

ARMED CONFLICT IN RESOURCE-ENDOWED AFRICAN STATES: A CASE STUDY OF THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

Ogunnoiki, Adeleke Olumide

Graduate Student, Department of Political Science

Faculty of Social Sciences

University of Lagos, Akoka, Lagos State, Nigeria

+234 803 528 63 53

adeleke_ogunnoiki@yahoo.com

Abstract

Conflict, in time past and in recent years, has been an ill in human relations the world over. On the African continent, precisely in the Central African sub-region, armed conflicts originating from power struggle, resource control and, ethno-religious differences erupted from the late 20th century into the 21st century. In the resource-endowed Democratic Republic of Congo (DRC), the horrendous First Congo War (1996–1997) and the Second Congo War (1998–2003) between the Congolese government and rebel groups not only caused the death and internal displacement of millions of people, but also the trauma of sexually assaulted women. Intermittently, peace accords were negotiated and accordingly signed by the Congolese government, rebel groups and the neighboring States that participated in the wars. However, none of the agreements brought a lasting peace to the country, especially to the Eastern region of the DRC where pockets of violence still occur. This informative research paper takes a critical look at the armed conflicts in the DRC and how its natural resources fueled such conflicts. Theoretically, this study was predicated on Paul Collier et al.'s Conflict Trap Theory. Also used were the historical and analytical approaches with the qualitative method of secondary data collection.

Keywords: Democratic Republic of Congo (DRC), Armed Conflict, Conflict Trap Theory, Rebel Group, Peace Agreement

Introduction

Africa, a continent adjudged to be the second largest (by geographical size) and the second most populous in the world (1.2 billion people unevenly spread across 54 sovereign States), is blessed with abundant natural resources, minerals, precious stones and metals. In Nigeria, Angola, Gabon, Libya and South Sudan, crude oil is extracted daily and, exported to the international market. In Niger and Sudan lies a large deposit of uranium just as gold can be found in commercial quantity in Ghana, South Africa, Mali etc, and diamonds in Sierra Leone and South Africa. These and many other resource-endowed African countries which stand to earn a lot from exporting their valuable natural resources are prone to a civil war outbreak when the proceeds are unevenly dispersed in the country or not used to improve the standard of living of the people. Of all the mineral-rich African States, the country which has experienced more of a protracted armed conflict fueled by its natural resource is the Democratic Republic of Congo (DRC).

The Democratic Republic of Congo (DRC), a French-speaking country with over 250 ethnic groups, is geographically located in the Great Lakes region of Central Africa. To the North, it is bordered by South Sudan and Central African Republic (CAR); to the West: the Republic of the Congo; to the East: Uganda, Tanzania, Burundi and Rwanda, and lastly to the South by Angola and Zambia. The DRC as a sovereign African State should not be confused with the Republic of the Congo. For easy distinction, the capital of both countries is often used: Congo-Kinshasa and Congo-Brazzaville respectively.

“The DRC is literally a geographic and (potentially) an economic giant on the African continent. It is the second largest country on the continent with 2.26 million square kilometers after Algeria (2.38 million square kilometers)” (World Bank’s World Development Indicators cited in UNECA, 2015:10). Comparatively, its size is nearly that of Western Europe and its over 70 million population makes it the most populous Francophone country in the world (Venugopalan, 2016). Lying beneath the soil in the DRC are several natural resources, minerals and precious metals/stones – copper, cobalt, diamond, columbo-tantalite (coltan), cassiterite (tin ore), gold, uranium, zinc, oil etc. On the surface soil is the rainforest resource – timber. Of a truth, the DRC is a resource-endowed country. Nevertheless, the country still records a low economic growth and development which scholars interchangeably call the ‘resource curse’ or the ‘paradox of plenty’. To have caused the poor economic performance of the DRC are among other things (e.g. corruption and bad governance), the civil wars that were fought in the country in recent past and the lingering violence and activities of some armed rebel groups in some part of the country.

Historically, the DRC has fought two devastating wars – the First Congo War (October 1996 – May 1997) and the Second Congo War (August 1998 – June 2003). The First Congo War started with the decay of the Congolese State and the exodus of Rwandan refugees to the DRC. Hence, in October 1996, North Kivu, in the Eastern part of the DRC was invaded by the Laurent-Désiré Kabila-led *Alliance des Forces Démocratiques pour la Libération du Congo-Zaire* (AFDL) which was an alliance of four revolutionary Congolese parties in exile

– the People’s Revolutionary Party (Parti de la Révolution populaire, PRP), headed by Laurent Kabila; the National Resistance Council for Democracy (Conseil national de résistance pour la démocratie, CNRD), a small Lumumbist guerrilla group headed by André Kisase Ngandu; the Democratic Alliance of Peoples (Alliance démocratique des peuples, ADP), a group of Congolese Tutsi led by Déogratias Bugera; and the Revolutionary Movement for Liberation of Zaire (Mouvement révolutionnaire pour la libération du Zaire, MRLZ), a group of Shi and others from South Kivu, led by Anselme Masasu Nindaga. By May, 1997, the Mobutu regime which has been in power since November 1965 was overthrown (Weiss, 2000; Faubert, 2006; Turner, 2007; Stearns, 2012). The Second Congo War which began in August 1998 was a Pan-African War that involved up to seven countries and several guerrilla groups. In July 1999, a ceasefire agreement was signed and was followed by negotiations that led to a political agreement at the end of 2002 (Faubert, 2006).

To thoroughly examine the theme of this study, this research paper has been compartmentalised into the following sub-headings: conceptual clarification, theoretical framework; the historical background of the armed conflicts in the Democratic Republic of Congo (DRC); a conflict analysis of the Congo wars; international law and the Congo wars; war crimes and crime against humanity; conclusion and lastly; recommendations.

1. Conceptual Clarification

Central to the study of ‘Armed Conflict in Resource-Endowed African State: A Case Study of the Democratic Republic of Congo (DRC)’ is the concept ‘conflict’. Thus, ‘conflict’ will be the only concept clarified here.

Conflict has long been an ill in human relations. It is an inevitable occurrence that mankind has to deal with from time-to-time. Presently, there are two perspectives of conflict. The first is the perspective of some scholars and analysts alike that see conflict as a ‘destructive’ phenomenon due to the human casualties, collateral damages and human rights abuses etc that are perpetrated during an armed conflict. Contrary to this view is the second perspective of some scholars who argue that conflict is ‘constructive’ in nature. It is ‘constructive’ because of the end result – lasting peace, political stability and economic prosperity after the cause of the conflict has been uprooted. A good example often cited to buttress their point is Western Europe which was once a theatre of war in the 17th and 18th century. But presently, Western Europe has become to a great extent a wealthy and stable region. What then is conflict?

“Conflict means to come into collision or sharp disagreement with other party or parties over interests, ideals or ideas” (Abia, 2000:33). At this juncture, it is imperative to state that the concept conflict should not, out of convenience, be used interchangeably with closely related but, distinct concepts – ‘crisis’ and ‘war’. A ‘crisis’ succinctly is a problematic issue that the actors involved strive to manage and possibly resolve. A crisis can either be man-made – e.g. diplomatic crisis, economic crisis and humanitarian crisis or caused by the forces of nature (natural disasters) – humanitarian crisis. On the international scene, a recent example of a

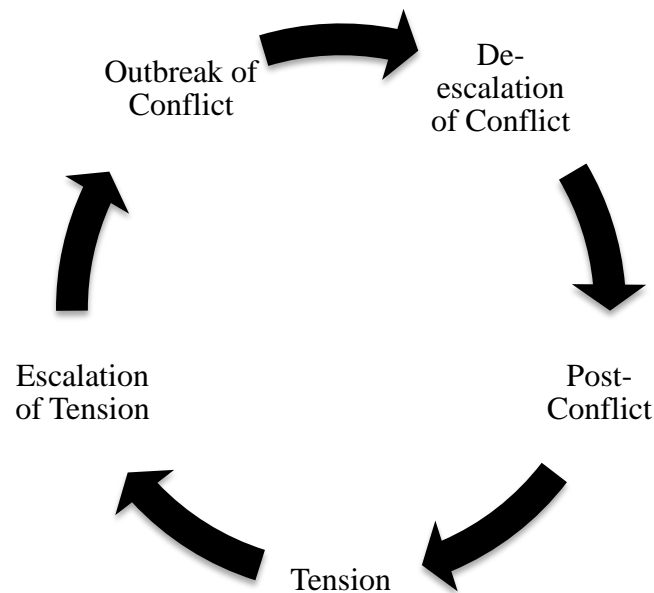
diplomatic crisis worth mentioning happened in June 2017 when most of the Gulf States and some Arab countries severed diplomatic ties with Qatar over the allegation that Doha was supporting terrorism in the Middle East. For an economic crisis is the example of the Eurozone debt crisis which broke out in the Eurozone of the European Union (EU) after the Greek government announced the humongous sovereign debt hovering over the country's head in 2009. Lastly is the example of humanitarian crisis in Syria after the civil war started in the country in 2011.

A crisis can become a source of an armed conflict if not properly managed by the relevant authorities. An instance of this is the environmental crisis among other issues in the oil-rich Niger Delta region of Nigeria that precipitated the armed clash between the Nigerian army and the aggrieved Niger Delta militants from the early 2000s. In a situation when an armed conflict spills-over the border of a country to a neighbouring State(s), such a conflict is called an 'international armed conflict'. But when the conflict within the ambit of a State involves the army of foreign powers or rebel groups, it is called an 'internationalised non-international armed conflict'. There are three common conflicts known around the world – i) communal conflict; ii) ethnic conflict and; iii) religious conflict.

'War' on the other hand is an armed conflict between the professional soldiers of two or more sovereign States. It is also an armed conflict between the army of a State and an insurgent group(s). The difference here between conflict and war is that, conflict is all about contradictions or clash of values, beliefs and interests. It can only be called a war when it involves the use of arms by an opposing party to defeat the other. There are different kind of wars that involves the use of arms and ammunition. They are – i) civil war; ii) total war; iii) dirty war; iv) hegemonic war; v) limited war; vi) holy war; vii) guerilla war etc.

Over the years, several scholars have attempted to design a model on the cycle of conflict. While some, in the form of a graph, have plotted the rise and fall of conflict, a simplified version of the cycle of armed conflict has been developed below.

Fig. 1.1 The Cycle of Armed Conflict



i) Tension

A full-blown armed conflict usually begins with a brewing tension between two or more groups. At this stage, there is a trade of words and accusations between the groups orally or via the print and electronic media. In the absence of restraint from the opposing groups, the tension escalates.

ii) Escalation of Tension

At the escalation of tension stage, the opposing groups can be described as ‘sitting on a keg of gun powder’. Some of the visible indicators of an escalated tension are arms build-up, the recruitment and mobilisation of soldiers and, provocative military drills. At this boiling point, any miscalculated move by one of the antagonistic groups automatically ignites an armed conflict.

iii) Outbreak of Conflict

The phase ‘outbreak of conflict’ is the peak point of any armed conflict. It is the stage where the opposing groups battle out their differences or settle their conflicting interests through violent means. At this stage, ‘peacemaking’ comes into play to get the warring factions to the negotiating table. If the armed conflict intensifies, intergovernmental organisations (IGOs), based on the ‘R2P Doctrine’, will send a ‘peacekeeping mission’ to protect unarmed civilians and humanitarian aid workers to cater for the Internally Displaced Persons (IDPs).

iv) De-escalation of Conflict

An armed conflict is said to have gotten to the de-escalation stage when a window of communication has been opened between the warring factions and thereafter, a ceasefire

agreement is concluded. At this stage, some IGOs do send an observer mission that closely monitors the enforcement of the armistice. Also, humanitarian aid agencies gain access to certain areas that were under siege during the war. Finally, what follows (not in all cases) after a truce has been reached is, the official declaration of the end of hostility.

v) Post-Conflict

The post-conflict stage is the ‘peace-building’ phase. It involves first and foremost, Disarmament, Demobilisation and Reintegration (DDR). That is, relevant authorities putting a stop to armed groups recruitment of aged and under aged fighters, taking custody of their stockpile of arms and ammunition and, the rehabilitation of the ex-fighters before reintegrating them as unarmed civilians into the society. Secondly, Security Sector Reform (SSR) is carried out which succinctly is a change in the programmes and policies of the institutions that guarantee peace, security and justice in a country – the police, army, the judiciary etc. Lastly, the post-conflict stage involves the formation of a unity government, reconstruction of damaged/destroyed public infrastructure and, the trial of war lords for war crimes committed.

In order to forestall the vicious circle of armed conflict from starting all over again, stakeholders in the peace and stability of a country or between countries, should deal with the root cause of the concluded armed conflict e.g. abject poverty, the marginalisation of minority groups, the uneven distribution of the wealth of the country, ethnic supremacy, religious intolerance, territorial dispute etc rather than just scratching the surface of the conflict by disarming and eliminating insurgent groups. In other words, using the analogy of a tree, the initial cause of the conflict must be ‘uprooted from the soil’ and not ‘cut from the stem’ because, with the root still below the surface soil, the stem will definitely bud again sooner or later and grow to become a tree.

2. Theoretical Framework

It is common knowledge in the academia that the analysis of an issue or a phenomenon should be hinged on a theory or the triangulation of theories that best describe and explain the causation and effect of the issue/phenomenon being analysed. For the study of ‘Armed Conflicts in Resource-Endowed African States: A Case Study of the Democratic Republic of Congo (DRC)’, the theory found suitable is – the Conflict Trap Theory.

Paul Collier, a Professor of Economics and Public Policy at Oxford University and, a senior adviser to the vice president of the World Bank on the African region, is the chief proponent of the Conflict Trap Theory which he developed with his colleagues in a 221 pages report. “The report ‘Breaking the Conflict Trap’ encompasses an ambitious effort to capture the global causes and consequences of civil war. It argues that intra-state conflict should have a major place on the international policy agenda and it suggests means for interventions” (Klem, 2004:9).

Contrary to the popular view that ethnicity and religion are the major causes of the growth in civil war around the world, Paul Collier *et al.* (2003) believe that the increasing incidence of civil wars is as a result of some social, political and economic characteristics. In their words:

“By contrast, economic characteristics matter more than has usually been recognized. If a country is in economic decline, is dependent on primary commodity exports, and has a low per capita income and that income is unequally distributed, it is at high risk of civil war. This cocktail is so lethal for several reasons. Low and declining incomes, badly distributed, create a pool of impoverished and disaffected young men who can be cheaply recruited by “entrepreneurs of violence.” In such conditions the state is also likely to be weak, nondemocratic, and incompetent, offering little impediment to the escalation of rebel violence, and maybe even inadvertently provoking it. Natural resource wealth provides a source of finance for the rebel organization and encourages the local population to support political demands for secession. It is also commonly associated with poor governance. Disputes often fall along ethnic and religious divisions, but they are much more likely to turn violent in countries with low and declining incomes” (Collier *et al.*, 2003:4).

Going by their assertion, a State that is weak and undemocratic, poorly governed and, has a low and declining income that is abysmally distributed, risks triggering a civil war with a group of impoverished and aggrieved citizens that have been brainwashed by the ‘entrepreneurs of violence’ to resort to war.

Recently, civil wars are taking longer than they used to. “While this may be due to circumstances in individual countries, it more likely reflects global changes that have made civil wars easier to sustain by allowing rebel groups to raise finance and acquire armaments more easily” (Collier *et al.*, 2003:4). The international community has made several efforts to shorten civil wars through diplomatic, economic and, military interventions. But sadly, these types of intervention have been systematically successful (Collier *et al.*, 2003).

3. The Historical Background of the Armed Conflicts in the Democratic Republic of Congo (DRC)

“No study of the DRC or any part of the DRC can be complete without anchoring it within history, since this is the only way of avoiding the risk of generalization and oversimplification” (Namangale, 2015:74). Central Africa as a sub-region in the African continent became known to Western European powers following the discovery of the Congo River by the Portuguese explorer Diego Cão in 1482, followed by the Scottish missionary – David Livingstone, the Welsh-born American journalist/explorer, Sir Henry Morton Stanley and, the Italian-born French explorer, Pierre Savorgnan de Brazza.

Between 1874 and 1877, Stanley sailed down the Congo River. In 1879, Stanley, hired by King Leopold II (“a ruler much admired throughout Europe as a “philanthropic” monarch” (Hochschild, 1998:1)), returned to the Congo River and got the local chiefs to sign treaties that transferred the ownership of their territories to the Belgian king. Hence, Congo became the personal property of King Leopold II which he called the Congo Free State (CFS) (Rufenges and Aspa, 2016). On November 17, 1879, he founded the company *Association Internationale du Congo* (AIC) to further his personal interest in the Congo River.

At the Berlin Conference of West Africa (November 15, 1885 – February 26, 1885), King Leopold II was able to get the participating countries to recognise his private ownership of the CFS. Organised by the German Chancellor, Otto von Bismarck, at the request of Portugal, the Conference was attended by the delegates of 14 countries – Austria-Hungary, Sweden-Norway, Belgium, Netherlands, United States, Italy, Ottoman Empire, Great Britain, Portugal, Spain, Denmark, France, Germany and, Russia. At the Conference, the delegates set the rules for the partitioning of African territories on paper (Ogunnoiki, 2018). In the General Act of the Conference (Berlin Act), Article 34 states that any power that possesses a territory at the coast of Africa or assumes a protectorate, should notify the other signatories of the Act while Article 35, clearly spelt out the doctrine of ‘effective occupation’.

Following the Berlin Conference acknowledgement of King Leopold II private ownership of the CFC, the Belgian parliament in the month of April, 1885, passed a resolution authorising King Leopold II to be the sovereign of two independent States simultaneously. This was followed by a royal decree on May 29 proclaiming the existence of the CFS and Leopold’s official accession as king-sovereign of the Congo on August 01 (Nzongola-Ntalaja, 2002).

In the latter half of the 19th century, following the discovery of rubber, 10 million Congolese were subjected to murder, mutilation, torture, deportations, and forced labour by rubber hunters operating on behalf of Belgium’s King Leopold II (Hochschild, 1999 cited Katunga 2011:13). This brutal and inhumane method of exploiting Congo’s ivory and wild rubber, led to the founding of the earliest International Nongovernmental Organisation (INGO) on human rights protection in the 20th century. Formed in 1904, the Congo Reform Association (CRA), spearheaded by Roger Casement, Edward Morel and, Mark Twain, condemned the human rights violation in the CFS. Not long after the human rights body was formed, King Leopold II reluctantly transferred the CFS to Belgian government in 1908 after Belgium assumed the debt of the CFS and paid him 50 million francs. Now under the administration of the Belgian State, the CFS was renamed ‘Belgian Congo’ (Carpenter, 2012; Rorison, 2012; Tsunemine, 2015; Olaopa and Ojkorotu, 2016)

In May 1960, the Patrice Lumumba-led *Mouvement National Congolais* (MNC) won the first democratic parliamentary election in the ‘Republic of the Congo’. Thus, Patrice Lumumba became the first prime minister of the country while Joseph Kasa-Vubu of the *Alliance des Bakongo* (ABAKO) party became the constitutional president. On June 30, 1960, Belgium granted the Republic of the Congo her political ‘flag’ independence (Tsunemine, 2015).

Few months after attaining its independence, the corporate entity ‘the Republic of the Congo’ was at the verge of collapse due to some distablisng political events that occurred which threatened the unity of the country. On July 11, 1960, Moïse Tshombe of the Confederation of Tribal Associations of Katanga (CONAKAT) party declared the secession of the copper-rich Katanga province from Congo with the support of Belgian troops. The United Nations (UN) responded to the crisis by sending the United Nations Operation in the Congo (UNOC) on July 15, 1960, after resolution 143 on the Congo was adopted by the United Nations Security Council (UNSC) on July 14. The UNOC was not mandated to meddle in the internal affairs of Congo according to Article 2(7) of the UN Charter which caused the disagreement between Prime Minister Patrice Lumumba and the UN Secretary-General, Dag Hammarskjöld. Lumumba wanted the UNOC to use force to expel the Belgian troops from Katanga which Dag Hammarskjöld did not support. To have compounded the crisis was the secession of South Kasai province on August 8, 1960. With the UN unwilling to use force, the leftist, Patrice Lumumba was forced to seek the military intervention of the Soviet Union. Lumumba’s move was unacceptable to the Soviet Union’s Cold War rival, the United States. On September 05, President Joseph Kasa-Vubu removed Patrice Lumumba as the prime minister and replaced him with Joseph Ileo. Nine days later, Colonel Joseph-Désiré Mobutu, the Chief-of-Staff of the Congolese army staged a coup d’état with the help of the US Central Intelligence Agency (CIA). Joseph Kasa-Vubu remained the president after the coup while Patrice Lumumba was placed under house arrest, later imprisoned after attempting to join his supporters at Stanleyville and finally assassinated in Elizabethville on January 17, 1961(Nzongola-Ntalaja, 2002; Warren, 2011; Rorison, 2012). Patrice Lumumba was not the only notable person that tragically lost his life in the Congo crisis. The UN Secretary-General, Dag Hammarskjöld in the process of using his good office to resolve the crisis, died in a plane crash on September 18, 1961, in Congo.

On November 25, 1965, Colonel Joseph-Désiré Mobutu (later renamed himself as Mobutu Sese Seko in 1972) came to power through another coup d’état that dislodged Joseph Kasavubu as the president. The following year, he changed the name of the capital from ‘Leopoldville’ to ‘Kinshasa’ and on October 1971, he renamed the country as the ‘Republic of Zaire’. Two years later, he initiated the ‘Zairianisation’ of the country where foreign owned, small and medium-size businesses were either nationalised or distributed to private individuals. This Zairianisation policy had an adverse effect on the economy as the system of distributing consumer goods in the country was damaged. Also among the things he changed based on his Africanisation Policy was the Armée Nationale Congolais (ANC) which he renamed Forces Armées Zaïroises (FAZ) in October 1971 (Turner, 2007; Rorison, 2012; CIA World Factbook, 2009 cited in Adesola, 2015:64; Namangale, 2015, Venugopalan, 2016, IPTI, 2017).

The Mobutu administration is widely said to be an autocratic ‘kleptocracy’. During his regime, Mobutu institutionalised corruption, amassing the wealth of the Congolese State for his own private gains just like King Leopold II of Belgium did in the 19th century. In the month of June 1997, it was revealed that the dictator, Mobutu had \$3.4 million stashed in Swiss Banks. “Mobutu government was toppled in May 1997 by Laurent Desire Kabila –

who was supported by neighbouring countries of Rwanda and Uganda. The reign of Laurent Kabila was short-lived due to internal wrangling and geopolitics of the DRC's neighbours – Rwanda, Uganda, Chad, Angola Sudan, Namibia and Zimbabwe. By January 2001, Laurent Kabila's junta fell and Joseph Kabila, his son, became the head of state" (Adesola, 2015:65).

4. A Conflict Analysis of the Congo Wars

The DRC has witnessed two decades of persistent armed conflict and forced displacement of persons (Tamm and Lauterbach, 2011). "While the natural riches of the Congo may be a primary reason for the perpetuation of the war, it was not the official cause" (Carpenter, 2012:6). It all started with the spill-over of the gruesome Rwandan genocide in 1994 that transformed the relatively peaceful DRC society into an arena of war (Weiss, 2000).

On April 06, 1994, the aircraft carrying the president of Rwanda and Burundi in person of Juvénal Habyarimana and Cyprien Ntaryamira was shot down as it was about to land at the Kigali International Airport. What followed after this was the decimation of about 800,000 Rwandan Tutsi and moderate Hutu which led to the seizure of power in July by Paul Kagame, a Tutsi, who led the Rwandan Patriotic Front (RPF). Hence, there was an influx of over 1.2 million Rwandan Hutu (most of who were the *ex-Forces Armée Rwandaises* (ex-FAR) soldiers that perpetrated the nefarious carnage) to the North and South Kivu provinces of Zaire between the July and August of 1994. Most of the said Rwanda Hutu settled in camps near the towns of Goma (North Kivu) and Bukavu and Uvira (South Kivu), which were controlled by the authorities of the overthrown Hutu regime and its armed forces (FAR), including the Hutu extremist, *Interahamwe* militia. From these camps where they regrouped, they planned and executed attacks against the Tutsi in Eastern Zaire and across the porous border in Rwanda which, the Mobutu regime did nothing about. The following year, ethnic tension began to rise over the citizenship of the Banyamulenge group of Tutsi dissent in Eastern Zaire (Faubert, 2006; Turner, 2007; McKnight, 2015).

On the 28th of April, 1995, the Zairian parliament adopted a resolution that voided the Zairian nationality for all Banyarwanda and Banyamulenge (the Banyamulenge refers only to the Zairian Tutsis in South Kivu while the Banyarwanda are the Tutsi, Hutu and Batwa people that can be found both in North Kivu and South Kivu) (UNECA, 2015; Venugopalan, 2016). The termination of their citizenship plus the attacks on them by the *génocidaires* (i.e. those that carried out the hideous Rwanda genocide – the ex-FAR soldiers and the *Interahamwe* militia) that took refuge in Eastern Zaire, triggered the 'Banyamulenge rebellion' on August 31st, 1996.

On October 07, 1996, the South Kivu government decided that the Banyarwanda and Banyamulenge should leave the province within a week. It was in that chaotic situation that Laurent-Désiré Kabila's *Alliance des Forces Démocratiques pour la Libération du Congo-Zaire* (AFDL) staged a rebellion in Eastern Zaire on October 18 (Turner, 2007; UNECA, 2015). This marked the beginning of the First Congo War also called the 'Fist African World War', 'War of Liberation' or the 'anti-Mobutu rebellion'. In the month of May 1997, the

Kabila rebellion, with the help of Rwanda, Uganda and Angola, ousted the decrepit President Mobutu Sese Seko who went into exile in Morocco on May 17 where he died of prostate cancer on September 07, 1997, at the age of 66. Having ended the dictator, Mobutu Sese Seko's 32 years in power, Laurent Kabila, declared himself as the president of the country and later changed the name of the country from the 'Republic of Zaire' to the 'Democratic Republic of Congo' (Nzongola-Ntalaja, 2002; Dagne, 2011).

“While Kabila's rise to power was nearly effortless given that Mobutu's regime had become severely weakened, his own demise was also swift after he turned his back on his supporters, especially Rwanda and Uganda” (Prunier 2009 cited in UNECA. 2015:14). Kabila who came to power with the help of the Rwanda-Uganda-led alliance was not ready to be their puppet. Like Mobutu, Kabila supported the *génocidaires* with the mindset 'the enemy of my enemy is my friend', which angered Rwanda. In July 1998, Kabila ordered Rwanda troops to leave the country. This led to the outbreak of the Second Congo War also called the 'Great African War' or the 'Second African World War'.

On August 2, 1998, the anti-Kabila rebellion began when the *Armée nationale congolaise* (ANC) denounced Kabila as their leader. On August 20, 1998, an anti-Kabila group called the *Rassemblement Congolais pour la Democratie* (RCD) was formed in Goma (this group split into two factions the following year – the RCD-Goma led by Professor Ernest Wamba dia Wamba and supported by Rwanda and, the RCD-ML (Mouvement de Libération) led by Dr. Emile Ilunga and supported by Uganda. In the mid-2000, another faction – RCD-National (RCD-N) was created and led by Roger Lumbala). Aside the RCD, another anti-Kabila movement, which was supported by Uganda, was formed – *Mouvement pour la Libération du Congo* (MLC) and led by Jean-Pierre Bemba (who later became one out of the four of vice presidents of the DRC in 2003). The Rwanda-Uganda backed RCD and MLC fought against the Kabila regime which was supported by Angola, Zimbabwe, Namibia and Chad that sent troops to Kinshasa from August 23-26. These States were not the only countries that supported Kabila in the fight against the RCD and MLC. Sudan, Libya plus the Mai Mai militia (also written as Mayi Mayi) also joined forces with Kabila. Thus, the war became a Continental War or an African War (Weiss, 2000; Stearns, 2012; Prunier 2009; Nizigiyimana, 2015; cited in UNECA. 2015:14).

Following several attempts by the international community and the government of African States, most of all the parties involved in the war – the DRC, Angola, Namibia, Zimbabwe, Rwanda and, Uganda signed a ceasefire agreement in Lusaka, Zambia, on July 10, 1999 (Weiss, 2000). The 1999 Lusaka Ceasefire Agreement “established a roadmap for the return of normal governing institutions in the DRC. The agreement called for a ceasefire, withdrawal of all foreign troops, the disarmament and repatriation of “negative forces,” and an inter-Congolese dialogue to develop a new political system” (Katunga, 2011:15). Same 1999, the UN set up the United Nations Observes Mission in the Democratic Republic of Congo (MONUC) with the mandate to observe the ceasefire agreement. The MONUC was later replaced with the United Nations Organisation Stabilisation Mission in the Democratic

Republic of Congo (MONUSCO) on July 01, 2010. It was not until March 2013 that the Force Intervention Brigade (FIB) was added.

On January 16, 2001, Laurent Kabila was assassinated by one of his bodyguards. He was succeeded by his son, Joseph Kabila, who was sworn-in as the president of the DRC on January 26. On October 15, 2001, the Inter-Congolese Dialogue (ICD) began in Addis Ababa, Ethiopia, but was suspended few days after due to lack of funds among other reasons. On February 25, 2002, the ICD resumed the peace process which lasted up till April 18, 2002, in Sun City, South Africa. On April 19, 2002, the 'Political Agreement on Consensual Management of Transition in the Democratic Republic of Congo' was concluded between Joseph Kaliba and Jean-Pierre Bemba of the MLC. The agreement retained Kabila as the transition president while Bemba would become the prime minister. On July 30, 2002, the government of the Republic of Rwanda and the DRC signed a peace agreement – the Pretoria Agreement which called for the dismantling of the ex-FAR and the *Interahamwe* Hutu-militia and the withdrawal of Rwandan troops from the territory of the DRC. On the 6th of September 2002, the DRC and Uganda reached a peace agreement called the Luanda Agreement. According to the Agreement, Uganda would withdraw its troops from the DRC.

On December 17, 2002, the Congolese government and the rebel groups signed the 'Global and All-Inclusive Peace Agreement' in Pretoria, South Africa. The agreement was a power-sharing agreement with the formula 1+4 i.e., a transitional government would be in power for two years with Joseph Kabila as the president and four vice presidents – one from the MLC, RCD, the government and, the political opposition. All these peace agreements never brought the desired peace to the DRC, especially in the Eastern part of the country. The Final Act of the Inter-Congolese Dialogue (ICD) was signed in Sun City, South Africa, on April 02, 2003. Thereafter, the Second Congolese War was officially declared over and the transitional government of national unity started on June 30, 2003.

On July 30, 2006, DRC held its first multi-party elections in 46 years which Joseph Kabila of the People's Party for Reconstruction and Democracy (PPRD) party emerged the winner of the presidential election. In 2006, the General Laurent Nkunda-led *Congrès National pour la Défense du Peuple* (CNDP) was formed. Supported by Rwanda, the CNDP was on the defensive against the *Forces Démocratiques de Libération du Rwanda* (FDLR), a Hutu-dominated militia that launched attacks on the Tutsi population in Eastern Congo and neighbouring Rwanda. On March 23, 2009, the DRC government and the CNDP signed a Peace Agreement. Based on the agreement, the CNDP would become a political party and its fighters integrated to the Armed Forces of the DRC (FARDC). In 2011, Joseph Kabila, the presidential flag-bearer of the PPRD party won the controversial presidential election that brought him to power for the second consecutive time. By April 2012, the ex-CNDP fighters led by Bosco Ntaganda in the FARDC mutinied. After the mutineers exited the army, they form the rebel group M23 (*Mouvement du 23 mars*) – named after the short-lived March 23, 2009, Peace Accord. Active in Eastern Congo, M23 which captured Goma in November

2012, was defeated by the FARDC/MONUSCO in 2013 (Nangini *et. al.*, 2014; Rufanges and Aspa, 2016).

“Following the rise of M23, the African Union (AU), the European Union (EU) and the UN was led by the US to a fresh peace process which was regional. Coordination was done with the International Conference of the Great Lakes Regions (ICGLR) – a group of central African governments. The result of these talks was the Nairobi Declaration of December 2013, which laid out a process of disarming, demobilising the M23 group and holding its fighters accountable. These steps forward, however, have failed to bring about permanent peace in the region” (Venugopalan, 2016:9).

Back to the political arena of the DRC, President Joseph Kabila, who has been in power since the year 2001, was to step down following the expiration of his mandate in December 2016. When the set date came for him to step aside, he refused to relinquish power. Though, Kabila is constitutionally prohibited to run for a third term in office, he and the *Commission Electorale Nationale Indépendante* (CENI) repeatedly postponed the general elections date that not only raised suspicion that Kaliba’s plan is to cling to power and pillage the country, but also triggered violent protests that left some dead and many injured by the Congolese security forces ordered to suppress the protests.

President Kabila in 2016 struck a deal with the influential Catholic Church to step down after the presidential and parliamentary elections were conducted at the close of the year 2017. But the elections never took place. The election date was again postponed to the end of 2018. Slated for December 23, 2018, the general elections day was shifted to December 30, 2018, by CENI for three reasons. Firstly, was the outbreak of the communicable viral disease ‘Ebola’ in the Eastern region of the DRC. There were confirmed cases of Ebola in the cities of Beni and Butembo in the North Kivu province which made CENI to reschedule the election in those cities for March 2019. Secondly was the ethnic violence in Yumbi, a town in North-West Bandundu province. Election in the said town was also rescheduled for March 2019. Lastly is the fire outbreak in the electoral commission’s warehouse in Kinshasa where it stored the voting materials. 80% of the electronic voting machines were lost to the fire thus creating a logistic problem. Foreign countries could have come to the aid of CENI but, the Kabila government, prior to the fire outbreak had turned down international assistance for the conduct of the DRC’s 2018 general elections.

On the 30th of December, 2018, the presidential election was contested by 21 candidates notable among them are the former Interior Minister, Emmanuel Ramazani Shadary of the ruling Common Front for Congo (FCC) coalition and from the opposition parties – Félix Tshisekedi of the Union for Democratic and Social Progress (UDPS) party and, Martin Fayulu Madidi of the Engagement for Citizenship and Development (ECIDE) party. On January, 10, 2019, Félix Tshisekedi of the largest opposition party – UDPS was declared the provisional winner of the December 30, 2018, presidential election by the CENI, having gotten 38.57% of the vote cast. The swearing-in ceremony of the President-elect is expected

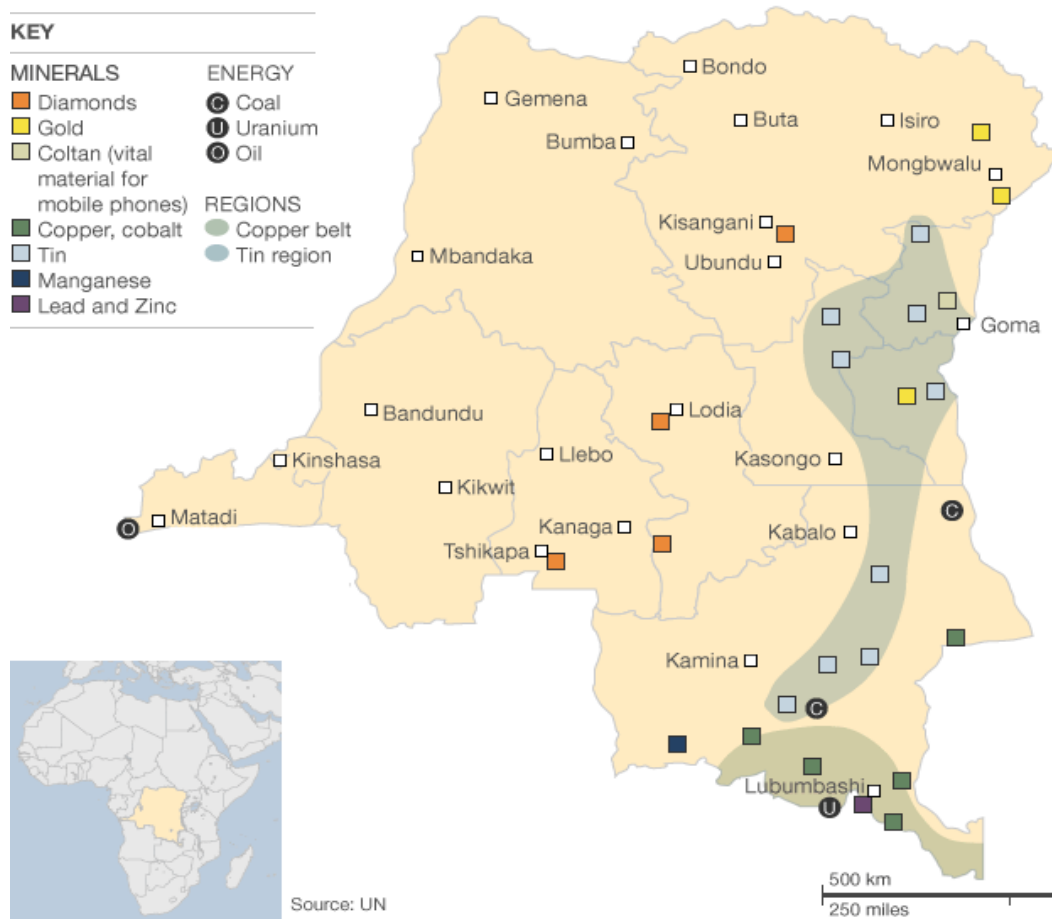
to take place on January 18, 2019. The inauguration would be the very first democratic transition of power in the history of the DRC which marks the end of Joseph Kabila's 18 years rule.

4.1 States Motivation for Military Intervention in the Congo Wars

There are three major justification for the military intervention of the countries bordering the DRC in the First and Second Congo War. The first motive for their military action was 'security'. Rwanda intervened in the First Congo War for the self-defense of the Congolese Tutsi. Also, Paul Kagame was hopeful that a regime change in Kinshasa i.e. the exit of Mobutu from power and the installment of Kabila would lead to the end of cross-border attacks by the Hutu ex-FAR and *interahamwe* militia. Unfortunately, this did not happen. Hence, Kigali supported the anti-Kabila rebellion, sent troops and occupied parts of Eastern Congo to quash the ex-FAR and *interahamwe* militia. Burundi like Rwanda has both the Tutsi and Hutu ethnic groups. That the Forces for Defense of Democracy (FDD), a Burundian Hutu rebel group, used the DRC as its launch pad in the 1990s posed a security threat to Burundi which warranted its military intervention in the Second Congo War. For Angola, the MPLA government fought on the side of Kabila against Mobutu in the First Congo War for its own regime security. Mobutu made the DRC a safe haven for the Jonas Savimbi-led National Union for the Total Independence of Angola (UNITA) that was against President Jose Eduardo dos Santos. Uganda justified its military intervention in the DRC with the cross-border attacks by the Allied Democratic Forces (ADF) from its base in Eastern Congo in Uganda. Furthermore, President Yoweri Museveni saw the relationship between Laurent Kabila and Omar al-Bashir of Sudan as antagonistic. Sudan and Uganda have long been fighting a proxy war where Khartoum is supporting the ADF, the West Nile Bank Liberation Front and the Lord's Resistance Army (LRA) against Uganda and Kampala is backing the rebel group, the Sudan People's Liberation Army (SPLA), in the Southern part of Sudan against Sudan (cited in Williams, 2013:90-94, 96).

The second rationale is the request made by President Kabila from the South African Development Community (SADC). Zimbabwe, Namibia and Angola participated in the Second Congo War because Laurent Kabila formally asked the Inter-State Defense and Security Committee of the SADC to protect his government from the forces of the Rwandan-Uganda alliance (cited in Williams, 2013:90-95).

Map: Regional Distribution of Mineral Reserves in the DRC



Source: UNECA (2015). *Conflicts in the Democratic Republic of Congo: Causes Impact and Implication for the Great Lakes Region*, p. 23.

The last major reason neighbouring States to the DRC intervened militarily in the Second Congo War was for their ‘economic gains’. “After the 1998 conquest of the eastern DRC, the armies of Rwanda and Uganda, with the assistance of the Congolese soldiers in the RCD spent a year looting valuable resources found in the DRC. There are no diamond resources in Rwanda and Uganda. Yet both these countries have exported diamonds. From 1997 to 1998, Uganda’s diamond exports increased 12 times. While the combined exports of Rwanda and Uganda more than doubled from 1998 to 2000, the DRC exports decreased by more than 50 percent. Congolese exports came down by US\$ 458 million while Rwandan and Ugandan exports had grown merely by US\$ 1.6 million. Through the systematic exploitation of coltan, Uganda earned huge amounts of some US\$ 250 million in only 18 months between 1999 and 2000, when world market prices peaked. During these years, the re-export of coltan alone provided the finances that Rwanda required for the war” (Samset, 2002 cited in Venugopalan, 2016:7-8).

On April 12, 2001, the UN ‘Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo’, presented its report which stated that Rwanda, Uganda and Burundi which initially sent troops to the DRC for self-defense purposes, remained in the DRC to exploit its natural resources. On December 19, 2005, the International Court of Justice (ICJ) at The Hague, Netherlands, found Uganda guilty of violating the sovereignty of the DRC, plundering its resources and, for violating the human rights of the people in its five-year occupation (1998-2003) of the Eastern region of the DRC. Based on the ICJ ruling, Uganda is to pay \$10 billion in reparations to the DRC.

5. International Law and the Congo Wars: War Crimes and Crimes against Humanity

International law succinctly, is “the rules and principles that govern states in their relations *inter se*” (Umojurike, 2005:1). In combat, there are rules contained in several Conventions (such as the 1949 Geneva Convention) which apply to the conduct of the fighters and leaders of armed groups. However, armed groups, in the process of trying to win a war by all means possible, often commit all manner of atrocities which are punishable by international law.

According to the International Rescue Committee (IRC) 2008 mortality survey report, between the years 1998-2008, 5.4 million people in the DRC died from violent and non-violent causes with about 45,000 deaths every month (Reliefweb, 2008). Furthermore, war crimes and crimes against humanity – recruitment of child soldiers (*Kadogos*), the raping of women as a weapon of war among others were committed by marauding militias. Hence, war lords have been indicted and accordingly sentenced to jail after trial in the International Criminal Court (ICC), at The Hague, Netherlands.

On July 10, 2012, the warlord Thomas Lubanga Dyilo was sentenced by the ICC to 14 years in imprisonment for conscripting and enlisting child soldiers into his armed group, Union of Congolese Patriots (UPC), in the Ituri region, North-East of the DRC from 1999. Dyilo became the first person the Court convicted since it was set up in 2002 with the 1998 Rome Statute. In the year 2013, Bosco Ntaganda a.k.a ‘The Terminator’ voluntarily gave himself up at the U.S embassy in Kigali, Rwanda. At The Hague, Ntaganda is being tried for the central role he played in planning the operations of his Patriotic Forces for the Liberation of Congo (FPLC). He faces a 13-count charge of war crimes and a 5-count charge of crime against humanity in the Ituri region, between 2002 and 2003. On May 23rd, 2014, the leader of the *Force de Résistance Patriotique en Ituri* (FRPI), Germain Kantaga, was sentenced to 12 years imprisonment for the war crimes and crimes against humanity that was committed in 2003 in Bogoro, Ituri region. Having spent six years during his trial, he would only serve half the sentence years.

Conclusion

The mineral-rich Democratic Republic of Congo, for over two decades, has not had a respite from conflict that has truncated meaningful economic growth and development in the country. Though, the Congo Crisis (1960-1961), the First Congo War (1996–1997) and, the Second Congo War (1998–2003) are over, there are still pockets of violence in the Eastern

region of the fragile Congolese State, where armed groups struggle to control the country's abundant resources. In order for the DRC not to slip into another full-blown armed conflict in the nearest future but rise as the economic giant of Africa, certain steps must be taken which are recommended below.

Recommendations

In the light of the findings in this paper, the following are strongly recommended:

- i) The Congolese government should fight tooth and nail the endemic corruption in its institutions;
- ii) Democracy should be sustained through periodic general elections conducted in a free and fair manner;
- iii) The national government should exercise absolute control over the mining area of its natural resources nationwide;
- iv) Disarmament, Demobilisation and Reintegration (DDR) should be implemented in Eastern Congo while Security Sector Reform (SSR) should be carried out across the country and;
- v) The DRC should assist neighbouring States combat their security threat for there to be a lasting peace in the Great Lakes region.

References

- Abia, V. B. E. (2000). *Contemporary Issues in International Relations*. Lagos: Concept Publications Limited.
- Adesola, F. (2015). Congo DR and the Intrigues of Resource-Based Conflict. *AFRREV*, 9(1), 36, 62-72.
- Carpenter, L. (2012). Conflict Minerals in the Congo: Blood Minerals and Africa's Under-Reported First World War. Sufflock University Work Paper, 1-25.
- Collier, P., Elliott, V. L., Hegre, H., Hoeffler, A., Reynal-Querol, M. & Sambani, N. (2003). *Breaking the Conflict Trap: Civil War and Development Policy*. A Work Bank Policy Research Report. Washington D.C: The International Bank for Reconstruction and Development/The World Bank.
- Dagne, T. (2011). The Democratic Republic of Congo: Background and Current Developments. *Congressional Research Service (CRS) Report for the Congress*, 1-16.
- Faubert, C. (2006). Case Study Democratic Republic of Congo. Evaluation of UNDP Assistance in Conflict-Affected Countries. New York: United Nations Development Programme (UNDP).
- Hochschild, A. (1998). *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa*. New York: Houghton Mifflin Company.
- Inclusive Peace & Transition Initiative (IPTI) (2017). Women in Peace & Transition Processes: Democratic Republic of the Congo (2001–2003), Case Study Series, 1-16.
- Katunga, J. (2011). Minerals, Forests, and Violent Conflict in the Democratic Republic of the Congo. *Woodrow Wilson Center, ECSP Report 12*, 12-19.
- Klem, B. (2010). A Commentary on the World Bank Report 'Breaking the Conflict Trap'. Netherlands Institute of International Relations 'Clingendael' Conflict Research Unit, Work Paper 25, 5-19.
- McKnight, S. (2015). The Rise and Fall of the Rwanda-Uganda Alliance (1981-1999). *African Studies Quarterly*, 5(2), 23-52.
- Namangale, C. (2015). Dynamics of Conflict Management in the Democratic Republic of Congo. *PRISM* 5, 2, 73-83.

- Nangini, C., Jas, M., Fernandes, H. L. & Muggah, R. (2014). Visualizing Armed Groups: The Democratic Republic of the Congo's M23 in Focus. *Stability: International Journal of Security & Development*, 3(1), 5, 1-8.
- Nizigiyimana, D. L. (2015). The Role of External Actors in Peace-Building and Democratization in Africa: A Comparative Study of Burundi, Rwanda and the Democratic Republic of Congo (DRC). *International Journal of Humanities and Social Science*, 5(9)(1), 173-181.
- Nzongola-Ntalaja G. (2002). *The Congo from Leopold to Kabila: A People's History*. London: Zed Books.
- Ogunnoiki, A. O. (2018). *Political Parties, Ideology and the Nigerian State*. *International Journal of Advanced Academic Research (IJAAR)*, 4(12), 114-50.
- Olaopa, O. R. & Ojatorotu, V. (2016). Conflict about Natural Resources and the Prospect of Development in the Democratic Republic of Congo (DRC). *J Soc Sci*, 49(3), 244-256.
- Reliefweb (2008). IRC study shows Congo's neglected crisis leaves 5.4 million dead. Retrieved January 05, 2019 from <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=11&ad=rja&uact=8&ved=2ahUKEwiF3c6noNffAhULZVAKHY9ACrcQFjAKegQIBRAB&url=https%3A%2F%2Freliefweb.int%2Freport%2Fdemocratic-republic-congo%2Firc-study-shows-congos-neglected-crisis-leaves-54-million-dead&usq=AOvVaw1QURR91o70AS-mUnQUp21i>
- Rorison, S. (2012). *Congo: Democratic Republic – Republic*, 2nd edition. Connecticut: The Globe Pequot Press Inc.
- Rufanges, J. C. & Aspa, J. M. R. (2016). *Democratic Republic of Congo: A Review of 20 years of War*. Escola de Cultura de Pau/Centre Delàs d'Estudis per la Pau, 4-41.
- Stearns, J. (2012). *North Kivu: The Background to Conflict in North Kivu Province of Eastern Congo*. London: Rift Valley Institute | Usalama Project.
- Tamm, H. & Lauterbach, C. (2011). Dynamics of Conflict and forced Migration in the Democratic Republic of Congo. Refugee Studies Centre, Workshop Report, 1-12.
- Tsunemine, K. (2015). Democratic Republic of Congo. Marubeni Research Institute, 15, 1-8.
- Turner, T. (2007). *The Congo Wars: Conflict, Myth & Reality*. London & New York: Zed Books Ltd.

- Umojurike, U. O. (2005). *Introduction to International Law*, 3rd edition. Ibadan: Spectrum Law Series.
- United Nations Economic Commission for Africa (UNECA) (2015). *Conflicts in the Democratic Republic of Congo: Causes Impact and Implication for the Great Lakes Region*.
- Venugopalan, H. (2016). *Understanding the Conflict in Congo*. ORF Issue Brief, 139, 1-12.
- Warren, T. (2011). *Background Report on Eastern Democratic Republic of the Congo*. Oak Ridge National Laboratory – UT-BATTELLE – U.S. Department of Energy, 1-41.
- Weiss, H. (2000). *War and Peace in the Democratic Republic of Congo*. *Nordiska Afrikainstitutet*, Current African Issues 22, 1-28.
- Williams, C. (2013). *Explaining the Great War in Africa: How Conflict in the Congo Became a Continental Crisis*. *The Fletcher Forum of World Affairs*, 37(2), 81-100.