armed groups received through the trade in natural resources is curtailed and integrate its mandate into the work of UN military and civilian teams deployed in mineral-rich areas of North and South Kivu as often they operate independently. Furthermore, monitoring measures should be implemented whereby these teams regularly report their findings and communicate them to the UN Security Council. The UN Security Council must revise MONUSCO's mandate, assess its performance and prioritise its actions to "curtail the provision of support to illegal armed groups derived from illicit trade in natural resources", as provided for in UN Security Council Resolution 1856 (2008).

7.2.5. Recommendations to the UN Security Council

As mandated by UN Security Council Resolution 1856 MONUSCO should provide regular reports on its progress using "its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources". The UNSC should furthermore propose further actions by MONUSOC and UN member states in response to MONUSCO's reports and findings and adopt sanctions against the party in violation of peace agreements.

The UNSC should regularly request reports on the status of the implementation of UN Security Council Resolution 1857 (2008) from all member states. This resolution mandates all member states to sanction any individual or entity in breach of the arms embargo as well as those who support armed groups through the trade in natural resources.The UNSC should furthermore, provide necessary support to the UN Group of Experts and make sure their work and findings are followed through by all member states.

7.2.6. Recommendations to companies and traders purchasing, handling or trading in minerals originating from eastern DRC or neighbouring countries

Companies dealing in export minerals should check the origin of their mineral supplies. They should not only rely on the geographical indication, but specific locations and names of mines as well as the conditions under which the minerals were extracted.

Companies should be able to provide the source of their minerals through credible written evidence the shows the exact origin of mineral supplies, the channels used and the identities of those involved in the chain of custody, including intermediaries or third parties who handled them. They should retain and record all documentation provided by suppliers and should themselves verify the source and the accuracy of suppliers' assurances.

7.2.7. Recommendations to governments of countries in which companies are registered

As members of the UN, those governments should be equally responsible to provide clear guidelines to companies trading in minerals from eastern DRC as to how to trade and with whom to trade. They should develop a legal framework to safeguard against suppliers with connections to armed groups or engaged in exploitative labour practices. Companies should be cautioned that could face a number of liability risks if found to be facilitating human rights abuses by conducting trade with such suppliers. This legislation should stipulates specific measures which companies are expected to take and standards they are expected to follow, as well as penalties for non-compliance.

These governments should monitor compliance to this legislation in relation to imports not only from the DRC, but also from neighbouring countries such as Rwanda, Burundi, Uganda and Tanzania to avoid minerals originating from the DRC being imported from these countries without being identified as of DRC origin.

Specifically, the OECD Guidelines for Multinational Enterprises should be adhered to and government should enforce them. Companies in violation of these guidelines should be reported to the UN Sanctions Committee in line with UN Security Council Resolution 1857 (2008).

Lastly, these governments should not financially support or invest in companies that do not comply with legislation and international standards or where there are indications of providing support to armed groups or individuals responsible for serious human rights abuses in eastern DRC.

7.2.8. Recommendations to the International Criminal Court (ICC)

As set out in the Rome Statute, the International Criminal Court (ICC) should recognise the role of economic actors and companies in crimes within its jurisdiction and conduct investigations into *comptoirs* and foreign companies alleged to be buying minerals from North and South Kivu and through which trade practices and

armed groups responsible for war crimes or crimes against humanity are financed.

The ICC could, furthermore where appropriate and in accordance with the principle of complementarities with national jurisdictions, allow those judiciaries to initiate prosecutions of individuals who are suspected of being involved in such crimes. The ICC can itself also prosecute such individuals since it has jurisdiction under the Rome Statute, against any individual who "for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission".

7.3   Future Research

This study focussed on identifying actors in the post-conflict reconstruction in eastern DRC and the impact of mineral resources in that process. The basis of the study was that mineral resources were the main driver of the conflict in the eastern DRC; and the reason for the continued presence of several armed groups in that region. However, it has been established that while DRC as a whole is rich in minerals, only the North and South Kivu have been experiencing security challenges since the formal end of hostilities, suggesting that in addition to mineral resources, there are more serious conflict drivers such as the issue of the Rwandophone speaking and regional ethnic configurations and perceived economic interests.

Therefore further research should still be conducted to investigate additional regional dimensions to the conflict and how perceived interests, especially in mineral revenue, contribute to the polarisation of the population in eastern DRC that leads to the formation of armed groups.

Research could be conducted to further establish the effectiveness of conflict minerals conflict resolution mechanisms in Africa, as the globalisation agenda continues to forge ahead and competition over scarce resources is likely to intensify. However, in the process of securing these resource access rights, conflicts become inevitable and are likely to intensify particularly with regard to shared resources like international waters and international boundaries.

The researcher recognises that while it is inevitable to avoid conflict, it is important to develop conflict resolution mechanisms that respond to such challenges. The focus of the study should be on the efficacy of such conflict resolution mechanisms assuming that they are already established. Answers are needed to address questions directed at their value in dealing with emerging natural resource conflicts within the regional context. There is a need to take stock and critically analyse these mechanisms with a view to strengthening them so they match the dynamic characteristics of natural resource conflicts.

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Nelson Mandela Metropolitan University
Tel: +27 (0)41 504-2624 Fax: +27 (0)41-504-23820
08 August 2011

</div>

Ref:

Emmanuel Nibishaka
Conflict Management & Transformation Programme
Tel: +27 (0) 114475222, Cell: +27735844176
E-mail: nibiemma@yahoo.fr

Dear Respondent,

You are being asked to participate in a research study on the role of mineral resources in the post conflict transformation in the Eastern Democratic Republic of Congo. We will provide you with the necessary information to assist you to understand the study and explain what would be expected of you (participant). These guidelines would include the risks, benefits, and your rights as a study subject. Please feel free to ask the researcher to clarify anything that is not clear to you.

To participate, it will be required of you to provide a written consent that will include your signature, date and initials to verify that you understand and agree to the conditions.
You have the right to query concerns regarding the study at any time. Immediately report any new problems during the study, to the researcher.

Furthermore, it is important that you are aware of the fact that the ethical integrity of the study has been approved by the Research Ethics Committee (Human) of the university. The REC-H consists of a group of independent experts that has the responsibility to ensure that the rights and welfare of participants in research are protected and that studies are conducted in an ethical manner. Studies cannot be conducted without REC-H's approval. Queries with regard to your rights as a research subject can be directed to the Research Ethics Committee (Human) by calling the Director: Research Management on +2741-504-4536.

If no one could assist you, you may write to: The Chairperson of the Research, Technology and Innovation Committee, PO Box 77000, Nelson Mandela Metropolitan University, Port Elizabeth, 6031.

Participation in research is completely voluntary. You are not obliged to take part in any research. If you do partake, you have the right to withdraw at any given time, during the study without penalty or loss of benefits. If you do withdraw from the study, you are also welcome to return and discuss with the researcher, your reasons for leaving, should you wish to do so.

Although your identity will at all times remain confidential, the results of the research study may be presented at scientific conferences or in specialist publications.

This informed consent statement has been prepared in compliance with current statutory guidelines.
Yours sincerely,
Emmanuel Nibishaka

UNITED NATIONS
United Nations Organization
Stabilization Mission in the Democratic
Republic of the Congo

MONUSCO
KINSHASA

NATIONS UNIES
Mission de l'Organisation des Nations Unies
Pour la Stabilisation en République
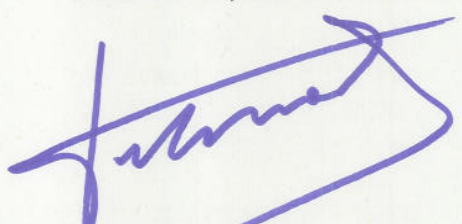Démocratique du Congo

Kinshasa, October 19, 2011

Dear Mr Nibishaka,

MONUSCO has two staff members of the Joint Mission Analysis Cell (JMAC) based in Goma and Bukavu respectively, whose main task is to assist Government authorities to implement the project of the Minerals Trading Centers in the Kivus, as per our mandate. For Goma, this is Mr Christophe Vincelet and for Bukavu, Mr Henry Nkeng Fombah.

These persons will be available to meet with you and to discuss supply chain transparency and issues related to the linkage between armed group financing and mineral exploitation and the ways MONUSCO intervenes in this area to address these issues and assist the Government in restoring state authority in mining areas. Our staff can meet with you at your convenience once you are in the east of the country. Their contact details will be conveyed to you by e-mail.

Sincerely,

Johan Peleman
Chief JMAC, Office of the SRSG

To: Mr Emmanuel Nibishaka
Peace and Conflict Management and Transformation Programme
Nelson Mandela Metropolitan University
PO Box 3156 Parklands
2121 Johannesburg
South Africa

29 September 2011

Mr. Emmanuel Nibishaka
Conflict Management &Transformation Programme
Nelson Mandela Metropolitan University
Tel: +27(0) 114475222 ; E-mail : nibiemma@yahoo.fr

Re: Request to Conduct Interview with L&P Institute Staff.

Dear Mr Nibishaka,

I refer to your request for participation in your research and our conversations thereof.

As you may know, we all have a very heavy workload, and we don't have much time to contribute to overall study requests that are sent to us but, as a matter of interests to our work in DRC, we will be more than happy to meet and discuss with you some post conflict reconstruction initiatives we undertook and how we interact with other stakeholders in this regard.

In function of the moment of your arrival and our staff composition at that moment, we might discuss eventual forms of collaboration to facilitate your study.

Should you require additional information, do not hesitate to contact me.

Pieter Vanholder
Country Director, DRC