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on the topic **“THE UNITED NATIONS’ RESPONSE TO THE CONSEQUENCES
OF RESOURCE EXPLOITATION IN THE DEMOCRATIC REPUBLIC OF
THE CONGO”**

Written by:

Student in the fourth year

Of the degree program “International Relations,
Social Communications and Regional Studies”

Daria Rylieieva

Supervisor

Mridula Ghosh,

Doctor of Philosophy, Senior Lecturer

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INTRODUCTION

Relevance of the thesis. The Democratic Republic of the Congo's (DRC) abundance of natural resources has impacted the country as a whole, especially undermining its political and humanitarian stability, which is a common phenomenon in the Central African region and the DRC. Furthermore, the paper covers the ways international organisations and states are addressing the issues with the increasing role of non-state actors and terrorist organisations. After conducting a thorough analysis of the available articles, we have identified a lack of studies conducted by Ukrainian scholars on the topic of the Congolese crisis. The papers concerning the DRC cover the historical issues of the conflict; nevertheless, the in-depth review of the current situation in the country is missing, as well as the role of the non-state actors, and violations of human rights. The thesis is important for African studies as it reflects on current events and the rapidly changing situation in the DRC and the region.

The research problem. The problem of the research is the insufficient response of the United Nations to the violation of human rights, the creation of armed groups, and illicit trade that occurred because of the natural resource exploitation in the DRC.

Thesis goal. To determine the mechanisms utilised by the UN and its mission to resolve the Congolese crisis as a systematic response in the region and review a new approach to resolving the consequences of resource-based wars.

The objectives set for the thesis to achieve the goal:

- To study the shift in the mandate used by the UN to aid the Congolese post-war crisis.
- To determine the prerequisites to the cycle of instability, the creation of the new guerilla groups, systematic human rights violations in the DRC, and the region and possible resolutions.

- To identify the peacebuilding strategies to combat the non-state actors in undermining the situation with illicit mineral trade and human rights violence.

The literature overviews. There is an overall lack of research papers regarding the United Nations' steps to resolve the Congolese resource crisis. Therefore, during the research, emphasis was made on the availability and access of literature, which included the following categories:

- United Nations' main and ad hoc documentation, reports of the primary and secondary agencies, and the UN's discussion panels.
- The publications of international governmental and non-governmental organisations, such as Human Rights Watch, Organisation for Economic Co-operation and Development, Amnesty International, and International Crisis Group.
- Analytical papers of the research centers, such as the Tokyo Institute for Future Initiatives, the International Peace Institute, the International Centre for Counterterrorism, and the Center for Systemic Peace.
- The analysis of the common law, with the usage of the International Court of Justice, International Criminal Court, and European Human Rights Court cases.

The object. The UN's peacekeeping measures as a response to the regional power struggle.

The subject. The crisis management mechanism and mandate of the United Nations for resolution of the DRC's struggle with resource-based violence.

Methodology. The thesis methodology is based on case studies, discourse analysis, and process tracing. The paper will study the case of the UN's MONUC and MONUSCO's missions in the DRC applying longitudinal analysis with divisions into sub-units. The case will be analysed with a time framework starting from the deployment of the first peacekeeping mission in 1999 until the present day.

The thesis is divided into a total of three chapters. The first chapter covers the relevance of the methodological framework used in political science and analysis of the UN's international legal personality to determine the extent of its responsibility and rights in the international arena. In the second chapter, we dive into the historical outline of the war in the DRC, the deployment of the peacekeeping mission, and the strategies of the mission to address humanitarian issues. The third chapter focuses on the specific limitations of MONUSCO and the role of the mission in the creation of new peacekeeping resolution approaches. The thesis ends with the conclusion, which also follows each chapter.

1. THEORETICAL FRAMEWORK AND METHODOLOGY OF THE UN'S MISSIONS

Examining the mission of the United Nations in resolving humanitarian, economic, and political challenges facing the DRC, requires us to focus on the methodological approach of analysing the role of the inter-governmental multilateral organisations in addressing international crises and managing problems of the individual member states or countries and territories, affecting world peace and security.

1.1. Methodology for Researching the Crisis Resolution Mechanisms of International Organisations.

As a primer mean for the research will be used the case study method, we will discuss the main requirements and developments of its methodology in political science. In the last couple of decades, case studies have gained more power in finding ground in the theoretical explanation of a particular case or a series of cases, reviewing it as an explanation behind the case, a correlation with others, and a way of theorising the findings. (*Levy, 2008, p.2*) John Gerring (2004, p.343) argues that case studies can be analysed by three methods: firstly, as a single unit over time; secondly, by the division into subunits that can be studied either synchronically or synchronically and diachronically. However, most case studies are conducted through the combination of two or all three types of case analysis, thus creating ambiguity and lack of clarity about the primary object of the research, especially in the case of sub-unit division. (*Gerring, 2002, p.344*) Furthermore, an important part of the study is to differentiate between formal units or those that we study with precision, and informal units, which are used to enhance and support the main elements analysed and theories developed. (*Gerring, 2002, p.344*) Dumez (2015, p.50) points out that case studies consist of constant systematic comparative research, whereas it is important to identify and thus compare similar cases and sub-cases to better explain the concept and reach the final goal of constructing a case as a unit. While conducting comparative research on cases, the researchers may have

difficulties encountering the cases, which would be comparable at all, while it might be easier to implement in longitudinal, or diachronic analysis rather than cross-case studies. (*Levy, 2008, p. 10*) Furthermore, Levy (2008) states that theory-guided case studies with the use of theory-based analysis hold an advantage over a solely historical approach to case explanation. (pp.4-5)

Meanwhile, the question of a main unit and sub-unit analysis is clearer in country case analysis; the question of international organisations might be more complex. Barnett and Finnemore (*1999, pp. 716 - 717*) used the study of the sub-units of the IOs, such as separate peacekeeping missions, their agendas, statutes, and sources of the agency, to provide the theory of autonomy and independence of organisations in world politics. Furthermore, while analysing the behavior of the organisation, it could be helpful to focus on the interactions between the stakeholders on an interpersonal, also known as a meso-level, combining it with the macro-level analysis by reviewing the institution's practices and forming the institution's theoretical paradigm that is essential for the bureaucracy and functioning of it. (*Grant, Keenoy, and Oswick, 2001, p.11*)

Within the case analysis of the United Nations mission in the DRC, process tracing will be used as an essential part of understanding how the inner work of the multilateral organisation was determined by the research of the archive materials, negotiations, and procedures that influenced the outcome of the mission. (*Rauch, 2023, pp. 308, 313*) Even though the process tracing is based on one case analysis, the finding can hardly be theorised and implemented; however, this can be resolved by including a comparative case analysis of similar or alternative outcomes. (*Rauch, 2023, p.313*) Discourse analysis plays an essential part in ascertaining how specific processes and rituals are implemented in the actions of its members and what effect they have on the decision-making process within the organization (*Grant, Keenoy, & Oswick, 2001, p.8*)

Barnett (1999, p.706) argues that considering the role and mission that the United Nations pursues from the perspective of the realist or liberalist theory would be mistakable, as these theories provide little insight into the goal of the organisation as an

independent unit rather than just reviewing the goal of the members, whereas the sociological theory is more relatable to use while analysing the role of international organisations. Unlike other theorists, Dorussen and Ward (2008), who use constructivist theory, state the particulars of the organisations to introduce the importance of intrastate relations in conflict management and cooperation, reaffirming that even if the international organisation does have the aim of conflict resolution, the importance of it is in the mediation and information flow of the parties that lowers the level of uncertainty. (p.2008)

Certainly, the emergence of the United Nations has been significant not only for the post-Second World War negotiations but also played a great role afterward in the period of the Cold War. By analysing the literature of the mid-20th century, we could gather the perceptions of scholars shortly after its creation. For instance, Hoffmann (1956, p.359) talks of the UN's role in limiting the USSR and United States actions, thus protecting the smaller nations from being absorbed by the bigger states. We can also observe that those who are in favor of the realist theory see grounds for the importance of the international organisation, looking at it rather from the perspective of an "equalizer" in the political power game. However, we still have to keep in mind the historical context and preconditions the organisation was created, the similarity with the League of Nations is visible as both organisations were created by winners, and the difference is the involvement of the "defeated" countries. Furthermore, the power that hold the Security Council's five permanent members is playing in favor of the realists' view of the world order. As a future alternative, Stephen (2017, p.489) argues that the emergence of new powers will lead to a change in the existing order in the institutions.

It is vital to understand international organisations and any established order through historical context, which should be the main part of the methodological approach for a scholar, as the significance of historical discourse is in studying the previous understanding of certain means and, rather than erasing them, using them as a project for recovery (Grant, 2002, p.581). Therefore, we will focus on the organisations that the United Nations took its roots from. The UN has not been the first international

organisation in the history of world politics. The first, but quite primitive, organisation of European nations could be considered the Concert of Europe of 1815, which signified the end of the Napoleonic Wars and was in some instances similar to the form of a coalition of Great Powers that united in search of reestablishing their dominance and the division of colonial rule. (*Trent, & Schnurr, 2018, p. 23*) The relevance of an international organisation can only be reviewed in the context of their time, the need for international organisations in the 18th and 19th centuries is implied by the globalization process and the post-war disintegration, as well as the tendency to build new international systems after each major upheaval in world politics. (*Trent & Shnurr, 2018 p.25*)

The predecessor of the United Nations is considered to be the League of Nations, taking into account their respective goals, and institutions. The similarity is visible through the main constitutive documents of the organisation, the UN Charter, and the Covenant of the League of Nations. For instance, the preamble of both documents consists of immense resemblance, where the main idea is described to be the provision of international peace, protection, and security and the means by which these goals can be achieved both statutes use the same vocabulary of “international peace and security”, “cooperation”, “*respect for the treaty obligations*” in the Covenant and “*the respect for the obligations arising from treaties*”. (*UN Charter, 1945, Preamble*) (*League of Nations, The Covenant, 1919*) The great difference in the functionality and the aim of the creation of the organizations can be seen after the First and Second World Wars. Before the League of Nations, Europe relied on the diplomacy of the balance of power and the creation of alliances until the Woodrow Wilson proclamation of a community of power and “organized common peace”. (*Ambrosius, 2006 p.140*) However, while preparing for the new international order, the overly restricting and humiliating treaty obligations were imposed on the states that lost the great war, which therefore created the mindset of revenge. Furthermore, it is important to note the ideological advancement in the years after the First World War and before the Second World War, the internationalists were slowly gaining popularity, together with the communist-Marxists, fascists, and capitalists, where there was no such a clear boundary of alliances anymore, but the fight for the

ideological influence in Europe. The notion of internationalism has been gaining larger support as a result of what is called by Jackson (2011, p. 366), “the evolution of attitudes inside France”, along with feminism and socialism, because of prolonged post-war international tensions and the great war trauma.

Overall, the paper will use the methodology of case study, discourse analysis, and process tracing to examine the case of the UN's operation in the DRC in resolving the issue of resource exploitation through analysis of central documentation, reports, negotiations, and the decision-making process. Also, using the study of the historical importance and comparison with the predecessors of the United Nations, we can better understand the nature of international organisations in enforcing international peace and security.

1.2. The Scope of Responsibility of the UN as a Peacebuilding Organisation

The United Nations, as was previously discussed, was created in order to overcome the post-war consequences, and introduce a new international system of peace reinforcement and protection of human rights. Therefore, to evaluate the extent to which the United Nations mission was successful, it is essential to consider the stated aim of the mission and the outcomes as well as the authority (mandate) and power (a mechanism) that the organisation holds in the aspect of peacekeeping and peacebuilding, its authority to intervene in case of crises or threat to peace, which will be discussed through the prism of international law.

It is common to understand that the international legal personality is possessed only by the states, and the international organisations have no or limited rights and obligations under international law, which they might acquire through the interactions of its members (states, in case of intergovernmental organisations), particularly by conducting the treaties and agreements. (Hernandez, 2022, p.149) Thus, the treaties between states would then be binding on the parties, and so the organisation that has been created by the treaty would

then enjoy limited legal personality. However, there have been major advancements in the place of international organisations and non-state actors (NSAs) in international legal order throughout the last decades, which was caused by their missions and influence on the political arena. Here it is important to mention the ICJ Reparation Case 1949, where the International Court of Justice in the Advisory Opinion observes the ability of the United Nations to bring an international claim, whereas the actors with international legal personality would be able to do so. (*p.178*) The Court mentions that not all organisations are equal in its nature; however, decides that the United Nations` rights, immunities, legal capacity, and privileges are derived from its Charter, which is required for the UN to achieve its main goals of maintaining international peace and security. (*ICJ, 1949, p.178*) So now that we have observed that the United Nations holds the international personality, it is important to understand that it implies that the organisation can autonomously make legally binding decisions without external influence. (*Hernandez, 2022, p.157*) Therefore, under the authority of Article 25 of the Charter, the states are required to accept the decisions taken by the Security Council and the force enforcement mechanism can be implemented by the resolutions under Chapter VII of the Charter. (*UN Charter, 1945*)

Peter (2015) mentions that the missions of the United Nations can be considered as enforcement of political solutions, due to its support of state authority and the targets of the peacekeeping missions are usually the non-state groups that have little international capacity due to their war crimes and violation of human rights. (*p.353*) Also, we can observe the ideological shift since the end of the Cold War, where international peace is linked to human rights, and thus the violation of those rights gives ground for the UN to intervene. (*Barnett, Finnemore, 1999, p.712*) The grounds by which the missions can be implemented may be found in the United Nations Capstone Doctrine (2008), where the use of force in the missions is divided into two types: the peace enforcement, while there is no consent of the state to the peace or ceasefire agreement, so there might be used force on the strategic level and the robust peacekeeping, where there is consent, but the force may be used on a tactical level (*pp.2-4*). By the tactical use of force, it is understood that peacekeepers may use force to defend the personnel of the mission and the civilians,

unlike strategic use of force, which is used as a non-use of force, or non-use of peace reinforcement. (*De Coning, Detzel, Hojem, 2008, p.2*) Even though the protection of civilians is not the focus of the Doctrine, a further understanding of the role of the UN in case of war crimes can be analysed through the prism of the Responsibility to Protect (R2P) principle. The General Assembly passed a resolution following the 2005 World Summit, which constituted an obligation for the states “*to help protect the civilian population from genocide, war crimes, and crimes against humanity*”. (*General Assembly, Resolution 60, 2005, Art. 138*) Even though, the resolution does not have a binding character, and the principles are already the existing norms of jus cogens, the importance plays Article 139 of the Resolution that authorizes the United Nations to take collective actions to protect the population under Chapter VII of the Charter. (*General Assembly, 2005, Res 60, p.30*)

The UN throughout the number of their missions has met with various issues, one of which could be the inability of peacekeepers to adapt to the new circumstances and specifics of the conflict and as a result, could lead to the resentment of the local people or the domestic governments. (*Barnett, & Finnemore, 1999, p.720*) Also, the assessment of the outcomes of the UN missions is important to understand the effectiveness and issues with the peacekeeping operations; however, in an ongoing mission, the main result must be the mitigation of the violence before the deployment of the post-war goals. (*Hultman, Kathman & Shannon, 2014, p.738*) Considering the nature of the mission of the UN in the DRC and its MONUSCO operation, Sheeran & Case (*2014, p.16*) argued that the UN has extended its rights and violated the norms stated in the previously mentioned Capstone Doctrine, where the peacekeepers are not authorised to favor parties of the conflict. Thus, it can create a risk to the legitimacy of the United Nations peacekeeping operations. (*Sheeran & Case, 2016, p.17*)

All things considered, the United Nations, owing to its extensive mandate, autonomy, and significance in securing international peace, possesses a legal personality, which gives it the legitimacy and authority to deploy peacekeeping troops. The intervention of the UN is derived from the break of peace and violation of human rights

and jus cogens norms, considering the responsibility of the UN Nations to protect the population, what is referred to as the Responsibility to Protect in cases when the state is unable or unwilling to. Whereas the peacekeepers may use force to protect civilians and personnel based on the Capstone Doctrine distinction of robust and reinforcement peacekeeping. Furthermore, the effectiveness of the mission can depend on the adaptability of the peacekeepers to the dynamics of the conflict and their adherence to the norms of the peacekeeping operations.

2. STRATEGIES IMPLEMENTED BY THE UNITED NATIONS TO COMBAT THE CONSEQUENCES OF RESOURCE-BASED VIOLENCE IN THE DRC

As we have previously highlighted the importance of the historical context in understanding the missions of the United Nations, in this chapter we will analyse the prerequisites of the war in the DRC. Considering that the paper analyses the consequences of resource-based violence, we will mainly focus on the events that led to the illegal exploitation and trade of natural resources and the influence of the UN on its resolution.

2.1. The Historical Outline of the Crisis and the UN mission

There are a great number of studies on the effects and causes of the civil war that could help us in our journey to understand the events that led to the outbreak of the conflict and the UN's necessity to intervene. Even though it is unclear whether the political regime influences the commencement of war, Jeffrey Dixon (2009) argues that, unlike extreme democracies and extreme autocracies, those countries that are in the stage of political transition, or considered anocracies, have a greater risk of being involved in a war. (p.711) Analysing the 2018 Index of State Fragility conducted by the Center for Systematic Peace (CSP), the Democratic Republic of the Congo is considered to have the highest fragility level out of the listed one hundred sixty-seven countries. (*Marshall & Elzinga-Marshall, 2018 p.1*) What is important for our analysis is that combining such factors as security, political, social, economic effectiveness, and legitimacy, the CSP has indicated that the DRC is governed by a weak autocratic regime, and thus taking into account our previous statement, it has difficulties with control over centralized institutions and is more probable to undergo a civil war. (*Marshall & Elzinga-Marshall, 2018, pp.7-9*) Another great factor is the political instability and conflicts in neighboring countries, which could increase the risk of violence. (*Dixon, 2009, p.722*) The constructivist viewpoint of the war can be seen through the statement of Clark (2011), who says that the weak governance in the DRC is a permissive cause, while the extractive propensities of the neighbouring states are an effective cause (p.150). Therefore, the civil

war in the DRC has more of a regional dimension than a one-time case, considering the genocide in Rwanda as a result of a civil war, rebellions in Uganda, and a civil conflict in Angola. (*Usanov, de Ridder, Auping, Lingemann, Espinoza, Ericsson, Farooki, Sievers, & Liedtke, 2013, p.33*) The outbreak of the civil war and the fragile state of security in the DRC have been undermined by the blurred borders in the region as a result of “export” of rebellions in the Great Lakes region. (*Orogun, 2002, p.27*)

Even though this chapter aims not to tell the chronicle of the UN’s mission, the reasons behind the DRC civil war, and the historical context, it would shed light and give further understanding of the events occurring in the Republic now. The First Congolese War (1996 – 1997), as a result of Laurent Kabila’s sudden presidential takeover with the support of the “*Alliances des Forces Democratiques pour la Liberation du Congo*” (AFDL) after thirty-two years of dictatorial rule by Sese Soko, gave a beginning to the period of proxy wars in the region. (*Namangale, 2015, pp.74-75*) (*Clark, 2011, p. 148*) Kabila’s short presidency was interrupted by his assassination, where the proxies, which Ugandan and Rwandan forces supported, played a great role, and after Laurent Kabila’s son, Joseph Kabila, took over the presidential power, it caused the fall of the central governmental power, and the country has ever since been torn between various local forces. (*Namangale, 2015, pp.74-75*) The Second Congolese War (1998-2003) started with Kabila’s junior relations with his foreign patrons deteriorating and the conflict then had distinct dynamics compared to the discussed First Congolese War, here we could see more clearly the economic side of the parties’ intentions, who started controlling and exporting Congo’s natural resources. (*De Vries, 2015, p. 8*) Although such violent activities took place in the DRC, the peacekeeping forces of the United Nations have not intervened until 1999 after the beginning of the Second Congolese War, the mission met difficulties with the existing and newly established armed military groups (*Cammaert, 2013, pp. 1-2*) As the end to the hostilities could not be foreseen in the near future, the need for an agreement has arisen, therefore the UN Security Council (*2002, p.2*) has adopted the resolution, according to which there were deployed the UN forces to support

the initiative of the Lusaka Peace Agreement in 1999, further creating the UN's Organisation Mission in the DRC, known as MONUC.

While analysing the outcome of the ceasefire agreements, an important outlook is given by the peace theorists. Badran (2014, p.200), in his work, raises the hypothesis that a well-designed peace agreement is much more efficient in war resolution than a military victory, taking into consideration the need for the redistribution of goods, reparations, and territory management. With the help of MONUC reports conducted shortly after the peace agreement, we could gather that despite minor progress in the redeployment of the forces, there has been a constant violation of the ceasefire with the involvement of the local rebellions supported by Burundian, Ugandan, and Rwandan forces, including human rights abuses and violations against the UN personnel. (UNSC, 2000, pp. 4–5) The shift in the ongoing hostilities could be seen only in 2008 when the Congolese forces were destroyed in Goma by the *Congres National pour la Defense du People* (known as CNDP), a well-trained militia force, whereas MONUC came in to help push back the military group (De Vries, 2015, p. 12). As a result, with the facilitation of the peace negotiations by the UN, on March 23, was an agreement signed; however, the peace was broken by the creation of the most powerful rebellion group, known as M23, which will terrorize the country for the next four years and re-emerging a couple of years later, occupying the strategic city of Goma (De Vries, 2015, p. 12). With the establishment of new armed groups such as the FDLR, forces supported by Rwanda, or the Allied Democratic Forces (ADF), the cyclical occurrence of military events becomes more apparent. (De Vries, 2015, p. 14)

Considering the increase in the violation of human rights in the region of Eastern Congo, also known as the Great Lakes region, and the advancement of the rebellion forces on the battlefield, the Security Council has introduced the so-called Intervention Brigade, the special units that consist of three infantry battalions that have an extensive mandate of protecting civilians. (Cammaert, 2013, pp. 1-2) (UNSC, 2013, Res 2098, p.6) In the key Security Council Resolution in which the mission was adopted, the battalion

has aimed to disarm the gorilla groups and minimise the threat they pose to the state authority of the DRC and civilians. (*UNSC, 2013, Res 2098, p.7*) The creation of the Brigade has caused a wave of resentment and debates among scholars and international lawyers regarding the legality of the battalion. Scott and Case (*2014, p.16*) raised concerns over the peace reinforcement mission of the Intervention Brigade to eradicate the March 23 Movement (M23), which contradicts the main principles of the UN's mission use of force only in cases of self-defense and the previously discussed principle of consent by all the parties. Analysing the role of the M23 group in the DRC and being a party to the conflict, its consent was necessary before the deployment of the Brigade. Therefore, the question is whether the UN has the power to “take a side” in the conflict and eliminate the non-state actors. (*Sheeran & Case, 2014, p.16*)

The UN's primary roles in the DRC have been as observers and mediators, but we may witness a gradual change to the position of onsite violence mitigation. Even though the UN has been a great help in beating the militias in the DRC and developing the new peace agreements, the events seemed to repeat themselves. Therefore, the statement we have presented at the beginning of the chapter considering the crucial part of the conflict being the destabilizing forces in the neighboring countries and weak governance has been proven through further research of the historical outline of the DRC conflict. In the analysed literature of the scholars, we could foresee the narrative of the UN not putting enough effort into resolving the conflict and a call to involve in negotiations and intervene in conflicts in the region. (*Orogun, 2002, p.27*) However, the UN's primary duty remains “maintaining peace”, which restricts its ability to take a side in a conflict.

2.2. Strategies for Combating Illicit Trade in the DRC and Resource Wars

In the preceding chapter, we briefly covered the importance of the resources in the outbreak of the war and their role in developing further hostilities. According to Article 4 of the Protocol against the Exploitation of Natural Resources, unlawful exploitation is

considered a violation of the right of states to have control over their natural resources. (*International Conference on the Great Lakes Region, 2006 p.5*) In this chapter, we will analyse the issues in the management of the DRC natural resources and the steps taken by the UN to help the situation.

Even though it is common to think that the states that are rich in natural resources have a great potential for economic development, the case studies tell us a different story. Ross (2003) argues that resource wealth is the curse for the states weak in governance as they are unable to effectively manage the high amounts of revenue, which then causes a high level of corruption and thus state weakness (p.20). Reviewing his findings, we can conclude that the larger the mining sector in the country, the bigger the drop in the GDP per capita per year (*Ross, 2003, p.20*). By analysing the situation with the mining industry in the DRC, we can see how these previously mentioned theories are implemented in life by the state authorities, elites, and militias. The research of Gallo (*2012, p.9*) reaffirms the importance of resources in the predicament of a conflict in the DRC, he states that the root cause of the development of new armed groups is the motivation to control the mining sites by any possible means, including the grave violations of human rights and exploitation of Congolese workers. It is also important to mention in the case of resource richness of the DRC, Matsuyama (*1992, p.328*), in his study “Agricultural Productivity, Comparative Advantage, and Economic Growth”, proves the theory of so-called Dutch Disease, where a country having the boom in the natural-resource sector, will experience the downgrade of the skilled worker in other sectors, which causes further economic instability.

The interest of the neighbouring countries in the destabilization of the central power and the involvement in internal politics is supported by the rich natural resource bases in the DRC. According to the Cobalt Institute Market Report (2022, p.23), the DRC has been the largest supplier of cobalt, with a global output of seventy-four percent in 2021. Taking into account the rapid shift in the use of electric vehicles with an overall increase in demand from 2020 until 2021 by twenty-five percent, (*Cobalt Institute, 2021*,

p.3) the lithium-ion batteries, which constitute sixty - three percent of cobalt demand (*Cobalt Institute, 2021, p.7*) and the usage of the cobalt chemicals in mechanical and electrical sectors of industrial production (*Cobalt Institute, 2021, p.20*), shows that the demand in cobalt will not only stay the same but is going to be gradually increasing with years. Taking into consideration the wide necessity of the Congolese minerals on the market and the need for lithium-ion batteries specifically, the biggest European and Chinese companies require the DRC to produce cobalt and copper, therefore by purchasing the illegally mined resources, they indirectly contribute to the sponsoring of the illegal mining industry (*Prunier, 2016, p.7*).

Another problem of the DRC cobalt sector is the amount of illegal mining organized by the local militias, some of which are even unofficially controlled by the Congolese National Army (*Prunier, 2016, p.7*). A competitive argument is presented by Landa and Maybe (*2011, p. 46*), that powerful international actors view the conflicts in the DRC as a means for the cheap resource supply even though, the outlined issues with the mining industry are not a direct source of the war, they cause the spread of illegality and human rights abuse. The ICJ concerning the case of Uganda v The DRC (2005), observed the evidence of resource smuggling by the neighboring countries, where the Court found a breach of not only international humanitarian law, but also the violation of the non-intervention principle, and the illicit extraction of the natural resources on the occupied territory of the city of Ituri. (pp. 280-281) To combat the trafficking, it is important to learn the routes taken for the illegally mined minerals from the DRC, a great help for understanding which could be the special reports submitted by The DRC Group of Experts. From the report we can conclude that the common issue is the small military groups that are in control of smuggling the minerals with the most popular destination to Rwanda (*UNSC, The Group of Experts, 2019, pp. 31-33*) Moreover, the latest report of the Group of Experts unravels the newly developed militias in the capital city of Kinshasa, Mobondo group, which predominantly consists of members of the Yaka community that opposes the Teke community located in the same province, the economic interest, as well as inter-community tensions, play a great role in the emergence of new parties in the small

conflict of big regional importance (*UNSC, The Group of Experts on the Democratic Republic of the Congo, 2023, pp.5-6*).

This eventually led to problems with the governmental share of the trade and mining of the minerals, only fifty-nine percent of total mining revenues reached the DRC treasury in 2014, by comparing the numbers to the neighboring Zambia, which the same year taxed eighty-eight percent of the revenues, we assume that even though, this is a regional issue, the DRC has great problems with the tax agencies, which causes the low income to the state budget, which in turn creates the cycle of poverty and violence (*Jones, 2017, p.12*). According to the Report submitted by the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (*2001, S/2001/357, p.7*), the control of the gold, cobalt, and diamond industries by the elite groups, Ugandan and Rwandan authorities has been so profound, that it states that the mining sites have been transferred for the possession of private companies of at least five billion dollars without any compensation to the state treasury. Therefore, we can highlight that the resourcefulness of the DRC has caused the further spread of the armed controlled mines and called the interest of the transnational companies and neighboring states that have control over proxy militias, that benefit from selling and purchasing the cheap commodities from a conflicted area.

The UN tried introducing strategies for blocking the transport routes from the militias, however, due to the lack of enforcement and insufficient control over the source of the supplied mineral and whether it is connected to the conflict area the project has failed to be implemented. (*Nathan and Sarkar, 2010, p.23*) Considering the importance of coltan, as it is being used primarily in every smartphone's or computer's battery, the buyer-transporters, following the mandate of the UN, have to check the origin of the ore, specifically paying attention to whether it is from the conflicted territory of the DRC, however, this has been widely disregarded and the trade of the illegally mined resources goes on. (*Nathan and Sarkar, 2010, p.23*) In the researched literature, the United Nations is being widely criticized for its narrow mandate and the inability to act on-site (*Tsabora,*

2014, p.33); however, the important role was played by the Panel of Experts on the Illegal Exploitation of the Natural Resources organised by the UN, which in their reports have uncovered the key militias involved in the illicit trade, which could help in case of criminal prosecution. (*Tsabora, 2014, p.121*) Furthermore, with the help of MONUSCO, the central government of the country has tried introducing independent trading houses that would enable the trade to the resource hubs, also known as the Centre de Negoce (*OECD, 2015, pp.36-37*). The new system would encourage market competitiveness without the involvement of the militias; however, the project was deemed to failure due to the disputes between local authorities (*OECD, 2015, p.37*)

Another valuable mineral that has issues with legal extraction and export that has not been mentioned before in our research is gold, whereas it was found that most produced gold in the Democratic Republic of the Congo is being smuggled to the UAE with the help of neighboring countries. (*UNSC, Group of Experts, 2019, Report 469, p.30*) The reasons for such a poor situation over the state control could be understood through the previously discussed problems with the weak central governance, whereas the Security Council states that most sites of the gold mining in Congo, are not validated. (*UNSC, Group of Experts, 2019, Report 469, p.33*) Considering the importance of the gemstones and gold mines in the DRC, the adverse amount of attention from the militias, making areas the center of the conflicts (*Davidson, 2016, p. 52*). According to the UN Panel of Experts (2001, S/2001/357, p.19), the data on the exports of gold from Uganda largely exceeds the values of the production, which can be explained by the exploitation of Congolese gold mines. Moreover, Uganda which had no known deposits of diamonds at the beginning of the Congolese war in 1997, during the post-war instability in the DRC became a diamond-exporting country. (*Panel of Experts UNSC, 2001, p.21*) The similar data has been found for Rwanda, which has no production of diamonds, cobalt, or uranium; however, has been accused of the exports of the aforementioned products by the UN agencies. (*UN Panel of Experts, 2001, p.25*) As a mechanism for combating the illicit export of diamonds, there has been implemented the Kimberley Process (2003, p.3), which in its core documents establishes the term conflict diamonds, as those rough

diamonds that are used by the rebels to undermine the legitimate rule of the country. The Process mandates all the countries involved in the trade of the diamonds to be members of the process, prohibits them from trading with non-member States, and with each shipment obtain a Kimberley Process Certificate that would verify the credibility of the diamonds. (*Kimberley Process, Core Document, 2003, p.6*) Furthermore, the Kimberley Process is a great representation of the multi-track diplomacy successes, considering the involvement of the NGOs, organisations such as the World Diamond Council, and other unofficial channels to pressure the international actors to adherence to the diamond fair trade. (*Grant and Taylor, 2004, pp. 386-387*)

Unlike the common understanding that the most profit is made by the military groups, the MONUSCO, UN Environment Programme (UNEP), and the Great Lakes Special Envoy Office (OSESOG), state that the ninety-eight percent of the natural resource exploitation goes to the transnational organized criminal networks, meanwhile, only two percent goes to the armed groups. (*UNEP, MONUSCO, USESG, 2015, p.4, para. 4-6*) The Group of Experts in its report has recommended imposing sanctions on the DRC commodity, which was then advised against by the Security General (*2007, p.12*), who raised concerns over the sanctions leading to a new civil war, the increase in the price of the resources, social aspect of the workers, and the enforcement struggle. The Group has answered with valid arguments, stating that for certain minerals there are only a few mines, and none of them are legal, which means that the workers would not lose their employment, as there is no legal employment in the first place and the sanctions would give the forces mandate over the airport control points which would then lower the percent of natural resource smuggling. (*The Group of Experts on the DRC, 2007, p.13*)

In the case of resource management, the DRC has several interconnected issues with illegal mining, guerilla groups, and the involvement of the international community, which have a great impact on the weak state governance. The UN, MONUSCO, and the Groups of Exports have implemented projects that in case of adherence would help the country with resource smuggling; however, the lack of state support and enforcement

issues did not bring the expected results. The neighboring states that organise the proxy forces are gaining profit from the military activities and control over the mining sites. Another actor that is not directly involved in the widely known transnational diamond, mobile, and computer companies, might be involved in sponsoring the war with the benefit of cheap products. As was seen through the efforts of the UN mission, the changes will not be in place until there is greater enforcement in place and sanctions on the central actors and companies that are involved in the trade of illegally mined cobalt, gold, and diamonds.

2.3. Human Rights Violations: the United Nations' Response

The outlined issues that have been following the DRC since the proclamation of its independence, have caused the cycle of human rights violations. As we have observed the main mandate of the peacekeeping forces is the protection of the population, it is vital to analyse how far has the UN succeeded in its mission.

Upon conducting a legal analysis of the matter, it becomes apparent that domestic laws are required to address the lack of internationally enforceable regulations that would restrict corporations' ability to exploit natural resources and cause the abuse of human rights (*Majinge, 2011, p.23*). However, in the DRC, where the government is unable to enforce such regulations, the international community must step in to hold the companies accountable for their collaboration with military groups and, consequently, their sponsorship of violence. (*Majinge, 2011, p.23*) The UN in the Guiding Principles on Business and Human Rights, outlines not only the state's responsibility to protect its population but also the responsibility of transnational corporations to prevent and avoid being involved in the operations or activities that would encourage human rights violations. (*OHCHR, 2011, A/HRC/17/31, pp.13 – 14*) Furthermore, in the number of international documents, States are obliged to ensure that private actors respect the rights

of individuals, one of which is stated in International Covenant on Civil and Political Rights Article 2(1). (*UNGA, 1966*)

A great issue in the mission of the UN is the lack of a mechanism for the cases when peacekeepers disrupt the peace. The first mentions of rape and sexual abuse committed by the MONUC personnel are stated in the letter written by Koffi Annan, the ex-Secretary General to the President of the General Assembly in 2002, wherein four months the UN has reached seventy-two allegations of rape and sexual abuse (*UNGA, 2005, A/59/710, p.8*). With the Congolese army lacking in regulations and control, and the MONUSCO having to collaborate closely with them, this further normalizes the number of sexual assaults among the UN forces (*Kovatch, 2016, p.162*). Furthermore, Kovatch (*2016, p.164*) argues that such factors as the culture of the troop-contributing country (or TCC), the large number of male personnel, the lack of judicial persecution, and the inability of the UN to punish the alleged members of the mission, causes the lower level of responsibility and the increase in the number of abuses committed by the peacekeepers. Furthermore, rape, sex trafficking, and prostitution have a connection to resource exploitation, whereas there are not only higher rates of abuse during the mining extraction, but also the sex trade remains in high demand after its termination, as in the case of halted coltan mining of the DRC (*Farley, 2022, p.1033*) It is vital to mention, how we differentiate the rape from prostitution, as in number of cases, the soldiers have given the victim money, or food to make it look as consensual prostitution. (*Kovatch, 2016, p.164*) According to the research conducted by the Georgetown Institute for Women, Peace and Security, the majority of the rape cases were made by armed groups, and one-third by the state forces (*Nagel, Fin, Maenza, 2021, p.9*) However, there was also identified that the stakeholders share concerns over the credibility of the mission, with the accusations of the sexual exploitation and failure to protect the Congolese civilians (*Nagel, Fin, Maenza, 2021, p. 12*). If not properly addressed, it can further deteriorate the trust relationship between the mission and the local population, which would then cause a hostile attitude against the UN personnel and make the mandate of civilian protection more complex.

We have already established the importance of cobalt and copper for the expenditure of a “greener” energy future, which then requires further advancement in the mining activities in the Republic of the Congo. This leads to the displacement of people who are told to leave their houses, as the private and state companies expand their activities in regions rich in minerals (*Amnesty International, 2013*). So, in case of violations committed by private entities or NGOs, there is no implemented mechanism of persecution in international law. Therefore, this is where the state's responsibility comes in power to protect the civilians from maltreatment. In the Danzer case, the timber company was involved in organized crime and physical abuse of the community in May 2011, as a result of the dispute between the company and Bongulu community concerning the adherence to the social and infrastructural projects as a part of the contractual obligation. (*ECCHR, 2014, p. 1*) The case has been presented to the German Court and has been discontinued even though, there is evidence of Danzer company not only providing the vehicles to the police officers and soldiers to attack the civilians but also providing the payment to the military groups. (*ECCHR, Danzer case, 2014, p.1*) Through the prism of Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESAR) v. Nigeria case, the African Commission has found Nigeria guilty of failing to prevent the world-known company Shell from violating the rights of the Ogoni community (*2002, p.9*) This case is important to highlight the responsibility on the DRC to prevent and protect its population from the harm. In the report of Responsible Mineral Supply Chains, submitted by one of the biggest mining companies in the DRC, Kamotto Copper Company (*2022, p.5*), it stated even though the extraction is not complicated by the issues related with conflicted minerals as they operate on the North of the country, the region is dominated by the amount of small-scale mining, which is also associated with the unmechanized labor, which puts the workers in a higher health and human rights risks.

In this chapter, we have outlined what are the measures used by the international community to protect human rights and the documents that are legally binding on the States and private entities. The wide interest of private companies in natural resources has

contributed to the great extent of the violations against the Congolese population. The domestic laws are not sufficient in addressing the involvement of private companies in the natural resource looting and the exploitation of the Congolese people, there is a need to strengthen the international regulations and mechanisms of persecution. Furthermore, we have dived into the issues concerning rape allegations by the UN personnel against the Congolese population and identified issues with the persecution and monitoring of such cases.

3. OVERCOMING OBSTACLES AND INTRODUCING A NEW STRATEGY: MONUSCO'S PEACE ENFORCEMENT

Taking into account the substantial prolongation of the UN's missions in the DRC, there is a need to determine the major factors that have prevented the expected outcome from the measures used by the UN. Furthermore, in this chapter, we will analyse the efficiency of the methods of local peacebuilding.

3.1. The Complications of the UN's Mission

We will further cover specific projects implemented by MONUSCO to address the issues with the non-state actors and human-rights violations. As a means to establish peace after the agreement is in place, the UN has introduced the programs of disarmament, demobilization, and reintegration (also known as DDR), which are used to collect and dispose of the ammunition from the conflicting parties and reintegrate the soldiers into society. (*United Nations, 2021, p. 5*) The process could be complicated considering the reintegration aspect for the soldiers, their lack of basic knowledge and skills, and the issues of shattered social institutions and weak state governance. (*Steenken, 2017, p. 26*) Another issue comes from the status of the terrorist organisations, which cannot be parties to formally signed peace agreements, thus are unable to get involved in the DDR program, and considering the voluntary basis of the program, the political aim of the terrorist groups goes against the idea of reintegration under the ruling government. (*Mehra, T., Demuyneck, M., Clarke, C., Duquet, N., Lumley, C., & Wentworth, M, 2021, 72*). However, there has lately been progress in the UN Security Council mandate, where we could see the call for completing the demobilization of the M23 movement and repatriating the soldiers back to their home countries. (*UNSC Resolution 2293, 2016, 2*). Another aspect that would help the DDR program is more extensive judicial proceedings against the armed groups, as the former combatants might then be reintegrated into the National Congolese Forces, also known as FARDC (*OHCHR & MONUSCO, 2016, § 55*).

This brings us to the other issue of the parties of the conflict; here, the UN goes against the Principles and Guidelines of the UN Peacekeeping Operations and its role as an impartial player in a conflict. (*UN, 2008, 31*)

According to an account submitted by the Office of the High Commissioner for Human Rights and the UN's Joint Human Rights Office, the armed groups have committed more than half (fifty-four percent) of all the human rights violations in the DRC in 2020. (*OHCHR, UNJHRO, 2020, Figure 3/4*) We have previously briefly touched upon the responsibility of the states to protect civilians from the violation of their rights, even though the maltreatment was not committed by the state authorities. It is therefore important to review whether there is a responsibility on the part of non-state actors in regard to the human rights protection. In the *Ilascu and others v. Moldova and the Russian Federation* case, the European Court of Human Rights underlined that state competence is limited in cases where it is prevented from exercising power on the territory from the perspective of public international law in cases of war or rebellion. (*no. 48787/99, § 312, 2002*) Furthermore, according to the Articles on the State Responsibility to the Internationally Wrongful Acts, specifically Article 9 (*ARSIWA, 2001*), the conduct of a group should be considered the conduct of a state in case of exercising the rights as an authority on the territory. The UN peacekeeping operations have to react to the growing influence of the non-state actors, however, MONUSCO, and specifically the Force Intervention Brigade (FIB), are struggling with the fight against the militias in the Eastern Congo. (*International Crisis Group, 2019, p. 4*) Furthermore, the contributing countries to the counter-operations in the DRC may be formed as a result of the "Coalitions of the willing", while pursuing their national interests, those peacekeepers may choose to target certain military groups, avoiding the other, according to their interests. (*Karlsruud, 2017, 1225*) For instance, we could see this situation in the case of the Intervention Brigade defeating the M23 rebellions, but not targeting the Rwanda-backed FDLR forces. (*Karlsruud, 2017, 1225*) This can also arise from the issues with the DDR program, taking into account the number of soldiers that were reintegrated to the FARDC from the terrorist groups, which might have committed violations against the civil population. (*Mkeremy &*

Lisakafu, 2023, 711) Although the UN has undertaken measures to prevent human rights violations, a close collaboration and dependence on FARDC's pre-strike and target assessments, results in risks of not adhering to international humanitarian law. (*Russo, 2021, 3077*) The outlined issues cause a lack of trust among the citizens in the peacekeeping forces and may further complicate the integration into the local community, which is an essential part of re-establishing peace. Another issue of the mission is the lack of a proactive stable strategy rather than quick adjustments that the peacekeeping forces make, which makes the other party of the conflict set the norms on which to conduct a war. (*Larsdotter, 2019, 206*) The prolongation of the FIB, even though the only success of the brigade has been taking down the M23 rebellions, can be explained by the will of the Security Council to prevent the deployment of regional forces to resolve the situation. (*Russo, 2021, 3078*)

Even though, the UN mission has been active in the Democratic Republic of the Congo for over twenty years; while conducting a case analysis, we can foresee that the challenges with the armed groups, social instability, and injustice seem to repeat themselves over time. Feldman (2010) in his study "The Root Causes of Terrorism" argues that there is no resolution to terrorism solely through military intervention, considering the constituent factors contributing to its development, such as corruption, impunity, and high disparities in income. (*pp.370-371*) Furthermore, the critics of the disarmament strategy of MONUSCO are described in the Report on Illegal Exploitation, as disarming separate armed groups would not be efficient, considering their wide connection to illicit resource extraction, therefore should be implemented a new strategy to link the existing armed groups with transnational organized crime, which fuels the conflict from outside. (*UNEP, MONUSCO, USESG, 2015, p.4, para. 127d, p. 33*) MONUSCO has implemented strategies beyond the mechanism of force enforcement, which plays an important role in the Congolese route to peace resolution. For instance, the inclusion of the local community was used as an aid to the heritage management project in the province of Virunga. (*Leloup, 2019, p. 415*) Such measures help to build a sense of social responsibility in the future, prevent pollution, and increase trust in the goal

of the UN's mission. Another means that could facilitate the stage of post-conflict society is the use of the rebel-to-party transformation theory, the idea of which is to transform the rebel movements into political parties. (*Koko, 2022, p. 345*)

To summarise, the UN's peacekeeping mission has met challenges with the newly developed guerilla groups, which contribute to the continuity of the conflict. Therefore, new strategies have been developed to combat the influence of non-state actors, such as the project of Disarmament, Demobilisation, and Reintegration, the deployment of the Force Intervention Brigade (FIB), and measures on civilian protection. However, the DDR is complicated by the lack of motivation of the guerilla forces to reintegrate within the existing governmental forces or the weak jurisdictional ability to prosecute those militias that were involved in human rights violations. The FIB, on the other hand, is accused of being selective in targeting one terrorist organization while disregarding the others, which has a connection to the interests of the troop-contributing countries. There is also an absence of a proactive strategy within the mission, whereas MONUSCO tends to react to the swift changes on the battlefield, which gives the insurgencies the power to have control on the battlefield.

3.2. Accessible Approaches to Conflict Resolution and Recent Developments

The conflict resolution with the means accessible to the UN and its mandate has been largely affected by the unstable situation in the region of the Great Lakes, taking into consideration the necessity to alter the mission's mandate and not only collaborating and negotiating with different state and non-state actors but also combating them. Hikaru Yamashita (*2014, p. 2*) argues that due to the shift in the tendencies of international security, the modern model of liberal peacebuilding is insufficient in addressing the problems that occur from the increasing role of the local actors, as per their major focus on the traditional actors. Furthermore, in the number of cases of the engagement of international actors in post-war societies, as a result of the exclusivity of the local institutions, we can see the creation of hybrid states, a situation when the countries do not

have a real authority and state power (*Paalo, 2021, p. 410*). This is also known by the term liberal triumphalism, which leads to the “implantation” of Western bureaucracies in African societies torn by conflicts, which causes the violent resistance of the local actors. (*Paalo, 2021, p. 410*).

It is important to mention what the United Nations implies behind the meaning of its peacekeeping or so-called stabilisation missions. Stabilisation in this context means the support or restoration of state authority, with an extensive focus on ending hostilities, promoting political dialogue, and working towards protecting the civilian population. (*General Assembly, Security Council, 2015, S/2015/446, p.44*) Furthermore, Von Billerbeck and Tansey (*2019, p. 702*) argue that peacebuilders particularly the United Nations unintentionally foster and strengthen the rule of authoritarianism, despite their mandate to promote democracy. The primary argument is the top-down approach of the United Nations which, as an intergovernmental organisation, favours the state agencies, taking into consideration the dependency of the mission on the state authority, which may lack devotion to democracy, the permissive factors on the site, and the necessary information provision. (*Von Billerbeck and Tansey, 2019, p. 702-704*) Furthermore, in the paper, we have previously discussed the importance of the cooperation of the mission personnel and state army, which would then make it more difficult for the peacekeepers to independently assess the military factors, and if needed, to favour the non-state actors. The provided arguments strongly suggest of existing dilemma where, one of the missions of the UN peacekeeping operations is to preserve the central governmental system, which would then facilitate the process of conflict mitigation through peace negotiations. and, on the other hand, the issues arising from the legitimacy of the governmental authority and a threat of elitism expansion. There is a notion in the literature that the UN needs to use better strategies for involving local communities and using a bottom-up method to address regional issues with violence, thus developing methods of local peacebuilding. (*Musai, Mulu and Hamasi, 2023, p. 180*) In addition, while discussing the existing approaches to peacebuilding, we must consider the issues arising from the ethnic diversity within African countries because of the border division in the post-colonial era.

Sufficiently analysed a theoretical basis of peacekeeping operations conducted by international organisations, it is thus vital to apply it to the studied case of the UN mission in the DRC. Aapengnuo (2010, p.3) states that elections, which are perceived as one of the main goals of the peacekeeping mission, are causing further instability and conflict in the multi-ethnic environment. However, during the path to peace establishment, peacekeeping organisations have to closely monitor and provide safe elections, which is an essential part of a democratic society. Considering the nature of the dynamic situation in the country, the research requires constant monitoring to present accurate data, including the developments connected to the DRC's elections, which have made substantial changes to the mission. In the latest report of the Security Council in March 2024 (UNSC, 2024, S/2024/ 251, pp. 2-3), it is mentioned that even though MONUSCO has been facilitating peaceful dialogue between institutions and providing support for the inclusion of women, youth, and representatives of indigenous groups, it is later stated that the elections have followed massive attacks against civilians conducted by the proxy forces of the backed-up ADF and the earlier discussed M23 Group. According to the Report made by the Secretary-General (2023, S/2023/932, p.5), the latest elections in the DRC that took place in 2023, have followed with major human rights violations, including the detention and torture of not only the members of groups opposing the leading political party but also journalists and human rights activists. However, following the elections, and Felix Tshisekedi becoming the DRC's new president in 2019, the UN in its Security Council Resolution (2023, S/RES/2717, p. 8) decided to withdraw the peacekeeping forces from the most conflicted provinces of South Kivu by the end of April 2024, provinces of North Kivu and Ituri by the end of May 2024 and extend MONUSCO's and FIB's mandate until December the 20th of 2024 (p. 9). International Crisis Group (2021) reports that the government has already tried to end the hostilities in the mentioned provinces by using force, however, the guerrilla groups managed to quickly take back the territory. Therefore, the government has to implement strategies to combat the militias, which would be harder to achieve without the help of the DDR program, after it was blocked in 2020. (International Crisis Group, 2021) The issues that can also arise is the

absence of trust from the Congolese people in a new government due to massive violations during the elections process and a series of unsuccessful military and political reforms (*International Crisis Group, 2023*) Furthermore, during the pre-elections period in 2018, after a series of protests against Tshisekedi a province that is full of mineral resources and vital for the state budget of the DRC ended up being divided in four parts, which poses a threat for the creation of the bigger authority on the territory and rising demands for the secession. (*International Crisis Group, 2024*) The UN could play a role in facilitating the dialogue between the government institutions and military groups, considering the demands of the Katanga people; however, there remains a question of trust of the armed groups in the MONUSCO as the organisation that provides peace, taking into account the mandate of the Force Intervention Brigade to eradicate these groups.

In the past five years the DRC has seen a positive development in combatting the illicit trade of mineral resources, the revenues made from the extractive sector per year in 2018 have doubled in comparison to the previous years, which can be explained by an introduction of new policies and projects for the copper, cobalt and gold industries and investments into strategic minerals valuable for the energy transition (*Natural Resource Governance Institute, 2020, p.5*) Even though, in the analysed literature there is no mention of the apparent link between the strengthening of central governance and the mission of the UN, through the constant reporting mechanisms, promotion of the collaboration within local communities may have affected the improving situation with the resource exploitation. The Natural Resource Governance Institute (*2020, p.5*) states that in the case of the richness of the resources in the DRC, good governance of the natural resources would be necessary for the citizens to benefit from the minerals, and it would further support the global chain of resources essential for the development of the alternative energy. We have previously discussed the connections between the existing hostilities, amounts of militias, and illicit resource mining; however, even if the guerrilla groups do not receive profits from the mineral extractions, they can survive, considering the amount of imposed taxes on the occupied territories from the local people. (*Hanai,*

2021, p.7) It is difficult to analyse the successes of the MONUSCO mission as an innovative method of using a force unit to combat the military groups in the DRC, taking into account the prolongation of the conflict and no visible improvement in the number of militias in the country. Hanai (2021, p.7) states that despite the fact that the number of armed groups has increased, the size of the groups has been decreasing for years, which contributes to the lower level of death tolls as a result of military clashes. The sustainable peace is undermined by the armed groups disregarding peace agreements and calls to leave the city, leaving MONUSCO in confusion about the appropriate strategies and methods to neutralise the groups, what Musai, Mulu, and Hamasi (2023, p.179) call an “*ever-mutating and increasing threat*”.

The peacekeeping forces have recently met with a greater number of struggles with the influence of the non-state on the conflict’s developments. The new methods to combat the challenges arising are complicated by the UN being an intergovernmental organisation and as a result MONUSCO, has to balance between the relationship and support of the country the mission is deployed into, consider and monitor the violations committed by this same government to prevent the encouragement of further hostilities. The issue arises with the peacekeeping forces acting independently, considering their need for cooperation with the central government, and the strong connection of its mandate and permission of the state country. After the elections of the new president, the UN Security Council being under pressure to withdraw its peacekeeping forces, has decided to end the mandate of the MONUSCO by the end of 2024 (2023, S/RES/2717, p. 9). As the described actions are time-sensitive, there is a lack of evidence of the consequences of the missions’ withdrawal for the government of the DRC and its civil population; however, the security situation after the elections has been gradually deteriorating with the government using means of force, which has been unsuccessful. Although, we have noted a better control of the state resources over time, which will be increasing with the stronger governmental authority.

CONCLUSIONS

Overall, the thesis has reached its primary goal of analysing the mission of the United Nations in addressing the issues related to mineral extractions and resource-based violence. Furthermore, in the paper, we have discussed an approach used in international law to tackle the responsibility for violations and the growing influence of non-state actors. Throughout the paper, we have identified a gap in the literature concerning the mandate of the peacekeeping mission to address the issues relating to non-state actors and illicit mineral extractions.

The research also achieved the goal of reaching our primary objectives, and that allows us to draw the following conclusions:

Firstly, the UN mission during its existence has gone through radical changes with the transformation from the MONUC to MONUSCO and after the establishment of the Force Intervention Brigade. The difference between the introduced missions is in their mandates. The first mission was created to monitor and report on the conflict developments and the parties adhering to the peace agreements, unlike the FIB, which was created to eradicate the armed groups. The successes of the mission are contradictory, considering the increasing number of guerilla groups in the country; however, with the lower number of deaths resulting from the hostilities. (*Hanai, 2021, p.7*)

The history of the conflict is a cyclical line of events and groups that, even though have been eradicated, keep reappearing or mutating into new local violent factions. Thus, the UN had to integrate new strategies for focusing on the part played by non-state actors in the conflicts, and specifically in the DRC. The issues have arisen from MONUSCO not considering the needs of the local communities and the importance of local peacebuilding, considering the nature of Congolese violence. It must also be considered that the most conflicted territories of the DRC are the areas located close to the borders of Uganda, Rwanda, and Burundi, which have had an influence on the course of events and have benefitted from the illegal mineral trade, taking into consideration the rapid

change in the countries having no or little amount of diamond and gold exports before the Congolese conflict and those rising following the start of the war in the DRC. (*UN Panel of Experts, 2001, pp. 19-25*) Therefore, the UN had to make more efforts in facilitating and initiating the political dialogue and bringing up the connections of the aforementioned countries to the human rights violations and causes of the instability, which would then start the process of accountability and highlight the need to prosecute the ones committing the crimes in the country. There have also been critics of the selectiveness of the mission in combatting certain groups over others, which might be connected to the troop-contributing countries (*Kovatch, 2016, p.164*), and the mission favoring the state army, even though there is evidence of the army being involved in human rights violations.

Thirdly, the appearance of the non-state actors can be explained by weak governance, the DRC's richness in mineral resources, and ethnic tensions within the country. Taking into account the multiplying nature of the groups, it is evident that the DRC war cannot be resolved solely by using force against the guerilla groups. A bottom-up approach needs to be implemented into the peacebuilding missions as well as a promotion of inclusive governance in the country, which would help to narrow down the popularity of the NSAs. It is also important to note that solely blocking the export of the minerals would not help the country in combatting the armed groups, considering they are evolving and establishing new means of financial support besides the mining sites. Furthermore, after the withdrawal of the mission by the end of 2024, we can fear a more violent outcome of the new Congolese government, potentially creating a base for secession from the conflicted territories. (UNSC, S/2024/251, 2024, p.14) (*International Crisis Group, 2024*)

All things considered, the United Nations and its peacekeeping operations have made major advances in tackling the issues with armed groups and resource-based violence, which are two dependent variables; however, the issues have not deteriorated within twenty-five years of the missions. There has been a noted gap in the ability of MONUSCO to assess and address the mandate to adapt to the changing reality of the

conflict and facilitate peace negotiations with local armed groups and communities. The United Nations, however, plays a great role in monitoring the human rights violations that come from illicit mining, which is helpful for further judicial prosecution inside the country and in the international courts.

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ABSTRACT

Topic: “THE UNITED NATIONS’ RESPONSE TO THE CONSEQUENCES OF RESOURCE EXPLOITATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO”

Student: Rylieieva Daria, 4th year of studies, Faculty of Social Sciences and Social Technologies

Academic Supervisor: Mridula Ghosh

Reviewer: _____

«___» _____ 2024

Short Summary:

The thesis covers the mission of the United Nations and its effect on the issues arising from resource-based violence in the Democratic Republic of the Congo. There has been conducted a review of the mechanisms used by the peacekeeping forces to stabilise the crisis and combat the violations committed by non-state actors.

Key words: resource war, peacekeeping operation, weak state governance, non-state actors, humanitarian crisis.

Короткий зміст роботи:

Робота охоплює вплив місії Організації Об’єднаних Націй на проблеми, що пов’язані з наслідками ресурсної війни у Демократичній Республіці Конго. Було виокремлено механізми та поступова зміна у мандаті наданому миротворчим силам задля стабілізації кризи та порушень з боку недержавних акторів.

Ключові слова: ресурсна війна, миротворча місія, слабе державне управління, недержавні актори, гуманітарна криза.