UNIVERSITY OF NAIROBI

FACULTY OF LAW, PARKLANDS CAMPUS

AN ANALYSIS OF THE EFFICACY OF THE UN PEACEKEEPING MISSION: CASE STUDY - DRC

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RESEARCH THESIS SUBMITTED IN PARTIAL FULFILLMENT FOR THE AWARD OF A DEGREE IN MASTER OF LAWS (LL.M)

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Date of Submission: 30/08/2023

DECLARATION

I, Chizah Sheillah Ayoma, do hereby affirm that this Research Thesis is my original work submitted in partial fulfillment for the award of a Degree in Master of Laws (LL.M) at the University of Nairobi, School of Law (Faculty of Law) Parklands Campus. I also affirm that it has not been submitted for the award of credit in any other University and/or higher learning institution; and the referenced authors of authorities applied have been well and fully acknowledged.

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Date: 09th November 2023

DR. KENNETH WYNE MUTUMA

DEDICATION

To all the countries in Africa that experience endless conflicts escalating to armed war. There is hope for long-lasting peace and security. No matter how dark the clouds are, there exists a silver lining.

ACKNOWLEDGEMENT

I acknowledge the grace, mercy, and favour of God for enabling me to get this far, specifically in my academic journey. The girl whose dreams were temporarily shattered and took over one year before joining A-level education is now winding up her first post-graduate degree.

I am grateful to my supervisor Dr. Kenneth Wyne Mutuma who has been the director of this journey and without him, I would not have this piece of work. His commitment to seeing his supervisees graduate on time as anticipated is outstanding and to be emulated.

I appreciate my late father (who rested in 2018, may his soul continue resting in eternal peace) for his words of affirmation made me never to lose hope in life and pursue the greatness he wished for me. To my beautiful mum, I appreciate her prayers that keep me going. Anytime, I think of giving up, she reminds me that God renews strength; for with God, nothing is impossible.

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LIST OF ABBREVIATIONS AND ACRONYMS

AU - African Union

DRC – Democratic Republic of Congo

EAC – East African Community

IHL – International Humanitarian Law

IHRL – International Human Rights Law

MONUC – United Nation Organization Mission in the Democratic Republic of Congo.

MONUSCO – United Nations Organization Stabilization Mission in Democratic Republic of Congo.

NGO – Non-Governmental Organization

OAU - Organization of African Unity

ROE – Rules of Engagement

SOFA – Status of Forces Agreements

UN – United Nations

UNSC - United Nation Security Council

UNGA - United Nations General Assembly

UNAMSIL – United Nations Mission in Sierra Leone

UNAMIR – United Nations Assistance Mission in Rwanda

TCC – Troops Contributing Countries

TCN – Troops Contributing Nations

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Prosecutor v Dominic Ongwen ICC-02/04-01/15.

ABSTRACT

Africa and the Democratic Republic of the Congo in particular are not an exception to the UN's crucial role in maintaining peace and security around the world. Notable cases have been recorded where wars have been managed, conflicts resolved, and peace restored. Equally, the African region has contributed greatly in terms of military personnel, which has enriched global efforts. However, some peacekeeping missions flopped and the international community was accused of doing little in a country such as Rwanda when it plunged into peace and security instability when the genocide happened. The study seeks to analyse the efficacy of the UN peacekeeping missions in Africa – the case study being the Democratic Republic of Congo (DRC). It will move from the history of wars and conflicts and the suitability of UN peacekeeping mission in DRC. It will look at the mandate of the UN as provided in the Charter of the United Nations, discuss the scope of the UN and whether the scope needs to be reviewed. The key players in peacekeeping missions will be highlighted and their impact in the conflict in DRC. Further, the study will look at the challenges marring the peacekeeping missions in DRC and point out possible recommendations that when borrowed and implemented, they will add to the existing knowledge and the suggestions that may be valuable in formulating policies to end the wars in DRC for long-lasting peace and security.

CHAPTER 1: AN ANALYSIS OF THE EFFICACY OF THE UN PEACEKEEPING MISSION: CASE STUDY – DRC.

1.1 Introduction

Samantha Power opined that even the tiniest involvement by international powers in times of war saves lives.[1] The more the perpetrators are challenged, the more positive effect is felt. Peacekeeping missions deployed can enormously contribute to ending wars and pave the way for peace-making and peace-building. Hypothetically, only a third of cases with outsiders' intervention have failed to bear fruit or worsened the situation.[2] For instance, the 1994 Rwandan genocide and Bosnia are clear cases where key peacekeeping players watched while doing little to curb the wars.[3] Such examples lead to the case study, the Democratic Republic of Congo. Some of the intervening parties such as the troops meant to protect and stop the escalation of wars turned into sexual abusers, rapists, traded firearms with warlords and perpetuated other acts against peacekeepers' codes of conduct.[4] Some of these atrocities perpetrated by peacekeepers are among the hurdles facing peacekeeping missions in DRC, making it hard to end conflicts.

Looking at the history of the conflicts in DRC, violence erupted after the country had its first democratically elected president – Laurent Kabila (1996-2006).[5] The conflicts concerned rebel movements, foreign armed groups, and militias.[6] Peace was disrupted. Hence the UN sent its peacekeeping mission United Nations Organization Mission in the Democratic Republic of Congo (MONUC) which later transformed into United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Unfortunately, peace is yet to be achieved and violence escalates especially in the eastern part of Congo – Ituri and Kivu.[7] Arguments have faulted the international community which focuses on bringing the war to an end but leaves out the root causes, such as historical land injustices and ethnic conflicts, which

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[1] Alex J Bellamy, Paul D Williams, Stuart Griffin, *Understanding Peacekeeping* 2nd Ed, p2.
[2] Ibid.
[3] Ibid, p3.
[4] Ibid.
[5] Louise Anten, 'Strengthening governance in a post-conflict district of the Democratic Republic of Congo: The history of the conflicts in (eastern) DRC' (2010) pp 7-8, available at https://www.clingendael.org/sites/default/files/pdfs/20100802_cru_publicatie_lanten.pdf accessed on 03 August 2023.
[6] Ibid.
[7] Ibid.

hopefully if addressed, the wars would have been brought to an end by the efforts applied so far.[8] To truly grasp the gravity of the obstacles in the way of efforts to end the war, one must traverse the course of a peacekeeping mission with the assistance of the study.

1.2 Background of the study

To understand peacekeeping in DRC, this section of the study will traverse through the UN's peacekeeping missions and peace enforcement and its involvement from internationally, regionally and narrowing it down to the case study. Any peacekeeping mission is designed to maintain and keep peace, and the process involves another party playing a role that complements that of a mediator expected to facilitate a solution to a conflict.[9] Peacekeeping missions can conclusively boast of resolving conflict and maintaining an atmosphere where settlement can be achieved, especially when destructive war is imminent.[10] It is steered fundamentally by consent, neutrality, non-use of force, and voluntarism principles.[11] The actors in the conflict may wish to pursue resolution through non-violent means. However, suppose undesired conflict behaviour such as wars may persist, the intervention of an umpire is prompted. In world's conflict especially the decades of unrest in the DRC, the UN invoked peacekeeping to pursue its core objective which is to maintain global peace and security.[12] Notably, peace enforcement is invoked where there are severe security threats and the UN authorises the use of force to counter threats to stabilization pursuits. Guided by the threat to security on the ground, the UN uses either or both peacekeeping and peace enforcement to restore peace.

Before the emergence of the UN in 1945, peacekeeping practices were alien to the world's superpowers. Peace maintenance methods were localized from region to region, and only a few led by their leaders applied ad hoc, which did minimal to serve the purpose.[13] Accordingly, the First World War, which happened from 1914 to 1918, led to the creation of the League of Nations, an international organization designed to uphold peace and security throughout the

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[8] Ibid.
[9] Funmi Olonisakin, *Reinventing Peacekeeping in Africa: Conceptual and Legal Issues in ECOMOG Operations*, p5.
[10] Mitchel C, "The Struggle of International Conflict" p280.
[11] George Hikah Benson (PhD), 'Peacekeeping Operations in Africa: Liberian Lessons, a Platform for Deepening Future UN Peacekeeping Engagements' (2021), Vol 2 Issue, p4.
[12] Ibid.
[13] Ibid.

world.[14] Its guiding premise was unanimity, which was meant to direct and decide how it would respond to aggressors,[15] making the league ineffective because it was unable to restrain the belligerent inclinations of its driven members, particularly Germany.[16] The Second World War, which raged from 1939 to 1945, was made possible by the league's inability to subdue aggressors within its ranks.

The United Nations Organization was founded by the winning nations (the United States, the Soviet Union, France, and Britain) in order to protect future generations from the horrors of war and to guarantee that, by adhering to the organization's tenets, armed forces will never be utilized except in the interest of everyone.[17] The UN assumed its principal role and duty of upholding global peace and security.[18] The goal was to do this by collective security enforcement action, which is outlined in Chapters VI[19] and VII[20] of the United Nations Charter and specifically in Articles 41 and 42.[21] The UN Security Council evaluates threats to global peace and security and launches intervention procedures, the first of which may be preventative diplomacy.[22] In addition, the Security Council has the authority to sanction an aggressor.[23] Imposition of sanctions is one of the long-term used method to tame aggressors and disruptors of peace and security.

Sooner as the UN Charter came into operation, a cold war ensued between the United States (US) and Union of Soviet Socialist Republics (USSR), which were considered the world superpowers. It was difficult to put the concept of collective security into practice since the Security Council had to stop the UN from taking any military action against itself or its allies.[24] The UN, therefore, decided to resort to the peacekeeping method as an alternative strategy to maintain international peace and security through the use of troops contributed by its members.[25] In 1948, the United Nations Truce Supervision Organization (UNTSO) conducted

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[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] Charter of the United Nations, 1945 Chapter I.
[18] Ibid.
[19] Ibid, Chapter IV, Article 11.
[20] Ibid, Chapter VII, Article 39.
[21] Ibid.
[22] Ibid, Article 40.
[23] Ibid, Article 41.
[24] Basu Rumki, *The United Nations Organization: The structure of an International Organisation*, Sterling Publishers Pvt Ltd (1993), p77.
[25] Ibid.

its first peace mission in Palestine.[26] The United Nations Emergency mission (UNEF), the organization's first armed peacekeeping mission, was then sent to the Suez Canal to mediate between Egypt and Israel during the conflict there. This resulted in the occupation of the Canal by French and British military forces.[27]

Since 1948, when military observers were dispatched to Kashmir to supervise a truce between India and Pakistan, and the Middle East during the Arab-Israeli conflict, the UN has carried out peacekeeping missions. UN forces are still stationed in some areas years later.[28] There has been discussion on the appropriate role for peacekeepers in enforcing ceasefires, the viability of neutrality, and how to balance preserving the status quo with acting to change the strategic environment to increase the likelihood of resolving conflicts.[29]

In Africa, the UN played a vital role. For instance Namibia, which was initially known as South West Africa, being a German colony, was administered by South Africa following the end of World War I.[30] South Africa was compelled to relinquish control and grant Namibia independence. The transition caused security concerns, and the process of disengagement became tough.[31] In Namibia, the UN Transition Assistance Group took charge of overseeing the country's transition from a state of war to a ceasefire and then independence. East Timor in the late 1990s and Cambodia in the early 1990s both used the Namibian operation model.[32]

Sierra Leone's brutal war displaced almost half of its population in 1999.[33] However, by 2002 the UN deployed its force (UNAMSIL), and by 2005, when it exited, it left behind a peaceful nation, adding up to the successes of peacekeeping missions.[34] This refers to one of the instances that clearly indicates that despite decades of unrest in DRC, there is hope that the wars can end and that the UN can add to the list of successes of its peacekeeping missions.

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[26] Ibid.

[27] Ibid.

[28] McLean Iain, McMillan Alistair, *The Concise Oxford Dictionary of Politics,* 3rd ed, Oxford University Press (2009), p400.

[29] Ibid.

[30]Nse Etim Akpan, Christopher Ikem Oliser, 'The challenges and prospects of United Nations Peacekeeping Mission in Africa' (2019) Vol. 13 No. 3 , p6.

[31] Ibid.

[32] Nse Etim Akpan and Christopher Ikem Oliser, 'The challenges and prospects of United Nations peacekeeping mission in Africa' (2019), Vol. 13 No. 3 p6.

[33] UN Mission in Sierra Leone available at http://www.un.org/Depts/dpko/missions/unamsil/index.html and its story in 2003 about the successes in Sierra Leone.

[34] Ibid.

Further discussion of the success of UN peacekeeping mission will be featured in chapter 4 of the study in the comparative analysis.

Despite its achievements in peacekeeping, the UN has faced challenges in Africa, including Rwanda. The UN force was insufficient, and as a result, the genocide intensified.[35] The genocide in Rwanda claimed millions of lives, and the international world did little or nothing to stop it. This undermined international peace and security and called into doubt the UN's authority. Since 1960, there have been sporadic outbreaks of severe ethnic violence between Hutus and Tutsis in Rwanda and her neighbour Burundi.[36] Even after the 1993 peace accord stipulated that a UN force (the UN Assistance Mission in Rwanda, or UNAMIR) would be tasked with overseeing the truce, the fighting intensified.[37]

The UN got involved in the Congo crisis in 1960. In an attempt to keep the peace, it has since persisted in interfering in the Democratic Republic of the Congo war, which has lasted for over two decades.[38] It has been faced with hurdles. In 2016, one of the UN's Secretaries General for Humanitarian Affairs called the situation "the killing fields of our time."[39] She opined that a peacekeeping mission is considered successful if peacekeepers would bring war to a close without the war restarting in two years; partially successful if calm was brought but could not leave for fear of restarting; and a failure if the peacekeeping mission is unable to bring the war to a close.[40] Those who have been hugely and directly affected by the wars wish to wake up from the nightmare. It is hoped and looked forward to that once the UN peacekeeping mission is deployed; it will not take long or even go beyond a decade before peace is restored. However, DRC remains a case study where the mission is yet to bear fruit.

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[35] Mingst Karen A., & Karns Margaret P, *The United Nations in the Post-Cold War Era,* 1st ed (2000), p.24, ebook (17 July 2019) https://doi.org/10.4324/9780429315688 accessed on 03 August 2023.
[36] Ibid.
[37] Mingst Karen A., & Karns Margaret P, *The United Nations in the Post-Cold War Era*, 1st ed (2000), p.24, ebook (17 July 2019) https://doi.org/10.4324/9780429315688 accessed on 03 August 2023.
[38] Vogt M. & Ekoko E. (1993). *Nigeria in international peacekeeping*, 1960-1992, pp.53-78.
[39] Press Conference by Under Secretary General for Humanitarian Affairs (15 September 2006) available http://www.un.org/News/briefings/docs/2006/060915_Egeland.doc.htm
[40] Sarah E Kreps, *Modern War and the Utility of Force*: *Why Peacekeeping Mission Succeed or Fail, Peacekeeping in the Democratic Republic of Congo and Sierra Leone*' 1st ed (2012) pg1.

The unrest in DRC dates back to the 15th Century when the Portuguese landed and interfered with trade regulations.[41] As if that was not enough, millions were killed and mutilated during King Leopold's reign under Belgian colonialism. Further, in 1961 after independence, the first elected Prime Minister, Patrick Lumumba, was assassinated by Katangese troops led by Belgians. Wars erupted, and Mobutu Seseseko, with the assistance of DRC's colonizers and the US, came into power through a proxy coup. In 1995, he was overturned by Laurent Desire Kabila with the support of Uganda and Rwanda, and this recorded the first Congo war. Overwhelmed and drunk with power, he turned his back on his allies, and the Second Congo War was provoked. Still, this time, only Uganda, Zimbabwe, Angola, Namibia, and DRC got involved leaving out Rwanda. The Kabila's regime was taken over in 2001 by his son Joseph Kabila after the senior's assassination giving rise to a transitional government that saw multiparty elections in 2006. More battles and violence followed after the re-election and swearing-in of Kabila junior, which led to the cropping up of over 120 armed groups, especially in the eastern part of DRC – North Kivu. The armed groups consist of secessionists, militias disguised as self-defense forces from neighbouring communities: Burundi, Uganda and Rwanda.[42] Undoubtedly, the violence in DRC has deep roots traced back to the pre-colonial period. Even after independence, when freedom is ascertained, North Kivu has not known peace. The entanglement of the violence revolves around who the main actors are and what they want. Further, if their wishes are granted, what the price to pay would be, and if there would a be a lasting solution to the violence overflowing to decades, years in and years out.

It is argued that the drafters of the UN Charter did not contemplate peacekeeping.[43] However, their aim was to support peace-making and peacebuilding functions. The Charter provides that the internal conflicts likely to endanger international peace and security can be brought to the attention of the United Nations General Assembly[44] or Security Council mandate with calling disputing parties to resolve their conflicts through peaceful means.[45] It may also recommend appropriate procedures or methods of adjustments and in addition recommend actual terms of

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[41] Jules Swinkels, 'Mapping Conflict in the Democratic Republic of the Congo (DRC)' Special Edition (2019), p1.
[42] Ibid.
[43] Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (New South Wales: Alien and Unwin, 1993); and Paul F Dielh, International Peacekeeping (Baltimore and London: The Johns Hopkins University Press) 1993.
[44] Funmi Olonisakin, "Reinventing Peacekeeping in Africa: Conceptual and Legal Issues in ECOMOG Operations" p7.
[45] Ibid.

settlements.[46] The Charter further proposes measures to deal with threats and breaches of peace and acts of aggression. The measures include but are not limited to deployment of armed forces, invoking sanctions - especially economically, and taking measures through air, land and sea to compel the aggressor to retreat.[47] It leaves one wondering if the UN peacekeeping mission has done enough and exhausted all options to end the conflicts in DRC. Also, a lot needs to be done because decades of violence indicate a root cause of violence yet to be addressed.

1.3 Statement of the Problem

Even though the UN took over the League of Nations which had failed to subdue aggressors so that it protects future generations from the horrors of war, the conflict in DRC is projecting an African World War which the organization has failed to contain for decades despite the deployment of peacekeepers. The UN has played a vital role in restoring peace in some of the African countries faced with numerous conflicts such as Liberia and Sierra Leone, however, it did not hold peace in Rwanda – 1994 Genocide, Burundi, and Somalia and currently the Democratic Republic of Congo. The conflicts arose from but not limited to sit-tight leadership syndrome, despotic leadership, scramble for resources, boundaries dispute among others.[48] These causes and others form part of what is ailing DRC. Guided by the principles of the Charter of the United Nations to maintain international peace and security, the UN peacekeeping mission in DRC has experienced hurdles as the task seems to wear a character that has failed to respond to the treatment of the Charter over two decades. Hence the need to investigate the reason for the prolonged unsuccessful story of the UN peacekeeping mission in the Democratic Republic of Congo.

1.4 Research Objectives

1. To assess the legal and institutional framework of the UN peacekeeping mission in DRC.

2. To examine the practical perspectives of the legal and institutional framework of the UN peacekeeping mission in DRC;

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[46] Ibid; See also Charter of the United Nations, Chapter VI.
[47] Charter of the United Nations, Chapter VII.
[48] Akpan Nse Etim, Olisah Christopher Ikem, 'The Challenges and Prospects of the United Nations Peacekeeping Mission in Africa in Africa' (July 2019), International Multi-Disciplinary Journal, Ethiopia, Vol 13 (3), Serial no 55, pp 80-91, p82.

3. To draw lessons from Sierra Leone in addressing the efficacy of UN peacekeeping mission in DRC; and

4. To suggest recommendations for the efficacy of the UN peacekeeping mission in DRC.

1.5 Research Questions

1. What are the legal and institutional framework of the UN peacekeeping mission in DRC?

2. What are the practical perspectives of the legal and institutional framework of the UN peacekeeping mission in DRC?

3. What lessons can be drawn from Sierra Leone in addressing the efficacy of the UN peacekeeping mission in DRC?

4. What recommendations can be suggested for the efficacy of the UN peacekeeping mission in DRC?

1.6 Hypotheses

Irrespective of the fact that the UN peacekeeping mission is in operation in the DRC under MONUSCO, the eastern part still experiences wars, and it seems that the UN is still experiencing serious challenges in calming the situation to uphold its principles.

1. It is hypothesised that the UN is held hostage by some of the permanent members hence no meaningful resolutions can be made to end the conflicts despite it being the international organization mandated to promote international peace and security through the provisions outlined in its Charter.

2. Further it is hypothesised that the legal and institutional framework majorly the UN Charter experiences challenges exposing its inefficiency and ineffectiveness in curbing the conflicts in DRC and restoring peace through its peacekeeping missions.

3. From the study, it is presumed that the success of the peacekeeping mission in Sierra Leone would provide a better platform for a comparative analysis and lessons borrowed to improve the situation in DRC and end the conflicts.

1.7 Research Methodology

The research design for the study will be doctrinal legal research. Doctrinal legal research is the critical examination of current laws, relevant cases, and authoritative materials overall on a certain subject.[49] The method of data collection will be analysing and interpreting legal authorities where the emphasis will be on legal reasoning and analysis. Some of the authorities to be analysed are the UN Charter, statutes, case laws, common law, and African customary law. The provisions of secondary sources of law, including scholarly opinions, reputable textbooks, periodicals, articles, and journals, will also be examined. Additional data sources that will be consulted are research and the internet.

1.8. Theoretical Framework

The study picked out the following theories to back it up: institutional theory, collective theory and cosmopolitan theory.

1.8.1. Institutional Theory

It is a sociological theory that explains how institutions such as organizations shape attitudes and behaviours by creating rules that regulate actions.[50] The theorists around this theory include but are not limited to Scott W. Richard, DiMaggio Paul J, Philip Selznick, among others. Scott W. Richard believes that institutions play a vital role in shaping organizations by the regulative pressures that come into play. Philip opines that the structure of an organisation is viewed as a tool to regulate those within the organisation and the outside world hence important to evolve with changing times and history.[51] He however argued that institutions that require more special and technical operations were rigid to institutionalization.

In institutional theory, there has to be a distinction between institutional and social facts. The facts of the former have the truth getting judged by the realities of the social life.[52] Institutional theory suggests that peacekeeping missions are not just technical endeavours aimed at restoring peace and stability, but are also shaped by broader social, cultural, and political forces. In the case of the DRC, peacekeeping institutions such as the United Nations and various donor

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[49] Doctrinal legal research: Amrit Kharel, (February 26,2018) available at
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3130525   accessed on 22/02/2022
[50] W Richard Scott, 'The Adolescent of Institutional Theory' (1987), vol 32 No 4, pp 493-511.
[51] Ibid, p494.
[52] P A Morton, 'An Institutional Theory of Law' (1988), 13 Holdsworth L Rev 83, p 88.

countries are subject to normative pressures and expectations from the broader international community. These norms and expectations can include promoting human rights, fostering democratic governance, and ensuring accountability and transparency in peacekeeping operations. Institutional theory also suggests that peacekeeping institutions may face resistance or obstacles from local institutions and actors who have their own values and beliefs. In the case of the DRC, local institutions such as traditional authorities, armed groups, and political elites may have their own interests and values that conflict with the goals of the peacekeeping mission.[53] Therefore, it provides a framework for understanding the complex interactions between these different actors and institutions in the context of a peacekeeping mission. By understanding the institutional dynamics at play, peacekeeping institutions can better navigate the challenges and opportunities presented by the local context, and work towards sustainable peace and stability in the DRC.

Institutional theory would examine the institutional design of the UN peacekeeping mission in the DRC, and how this design affects its effectiveness. This theory would argue that the effectiveness of the mission depends on the quality of its institutional design, including factors such as the clarity of its mandate, the effectiveness of its decision-making processes, and the coherence of its leadership. This theory cuts at the centre of Chapter 2 of this study which broadly looks at the legal and institutional framework of the UN.

1.8.2. Collective Security Theory

Among others, Immanuel Kant, Woodrow Wilson (a former US president), and Mirzah Husayn Ali, often known as Bahaullah, advanced the idea of collective security. The theory's central tenet is that an attack on one member state is an attack on all of them, and that it is the duty of all members to work together to stop and neutralize acts of aggression.[54] The proponents rejected the notion of just war and encouraged mutual effort by nations towards disarmament and formation of an overseeing authority. However, in as much as they advocated for intervention by nations towards fighting insecurity and aggression, they are required to respect each other's sovereignty. Collective security predates the 1700s during the treaty of Westphalia but it gained much recognition in the 1900s.[55] Examples of collective security are the United

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[53] Ibid.

[54] Fredrick Landry, 'Evolution of Collective Security' (2012), vol 20 issue 3, p88.

[55] Ibid;
See also https://www.oxfordbibliographies.com/display/document/obo-9780199743292/obo-9780199743292-0073.xml accessed on 06 April 2023 (Treaty of Westphalia is a collection of

Nations and the League of Nations. The UN was founded following World War II to foster international cooperation in preserving global peace and security and averting further hostilities. The League of Nations was founded following World War I to maintain international peace and security.[56] It is clear that the theory found its roots from time immemorial in the push for a peaceful world. If well implemented and adopted by nations experiencing conflicts, it would play a huge role in restoring peace.

Collective security has its backing under Chapters V[57] and VI[58] of the UN Charter.[59] Troops from different nations have a collective responsibility to work together in maintenance of international peace and security.[60] It is important to note that troops are contributed by member states of the UN. The agreement is that an aggressor to one is an enemy hence the need to pull efforts and repel the aggressor.[61] This is the anchor of peacekeeping in the international realm and it is perceived to have a global scope;[62] offering it a distinctive feature from regional alliances that are applicable to particular locations, such the North Atlantic Treaty Organization (NATO).[63] Despite it having a long history, its implementation sometimes is problematic. Its success depends on the cooperation of nations and fidelity to international law and norms which leaves room for critics if the nations become rigid to work collectively. On one hand, Kant believes that even when there is a formation of a league and nations are expected to subscribe to it, some won't hence frustrate the collective effort.[64] On the other hand, Woodrow and Bahaullah believe that collective security entailed all nations of the world subscribing to a league formed in pursuing world's peace and security.[65] Overtime, it has been noted that nations have seen the need to have membership with the international body. 193 states (out of 195 in the world with international recognition) are members of the UN[66] whose mission is to uphold global peace and security. The Democratic Republic of the Congo joined the UN on

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two peace treaties signed in 1648 in the cities of Osnarbruck and Munstar that gave rise to states' sovereignty and ended 30 years' wars in the Roman Empire).
[56] Ibid.
[57] Charter of the United Nations, Chapter V (The Security Council).
[58] Ibid, Chapter VI (Pacific Settlement of Disputes).
[59] Wight Martin, *Systems of States* (1977), p149.
[60] Ibid.
[61] Ibid.
[62]Ibid.
[63] Ibid.
[64] Fredrick Landry, 'Evolution of Collective Security' (2012), vol 20 issue 3, p93.
[65] Ibid.
[66] Ibid.

September 20, 1960.[67] The hiccups cannot write-off the effort of collective responsibility currently imposed on the Security Council by members. Through peacekeeping missions largely supported by Troops Contributing Nations (TCNs), collective theory can be termed to have form and clearly seen in the decades of operations by MONUSCO deployed in DRC.

The basic tenets of this theory are anchored on the prohibition of the use of force unless it is for self-defence.[68] As earlier stated, collective effort must fall within the confines of international law and norms. So, even as the UN peacekeeping mission takes effect in DRC, international humanitarian law must be observed and protection of the civilian population placed at the centre of the operation. It is important for members to outline what constitutes aggression. Thereafter, members are to pull efforts, pledge allegiance and commitment to fighting the aggression and also commit resources towards the same course.[69] On the other hand, some nations could be reluctant to give up their sovereign rights.[70] It is seldom that nations enjoin in fighting an aggressor when a powerful state attacks a weaker one as it may entail proper financial muscle to go against a powerful aggressor making it impractical against powerful states.[71]

The concept of collective security was expanded to include the interests of the international community and other states by the conclusion of the Cold War.[72] Conflicts in one states threatens the security of other states as peace is interdependent. So as not to diminish the security of other states, it would be important to pull efforts and address conflicts in one members state.[73] The UN's actions in the Persian Gulf (1990–1991) and Korea (1950–1953) seem to have come very near to realizing the concept of collective security[74] which is an indication that it has been in application since time immemorial.

In relation to the peacekeeping mission in DRC, the Security Council through deployment of peacekeeping mission (MONUSCO) has been key in pushing towards a peaceful DRC. The

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[67] United Nations Member States, Democratic Republic of the Congo, https://www.un.org/en/about-us/member-states/democratic-republic-of-the-congo accessed o 06 April 2023.
[68] Kegeley C W, Wittkopf E R *World Politics, Trends and Transformation* (2001), p559.
[69] Ibid.
[70] Ibid.
[71] Ibid.
[72] Ibid.
[73] Nse Etim Akpan, Christopher Ikem Oliser, 'The challenges and prospects of United Nations peacekeeping mission in Africa' (2019), Vol 13 No 3, p4.
[74] Ibid p560.

peace and security of the world has been at the heart of the UN hence collective peace theory applying to the study through the provisions of the UN Charter; which also proposes for regional agencies such as the AU. Further, the East African Community (EAC) has also not been left behind for being a part of the solution being sought in DRC. In Chapter 3, the role of EAC bloc will be outlined in the effort to deal with the rebel and militia groups that are actors in the conflicts in DRC.

1.8.3. Cosmopolitan Theory

Cosmopolitan theory revolves around moral and political philosophy that preaches of global citizenship for the common good of all. Regardless of national boundaries and nationalities, the world is like a village where both individuals and states have the responsibility of promoting human rights, peace and justice.[75] Around 300 BC, Diogenes of Sinope refused to be identified by just a city of where one was born and preferred to be identified as a citizen of the world.[76] Further, Cicero argued that humans are seen as the same species forming a universal global village[77] hence interest for one should be the interest for all. The theory was not so much embraced until around 1500 and 1800 AD when it was revived by scholars of natural law such as Hugo Grotius on the moral obligations by individuals and states.[78] Further, others such as Immanuel Kant pursued cosmopolitanism through perpetual peace projects. This supplemented the natural law traditions where the theory was seen necessary to extend beyond treaty of Westphalia that prompted sovereignty and that all members of the world were to be catered for including non-citizens.[79] Kant believed that states are to boast of sovereignty if they are able to maintain some level of security and maintain justice not just within its territories but beyond borders.[80] This would help countries agree on universal principles of justice, peace and security through a cosmopolitan order.

Cosmopolitan theory underscores the significance of international institutions and cooperation in advancing peace and security with respect to the peacekeeping operations in the Democratic Republic of the Congo. Through the deployment of MONUSCO, its peacekeeping mission, the

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[75] Dr Gareette Wallace Brown, 'Moving from Cosmopolitan Legal Theory to Legal Practice: Models of Cosmopolitan Law' Legal Studies, (1988), Vol 28 No 3, p431.
[76] Ibid, p432.
[77] Ibid.
[78] Ibid, p434.
[79] Ibid, p435.
[80] Ibid.

United Nations has made a substantial contribution to peacekeeping activities. According to cosmopolitan theory, MONUSCO is obligated to defend the human rights of every person residing in the Democratic Republic of the Congo, irrespective of their race, religion, or nationality. Second, cosmopolitan theory highlights how critical it is to address the systemic injustices and inequities that fuel conflict and violence. It would be necessary to address problems like resource exploitation, corruption, and economic inequality, all of which have been linked to regional violence. According to cosmopolitan theory, resolving these systemic problems is necessary to advance the DRC's long-term peace and stability.

Finally, cosmopolitan theory highlights the significance of both individual and group accountabilities for advancing justice and peace. This would entail acknowledging the agency of local communities in the DRC and giving them the capacity to take part in peacebuilding initiatives. According to cosmopolitan theory, fostering global citizenship and solidarity necessitates acknowledging the humanity that all people share and cooperating to advance the common good. All things considered, cosmopolitan theory offers a framework for comprehending the intricate difficulties of maintaining peace in the Democratic Republic of the Congo. It also highlights the significance of international cooperation, addressing structural inequality, and encouraging both individual and group responsibility for advancing justice and peace.

1.9. Literature Review

Various scholars have made contributions towards the peacekeeping mission in DRC and the conditions that diminish its effectiveness. They explain the theoretical basis of concepts that relate to the problem to provide a better understanding of the research. The literature review will analyse the history of conflicts, and standard operating procedures to see if the UN has been efficient in suggestions and proposals put forth to address the conflict in the DRC.

History of Conflicts and Suitability of the UN

Ethnic differences have been a major factor in peace destabilization, which is one of the reasons of conflicts in the Democratic Republic of Congo. Margot and Michael learned that in the 1950s, Abako (Alliance des Bakongo), one of the major political parties, launched a campaign in Leopodville to promote the Kikongo language and Kongo identity in opposition to the

Lingala language's supremacy among Bangala.[81] There were conflicts between Bakongo and Bangala because the dominant group could not afford to let the issue go unanswered. The political party that emerged from the Abakos cultural movement fuelled ethnicity. In the height of the independence struggle, there was hostility between the Kikongo and the Abako aristocracy and colonial missionaries who backed them.[82] This in return, heightened the push for anti-colonisation as the oppressed ethnic group felt the colonisers were not playing on fair ground. What comes out of this is that intervening parties, in one way or another, have been promoters of ethnic conflicts, and a way forward has to be forged for trust to be instilled when the communities have an outside party trying to restore peace among them. The role of an UN as an intervening party in the conflict in DRC has been discussed in Chapter Two of the study to highlight the mandate of the UN as well in Chapter Three on the Scope of the UN to see if it fits the situation or needs a review.

Victor H. Mlambo[83] voiced out how the DRC right after independence in 1960 from Belgium plunged into political chaos and instability. On one hand, the sitting presidents failed to fully reinstate peace prompting the intervention of the UN forces.[84] However, the UN has found itself in a difficult situation despite its engagement, primarily because it has not been able to stop the rising number of wars that are motivated by politics, religion, or sectarianism.[85] Unfortunately, in an attempt to restore peace, the UN peacekeeping mission has not been as white as snow in carrying out its missions. There have been accusations on numerous occasions of sexual misconduct, rape and assaults perpetrated by the peacekeepers which have put the UN peacekeeping mission in the country on jeopardy.[86] However, it is argued that UN peacekeeping missions have helped strengthen government forces and provided a sense of stability, implying that if the UN peacekeepers were to withdraw from the DRC, the country

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[81]Margot Luyckfasseel, Michael Meeuwis, 'Ethnicity and Language in the Run-Up to Congolese Independence in the 1950s: Ba(Ki)Kongo and Ba(Li)Ngala' (2018) 49 Language Matters 86.

[82]ibid.

[83] Victor H Mlambo, 'UN Peacekeeping Missions in Africa, a Conundrum or Opportunity: A Case of the Democratic Republic of Congo, South Sudan and the Central African Republic' (2020) Available at:
https://www.researchgate.net/publication/338841855_UN_Peacekeeping_Missions_in_Africa_a_Conundrum_or_Opportunity_A_Case_of_the_Democratic_Republic_of_Congo_South_Sudan_and_the_Central_African_Republic/link/5e2f15bc299bf10a65977c4a/> accessed on 25/01/2022.

[84] Ibid.

[85] Ibid.

[86] Ibid.

will descend into uncontrollable chaos.[87] This clearly shows that the UN despite having its fair challenges in restoring peace, security and stability, its absence would not be of help either in achieving the end goal and withhold the principles of the UN. Addressing the issues putting it in jeopardy would pave way for pushing for the course of a peaceful and secured state. In pointing out the sexual misconducts, the study will endeavour to bring out the extent of it which although perceived to be meted on the female gender, the male gender has not been spared either and little or nothing has been brought to light. Chapter Three of the study highlights the sexual exploitation and discusses the forgotten gender that is not spared in the exploitation.

In noting the significant gap of knowledge while addressing the causes of conflicts in DRC that water down the effort of the international community to restore peace and stability, the Conflict Research Programme viewed that the trans-boundary powers have to incorporate all the key players, including but not limited to the public authority and power networks operating within DRC.[88] Incorporating the stated will prick directly into the disconnection of the efforts applied and the reality to end up with lasting peace and stability. Further, it was noted that from the first Congo war that emerged after the fail of Mobutu's rule resulting in conflicts of identity politics; to the second war (1998) where conflicts emerged after there was a hunch of outside forces controlling the vast natural resources, the international powers saw the need to intervene and try to restore normalcy which its success is a dream yet to come true as all the parties involved are yet to be considered towards the end goal.[89] This begs the need to delve into the role of international communities which to the thought of many, aims at restoring international peace and security but unknown to many, some of the international communities have interests in Africa and their interest may surpass the need to uphold the principles of the UN. This has been widely covered in a number of subtopics in Chapter Three of the study.

The conflicts in DRC have not only caused instability within the country but also have an impact on the African Great Lakes Region. Joseph Lansana Kormoh saw the need to not only focus on the causes and effects within the country but widened his scope and made an analysis that whereas other countries Rwanda and Ethiopia to mention just but a few, the conflicts in

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[87] Ibid.
[88] Tatiana Carayannis, KoenVlassenroot, Kasper Hoffmann, Aaron Pangburn, 'Competing networks and political order in the Democratic Republic of Congo: a literature review on the logics of public authority and international intervention' p4
[89] Ibid, n88

DRC have pose a serious threat to development.[90] This has shattered the dreams of Africa Rising.[91] From this, it is clear that for regional development to take shape, not even one country should be plunged into conflicts. In looking at the mandate of the UN, the mandate of the Regional Organisations need to be examined as the first to go to institution as it is even prescribed by the UN Charter in addressing regional conflicts. The emerging issues have been discussed in Chapter Two of the study where the mandate of Regional Organizations has been discussed and Chapter Three on the shortcomings of Regional Organizations.

William G Nomikos,[92] in support of the UN's peacekeeping mission stated that it has advantage as opposed to colonial interveners. This was after his research confirmed that the UN was found to be unbiased in a high percentage compared to France's percentage where the latter was seen to side with the Tuareg (a rebel group). However, the UN should emphasize peacekeepers' contact with local population. [93] He opined that such arrangements lay foundation for sustainable peace in war torn states such as Mali.[94] Further, local societies are to use gains from UN-enforced cooperation to craft domestic institutions and restore social trust that can sustain peace even in the absence of peacekeepers. In regard to this there is the need to raise the concern to have the UN to make peacekeepers understand the local culture of DRC and incorporate more of African peacekeepers widely discussed under Chapter Three of the study.

Role of NGO's in Peacekeeping in DRC

The NGOs have not been left behind in finding a solution to the conflicts in DRC. SIPRI Policy Brief has seen that the local have embraced the non-state actors but in equal measure thought of them as temporary solution providers.[95] The local population in support of MONUSCO hope that the state will be strengthened in its role and legitimacy in overseeing justice and security. However, it may not automatically end the identity based conflicts which the external players

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[90] Joseph Lansana Kormoh, 'The Conflicts in the DRC: Wider Ramifications for the African Great Lakes Region' (2020).

[91] Ibid, Tatiana.

[92] William G Nomikos, 'Peacekeeping and the Enforcement of Intergroup Cooperation: Evidence from Mali' Volume 84 no1.

[93] Ibid.
[94] Ibid.
[95]Jaïr Van Der Lijn, Nikki de Zwaan, 'Security and Justice in CAR and the DRC: International Aims, Local Expectations' (2019) p3
https://www.jstor.org/stable/pdf/resrep20072.pdf accessed on 01/04/2022.

are aware of, but it is seen as a positive approach towards cohesion. The external factors need to see the need to improve on their intelligence and communication with the local population to know the direct needs of the people and avoid interdependence on representatives who may be influenced by power hence biasness.[96] The role of NGO's has been discussed under Chapter Two of the study as well as its challenges and shortcomings in Chapter Three of the study.

N. Mkhize opined that sexual violence is a tool considered cheaper than the bullet in a society that thrives on military that is patriarch.[97] In criticizing the AU and EU set protocols that is redress centred, it was viewed that prevention of the occurrences should be the main focus at first instance. There are long term scars of such atrocities which need to be healed by the NGO's and other players to serve as a consolation to the victims. With this, there is need to look into the measures put in place to address sexual violence atrocities even by the UN as the main organisation which has been covered under Chapter Three of the study.

The UN peacekeeping missions in the recent times have allowed a robust of flexibilities in their conduct. Their assistance move from governance to relation building which have moved a little bit away from the first mandates over seven decades ago.[98] This is due to cultural, social, economic and political development which needs a touch of a button to the specific issues experienced. Marco Longobardo is of the view that peacekeeping has to be addressed far and beyond the constraints of legal basis.[99] For example, from a legal ground, use of force is allowed for self-defence under international law, and the same concept in reality has been extended to the protection of civilians.[100] This means that peacekeepers will not only use self-defence to protect themselves but any civilians under their mandate. However, is the use of self-defence in line with international humanitarian law or in the process innocent lives get lost which one is too many. Chapter Two discusses on the legal framework that guide troops in their operations and further Chapter Three highlighting their shortcomings.

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[96] Ibid.

[97] N Mkhizi, 'Sexual violence in the Democratic Republic of Congo armed conflict: testing the AU and EU protocols' (2020) vol 5, no 3.

[98] Marco Longobardo, 'Super-Robust Peacekeeping Mandates in Non-International Armed Conflicts under International Law' (2020) p4.
[99] Ibid.
[100] Ibid.

Proposals to challenges marring UN peacekeeping mission in DRC.

Allard Duursma[101] talked about the strategy by host states to resist peacekeepers as a way to balance challenges to the internal and external faces of a civil war state's sovereignty. Governments take the measure to gain monopoly on violence and manage it. [102] The international community may object, but deploying peacekeepers typically compromises a state's sovereignty by limiting the ability of its armed forces to fight insurgencies.[103] A notable example is Sudan, where the government simultaneously obstructed efforts to protect civilians and sent UN and African Union soldiers into Darfur (UNAMID).[104] This can be addressed by allowing peacekeepers to employ external sovereignty but limit their activities in the areas where they are likely to interfere with local governments trying to regain monopoly on violence. Hence, the application of international troops should not write off the workings of the local government troops hence he need to examine how the two can complement each other harmoniously.

Proposal has been made by Gary Uzonyi [105] to shift the traditional understanding of peacekeeping contributions towards conflicts and mission-specific incentives. On the contrary, he argues that the decision to participate in the missions is usually domestic strategic and often related to certain incentives, the greatest being the inflow of refugees to neighbouring countries.[106] The impact has been greatly felt hence the need to explore and find ways of managing it.

A proposal by Angela Alchin[107] in reaction to reports of soldiers sexually abusing villagers while on peacekeeping duty, she stated that the UN and other organizations had pushed for the mission to include more women. The purpose of this is to mitigate the unexpected effects of

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[101]Allard Duursma, 'Pinioning the Peacekeepers: Sovereignty, Host-State Resistance against Peacekeeping Missions, and Violence against Civilians'(September 2021) Volume 23, Issue 3, pp 670–695.
[102] Ibid.
[103] Ibid.
[104] Ibid.
[105] Gary Uzonyi, 'Finding soldiers of peace: three dilemmas for UN peacekeeping missions' (September 2021) Volume 97, Issue 5, pp 1631–1633, https://doi.org/10.1093/ia/iiab139
[106] Ibid.
[107]Angela Alchin, 'Making a difference in peacekeeping operations: Voices of South African women peacekeepers' (2021) https://www.tandfonline.com/doi/ref/10.1080/10246029.2017.1406381?scroll=top accessed on 26/01/2022.

deployment.[108] However, there are obstacles like the recruiting procedures that are in place now, how female soldiers view themselves, the fundamentally patriarchal ideals that exist in African nations, and the too-masculine mentality that permeates the military.[109] To effectively utilize women, she suggested that gender training be given priority, recruitment procedures need to be re-evaluated, and an androgynous military persona should be promoted.[110] It begs the question of the role of women in peacekeeping missions as well as the measures put in place by the UN and international organizations to encourage the enrolment of women in the processes.

Further, Neil Narang [111] mentioned that the proportion of female soldiers in the UN peacekeeping force nearly increased between 2006 and 2014. According to the hypothesis, female peacekeepers have unique abilities that increase a unit's effectiveness in a number of contexts, including political institutions that have emerged from conflict, the frequency of sexual violence in armed conflict, and the longevity of peace.[112] It is thought that female employees are willing to disclose sexual offenses and are leading the charge in implementing women's rights measures. Therefore, gender parity and inclusivity in UN peacekeeping contribute to fulfilling the mission's objectives rather than hindering it.[113] This would lead to looking at the efficacy of the deployment of women peacekeepers in handling the sexual exploitation menace which now affects both genders and would end it and make it a thing of the past?

Generally, the scholars having looked at the most recent situation of peacekeeping missions still feel a lot still needs to be done to improve the situation hence the need of the study. Overall, the outlined literature suggests that UN peacekeeping missions in the DRC have faced significant challenges and have had varying degrees of success in promoting peace and protecting civilians. Many scholars and practitioners argue that more targeted and coordinated

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[108] Ibid.
[109] Ibid.
[110] Ibid.
[111]Neil Narang, 'Does female ratio balancing influence the efficacy of peacekeeping units?: Exploring the impact of female peacekeepers on post-conflict outcomes and behaviour' (2021) https://www.tandfonline.com/doi/ref/10.1080/10246029.2017.1406381?scroll=top accessed on 26/01/2022
[112] Ibid
[113] Ibid

interventions are needed, and that the root causes of conflict must be addressed if sustainable peace is to be achieved.

1.10. Scope of the study

The study will focus on the efficacy of the UN peacekeeping mission in DRC. The background of the study will highlight the workings of the UN peacekeeping missions noting some of its first deployments pointing its successes drawing to its shortcomings. The study will look at the overview a chronological analysis of the DRC conflict, highlighting its causes, significant players, and significant occasions leading up to the launch of the UN peacekeeping force. Then it will move to examine how the mandates of the UN mission have changed, grown, and adjusted over time, and determine whether they are still in line with the conflict's changing demands. It will be prudent to point out the response of the UN to the humanitarian crisis in DRC and how the presence of the UN peacekeepers has influenced all the actors in conflict. The study will further attempt to determine whether the UN has addressed the scramble for resources and the impact on the conflicts. In order to identify best practices and areas for improvement, the study will compare the DRC operation to the UN peacekeeping mission in Sierra Leone and draw lessons and insights from both similar and dissimilar environments. Finally, to improve the performance of UN peacekeeping missions in DRC, the study will develop useful policy suggestions based on the research findings.

1.11. Justification of the Study

The building principle of peace and security around the world is the UN Charter.[114] It is anchored on the principles of consent, neutrality, non-use of force, and voluntarism, however, it has had to intervene in countries where consent may not have been given but for the interest of world peace.[115] In the efforts to restore peace, the peacekeeping operations have been marred with humanitarian atrocities, scramble for resources, complexities in multifaceted conflict zones, regional instability among others. The research on the effectiveness of the UN peacekeeping mission in the Democratic Republic of the Congo is crucial for understanding the dynamics of that particular conflict as well as for guiding future peacekeeping efforts worldwide, enhancing the lives of those impacted by conflict, and advancing global peace and security.

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[114] Charter of the United Nations, 1945.
[115] Ibid.

1.12. Limitations of Study

There are many restrictions on the study. It can be difficult to access particular information from some sources, like the internet, where material is updated or changed often. Research on field data is limited by security concerns in war-affected countries. Authorities have restricted access to some sensitive material related to security issues because they fear it could end up in the hands of those who could thwart the work of those with the authority to bring about peace. Lack of funding to do research in a conflict area that demands strict security measures may limit the study. It is indisputable that some data may contain bias intended to preserve the reputation of some conflicting parties. The conflict's dynamic and ever-changing character could skew the study's conclusions. Additionally, the DRC conflict may have a distinct character, which allows for generalization during comparative research. Owing to time limits for carrying out and publishing this study, it's possible that the researcher won't be able to fully cover all previous studies on the topic. Finally, peacekeeping is a topic that has been thoroughly studied by many academics, and there are many studies to support this claim. As a result, any researcher who is interested in studying this topic further should engage in a thorough analysis or assessment of such work. However, given the short deadline for doing and submitting this research, the researcher might not be able to accomplish it enough because it might be necessary to travel to the Democratic Republic of the Congo to gain a comprehensive understanding of the mission's successes and/or failures.

CHAPTER BREAKDOWN

CHAPTER ONE

This chapter will introduce the study and, in the background of the study, look at the analysis of peacekeeping missions under the UN Charter, giving a brief of the peacekeeping mission in the world narrowing down to the wars in DRC that pushed the UN to send peacekeepers. It will further have the statement of the problem, justification of the study, research hypotheses, research objectives, research questions, theoretical framework, literature review, research methodology, the scope of the study, limitation of the study, and finally outline the chapter breakdown.

CHAPTER TWO

The chapter will focus on the broad mandate of the UN Charter regarding peacekeeping missions anchored in Chapter VI. Further, it will look at the mandate of the Regional Organisations and Non-Governmental Organizations and the standard operating procedures on which the peacekeeping missions operate in line with the legal and institutional framework.

CHAPTER THREE

This chapter will delve into the realities on the ground in line with the standard operating procedures. It will analyse the mandate of the legal and institutional framework and some of the shortcomings in carrying out the mandate. It will point out what could be some of the reasons why the war persists.

CHAPTER FOUR

This chapter will look at a comparative analysis of the UN peacekeeping missions in countries such as Sierra Leone, where peacekeeping missions were successful, and wars ended. The comparative analysis will help identify measures that can be borrowed and applied in the DRC.

CHAPTER FIVE

This chapter will conclude the study by examining the hypotheses and responding to them. It will also make recommendations to add to the existing knowledge and hopefully be a part of achieving a solution to peace and security in DRC, and finally, a conclusion to the study.

CHAPTER TWO: THE LEGAL AND INSTITUTIONAL FRAMEWORK.

2.1 Introduction

The work of the UN is contained in the Charter.[116] It succeeded the League of Nations to ensure that future generations are saved from the scourge of war. Although not expressly stated, the organization focuses on peacekeeping to ensure acts of aggression and breaches of the peace do not threaten the world.[117] It has made provisions within the Charter to cooperate with Regional Organisations and non-state actors to achieve its purpose. The Pacific Settlement of Disputes focuses on peaceful methods of dispute resolution anchored on the principle of non-use of force.[118] Chapter VII expresses provisions to guide acts concerning peace, acts of aggression, and breaches of the peace, which the UN invokes in volatile post-conflict environments to work with the states affected to restore public order.[119] This means that if the peaceful settlement measures have been applied and failed or the stage at which the conflict has escalated could not be managed peacefully, more serious acts must be invoked to curb the aggression. Chapter VIII seeks the support of the Regional Arrangements and agencies to promote international peace as long as they uphold the principles and purposes in Chapter I of the Charter.[120] Hence, Regional Organisations are expected to play a part in conflicts even when the UN has stepped in.

2.2. Charter of the United Nations

It is the major international legal instrument that is anchored on the principles of promoting international peace and security. It was established in 1945 after the second world war to see to it that the world never ever plunges into war or any form of insecurity. It provides for the mandate of the UN and its peacekeeping missions across the world.

2.2.1. Chapter VI (Mandate of the UN)

One of the mandates of the UN is to maintain international peace and security.[121] The peacekeeping missions vary from one operation to another; however, the tasks assigned by the UN Security Council bear some consistencies. Firstly, the missions are deployed to prevent the

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[116] Charter of the United Nations, 1945.
[117] Ibid, Chapter 1, Article 1.
[118] Ibid, Chapter VI.
[119] Ibid, Chapter VII.
[120] Ibid, Chapter VIII.
[121] Ibid, Chapter I, Article 1(1).

outbreak of wars and conflicts and stop the same from going across the borders of the affected region.[122] Chapter VI of the Charter of the UN provides for the Pacific Settlement of Disputes. Article 33 precisely provides that parties to any dispute and continuance of the dispute which may endanger peace and security are encouraged first to find a solution through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or their preferred peaceful means available to them. Further, if the Security Council deems it appropriate, it will call upon the parties to apply such means to settle the dispute.[123] This calls for adjustments of situations that prevent the application of force that can escalate to wars, making it hard to control its acceleration.[124] The prevention of war, however, may not assure peace if justice is not pursued to settle the dispute.[125] It clearly outlines one of the main challenges which could have led to the escalation of the war in the DRC, with peace being as far as a star that disappears in the horizon. Peace and justice have to be pursued in tandem to ensure a settlement, or else those maintaining peace would have to be present for longer periods than expected or never have hope of leaving until a settlement mechanism is implemented, which is the push for justice. Undoubtedly, the UN has in its heart the promotion and protection of human rights and its peacekeeping missions clearly portray it.[126] It has worked towards achieving a universal culture of human rights.

The UN has the Security Council investigating disputes likely to give rise to international friction or conflict arising from it.[127] It acts as a watchdog or big brother who ensures any threat to international peace and security is curbed. If a dispute arises, peaceful coexistence and harmony are restored quickly. However, it has been challenging in some countries, for instance, the DRC. The United Nations Security Council (UNSC) has intervened in its unrest for decades, but peace is yet to be restored. It is important to note that any member of the UN concerned about international peace and security may bring the same to the attention of the

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[122] United Nations Peacekeeping, Mandates and the Legal Basis for Peacekeeping, available at https://peacekeeping.un.org/en/mandates-and-legal-basis-peacekeeping accessed on 17 August 2022.
[123] Ibid, Article 33.
[124] Claude Eagleton, 'The Pacific Settlement Under the UN Charter' (July 1946), Vol 246 Making the UN Work, p24, available at https://www.jstor.org/stable/1025127 accessed on 25 August 2022.
[125] Ibid, Claude.
[126] Marcus G Schmidt, 'What Happened to the Vienna Convention: The follow up to the Vienna Declaration and Programme of Action and the Mandate of the UN High Commissioner for Human Rights' Kluwer Academic Publishers 1995, p591.
[127] Charter of the United Nations, 1945, Chapter VI, Article 34

UNSC or United Nations General Assembly (UNGA).[128] Further, even non-member states are not excluded especially if they are party to the dispute and consent to the obligations provided for in the pacific settlement of disputes.[129] This indicates there are no barriers set to any party, members or non-members, who appreciate and acknowledge the mandate of the UN in maintaining international peace and security. In following up on the matters brought to the UNSC and UNGA, the latter may opt to apply the principles of governing disarmaments and regulation of armaments and share the same with the UNSC and members.[130] They honour delegation of duties and UNGA does not interfere on disputes already being handled by UNSC and only steps in if requested.[131] It does not mean that UNGA is behind news because the Secretary General brings it up to speed on any matters concerning international peace and security that are being handled by the UNSC subject to the consent of the UNSC. If UNGA is not in session, the members of the UN are brought up to speed. Similarly, the Secretary-General informs UNGA if UNSC stops dealing with that matter.[132] The consistent communication between UNGA and UNSC ensures no overriding of powers and obligations.

Even though not arbitrarily the UNSC considers the methods of pacific settlement of disputes adopted by parties.[133] It weighs in and recommends referencing the general rule of referring legal disputes to the International Court of Justice.[134] So, it is not always that the methods adopted by parties would work hence the need to adjust or recommend other means and appreciate the existence of an international court of justice that may step in to settle disputes. After all, parties are to refer disputes back to UNSC if the pacific settlement has failed,[135] where UNSC will employ any appropriate mechanism it deems fit to achieve its primary mandate of maintaining international peace and security.[136] The parties to a dispute may request the UNSC to recommend the method applied to settle disputes.[137] Of importance is to note that the pacific settlement of disputes does not get invoked because UNSC wants to. Still, even the success of the recommendations is highly dependent on the parties' consent.

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[128] Ibid, Article 35(1).
[129] Ibid, Article 35(2).
[130] Ibid, Article 11(1).
[131] Ibid, Article 12(1).
[132] Ibid, Article 12(2).
[133] Ibid, Article 36(2).
[134] Ibid, Article 36(3).
[135] Ibid, Article 37(1).
[136] Ibid, Article 37(2).
[137] Ibid. Article 38.

Some of the methods of pacific settlement of disputes include but are not limited to mediation, conciliation, negotiation, inquiry, and judicial settlement of disputes or any other means states deem fit.[138] They are considered the initial means to address conflicts that threaten international peace and security. However, their application will be determined by how far the conflict is gone. In DRC, wars have been extending to violation of human rights have been taking place hence the need to tame the aggressiveness. Even though one of the contributors to the war in DRC is a conflict with neighbouring countries: Rwanda and Uganda., pacific settlements of disputes can't suit armed conflicts. Also, the conflicts have more to do with the happenings within the state as opposed to conflict with neighbouring countries hence the need to address the conflict from within and rule out the provision of pacific settlement of disputes under Chapter VI of the UN Charter. Therefore, a look at Chapter VII of the UN Charter suffices to uphold and best apply to the study.

2.2.2. Chapter VII (Mandate of the UN)

Chapter VII of the UN Charter enumerates action with respect to threats to peace, breaches of the peace and acts of aggression. The UNSC determines this, and if there exists a sign of any or all, it recommends measures to be applied to maintain or restore international peace and security.[139] The measures would range from not using armed forces and including complete or partial economic relations interruptions through the sea, rail, air, postal, telegraphic and other radio communications.[140] Diplomatic relations also face interruptions and members of the UN would be encouraged to apply the same measures to pull efforts to restore international peace and security. Should the stated measures prove to be futile, the UNSC enforces them further and takes any such action by air, land or sea forces which may include blockages and demonstrations to restore international peace and security.[141] Notably, the UNSC does not chest thump and apply these measures without consulting with the parties concerned to comply with provisional measures desirable to them that may not interfere with their rights or claims, and only at the point of failure to comply does the UNSC step in.[142]

The UNSC does not operate solely in a vacuum because it has members of the UN contribute to maintaining international peace and security through special agreements or agreements by

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[138] Charter of the United Nations 1945, Chapter VI, Article 33.
[139] Charter of the United Nations, 1945, Chapter VI, Article 39
[140] Ibid, Article 41
[141] Ibid, Article 42.
[142] Ibid, Article 40.

availing armed forces and assistance of any kind that may be required, such as passage rights.[143] The agreements are to state the kind of assistance offered, for instance, the number and type of forces, the degree of readiness, and the location.[144] Notably, the agreements are negotiated and concluded between the Security Council and members or groups of members and ratified by the signatory states based on their constitutions.[145] Members not represented are called by UNSC to provide armed forces and contribute to the decisions when UNSC decides to use force[146] Urgent military measures undertaken by the UN depend on the available national air force contingents, and their readiness and plans subject to the limits stated in the agreements.[147] Still, the UNSC makes plans for the application of the armed forces assisted by the Military Staff Committee.[148]

The Military Staff Committee is established to advise the UNSC on the military requirements, deployment of forces, regulation of armaments, and possible disarmament.[149] It consists of the Chiefs of Staff of the permanent members of the UNSC or their representatives. However, those members who are not permanent are invited in case their assistance will be needed.[150] The Military Staff Committee has powers to establish regional subcommittees subject to consultation with the UNSC.[151]

2.2.3. General Mandate of the UN in DRC

Following the severe armed conflict in DRC, the UN deployed a peacekeeping mission to carry out its mandate. In August 1999, following resolution 1258, the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) was established on 1 July 2010 by resolution 1925; it was renamed to United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO).[152] Further, in 2013, a Force Intervention Brigade was established through resolution 2098; together with MONUSCO was hoped to engage in a stabilization of the government mission and focus more on the protection of

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143 Ibid, Article 43(1).
144 Ibid, Article 43(2).
145 Ibid, Article 43(3).
146 Ibid, Article 44.
147 Ibid, Article 45.
148 Ibid, Article 46.
149 Ibid, Article 47(1).
150 Ibid, Article 47(2)
151 Ibid, Article 47(3).
152 Ray Murphy, 'UN Peacekeeping in the Democratic Republic of Congo and the Protection of Civilians' Journal of Conflict & Security Law 209 (2016), p210.

civilians. Although both have received criticism, the latter has been seen as a modern way of addressing and curbing armed conflicts; hence in March 2014, in resolution 2147, the UNSC renewed its mandate with minimal modifications.[153]

Arguments have been raised on which takes precedence between the two. The Intervention Brigade was established for peace enforcement and not peacekeeping missions. Its purpose was to neutralize the rebel forces that challenged the UN peacekeeping missions and local authority.[154] The UNSC authorized its operations exceptionally to beef up its effort to carry out the UN's mandate of enforcing the maintenance of international peace and security. It is clear that in pursuing its mandate, the UN assisted by its members who owe allegiance to the principles of the UN Charter work hand in hand to restore international peace and security. Notably, nothing stops a state from retaliating an attack through the UNSC to curb economic sanctions or the use of force for self-defence.

2.3. Convention on the Safety of United Nations and Associated Personnel

 The personnel in peacekeeping operations ought to be protected but sometimes they are caught up in the hostilities.[155] The UNSC provides for the application of any means possible to address the threats of peace and security which leaves a thin line between the protection of the personnel and means to apply to cure the ailment of peace and security.[156] This limits the applicability of the Convention in the mandate of the UN when outlining the legal framework. However, the most common applicable means in the ambit of "any means necessary" has always been the application of economic sanctions. A progressive country has to grow economically, and with economic sanctions it is easy to tame aggressive nations that threaten international peace and security. Further, this does not only tame an aggressive nation but even hostile actors within a nation that threaten peace and security.

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[153] Scott Sheeran and Stephanie Case, 'The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of Congo' (2014), p7, available at https://www.files.ethz.ch/isn/186231/ipi_e_pub_legal_issues_drc_brigade.pdf accessed on 12 October 2022.

[154] Ibid, p8.

[155] Convention on the Safety of United Nations and Associated Personnel, 1994.

[156] Ibid, Article 2.

2.4. Status of Forces Agreement (SOFA)

It is an agreement that contains the arrangement of that lay down the legal status of troops stationed in another for purpose peacekeeping mission.[157] The main parties to the agreement are the sending and receiving states. Peacekeepers are granted jurisdictional immunity in the host states for their conducts.[158] Part of the SOFAs is that the troops must adhere to the laws of the host state This has raised challenges to address the misconduct of the troops reported an issue that taints the image of the UN peacekeeping missions.[159] Ho wever, adherence to local laws by the troops is subject to its integration to the rules governing the peacekeeping operations ranging from Rules of Engagement, Standard Operating procedures and Orders of Command.[160] It has become hard for local laws to take effect as without their inclusion to the agreements of the Troops Contributing Countries, nothing much can be done even to call to order the misconduct of some troops in the host state.

2.5 Rules of Engagement (ROE)

The UN Security Council establishes and specifies the rules of engagement for all United Nations (UN) peacekeeping missions, including those in the Democratic Republic of the Congo (DRC). These rules of engagement set down the conduct expected of UN troops and are intended to safeguard their safety, protect civilians, and forward the mission's goals. The terms of engagement may differ from mission to mission and change over time.[161] The principles that encompass the UN's peacekeeping missions rules of engagement are: use of force as the last resort for self-defence and protection of civilians under imminent and the force must be proportionate to the threat; impartiality in the conflict and consent of the parties in the conflict.[162]

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[157] Voetelink Joop, 'The EU SOFA: The European Union Status of Forces Agreement' (2005), Military Law and Law of War Review, Vol 44 Issue 3 and 4, pp 17-35.

[158] Roisin Burke, 'Status of Forces Deployed on UN Peacekeeping Operations: Jurisdictional Immunity' (2011) Journal of Conflict and Security Law, Vol 16 N0 1, Oxford university Press, p 65.

[159] UN Model Status of Forces Agreement between the UN and Member States, 1990, Paragraph 6.

[160] Ibid, Roisin Burke, n 165.

[161] United Nations Peacekeeping, 'Principles of Peacekeeping' available at https://peacekeeping.un.org/en/principles-of-peacekeeping#:~:text=These%20three%20principles%20are%20inter,and%20defence%20of%20the%20mandate accessed on 15 September 2023.

[162] Ibid.

2.6. The Capstone Doctrine

In the framework of United Nations (UN) peacekeeping operations, the "Capstone Doctrine" is a crucial document that offers broad principles and recommendations for UN peacekeeping missions as well as contribute to their successes.[163] The doctrine strives to standardize and make clear the UN's strategy for maintaining peace, ensuring that these activities are carried out successfully and in accordance with the organization's principles and values. The document draws on current peacekeeping practices, landmark reports like the Brahimi report (A/55/305 - S/2000/809), Supplement to an Agenda for Peace (A/50/60 - S/1995/1), and an Agenda for Peace (A/47/277 - S/24111), as well as internal learning materials, outside research, and academic commentary.[164] Some of the policy documents include but are not limited to Policy on Authority, Command and Control in UN Peacekeeping Mission Operations. [165] The authority, command, and control (AC2) structures for United Nations peacekeeping missions are outlined in this policy. This policy is applicable to all staff members working on the development of UN peacekeeping missions and carrying out their missions. It outlines the Head of Mission (HOM) and other senior mission leadership roles, mission integration and control arrangements, and AC2 arrangements at the Headquarters and mission levels. The policy also outlines the control that Member States maintain over their armed forces and police units participating in United Nations peacekeeping operations.[166] It highlights the essential tenets of UN peacekeeping, such as the significance of host state approval, impartiality, non-use of force unless necessary for self-defence, and consent of the parties concerned giving a beef to the principles of Charter of the UN.

2.7. International Criminal Court (ICC)

The International Criminal Court (ICC) looks into allegations of the most serious crimes of concern to the international community, including genocide, war crimes, crimes against humanity, and crimes of aggression, and when necessary, brings cases against those accused.[167]

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[163] United Nations Police, 'United nations Peace Operations: Principles and Guidelines (Capstone Doctrine)' available at https://police.un.org/en/united-nations-peace-operations-principles-and-guidelines-capstone-doctrine accessed on 14 September 2023.
[164] Ibid.
[165] Policy on Authority, Command and Control in UN Peacekeeping Mission Operations, 2019.
[166] Ibid.
[167] International Criminal Court, available at https://www.icc-cpi.int/ accessed on 14 September 2023.

As a court of last resort, it aims to support national Courts rather than take their place. governed by the Rome Statute,[168] an international agreement. Genocide,[169] crimes against humanity,[170] war crimes,[171] and crimes of aggression[172] are international crimes that fall under the purview of the ICC. If they commit such crimes, peacekeepers may be held liable under the ICC's authority. Some of the cases in DRC prosecuted by the ICC are: Thomas Lubanga was the first person the ICC found guilty in 2012. He was convicted guilty for recruiting and using child soldiers in the DRC and given a 14-year prison term.[173] In 2003, Germain Katanga was found guilty of war crimes and crimes against humanity for his part in the assault on the community of Bogoro in Ituri, Democratic Republic of the Congo. In 2014, he received a 12-year prison term.[174] Bosco Ntaganda, a former rebel leader in the DRC was accused of committing numerous crimes, including atrocities against humanity and war crimes. He was found guilty in 2019 and given a 30-year prison term.[175] Dominic Ongwen although not directly connected to the DRC, he was charged by the ICC for crimes committed in northern Uganda, which is close to the DRC border. Ongwen was a top commander of the Lord's Resistance Army (LRA). He was found guilty of war crimes and crimes against humanity, and in 2021, he was given a 25-year prison term.[176] A lot of atrocities are committed during armed conflicts and the perpetrators are to held accountable hence the importance of the ICC to bring them to book.

2.8. Constitutive Act of the African Union

The Organization of African Unity (OAU) was succeeded by the African Union (AU), which was founded on the basis of its Constitutive Act. It was enacted on May 26, 2001 after being adopted on July 11, 2000, in Lomé, Togo.[177] The African Union's goals, guiding principles, and organizational framework are described in the Constitutive Act which also outlines the mandate of the African Union as a Regional Organisation.

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[168] Rome Statute of the International Criminal Court, 2002.
[169] Ibid, Article 6.
[170] Ibid, Article7.
[171] Ibid, Article 8.
[172] Ibid, Article 9.
[173] Prosecutor v Thomas Lubanga Dyilo, ICC-01/04-01/06.
[174] Prosecutor v Germaine Katanga, ICC-01/04-01/07.
[175] Prosecutor v Bosco Ntagand, ICC-01/04-02/06.
[176] Prosecutor v Dominic Ongwen, ICC-02/04-01/15.
[177] The Constitutive Act of the African Union, 2000.

2.8.1. Mandate of Regional Organisations

Regional organizations are organizations formed through treaties before or after the establishment of the United Nations to aid in regional support and development in matters such as security and cooperation in economic, cultural and political issues.[178] The UN Charter has factored the involvement of regional arrangements, also termed regional agencies, in the boost of maintaining international peace and security at the regional level subject to adherence to the principles of the organization.[179] Further, the arrangements are expected to aid in the pacific settlement of disputes as the first resolution in addressing regional conflicts.[180] The pacific settlements are to be either an initiative of affected parties or a referral by the UNSC.[181] In no way do those arrangements waive the powers of the UNSC in investigating threats to international security or any member or non-member from notifying and referring threats to global security to the UNSC and UNGA.[182] Notably, the regional arrangements draw authority from the UNSC[183] and, at all times, shall the latter be updated on activities undertaken by the former.[184]

The most active regional organizations for peacekeeping are the European Union (EU) and African Union (AU), with the latter actively partaking in actions in the African continent. These two held their first peacekeeping missions in 2003, and the DRC was one of the countries the EU deployed peacekeepers in the same year; for AU, the first deployment was in Burundi, Darfur in Sudan and Comoros.[185] The AU is the successor of the Organization of African Unity (OAU), founded in 1963 on the principles of non-interference and states' sovereignty.[186] However, it faced criticism for folding its hands when war spewed in DRC, Somalia and Rwanda. The late Muammar Gaddafi, the former Libyan president, spearheaded the launching of the AU structured as the European Union (EU).[187] The AU was formed in 2002 on the

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[178] United Nations Peacemaker, 'Regional Organisations' available at
https://peacemaker.un.org/regional-organizations accessed on 15 September 2023.
[179] Charter of the United Nations,1945, Chapter VIII, Article 52(1).
[180] Ibid, Article 52(2).
[181] Ibid, Article 52(3).
[182] Ibid, Article 52(4).
[183] Ibid, Article 53(1).
[184] Ibid, Article 53(2).
[185] Hikaru Yamashita, 'Peacekeeping cooperation between the United Nations and Regional Organizations' (January (2012), Review of International studies, vol 38 No 1, pp 165-186, p166.
[186] Stephanie Hanson, The African Union, (2008).
[187] Ibid.

principles of the continent's security protection away from its predecessor's sovereignty of individual states. Member states can request the Union's intervention to achieve peace and security.[188] It may face criticisms of reaching its objectives, but it has participated hugely in sending peacekeepers to countries that have faced wars, such as Darfur, Somalia.

Unlike other regional and international organizations, one of the powers held by the AU is the right to intervene on human rights and humanitarian grounds, which not even the UN has. From a report done in 2001, it was concluded that sovereign states are mandated to protect their citizens from any threats to human life; however, if they fail, the broader community of states will be entitled to step in and bear the mandate. [189] The prohibition of aggressiveness among member states of the Union[190] believes in using peaceful means in conflict resolution.[191] The AU has an organ called The Assembly. Its functions include but are not limited to giving instructions to the Executive Council; whose mandate is the management of conflicts, wars and other acts that threaten peace and security.[192] Compared to the UN, the Assembly is equivalent to the UN's General Assembly, whereas the Executive Council is equivalent to the UN's Security Council. In general, the AU, among other functions, is required as one of the regional organizations to keep checks and balances on issues that concern international peace and security at the regional level.

For a successful peacekeeping mission to be recorded by regional organizations, their mandate must have international legitimacy, military capacity and cohesion within the organization to commit to conducting in ways that uphold the principles of the UN.[193] The legality is drawn from the UN Charter under Chapter VIII. With the help of the UN, the regional organizations by 2002 had contributed to 31,000 peacekeepers in Africa; the number rose to more than 60,000 in 2007.[194] Guided by the African Charter on Human and People's Rights, the AU supersedes the doctrine of non-intervention. Based on the right to protect (R2P), it has intervened on

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[188] Constitutive Act of the African Union, Article 4(j).
[189] International Commission on Intervention and State Sovereignty, 'The Responsibility to Protect' 2001 Report.
[190] Constitutive Act of the African Union, Article 4(f).
[191] Ibid, Article 4(e).
[192] Ibid, Article 9(g).
[193] Gurol Baber, 'Stephen Slotter, 'Successful Peacekeeping by Regional Organizations: Necessarily Hybrid' (2014) 10 Rev Int'l L & Pol 1, p6.
[194] Jeremy Sarkin, 'The Role of the United Nations, the African Union and Africa's Sub-Regional Organizations in Dealing with Africa's Human Rights Problems: Connecting Humanitarian Intervention and the Responsibility to Protect' (2009) Vol 53 No 1, p3.

humanitarian grounds.[195] Although seen as a way of overriding the sovereignty and equality of states, especially the weaker states, the civilian population is entitled to protection against human rights abuses hence the contribution of peacekeepers. However, the UN prohibits the use of force and threats in interstate conflicts; hence humanitarian intervention stands well-guided by not interfering with the territorial integrity of independent states.[196]

2.9. Geneva Conventions

The Geneva Conventions are primarily concerned with the protection of people during armed conflict, especially civilians, prisoners of war, and fighters who are injured or ill.[197] They don't speak directly on peacekeeping operations. However, a number of international accords, including the principles and regulations established by the United Nations, serve as a framework for peacekeeping operations and the treatment of people who participate in such missions. Both civilians and combatants in armed conflicts are protected under the Geneva Conventions and their Additional Protocols. These conventions must be upheld, and peacekeepers must make sure that everyone is treated humanely.

2.9.1. International Humanitarian Law (IHL)

Most of the prevailing customary IHL norms are included in a bulletin that the Secretary-General released in 1999 on how United Nations forces should observe IHL. This shows unequivocally that the UN has acknowledged the requirement that UN peacekeeping operations be carried out in accordance with IHL. The promotion and defence of all human rights around the world are the responsibilities of the Human Rights Council, an international organization under the United Nations umbrella composed of 47 States.[198] It can talk about any subject or theme related to human rights that has to be addressed throughout the year. It holds meetings at the Geneva Office of the UN.

2.9.2. International Human Rights Law (IHRL)

International human rights law is often regarded as having its roots in the Universal Declaration of Human Rights. The 1948-adopted UDHR served as the model for numerous international

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[195] Ibid.
[196] Ibid.
[197] IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949.
[198] United Nations Human Rights Council, available at https://www.ohchr.org/en/hrbodies/hrc/home accessed on 14 September 2023.

human rights treaties that are now enforceable by law. [199] It stands for the widespread understanding that each and every person is born free and endowed with the same dignity and rights, that these rights and freedoms are inalienable and applicable to all people equally. The international community pledged on December 10 1948 to maintain dignity and justice for all of us, regardless of our nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status. [200] It continues to serve as a source of inspiration in the DRC addressing injustices, resolving disputes, living in oppressed countries, or working to ensure that everyone can enjoy their human rights. Non-governmental organizations

2.9.3. Non-Governmental Organizations and their Roles in DRC.

Non-governmental organizations (NGOs) have played a significant role in the conflict in the Democratic Republic of Congo (DRC), both in terms of providing humanitarian assistance and working to address the root causes of the conflict which has been ongoing for decades and has been characterized by violence, displacement, and widespread human rights abuses. They include but are not limited to: the Stockholm International Peace Research Institute (SIPRI), which focuses on research internationally on wars, conflicts, armaments, arms control and disarmament; the International Peace Institute, which facilitates the prevention and settlement of disputes between and within states by strengthening institutions; and International Crisis Group which is an independent non-profit making organization which focuses on prevention and resolution of deadly conflicts. [201] In September 2022, the International Crisis Group reported the happenings in DRC. The anti-UN protests had led demonstrations in Beni city. It pushed the UN Secretary General to conclude that the efforts of UN peacekeepers had proven futile in suppressing armed groups in Kivu, the eastern region of the DRC.[202] It shows a voice of helplessness in a battle in that one has poured out all the tactics available to defeat an enemy.

Another widely known NGOs is the International Committee of the Red Cross (ICRC). It monitors international humanitarian activities by providing relief and assistance to victims.[203]

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[199] Universal Declaration of Human Rights, 1948.
[200] Ibid.
[201] Berkeley Library, 'Peacekeeping and Peacebuilding' University of Carlifornia 5th August 2022, available at https://guides.lib.berkeley.edu/c.php?g=496970&p=7587604 accessed on 28th October 2022.
[202] International Crisis Group, 'Crisis Watch: Tracking Conflict Worldwide' September 2022, available at https://www.crisisgroup.org/crisiswatch accessed on 28th October 2022.
[203] Charlotte Ku, Joaquin Caceres Brun, 'Mitigating Conflict: Neutrality and the ICRC Contribution to Human Operations' (Taylor & Francis e-Library 2005).

Notably, it not only focuses on the civilian population but even the wounded and the sick combatants and peacekeepers, as their duty is more humanitarian. NGOs operating in the DRC have provided critical support to communities affected by the conflict, including providing food, water, shelter, and medical care. They have also worked to protect vulnerable groups such as women and children, who are often particularly at risk during times of conflict. In addition, NGOs have played an important role in documenting human rights abuses and providing support to victims of violence. The documentation of human rights abuses helps in bringing to light human rights violations enabling relevant authorities to follow up and see victims get justice.

The roles of NGOs are presumed to construct neoliberalism and beef democracy in conflict states as they regenerate the society by reconstructing infrastructure and providing basic needs to the affected members.[204] Even though it is not mandatory, the NGOs must work closely with military forces for cohesion as the goal is not only to end ceasefires but also to provide an environment for peace durability.[205] NGOs have also worked to address the root causes of the conflict in the DRC, which include political instability, economic exploitation, and competition for natural resources. Many NGOs have advocated for improved governance and greater transparency in the management of natural resources, such as minerals, actions intended to suppress fuelling of conflict and violence in DRC. Some NGOs have also advocated for political solutions to the conflict, such as the establishment of a credible and inclusive political process to address the underlying grievances of all parties.

2.10. Conclusion

All these institutions, in one way or another, have been key players in peacekeeping missions. However, state sovereignty and equity have been a hindrance to some of their operations, possibly causing a delay in response to the war. Geopolitics and anarchical activities have played a part in hindering smooth operations. All the same, all the actors must find a comprehensive way to work together towards achieving a common goal and upholding the principles of the UN Charter as well as protecting the voiceless and powerless who are mostly affected.

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[204] Henry F Carey, Oliver P Richmond, *Mitigating Conflict: The Role of NGOs* (Taylor & Francis e-Library 2005).

[205] Francis Koffi Abiew, 'Mitigating Conflict: NGO-Military Relation in Peace Operations' (Taylor & Francis e-Library 2005).

CHAPTER THREE: PRACTICAL PERSPECTIVES OF THE LEGAL AND INSTITUTIONAL FRAMEWORK

3.1. Introduction

It has been outlined that the legal and institutional framework expresses the counterattack of threat to international peace and security. The Charter[206] of the United Nations and the Constitutive Act[207] of the AU provide how they work together with the member states to maintain international peace and security. The standard operating procedures (SOPs) of MONUSCO as outlined by the legal and institutional framework are designed to ensure the effective implementation of UN's mandate while upholding its principles including respect for human rights, protection of civilians, and the rule of law among others. These procedures are developed in consultation with the government of the DRC, local communities, and other stakeholders. The challenge is that in practical sense, there have been successes and challenges in equal measure since the situation is different on the ground on how MONUSCO has been operating. The study chooses to highlight at length sexual exploitation and rebel group menace among others as among the chronic challenges experienced in the efforts applied by the UN peacekeeping mission to restore peace.

3.2.1 The Scope of MONUSCO and its effectiveness

The DRC hosts the highest peacekeeping operations due to the constant wars experienced in the country.[208] The United Nations has been operating in the Democratic Republic of Congo (DRC) since 1999, initially under the auspices of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and later under the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). MONUSCO's mandate is to support the Congolese government in its efforts to stabilize the country and to protect civilians. MONUC, during its operation mostly observational, tried to deter threats to peace, shield civilians from war, and humanitarian activities, disengage the forces and redeployment and implement ceasefire agreements. After the 2006 elections in DRC, the mandate of MONUC's tasks stretched to include but not limited to capacity building,

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[206] Charter of the United Nations, 1945.

[207] The Constitutive Act of the African Union.

[208] Thomas Macura, 'Accountability and Protection of UN Peacekeepers in Light of MONUSCO' (2013) vol 88 no 3/4, pp 143-146, p143, available at https://www.jstor.org/stable/23774053 accessed on 04 November 2022.

politics, military, the rule of law and resolution of conflicts. Its impact was dimming as it failed, especially in protecting civilians leading to its modification to MONUSCO in 2010, according to UNSC Resolution 1925 (MONUSCO Resolution),[209] aimed at making it a stabilization mission in a move by the international community to address mass atrocities.[210] It was mandated to apply all necessary measures to uphold the UN's mandate as well as civilians' protection, humanitarian personnel, and defenders of human rights from threats of war and physical attacks. It was also meant to support the local government to stabilize peace.

On 30 June 2011, the initial mandate of MONUSCO ended as the Resolution ordered the withdrawal of 2,000 peacekeepers and a request from DRC's local government. However, as of 31 December 2013, it remained the largest UN peacekeeping deployment.[211] The violence and conflict persisted, calling for the adoption of UNSC Resolution 2098, extending the mandate of MONUSCO to 31 March 2014, and the Intervention Brigade was created under Resolution 2098.[212] The persistent of the conflict after 2014 could not allow the withdrawal of the UN troops hence the extension of the peacekeeping mission with the hope of restoring peace.

Before proceeding further, it is important to note down how the UN gets its troops from and from and where they draw their powers from. From the first peacekeepers deployed in Sinai and in DRC whose engagements needed active military operations, there was a need to outline the extent to which International Humanitarian Law would govern the operations.[213] The UN forces operations draw authorization from Chapter VI and extend to Chapter VII of the UN Charter. It was presumed that there was no clear indication of approval leading to the second UN Secretary–General Dag Hammarskjold (who was the UN Secretary-General between 1953-1961) terming the authority from being drawn in Chapters VI and a half (1/2). Peacekeeping operations executed are delegated by UNSC or sometimes UNGA through the Secretary-General, presumably, the Commander-in-Chief, who further delegates duties to the Department

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[209] United Nation Security Council, Resolution 1925, UN Doc (27 May 2010).
[210] Ray Murphy, 'UN Peacekeeping in the Democratic Republic of Congo and the Protection of Civilians' (2016) Vol 21 No 2, pp 209-226, p 209, available at https://www.jstor.org/stable/26298195 accessed on 04 November 2022.
[211] Devon Whittle, 'Peacekeeping in Conflict: The Intervention Brigade, MONUSCO and the Application of the International Humanitarian Law to United Nations Forces' (2015) 46 Geo J Intl L 837, p843.
[212] Ibid.
[213] Paul C Szazs, 'UN Forces and International Humanitarian Law' (2000) 75 Int'l L Stud Ser US Naval War Col 507, p508.

of Peacekeeping Operations (DPKO), Personal or Special Representative or Force Commander. The force personnel is military supplied to the UN by member-states who take orders from Force Commanders; however, the discipline and punishment of violation fall under national authority.[214] The military wears national uniforms but a blue helmet or beret with a logo on the shoulder to blend in with the UN Force. Remuneration is according to federal rules, but the UN reimburses their governments and offers per diem to the troops.[215] The UN works hand in hand with national governments when the latter voluntarily contributes troops and manages their discipline and punishment of violation. At the same time, the former gives commands on the operations. In all these, International Humanitarian Law has to be observed since national governments are parties to treaties that keep and uphold Human Rights Law.

The scope of MONUSCO derives its powers from the UN, which considers itself an impartial body in conflicts and works independently. The principles that guide the UN in the intervention are consent of the conflicting parties or the party experiencing conflict, impartiality, and application of force only in self-defence.[216] However, the UN can pursue peace enforcement in addition to peacekeeping where it authorizes the use of force to tame an aggressor or disruptor of peace. The relevant party affected by the conflict has to consent to the presence of peacekeepers. They need to be non-partisan, support neither side, and only engage proactively in hostilities for self-defence and protection of the civilian population to uphold the UN mandate. In as much as these principles are adhered to in defending the non-partisan nature of the UN, it has evoked criticism whereby the UN peacekeeping missions have been expected to act aggressively in conjunction with the Intervention Brigade to fulfil its mandate.[217] For instance, the Intervention Brigade was created to work alongside UN peacekeepers having the authority to engage offensively with rebel combatants and neutralize the armed and rebel groups.[218] It carries out these tasks independently or jointly with Forces Armees de la Republique Democratique du Congo. It interfered with the traditional operations of peacekeeping missions that lean on the bedrock principles of the UN. The UNSC applies these enforcement measures, otherwise termed as "the mirror image of peacekeeping," although

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[214] Ibid, p509.
[215] Ibid.
[216] Devon Whittle, 'Peacekeeping in Conflict: The Intervention Brigade, MONUSCO and the Application of the International Humanitarian Law to United Nations Forces' (2015), 46 Geo J Intl L 837, p838.
[217] Ibid.
[218] Ibid, p839.

considered as eroding the normal operations of peacekeeping. The criteria, in most instances, contradict the host states' will. However, the UNSC believes it is necessary to heighten security and counter peace threats.

It is no doubt that the offensive operations that go beyond the traditional peacekeeping functions conflict with international humanitarian law even though the UNSC has upheld that the extra enforcement measures still revolve around the bedrock principles as they go beyond and apply in the hybrid operations.[219] Notably, MONUSCO and the Intervention Brigade operate in areas of prior and ongoing armed groups between the citizens of and non-state actors in DRC. It goes without question that the state forces in DRC and non-state armed groups must operate within the confines of international humanitarian law[220] leaving the argument of how far the same law binds the UN and Intervention Brigade. On one hand, humanitarian law would argue all humans are to be protected whereas on the other hand the offensive measures applied by the UN require use of force to deal with aggressors such as the rebel and militia groups. In case of conflict between the two UN would take precedence on the basis of a lesser evil weighing from one circumstance to another.

Although the UN has presumably done everything within its power to address the conflict in DRC, the country has lost touch with the realities of peace and international consciousness. It absents itself from global social movement apart from the occasional report of the combatants' misdeeds and the impact of wars.[221] In the attempt to restore peace, the conflict presumably predates way back before the Rwandan genocide. It is argued that the international community may not be up to speed in their operation.[222] Gerard Prunier argues that even if the wars end and the causes of conflicts and violence predating the war are not addressed, there will still be unrest.[223] The UN should therefore look at the multifaceted nature of war, changing nature of conflict and review the scope of MONUSCO.

3.2.2 Questionable Modes of Operation

In as much as the UN peacekeepers have done a great deal in managing conflicts in DRC, they have had incidences where their conducts are questionable due to their involvement in violent

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[219] Ibid, p841.
[220] Ibid, p847.
[221] Kurt Mills, 'International Responses to Mass Atrocities in Africa: Responsibility to Protect, Prosecute, and Palliate' (University of Pennsylvania Press 2015) 84.
[222] ibid.
[223] ibid.

crimes, arms trafficking, large-scale theft and corruption.[224] The Force Intervention Brigade was introduced to tackle rebel groups such as the notorious M23, Allied Democratic Forces (ADF), the Democratic Forces for the Liberation of Rwanda (FDLR), the Front for the Patriotic Resistance in Ituri (FPRI) and the Lord's Resistance Army. However, it hasn't been successful in eliminating them.[225] It has gotten to a point where the EAC bloc has weighed in on the situation to try and offer peace intervention through diplomatic means. Sadly, it is reported that the ADF carried out one of the most serious attacks in 2016 right under the watch of the Intervention Brigade, UN troops and the Congolese army causing massive deaths to the civilian population.[226] It is argued that the much the Intervention Brigade has managed to achieve is to exert pressure on DRC to stop supporting the rebel groups to weaken their operations. Still, unfortunately, the rebels are very much alive and powerful as it will be discussed further later on the chapter on rebel group menace.

The UNSC and MONUSCO have been blamed for the failure of the Intervention Brigade (IB) to perform because of the application of wrong strategies.[227] For instance, the IB offers support to the Congolese army on the ground by aerial bombardment of the rebel group such as ADF hoping to clear and destabilize them and their supporters in Uganda. The rebel groups have been in DRC for over 20 years and form part of the social fabric of the DRC; hence a diverse approach is needed to uproot them.[228] The rebel groups presumed to be receiving support from neighbouring communities have a strong base in DRC and support from the local community and members of the community are easily radicalized for financial gain due to the high poverty level. Hence, until a more diverse approach is set up by MONUSCO, even with the support of the Intervention Brigade it will not address the issue at hand.

The poor strategies applied by MONUSCO include not carrying out damage assessments when bombing raids happen in dense jungle canopies.[229] On the other hand, the Intervention Brigade is not well-versed in conducting ground assessments. So the frontline team expected to carry

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[224] Dan Kuwali, Dawn Nagar, 'Towards a New Pax Africana: Making, Keeping and Building Peace in Post-Cold War Africa' Centre for Conflict Resolution (2014), available at https://www.jstor.org/stable/resrep05181.11 accessed on 29 November 2022.

[225] Adam Day, 'The Best Defence is no Offence: Why Cuts in UN Troops Could be a Good Thing' 08 May 2017, available at https://ourworld.unu.edu/en/the-best-defense-is-no-offense-why-cuts-to-un-troops-in-congo-could-be-a-good-thing accessed on 12 February 2023.

[226] Ibid.

[227] Ibid.

[228] Ibid.

[229] Ibid.

out activities to reinstate peace in the DRC has little or no knowledge of the happenings on the ground, even when attacking, begging the question of if they are sometimes sure of the right spots to protect the civilian population. These confusions lead to more displacements and, in return, give rise to kidnappings to replace the rebels who the raids may have taken down. The population in the eastern part of Congo feels MONUSCO is doing more harm than good.

3.2.3 Sexual Exploitation and its Effects

Endless conflicts coupled with war destabilize the economy of any country and DRC is not exempt. It is worrying that the international body that has been preaching gender equality has elements of taking in abuse and exploitation of the presumed weaker gender.[230] When the UN marked its 60th anniversary in October of 2005, New York Times reported of sexual abuse in the Congo.[231] This means that from the early stages of deployment, sexual exploitation has been an issue that needs serious attention of the UN. It beats the essence of the peacekeeping mission if the team meant to protect civilians in countries battling wars would be the same to take advantage of women and young girls in their vulnerable states to coerce them to exchange sex with basic needs such as food.[232] Reports of sexual abuse and exploitation have been a menace and continue being as recent as of 2023 where the number of reported cases in the last 2 years has risen from 40,000 to 80,000.[233] Instead of mending the torn social fabric because of conflicts, the little harmony left to be enjoyed because of the presence of peacekeepers disintegrates the society more because of the trauma to the victims of sexual abuse and exploitation.

Poverty has taken over, leading to a thriving sex economy. As if that is not enough, sexual violence has been on the rise leading to DRC being termed the "rape capital of the world" and one of the worst places for a woman to find herself.[234] It also records the highest number of

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[230] Elizabeth F Defeis, 'UN Peacekeepers and Sexual Abuse and Exploitation: An End to Impunity' (2008) Washington University Global Studies Law Review, Vol 7 No 2, p189.
[231] Ibid, Elizabeth, n231.
[232] Ibid.
[233] Relief Web, 'Cases of Sexual Exploitation and Harassment on the Rise in the DRC' (11 July 2023), available at https://reliefweb.int/report/democratic-republic-congo/cases-sexual-exploitation-and-harassment-rise-drc#:~:text=The%20number%20of%20people%20affected,over%2031%2C000%20cases%20were%20reported, accessed on 04 October 2023.
[234] Kirsty Wagner, 'Sexual Exploitation by UN Peacekeepers in DRC' Mail & Guardian 11 August 2022, available at https://mg.co.za/africa/2022-08-11-sexual-exploitation-by-un-peacekeepers-in-drc/ accessed on 29 November 2022

sexual exploitation by UN peacekeepers, which sometimes happens when women ask for humanitarian assistance from UN personnel.[235] Not even the young are spared as reports of girls as young as 13 are impregnated and abandoned with no trace of their children's fathers who return to their countries as soon as the term of the troops serving in DRC ends.[236]

Unfortunately, the focus has always been on the female gender leaving out the male gender who have also not been spared by the demon of sexual pervasion and exploitation. A lieutenant was reported of raping a young boy while another man held the boy down leading him to pass out in the process of the attack. He resorted to reporting the matter unusual of other male victims but unfortunately no police believed him until they saw the injuries suffered. The perpetrator paid reparations and was slapped with a 14 year jail term.[237] That is just one of the many cases where victims report and get a consolation if the perpetrator faces the full arm of the law. However, in most cases, victims are left with scars for years especially those who report and nothing gets done.

Sexual violence is criminalised in the strongest terms possible in DRC.[238] However, it has been challenging to enforce the laws to prosecute perpetrators despite being present in institutional frameworks such as the: military courts, civilian courts, mobile courts, MONUSCO's support prosecution courts. [239] Even when the courts order payment of reparations, it becomes close to impossible for the court orders to be honoured.[240] For the male gender, it has been tough to come forward due to stigma and shame of coming out as a male sexual victim. There is also barrier of accessing medical care and support services for male sexual victims. Many health centres and service providers are not equipped to handle cases of sexual violence against men, and there is a lack of awareness and training among medical professionals about the unique needs and experiences of male survivors. While there are laws

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[235] Ibid.
[236] Ibid.
[237] Voice of Africa, 'Rape in Congo Devastates Male Victims' (17 November 2011), available at https://www.voanews.com/a/rape-in-congo-devastates-male-victims-134117048/148375.html accessed on 05 October 2023.
[238] The 2015 Law Modifying the Criminal Code.
See also Case Matrix Network, "National Legal Requirements: Prosecution of Sexual and Gender Based Violence in Democratic Republic of Congo, p27 https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/prosecution-of-sexual-and-gender-based-violence-in-democratic-republic-of-congo/170519_DRC_Legal_Analysis_EN_02.pdf accessed on 19 April 2023.
[239] Ibid, p23.
[240] Supra, VOA, n238.

in place to protect men from sexual violence in the DRC, more needs to be done to address the stigma and barriers to accessing services that prevent male survivors from seeking help and receiving justice.

Other factors contributing to sexual exploitation are the nature and environment in which it happens. Some of the perpetrators enjoying functional immunity and covering up to protect the reputation of the UN and its peacekeepers.[241] The peacekeeping missions are male-dominated, leading to the masculine nature and undue influence over the vulnerable women who are left with little or no say when pursued over sexual exploitation and abuse.[242] The UN personnel ranging from experts, military police and observers, enjoy functional immunity, and prosecuting their indiscipline can only happen when the Secretary-General waives the immunity.[243] A security wall has been created, and the male-dominated environment has members covering up for their colleagues' ills.[244] Further, the Troops Contributing Countries mandated to punish the indiscipline of the military contingents have been blamed for reluctance to prosecute the allegations of sexual exploitation and abuse.[245] From the explanation, there is more beyond the high poverty level that increases and fuels sexual exploitation and abuse.

South Africa, one of the Troops Contributing Countries (TCCs), reportedly faces the highest number of sexual exploitation and abuse accusations, according to a 2015 UN report despite the then-force commander defending the South African National Defence Force (SANDF) commander as the most respected contingents.[246] The South African newspaper Times referred to the contingents as an "army of sex pests". Concerning this, the SANDF personnel were repatriated. The allegations and offenses of sexual exploitation and abuses water down the UN's principles and further injure peacekeeping operations' reputation, legitimacy and credibility.[247] It makes hard the civilian population to trust and feel protected by the people availed to them.

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[241] Elizabeth F Defeis, 'UN Peacekeepers and Sexual Abuse and Exploitation: An End to Impunity' (2008), Washington University Global Studies Law Review, Vol 7 No 2, p192.
[242] Ibid.
[243] Ibid.
[244] Ibid.
[245] Ibid.
[246] Signe Marie Cold-Ravnkilde, Thomas Mandulpe, 'Sexual Exploitation and Abuse in the Democratice Republic of Congo' Danish Institute for International Studies (2017), available at http://www.jstor.com/stable/resrep13248 accessed on 05 December 2022.
[247] Jessica Anania, Angelina Mendes, Robert U Nagel, 'Preventing Sexual Exploitation and Abuse by Male Peacekeepers' US Institute of Peace, Special Report No 478, September

3.2.4 UN's Response to Abuses of Peacekeeping Principles

Although the UN condemns sexual exploitation and abuse, the disconnect between the UN's definition and condemnation of the same and the legislation on TCCs makes it conflicting to take action on the perpetrators.[248] Some countries have legalized prostitution, and sexual activities with minors; hence, they see no offense when their troops advance the same in the DRC.[249] The challenge crops up when the TCCs are responsible for the discipline of their troops and further prosecute these allegations. It makes it even more difficult when the legislations of the UN conflict with those of the nationals hence impossible to punish the perpetrators. It leaves a lot to be answered even when some countries have legalized sexual activities, as it is impossible to draw the line between voluntary and willing sexual activities and those that involve coercion. Further, minors are easily exploited as they are considered not mature enough to enter into any contractual activities.

The UN has put forth three angles in addressing sexual exploitation and abuse as one of the abuses of peacekeeping principles: misconduct prevention, UN's standard of conduct enforcement and remediation.[250] To reaffirm its commitment and policy of zero tolerance to sexual exploitation and abuse, the UN Security Council has adopted a series of Resolutions: UNSCR 2272 (2016), which was meant to limit sexual exploitation and abuse, and further in 2017 and 2019, declaring the acts a priority and UNSCR 2436 (2018). Firstly for over a decade, sexual exploitation and abuse have been criminalized hence the issuance of the zero-tolerance policy to apply to all UN staff, and the mission's leaders bear the responsibility to refer the cases to bodies of TCCs for criminal prosecution.[251] Besides criminalizing these sexual offences, the perpetrators, if found guilty, are summarily dismissed in addition to other disciplinary measures. Although some troops who originate from different countries have different views on sexual engagements with minors depending on the age permitted by their

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2020, p3, available at https://www.jstor.org/stable/resrep26023 accessed on 05 December 2022.

[248] Signe Marie Cold-Ravnkilde, Thomas Mandulpe, 'Sexual Exploitation and Abuse in the Democratice Republic of Congo' (2017), Danish Institute for International Studies, available at http://www.jstor.com/stable/resrep13248 accessed on 05 December 2022.

[249] Ibid.

[250] Jessica Anania, Angelina Mendes, Robert U Nagel, 'Preventing Sexual Exploitation and Abuse by Male Peacekeepers' US Institute of Peace, Special Report No 478, September 2020, p4, available at https://www.jstor.org/stable/resrep26023 accessed on 05 December 2022.

[251] Ibid, p5.

nations and where they are serving, the policy prohibits sexual engagements with persons under the age of eighteen years. It offers no defence of belief that the victim seemed and looked older to the perpetrator.

Further, the exchange of sexual favours for material things is prohibited and even consensual sexual activities by individuals of age, which extends to UN staff. In support of this, report centres are availed to address sexual exploitation. The UN has pushed for the address of sexual exploitation and abuse through the zero-tolerance policy. In avoiding conflict of laws and cooperation agreements, those working with the UN are to accept and implement these rules.

3.2.5 Disconnect Between International and Local Community

The conflicts experienced in DRC result from but are not limited to organized crimes perpetrated by armed groups or militias involved in transnational crimes such as smuggling and trafficking and natural resource extraction that implicates state actors due to economic motivation.[252] Abrupt eruptions of armed conflicts have always called for the emergency deployment of peacekeepers to protect civilians and curb the loss of lives giving little or no time to understand the environment. The government gets challenged by non-state armed groups, and the latter sometimes challenge a similar group in the fight for occupancy of the illicit economy.[253] The absence of strong enforcement systems within the country and border control fuels conflicts and transnational crimes as the organised criminal groups presume a lack of legitimate economic opportunities.[254] Not to forget that some state actors and influential people who are network patrons are involved giving a platform for the illicit economy to thrive and kill legitimate economic activities.

Until the international community understands the cultural and political nuances of the local context and addresses the challenges posed by transnational crimes, bringing the conflict to an end may still be a task for the UN diminishing its principles.

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[252] Marina Caparini, 'UN Police and the Challenges of Organised Crimes' (2019) Stockholm International Peace Research Institute, p2, available at http://www.jstor.com/stable/resrep24450 accessed on 14 December 2022.
[253] Ibid.
[254] Ibid.

3.2.6 Colonial Master Dilemma

The conflict in the eastern part of DRC regarding land tenure, citizenship and legal status has been linked to colonialism legacy.[255] The colonial master dilemma, otherwise called the neo-colonial trap, has been a challenge as the colonial masters continue to influence their colonies economically and politically. It is in the wake of the European Union owing allegiance to the commitment to promoting global peace and security.[256] EU has pledged to build a peaceful world, and the situation in DRC is termed Africa's World War since the end of World War II. Considered among the pariah states, the conflicts in DRC have not only resulted in acts that shake only those within the region but also the consciousness of the Western world. Millions of the population have been subjected to refugee status, others losing lives and returning, many left orphaned, not forgetting the inhumane acts of rape.

Displacements of ethnic groups have also been the effect of the conflicts, and it has spilled over to affect those searching for a haven due to political unrest from Burundi and Rwanda.[257] The division of ethnicity, which the colonial masters technically created, has further resulted in a divided nation fuelling regional and ethnic conflicts. Additionally, DRC is considered rich in natural resources and attracts international entities for exploitation, leading to a scramble for resources between the local and international forces.

The struggle of freeing from the shadow of the colonial master and becoming self-governed, conducting activities free from the interference of the international community and the hawk-eyed forces for the natural resources in the DRC would be a step towards addressing the conflicts. EU having a voice and an audience in the post-colonial platform is hoped to solve the colonial master dilemma that has befallen DRC and maybe bring sanity to the conflicts that keep pulling over decades.

3.3 REGIONAL ORGANISATIONS

In Chapter Two of the study, the Constitutive Act of the African Union gave power to the AU to act in times of conflicts in Africa. The AU also draws power from the UN Charter. Although there are blames on the colonial masters for the problems experienced in Africa, the regional

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[255] Meike Froitzheim, Fredrik Soderbaum, Ian Taylor, 'The Limits of EU as a Peace and Security Actor in the Democratic Republic of Congo' (2011), Africa Spectrum Vol 46 no 3, Sage Publishers p46.
[256] Ibid.
[257] Ibid.

organizations and, to be precise, the AU, which is the successor of the OAU, still struggles to deal with conflicts in Africa even after independence.[258] The leadership of post-colonialism has been equally blamed as the culprit in the conflicts. To make the situation challenging, it has been almost impossible for the AU member states to question heads of state whose countries have had long-term conflicts as the principle of non-interference binds them. This principle is presumed to have been strengthened in the era of Africans fighting colonial oppression and pushing for sovereignty.[259] A sovereign state is presumed and believed to have the capacity to run and handle its affairs with little or no interference from outside forces. However, the AU enjoys autonomy in interfering with activities by member states that are inconsistent with human rights and injure the civilian population, a privilege yet to be felt wholesomely even by the UN as it is also bound by the doctrine of non-interference from the Charter. Even then, the AU has not exhaustively stepped up to back up the UN in maintaining international peace and security in the African region and the DRC in particular.

3.3.1 Institutional Failure

The UN has impliedly blamed the AU for inactivity towards the conflicts in DRC. In return, the latter viewed the former as an institution that preaches war while praying for peace due to the interventions and non-interventions in rich-resource African countries.[260] But this would be a blame game of entities tied by the same denominator of maintaining international peace and security as they both are guided by clear guidelines on their scope and powers to act, when and where. In as much as the AU has worked with international organizations to facilitate pacific settlement of disputes such as negotiations and deploying peacekeeping missions, the effort is yet to be felt as DRC is still battling conflicts.

The complexity of the conflict in the DRC marred with a lack of resources and political goodwill, has been one of the challenges the AU has faced when dealing with interference from neighbouring communities.[261] It has been criticized for being slow or unresponsive to cross-border aggression and not doing much to arrest perpetrators. Most of the Peace and Security

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[258] Jeremy Sarkin, 'Is the African Union's Position of Non-Indifference making a Difference?' (2016), Journal of African Union Studies, Vol 5 No 1, Adonis and Abbeys Publishers Ltd, p13, available at https://www.jstor.org/stable/10.2307/26893854 accessed 19 December 2022.
[259] Ibid, p14.
[260] Chinedu Thomas Ekwealor, Khondlo Mtshali, 'African Union and United Nations' (2016) Journal of African Studies vol 5 No 2/3, Adonis and Abby Publishers Ltd p23.
[261] Ibid, p25.

Councils (PSCs) formed to deal with conflicts in other African countries (Darfur 2004-2007 and Burundi 2003, which operated for a few months) were taken over by UNSC since they could not perform, alleging lack of resources. The PSC's main mandate to oversee the maintenance of peace and security in the continent has hence not been effective in ensuring its mandate is upheld as no fruits have been borne in DRC from its effort. The composition of the Peace and Security Council of the African Union (AUPSC) (15 members elected by the executive council: four from West Africa; three from Central Africa; three from Southern Africa; three from East Africa, and two from North Africa) led to the belief of its neutrality in handling matters concerning peace and security in the African region, but it has not lived to the task.

Notably, just as the UNSC has been accused of praying for peace and preaching war, the AU has not been spared either.[262] It is linked to the US and Belgium governments' assassinations of Patrice Lumumba, Joseph Okito and Maurice Mpolo through UNSC resolutions. The death of these Congolese nationalists sparked endless wars in DRC, adding to the conflict of the scramble for the rich natural resources country.[263] The fight happened under the watchful eye of the AU's predecessor. Even after the AU started being operational after the Second Congo War ended with a deal strike of peace accords between Uganda, there has been a stoking of the conflicts in DRC by Rwanda and Uganda, and the AU has been watching doing nothing. The AU Protocol 2003 has also not lived up to its functions of promoting peace, security and stability in Africa as the happenings in DRC.

The UNSC has been further accused of muting and cushioning the AU's PSC against rebels who have been in constant conflicts with the FARDC and Democratic Forces for the Liberation of Rwanda (DFLR). It is believed that international communities such as Belgium and US have economic interests.[264] The latter has made tongues wag for facilitating the sale of military hardware. The AU has been silent on questioning the UN which is considered as the big brother. Further, on facilitating arms in the conflict-affected areas, the AU has yet to say anything or even sanction the neighbouring countries (Rwanda and Uganda), who, countless times, have been at the forefront of financing M23 rebels who are actors and chocking the efforts of restoring peace.[265] Article 6 of the Constitutive Act of the AU has been toppled over by the two

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[262] Ibid.
[263] Ibid, p30.
[264] Ibid.
[265] Ibid, p31.

member states who offer political support and advice to troops to fight against the rebels. This and much more have questioned the ability of the AU to handle peace and security matters in the DRC. It is seen as a failed institution that is toothless if it cannot pardon member states who threaten peace and security.

3.4 NON-GOVERNMENTAL ORGANISATIONS

3.4.1 Humanitarian Issues

The DRC has been facing humanitarian issues for decades due to various factors such as: political instability, armed conflicts, poverty, recruitment of child soldiers, health issues such malnutrition and disease outbreaks such as ebola and cholera. It is unfortunate that the NGO's expected to play a crucial role in addressing these issues have been at the forefront in sabotaging the activities meant to bring relief.[266] International aid groups' agents including those from the UN have been asking for kickbacks from national NGO's in exchange for contracts as well as paying for bribes of up to 30% of the contracts' value.[267] If corruption is discovered, those willing and ready to tell it out are convinced and silenced with bribes. It has been impossible to held accountable those involved in corrupt activities as well as sexual offences acts.[268] Sadly, humanitarian aid officials go to the extent of asking for sexual favours in order to release aid and the cases go unreported since the officials are part of those to attend to victims and cover-ups takes precedence.[269] Local leaders, militia groups and authorities in general inflate numbers of those who need aid for their own benefits and sometimes the aid given does not reach the targeted groups. What a cruel society one to find themselves in.

3.5 DISCONNECT BETWEEN CENTRAL GOVERNMENT AND REALITY ON THE GROUND

3.5.1 Political Issues

The Democratic Republic of the Congo (DRC) is a sizable nation with a complicated social, economic, and political landscape, and its central government frequently struggles to

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[266] The New Humanitarian, 'Exclusive: Leaked Review Exposes Scale of Aid, Corruption and Abuse in Congo" Aid & Policy Investigations (12 June 2020), available at https://www.thenewhumanitarian.org/investigation/2020/06/12/Congo-aid-corruption-abuse-DFID-DRC-UN-NGOs accessed on 26 April 2023.
[267] Ibid.
[268] Ibid.
[269] Ibid.

effectively rule and provide for its people in isolated and conflict-affected areas. This has caused the creation of local power structures and militias, many of which frequently operate independently of the government and further the volatility of the nation.

Corruption, which permeates all levels of government and thwarts efforts to enhance governance and service delivery, is one of the key factors causing this divide. Further complicating the government's capacity to properly rule the DRC are the huge natural resources that have been a cause of conflict as numerous armed groups and international powers compete for control over them.

It will take a multifaceted strategy to address the gap between the DRC's central government and the reality on the ground, including combating corruption, addressing the causes of conflict and instability, and making investments in infrastructure and service delivery in remote and conflict-affected areas. In order to better understand local communities' needs and concerns and incorporate them into government policies and initiatives, it will also be necessary to connect with them more frequently.

3.6 REBEL GROUPS MENACE

On one hand it is easier said but the other challenging to be done when the government of DRC backed up by regional actors and the EAC bloc, to be precise says that it is fighting rebel groups that have been a menace and presumed to be at the centre of the conflicts.[270] The biggest challenge has been actors in the conflicts in DRC, and those expected to calm the situation have used rebel groups to pursue their political and economic agendas.[271] Curing the menace might not be the end of the conflict in DRC, but any step in the right direction of eliminating actors of the war would lead to peace that has been sought for decades. It is no doubt that any element that fuels the conflict when eliminated slows down and eventually suppresses the conflict. This leads to the study to dwell into history of rebel groups in DRC and the notorious one and most mentioned being the M23 rebel group.

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[270] Kristoff Titeca, Daniel Fahey, 'The Allied Democratic Forces in the Democratic Republic of Congo' (September 2016) International Affairs, Vol 92, Issue 5, pp 1189-1206, available at https://doi.org/10.1111/1468-2346.12703 accessed on 21 December 2022.
[271] Ibid.

The two Congo Wars resulting from intrastate and interstate conflicts saw the formation of transnational alliances.[272] Eight African states (Uganda, Rwanda, Burundi, Chad, Zimbabwe, Sudan, Namibia and Angola) were involved in the second war in 1998. The eastern part of DRC had a rebellion supported by heads of Uganda, Rwanda and Burundi to overturn the reign of the then president Laurent Kabila (who had ascended to power with the help of military force from Uganda and Rwanda). However, they were not successful since the rest intervened.[273] Since 1945, global data has over time set arguments forth that almost half of the rebel groups expressly or impliedly enjoy transnational support. Some international relations and security studies theorists have ignored the correlation between rebel groups and states. Some, like Stephen Walt, confessed to not knowing about the DRC wars despite several applying interstate conflicts in third world wars.[274] The driving motive of forming alliances by the African heads is to counter coup-de-tats and intrastate rebellions.[275] If a head of state fears that another head of state is close to his enemies, he opposes that by allying with rebel groups in that other state. Also, if a head of state with his allies has interests such as natural resources in a neighbouring state, he is likely to encourage alliances and finance rebel groups. Uganda and Rwanda are believed to have partnered with rebels in the two DRC wars.[276]

In contrast, Angola and Zimbabwe switched allegiance from supporting rebels in the first wars to supporting the head of state.[277] To be precise, Uganda was accused of recruiting, training, financing, equipping and supplying armed rebel groups that opposed the head of state Laurent Kabila.[278] The origin of rebel groups is not a result of intrastate conflicts but also influenced by interstate conflicts causing the same to exist from transnational support due to the need for natural resources and power protection.

Undoubtedly, Uganda, Rwanda and Burundi influenced the wars in the eastern part of DRC. The DRC filed a case at the ICJ claiming aggression and human rights violations on its

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[272] Henning Tamm, 'The Origins of Transnational Alliances: Rulers, Rebels and Political Survival in the Congo War' (2016) International Security, vol 41 No 1, p147, available at https://www.jstor.org/stable/24916873 accessed on 08 January 2023.
[273] Ibid.
[274] Ibid, p148.
[275] Ibid, p150.
[276] Ibid.
[277] Ibid.
[278] James Thuo Gathii, 'Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)' (2007), The American Journal of International Law, vol 101, No 1, p142, available at https://www.jstor.org/stable/4149829 accessed on 23 January 2023.

territory.[279] The failure of Rwanda and Burundi to admit compulsory jurisdiction by the ICJ led to the case against them being dismissed for want of procedural reasons. However, a resubmission of the case by DRC against Uganda in 2002 saw the case being determined in 2005. Uganda was found liable for extraterritorial human rights violations by its armed forces meted out against Congolese civilian populations.[280]

Rebel groups have been a menace that the UN has tried to fight for decades to aid in conflict reduction.[281] The UN sanctioned the rebel groups economically as a way of paralysing their activities and reducing the harshness of civil wars. Over time, economic sanctions are imposed as a political tool to compel to handle conflicts around the world and, in return, to restore international peace and security, which is the main mandate of the UN. Among the sanctioned rebel groups in DRC include but not limited to: M23, FDLR and ADF, and the kind of sanctions imposed include but are not limited to freezing of their assets, an arms embargo and travel bans.[282] Since the UN's fight against rebel groups in 1990, the sanctions have been operational from 2003 to date, meaning that the nightmare is yet to end, and these rebel groups still affect the ongoing conflicts in DRC.

Delving into how some of these rebel groups came into existence, M23 formed around 2012 in the province of North Kivu in DRC.[283] Its first leaders were Jean Marie Runiga Lugerero (political coordinator) and Colonel Sultani Makenga, who led the army wing. As a result of the state trying to disarm and integrate non-state armed groups into the state's army of DRC known as Forces armees de la Republique Democratique du Congo (FARDC), dissenters composed of Tutsis who were also members of the FARDC and Congres National pour la Defense du People (CNDP) which is a former armed group formed the M23 movement.[284] It got its name from the peace agreement signed between the government of DRC and the CNDP rebel group

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[279] Roger-Claude Liwanga, 'Extraterritorial Responsibility of States for Human Rights Violations Under International Jurisprudence: Case Study of DRC v Uganda' (2016) Suffolk Transnational Law Review, vol 39, p332.

[280] Armed Activities on the Territory of the Congo v Uganda (DRC v Uganda) 19 December 2005, ICJ.

[281] Mitchell Radtke, 'Fighting the Hydra: United Nations Sanctions and Rebel Groups'(2018), Journal of Peace Research, Vol 55 No 6, p 759, available at https://www.jstor.org/stable/10.2307/48567948 accessed on 20 January 2023.

[282] Ibid, p760.

[283] Joanne Richards, 'Demobilization in the DRC: Armed Groups and the Role of Organizational Control' (2013), Small Arms Survey, Issue Brief 1, p1, available at http://www.jstor.com/stable/resrep10604 accessed on 20 January 2023.

[284] Ibid, p2.

on 23 March 2009. Part of the agreement was the armed members of CNDP were to join the state's army, and police force and the armed group would become a political party. The government also agreed to repatriate the Tutsi refugees from Uganda, Rwanda and Burundi.[285] No sooner had the government of DRC neared demobilizing, disarming and disintegrating members of CNDP to the state's forces than the members dissented and regrouped beginning in January 2012 and further in March and April. The peace agreement of 23 March 2009 was denounced, and the members of CNDP announced the M23 movement accusing the government of failing to implement the deal.[286] The conflict with M23 posed a significant challenge for MONUSCO as the rebels operated in areas that were difficult to access, and the group had superior military training and weapons. It prompted the UN Security Council to authorise the deployment of a special intervention brigade within MONUSCO, whose mandate was to carry out offensive operations against M23. The intervention brigade saw to it that M23 harshness was tamed, however, till date, they are still part of the conflicts experienced in DRC.

The other notorious rebel group is the Allied Democratic Forces (ADF). It is presumably occupying a larger part in Beni region of the DRC and affiliated to the Al-Qaeda terror group in East Africa.[287] It is believed to have originated in Uganda but now occupies a vast area in the eastern part of DRC. The actors in the conflict of DRC have used the ADF for political and economic mileage as opposed to eliminating it.[288] Both the government of DRC and its neighbour Uganda have been accused and this has made it hard for MONUSCO to succeed as they face hurdles of poor assessment and policies brought forth on ways to clear the rebel groups.[289]

The ADF is known for carrying out brutal attacks on civilians, including massacres, abductions, and rapes. The group is believed to be involved in various criminal activities, including smuggling, illegal mining, and wildlife trafficking, which help fund its operations. The presence of the ADF in the DRC has contributed to the ongoing conflict and instability in the eastern part of the country. The group has been targeted by military operations conducted by

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[285] Ibid.

[286] Ibid.

[287] Jesper Cullen, 'Islamists' Rebels in DRC: The Allied Democratic Forces' (27 April 2017), Palgrave Macmillan, Cham, available at https://doi.org/10.1007/978-3-319-51352-2_5 accessed on 22 April 2022.

[288] Kristoff Titeca, Daniel Fahey, 'The Many Faces of a Rebel Group: The Allied Democratic Forces in the Democratic Republic of Congo' (September 2016), International Affairs vol 92, Issue 5, pp 1189-1206.

[289] Ibid.

the Congolese armed forces, as well as by the United Nations peacekeeping mission in the country, known as MONUSCO. Efforts to address the threat posed by the ADF will require a comprehensive approach that includes not only military action, but also addressing the underlying social, economic, and political factors that have allowed the group to thrive in the region. This includes addressing issues such as poverty, marginalization, and the lack of access to basic services and economic opportunities in the eastern DRC. Additionally, efforts to combat the ADF must be conducted in a way that respects human rights and the rule of law.

Although the UN has, over time, invoked economic sanctions to suppress the activities of rebel groups, it has faced challenges in blocking all the financiers and sympathisers of the rebels as external supporters and private entities may refuse to comply with the UNSC's directive.[290] Normally the UNSC issues a resolution directing sanctioning of the rebel groups through the sanctionable parties, and there will be a decline in funding of their activities. In return, it causes a reduction in arms as they have no money to purchase weapons of war. Some rebels will defect, weakening the group and leading it to submission in compliance with the national government. However, the group has supporters beyond the UNSC's control such as the voluntary and involuntary civilian population, which stabilizes the group to the extent of keeping them going. It indicates that it will entail more than just economic sanctions to clear the rebel groups, which are a menace and fuel conflicts.

3.6.1 Role of Regional Agencies in the Rebel Groups Menace.

Regional initiatives have been set up to deal with the conflict in DRC especially the resurgence of the M23 rebel group.[291] They include but not limited to disarmament, community recovery, demobilization and stabilization programmes.[292] The chair of the Security Council Committee established through Resolution 1533 (2004), Michel Xavier Biang (Gabon) led a team to get first-hand information of the situation in DRC and its effect on neighbouring countries so as to decide on the sanctions applicable as provided for by Resolution 2360 of 2017. Burundi supported any means possible likely to suppress the rebel groups. This move was stressed by

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[290] Mitchell Radtke, "Fighting the Hydra: United Nations Sanctions and Rebel Groups' (2018) Journal of Peace Research, Vol 55 No 6, p 761, available at https://www.jstor.org/stable/10.2307/48567948 accessed on 20 January 2023.
[291] UN TV Web, 'The Situation Concerning the Democratic Republic of Congo' (30 September 2022), available at https://media.un.org/en/asset/k1h/k1hodjjolx accessed on 25 April 2023.
[292] Ibid.

the US delegates and it was seen that the applicability of the 1533 Resolution would held destabilize the armed groups. Kenya voiced out the need to cure the strained relationship between MONUSCO and the civilian population.[293] Although, the Regional Agencies as well as the East African Community (EAC) does not directly participate in the fight against M23 rebels in the Democratic Republic of Congo (DRC) the EAC has been involved in diplomatic efforts to resolve the conflict in the DRC. In 2013, the EAC heads of state held a special summit to discuss the crisis in eastern DRC and pledged to support efforts to bring about peace and stability in the region. The EAC also supported the deployment of a special intervention brigade within MONUSCO, which played a key role of battling M23. In 2019, the EAC facilitated talks between the DRC government and opposition groups, which led to the signing of a power-sharing agreement. The EAC has also been involved in efforts to address the root causes of conflict in the region, including poverty, inequality, and governance issues. Kenya in conjunction with the East African Community Regional Forces (EACRF) is one of the countries that has sent troops to DRC in 2022 to help in dealing with M23 and any other rebel groups.[294] However, after the ceasefire initiated by the former president of Kenya His Excellency Uhuru Kenyatta was violated, KDF has been seen to withdraw its troops from DRC.[295] While the EAC did not directly participate in the fight against M23, the bloc has played a role in diplomatic efforts to resolve the conflict and promote peace and stability in the region. The EAC continues to play a role in efforts to promote peace and stability in the DRC.

3.7 CONCLUSION

Overall, the conflict with M23 and other armed groups highlighted need for a more robust and effective approach to UN peacekeeping, particularly in situations where rebel groups have access to sophisticated weapons and tactics. The intervention brigade's success in pursuing rebel groups has been cited as a model for future UN peacekeeping operations, but there is still much work to be done to ensure lasting peace and stability in the DRC.

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[293] Ibid.

[294] KDF Troops Prepare for Deployment in the Democratic Republic of Congo (June 2023) Available at https://mod.go.ke/news/kdf-troops-prepare-for-deployment-in-the-democratic-republic-of-congo/ accessed on 09 December 2023.

[295] KENCON Troops Under EACRF Commence Exit from DRC, (04 December 2023) available at https://mod.go.ke/news/kencon-troops-under-eacrf-commence-exit-from-drc/ accessed on 09 December 2023.

CHAPTER FOUR: COMPARATIVE ANALYSIS OF THE EFFICACY OF THE UN PEACEKEKEEPING MISSION IN DRC: CASE STUDY – SIERRA LEONE.

4.1 Introduction

The UN has been at the forefront in pursuing international peace and security to uphold its principles. African countries are not exempt hence even though the justification that informed this study carries more weight, it cannot be taken away that the UN peacekeeping mission has been effective in some countries. Due to that, a comparative analysis with a situation that wore a similar cloth as that of DRC would bring to light what can be borrowed to assist in bringing decades of conflict to an end. If the UN mission bore results in Sierra Leone, it is possible to bear results in DRC and restore peace. The analysis will look at the UN peacekeeping mission in Sierra Leone. It will delve into the measures deployed that led to the success of the UN peacekeeping mission and the post-UN mission situation so as not to downplay the efforts that brought peace which are of importance to be lifted and applied for the sustenance of peace in DRC once conflicts have been wiped out.

4.2 Peacekeeping in Sierra Leone

Peacekeeping in Sierra Leone is considered one of the most successful UN's peacekeeping missions.[296] However, the achievement was not on a straight line as it brought to light the inefficiencies and inadequacies of peacekeeping missions such as: poor communication and planning; weak command, and ill-trained troops who defy orders from commanding officers.[297] The challenges in a bigger way assisted in forging a way out of the situation which led to the former UN Secretary General, Kofi Annan taking liability for the millions of lives that were lost and others who underwent human rights violations.[298] He believed that a lot more could have been done in the circumstances to protect the civilian population under his watch. The civil war in Sierra Leone lasted from 1991 to 2002 and was one of the most brutal conflicts in Africa's history.

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[296] Funmi Olonisakin, 'Peacekeeping in Sierra Leone: The Story of UNAMSIL' Lynne Rienner Publishers (2007) https://www.degruyter.com/document/doi/10.1515/9781685856649/html accessed 15 April 2023.

[297] David M Malone, Ramesh Thakur, 'UN Peacekeeping: Lessons Learnt' (Jan-March 2001) Global Governance Vol 7 no 1, p11.

[298] Ibid.

Causes of the War: Although the reasons for the civil war in Sierra Leone were complicated and numerous, they were linked to the nation's long history of political unrest, rampant corruption injustices among political elite, economic injustice among others.[299] Differences in social status due to extreme poverty, which are included in the UN's Millennium Development Goals, are likely to cause disputes because of a lack of fundamental social resources.[300] World's leaders were encouraged to manage hunger, illiteracy level, environmental declaration, discrimination against women and poverty guided by the UN Millennium Declaration signed in September 2000. Further, the nation was a target for exploitation due to its abundance in natural resources like diamonds by foreign powers.[301] Not only did the international forces exploit the natural resources but within Sierra Leone, the rebels (RUF) funded their operations using the blood money from diamond. These causes of war in Sierra Leone are closely similar to the causes of war in DRC. The abundance presence of natural resources in DRC such as cobalt, tin and gold have led to international forces as well as rebel groups to fight for the control of the resources hence unending conflicts. These makes the situations comparable hence sufficient to draw an analysis.

The War: The conflict was primarily fought between the government of Sierra Leone and the Revolutionary United Front (RUF), a rebel group composed mainly of former Sierra Leonean soldiers.[302] The war began in March 1991 when the RUF, led by Foday Sankoh, launched a surprise attack on the eastern town of Bomaru. Political rifts and social disparity caused Sierra Leoneans to flee to neighbouring countries. Hence, the rebels had entered from Liberia where they relied on the support of Liberian warlord Charles Taylor.[303] It is important to note that the friendship of the RUF rebel leader and Liberia's warlord grew when they underwent military training together, hence they were allies and supported each other. The rebels quickly gained control of the countryside and began a campaign of terror against the civilian population. They

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[299] Marriane Ducasse-Rogier, 'The Sierra Leonean Conflict: Resolving Intractable Conflicts in Africa' Clingandael Institute (2004), p16.
[300] World Health Organization:Millenium Development Goals (MDGs)' 19 February 2018, available at https://www.who.int/news-room/fact-sheets/detail/millennium-development-goals-(mdgs)#:~:text=The%20United%20Nations%20Millennium%20Declaration,degradation%2C%20and%20discrimination%20against%20women. Accessed on 25 August 2023.
[301] Marriane Ducasse-Rogier, 'The Sierra Leonean Conflict: Resolving Intractable Conflicts in Africa' (2004), Clingandael Institute p16.
[302] Paul Richards, 'War and Peace in Sierra Leone' (2001), Fletcher Forum of World Affairs, Vol 25 No 2, p41.
[303] Ibid.

were notorious for their brutal tactics, which included amputating the limbs of their victims and forcing children to become soldiers. [304] The government responded by forming a paramilitary group known as the Civil Defense Forces (CDF) to fight the rebels. The CDF was made up of local militias and was initially successful in driving the rebels out of some areas. However, the CDF was also accused of committing human rights abuses and exacerbating the conflict. Similarly, in DRC, rebel group M23 has been at the centre of the unending conflicts. If the rebel group menace was addressed in Sierra Leone, similar tactics can be applied in DRC.

International Involvement: In 1996, president Kabbah was elected democratically amidst conflicts and signed the Abidjan Accord in November of the same year focused on ceasefire, disarmament and demobilization offering amnesty to rebel members.[305] The Accord failed in May 1997 leading to the president being overthrown by Armed Forces Revolutionary Council (AFRC) led by Johny Paul Koroma and invited RUF to collaborate and form a new government. The Conakry Agreement followed and it was considered an improved version of the Abidjan accord that specified peacekeeping and integration.[306] However, it did not bear fruits as war persisted due to mistrusts and misunderstanding in the Conakry Peace Plan.[307] The conflict drew international attention, and in 1997, the Economic Community of West African States (ECOWAS) sent a peacekeeping force to Sierra Leone. The force was known as the ECOWAS Monitoring Group (ECOMOG), and it played a critical role in containing the conflict and preventing it from spreading to neighboring countries. [308] In February 1998, president Kabbah was restored to office.

In 1999, the United Nations also became involved and established the United Nations Mission in Sierra Leone (UNAMSIL).[309] With it present, it foresaw the signing of the Lome Agreement between the government and RUF leader Sankoh. Further, through Resolution 1315 of 14 August 2000 the UN Secretary General negotiated the creation of Special Courts of Sierra Leone and on 16 January 2002, the court statute was attached which helped in demilitarization

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[304] Ibid.
[305] Gillian Wigglesworth, 'The End of Impunity? Lesson from Sierra Leone' (July 2008), Vol 84 No 4, Oxford University Press, p3.
[306] Emily E Bartholomew, Constructing Durable Peace: Lessons from Sierra Leone' California Western International Law Journal, vol 38 1, (July 2008), p5.
[307] Ibid.
[308] Gillian Wigglesworth, 'The End of Impunity? Lesson from Sierra Leone' (July 2008), Vol 84 No 4, Oxford University Press, p3.
[309] Ibid.

and demobilization.[310] It is clear that the series of peace agreements signed did not entirely eliminate the war but the intervention of international, regional and local actors, not forgetting the non-state actors.[311] UNAMSIL worked to demobilize former combatants, provide humanitarian aid to the civilian population, and support the establishment of a democratic government. The end of the was officially marked in 2002 with the signing of the Lome Peace Accord. The agreement was negotiated between the government of Sierra Leone and the RUF and called for an immediate ceasefire and the disarmament of all combatants. The agreement also provided for the establishment of a Truth and Reconciliation Commission to investigate human rights abuses committed during the conflict.

The Legacy of the War: The civil war in Sierra Leone left a lasting impact on the country and its people. Civilians are the biggest casualties in many warfare as they are taken in as protective shield to reduce the military casualties.[312] It is estimated that over 50,000 people were killed, and thousands more were maimed, tortured, raped and displaced.[313] Normally, the atrocities perpetrated are intended to kill the morale and self-esteem of the people; as well as to disconnect the cultural links.[314] The society is left destabilized due to the psychological challenges experienced from exposure to the traumatic experiences. The conflict also had a devastating effect on the country's infrastructure and economy. However, in the years since the war ended, Sierra Leone has made significant progress in rebuilding and recovering from the conflict.

The United Nations peacekeeping mission in Sierra Leone (UNAMSIL) was established in 1999 to help implement the Lomé Peace Agreement, which aimed to end the decade-long civil war in Sierra Leone. The mission was initially authorized to deploy up to 6,000 troops and 250 military observers. UNAMSIL played a critical role in bringing an end to the conflict by disarming rebel groups and supporting the re-establishment of government authority throughout the country. The mission also helped to provide security during the 2002 elections, which marked a key milestone in the country's transition to peace. Over time, UNAMSIL's mandate was expanded to include support for the disarmament, demobilization, and

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[310] Ibid, p4.
[311] Emily E Bartholomew, 'Constructing Durable Peace: Lessons from Sierra Leone' (2007) California Western International Law Journal, vol 38 1, p5.
[312] Kaz de Jong and others, 'The Trauma of War in Sierra Leone' (2000) 355 The Lancet 2067.
[313] ibid.
[314] ibid.

reintegration (DDR) of former combatants, as well as the promotion of human rights and the rule of law. UNAMSIL officially ended in December 2005, after a successful transition to a smaller UN political mission focused on supporting Sierra Leone's ongoing efforts to consolidate peace and stability. The mission is widely regarded as a success and has been cited as a model for future UN peacekeeping efforts.

4.2.1 The Substantive Measures Employed in Sierra Leone for the Success of the UN peacekeeping mission.

Some concrete steps taken to ensure the UN peacekeeping mission's success in Sierra Leone are expressed by the mandate of the UN peacekeeping operations.[315] Additionally, it establishes the roles and obligations of the peacekeeping force and gives the mission's activities a legal foundation. It is not in the interest of the UNSC to apply force to end wars hence the reason it proposes the application of non-armed force such as interruption of economic relations to curb the situation.[316] However, as earlier discussed in Chapter 2 of the study, armed conflicts are unresponsive to pacific settlement of disputes as well as unarmed means hence the employment of equal or heavier force to the situation on the ground.[317] For the situation in Sierra Leone, UNAMSIL was authorized to use force in order to protect civilians. The application of force deterred warring factions from engaging in violence which made it easy for the mission to succeed in its operations.

Protection of people: A key component of the UN peacekeeping mission is the protection of civilians. UNAMSIL employed by the UN had its first priority protecting the civilian population which is the majority and helpless; and composed of the most vulnerable members of the society.[318] UN mediators-initiated negotiations on the disarmament process on political and technical field. Politically, the National Commission for Disarmament, Demobilization and Reintegration (NCDDR) represented the government on the negotiations. Technically, committees were set up to discuss policies affecting local implementation of DDRs.[319] The

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[315] Charter of the United Nations, 1945, Chapters VI & Chapter VII (expounded in Chapter 2 of this study).
[316] Ibid, Article 41.
[317] Ibid, Article 43.
[318] Christopher van Dyek, 'DDR and SSR in War-to-Peace Transition: DDR and SSR in Sierra Leone' Geneva Centre for the Democratic Control of Armed Forces, Ubiquity Press, p4. http://www.jstor.com/stable/j.ctv6zdb87.5 accessed on 04 May 2023.
[319] Ibid, p6.

programmes and initiatives led to the connection between the government and the local people as the highest and lowest in the society felt represented in the talks.

Programs for Disarmament, Demobilization, and Reintegration (DDR): The peacekeeping mission in Sierra Leone played a vital role through disarmament, demobilization and reintegration (DDR) programmes to assist in reintegrating former combatants back into the society. Incentives programmes were implemented to target the RUF leaders where conditional terms were set forth for cooperation towards achieving peace and security.[320] In Sierra Leone, DDR initiatives were crucial for helping soldiers reintegrate into society. The Lome Peace Accord of July 1999 was the first step towards consolidating a power sharing political deal between the Sierra Leone People's Party (SLPP) and the Revolutionary United Front (RUF).[321] When the ECOWAS Monitoring Group (ECOMOG) military intervention successfully staged an operation to drive the joint Armed Forces Revolutionary Council (AFRC)/RUF junta from its positions in Freetown during the months of February and March 1998, it marked one of the conflict's turning moments. The democratically elected President Tejan Kabbah was reinstated as a result. After the rebel alliance attacked Freetown in the beginning of 1999, the government and the RUF sought a political compromise, which sparked the Lomé peace talks. The RUF/AFRC coalition obtained four full cabinet slots (two senior and two junior ministerial portfolios) and four deputy ministerial positions as per the conditions of the negotiated settlement reached in July 1999. Foday Sankoh, the head of the RUF, was appointed to a position similar to vice president and handed control.[322] These arrangements aided the UN observer mission UNOMIL working together with the peacekeeping mission UNAMSIL to restore peace Sierra Leone. This strategy might be used in the DRC to deal with the multiple armed organizations and militias by offering them incentives to give up their weapons, receive training, and take part in neighbourhood development projects.

Community Engagement and Reconciliation: Sierra Leone's focus on neighbourhood-based programs for reconciliation has helped to mend fences and reestablish trust. In an initiative of

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[320] Ibid, p5.

[321] Christopher von Dyck, 'DDR and SSR in War-to- Peace Transition: DDR and SSR in Sierra Leone' (2016) Geneva Centre for the Democratic Control of Armed Forces, p24.

[322] Ibid, p25.
See also African Legal Mayterials, 'ECOWAS: Peace Agreement between Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL)' (1999), 11 Afr. J. Comp. L, pp 557-610.

truth-telling, asking for forgiveness and reconciliation saw to it victims and offenders coming together.[323] Focusing on the smallest unit of the society – the individual and the closest social unit to the individual – the village was vital in rebuilding trust and reconciling the community which impacted the entire nation.[324] Promoting conversation and reconciliation at the local level in the DRC could help ease tensions and establish a lasting peace.

Mechanisms for Justice and Accountability: President Alhaji Ahmad Tejan of Sierra Leone on 12 June 2000 asked for the support of the UN to establish special courts to handle war crimes and prosecute offenders.[325] The Security Council stepped in and a resolution formed outlining the need for international powers to collaborate with the government of Sierra Leone to bring to book perpetrators of the conflicts experienced as well as individual criminal responsibility and also formation of a credible justice system for accountability of the aftermath of the conflict and long term peace solutions.[326] The Special Court was meant to be independent from the government of Sierra Leone and also not influenced directly by the Security Council and this was meant to see to it that justice was not only done but seen to be done. Some of those prosecuted on international crimes which included war crimes and crimes against humanity were leaders of RUF.[327] Also, the other notable trial by the SCSL was of the former president of Liberia Charles G Taylor who later on through the assistance of the UN Security Council got transferred to the Hague for further trial.[328] Similar systems might be put in place in the DRC to combat the culture of impunity and provide justice for violent crime victims. The essence of punishments is to deter commission of crimes and if people could start paying for the many crimes committed in the DRC, the culture of walking and roaming scot free in the society after committing serious crimes would be combated.

Gender Mainstreaming and Civilian Protection: The UN mission in Sierra Leone placed a high priority on gender equality and civilian protection. Women have been subordinate to men and even in the political arena, few women from the Krio origin out of the 17 ethnic groups

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[323] Elisabeth Hoffman, 'Reconciliation in Sierra Leone: Local Processes Yielding Global Lessons' (2008), vol 32 No 2 The Fletcher Forum of World Affairs, p129.
[324] Ibid.
[325] Charles Chernor Jalloh, 'Special Courts for Sierra Leone: Achieving Justice' (2011), Vol 32 Issue 3, Michigan Journal of International Law, p398.
[326] United Nations Security Council Resolution 1315 adopted on 14 August 2000.
[327] Charles Chernor Jalloh, 'Special Courts for Sierra Leone: Achieving Justice' (2011), Vol 32 Issue 3, Michigan Journal of International Law, p406.
[328] United Nation Security Council Resolution 1688 adopted on 16 June 2006.

who were believed to have the financial muscles tried to challenge men.[329] For instance, Cummings John was the first black woman to govern a capital city in the continent after Sierra Leone attained independence in 1961. Gender discrimination was fought through the Women, Peace and Security Resolutions.[330] The UNGA through the resolution has pushed for protection of women and girls in armed conflicts. The DRC's attempts to protect vulnerable communities and include women in peace processes could be guided by these principles.

Security Sector Reform (SSR): The SSR initiatives in Sierra Leone helped to professionalize the security forces. To enhance the security sector and guarantee that it satisfies the needs of the populace, a similar strategy may be used in the DRC.

Building Local Governance Capacity: In order to empower communities and restore stability, local governance mechanisms in Sierra Leone were supported. This strategy might help the DRC increase local ownership of peace and development initiatives.

Sierra Leone's emphasis on political and economic reforms aided the country's transition to a more stable state. To address the underlying causes of conflict in the DRC, improvements in governance, transparency, and economic opportunity may be made.

International and Regional Cooperation: Strong international and regional cooperation had a role in Sierra Leone's success. Similar to this, collaborations with nearby nations and regional organizations could improve the DRC's stability.

Long-Term Commitment: Recognizing that peacebuilding is a long-term process, the Sierra Leone mission lasted for a number of years. For a permanent peace to be achieved, there must be an ongoing dedication to resolving the DRC's problems.

Learning and Adaptability: It's crucial to keep in mind that each situation is different when applying teachings. Flexibility, ongoing evaluation, and learning from triumphs and failures are essential.

Finally, a clear mandate, cooperation with the host nation, political support, training, logistics, gender perspective, protection of civilians, conflict resolution, monitoring and reporting, and collaboration with other organizations and stakeholders are all necessary for a UN

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[329] Abiola Akiyode Afolabi, 'Gender Justice and Women in Post-Conflict Settings: Assessment of the Legal Status of Womenin Sierra Leone and Liberia' (2016) vol 46 issue 7, Cambrian Law Review p9.
[330] United Nations Security Council Resolution 1325 adopted 31 October 2000.

peacekeeping mission to be successful. It's critical to recognize that the situation in the DRC is complicated and has unique historical, political, and social dimensions. Any tactics taken from the Sierra Leone experience should therefore be modified to match the unique circumstances and requirements of the DRC. Additionally, the success of any peacebuilding initiatives depends on local ownership and participation of all stakeholders, including the DRC government, civil society, and affected communities.

4.2.2 Sierra Leone's Measures in Peace Maintenance

Peace in Sierra Leone can be said to have been acquired through collaborative measures since it entailed the efforts of international, regional and local actors working together. After identifying the causes that led to the civil wars, it was without a doubt prudent to address those causes to avoid the country plunging into wars again.[331] The huge gap that existed between the haves and the have nots was one of the main causes of the civil wars blamed hugely on endemic corruption, nepotism and greed.[332] Since achieving independence in 1966 to the time the civil wars erupted, the majority who belonged at the lowest strata had not come close to feeling the independence.[333] Hence, to ensure that the resources of the country were guarded, president Alhaji Dr Ahmad Tejan Kabbah authorised the set-up of an anti-corruption agency.[334] This was to ensure that not even the aid that went into the country post-civil war was embezzled. The Anti-Corruption Act of 2000 which was considered weak was beefed up by the 2008 Anti-Corruption Act which gave more power for the Anti-Corruption Committee to investigate, prosecute; and take all steps as may be necessary to prevent, eradicate and suppress all forms of corruption and its practices.[335]

Capacity building is also one of the measures applied to ensure that wars do not erupt even after they have come to an end. The UN worked together with government of Sierra Leone and other institutions such as the police, military and justice system to bring peace and security stability.

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[331] Emmanuel Gaima and others, 'Effectiveness of Anti-Corruption Agencies in West Africa: Sierra Leone' Open Society Foundations, (2016), p9, https://www.jstor.org/stable/resrep42932.10 accessed on 23 May 2023.

[332] Ibid.

[333] Ibid.

[334] A draft manuscript of the Development Challenges in Sierra Leone for Commonwealth Secretariat, p42.

[335] Anti-Corruption Act, 2008, section 7(1).

4.4. CONCLUSION

It is clear that bringing a war to an end is not enough to address long-term conflict but maintaining the peace is equally a hurdle that is to be fought and won. Therefore, all loopholes that make a country plunge into conflicts have to be consistently checked and sealed before the situation reaches a point of getting out of hand and armed conflicts strike. Peace is a journey that has to be travelled every day and DRC is yet to take the first step in that journey.

5. CHAPTER FIVE: SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION.

5.1. Introduction

There are presumptions that loom around regarding the challenges in ending the wars in DRC. They range from blame game to international communities, regional players to local participants who are viewed as parties who fuel the conflicts for own gain. The hypotheses will be tested side by side with the research of the study to be proved or disapproved then recommendations suggested with the hope they will be applicable to bring the conflicts in DRC to rest.

5.2. Hypotheses

Irrespective of the fact that the UN peacekeeping mission is in operation in the DRC, the eastern part still experiences wars, and it seems that the UN has failed to curb it due to:

5.2.1. The hypothesis that the UN is held hostage by some of the permanent members hence no meaningful resolutions can be made to end the conflicts despite it being the international organization mandated to promote international peace and security through the provisions outlined in its Charter.

The UN is an international organization guided by the main principle of the organization which is to oversee the maintenance of peace and security in the world. The scope of the UN's peacekeeping has grown from a smaller scale of unarmed observer mission to deployment of troops to protect the civilian population by applying all means possible that may go beyond the basics of self-defence.[336] It has been argued that the deployment of missions depends on the rate of fatalities and political relationships.[337] Due to the huge scope of the UNSC, it has delegated duties to experts who assess and manage the day to day running of peacekeeping missions.

The interests of all members of the UN are protected in equal measures. Although permanent members enjoy veto powers, such influence is not absolute and resolutions are passed by a majority votes of members so long as none of the permanent members exercises veto powers.

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[336] Susan Hannah Allen, Amy T Yuen, 'The Politics of Peacekeeping: UN Security Council Oversight Across Peacekeeping Missions' International Studies Quarterly Vol 58 N0 3, (September 2014), p2.
[337] Ibid.

It is important to note that no colony is left to suffer in the hands of its colonizers. The resolutions of the UN regarding a particular colony are not influenced by the powers of the colonizers either. In the early 2000s, the security council even doubled resolutions in dealing with civil wars ensuring that there is no favouritism by the UN in addressing issues in the world that shake its principles.[338]

Hence, the presumption that due to Belgium colonizing the DRC and influence of the veto powers of permanent members being a hindrance to ending the wars in DRC is disapproved by the fact that the UN has deployed MONUSCO to aid in supressing the conflicts and restore peace.

5.2.2. Further it is hypothesised that the legal and institutional framework majorly the UN Charter experience challenges exposing its inefficiency to curb the conflicts in DRC and restore peace through its peacekeeping missions.

Some of the challenges include but are not limited to:

Conflict complexity due to regional interference: The DRC wars are characterized by the involvement of neighbouring nations, a large number of armed groups, ethnic tensions, and struggle over resources. Traditional peacekeeping strategies may find it challenging to adequately address the underlying causes of conflict due to this complexity. Regional interference where conflicts involve neighbouring nations might make peacekeeping activities more difficult.[339] A comprehensive solution may be challenging to implement because some nearby states may have competing interests or back rebel groups. Unable to properly disarm and demobilize armed groups or solve the underlying socio-economic problems, violence might continue despite the presence of peacekeeping teams.

Inadequate resources and conflicts changing nature: Funding, people, and equipment issues are common for UN peacekeeping missions. Their capacity to respond appropriately to quickly changing events on the ground may be constrained by insufficient resources.[340] Also, looking

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[338] James Cockayne, 'How has the Security Council Dealt with Civil Wars Since the Cold War?: The United Nations Security Council and the Civil War' (2010), International Peace Institute, pp 1-11.

[339] International Crisis Group, 'Eastern Congo: Why Stabilization Failed' (2012), p1 B091 Eastern Congo - Why Stabilisation Failed.docx (jstor.org) accessed on 08 September 2023.

[340] Peter Nadin, 'The United Nations: A History of Success and Failure' (2019), Australian Quarterly Vol 90, No 4, p15.

at the conflict's changing nature, as non-state actors and asymmetric warfare have grown more common; conflict has changed in nature over time. These kinds of conflicts might not be best handled using conventional peacekeeping strategies.[341] More better methods in handling the conflicts need to be adopted away from the conventional means where the UN mostly is seen as a reactive organization where it responds after the conflict as opposed to before. Peacekeeping missions can have numerous goals, from assisting political processes to safeguarding civilians. Ambiguity in the mandate might make it difficult to obtain concrete results since it can cause confusion about the roles and responsibilities of the mission.

Lack of political will and coordination: There are fewer opportunities for the UN to make a difference now that big nations are jealously defending their fundamental interests. Instead, all issues that are too difficult, intricate, or unimportant for individual state action are left at the UN's door.[342] The cooperation and dedication of the host country's government and other pertinent stakeholders are frequently essential to the success of peacekeeping deployments. It can be difficult to coordinate efforts among several UN agencies, international organizations, and local stakeholders. Lack of coordination may result in overlap in efforts or gaps in meeting urgent requirements. The efficiency of the mission may suffer if these actors are not sincerely committed to the peace process.

Accountability and impunity: Addressing concerns about violations of human rights and accountability can be difficult in areas of armed conflict. It might be challenging to strike a balance between the demand for justice and the need to keep things stable.[343] Although the UN Charter permits the use of force in some situations, doing so might be difficult due to worries about sovereignty, political sensitivities, and practical constraints. Hence limited enforcement mechanism.

It's crucial to remember that, despite these difficulties, the UN and its peacekeeping missions have been successful in a variety of settings. But dealing with the crises in the DRC necessitates a thorough and diversified strategy that goes beyond conventional peacekeeping and incorporates diplomatic, political, economic, and developmental activities. Given the

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[341] Ibid.

[342] Peter Nadin, 'The United Nations: A History of Success and Failure' (2019), Australian Quarterly Vol 90, No 4, p15.

[343] Alex J, Belamy, Charles T Hunt, 'Twenty First Century UN Peace Operations: Protection, Force and the Changing Security Environment' (2015), Royal Institute of International Affairs Vol 91 No 6, pp1277-1298.

foregoing, the hypothesis is approved that the although the UN has been successful in some of its peacekeeping missions such as in Sierra Leone, the methods applied in DRC have been ineffective and inefficient to curb the conflicts.

5.2.3. From the study, it is presumed that the success of the peacekeeping mission in Sierra Leone would provide a better platform for a comparative analysis and lessons borrowed to improve the situation in DRC and end the conflicts.

Comprehensive Approach: The UNAMSIL operation in Sierra Leone used a comprehensive strategy that brought together military, political, and developmental initiatives. This comprehensive approach attempted to address both the pressing security issues and the root causes of conflict. Similar multidimensional approaches including but are not limited to political engagement, community reconciliation, capacity building, coordination with regional players, protection of civilians among others could be used in the DRC to deal with the many and linked problems that contribute to the war. Most of these measures have been discussed comprehensively in Chapter 4 of the study under the measures employed in Sierra Leone for the success of the UN peacekeeping mission.

Although the situations in Sierra Leone and the DRC are very different from one another, approaches to resolving conflicts and establishing peace in the DRC can undoubtedly benefit from the concepts and tactics that helped the Sierra Leone peacekeeping mission be successful. It's crucial to adapt these lessons to the unique dynamics and difficulties of the conflict in the DRC and to cooperate with local players, regional organization and global partners.

5.3. RECOMMENDATIONS

This requires a comprehensive and multidimensional strategy to aid in putting to an end the conflicts. Although there may not be a conclusive answer, the following measures may be helpful towards the right direction drawn from the research of the study.

5.3.1 Cure Historical Injustices

They include but are not limited to:

Establishing a truth and reconciliation commission to look into historical injustices, violence and violations of prior human rights. This commission can give victims and offenders a forum to discuss their experiences, encourage accountability, and aid in healing.

Further, develop mechanisms for transitional justice, such as fair trials, financial rewards, and institutional adjustments. Ensure that those responsible for serious war crimes and human rights violations are brought to justice and that victims are compensated.

Encourage the development of inclusive, multiracial, multi-religious, and multiregional political structures. This can assist in addressing historical marginalization and ensuring equitable distribution of power and resources.

Land and Resource Management:

Resolve grievances regarding land ownership and resource exploitation, which commonly lead to conflicts in the DRC. Establish transparent, accountable management practices for managing natural resources, and ensure that the local communities benefit from their exploitation.

Priority should be given to socioeconomic development initiatives that target underserved regions and communities. Infrastructure, education, healthcare, and agricultural investments are a few examples of this that can help to lessen poverty and increase satisfaction.

To help former combatants reintegrate into society, implement extensive Disarmament, Demobilization, and Reintegration (DDR) activities. Provide them with psychosocial support, education, and job training to help them rebuild their lives and contribute significantly to their communities.

Encourage participation in community-level dialogue and reconciliation initiatives from grassroots organizations, civil society, and traditional authorities. By involving local communities in the decision-making process, you may promote communication and understanding amongst disparate groups.

Regional Coordination: Strengthening regional coordination will help resolve international disagreements and halt the spread of violence. Cooperate with your neighbours to resolve problems that you both face and to promote peace in the area.

International Support: Look for worldwide cooperation and support to rectify historical injustices and put an end to conflicts. This may mean offering resources such as money, technical know-how, capacity building, and diplomatic pressure to all parties involved in the conflicts.

At all societal levels, encourage knowledge and comprehension of human rights, tolerance, and peaceful conflict resolution. Encourage a culture of tolerance for difference and open dialogue to prevent problems stemming from historical injustices from occurring again.

5.3.2 Cure Gender Disparity

In order to address gender inequality in the conflicts in the Democratic Republic of the Congo (DRC), it is necessary to employ a holistic approach that recognizes the unique challenges women face and promotes their empowerment. Here are some strategies to keep in mind:

Women's Participation and Representation: Make certain that women are fairly represented at all levels of decision-making, including negotiations for peace, efforts to resolve conflicts, and post-conflict rehabilitation projects. Women's leadership should be supported and gender quotas should be used to increase women's participation in the political, economic, and social spheres.

Bolster the legal frameworks that protect women's rights and fight abuse against women. Enforce sexual violence legislation, particularly those that deal with conflicts, and ensure that survivors have access to justice, support networks, and compensation, as well as peaceful conflict resolution at all societal levels. Encourage a culture of communication and tolerance for difference to prevent future problems stemming from historical injustices.

Women have particular security needs and vulnerabilities, which can be addressed by promoting gender mainstreaming in security sector reform projects. This calls for increasing the number of women working in security institutions, training security professionals about how to respect women's rights, and preventing sexual assault and abuse by armed individuals.

Women's Economic Empowerment: Encourage initiatives that improve women's access to funding, professional development, and business possibilities. Women should be encouraged to engage in activities that generate income, create jobs, and the formal economy in order to decrease their vulnerability and promote their financial independence.

Education and understanding: Encourage the education of girls and increase public awareness of women's rights and gender equality. Create inclusive educational systems that are safe and free from gender-based violence. Address cultural norms and misconceptions that contribute to gender disparities by using targeted awareness programs, media campaigns, and community engagement.

Enhance women's and girls' access to high-quality healthcare services, particularly those that deal with sexual and reproductive health. Talk about the particular health needs resulting from sexual assault and provide survivors with psychosocial support.

Data gathering and analysis: Research the effects of wars on women and girls by gathering data that is sex-disaggregated. Evidence-based data should be used to address gender inequalities in policy, programming, and resource allocation. Have partnerships and global assistance through collaborating with NGOs, donor countries, and international organizations to raise money and resources to support programs promoting gender equality in the DRC. Participate in partnerships that promote advocacy, capacity-building, and the empowerment of women.

Changing Social Norms:

Encourage gender-transforming tactics that counteract unfavourable social perceptions of women and girls. To combat gender inequity, men and boys should be enlisted as allies. Realize that eradicating gender disparities requires sustained effort throughout time. Invent sustainable long-term solutions. Projects for creating peace, reducing poverty, and broad development initiatives should all take gender equality into account. Women's organizations, civil society, and grassroots movements must all be involved in the creation and implementation of gender-responsive solutions. It is critical to support women's rights, participation, and empowerment in order to close gender gaps and promote long-term peace and development in the DRC.

5.3.3 Implement policies that impose harsh penalties for sexual offences

To execute laws that include severe penalties for sexual offenses, the Democratic Republic of the Congo (DRC) must adopt a comprehensive strategy that incorporates legal reforms, institutional capacity building, community involvement, and survivor support. Here are some strategies to keep in mind:

Legal Reforms: Review and revision of the law is necessary to close any weaknesses or inadequacies in the legal system. Building capacity will enable law enforcement, the legal community, and the judicial system to investigate, prosecute, and resolve sexual offense cases more quickly. Teach professionals how to collect data, conduct trauma-informed interviews, and preserve survivors' rights using gender-sensitive and survivor-centred methodologies. Create specialized support services for victims of sexual assault, such as shelters, medical and

psychological care, and legal support. To ensure that survivors have access to comprehensive protection and support throughout the judicial process, expand referral networks.

Strengthening Legal Processes: Simplify and expedite the legal process to ensure quick and fair trials in situations of sexual offense. Create mechanisms to protect survivors during the legal process and reduce secondary victimization. To handle cases involving sexual offenses, specialized courts should be established or specific judges should be appointed. Through targeted awareness initiatives, inform the public about sexual assaults, their repercussions on survivors and society, and the need to report incidents. Make men and boys your allies in the struggle against sexual assault and for gender equality by promoting community dialogue.

Further, encourage collaboration between law enforcement officials, judicial institutions, civil society organizations, and survivor support services in order to increase coordination and information exchange. Create multi-sector task teams or working groups to address sexual offenses in a comprehensive manner. Establish reliable reporting procedures as part of frameworks for data gathering and research on sexual offenses. Analyse and apply data to aid in the development of policy, resource allocation, and targeted interventions. International organizations, donor countries, and NGOs should be contacted for technical assistance, capacity building, and financial support to ease the implementation of laws addressing sexual offenses. Cooperate with regional, national, and international partners to share best practices, information, and insights.

Sensitization and Education: Conduct training on gender sensitivity and human rights for law enforcement, judicial staff, medical professionals, and social workers. Promote a victim-centred approach that places an emphasis on cultural sensitivity, non-judgmental behaviour, and empathy.

Monitoring and Evaluation: Establish mechanisms for monitoring and evaluating how effectively sexual offenses legislation is being applied. Regularly assess the outcomes of interventions and make any necessary adjustments in light of the findings. To counteract the harmful social attitudes and practices that encourage sexual assault, there must be interaction with local communities, religious leaders, and traditional authorities. By combining punitive actions with victim assistance, prevention strategies, and systemic reforms, it is possible to make the DRC a safer place and deter sexual offenses.

5.3.4. Implement a centralised system of punishing troops in the missions as opposed to troops contributing countries

A centralised system of punishment can help ensure responsibility and address issues with sexual assaults and other wrongdoing, as opposed to only relying on the countries who supply the troops for UN missions. The subsequent steps can be taken:

Code of Conduct: Establish a comprehensive code of conduct outlining acceptable behaviour for all personnel working on UN operations. This code should have specific provisions addressing sexual offenses and other forms of wrongdoing. Make sure the mission-wide code is extensively disseminated and enforced to ensure that every member of staff is aware of their duties.

Independent Inquiries: Establish an exclusive, independent procedure inside the UN mission to look investigate allegations of sexual misconduct and other violations. This system ought to be able to gather data, consult witnesses, and bring criminal charges against criminals.

Rapid Reaction Teams: Create teams that may be dispatched immediately to investigate and handle allegations of serious misbehaviour, including sexual offenses. These teams should include expertise in investigations, gender-based violence, and victim care to ensure a comprehensive and survivor-centred approach.

Joint duty and cooperation with nations that provide troops: Promote a sense of shared responsibility among all UN mission participants, regardless of their nationality. Reiterate that the UN alone is ultimately in charge of upholding the morale and discipline of its staff, and that country contingents are accountable to the UN. Create a centralized UN punishment system to oversee disciplinary actions for offenses committed by UN mission personnel. This system needs the ability to punish people harshly if they are proven guilty of sexual offenses or other misdeeds. Further, maintain regular contact and information sharing with countries that supply soldiers on grievances, questions, and disciplinary measures. When the centralized disciplinary mechanism imposes sanctions, nations that send soldiers should be encouraged to discipline their forces correctly.

Training and Awareness: Every member of a UN mission should get in-depth instruction on gender equality, human rights, and ethical conduct. Stress the importance of sexual assault prevention, the necessity of early detection of wrongdoing, and the necessity of reporting

incidents. Run awareness campaigns on a regular basis to promote a moral and responsible workplace culture.

Victim Support: Ensure that those who have experienced sexual assault have access to the right resources, such as legal, medical, and psychological help. Collaborate with community organizations and authorities to provide survivors with all the support they need and to take into account their unique circumstances.

Transparency and reporting: Establishing accessible avenues for reporting allegations of sexual misconduct and other misdeeds will promote transparency. Publicly release compiled statistics on inquiry, punishments, and case outcomes to encourage accountability and openness. Review and assess the central disciplinary system as well as the general efforts to address sexual offenses and misconduct on a regular basis. Determine areas that require improvement and adjust your strategy as appropriate to boost effectiveness and responsibility. The people deployed to the missions, must be dedicated and cooperative. By establishing solid procedures, promoting accountability, and prioritizing survivor support, it is possible to enhance the response to sexual assaults and inappropriate behaviour in UN peacekeeping.

5.3.5 Equitable Distribution of resources

Several actions can be performed to encourage the Democratic Republic of the Congo (DRC)'s equitable resource distribution and aid in the resolution of disputes.

Establish open and accountable processes for managing resources, including the money earned from the sale of commodities like minerals, lumber, and oil. Put in place systems to monitor the use of resources, income collection, and spending, ensuring accountability and reducing corruption.

National Resource Ownership: Ensure that the government owns and controls all natural resources to prevent exploitation by non-state armed groups or foreign players. To stop resource theft and smuggling, rules and enforcement must be strengthened.

Shared revenue and local development: Distribute a percentage of resource earnings to the communities and areas most impacted by armed conflict. To alleviate poverty and lessen complaints, develop revenue-sharing arrangements that give local infrastructure, education, healthcare, and livelihood programs top priority.

Engage in regional collaboration and discussion to resolve disputes involving transnational resources. Work together with neighbouring nations to create plans for managing common resources, settle conflicts, and encourage the fair sharing of benefits.

Promote economic diversification beyond the use of natural resources by making investments in industries like manufacturing, services, and agriculture. This can lead to increased employment opportunities, a more balanced and sustainable economy, and a decrease in reliance on resource exploitation.

Address the issues of land tenure and the conflicts over land rights that frequently lead to war in the DRC. Implement land reform initiatives that safeguard community rights and encourage ethical and sustainable land use.

Infrastructure Development: To connect isolated places and promote trade and economic development, invest in the construction of infrastructure, such as roads, bridges, and energy networks. Place an emphasis on underserved areas and communities that have previously been overlooked in plans for infrastructure development.

Implement social protection initiatives, such as cash transfers and social safety nets, to support groups of people who are most vulnerable to violence and resource exploitation. Make sure that women, children, and displaced people are given priority in these programs.

Build the ability of government entities in charge of resource management, such as regulatory authorities and organizations charged with tax collection, with the help of technical assistance. To strengthen governance, financial management, and oversight of resource-related operations, offer technical help and training.

Engage the local community, affected people, and civil society organizations in the decision-making processes relating to resource management. Encourage their active involvement, give them the tools to keep an eye on resource extraction activities, and fight for a fair division of rewards.

It is crucial to remember that merely allocating resources fairly won't put an end to strife in the DRC. To achieve long-lasting peace and stability, a comprehensive strategy that addresses underlying political, social, and historical reasons is necessary. It should also encourage good governance, security sector reform, and justice.

5.3.6 Repatriation of Refugees

Successfully repatriating refugees requires careful planning, teamwork, and attention for their welfare. The following procedures and variables to make the repatriation process easier:

Voluntary and Informed Decision: The basis for repatriation should be the refugees' voluntary and informed decisions. Ensure that refugees have access to up-to-date, accurate information about the conditions in their home countries, including security, the availability of basic services, and work opportunities.

Safety and Security: Conduct in-depth analyses of the security situation in the return sites to make sure that refugees may return in safety. Work with the transit and source nations to guarantee a smooth and organized repatriation process. Comprehensive initiatives for the rehabilitation and reintegration of returning citizens to be developed and put into action. Access to basic services like healthcare, education, clean water, and restrooms, as well as opportunities for employment and psycho-social support, can be made easier with this kind of aid.

Infrastructure and Services: Give priority to the restoration and development of infrastructure and services in the return regions to ensure the availability of essential services including schools, healthcare facilities, clean water, and sanitation. During repatriation, answer any queries that may arise regarding land and property rights. Establish conflict resolution mechanisms and make sure that returnees may access their houses and possessions.

Legal and paperwork Support: Assist returning citizens with the acquisition of identity documents, birth certificates, and proof of land ownership. It might be simpler for them to access rights, services, and opportunities as a result.

Community Involvement: To safeguard the welfare of returnees and to identify any challenges or places in need of assistance, mechanisms for monitoring and evaluating the repatriation process should be established. Regularly assess the reintegration process and make adjustments as necessary to meet changing demands. Include the local communities in the repatriation process to promote social peace and reduce tensions. Engage in educational initiatives to foster mutual understanding, promote peaceful coexistence, and increase awareness of the suffering of the returnees in the host communities.

Encourage income-generating endeavours, career training, and employment opportunities for returnees to support long-term reintegration programs. Encourage them to participate in

neighbourhood development initiatives to enhance their economic and social integration. Interacting with refugee populations, taking note of their concerns, and involving them in the design and implementation of the repatriation process are essential. The repatriation should be done gradually and in stages to ensure the safety, dignity, and successful reintegration of the refugees in their home regions.

5.3.7 Deployment of Women Peacekeepers

Sending female peacekeepers to the conflict in the Democratic Republic of the Congo (DRC) has a number of benefits:

Increasing Access to Justice and the Rule of Law: Women peacekeepers, especially SGBV survivors, can contribute to enhancing access to justice and the rule of law. The efforts to eradicate impunity can be aided by their presence, which can also improve the legitimacy and credibility of court processes. Also, they are more adept at recognizing and meeting the special protection needs of women and girls who have been affected by the violence. They can reassure the local populace and serve to prevent sexual and gender-based violence (SGBV). They may engage locals and build trust, especially with women and girls who might feel more at ease expressing their problems and experiences with female peacekeepers. Increased communication, information sharing, and the capacity to identify violent or unstable patterns early on can all be benefits of this involvement.

Gender-Sensitive techniques: By bringing fresh perspectives and ideas to peacekeeping operations, women peacekeepers aid in the development of more thorough and gender-sensitive techniques. They can encourage the inclusion of gender viewpoints in negotiation, making peace, and carrying out peace agreements.

Women's Empowerment and Representation: The presence of female peacekeepers can serve as a powerful symbol of women's equality and empowerment. They contribute to the eradication of gender stereotypes and demonstrate the critical role that women can play in decision-making processes through their participation in peacekeeping missions.

Preventing Sexual Exploitation and Abuse: Women peacekeepers can play a crucial role in preventing and treating sexual exploitation and abuse during peacekeeping missions. Their presence can serve as a deterrent and aid in fostering an environment of respect where misconduct is not tolerated. Women who serve as peacekeepers can actively take part in efforts to settle disputes and participate in mediation. Women's involvement in peace processes,

according to research, boosts the likelihood of durable agreements and addressing the causes of conflicts.

Training and Capacity Building: Women peacekeepers can help local institutions and security forces by providing specific training and capacity building. Teaching on human rights, gender-sensitive practices, and SGBV prevention and response are all part of this. Within the bounds of the peacekeeping mission and in the broader context of the war, women peacekeepers can advocate for the advancement and defense of women's rights. They can support local civil society and women's groups in amplifying their voices, advancing gender equality, and empowering women.

Impact in the Long Run: The presence of female peacekeepers may have repercussions once the mission is complete. They inspire local women and girls, challenge traditional gender norms, and advance gender equality as part of broader cultural reforms that can lead to long-lasting peace and development.

All things considered, the deployment of female peacekeepers in the DRC has the potential to bring unique perspectives, skills, and experiences that support more effective and inclusive peacekeeping efforts, address the particular needs and rights of women and girls, and ultimately contribute to the creation of a more stable and peaceful environment.

5.3.8 Need for policies and knowledge in handling rebel groups

Dealing with rebel groups in the Democratic Republic of the Congo (DRC) requires a comprehensive strategy that combines policies, information, and techniques in order to address the root causes of violence and create long-lasting peace. Here are some essential points to bear in mind:

Conflict strategy: Conduct a thorough conflict study to understand the dynamics and motivations of the rebel factions in the DRC. This strategy should take into account regional dynamics, resource competition, ethnic conflicts, and political resentments. It provides a structure for making fact-based decisions.

Conflict Resolution and Mediation: Develop and put into action initiatives for resolving conflicts and mediating negotiations between rebel groups and the government. This requires establishing channels of communication, fostering trust-building actions, and supporting peace processes intended to address underlying issues and find long-term solutions. Reform the

security industry to raise the professionalism, responsibility, and competence of security employees. This entails educating, equipping, and guiding security personnel in addition to ensuring respect to human rights principles and creating protocols for oversight and responsibility. Encourage local participation and ownership of peacebuilding projects. Participate in decision-making, conflict-resolution, and development processes with local groups, civil society organizations, and traditional leaders. Their participation can help to ensure that solutions are long-lasting and appropriate for the circumstances.

Initiate DDR Programmes: Create and implement (disarmament, demobilization, and reintegration) DDR initiatives that provide incentives for rebel troops to voluntarily demobilize, disarm, and reintegrate into society. These programs ought to address more issues than just the social and economic problems faced by former soldiers.

Enhancement of the rule of law: By strengthening judicial institutions, providing access to justice, and battling impunity, the rule of law will be enhanced. This calls for bringing legal action against those accountable for war crimes and violations of human rights as well as creating institutions of transitional justice that support accountability, the truth, and peace.

Humanitarian aid is given to communities impacted by armed conflict, particularly displaced people and refugees, to meet their immediate needs. This includes making sure that everyone has access to necessities like food, water, housing, medical care, and education.

Regional and international cooperation: Boost regional cooperation to address the transnational features of rebel organizations. Work together with your neighbouring countries to coordinate efforts, share intelligence, and stop the flow of illegal goods, fighters, and weapons across borders. To solve the problems rebel groups in the DRC are facing, look for international cooperation and assistance. Engage regional organizations, the UN, and donor nations to raise funds and other resources for peacebuilding and stabilization operations, as well as political and other support.

Economic expansion and Career Opportunities: In conflict-affected communities, promote inclusive economic growth and alternative livelihoods. This entails making investments in infrastructure, agriculture, job development, and skill training in order to combat poverty, boost resilience, and address the socioeconomic causes of conflict. Communities affected by armed conflict, notably displaced individuals and refugees, receive humanitarian relief to satisfy their

immediate needs. Assuring that everyone has access to needs like food, water, housing, healthcare, and education falls under this category.

As a result of the diversity of rebel organizations, their objectives, and the particular dynamics of each conflict situation, the DRC's policies and methods for dealing with rebel groups should be adaptable and scenario-specific. A comprehensive and integrated approach that incorporates security, governance, development, and human rights issues is necessary to tackle the complex issues brought on by rebel groups and to advance long-term peace and stability.

5.3.9 Systematic Approach to Corruption and Fraud

Corruption and fraud in conflicts in the Democratic Republic of the Congo (DRC) require a comprehensive strategy that focuses on both the underlying causes and the specific manifestations of these issues. Among the crucial elements of a systematic approach are the following:

Strengthen institutional and legal frameworks: Enhance anti-corruption legislation and ensure that it is faithfully carried out. Establish specialized anti-corruption groups or divisions with the power and resources to investigate and address corruption-related concerns. Increase the judiciary's ability to handle corruption cases impartially and independently. Establish safeguards for witnesses and informants.

Accountability and Transparency: Promote openness in government operations, especially when it comes to the management of funds, assets, and procurement processes. Establish and uphold standards of conduct for public employees that specify what constitutes ethical conduct and a conflict of interest. Establish mechanisms so that government employees can declare their assets and have regular financial audits performed on them. Facilitate access to information for citizens, civil society organizations, and the media so they can monitor government spending and hold it accountable.

Financial and anti-money-laundering investigations: Strengthen anti-money laundering regulations to halt the flow of illicit transfers. Relevant agencies should work together and sharpen their financial intelligence capabilities in order to monitor and investigate illicit financial transactions. Put in place effective methods for locating and freezing assets linked to fraud and wrongdoing.

Capacity Building and Training: Training and capacity-building programs on anti-corruption measures, investigation techniques, and financial crime prevention should be provided to public officials, law enforcement, and the court. To take advantage of other countries' expertise and effective anti-corruption initiatives, promote global cooperation and knowledge exchange.

Encourage ethical leadership: Promote a culture of integrity and ethical governance through awareness campaigns, educational programs, and the inclusion of anti-corruption topics in school curricula. Encourage private sector companies to adhere to moral standards, put in place efficient internal control systems, and support anti-corruption efforts.

Cooperation and assistance on a global scale: Look for international cooperation and technical assistance to effectively combat corruption and fraud. Engage with regional and international organizations, such as the UN, to acquire access to information, resources, and funding for anti-corruption campaigns. Combat illicit financial flows, international corruption, and the laundering of funds obtained from war-related operations by cooperating with allies and bordering countries.

Civil Society Participation: Encourage civil society groups, especially anti-corruption watchdogs, to take an active role in monitoring and advancing transparency and accountability. Encourage civil society initiatives that improve citizen engagement, access to information, and social accountability structures.

Dispute-Sensitive Methods: Recognize and address the particular issues that corruption and fraud bring during times of war. Consider the underlying causes of corruption, such as competition for resources, poor governance, and a lack of accountability, in conflict resolution and reconstruction programs. Integrate anti-corruption measures into peacebuilding and development efforts to reduce the likelihood that corruption would undermine the intended outcomes.

Deterrents, Motivators and Continuity of Development: Create compelling incentives for government employees to uphold integrity, such as career advancement opportunities and performance-based compensation. Ensure that the penalties for corruption and fraud are fair, enforceable, and deterrent while stepping up their severity. Tackling the socio-economic causes of corruption and fraud by promoting equitable and sustainable development, eradicating poverty, and creating economic opportunity. Enhance governance structures, decentralization, and public service delivery to lessen the likelihood of corruption and fraud. Consistent political

will and resources are required in order to put in place a methodical plan to tackle corruption and fraud in the DRC.

5.4.0. CONCLUSION

The conflict in DRC is of a multifaceted nature which requires more than the traditional peacekeeping methods especially those prescribed in the UN Charter to be applied by the UN peacekeeping mission. However, there is hope for success. The comparative analysis in Chapter Four of the study is an assurance that the methods worked in Sierra Leone which wore close to a similar cloth and peace was restored. Peace is a journey that any country walks on every day and adopting and embracing any measure meant to make the long journey bearable is a step towards the right direction. Both peacekeeping and peace enforcement methods applied by the UN have to bear fruits sooner or later if the recommendations are to be implemented. The UN took over the League of Nations to shield the world from the horrors of war and the UN has an opportunity to convince not only the DRC but the world at large that in its existence, no country will ever suffer from armed wars and conflicts. It entails the efforts of all stakeholders from the international, regional, and local levels to achieve the efficacy of the UN peacekeeping mission in DRC.

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